



# NATIONAL AYURVEDIC MEDICAL ASSOCIATION CERTIFICATION BOARD

## **NAMACB Code of Ethics and Professional Conduct for NAMA Professional Members**

### **1. Introduction**

All clients are entitled to receive high standards of practice and conduct from their Ayurvedic professionals. Essential elements of these standards are professional competence, good relationships with clients and colleagues, and observance of professional and ethical obligations.

In the light of the above, this NAMACB Code of Ethics and Professional Conduct has been established and will be regularly reviewed and updated by NAMACB to provide guidance for Ayurvedic professionals and protection for their clients. The NAMACB Code of Ethics and Professional Conduct also serves to explain to people outside the profession the high standards under which an Ayurvedic professional operates.

By becoming a NAMACB Certified Professional, the Ayurvedic professional agrees to be bound by this code. The NAMACB Ethics and Disciplinary Review Panel has been entrusted with the task of monitoring any ethically unacceptable behavior that breaches this code and reflects negatively upon the practice of Ayurveda or upon NAMACB. Any allegations against NAMACB certified professional members will be examined by the NAMACB Ethics and Disciplinary Review Panel, which will issue a recommended course of action (including suspension and/or revoking the certification) to the NAMACB Board for final disposition.

The NAMACB Code of Ethics and Professional Conduct cannot list every possible situation that an Ayurvedic professional may face in their practice. It sets out the minimally accepted standards of ethical professional conduct that should be applied in professional practice to ensure public interest and that the needs of clients come first at all times. Beyond the well being of the client and the public, this code promotes the well being of the Ayurvedic professional, colleagues, and the profession itself. An Ayurvedic professional's ability to follow these principles will demonstrate their level of competence and fitness to practice. For additional guidance or clarity, Professional Level members are advised to consult the NAMACB Ethics and Disciplinary Review Panel.

**2. General Duties and Responsibilities of Ayurvedic Professionals** Clients expect that they can trust their well being to their Ayurvedic professional. In order to justify that trust, Ayurvedic professionals have a duty to maintain high standards of practice and care and to show utmost respect for life in all its aspects.

NAMACB Certified Professional members are therefore expected to:

- Always practice in compliance with the philosophy and principles of Ayurveda
- Put the well-being of the client before all other considerations
- Cultivate and promote their own personal development, well-being and self-respect alongside the client's' welfare
- Be responsible for maintaining their own health and well being.
- Be honest and trustworthy and never abuse their professional position
- Cause no harm to clients and protect them from any risk of harm
- Treat all clients equally; regardless of religion, nationality, race, culture, gender, politics, disability, sexual orientation or social standing
- Respect the dignity, individuality and privacy of the client
- Listen attentively to the client and respect his or her point of view
- Take time to explain their findings and treatment approach to the client and answer any questions that arise.
- Respect the right of client to take part in decisions about their care and actively involve them in designing their Ayurvedic plan
- Respect the autonomy of the client and encourage their freedom of choice
- Ensure that their personal beliefs do not interfere with the care of the client
- Respect and protect confidential information
- Recognize and always work within the limits of their professional competence • Refer every client whose condition is beyond their scope of practice and or expertise to an appropriate health care practitioner or to a primary care doctor
- Be willing to consult and cooperate with colleagues both within Ayurveda and other health care professions
- Respond promptly and constructively to any criticism or complaint from any source • Continue to update their professional knowledge and skills in accordance with standards currently being developed
- Make no claim for the cure of any specific illness or disease
- Refrain from using any titles or descriptions suggesting medical, academic or educational qualifications that the professional has not officially acquired • Comply with all applicable state and federal laws that affect their practice. Ayurvedic professionals must be familiar with all laws or regulations relevant to the practice of Ayurveda in the locality of their practice and to remain aware of any legal changes that may affect their practice.

### **3. Relationship with Clients**

The relationship between an Ayurvedic professional and the client is a professional relationship based on trust. To establish and maintain that trust, the professional must be

polite, considerate and honest. Good communication is paramount and involves listening attentively to clients, respecting their point of view, and never allowing one's own beliefs and values to adversely influence the therapeutic relationship.

