



British
Acupuncture
Council



The Code of Professional Conduct

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Your obligations to your patients

Your duty of care

- 1 You have a duty to your patients to maintain high standards of care, competence, and conduct.
- 2 The relationship between you and your patient is that between a professional and a client who is entitled to put complete trust in you as a professional. It is your duty not to abuse this trust in any way.
- 3 Any patient consulting you has the right to expect that you will:
 - make their care your overriding priority
 - listen to them carefully and respect their confidentiality
 - explain your findings to them and ensure that they understand what you tell them
 - inform them clearly of the nature and purpose of any proposed treatment
 - respect their autonomy and encourage their freedom of choice
 - ensure that they know how and where you may be contacted at all times.
- 4 In providing care you must:
 - assess any condition thoroughly, with appropriate examination and investigation
 - recognise the limits of your professional competence and work within them
 - provide, where appropriate and with the patient's consent, relevant information to other health professionals who are caring for them
 - consult others and refer for investigation and treatment elsewhere, when necessary
 - keep accurate and comprehensive case notes and records
 - review the patient's treatment and progress at agreed intervals and assess the suitability of further acupuncture treatment
 - encourage patients promptly to seek other forms of medical treatment if you feel that acupuncture is no longer the most appropriate means of treating their problems
 - act promptly and appropriately if you become aware of an error on your part, ensuring that the Council's insurers are informed prior to any further action or comment
 - act promptly if a patient complains about any aspect of your professional practice and keep a record of the complaint and any actions taken.

Fees

- 5 When a patient consults you this involves entering into a contractual relationship. The patient will normally pay a fee. Even if the patient does not pay a fee, or where there is no explicit contractual relationship (eg in an emergency) you still have a duty to apply the standard of care expected of a professional acupuncturist.

- 6** Your fee structure must be prominently displayed in your clinic or treatment room. This notice, and any advertisement quoting fees, must quote charges for both initial and subsequent sessions and must make clear what each fee covers.

Case notes

- 7** You must keep accurate, comprehensive, easily understood, contemporaneous and dated case notes recording:
- the patient's personal details (name, address, telephone number and date of birth)
 - the presenting complaint and symptoms reported by the patient
 - relevant medical and family history (including the GP's name and address)
 - your clinical findings
 - any treatment given and details of progress of the case, including reviews of treatment planning
 - any information and advice that you give, especially when referring the patient to any other health professional
 - any decisions made in conjunction with the patient
 - records of the patient's consent to treatment, or the consent of their next-of-kin.
- 8** You are legally required to keep patient records for a minimum of seven years. In the case of minors, records must be kept until the patient reaches the age of twenty-five (seven years after reaching eighteen). This applies even when you have referred the patient on, or you have left the practice where you administered the treatment.
- 9** In most circumstances your patient's case notes are your property, and you must retain them. However, if you are employed or are treating in a multidisciplinary practice or acting as a consultant you must agree ownership of, and the responsibility for, the notes. You must ensure that you have access to the notes in the event of disciplinary action being taken against you, any insurance claims or any civil or criminal proceedings. Although a patient can seek access to notes they have no legal rights of ownership. However, if a patient requests a copy of their notes, you must follow the procedure laid out in the Data Protection Act 1998 and keep a record of this on the file.
- 10** The requirement to retain original records applies especially in the buying and selling of a practice; even with a patient's consent you must only pass on copies of the records, not the original notes. You must also ensure that patients are kept fully informed and offered appropriate choices about their continuing care and the safe-keeping and location of their original records.
- 11** You must not use knowledge gained from patients or from their records in any other context for personal or professional gain.
- 12** Patient records must be kept secure and confidential at all times. If you keep patient records on a computer, you must register under the Data Protection Act 1998. If you hold patients' details on a computer which can be linked to manually-held records, including holding their names and addresses for mailing purposes only, you may need to notify the Data Protection Commissioner. If you hold manual records only, you are now required by law to comply with the principles of the Data Protection Act 1998.

- 13** You may destroy old records, although the method of disposal is not regulated. Burning and shredding are the most appropriate methods. You must also make appropriate arrangements for the safe-keeping and transfer of patient notes in the event of your death or serious injury.
- 14** If you write your case notes in any language other than English it will be your responsibility to provide a full translation, if called upon to do so by the Council, in the event of a complaint being made, or the records being required for official purposes, or a request being made by the patient under the terms of the Data Protection Act 1998.

