

# Acupuncture outside the NHS in the UK

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*a position paper from the BMAS with recommendations for students of WMA wishing to gain clinical experience outside the NHS*

## Introduction

From inception BMAS training has always focused primarily on practitioners working within the NHS. For the first 20 years or so there was no difficulty in trainees gaining experience within NHS practice, either as part of their primary role or on a voluntary basis. In 2002 the BMAS expanded training and membership to include a wider range of regulated healthcare professionals. It became clear that practice was more restricted for nurses working within the NHS, principally because their practice was less likely to be autonomous. In more recent times, driven by changes in the organization of health services and the healthcare workforce, it has become increasingly difficult for doctors to use acupuncture within their normal roles within the NHS. This has led the BMAS to consider promoting alternative ways of gaining experience in and offering Western medical acupuncture (WMA).

## BMAS training awards

The [BMAS has two levels of training award](#). The first, the Certificate of Medical Acupuncture (CMA), is aimed at all BMAS trainees, to be completed shortly after starting regular acupuncture practice, and is seen as an appropriate level to achieve to support the use of WMA within the individual's existing practice. The higher training award is the Diploma of Medical Acupuncture (DipMedAc). This level is an appropriate level to support the use of WMA in independent medical acupuncture practice.

## Indemnity

Medical indemnity is required for nearly all professional practice within healthcare, and certainly for all clinical practice. WMA outside the NHS can be covered in a variety of ways. For example, as a doctor your medical indemnity provider may extend cover to allow a certain income from private practice without an increase in premium. This would cover professional practice as a doctor as well as the practice of WMA. If cover is required for WMA only (ie acupuncture only), and not any other form of clinical practice (eg medicine, nursing, midwifery, physiotherapy etc), this can be achieved at relatively low cost through the BMAS scheme with Balens (see [members section](#) of the BMAS website for the [application form](#)).

## The Practice Site

Practice outside the NHS can be performed in a variety of sites, and the rules and regulations governing practice vary depending on the designation of the site, its location in the UK and the primary profession of the practitioner:

- Registration
- Third Party Liability
- Sharps Disposal

## Registration

Registration of the practice site and practitioner may fall under the jurisdiction of the following bodies:

### 1) Care Quality Commission (CQC) England

[Registration](#) with the CQC is required if you carry out any of the activities that they regulate. Whilst the latter includes 'Treatment of disease, disorder or injury', acupuncture is not considered to be an activity that currently requires registration. However, if you are acting as a health professional and not exclusively as an acupuncturist you **would** be required to register. Alternative and complementary medicine is exempt.

### 2) Regulation and Quality Improvement Authority (RQIA) in Northern Ireland

Acupuncture services are not listed as a prescribed activity under [The Independent Health Care Regulations \(Northern Ireland\) 2005](#) - therefore, there is no requirement for such services to register with the RQIA in Northern Ireland if practising exclusively as an acupuncturist.

### 3) Health Improvement Scotland (HIS)

Providers of independent clinics, see definition below, are required to register with Health Improvement Scotland if they carry out acupuncture – it is deemed invasive as the skin is being pierced.

Independent clinics are defined in the National Health Service (Scotland) Act 1978 as clinics that are **not** part of a hospital and from which a medical practitioner, dental practitioner, registered nurse, registered midwife or dental care professional (clinical dental technician, dental hygienist, dental nurse, dental technician, dental therapist, orthodontic therapist), pharmacist or pharmacy technician provides a service, which is not part of the National Health Service. The term 'service' includes consultations, investigations and treatments. There is currently no requirement for physiotherapists, chiropractors or osteopaths to register with HIS.

### 4) Healthcare Inspectorate Wales (HIW)

If there are no medical practitioners (General Medical Council (GMC) registered) providing services then the clinics would not require registration with HIW. If the acupuncturist is a doctor, even if he is not carrying out activities that are restricted to doctors (such as prescribing), he would still need to register with HIW. New legislation is expected in October 2024.

### 5) Local Authority Licencing

In most parts of the country, you will also need a specific licence for the private practice of any skin piercing technique, which includes acupuncture. However, in Greater London (except for the City of London) the standard special treatments licence also covers these activities.

Contact the council in the area your premises is based to find out whether you need a special treatments and/or a skin piercing licence and how much it will cost. Premises may need to be licensed as well as individual practitioners working within them. Premises might be inspected before you are given a licence.

However, please note that the London Special Treatments Working Group recommend that the Greater London boroughs grant exemption to practitioners who are members of recognised organisations. Exemption was granted to the British Medical Acupuncture Society on 8 December 2011, and at the time of writing other bodies granted exemption from licensing include the British Acupuncture Council and the AACP.

According to the current legislation, exemption from local authority licensing is also awarded to practitioners registered with the GMC, GOsC and GCC in England and Wales; in Scotland to all health professionals who are regulated by statute; and in

Northern Ireland to doctors, dentists, physiotherapists (chartered or state registered) and chiropodists, all of whom are regulated by statute.

If you believe you are exempt from licensing, we recommend contacting your local authority to confirm that this is the case.

### **Third party liability**

This is particularly relevant if you own or run the premises from which you intend to practice, or you intend to practice from home. Third party liability insurance covers you for claims from patients or other visitors related to the premises itself rather than to any treatment administered (eg an injury related to tripping on an uneven surface).

### **Sharps disposal**

Sharps disposal services are available at a reasonable annual fee for 6 monthly collection and replacement of sharps bins. Put 'Sharps Disposal Service' into your preferred internet search engine.

## **Professional regulation**

### **GMC licence to practice & revalidation**

A doctor practising only WMA in the UK does not need a GMC licence to practice or to be revalidated if this is the only clinical practice they undertake. BMAS expects that its members who are GMC registered doctors will continue to follow the principles of [Good Medical Practice](#) and the [BMAS Code of Practice](#), and so recommends practitioners stay up to date and reflect on their practice.

### **Communication with other healthcare professionals**

Extract from BMAS Code of Practice:

Members should co-operate as fully as possible with their patients' usual medical attendants. In practical terms this means keeping other relevant health professionals informed of treatment progress, preferably in writing.

### **BMAS membership**

Clinical practice outside the NHS in the UK generally involves less rigorous governance than within. With this in mind, practitioners are encouraged to maintain membership of a suitable professional body so that they can stay informed of recommended changes to practice, regulation and legislation as it related to the practice of WMA.

### **Mentorship & support**

It is recommended that trainees maintain a professional support network as they work towards achieving training awards (BMAS CMA & Diploma). There are a number of ways of maintaining professional support within the BMAS.

- Regional groups and hubs
- Mentorship scheme
- BMAS website forum
- BMAS Teaching clinics
- Online support sessions

## CPD recommendations

BMAS requires members to complete at least 6 hours of continuing professional development related to WMA each year in order that they remain listed on the [BMAS Find A Practitioner list](#), and therefore visible to the public.