



Members Code of Professional Conduct

Introduction

The New Zealand Cosmetic Teeth Whitening Association (NZCTWA) has been established to provide the self-regulatory body for the Independent Cosmetic Teeth Whitening industry throughout New Zealand.

The Association's members ("Members"), as individuals and in their commercial capacity, have a responsibility to ensure that the functions of the Association are effectively discharged in the interests of the public.

This Code provides guidance for Members and anyone else acting on behalf of the Association, to assist them in carrying out these functions in accordance with currently accepted NZCTWA standards of professional Conduct and Practice.

1. Public Service Values

The Seven Principles of Public Life from the Nolan Report* are adapted and set out below. The Association fully accepts these principles and in all its dealings, regards these ethics as key to its functioning.

* The Nolan Committee was commissioned in the UK by the Prime Minister to first report on standards in public life and set out clear expectations of those serving the public in whatever capacity.

- (a) **Selflessness** - Association Members should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
- (b) **Integrity** - Association Members should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
- (c) **Objectivity** - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, Association Members should make choices on merit.
- (d) **Accountability** - Association Members are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- (e) **Openness** - Association Members should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- (f) **Honesty** - Association Members have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interests.
- (g) **Leadership** - Association Members should promote and support these principles by leadership and example.

2. Associations Responsibilities

(i) Mission Statement

The New Zealand Cosmetic Teeth Whitening Associations purpose is to protect the public by regulating its members throughout New Zealand

(ii) Aims

The New Zealand Cosmetic Teeth Whitening Association aims are:

- (a) To protect clients
- (b) To implement self-regulation
- (c) To share information and global best practices
- (d) To address legal concerns specifically for the Cosmetic Teeth Whitening industry in New Zealand
- (e) To promote confidence in independent teeth whitening professionals
- (f) To be at the forefront of any regulation changes that affect members

(iii) What we do

- (a) We offer membership and registration to Independent Cosmetic Teeth Whitening suppliers and professional practitioners
- (b) We set standards of Cosmetic Teeth Whitening practice and conduct
- (c) We assure the quality of Cosmetic Teeth Whitening education
- (d) We ensure practitioners keep up-to-date with Cosmetic Teeth Whitening applications and developments
- (e) We help clients with complaints about a Cosmetic Teeth Whitening practitioner or product
- (f) We work to strengthen client protection

(iv) How we work

We will:

- (a) Work inclusively with others
- (b) Be honest in our dealings
- (c) Be accountable
- (d) Be open and accessible
- (e) Be professional and business-like
- (f) Strive to ensure we promote equality of opportunity and diversity in all that we do

3. The Association's Key Functions

So that, the Association can make its mission statement a reality, the Association has these endeavours:

- (a) To ensure high standards of training in cosmetic teeth whitening education, knowledge and practice are maintained;

- (b) To ensure high standards in the conduct of business generally;
- (c) To ensure sound employment practices for the appointment, training, retention and development of the members employees;
- (d) To ensure that there is effective and ongoing dialogue between the Association, its officers, members, government bodies, and the public it serves in its functions and their implementation and any proposals for change.

4. Members Responsibilities

(i) The Code of Professional Conduct

Individual Members should follow the Seven Principles of Public Life and comply with the guidance contained in this Code of Professional Conduct.

(ii) Specific Guidance

In particular, Members should abide by the following specific guidance in relation to their personal and business conduct:

- (a) **Confidentiality** – Members will in the course of their duties, be party to discussions or information of a confidential nature in meetings of the Association or its committees, sub-committees or working groups. In addition, as Members, they may receive confidential information from other organisations. The effective operation of the Association depends on these confidences being maintained. Members must not disclose confidential information without the consent of a person authorised to give it or unless the Member is required by law to do so. Members should consult the Associations President if the confidential status of the information is unclear. If a Member becomes aware of a breach in confidentiality, that Member must immediately notify the President and provide an account of the disclosure;
- (b) **Dealing with the Media** – in speaking or writing about the work of the Association or its policies, Members should ensure that their comments are accurate, well considered and well informed. Members should ensure that there is a clear distinction between their personal opinions and formal statements about Association policy. Any communication with the media about the Association’s work or policy, including publication of views via the Internet, should normally be discussed with the President before a statement is made;
- (c) **Membership of Committees** – Members elected to serve on committees will be expected to stand by the decisions of those committees. This does not preclude a Member who disagrees with a decision of that committee from presenting his/her views to the Association provided that any disagreement has been raised at the committee meeting concerned whenever possible and notification has been given to the Chair or the President;
- (d) **Personal Behaviour** - Members’ behaviour must demonstrate the standards expected of the Association. Where a Member has been charged with, or has been convicted of, a serious criminal offence, or has been the subject of a disciplinary procedure by another licensing body, the Member must inform the President at the earliest opportunity;