## **Consent**

The Ayurvedic professional must respect the right of clients to be fully involved in decisions about their care. It is their entitlement to accept or refuse advice or treatment. Before providing treatment or investigating a client's condition, it must be ensured that the client has understood what is proposed to be done and why.

Any physical examination requires the client's consent, or the consent of the person legally responsible for the interests of the client. For any examination of genitalia there must be an offer for the presence of a third party as a chaperone, whatever the gender of the client or the professional. In case of treatment of a client who is under the age of 16 or who is developmentally disabled, the informed consent of the parent or guardian or the person legally responsible is necessary. To attend to such a client, a parent or the legally authorized guardian must be present throughout the whole of the examination and treatment. No other person may perform this role without the explicit written consent of the parent or the legally authorized guardian.

### **3.1. Maintaining Trust**

Trust in a client-practitioner relationship is an essential part of the healing process. To establish and maintain trust you must:

- Be courteous and truthful
- Respect the privacy and dignity of your clients
- Respect your clients' right to decline to take part in teaching or research, and ensure that their refusal does not adversely affect your relationship with them
- Respect the right of clients to a second opinion
- Ensure that clients have clear information about your practice arrangements and how they can contact you.

Other important aspects of establishing and maintaining trust are ethical boundaries, confidentiality and good communication:

#### **3.1.1. Ethical Boundaries**

Professionals must not allow their personal relationships to undermine the trust that clients place in them. They may find themselves called upon to treat professionally someone who is a friend, or a client may become a friend. This is acceptable, provided both parties understand a clear distinction between the social and the professional relationship.

In particular, professionals must never use their professional position to establish or pursue a sexual or romantic relationship with a client or someone close to the client. If a professional realizes that they are becoming romantically or sexually involved with a client, the professional relationship should be ended and the client should be recommended to an alternative source of appropriate care.

Professionals must ensure that their behavior in dealing with client is professional at all times and not open to misunderstanding or misinterpretation. Non-physical gestures, behavior, unnecessary physical contact, verbal suggestions or innuendo can easily be construed as abusive or harassing.

If a client shows signs of becoming inappropriately involved with their Ayurvedic professional, the professional should discourage them and, if necessary, end the professional relationship. In the professional's own interest, they may wish to report such matters to the NAMACB Professional Ethics Committee or seek advice from a colleague, whilst maintaining the anonymity of the client.

Professionals must allow their clients privacy if clients are required to undress for examination or treatments, and the professional must also provide adequate clean gowns or blankets for every client's use.

### **3.1.2. Confidentiality**

The relationship of trust that underlies all health care requires that professionals observe the rules of confidentiality in their dealings with clients. Unless professionals do this, clients will be reluctant to give them the information needed to provide good care.

All information, medical or otherwise, concerning a client is confidential. Such information may only be released with the explicit consent of the client. Confidential information must not be revealed even to members of the client's family, except in the case of minors or the developmentally disabled, to parents or persons legally responsible for the client's interests.

This duty of confidentiality, which survives a client's death, also extends to any one professionals' employees in their practice.

Disclosures without consent may be necessary in the public interest, i.e., when professional's duty to society overrides their duty to clients. This will usually happen when a client puts themselves or others at serious risk, for example by the possibility of a violent or criminal act.

Even then, professionals must first make every reasonable effort to persuade the client to change their behavior and to disclose the information themselves. If the professional cannot persuade them to do this, they should disclose the information to the appropriate person or authority, taking legal advice first. The professional must be able, if necessary, to justify their Actions.

**Ayurvedic Professionals may disclose confidential information without consent, according to the reporting laws of their state, if for example:**

- Child abuse is involved, requiring notification of child protection services

- The client clearly presents a danger to themselves or others.

Limits of confidentiality, according to the reporting laws of the state should be included in a professional's client consent form. In the case of a minor, limits of confidentiality should be explained to the minor in language accessible to them.