Delegation of professional duties

- 15** You must ensure that your practice is managed with due care should professional duties be delegated to another acupuncturist or to a practitioner of another therapy. You must be satisfied that any such practitioner is adequately qualified and belongs to a reputable professional body. You must also be satisfied that any services provided by the other practitioner are done so with the agreement of the patient.

Absence from practice

- 16** Should you be away from your practice for any length of time it is your duty to ensure patients are informed about where they may seek appropriate treatment in your absence, or to provide properly trained and qualified locum cover. Should you retire from practice you must also inform your patients that you are retiring and ensure that they are aware of other practitioners in your area and of the location of their original case notes and records.

The BAAC Codes and statutory legislation

- 17** The BAAC Codes have been produced to ensure that you meet the requirements of the bylaws and to maintain high standards within the profession. You must familiarise yourself with the Code of Safe Practice as well as this Code of Professional Conduct and must ensure that your practice of acupuncture and your premises meet the required standards.
- 18** Local authorities are empowered by various acts of parliament to enact bylaws that may require the registration or licensing of acupuncturists and their premises and have the power to prosecute practitioners who fail to comply with these bylaws. If you fail to meet the requirements of such statutory legislation, or of the Code of Safe Practice, you may be judged to be in breach of the Code of Professional Conduct, and may be subject to disciplinary measures on the grounds of professional misconduct.
- 19** You must comply with any rulings made by the BAAC's Investigating Committee, Professional Conduct Committee and Health Committee in enforcing the Codes of Safe Practice and Professional Conduct. Failure to comply may itself be subject to disciplinary measures on the grounds of professional misconduct.

Continuing study

20 You must refresh your knowledge and techniques by, for example, attending appropriate seminars and postgraduate training courses, or by undertaking recognised continuing professional development training. Failure to take part in an appropriate amount of postgraduate education will be taken into account by the Professional Conduct Committee if there are any allegations concerning your professional competence.

Your ethical boundaries with patients

Inappropriate relationships

- 21** You must not enter into a sexual relationship with a patient. You must also be aware of the dangers of allowing any sort of emotional relationship to develop with a patient. If you realise you are becoming emotionally or sexually involved with a patient, you should end the professional relationship and recommend to the patient an alternative source of appropriate care.

- 22** If a patient shows signs of becoming inappropriately involved with you, you should discourage them and, if necessary, end the professional relationship. You may wish to report such matters to the Council, in your own interest, or seek advice from a colleague whilst maintaining the anonymity of the patient.

- 23** You must ensure that your behaviour in dealing with patients is professional at all times and not open to misunderstanding or misinterpretation. Non-physical behaviour, gesture, unnecessary physical contact, verbal suggestion, or innuendo can easily be construed as abusive or harassing.

- 24** You must respect a patient's modesty. You should only ask your patient to undress to the minimum level required by you to carry out an effective examination and/or treatment. You must allow the patient privacy to dress and undress and also ensure that you provide adequate clean gowns or blankets for their use. You should not leave the patient exposed for more time than is necessary to carry out treatment. If treatment involves sensitive or intimate areas of the body, you should offer the patient the opportunity to provide a chaperone. This can be a spouse, a relative or friend.

Alternatively, you may be able to provide a chaperone from your practice.

- 25** You may sometimes find yourself called upon to treat a relative or someone whom you consider to be a friend. There is no harm in this provided that clear boundaries are kept between the social and professional relationships.

- 26** You must ensure that past, present, or anticipated relationships of any kind do not interfere with your professional duties, and you must avoid any behaviour which can be construed in this way.

