

Guidelines on the use of Western Medical Acupuncture and Osteopathic Practice

Under section 8 of the Health Practitioners Competence Assurance Act 2003 ("the Act"), no osteopath may perform a health service that is part of a scope of practice set by the Osteopathic Council ("the Council") unless the osteopath is registered to practice within that scope of practice.

An osteopath may not be registered to practice within a scope of practice unless they have obtained the qualifications the Council has prescribed for that scope of practice.

The Council has prescribed five scopes of practice. One of them is Western Medical Acupuncture and Related Needling Techniques. The health services that are covered by that scope of practice are described, in the words of the scope, in the following way:

Osteopaths registered in the scope... are primary health care practitioners who hold the General Osteopathic Scope of Practice, and who are qualified to perform Western medical acupuncture and related needling techniques, such as "dry-needling", intra-muscular stimulation or other skin penetrating techniques using a fine filiform (acupuncture) needle.

Western medical acupuncture (WMA) is a therapeutic modality involving the insertion of fine needles; it evolved from traditional based acupuncture systems. Its practitioners no longer adhere to concepts such as Yin/Yang and circulation of qi, and regard acupuncture as a modality rather than a complete "alternative medical system". WMA is an evolving interdisciplinary form of practice drawing on contemporary knowledge of anatomy, physiology and pathology, and the principles of evidence-based medicine rather than traditional systems of knowledge. It is mainly used to treat musculoskeletal pain (including myofascial trigger point pain), post-operative pain and nausea. Holders of the scope are bound to practice according to the Code of Practice for Osteopaths Using Western Medical Acupuncture and Related Needling Techniques.

Therefore, if an osteopath uses acupuncture or related needling techniques they may only do so if they hold the qualifications that have been prescribed by the Council for that scope of practice. The qualifications prescribed are (in addition to the qualifications prescribed for the General Osteopathic Scope of Practice) a Post Graduate Certificate in Western Acupuncture from Auckland University of Technology or a Postgraduate Certificate in Western Medical Acupuncture from the University of Hertfordshire in the United Kingdom.

If an osteopath does not hold those qualifications and has not sought and obtained registration within the scope, **then they must not use acupuncture or related needling techniques such as dry-needling** – as described in the scope – in their osteopathic practice.

Under section 100 of the Act, an osteopath may be disciplined by the Health Practitioners Disciplinary Tribunal if:

the practitioner has performed a health service that forms part of a scope of practice of the profession in respect of which he or she is or was registered without being permitted to perform that service by his or her scope of practice

Where an osteopath is not registered in the *Western Medical Acupuncture and Related Needling Techniques Scope* but also practises acupuncture as a modality as a Chinese Medicine practitioner or within the context of other East Asian healing systems (collectively referred to as traditional based acupuncture systems - including but not limited to Traditional Chinese Medicine (TCM), Five Elements and Toyohari), **they may not lawfully combine these techniques with the practice of osteopathy and it is essential that they do not use those techniques as part and parcel of their osteopathic practice.** Because the Council regulates all that an osteopath does in their practice as an osteopath, in the event that traditional based acupuncture systems are used, the patient must be made aware that, in providing that service, the practitioner is acting, not as an osteopath, but as a provider of that alternative health service.

It is important that osteopaths who also practice traditional based acupuncture systems make it clear, when obtaining informed consent from their patients that they are not entitled to use needling techniques as part of their osteopathic practice. Third party funders, such as ACC, that reimburse treatment costs for osteopathic services do so only for treatments that fall within the practitioner's osteopathic scope of practice. Practitioners of traditional based acupuncture systems must ensure they have complied with the requirements of ACC by ensuring that they hold the appropriate qualifications and maintain membership of a suitable voluntary register of acupuncturists.

Osteopaths who are not registered in the Western Medical Acupuncture and Related Needling Techniques Scope and who seek payment for treatments where needling techniques are used are liable to be prosecuted for a disciplinary offence under section 100 of the Act and will be liable to repay treatment costs to third party funders.

In accordance with the qualifications prescribed for the WMA scope of practice, the Osteopathic Council is able to approve alternative qualifications and assessment mechanisms for registration in the WMA Scope. Where osteopaths hold qualifications in traditional based acupuncture systems and would like to seek registration in the WMA they may request further information from the Registrar of the Osteopathic Council. Only those registrants who have undertaken a course of training with a face to face component of 50 hours or more will be eligible and they must complete a portfolio assessment and attend an acupuncture safety training course.

Summary:

- As an osteopath you may only lawfully incorporate acupuncture and related needling techniques, such as dry-needling, into your practice if you hold the WMA & Related Needling Technique Scope.
- If you are not registered in the WMA scope and you use needling techniques as a part of your osteopathic practice, then you may be subject to disciplinary proceedings under the Act enabling the Health Practitioners Disciplinary Tribunal to impose penalties under section 101 of the Act, which include cancellation or suspension of registration, practice under supervision, payment of a fine and censure.
- If you are an osteopath **who also practices traditional based acupuncture systems**, you must not seek to combine these techniques with your osteopathic practice. You must be careful to ensure that you maintain clear boundaries between your osteopathic practice and

these techniques and ensure patients are clear that you are not utilising those techniques within the practice of osteopathy.

- You must not seek to claim costs for osteopathic services from third party funders such as ACC where needling techniques have been used unless you are registered in the WMA Scope.
- If you do practice a traditional based acupuncture system, you must ensure you comply with ACC's requirements for acupuncturists.
- The Osteopathic Council has informed the providers of professional indemnity insurance that only osteopaths holding the WMA may lawfully use needling techniques. In the event of disciplinary proceedings, insurers may refuse to cover costs associated with proceedings relating to needling techniques if you are not registered in the WMA scope.
- If you hold a qualification in TCM or other traditional based acupuncture systems and would like to be assessed for registration in the WMA Scope please contact the Registrar for the criteria and an outline of the process.