- (e) **Conflicts of Interest** – Members are free to engage in political activities or to maintain associations with professional organisations provided that such activity does not conflict with the essential purpose of the Association which is to protect the public;
- (f) **Advertising and Marketing Ethics** - Members shall be careful to avoid misrepresentation and overstatement; members advertising shall fairly describe the qualities of services and/or products offered, free of any misleading statements or inferences; Members shall ensure that public claims are able to be proven with facts or data from recognized sources in the event any investigation made into any such claims by any Authority; Members shall respect copyright and right-to-use laws for any image or information they use for advertising
- (g) **Membership Cooperation** - members treat each other with respect, integrity and dignity. Members value the unique combination of experience, skills and knowledge that each individual brings to the group and recognise that this diversity is one of the New Zealand Cosmetic Teeth Whitening Associations greatest strengths.

5. Members Conduct

(i) Regarding Whitening Gel Strengths, Usages and Sales of Products and Services

- (a) Members shall abide by the 2011 amendments to the *Dental Products Group Standard (Oxidising, [5.1.1]) 2006* and the *Dental Products Group Standard (Subsidiary Hazard) 2006* as set out in the ERMA* 200472 Decision – June 2011
Note: *ERMA = The ‘Environmental Risk Management Authority’ now Known as the Environmental Protection Authority [EPA]

(ii) Regarding Sales of Teeth Whitening Systems

- (a) Members or their staff providing teeth whitening systems using Hydrogen Peroxide shall not exceed the Hydrogen Peroxide strengths and allowances set out in the 2011 amendments to the *Dental Products Group Standard (Oxidising, [5.1.1]) 2006* and the *Dental Products Group Standard (Subsidiary Hazard) 2006* as set out in ERMA 200472 Decision - June 2011
- (b) Members selling Cosmetic teeth whitening systems utilizing cosmetic strength bleaching gels between 7.01% and 12% Hydrogen Peroxide or 24% and 35% Carbamide Peroxide and accelerator lights used as in-chair teeth whitening aids shall not sell such systems to individuals or businesses without the member or its vendor providing professional training to the standard required by NZCTWA as part of the sale.
- (c) Members selling Cosmetic teeth whitening systems utilizing cosmetic strength bleaching gels below 7% Hydrogen Peroxide or 21% Carbamide Peroxide and accelerator lights intended for at-home use shall endeavour to provide training to retail staff and others who may recommend the product to the end user to the standard required by the NZCTWA.

- (d) Members shall not offer or sell bleaching gels in excess of 35% Carbamide Peroxide, or 12% Hydrogen Peroxide content to non-dentists.
- (e) Members shall not offer or sell teeth whitening systems or products that exclude the necessary components to professionally operate the system or use the product, in order to make the price appear lower than it otherwise would be.
- (f) Members may offer refill kits to those who have purchased a kit or system with all the necessary components to use the product prior to purchasing a refill kit. It should be clearly stated on the refill kit that it is intended for use with the original product that does contain all the necessary components.
- (g) Members shall not sell or use Teeth Whitening Accelerator lights or light sources which can burn or cause damage to the skin of clients (eg; not Ultra Violet, Plasma Arc or Heat producing).
- (h) All teeth whitening kits (ie: consisting of gel, mouth tray etc.) sold to consumers must be manufactured to global quality standards and the manufacturer of the Hydrogen Peroxide gel should hold a certificate of analysis confirming the ingredients within the gel and the strength of the Hydrogen Peroxide or Carbamide Peroxide. All teeth whitening kits are to be hygienically sealed at the factory before shipping; AND meet the 2011 labelling and safety requirements set out in the 2011 amendments to the *Dental Products Group Standard (Oxidising, [5.1.1]) 2006* and the *Dental Products Group Standard (Subsidiary Hazard) 2006* as set out in the ERMA 200472 Decision - June 2011
- (i) Members offering a money-back guarantee shall honour the guarantee if the client is accepted as suitable for the guarantee, and does not achieve the results guaranteed

