

Commonly Asked Questions Regarding Malpractice Insurance Coverage for Gynecology under the Base Acupuncture and Malpractice Policy

The Base Acupuncture Insurance Policy, while not intended to be a policy to cover the practice of gynecology, is designed to meet the needs of the vast majority of acupuncturists who address women's issues in their practice.¹ Additional coverage is available.² The following questions and answers apply only to this Base Acupuncture Insurance Policy.

Q: Can I perform acupuncture treatment on a female patient who may have gynecological conditions and/or issues?

A: Yes. Nothing prevents you from providing acupuncture treatment for patients with such issues or conditions. Your Base Acupuncture Insurance Policy will cover you as long as you follow one simple rule - your evaluation, diagnosis and treatment must consist only of the practice of acupuncture and oriental medicine.³ By contrast, you will not have coverage if you practice gynecology or hold yourself out as treating gynecological conditions and/or issues.

To elaborate further, coverage *will apply* when your diagnosis is solely in Eastern style acupuncture terms - "stagnation, chi or wind" *and not* in Western style terms - "infertility, endometriosis, menstruation problems or vaginal bleeding." . Using a western diagnosis for insurance purposes (ICD-9) is permissible if the patient has a previous diagnosis by a medical doctor, or if an approved informed consent form is used. Chart notes containing western evaluations can also be covered by approved informed consent forms. In addition, your treatment must consist solely of acupuncture treatment – acupuncture, electro-acupuncture, acupressure, oriental massage, herbs, direct and indirect moxabustion.

Q: Am I foreclosed from treating conditions that may be the side effects of a gynecological issue such as nausea relating to morning sickness and/or back pain that could relate to menstrual issues?

A: The Base Acupuncture Insurance Policy would cover you for such treatment so long as you only provide an acupuncture diagnosis and treatment as discussed above.⁴

Q: Can I practice gynecology and be covered as a gynecologist if I am working under the supervision of a medical doctor who is a gynecologist?

A: Working under the supervision of a medical doctor does not change your scope of practice and does not change what is covered under the Base Acupuncture Insurance Policy. This Policy would not cover you for practicing as a gynecologist even if you are under the supervision of a medical doctor who is a gynecologist.²

Q: Will I still have coverage if my chart notes reflect my patient's description of her condition in

Western gynecological terms such as endometriosis or dysmenorrhoea?

A: Yes. There is nothing in your Base Acupuncture Insurance Policy to prevent you from taking down all of the patient's comments whether they are phrased in an Eastern or Western way. What matters is what you hold yourself out as practicing, not what the patient tells you they are experiencing. Stay with an eastern style diagnosis and an acupuncture treatment plan and your coverage will protect you.^{3,4}

¹ The Base Malpractice Insurance Policy is the standard policy issued for the general practice of acupuncture.

² When legal under your state laws, you can receive more specialized coverage, however you must apply separately and be approved. Approval is based on your application, which needs to set forth the exact obstetrical modalities you wish to have covered and your education, training and experience with regard to each such obstetrical procedure. If approved, additional premiums will apply.

³ Note that all of the other provisions of your policy still apply. For example, if the treatment in question took place before your malpractice insurance policy went into effect, or was rendered by an uninsured acupuncturist, there would be no coverage even though the care in question was otherwise permitted.

⁴ Using a western diagnosis for insurance purposes is permissible if the patient has a previous diagnosis by a medical doctor, or if an informed consent form is used. Chart notes that contain western evaluations can also be covered by informed consent forms.