



ACUPUNCTURE IN PRIVATE PRACTICE – LICENSING REQUIREMENTS

INTRODUCTION

There are costs and procedures involved when licensing premises within England and Wales for the use of Acupuncture practice. This paper seeks to outline some advice, clarify the understanding of the procedures involved and ends setting out the AACP point of view in relation to licensing.

LEGISLATION

The legislation covering the licensing of Acupuncture is: -

Local Government Miscellaneous Provisions Act 1982 Part VIII, Acupuncture, Tattooing, Ear-Piercing and Electrolysis

For convenience, the salient points in the legislation are listed below.

[1] A person shall not in any area, in which this section is in force, carry on the practice of Acupuncture unless he is registered by the local authority for the area under this section.

[2] A person shall only carry on the practice of Acupuncture in any area in which this section is in force in premises registered by the local authority for the area under this section; but a person who is registered under this section does not contravene this subsection merely because he sometimes visits people to give them treatment at their request.

[3] The local authority shall register the applicant and the premises where he desires to practise and shall issue to the applicant a certificate of registration.

[4] An application for registration under this section shall be accompanied by such particulars as the local authority may reasonably require.

[5] The particulars that the local authority may require include, without prejudice to the generality of subsection [4] above,—

- [a] particulars as to the premises where the applicant desires to practise; and [b]*
-]particulars of any conviction of the applicant under section 16 below,*

[6] A local authority may charge such “reasonable fees” as they may determine for registration under this section.

[7] A local authority may make byelaws for the purpose of securing—

[a] the cleanliness of premises registered under this section and fittings in such premises;

[b] the cleanliness of persons so registered and persons assisting persons so registered in their practice;

[c] the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the practice of Acupuncture.

[8] Nothing in this section shall extend to the practice of Acupuncture by or under the supervision of a person who is registered as a medical practitioner or a dentist or to premises on which the practice of Acupuncture is carried on by or under the supervision of such a person.

The above legislation is currently applicable in England & Wales, but not in Scotland or Northern Ireland, where the Authorities have recognised that Physiotherapists practising Acupuncture are exempt from such requirements. The AACP aims to influence authorities to adopt similar provisions in England & Wales, but in the meantime, practitioners must comply with the current legislation.

The legislation does not contain an exemption for AACP or HCPC members as they are not considered to be “medical practitioners or dentists.” Some local authorities do use their discretion and offer exemption to AACP members, but see below for how to argue such an exemption.

LEGAL REQUIREMENT

All Allied Health Practitioners using Acupuncture within private practice in England or Wales are required to register with the Local Authority [LA]. Not to do so contravenes both the law and CSP rules of professional conduct.

EXEMPTION

Your LA may offer exemption to licensing by virtue of you being:

1. A Member of the HCPC
2. A Physiotherapist
3. A member of AACP

If you are offered an exemption by your LA, you are advised to request a “letter of exemption” to retain in your practice files.

APPLICATION OF LEGISLATION

Physiotherapists, using Acupuncture as an integrated modality within their treatment regime, but not as a stand-alone modality, are considered by the Health and Care Professions Council [HCPC], Chartered Society of Physiotherapy [CSP] and Acupuncture Association of Chartered Physiotherapists [AACP] to be working within their scope of practice as long as they are:

- Working to a level of competency
- Working within Safety Guidelines
- Working effectively

On interpretation of this Act, the local authority is therefore in a position to:

- Inspect the Health and Safety of the premises
- Inspect the Health and safety of the Acupuncture providers
- Ensure that all legal requirements are in place for safe practice
- Charge a reasonable fee for licensing the practice
- Provide a certificate of Acupuncture registration on receipt of the fee.

FEES

The fee charged may vary from local authority but the definition of the act clearly states a “reasonable fee.” The variation in the fee is enormous – AACP is aware of fees from £17 to £300. A fee of £300 is deemed “unreasonable” and will require further negotiations.

FACILITIES

All facilities must conform to:

- Health and Safety at Work Act 1974
- Electricity at Work Regulations 1989
- Controlled waste Regulations 1992
- Provision and Use of Work Equipment 1998
- Disability Discrimination Act 2004 - www.drc-gb.org

In order to provide Acupuncture the following must be in place:

A standard of hygiene conforming to CSP Codes of Professional Conduct and AACP Safety Guidelines

A sink in the practice which is dedicated to practitioner use only

A clinical and sharps waste contract with a registered provider

A standard of lighting that will facilitate safe application of Acupuncture

Practitioners are not required to use:

Sterile swabs

Latex Gloves

Surgical aprons

Surgical masks

If you experience any difficulties with regards to the above, please contact the AACP Office via ceo@aacp.uk.com

AACP Licensing Statement

The Acupuncture Association of Chartered Physiotherapists (AACP) is aware of the Register for practitioners of cosmetic piercing, tattooing and semi-permanent skin colouring which most councils in England maintain and the fees resulting from it.

Doctors and dentists currently have exemption from this type of register under the Local Government (Miscellaneous Provisions) Act 1982 and so have Chartered Physiotherapists in Scotland.

As Physiotherapists, our members are all healthcare professionals, having obtained a medical degree in Physiotherapy and we would argue that, like Dentistry and General Practice this is very distinct from being a tattoo artist.

Members of the Acupuncture Association of Chartered Physiotherapists are as such already on a register, regulated by the Health Care Professions Council (HCPC).

They are also chartered through their membership of the Chartered Society of Physiotherapists (CSP) and subject to maintaining regular CPD, like all medical professionals. In this case their CPD is in relation to both acupuncture and physiotherapy.

The AACP is strongly of the opinion that physiotherapists, who practise acupuncture and are a member of their organisation, should be exempt from this Register along with other health professionals like doctors and dentists.