



Physiotherapy Claims Related to Needling *(a pointed topic)*

Acupuncture and dry needling are commonly applied to counteract pain and other symptoms in various parts of the body, but their use carries responsibilities for the administering physiotherapist.

A review of the Canadian Physiotherapy Association's Professional Liability Errors and Omissions Insurance Program¹ over the past 12 months has identified a number of claims related to physiotherapists using dry needles in practice. These claims allege that physiotherapy patients have sustained injuries ranging from infection to pneumothorax as a result of their treatment.

The practice of acupuncture and dry needling are within the scope of practice of physiotherapists in Canada. Evidence demonstrates the significant benefits of acupuncture and dry needling and the appropriateness of these interventions to facilitate healing, reduce pain, increase mobility, and maintain and improve function. However, in order to successfully defend against a needling-related claim, a physiotherapist must be able to do the following:

- ▶ Demonstrate that he /she is practising in accordance with local regulations (for instance, rostering to perform authorized activities with his / her local College)
- ▶ Be familiar and compliant with all Practice Standards as set out by the therapist's regulatory College (for example: Infection Control, Performance of Authorized or Restricted Activities, Safety)
- ▶ Establish that the patient was an appropriate candidate for the treatment selected
- ▶ Demonstrate that the risks and benefits of the intervention were clearly explained to the patient to satisfy the condition of informed consent
- ▶ Verify that the treatment was carried out appropriately, including patient positioning, needle selection, location of needling, and depth and angle of needle insertion
- ▶ Show that the patient was monitored appropriately throughout treatment
- ▶ Demonstrate that the patient was provided with the appropriate post-treatment information, including possible on-going effects of treatment and appropriate patient follow-up options

¹Based on a review of claims made to the CPA Program (the comprehensive professional liability errors and omissions insurance program available to physiotherapist and physiotherapist assistant members).





Good record keeping will go a long way towards enabling physiotherapists to satisfy the above and to successfully defend a claim. Clinical records not only serve as a documentation of patient care, they are also a legal document that must withstand scrutiny in court.

Good records contain the following:

Complete, factual and comprehensive information on the patient's presentation and assessment findings, along with the physiotherapist's clinical reasoning and treatment plan.

A clear description of what information was given to the patient and the patient's response (including notes about informed consent, the patient's questions, the physiotherapist's answers, and any information given to the patient about next steps,)

Information about the patient's response to treatment, to demonstrate safe and satisfactory delivery of care.

Good records are generally viewed as a demonstration of quality professional practice, while inadequate record keeping can be interpreted as a lack of professional care. Legible and thorough records are indispensable in the protection of a physiotherapist's professional reputation should a claim be made against you.

If you would like further information on reducing practice risks, please contact one of our risk and insurance professional staff at risk@physiotherapy.ca or **1-800-387-8679**.

For further information on local regulations and Practice Standards, please contact your regulatory College. CPA members may also be interested in reviewing the 'Dry Needling competency profile for physical therapists' developed by Physiotherapy Alberta (www.physiotherapyalberta.ca).

