

## Standards of Practice

This document has been created to support Massage Australia members ('registered health fund providers') in maintaining the expectations of our Association. In conjunction with this document, it is also important to take the time to understand your obligations and the Associations' mandatory standards relating to the Massage Australia 'Code of Conduct' and 'Complaints Policy'. This information has been included in your Introductory Pack.

## Management of Client/Patient Records

The following standards relate to the professional, legal and clinical requirements for keeping adequate client/patient records.

### Principles:

Standards in this section relate to member practices in all settings.

- For professional and legal reasons, a member is required to keep and maintain adequate client/patient records, which clearly reflect the course of client/patient management. Management, as records are usually the only tangible evidence of examinations, findings and the care provided.
- Relevant clinical findings, both positive and negative, should be recorded.
- Record keeping styles may vary from practitioner to practitioner.
- The health care record contains confidential information, which as a matter of law, should not be released, except on the express consent of the client/patient or pursuant to a court order, a health fund direction or otherwise as compelled by law.
- The taking and recording of informed consent is an important aspect of record keeping.
- Taking of notes whilst the client/patient gives their history. Reporting notes from memory at a later date is less detailed and likely to be inaccurate or incomplete.
- The general quality and content of client/patient records must address any safety issues and be a comprehensive and accurate record.

NOTE: In a case of a requested audit by either a Private Health Fund or Massage Australia all personal information contained in the client/patient record is to be BLACKED OUT to maintain confidentiality as only the recorded note and information is audited.

## The Importance of Record Keeping

Massage Australia practitioners are required to meet the terms and conditions provided by each health fund, relating to the recognition of provision for services to their members. For the purposes of this standard, attention is drawn to the requirements of receipting, invoicing, management and maintenance of client/patient records. Adherence to the requirements of the standards of record keeping offers protection in the event of a health fund audit of your records, including treatment plans and the care of the health fund member (your client/patient).

This audit may be conducted directly between the member and the health fund that you are registered with, or between Massage Australia and the member. Massage Australia is required under health fund registration rules, that as a professional association, we are to conduct a predetermined number of audits on our own members each year.

If your standard of record keeping is found to be lacking, the health fund may revoke your provider number(s) and you will no longer be registered with that health fund. Adherence to the requirements of the standards of record keeping offers protection in the event of a complaint being laid against you or the treatment you have provided. Please refer to the Massage Australia 'Code of Conduct' for details.

## Guidelines for Record Keeping

### Receipt Guidelines

Massage Australia members have a professional and legal responsibility to maintain accurate, legible contemporaneous account records of each visit. As a minimum, each receipt record must be labeled with 'Tax Receipt' and have a receipt number. A copy of this receipt must be kept for record keeping purposes (*Note: This can be achieved by using a duplicate receipt book*). An itemised receipt must be issued for each payment, indicating:

1. Name of massage practitioner that provided the treatment/service (THIS MUST BE THE PRACTITIONER THAT PERFORMED THE CONSULTATION AND SERVICE)
2. Name of Clinic (if applicable)
3. Massage Australia member number (MA#####)
4. Practice address (not PO Box)
5. Contact phone number (mobile numbers allowed)
6. ABN (if applicable)
7. Name of client that received the treatment
8. Date of treatment
9. Type of treatment, e.g. massage therapy/ remedial massage
10. Fee of treatment and date of payment
11. your provider number for the client's health fund (e.g. NIB). The provider number must match the clinic location you are providing the treatment from (provider numbers appear in your 'Member Profile Page' for each active location).

### Electronic Records

Electronically held records must meet the same requirements as non-electronically held records with the following additional requirements:

- Records should be password protected to ensure that only the Massage Australia member and authorised support staff can access the records.
- Protective pass-codes should be used and updated on a regular basis including when a staff member ceases employment.
- Client/patient records should not be sent by email unless there is protection, such as encryption, from potential unauthorised access.
- No individual should be permitted to access or use the practice computer(s) other than authorised staff members.
- Client/patient access to their records held on computer can be provided via a direct printout of the record, upon verification of client identity.
- Adequate secured backup systems to protect client/patient records are essential and must provide a guarantee of the ability to restore up-to-date information in the event of power loss or system or computer failure.

