

**CASE NOTE 03HDC03984: GP's monitoring of patient during acupuncture treatment**

*Right to services of an appropriate standard – Reasonable care and skill – Minimising potential harm – Right to be fully informed – Information about risks – General practitioner – Acupuncture – Patient monitoring – Rare complications – Right 4(1) – Right 4(4) – Right 6(1)(b)*

A complaint was made by a woman about the services provided by a GP on the basis that he did not ensure that she was monitored appropriately after he placed acupuncture needles in her neck and back, and the treatment he provided for her whiplash injury resulted in a pneumothorax requiring hospital admission. The patient also complained that the GP did not provide her with detailed information about the acupuncture treatment.

After receiving independent expert advice from a GP who practises acupuncture, the Commissioner held that the woman's GP did not breach Right 4(1) of the Code with regard to the acupuncture treatment because there was insufficient information to establish whether the patient's pneumothorax was caused by the treatment or by a different unrelated event. Pneumothorax as a complication from acupuncture using the points utilised by the GP has not been reported in the literature. The acupuncture points used by the GP were appropriate and the treatment he provided for the patient's condition was according to accepted practice. Even if the patient's pneumothorax was caused by the treatment, it was a rare and unusual complication that was not the result of any lack of care or skill by the GP.

However, the Commissioner held that the GP breached Right 4(4) of the Code because he did not minimise potential harm to the patient, as the monitoring arrangements were unsatisfactory. The GP should have left the patient with a means of communicating with staff, or should have arranged for a staff member to observe the patient during the treatment. It was held that the GP did not provide service with reasonable care and skill when he left her unattended during her treatment.

The Commissioner found that the GP provided the patient with some information about acupuncture, but was unable to conclude whether he provided information that would reasonably be expected, and noted that under Right 6(1)(b) providers have an obligation to provide information regarding the expected risks, side effects and benefits of the proposed treatments.