

## 1.5 WHAT TO DO IF PROFESSIONAL BOUNDARIES ARE CROSSED

- ▶ If a patient feels uneasy about the professional conduct, professional performance or the ability to practice of his or her osteopath, this should be regarded as a warning sign that something may be wrong and that professional boundaries may be crossed. Patients should trust their own judgment, respecting their own feelings and when in doubt talk to someone – a friend, family member or other health care professionals. Raising the issue with the osteopath at the time may clarify the situation or prevent a problem progressing. The Board encourages you to discuss the issue first with the osteopath and see if you can satisfactorily resolve it. If after talking to the osteopath you feel your problem has not been resolved, then you may wish to ask the Board to investigate.

## 1.6 HOW TO BRING THE MATTER TO THE BOARD'S ATTENTION

- ▶ It is simple to contact the Board to ask for help if there is a belief that professional boundaries have been crossed. Written complaints can be made to the Board if you feel an osteopath has acted in an unprofessional or unethical way. In accordance with the *Health Professions Registration Act 2005*, on receipt of a letter of complaint, the person complaining is asked to sign a form authorising the Board to provide the osteopath with a copy of the letter of complaint and authorising the osteopath concerned to provide copies of all relevant clinical records to the Board.
- ▶ Complaints about osteopaths can also be made to the Health Services Commissioner, whose office deals with matters that are suitable for conciliation. (For further information their website address is [www.health.vic.gov.au](http://www.health.vic.gov.au)). The Board and the Health Services Commissioner work together to determine which agency should investigate each complaint.

## 1.7 ROLE OF THE BOARD WHEN COMPLAINTS ARE RECEIVED

- ▶ The Board conducts an investigation to assist them in determining whether to hold a hearing into the professional conduct of the osteopath concerned. If the Board decides to hold a hearing about the complaint and the osteopath is found to have engaged in unprofessional conduct, a range of sanctions may be imposed by the Board, including orders for counselling and further education. Serious complaints may be heard by the Victorian Civil and Administrative Tribunal which can also impose a range of sanctions.

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# Professional Boundaries and Sexual Misconduct: A Guide for Patients and Osteopaths

## 1.1 OSTEOPATH/PATIENT RELATIONSHIP

- ▶ Good osteopathic practice depends on trust between osteopaths and their patients. Patients of osteopaths are often vulnerable, especially when their osteopathic care makes it necessary for them to reveal themselves intimately, physically or emotionally to their osteopath. The osteopath/patient relationship can lead some patients to depend emotionally on their osteopath.
- ▶ It is always wrong for an osteopath and a patient to enter into a sexual or an improper emotional relationship. It is also wrong for an osteopath to enter into a relationship with a former patient if this breaches the trust which the patient placed in the osteopath. The nature and duration of the previous osteopath/patient relationship will determine whether a subsequent personal relationship is ethical.
- ▶ An osteopath has a professional responsibility not to enter into a sexual or improper emotional relationship with his or her patient. If a patient seeks such a relationship, the osteopath must tell the patient this cannot happen and will often advise the patient to see another osteopath.
- ▶ The osteopath must maintain a strict boundary between actions taken for the good of the patient and actions intended to gratify their own sexual desire. Breaching of professional boundaries is going outside the limits of the therapeutic relationship. A sexual or an improper emotional relationship, even if the patient is a consenting adult, may cloud the osteopath's judgment and make him or her less objective. If an osteopath abuses a patient's trust by crossing this boundary, he or she is acting unprofessionally and is liable to investigation and disciplinary action by the Osteopaths Registration Board of Victoria. Sexual assault can be reported to the police.

## 1.2 THE SIGNS OF GOOD OSTEOPATHIC PRACTICE

The points below indicate what patients should expect from their osteopath. An osteopath should:

- ▶ explain to patients what is about to occur in the osteopathic examination and ensure the patient understands and agrees to the procedure;
- ▶ allow patients to undress for the examination in private and, where appropriate, the osteopath should provide suitable covering during any examination;
- ▶ use gloves when conducting internal examinations;
- ▶ ask the patient's permission if anyone else, including students, are to be present during an examination; and
- ▶ treat patients equally regardless of their sexual orientation.

An osteopath should not:

- ▶ discuss his or her own sexual problems or desires with the patient;
- ▶ make unnecessary comments about a patient's body or clothing or make other sexually suggestive comments;
- ▶ ask questions about sexual performance or sexual history unless this is relevant to the patient's problem and the osteopath has explained why it is necessary to discuss the matter; or
- ▶ attempt to enter into a sexual relationship with a current patient.

## 1.3 CROSSING THE PROFESSIONAL BOUNDARY

Some of the warning signs that indicate professional boundaries are being crossed include:

- ▶ patients requesting or receiving non-urgent appointments at unusual hours, especially when other staff are not present;
- ▶ patients or osteopaths inviting each other out;
- ▶ patients revealing intimate details or osteopaths requesting intimate details of their patient's life during a professional consultation.

Professional boundaries are crossed when any interaction of a sexual nature occurs between an osteopath and a patient. There is a wide range of behaviour that amounts to sexual misconduct including:

- ▶ the use of inappropriate language;
- ▶ inappropriate touching;
- ▶ touching any part of the patient's body when the patient has indicated that he or she does not want to be touched;
- ▶ making sexual advances to patients or engaging in sexual intercourse with a patient, even if the patient believes this to be acceptable at the time.

## 1.4 THE ROLE AND POWERS OF THE OSTEOPATHS REGISTRATION BOARD OF VICTORIA

- ▶ The primary role of the Osteopaths Registration Board is to protect the public. All osteopaths practising in Victoria must be registered with the Board.
- ▶ The Osteopaths Registration Board is made up of nine members, five of whom are registered osteopaths, one of whom is a lawyer and three who are not osteopaths.