Your legal obligations

Patient consent

- 27** You must explain carefully the procedures and treatment that you intend to administer and must recognise that the patient is entitled to choose whether or not to accept advice or treatment. It can be construed as an assault to examine or even prepare to treat someone without their consent, and to continue to treat someone if they withdraw their consent in the middle of a treatment.
- 28** Consent must be given by a legally competent person, must be given voluntarily, and must be informed. Although consent may once have been taken as implied by a patient's actions in turning up and lying on the treatment couch, explicit consent is now considered essential. You must seek explicit consent, in writing if necessary, and ensure that the patient understands what you propose to do. This is particularly important where treatment may involve sensitive areas of the body. You are recommended to record all relevant information in the case notes.
- 29** You must record any subsequent explanation and consent obtained if the course of treatment extends beyond the original projection, if treatment continues beyond an agreed review date, or if the treatment itself involves significant changes in point locations, techniques used, or time taken.
- 30** You must not delegate the obtaining of consent to a receptionist or unqualified assistant. Informed consent requires that you (or an appropriately qualified colleague) must explain the procedure, be available to answer questions and be able to satisfy yourself that the patient understands what you have told them.

Consent of minors

- 31** You must seek the consent of a parent or guardian if the patient is under the age of 16. In the absence of such consent, you must not offer treatment.
- 32** You must also be aware that the refusal of treatment by a child under the age of 16 may carry legal force and override the consent, even though properly given, of a legally authorised adult. If you are in any doubt, you must contact the Council or seek legal advice before you perform any treatment.
- 33** If you do treat a child under the age of 16, a parent or legally authorised guardian must be present in the treatment room throughout the whole of the examination and treatment. No other person may perform this role without the explicit written consent of the parent or legally authorised guardian.

Confidentiality

- 34** You have a duty to keep all information, medical or otherwise, concerning your patients entirely confidential, and such information may only be released with the explicit consent of the patient. This also applies to any views that you may form about the patient. This duty, which survives the death of a patient, also extends to anyone you may employ in your practice.
- 35** The fact of a patient's attendance at your practice must be considered confidential. You must also not assume that details of a patient's case may be discussed with their partner or their relatives unless you have their explicit permission.

Disclosures without consent

- 36** Disclosures without consent may be necessary in the public interest if your duty to society overrides the duty to the patient. This may be because the patient is putting themselves or others at serious risk by, for example, the possibility of a violent or criminal act or failing to report a notifiable illness. In all circumstances you are advised to consult the Council or take legal advice before making a decision to release information without a patient's permission.
- 37** A court may order you to disclose information about a patient. In such circumstances only information relevant to the proceedings should be disclosed. If called upon to do this, you should seek advice from the Council as to how best to proceed.

Your commercial obligations

Advertising standards

- 38** All advertising must be legal, decent, honest and truthful and must conform to relevant All advertising must be legal, decent, honest and truthful and must conform to relevant rules in the Committee of Advertising Practice (CAP) Codes, as well as the current guidelines of the BAaC. Your advertisements may include information about any non-acupuncture qualifications and special interests that you may have but must not make claims of superiority or disparage professional colleagues or other professionals. You must not use the BAaC logo in any advertising without the explicit authority of the BAaC. This does not include bloc advertisements in Yellow Pages or Thomson Directory.
- 39** Advertising must not mislead or deceive. It must not be sensational and make unrealistic, self-laudatory or extravagant claims. Neither its content nor the manner in which it is distributed should be such as to put prospective patients under pressure. Advertising must not create unjustified expectations about the length or type of treatment or its prospects for relieving the condition concerned. Claims to cure conditions, as distinct from relieving symptoms, are strictly prohibited.

Placing and distribution of advertisements

- 40** You must ensure that advertisements appear in surroundings appropriate to professional advertisements and are distributed by similarly professional means. When advertising in conjunction with practitioners of other therapies you must take reasonable steps to ensure that those other therapists are also registered with bona fide professional bodies.

Financial and commercial activities

- 41** You must make a clear distinction between your acupuncture practice and any commercial activity in which you may be involved. There must be no suspicion of any business affairs having an influence over your attitude towards patients and their care.
- 42** To promote a product to patients for no good reason other than profit is highly unethical. If you sell or recommend any product or service to a patient, you must be satisfied this will be of benefit to the patient and that you are appropriately qualified to offer such products or advice. It must be clear that any financial interest you have in doing so does not influence the care or treatment provided.

- 43** Before selling or recommending such a product or service, you must declare to the patient that you have such an interest. You must ensure that they can differentiate between the prescribing of a product and the marketing of a product.
- 44** You must not encourage your patients to give, lend or bequeath money or gifts which will directly or indirectly benefit you. You must also not put pressure on patients or their families to make donations to other people or organisations.

