Learnings from Chinese medicine claims.

Guild Insurance spends a great deal of time analysing claims and/or complaints relating to treatment provided by Chinese medicine practitioners and acupuncturists. This involves complaints made directly to the practitioner or practice, as well as complaints to a regulatory body such as Ahpra. This analysis helps Guild better understand several key details such as:

- what the complaint or allegation is about
- the factors that may not be mentioned in the complaint, yet have contributed to the incident and therefore the complaint occurring
- what could have been done differently to possibly avoid the complaint from occurring

This information is then used to develop risk messages for the profession, which are tips and strategies to reduce the likelihood of complaints being received. It's important to understand that risk management can't guarantee a poor outcome or complaint won't ever occur. However, by adhering to the following messages, practitioners are taking positive steps to reduce the likelihood.

Key risk messages

1. Ensure you make communication a key feature of your work

Guild's claims analysis suggests that poor communication is a feature in almost all treatment-related complaints. Patients don't often complain specifically about poor communication. However, when an incident is investigated, poor communication is quite often a factor. Practitioners must continually focus on their communication with patients, patient's families where relevant, colleagues and other health professionals. Good clinical skills alone aren't enough to make someone a safe and effective practitioner.

2. Ensure there's been an adequate assessment prior to treatment

Assessment before treatment seems like an obvious step. However, it's not uncommon to see claims where the assessment hasn't been thorough enough, leading to treatment that's inappropriate or ineffective. The assessment shouldn't be rushed, and details of the assessment and findings are to be recorded in the clinical record.

Practitioners must be sure they don't make assumptions or fall into routines. Remember, poor assessment usually leads to poorly-selected treatment.

3. Manage patient expectations

It's important that patients have realistic expectations regarding their likely treatment outcomes. Unrealistic expectations are rarely met. Unmet expectations will often lead to patients being dissatisfied with treatment and more likely to complain. It's the responsibility of the practitioner to be sure a patient's expectations are realistic before treatment begins. Practitioners must remember that in most cases, patients won't have the clinical knowledge and understanding they have. They should never assume a patient understands their treatment or what's likely to happen post-treatment; there must be a conversation to ensure this understanding.

4. Be sure patients have given their informed consent to treatment

Patients must be given the opportunity to provide their informed consent to treatment before being treated. Informed consent requires a conversation between the treating practitioner and patient about recommended and alternate treatment options as well as the benefits and risks for each of those options. Informed consent should include informed financial consent which is a discussion about the expected costs of treatment. Details about the consent discussion need to be recorded in the clinical record. Signing a generic form at reception prior to seeing the practitioner is not informed consent.

5. Be mindful of treatment around sensitive areas

Guild Insurance sees numerous claims each year where a patient has accused a practitioner of touching them inappropriately during treatment. In most of these cases, the treatment has been appropriate and clinically indicated. However, the practitioner's communication about the treatment has been lacking, leaving the patient confused about where and how they've been treated and why. Never make an assumption about a patient's understanding or comfort level. Be sure they understand the treatment and the reason for it before you proceed, particularly when treating around sensitive areas. It's a practitioner's responsibility to explain the treatment in simple, non-clinical language, so the patient understands. And be sure to always use appropriate coverings, such as towels, to ensure patient modesty is protected.

6. Maintain adequate clinical records

Clinical records are a practitioner's history and evidence of what took place, and they serve numerous purposes. They assist with ongoing clinical care, as no practitioner can remember how they've treated every patient in every consultation. They also assist as evidence, if a practitioner's treatment is questioned by a patient, regulator, or private health insurer. And finally, they're necessary for meeting the expectations of the Chinese Medicine Board of Australia.

7. Refer to another practitioner when required

Chinese medicine practitioners play a key role in the Australian healthcare system; however, it's important to remember that other health professionals do too. There'll be occasions when a patient presents for treatment, yet Chinese medicine or acupuncture won't be the most suitable treatment. Practitioners must recognise those occasions and be sure they refer those patients to the appropriate professional. Sometimes the most appropriate treatment provided is no treatment at all.

8. Don't allow yourself to be coerced into doing things against your better judgement

There'll be occasions when a practitioner is asked to do something they don't believe is in the best interests of the patient. This may be when a patient is asking for a particular type of treatment that isn't clinically indicated. Or, when a practitioner has decided against treating a patient, yet the patient insists on some form of treatment. Practitioners need to be sure they aren't convinced to do something they don't believe is appropriate. They must remember that they're responsible for, and need to be able to justify, their clinical decisions and actions.

9. Know and adhere to all Ahpra requirements

As a health professional registered with Ahpra, it's a practitioner's responsibility to make themself aware of what's required. This means making the time to seek out and read the numerous codes and guidelines found on the Ahpra website (**ahpra.gov.au**). Some of these documents detail what's considered best practice, while some information refers to the law. Not knowing this information is no excuse for not adhering to it.

10. Adhere to the advertising guidelines

Ahpra's expectations regarding advertising are explained in the Guidelines for Advertising Regulated Health Services document which can be found at **ahpra.gov.au/Resources/Advertising-hub**. There are numerous complaints continually being lodged with Ahpra alleging health professionals are breaching these guidelines. Practitioners need to be aware these guidelines specify what's required under the National Law and non-compliance is a criminal offence for which hefty fines can be imposed.

Guild Insurance Limited ABN 55 004 538 863, AFS Licence No. 233 791. Guild Insurance supports your Association through the payment of referral fees. This article contains information of a general nature only, and is not intended to constitute the provision of legal advice. For more information call **1800 810 213**. CHM575801 Learning from Chinese Medicine Claims RA 08/2026