### Responsibilities

Massage Australia members have a professional and legal responsibility to:

- Keep confidential the information they collect and record about clients/patients
- Retain, transfer, dispose of, correct and provide access to clinical records in accordance with the requirements of the laws of the relevant states, territories and the commonwealth, as well as in accordance with Private Health Fund Provider terms and conditions.

- Practitioners must be familiar with the requirements of the Privacy Act 1988 as well as their state or territory privacy and health records legislation, including the provisions that govern the retention of health records (retention for seven years) and the retention of records relating to children and youth under 16 years of age.
- Third party access is subject to the provisions of the relevant privacy and health records legislation and terms and conditions relating to provision of treatment for their members.
- Assist clients/patients to make well-informed decisions about their treatment.
- Refrain from committing acts of fraud and if you suspect that a person or group is engaged in fraud, report this directly to the health fund (Note: refer to common types of fraud below for more information)
- Retain client/patient records for a minimum period of 7 years, and where the client/patient is under 21 years of age, for a period of 7 years after he or she would have reached 21 years of age.
- Clinical records must be legible and understandable and of such quality that another treating practitioner could read and understand the terminology and abbreviations used.
- Client/patient records are to be maintained in English or must be translated to English (responsibility of the provider) if required for an audit. [see 'Records not in English']
- Client/patient records relating to claims must be made available on request for audit purposes. (Refer to the Audit of Provider's Records on how this information is shared)

## Audit of Provider's Records (CPE & Record Keeping)

Health funds conduct regular reviews of their claims database in order to determine the treatment patterns of individual providers as well as groups of providers.

On some occasions during these reviews, it is necessary to seek further information from providers in regard to particular claims or their treatment profiles. These requests are usually made in writing and it is a condition of registration as a provider that you comply with these requests and cooperate with the health funds. Failure to comply with such requests, which may involve sending a full copy of the client/patient records, may result in health funds taking further action.

During a review, health funds may, depending on the nature of the review, contact their health fund members'. The health care provider (you) may not always be contacted prior to such an approach to the health fund member.

All providers are considered responsible for any actions by staff members or others, who may have authority to access client/patient files. All providers are considered responsible for keeping safe their client/patient records.

Note: If a random audit does take place, client information should be excluded i.e. name, address telephone number (BLACKED OUT to maintain confidentiality, unless otherwise requested by a health fund).

Following the introduction of the Private Health Insurance (Accreditation) Rules 2008 (reviewed in 2011), massage therapists must be a member of an accredited association in order to gain Approved Provider Status with the individual Private Health Funds. Massage Therapy comes under Rule 10 of this policy and states that Accredited Associations (Massage Australia), 'Rule 10 (c) administers a continuing professional development scheme in which the health care provider is required, as a condition of membership, to participate ...'

CPE compliance is one of the compulsory requirements for members, holding health fund registration. Massage Australia considers CPE as on-going learning, development and improving personal skills. It is common for each of the Private Health Insurers to conduct random audits on Massage Australia member concerning CPE requirements are being met. This is to insure Massage Australia is meeting our obligations under the 'Terms & Conditions' of our agreement with each health fund.

In conjunction with health fund CPE audits, Massage Australia conducts random audit on members CPE evidence/compliance each year. CPE is a mandatory requirement for all health fund providers. To remain an approved provider on the health fund registration lists, you are required to honour your CPE requirements as outlined in this document. CPE demonstrates a commitment to on-going professional education and is a compulsory requirement in order to remain eligible as a health fund provider.

## Intake/Progress Forms

### Intake Notes

The following information is necessary as part of the intake form/initial clinical record and is to be recorded and maintained, where relevant.

For every initial consultation, clear documentation of information relevant to that consultation should be included in the intake form as follows:

- Relevant family health-related history.
- Identifying details of the client/patient, including name, contact details, gender and date of birth (and client/patient's parent or guardian when applicable).
- Current health history and relevant past health history, including known past treatment by other health professionals.
- Reason for visit; presenting symptoms; current or past injuries or medical treatments; current medication taken.
- Contact details of the person the client/patient wishes to be contacted in an emergency (not necessarily next of kin).
- Current general practitioner.
- The client/patient must sign their initial intake form, after consultation of their treatment plan.

