

Why has my Chinese medicine practitioner touched me there?



Guild Insurance sees numerous allegations against Chinese medicine practitioners and acupuncturists where the patient claims the practitioner has behaved in a sexually inappropriate manner during treatment.

These claims may involve allegations regarding the way the practitioner has touched them, or they may relate to what's been said during the consultation. These are incredibly serious allegations that cause a great deal of stress for both the practitioner and the patient.

Case example 1

The patient alleged that during treatment the practitioner moved and undid items of the patient's clothing without the patient's consent, leaving the patient feeling exposed and uncomfortable.

Case example 2

The patient complained about what they perceived to be excessive and unnecessary physical contact during treatment that left them feeling uncomfortable. The patient stated they'd received this type of treatment before and had never been touched in this manner.

How can these allegations be avoided?

Be mindful of patient clothing

If treatment would be easier with the patient's clothes removed or adjusted, this should be clearly explained to the patient, while seeking their consent. Being even partially undressed can leave patients feeling exposed and vulnerable. Adhere to the following tips regarding patients and their clothing:

- > Consider making patients aware prior to their appointment that they may be asked to remove or adjust clothing, if they're comfortable doing so. This allows the patient to consider what clothing might be most suitable and practical to wear.
- > Be sure you explain to patients why you would like them to remove or adjust their clothing, keeping in mind it may not be obvious to them.
- > Provide the patient with clean towels and/or gowns to keep the parts of their body not being treated covered. These must be of a sufficient size to adequately cover all patients.
- > If moving or adjusting the patient's clothing once treatment has begun,

seek the patient's consent first, and ensure you offer to re-position the clothes afterwards.

- > Be very clear about what you want patients to remove and what they should leave on. Simply asking them to undress is likely to cause confusion and apprehension.
- > Give patients privacy when undressing and dressing by either having a screen for them to go behind, or by leaving the room.
- > Remember that patients can decline to consent to adjusting or removing clothes; don't assume they're ok with it.

Gender is irrelevant

It's easy to think that allegations of inappropriate touching are predominately issues when treating patients of the opposite gender. However, this isn't the case. Regardless of the patient's or your gender, there's always a possibility for the patient to feel uncomfortable. The way you explain treatment to patients and seek their informed consent should not differ based on the patient's gender.

Informed consent

All health professionals would be aware of their professional obligation to ensure a patient has given their informed consent prior to assessment and treatment beginning. For a patient to be able to give informed consent, they need to have had the assessment and treatment explained to them in a manner they understand. This means avoiding clinical language which may be confusing while providing the risks and benefits to what you're proposing and allowing time for the patient to ask questions.

When treatment involves touching the patient, it's important to clearly explain to patients where you're proposing to touch them, and why. It may even require you to demonstrate on yourself exactly where you're referring to. Remember that in some cases you won't directly touch the patient where they feel pain or discomfort, so the treatment area may not be obvious to them. Keep in mind that even after treatment has commenced, patients can withdraw consent at any time if they don't feel comfortable.

Record keeping

Record keeping is a professional requirement which serves several purposes. Detailed and accurate clinical notes allow for continuity of patient care. They also provide evidence of what took place during a consultation, and why.

If a patient alleges they've been touched inappropriately, the practitioner's clinical record will be examined for evidence of what treatment was provided and the clinical justification for this. The clinical record should also contain evidence of the patient consenting to the treatment. Without this information in the clinical record, it becomes very difficult for the practitioner to defend their actions.

Don't make assumptions

As with any professional, practitioners can become overly familiar with what they know and do every day. However, they must remember that patients won't have that level of familiarity when it comes to treatment. Regardless of how many times a practitioner has treated a patient, they should never make assumptions about what the patient will understand about treatment, be comfortable with and be willing to consent to. Treatment always needs to be explained to patients, even if they've received that treatment before.

Consider the patient's demeanour

While it isn't expected that a practitioner can be sure of what a patient is thinking and feeling just by their body language, we all have some ability to gauge when a person is feeling uncomfortable with a situation. If you have a patient who appears to not be comfortable with the treatment being suggested or carried out, stop what you're doing and assess the situation. You may need to further

explain the treatment so it's better understood. You may need to reposition clothing or gowns so the patient is more adequately covered. Or you may need to remind the patient that they don't have to consent to treatment being proposed and discuss other treatment options. It's also worth informing patients that they can bring a support person, such as a friend or relative, into the treatment room with them if that would make them feel more comfortable.

Talking while treating

Being a personable and friendly health professional can be beneficial in terms of building relationships with patients, but it can also have its downside. While having non-treatment related chats with a patient during treatment is acceptable, there will be occasions when the chatting should cease so further information about treatment can be discussed. It's far too easy to forget what has and hasn't been explained, and consented to, when continually chatting during treatment.



1800 810 213
guildinsurance.com.au



Don't go it alone