In case professionals are required or requested to give evidence or disclose information to a court or other tribunal, they should do so with care. Whatever evidence is given, they must be independent and impartial.

### **3.1.3. Good Communication**

Good communication between professionals and clients is essential for effective care and relationships of trust. Good communication involves:

- Listening attentively to clients and respecting their views and beliefs
- Giving clients all possible information about their condition and their treatment plan in language they can understand and offer a summary of other options.
- Sharing information with a client's partner, close relatives or caregivers if the client has given the professional consent. When a client cannot give consent, professionals should share the information with those close to the client that need or want to know, except when professionals have reason to believe that the client would object if able to do so.

If a person under the professional's care has suffered harm as a result of their actions or recommendations, they should act immediately to take responsibility and provide an Explanation.

If the client is an adult who lacks understanding capacity, the explanation should be given to a person with responsibility for the client, unless a professional has reason to believe the client would have objected to the disclosure. In the case of children the situation should be explained honestly to those with parental responsibility and to the child, to the extent that the child has the maturity to understand the issues.

## **4. Relationship with Colleagues**

### **4.1. Communication with other Health Care Professionals**

Professionals should work in cooperation with other health care professionals such as the primary care physician, specialists and psychotherapists to obtain best results for each individual client. At times this may simply be a matter of communication in the mutual care of the client, or if the client's condition is outside the professional's competence they may want to transfer the client to another professional.

Although Ayurvedic treatment may at times reduce the requirement for conventional medication or its dosage, the prescriptions issued by medical doctors must never be changed without the client consulting his or her provider.

When communication with another healthcare professional is indicated, professionals should inform their client of the reasons for this and discuss the matter. Whatever the type of communication with other healthcare professionals (e.g., telephone, fax, letter etc.), a copy of all

communication should be made and kept in the client's file or a file dedicated to professional case correspondence. A copy of such correspondence should be made available to the client on request.

If a client decides to transfer from one professional to another, the first professional must share all records and details of treatment including herbs used with the professional taking over care, after the client has given consent.

Professionals must never attempt to persuade the client of another professional to seek treatment with them. If professionals treat the client of another professional because of holiday, illness, referral for specific treatment, or any other reason, they must not attempt to solicit the client, either directly or by default, to continue treatment with them, unless the client decides to switch their practitioner.

#### **4.2. Honorable Conduct**

Professionals must at all times conduct themselves in an honorable manner in their relations with other colleagues and health care practitioners. It is inappropriate to openly criticize treatment prescribed or administered by another health care professional. Differences of opinion are to be expected, and opinions should always be presented in an unambiguous and tactful manner.

Professionals must not undermine a client's trust in the care or treatment they receive, or in the judgment of those treating them, by making malicious or unfounded criticism of colleagues. If professionals hear such criticism voiced by clients or colleagues, they must act with the utmost discretion and professionalism and be extremely cautious about voicing any critical opinion, even if you hold such views.

If professionals have evidence or are reliably informed that another practitioner's conduct, health or professional work pose a threat to clients, they have a responsibility to act to protect the clients' safety. Professionals are advised to report concerns to the NAMACB Professional Ethics Committee or, if necessary, to a relevant legal authority.

### **5. Relationship with the Public**

#### **5.1. Honorable Conduct**

Professionals must conduct themselves at all times in an honorable manner in their relationship with the public. Public communication may include advertising, contact through media (newspapers and other publications, television, radio, world-wide-web), talks to the public and discussions with enquirers. In all these instances professionals are required to conduct themselves in a manner congruent with the NAMACB Code of Ethics and Professional Conduct and to avoid making misleading claims about curing disease or in any way implying abilities beyond their competence.

#### **5.2. Advertising**

Professionals should provide clients, colleagues and other professionals with good quality,

factual information about their professional qualifications, the services they provide and their practice arrangements. Professionals should do this in a way that puts clients first and preserves their trust.

Professionals in a clinical setting should not mislead a client into believing that they are medical doctors, unless they are legally recognized as such within the country in which they practice. If professionals possess doctorates in other subjects, they must make it clear that, while being able to use the doctor title, they are not medical doctors.

