

3 May 2017

Dear practitioner

Consultation on a professional boundaries practice standard

The Council has reviewed its *Sexual boundaries in the dentist-patient relationship* practice standard, and as a result has developed an updated draft practice standard—*Professional boundaries*, that will replace the existing sexual boundaries practice standard; and apply to all oral health practitioners.

As the title reflects, the updated draft practice standard is not limited to sexual boundaries. It represents a broader approach, covering other areas of practice where boundary issues may arise.

We are now seeking your feedback on the draft professional boundaries practice standard. We welcome your views and have provided consultation questions on p4 of the consultation document to assist your response. The draft professional boundaries practice standard is provided as Attachment 1.

The Council values all feedback received during its consultation processes. The consultation process provides practitioners and others with an interest in this area with an opportunity to have their say. All feedback received informs the Council's view as it works towards a final decision.

In accordance with the Council's guidelines on consultation, we have invited comment from all practitioners, professional associations and societies, the Ministry of Health, district health boards, educational institutions, and other organisations with an interest in this area. The consultation document is also available on our website, with a similar invitation to comment.

Submissions

All submissions received will be published on the Council's website shortly after receipt, and will remain there as a public document. For submissions made by individuals, only your name and profession, if you are a registered health practitioner, will be published on the Council's website. All personal contact details will be removed from your submission.

As this is a public consultation, "in confidence" information will only be accepted under special circumstances. Please contact us before submitting material in confidence. The Council holds the right not to publish any derogatory or inflammatory submissions.

The submission period closes by end of business on **28 June 2017**.

Send your responses to:

Dental Council
PO Box 10-448
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Email: consultations@dcnz.org.nz

I am looking forward to receiving your views on the draft professional boundaries practice standard.

Yours sincerely



Marie Warner
Chief Executive

Consultation document on the draft professional boundaries practice standard

Issued: 3 May 2017

Submission closing date: 28 June 2017

Draft professional boundaries practice standard

1. Introduction

The Council began the review of its *Sexual boundaries in the dentist-patient relationship* practice standard in January 2017. The review included analysis of the Council's current practice standard and other standards or guidelines related to sexual boundaries and/or professional boundaries from New Zealand, and internationally. A number of academic papers related to this topic area were also considered.

The documents reviewed are listed in the bibliography provided at the end of this consultation document.

As an outcome of the review, it was recognised that boundary issues in healthcare practice, including dental practice, are not only related to sexual boundaries—wider boundary issues exist.

It was therefore considered appropriate to broaden the practice standard to include these. This led to the development of a draft *Professional boundaries* practice standard ('draft practice standard') that will apply to all oral health practitioners.

2. Understanding and defining professional boundaries

The professional relationship between a practitioner and a patient is a partnership, based on trust and respect, which is focused on meeting the oral health needs and goals of the patient.

A power imbalance exists in this relationship which places the patient in a vulnerable position, with the potential for exploitation or abuse by the practitioner.

Professional boundaries may be considered as the limits of appropriate professional behaviour, beyond which the practitioner is no longer putting the patients' interests above their own personal, sexual or financial needs—and there is potential for the patient to be exploited or abused.

The Health and Disability Commissioner Code of Rights provides that every consumer has the right to freedom from discrimination, coercion, harassment and sexual, financial or other exploitation¹.

The Council's standards framework places a responsibility on oral health practitioners to put their patients' interests first, and to maintain patients' trust and confidence by maintaining appropriate boundaries and providing good care.

¹ Right 2 Health and Disability Commissioner Code of Health and Disability Services Consumers' Rights Regulations 1996.

3. The draft practice standard

The purpose of the draft practice standard is to set minimum standards for oral health practitioners in identifying and maintaining appropriate professional boundaries between themselves and their patients; and those close to them, including their families and whanau.

The professional behaviour expected of practitioners in relation to their colleagues, and the public, is covered in the professional standards and guidance of the standards framework.

The draft practice standard relates to areas of practice where there are recognised risks of boundary breaches occurring. These include:

- Pre-existing relationships
- Personal boundaries
- Sexual boundaries—current practitioner obligations are maintained and expanded guidance provided
- Gifts, financial relationships and transactions
- E-professionalism—professional and ethical behaviour when using electronic communication such as social media, email, and text messaging
- Protecting patients from boundary breaches.

Consultation Questions

Stakeholders are invited to comment on the draft practice standard by responding to the following questions:

- Q1. Do you agree/disagree with the draft professional boundaries practice standard? If you disagree, please detail why.
- Q2. Does any element of the draft professional boundaries practice standard require clarification or further guidance? Please explain.
- Q3. Are there areas you consider to be important that have not been covered in the draft professional boundaries practice standard?
- Q4. Do you have any further comments on the proposed professional boundaries practice standard?

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