Your obligations in multidisciplinary practice

Membership of other professional organisations

45 If you belong to other professional bodies whose ethical standards differ from those of the Council, you must be aware that this cannot put you beyond the Council's jurisdiction where matters of professional conduct are concerned.

Practising other therapies

46 If you practise other therapies, you must have undertaken an appropriate course of structured training. If you use other therapeutic modalities without appropriate training, you will be in breach of this Code and may not be covered by your professional indemnity insurance.

Use of adjunctive techniques

47 If you use techniques, supplements or equipment which are not within the normal scope of acupuncture practice you must inform the patient that this is the case. You are also strongly advised to ensure that you are appropriately trained in and hold valid insurance for the use of the technique, supplement or equipment, and to record your patient's consent to the treatment proposed.

Use of the title 'doctor'

48 The use of the title 'doctor' by members, either as a prefix in advertising their practices, or in referring to themselves, or in allowing themselves to be referred to as 'doctor' in the context of being addressed as an acupuncturist, must not be done in such a way as to imply that the member is registered with the General Medical Council.

49 Courtesy titles, doctorates in any other field, and postgraduate acupuncture qualifications are not acceptable as a basis for the use of the title 'doctor' as a prefix when being addressed as an acupuncturist.

Treatment of animals

50 You must not administer any type of treatment to an animal unless you are a qualified vet. Under the Veterinary Surgeon's Act 1966 acupuncture is considered invasive surgery and may only be carried out by registered veterinarians. The Royal College of Veterinary Surgeons will not allow animals to be treated with acupuncture without a vet being present and taking responsibility for the diagnosis and treatment of the animal.

Your relationship with professional colleagues

Relationships with other practitioners

- 51** In this section 'practitioner' refers to all healthcare professionals, including acupuncturists, who are not members of the British Acupuncture Council.
- 52** You must not attempt to persuade the patient of another practitioner to seek treatment with you.
- 53** If you treat the patient of another practitioner because of holiday, illness or any other reason, you must encourage the patient to return to their original practitioner as soon as that practitioner becomes available again. You must not attempt to solicit the patient, either directly or by default, to continue treatment with you.
- 54** In all cases the wishes of the patient are paramount. If a patient decides to transfer from you to another practitioner, it is courteous, and in the patient's interest, for you and the other practitioner involved to communicate with each other about this transfer, and for relevant information about the patient to be forwarded, with the patient's consent.

Relationships with medical doctors

- 55** It is good practice to maintain contact with general practitioners (GPs) and registered medical practitioners (RMPs) over shared patients. You should acknowledge referrals from a GP or RMP, and you should also consider it good practice to inform and communicate with a patient's GP, with the patient's consent, when the patient has self-referred.

Criticism of other practitioners

- 56** You may sometimes encounter criticism of the competence or professionalism of other practitioners voiced by patients or colleagues. If you hear such criticisms of other practitioners, whether they are members of the Council or not, you must at all times act with the utmost discretion and professionalism and must be extremely cautious about voicing any opinion. This applies equally if you yourself hold critical views of others, either in your own field or in another healthcare discipline.
- 57** You are expected to act with integrity, discretion, and respect for the views of others. You are entitled to put forward your views on good clinical practice in publications, seminars, etc. However, you must not criticise other healthcare disciplines or

practitioners, either directly or by implication, over and above the standards which apply in the debates to which you contribute.

Dealing with concerns about other practitioners' behaviour

- 58** If you have evidence or are reliably informed that another practitioner's conduct, health or professional competence poses a threat to patients you have a responsibility to act in order to protect patients' safety. If necessary, you must report your concerns to the ethics secretary at the British Acupuncture Council office.
- 59** You must obtain a patient's consent before repeating information given to you in confidence. Only in very extreme cases, such as when you consider that your duty to society at large takes precedence, would the lack of such consent be considered acceptable.