### Progress Notes

The level of detail required in client/patient records may vary according to the nature of the presenting condition and whether it is an initial or subsequent consultation.

For example, in the case of subsequent visits for an ongoing condition, information recorded in earlier consultations need not be repeated, unless there are relevant changes. Progress details for the treatment must however be recorded clearly and include the following:

- The date of the consultation
- The name of the practitioner who conducted the consultation, including the signature where applicable
- Information about the type of assessments conducted
- Relevant clinical findings and observations etc.
- All procedures conducted including details of all soft tissue applications
- Details of advice provided
- Recommended management plan and, where appropriate, expected process of review
- Details of how the client/patient was monitored and the outcome (progress notes)
- Any unusual sequel of treatment or adverse events

## Member's Responsibility of Provider Numbers

The misuse of a member's provider numbers is in breach of the health funds' Terms and Conditions of Provider Status. It is the responsibility of a health fund provider (member) to not share their provider numbers with another massage practitioner. It is not just a breach of the health funds' Terms and Conditions of Provider Status but also the Massage Australia 'Code of Conduct', which you agreed to uphold upon signing the Massage Australia Application Form when joining.

## Common Types of Fraud

Experience has shown that providers and health fund members are not always aware of what constitutes fraud or inappropriate claiming (whilst this still does not excuse their obligation to know what is fraudulent).

In relation to claiming benefits, fraudulent or inappropriate behaviour is defined as the member/provider, individual or in collusion, knowingly or recklessly giving, supplying or providing information, whether written, electronic or verbal, that is intended or likely to mislead a Health Fund into paying a level of benefit to (or on behalf of) the member, to which they would otherwise not be entitled.

Misleading information on accounts/receipts may include:

- Treatment not actually provided
- Incorrect itemisation/description of treatment
- Incorrect dates the services were completed
- Incorrect client/patient name
- A fee for a service that was not what the client/patient was actually charged e.g. the client/patient was charged less than the fee documented on the account, however the 'discount' given to the patient was not disclosed on the account
- Incorrect provider identification such as incorrect provider details, provider number, clinic location not relating to correct treatment clinic address

NOTE: All health care providers have a responsibility to ensure that all documentation, including clinical records and accounts, are maintained in a true and accurate manner.

## Requirements of the Member Relating to Fraudulent Activity

Massage Australia provides our members with ongoing education and updates concerning the use of individual Provider Numbers. Members are informed of what consequences fraudulent activity and the misuse of Individual Provider Numbers.

In an endeavour to minimise these types of activity Massage Australia encourages the support of massage practitioners, members or non-members of the Association, consumers and Private Health Funds, to report any concerns of practitioners misusing a provider number or any other reportable concern. This will allow Massage Australia to undertake investigation.

The misuse of a member's provider number(s) is in breach of the health funds' Terms and Conditions of Provider Status. It is the responsibility of a health fund provider (member) to not share their provider numbers with another massage practitioner. It is not just a breach of the health funds' Terms and Conditions of Provider Status, but also the Massage Australia 'Code of Conduct', which the member agreed to uphold upon signing the Massage Australia Application Form when joining.

## Disciplinary Action

This Massage Australia Code of Conduct sets out principles that are intended to help members maintain the highest standards of professional conduct. All members must accept professional, legal and ethical responsibilities in order to protect themselves and the public's interest.

Should a case arise where a member is in breach of the Code of Conduct or Standards of Practice, Massage Australia has the right to cancel a practitioner's membership. No reimbursement of fee's will be refunded in this case.

Complaints procedures are outlined further in the Massage Australia Complaints Policy'. Please refer to this document for further information relation to the procedures and right of appeal against membership termination.

Once a member becomes involved in any matter that requires investigation Massage Australia is required to abide by the arrangements with Private Health Insurers and suspend eligibility for health fund rebates until the matter is finalised. Any disciplinary action taken by Massage Australia, which consequently results in termination/de-registration of membership, will not occur until the processes outlined in the guideline of the 'Complaints Policy' are concluded. Under the 'Code of Conduct' rule Disciplinary Procedures, should a complaint arise where a member is found in breach of the 'Code of Conduct' or the 'Standards of Practice', following a full investigation and when the member's rights of appeal have not brought about a positive resolution, Massage Australia has the right and responsibility to terminate a practitioner's membership.