

CMASA Notifications, Disciplinary & Appeal Procedure

for Breaches of the CMASA Code of Conduct /Ethics

Introduction

The Chinese Medicine and Acupuncture Society of Australia Limited (CMASA) is committed to ensuring that there is a fair process for handling notifications that may arise from any clients and patients. It aims to provide a clear, fair and accessible mechanism for dealing with behaviors or conduct that breaches the CMASA Code of Conduct / Ethics.

A copy of the Code of Conduct can be downloaded from the CMASA website or can be obtained from the CMASA National Office.

Conduct of Practitioners

CMASA practitioner members are required to behave in a professional manner towards their clients/patients at all times. Patients can expect to be provided with competent advice and treatment from a qualified practitioner.

A list of CMASA practitioners/members is available on CMASA website or a CMASA certificate should be displayed at the practices/clinic.

Process For Making a Notification

1. When a Notification is Made:

A CMASA Notification Form can be obtained from the CMASA website or the CMASA State and National offices. All notifications must be made in writing on the CMASA Notification Form with a clear description of the events/behavior. The form should then be mailed to the CMASA Disciplinary Committee. The Disciplinary Committee shall acknowledge the notification in writing within seven (7) business days of receiving the complaint. A response will be provided to the client/patient within four (4) weeks of receiving the Notification.

2. The following notifications will NOT be accepted by the Disciplinary Committee:
 - Anonymous notifications
 - Verbal notifications
 - Events that occurred more than 2 years ago
 - If the notification has already been lodged with another organisation (such as the police) or court proceedings have commenced or pending, the Disciplinary Committee cannot process the notification.
 - If the notification is frivolous and/or vexatious.
3. When the Disciplinary Committee receives the notification, the Committee will send the notification to the subject practitioner requesting a written response.
4. After receiving the response from the practitioner, The Committee will schedule a meeting to discuss the notification, and more information may be required in order to provide recommendations.
5. After collecting all the information from both sides, the Committee recommends whether there has been a breach of the Code of Conduct and refers to the Disciplinary Tribunal (DT) to make final decision and take action.
6. Appropriate actions will be taken by DT if practitioner is found to be in breach of conduct.
7. Four types of actions may be taken by the DT:
 - Verbal warning given with counselling provided
 - Written warning letter issued
 - Expel or removal of membership
 - Refer to the Police.
8. Complainant notified.
9. The Disciplinary Committee is a unit of the Disciplinary Tribunal (DT) of CMASA and the meeting is not opened to the public.

Key Elements in handling a Notification

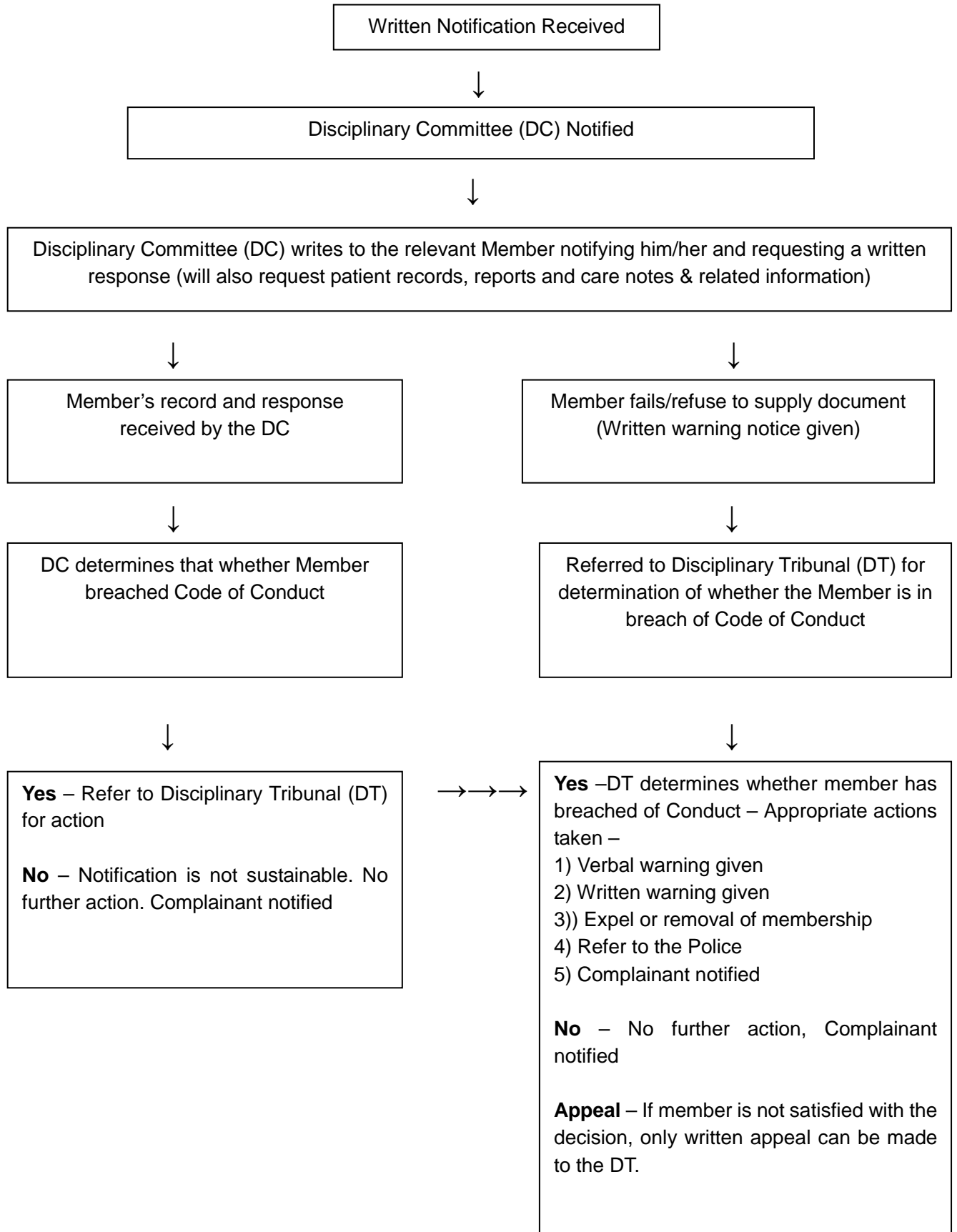
1. All complaints will be handled in a timely, confidential and objective manner
2. The principles of natural justice will be given to both the person making the complaint and the person or persons who are subject of the complaint
3. The procedures for investigation and record keeping are clear
4. No person making a complaint will be victimized or disadvantaged for making a complaint.
5. The Disciplinary Committee cannot award compensation. If the client believes he/she is entitled to compensation, the client may seek legal advice on their own accord.
6. The Disciplinary Tribunal's (DT) decision will be final.

Appeal

After the decision is made by the Disciplinary Tribunal (DT), the subject practitioner may appeal, in writing, if one feels that the decision is unjust.

The Tribunal will re-open the case, if relevant fresh evidence is submitted. The President or one of the Vice-Presidents will be added as a member in the appeals process together with the existing Tribunal members.

CMASA Notification, Disciplinary & Appeal Procedure Flow Chart



Contact Details of CMASA Disciplinary Committee

Via CMASA National Office

1F 23 John Street
Cabramatta, NSW 2166

Phone: 02 9727 6831 fax: 02 9727 8981

CMASA Website: www.australianbcm.com.au