(iii) Regarding Cosmetic Whitening Treatment Procedures by Member Practitioners

- (a) Members or their staff using Hydrogen Peroxide shall not exceed the Hydrogen Peroxide strengths and allowances set out in the 2011 amendments to the *Dental Products Group Standard (Oxidising, [5.1.1]) 2006* and the *Dental Products Group Standard (Subsidiary Hazard) 2006* as set out in the ERMA 200472 Decision - June 2011
- (b) Members or their staff shall require all clients having a cosmetic teeth whitening procedure to read and sign an “Informed Consent form” or such approved by the Association prior to commencement of treatment. The said document must explain known risks of the procedure; in addition, all clients shall have key risks such as gum irritation, tooth sensitivity, allergies and susceptibility to hydrogen peroxide verbally explained before commencing the procedure.

- (c) So that Members or their staff do not infer that they are dentists, Members or their staff who provide teeth whitening services or assistance to clients by preparing and handing to the client such items as gel, mouth trays, cheek retractors and the like, shall be clearly defined as Teeth Whitening Aestheticians, Assistants, Technicians, Cosmetologists or such approved by the Association
- (d) Members or their staff shall not offer any dental advice or diagnosis or assessment of the client's dental condition other than recommend their client visit their dentist
- (e) Members or their staff shall provide suitable eye protection and ensure such protection is worn by the client when any accelerator light is in operation
- (f) Members or their staff shall ensure that they provide fresh water and a spittle so that the client can rinse their mouth adequately following the procedure
- (g) Members or their staff shall follow Hygiene procedures as defined below in 'Regarding Hygiene and Infection Control'

(iv) Regarding The Rights Of Consumers Using Cosmetic Whitening Treatment Procedures By Member Practitioners

Every Client shall have the right to:

- (a) To be treated with Respect
- (b) To have his or her privacy respected
- (c) To be provided with services that take into account the needs, values, and beliefs of different cultural, religious, social, and ethnic groups
- (d) To Freedom from Discrimination, Coercion, Harassment, and Exploitation
- (e) To have services provided in a manner that respects the dignity and independence of the individual.
- (f) To have Services provided with all reasonable care and skill.
- (g) To have services provided that comply with legal, professional, ethical, and other relevant standards.
- (h) To have services provided in a manner consistent with his or her needs.
- (i) To have services provided in a manner that minimises the potential harm to, and optimises the quality of life of, that consumer.
- (j) To effective communication in a form, language, and manner that enables the consumer to understand the information provided.
- (k) To an environment that meets a high level of hygiene and infection control
- (l) To be Fully Informed - Before making a choice or giving consent, every consumer has the right to the information that a reasonable consumer, in that consumer's circumstances, needs to make an informed choice or give informed consent.
- (m) To honest and accurate answers to questions relating to services
- (n) To receive, on request, a written summary of information provided.
- (o) To Make an Informed Choice and Give Informed Consent
- (p) To refuse services and to withdraw consent to services.
- (q) To have at least one support person of his or her choice present, except where safety may be compromised or another consumer's rights may be unreasonably infringed.
- (r) To Complain - Every consumer has the right to complain to the New Zealand Cosmetic Teeth Whitening Association about a provider in any form appropriate to the consumer.

(v) Regarding Take-Home whitening treatments [OTC Products]

- (a) Members shall abide by the 2011 amendments to the *Dental Products Group Standard (Oxidising, [5.1.1]) 2006* and the *Dental Products Group Standard (Subsidiary Hazard) 2006* as set out in the ERMA 200472 Decision – June 2011.
- (b) Members or their staff selling OTC ‘take-home’ whitening treatments to consumers intended for un-supervised use in the home shall include adequate instructions on the potential risks of using the product together with easy to follow instructions for correct use of the product.
- (c) All OTC ‘take-home’ teeth whitening products meet the 2011 labelling requirements set out in ERMA 200472 Decision – June 2011
- (d) All OTC ‘take-home’ teeth whitening products should not contain more than 21% Carbamide Peroxide or 7% Hydrogen Peroxide; and have clear instructional guides

that set a safe limit for the duration of time the gel can be in the mouth based on the strength of the gel – based on the directive of the manufacturer.