## **6. Problems with Your Health**

The interests and safety of clients must come first at all times. If professionals know that they have a serious condition, which they could be transmitted to clients, or that their judgment or performance could be significantly affected by a condition or illness, or its treatment, then they must take and follow advice from a consultant in occupational health or another suitably qualified colleague on whether, and in what ways, they should modify their clinical practice.

Professionals should not rely on their own assessment of the risk they pose to clients. The above paragraph also applies, if professionals have become dependent on alcohol or any other drugs, prescribed or otherwise, to an extent that may affect their practice.

## **7. Practice Management**

If professionals work alone in their own home or other premises, they should be aware of the need for caution, particularly when seeing a client for the first time. It may be necessary to take sensible precautions, such as asking another person to be on the premises during a Session.

### **7.1. Staff**

Professionals must ensure that their staff are capable of performing the tasks for which they are employed. Professionals are responsible for the actions of their staff, including students or

colleagues. Staff should be aware of the relevant parts of the NAMACB Code of Ethics and Professional

Conduct that relates to their activity within the practice.

### **7.2. Treatment**

At the outset of consultation professionals need to be clear about the cost of consultation and the possible cost and duration of treatments.

All herbal remedies should have clear instructions for the client as to how remedies are to be used and when they should be taken. Herbs should be clearly labeled with the content, the client's name, and the professional's name and contact details.

**Professionals must keep accurate, comprehensive, easily understood and legible case notes including the following details:**

- Client's name, address, date of birth and telephone number

- Date of each consultation
- Presenting symptoms
- Relevant medical and family history
- Clinical findings
- Record of the client's consent to treatment
- Treatments and advice given on initial and subsequent visits
- Details of client's progress

Professionals serve as custodian of their clients' records. In practices where they work with other colleagues, they should enter into an agreement on the ownership and hence the responsibility for these records. On no account should records be transferred to another practice without the authorization of the client. A request for such transfer should be dealt Promptly.

Client records must be kept secure and confidential at all times. If professionals retire or otherwise cease practice at any particular address, appropriate arrangements must be made for the safe custody of records.

## **8. Financial and Commercial Dealings**

### **8.1. Financial Dealings**

When a client consults a professional, this involves entering into a contractual relationship. Professionals must be honest and open in any financial arrangements with clients. In particular, they should charge fees responsibly and in a way that avoids bringing themselves or the profession into disrepute.

Their fee structure must be clearly defined and available to review if requested and should be available to the client prior to the appointment. If a client does not pay a fee, the professional still has a duty to apply the standard of care expected of an Ayurvedic professional.

Professionals must not exploit clients' vulnerability or lack of medical knowledge when billing for treatment or services. Professionals must not encourage their clients to give, lend or bequeath money or gifts that will directly or indirectly benefit them.

Professionals must not put pressure on clients or their families to make donations to other people or organizations. Professionals must be honest in financial and commercial dealings with employers, insurers and other organizations or individuals. They must keep sound financial records and comply with all relevant legislation. Professionals may not engage in fee splitting or kickbacks for referrals.

### **8.2. Commercial Activities**

Professionals must make a clear distinction between their practice and any commercial activity in which they may be involved. Professionals must ensure that none of their business affairs influence the care of their clients.



To promote a product to clients for no good reason other than profit is highly unethical. If professionals sell or recommend any product or service to a client, they must be satisfied that this will be of benefit to the client and that they are appropriately qualified to offer such products or advice.

Before selling or recommending such a product or service, professionals must declare to the client that they have such an interest. Professionals must ensure that clients can differentiate between the prescribing of a product and the marketing of a product.

**9. Infringement of the NAMACB Code of Ethics and Professional Conduct:** Infringement of the NAMACB Code of Conduct may render professionals liable to disciplinary action with subsequent loss of the privileges and benefits of NAMA professional membership. Ultimately we will therefore require a Code of Disciplinary procedures.

Thanks to the APA upon whose work this code is based.

