



PHYSIOTHERAPY NEW ZEALAND
Kōmiri Aotearoa

Position Statement

December 2012

When another person is present during a consultation

This should be read in conjunction with the PNZ Position statement on Clear sexual boundaries in the patient-physiotherapist relationship (A guide for patients and A guide for physiotherapists)

Introduction

It is important that the interests of both patients and physiotherapists be protected as far as possible during assessment and treatment procedures to avoid either party being compromised or having an unjustified complaint being made against them. The physiotherapist and the patient should understand their rights to grant or withhold consent for a third person to be present during a consultation. For the physiotherapist there could be a concern that the third person may intimidate or control the patient and adversely affect the outcome of the consultation. The role and function of the third person should be clearly understood by all parties. A third person may be present in one of the following five roles:

- A support person for the patient
- An interpreter for the patient
- An observer for the physiotherapist – e.g. peer review, teaching
- A student or assistant
- A chaperone for the physiotherapist.

1. Patient's right to a support person

The Health and Disability Services Code of Consumer Rights provides that “every consumer has the right to have one or more support persons of his or her choice present, except where safety may be compromised or another consumer’s rights be unreasonably infringed”. (*Right 8: Right to Support*). The Code also provides that every consumer has the right:

- to be treated with respect;
- to have his or her privacy respected;
- to be free from discrimination, coercion, harassment, and sexual, financial or other exploitation;
- to have services provided in a manner that respects the dignity and independence of the individual.

The function and role of the support person(s) focuses on the needs of the patient, whether it is holding the patient’s hand, observing the consultation or asking questions on behalf of the patient. For further guidance please refer to PNZ Standards of Practice: 2012 2. B8

2. Patient’s right to an Interpreter

In some circumstances an interpreter may be required to assist in communication between the physiotherapist and patient. This is the patient’s right under Right

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5(1) of the Code of Health and Disability Services Consumers' Rights. For further guidance please refer to PNZ Standards of Practice 2012: 2. C5

3. Presence of an observer

An observer is present at the request of the physiotherapist and the patient's informed consent must be obtained before the consultation starts. An observer may be there as part of a peer review process, supervisory condition or for teaching/CPD purposes. If there is no agreement on the attendance of an observer either the patient or physiotherapist can withdraw from the assessment/treatment and the patient referred to another physiotherapist.

In some instance a student who is interested in embarking on a career in physiotherapy asks to attend a practice and observe the physiotherapist to get a better understanding of the profession. The physiotherapist must use their professional judgement on which patient consultations it would be suitable for the student to be present at.

4. Presence of an assistant or physiotherapy student

As part of their education physiotherapy students (and assistants) need to have the opportunity to access and learn from registered physiotherapists with on-the-job training. This involves attending assessment and treatment sessions of actual patients, and sometimes participating in their delivery. Participation in teaching is covered by the Code of Health and Disability Services Consumers' Rights – Right 9. For further guidance please refer to PNZ Standards of Practice 2012: 2. C6&7

5. Physiotherapist's Right to have a Chaperone Present

The role of a chaperone is predominantly to comfort and protect the patient but they also serve a secondary role to protect physiotherapists from false allegations. Physiotherapists do not have a legal right to have a chaperone present at a consultation but PNZ's position is that in a situation where the physiotherapist believes that it would be unsafe to proceed in the absence of a chaperone, physiotherapists have a professional "right" to refuse to proceed with a consultation (except in an emergency situation).

It is necessary to obtain the patient's informed consent to the presence of a chaperone where a physiotherapist requires one e.g. for an internal examination. In some instances if the physiotherapist does not feel safe examining a person without a chaperone present they can refuse to do so and refer the patient to another physiotherapist. For further guidance please refer to PNZ Standards of Practice 2012: 2. B6

Physiotherapists must always give a clear explanation to the patient of what they will be doing and why, and gain consent (see the Health and Disability Services Code of Consumer Rights (*Right 6 Right to be Fully Informed; Right 7 Right to Make an Informed Choice and Give Informed Consent*)). This also minimises the risk that an examination or treatment procedure is misconstrued by the patient.

PNZ Recommends

1. The organisation's policy on having a third person present during assessment/treatment should be displayed in the reception and in assessment/treatment areas*
2. It is recommended the physiotherapist speak with the patient about the presence of a third person in private, away from the nominated third person. This is to ensure that the patient does not feel obligated to accept someone due to discomfort of saying 'no' in front of the third person. For further guidance please refer to PNZ Standards of Practice 2012: 2 B8.
3. If a third person attends all or part of an assessment or treatment session the physiotherapist needs to ensure that the third person is aware of its confidential

nature and that the patient's personal information and physical privacy must be respected.

4. Where requested, patients will be supported in their right to have a support person except where safety may be compromised or another consumer's rights may be unreasonably infringed.*
5. If a support person is causing disruption to the treatment session in such a way that the physiotherapist is unable to provide appropriate treatment, or the physiotherapist feels unsafe, the support person may be asked to leave the room, or the treatment is discontinued and rescheduled. The issues need to be resolved prior to the next treatment if the support person is to continue attending the treatment.
6. A copy of the Code of Health and Disability Service Consumer's Rights brochure which includes information on advocacy services will be on display in the waiting room.*
7. Any patient requesting advice on advocacy is given a brochure or the local number of the Health and Disability Commissioner (Auckland 09 373 3556; Wellington 04 495 6669; other areas 0800 11 22 33).

*A requirement under the Code of Health and Disability Service Consumers' Rights.

Copies of the Code are available on request from the Office of the Health and Disability Commissioner, PO Box 1791, Auckland, Phone 0800 11 22 33 or from the following website: www.hdc.org.nz/aboutus/the_code/TheCode.html