(vi) Regarding Hygiene, Infection Control and Eye Protection

- (a) Members or their staff shall clean their hands with antibacterial soap or sanitizer gel prior to touching gloves or equipment
- (b) Members or their staff handling products intended to go into the mouth of a client, shall at all times avoid touching any surface of the product which will make contact with the clients mouth, teeth or gums without appropriate gloves
- (c) Members or their staff shall wear surgical grade disposable gloves when touching any product which could make contact with the clients mouth; such gloves shall be replaced with every client
- (d) Members or their staff shall ensure both they and their client wear protective eyewear; such eyewear shall be worn;
 - (a) when applying or removing whitening gel to/from the clients teeth
 - (b) when using whitening accelerator lamps
- (e) All products used in the treatment must be hygienically sealed from the factory of manufacture and opened in the presence of the client, then disposed of after the procedure is complete. No re-use of any product that goes inside a client's mouth is permitted.
- (f) Members or their staff shall wipe all surfaces of non-disposable equipment which may have been exposed saliva or other bodily emission from the client or assistant, with a medical type alcohol or appropriate disinfectant wipe prior to treatment of the next client; the chair in which clients sit for the procedure should be cleaned with disinfectant in areas where hair or bare skin touches, after each client, then cleaned all over periodically.
- (g) Members or their staff shall not work when they have any contagious infection or condition
- (h) Members or their staff shall avoid breathing on, coughing or sneezing near any client
- (i) Members or their staff offering assistance to clients should read and familiarise themselves with published documents on 'Infection Control Guidelines' offered by a Dental or Medical Board and adopt and implement any applicable policy to satisfy any legal requirements.

(vii) Regarding Practitioner Training Provided By Member Suppliers and Vendors

Cosmetic Teeth Whitening Practitioner Training provided by Member Suppliers and Vendors to new in-chair teeth whitening practitioner members shall include the following within their training syllabus and be of a standard approved by the NZCTWA:

Theory Training

- (a) How Cosmetic Teeth Whitening Works
- (b) An overview of the science and technology behind cosmetic teeth whitening
- (c) Anatomy of a tooth
- (d) Understanding the oral cavity as it relates to cosmetic tooth whitening
- (e) Risks, side effects and safety controls
- (f) Common Staining Types and how to treat them
- (g) Identifying Cracked Teeth, compromised fillings, crowns, veneers
- (h) Identifying Gum diseases such as Gingivitis, Periodontitis and the like
- (i) Teeth Sensitivity; How to control and eliminate any discomfort
- (j) Treatment Procedures and protocols
- (k) Overview of Cosmetic Teeth Whitening Materials
- (l) Carbamide Peroxide vs Hydrogen Peroxide
- (m) DIY home bleaching kits
- (n) Informed Consent forms
- (o) Identifying unsuitable clients
- (p) Saliva Control
- (q) Post Procedure Care and Maintenance
- (r) Storing The Whitening Gel
- (s) Hygiene/Cross Infection Control
- (t) Communication with your client
- (u) NZCTWA Code Of Conduct

Practical Training, Mentoring and Ongoing support

- (v) System providers and/or their vendors shall provide practical Training, Mentoring and Ongoing support

Such vendor practical training shall include

- (w) Understanding your system
- (x) Mentoring in the use of your system
- (y) Building your Business
- (z) Client Acquisition
- (aa) Clinical Management & Safety protocols

(vii) Regarding OTC Training Provided By Member Suppliers and Vendors

Cosmetic Teeth Whitening OTC Training provided by Member Suppliers and Vendors to new OTC members shall include the following within their training syllabus and be of a standard approved by the NZCTWA:

Theory Training

- (a) How Cosmetic Teeth Whitening Works
- (b) An overview of the science and technology behind cosmetic teeth whitening
- (c) Anatomy of a tooth
- (d) Understanding the oral cavity as it relates to cosmetic tooth whitening
- (e) Risks, side effects and safety controls
- (f) Teeth Sensitivity – an overview.
- (g) Which product for which client?
- (h) Overview of Cosmetic Teeth Whitening Materials including Hydrogen Peroxide and Carbamide Peroxide.
- (i) Overview of instructions for each type of whitening available.
- (j) Sale of teeth whitening product to minors.
- (k) Training re-sellers of OTC product.
- (l) Content suitable for inclusion into training for re-sellers and distributors.
- (m) NZCTWA Code Of Conduct and Practice