

**Informed consent for acupuncture treatment**  
**15HDC01325, 30 March 2017**

*Acupuncturist ~ Acupuncture ~ Shoulder injury ~ Information ~ Informed consent ~  
Right 6(1), 7(1)*

A man visited a clinic to receive treatment for an injury to his left shoulder. The treatment was provided by an acupuncturist and included acupuncture and massage.

During the treatment the acupuncturist inserted an acupuncture needle into the man's abdomen. The acupuncturist left the needle in the man's abdomen to prolong the effects of the treatment. However, the acupuncturist did not discuss this aspect of the treatment with the man or obtain his consent. The man discovered and removed the needle the following morning.

It was held that the acupuncturist did not provide the consumer with information about her plan to leave the acupuncture needle in his abdomen, including information on the risks and side effects, and how to remove the needle and dispose of it correctly. This is information that a reasonable consumer would expect to receive in the circumstances and, accordingly, the acupuncturist breached Right 6(1).

The acupuncturist was also found to have breached Right 7(1) as without that information, the man was not in a position to make an informed choice and provide informed consent for the needle to be left in his abdomen.

The clinic did not breach the Code.

The Deputy Commissioner recommended that the acupuncturist undertake further education and training on informed consent, review her practice in light of this report, and provide a written apology to the consumer for her breach of the Code.

The Deputy Commissioner also recommended that the clinic confirm the implementation of its new documentation policy, conduct an audit on the effectiveness of this policy and arrange training on the new documentation and informed consent policies.