

**Lungs punctured during acupuncture**  
**18HDC00442, 26 June 2019**

*Acupuncturist ~ Acupuncture clinic ~ Pneumothorax ~ Information ~  
Consent ~ Policies and procedures ~ Rights 4(1), 6(2), 7(1)*

A woman was receiving acupuncture treatment for a left arm and wrist injury. At one appointment, her wrist pain had decreased, but her notes record that she was also experiencing pain at the jian jing area on both sides, and shortness of breath. The acupuncturist said that prior to treatment she explained the treatment and risks to the woman verbally, including that the location of the jian jing point is close to the lung's apex and there is a possibility of a pneumothorax, as well as general precautions of acupuncture. However, this discussion was not documented. The acupuncturist acknowledged that the woman did not sign a written consent form on this date.

The woman said that the acupuncturist did not inform her that the needle placements would be near her lungs and that this could cause lung injury, and did not describe the possible symptoms related to this.

The acupuncturist inserted two 1 cun needles into both of the woman's jian jing points at a posterior oblique angle. The acupuncturist said that she advised the woman to stay still and to keep the same posture during needle insertion. The woman recollected that the needles the acupuncturist inserted felt "extremely deep". Both parties recall that the woman expressed some pain when the needles were inserted. The needles were left in place for approximately 30 minutes. The acupuncturist then rotated the needles "within 180 degrees" prior to removal.

The woman said that when the needles came out, she experienced a sudden onset of right-sided chest pain and shortness of breath, while the acupuncture notes state that she began to experience a "stuffy" chest 10 minutes after the second adjustment, and slight chest pain. The acupuncturist said that in response to this, she withdrew all needles immediately, and provided additional treatment.

The acupuncturist said that the woman felt that the symptoms had cleared after the additional treatment. However, the woman reported feeling slightly better but still "very uncomfortable" at this time. The acupuncturist documented in her notes that she advised the woman to go home and rest, not to do any strenuous exercise or carry heavy things, to observe her breathing, and to contact her should she feel unwell.

The woman said that after the appointment she felt unwell, and once she got home, she lay down as advised, as her left chest was in pain and her right chest was feeling numb. That evening her husband took her to an after-hours medical clinic, and she was referred to the emergency department at the public hospital. Subsequently she was diagnosed with bilateral apical pneumothoraces secondary to acupuncture.

**Findings**

The acupuncturist's failure to provide the woman with information that a reasonable consumer, in her circumstances, needed to make an informed choice or give informed consent, was a breach of Right 6(2). Without this information, the woman was not in a position to make an informed choice and give her informed consent. Accordingly, the acupuncturist also breached Right 7(1).

The acupuncturist did not take appropriate care, punctured both lungs of her patient, and failed to recognise the signs of a possible pneumothorax. Accordingly, the acupuncturist failed to provide services with reasonable care and skill, and breached Right 4(1).

The clinic was not found in breach of the Code, but comment was made in relation to the clinic not having any formal policies and procedures regarding informed consent.

**Recommendations**

It was recommended that the acupuncturist (a) perform an audit to identify whether prior to treatment, consumers were given an information brochure and consent form and provided written consent, and report the results and any changes made as a result of the audit; and (b) undertake further training on acupuncture needling techniques, and provide evidence of having completed such training.

It was recommended that the clinic consider developing formal policies and procedures in relation to obtaining consent from consumers, and report on the outcome of its consideration.