Your obligations as a teacher

Giving training in acupuncture

- 60** You are strongly advised that any training or teaching which you give in the practical skills and theory of acupuncture is done under the auspices of an undergraduate training establishment that holds or is actively seeking accreditation by the British Acupuncture Accreditation Board (BAAB). If the course on which you are teaching is deemed by the BAcC Education Committee to fall significantly below the standards set by the BAAB, the BAcC can require you to cease such teaching.
- 61** You may teach acupuncture theory and techniques to other fully qualified practitioners of acupuncture. Your BAcC insurance, however, only covers you while practising acupuncture yourself and while giving demonstrations of treatment. You must, therefore, ensure that you have obtained appropriate additional insurance for teaching and indemnify those whom you have trained in the use of the techniques.
- 62** You may teach acupuncture techniques or short courses to non-acupuncturist members of other regulated health professions. You must, however, ensure that you are properly insured to do so and that those practitioners who complete the course are aware that this does not qualify them to use the title 'acupuncturist' unless this has been the subject of agreement between the BAcC and the regulatory body concerned.

Public lectures

- 63** Lecturing to medical and paramedical groups and the general public, in order that they may better understand the work of the professional acupuncturist and the range of your services, is perfectly acceptable. Such lectures must only be for information and must not be promoted or encouraged to be construed as training in acupuncture.

Assistants and observers

- 64** You are allowed to have acupuncture students, potential acupuncture students, or other individuals present as observers in your practice. An observer may only be present with the explicit permission of the patient and may not carry out any part of the treatment. You must take care to avoid 'coercive consent' where a patient feels that they are under pressure to allow an observer to be present.
- 65** Student acupuncturists from colleges which hold or are actively seeking accreditation with the BAAB and other BAcC members may act as assistants in your practice and may treat patients who give their informed consent, provided that, in the case of

students, adequate professional indemnity insurance is in place and the student is being directly supervised by you as a part of their approved clinical training.

Research

66 If you are involved in research involving patients you must seek the approval of an appropriate research ethics committee. You must also obtain a patient's consent if they are involved in your research and must ensure above all that their care is not compromised in order to meet the needs of your research aims.

67 You must also ensure that the patient's confidentiality is respected in the sharing or publication of research findings. If the results of research cannot be aggregated in such a way as to conceal the identity of individual patients, any consent obtained from the patient for the use of such results must be based on full details of the distribution, publication and ownership of these results. If a patient refuses consent for the disclosure of research results this choice must be respected.

Standards of behaviour

Upholding the high standards of the acupuncture profession

68 You must uphold the high standards of the acupuncture profession at all times. You must not bring the profession into disrepute by your personal behaviour. For example, acts of dishonesty, drunkenness or drug abuse may result in disciplinary action being taken against you.

Reporting important information about your conduct and competence

69 You must tell the British Acupuncture Council straightaway if you accept a police caution, save for minor motoring offences. You must tell the British Acupuncture Council straightaway if you are charged or convicted anywhere in the world, with an offence relating to:

- violence
- sexual offences or indecency
- dishonesty
- alcohol or drug abuse

or if you:

- receive a conditional discharge for an offence
- accept a police caution, save for minor motoring offences

70 You must also tell the British Acupuncture Council if you are:

- disciplined by any organisation responsible for regulating or licensing a profession
- suspended or placed under a practice restriction by your employer or a similar organisation because of concerns about your conduct or competence
- suffering from an illness or medical condition which might affect your ability to practise.

Discrimination

71 In providing services to the public, you have a legal duty to promote equality and tackle discrimination within your services. This duty extends both to your patients and your employees. The law prohibits discrimination on the grounds of gender, ethnicity, disability, religion or belief, sexual orientation, transgender status, age or marital status. If in carrying out a particular treatment or giving advice about it you feel that it conflicts with your personal, religious, or moral beliefs, and this conflict might affect the treatment or advice you provide, you must explain this to the patient and tell them they have the right to see or be referred to another practitioner. If you are an employer, you have the same duties to your employees as to your patients. You are also legally responsible for any discriminatory actions of your employees if these actions are committed in the course of their employment.

Complaints

72 You must let patients know how they can make a complaint in the event that they are unhappy with any aspect of the service you have provided, and how to make a complaint to the British Acupuncture Council.

Use of BAAC logo and certification marks

73 Members must comply with all terms, conditions, regulations, and all licence agreements that the British Acupuncture Council shall from time to time apply with reference to the use of its name, logo, the designation MBAC and all marketing and promotional material in paper, electronic, digital, or other format. In addition, members must comply with all terms, conditions, regulations, and licence agreements relating to accreditation marks, certification marks, trademarks logos, corporate markings applied by a third party that the member by virtue of his membership may be permitted to use.