



## Practice Guidance – TCM Treatments for Cosmetic/Aesthetic Purposes

The College's Practice Standard on [Ethical Practice and Professional Accountability](#) sets out the expectations for all registrants when providing services to public.

Registrants who provide treatment for cosmetic and/or aesthetic purposes should ensure that the products and/or devices they use as part of these services are:

1. Within the registrant's scope of practice as defined by the current regulation in force ([TCMPA<sup>1</sup> Regulation](#)) for their registration class<sup>2</sup>
2. Are not restricted for importation and, are Health Canada approved<sup>3</sup>

And that the registrant is:

3. Competent to perform the procedure by obtaining the appropriate education and skills necessary to safely perform the technique and,
4. Has obtained a patient's informed consent.

For example, the use of creams that act like drugs, such as numbing creams, are not included in the scope of practice for any registrant of the College. Additionally, many cosmetic techniques that use certain devices, fillers, or other substances that are implanted under the skin (threads, etc.), are not consistent with the definition for acupuncture practice, and therefore, are not included as part of the scope for any registration class title of the College.

### What is covered under my scope of practice?

Registrants are expected to be familiar with the current regulation in force ([TCMPA Regulation](#)) that clearly defines the Scopes of Practice for each registration class title in BC.<sup>4</sup>

Cosmetic acupuncture is included under the scope of practice for registered acupuncturists, practitioners, and doctors of TCM. However, some cosmetic/aesthetic techniques may not be included under the scope of practice for registrants. For example, any therapy that embeds a foreign body under the skin, includes the injection of substances or blood products, and/or incorporates the use of certain medical devices, are NOT under the scope of practice for TCM practitioners, doctors of TCM, or acupuncturists in BC.

<sup>1</sup> [https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/290\\_2008](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/290_2008)

<sup>2</sup> [https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/290\\_2008#section4](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/290_2008#section4)

<sup>3</sup> <https://www.canada.ca/en/health-canada/services/drugs-health-products/medical-devices/activities/fact-sheets/safe-medical-devices-fact-sheet.html>

<sup>4</sup> [https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/290\\_2008#section4](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/290_2008#section4)



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**Practice Note:** Registrants are reminded that any products that contain drugs (e.g. lidocaine) are not within the scope of practice for any registrant of the College. Registrants who use Class II medical devices (mechanical needling devices) in their practices should ensure that the device is approved/licensed for use by [Health Canada](#)<sup>5</sup>, that their liability insurance covers the use of the device, and that they have been trained and are competent to use this device.

### What is the definition of a cosmetic vs. a drug?

Health Canada has clear definitions of regulated products used for cosmetic or personal care purposes vs. those for therapeutic or treatment purposes.<sup>6</sup>

“A personal care product can be defined as a substance or mixture of substances which is generally recognized by the public for use in daily cleansing or grooming. Depending on the ingredients and the claims of a product, a personal care product can be regulated as a cosmetic or a drug.”<sup>7</sup>

It is the responsibility registrants to exercise due diligence when choosing products for use, ensuring that the product is both safe and within the scope of practice for TCM/A professionals in BC.

### What is my responsibility for clinical record keeping?

All registrants must ensure they are keeping adequate clinical records in accordance with the College’s [Practice Standard on Clinical Record Keeping](#). Patient history, assessment, diagnosis, treatment, follow-up care as well as evidence of informed consent must be documented. Adverse reactions and/or changes to treatment plans must also be recorded.

**Practice Note:** It is better to clearly distinguish health services vs. aesthetic (cosmetic) services that may be available in the same clinical setting by maintaining separate records and consent forms for each. For example: a registrant who provides both acupuncture treatment and cosmetic treatment either as part of one patient visit or as available services to the public, should clearly separate these services when booking and charting as well as on the patient invoice for billing purposes.

### Do I need a “special” consent form?

Any treatment technique or proposed therapy that a registrant provides requires communication from the practitioner to the patient about the benefits and risks of the therapy, its known effects and possible

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<sup>5</sup> [Medical Devices Active Licence Listing \(MDALL\) - Your reference tool for licensed medical devices in Canada](#)

<sup>6</sup> <https://www.canada.ca/en/health-canada/services/cosmetics/what-is-cosmetic.html>

<sup>7</sup> <https://www.canada.ca/en/health-canada/services/cosmetics/what-is-cosmetic.html>



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side effects or adverse reactions. According to the [Practice Standard on Consent to Treatment](#), informed consent requires the following elements:

- Nature of the proposed assessment, treatment, or procedure
- Who will be performing the proposed assessment, treatment, or procedure
- Rationale for the proposed assessment, treatment, or procedure
- Potential risks and benefits of the proposed assessment, treatment, or procedure
- Alternatives to the proposed assessment, treatment, or procedure
- Notification to patient of their right to refuse or withdraw consent at any time
- Consequences of not having the proposed assessment, treatment, or procedure
- Notification to patients of their right to ask questions and receive answers about the proposed assessment, treatment, or procedure.

Some cosmetic/aesthetic therapies may include “special” considerations that differ from other acupuncture services and therefore, must be communicated prior to treatment.

**Practice Note:** Special considerations may include such things as bruising, scarring, increased number of needles used, longer than usual appointment times and, the possibility of adverse reactions like allergic reactions, or infection. For informed consent to be complete, patients should have opportunity to ask questions and to refuse or decline any part of a proposed treatment plan they are not comfortable with. Consent should be documented and evidence of it available in the patient’s clinical record.

### **Marketing & Advertising: What can I say?**

Advertising materials should not include any information that is misleading or likely to take advantage of a person’s weakened state (physical, mental, or emotional). Misleading information includes the promise or guarantee of results, or an unjustified expectation of result by the recipient, intentionally leaving out relevant information, or including non-relevant, false, or unverifiable information. For example, providing before and after pictures of how one’s services can enhance a patient’s appearance or ‘cure’ them of a physical ailment, or that uses comparative language that one or one’s clinic is the “best” or better than another registrant’s, is misleading and unverifiable.

Restrictions in advertising according to the College’s bylaws can be found on page 41 of the [Jurisprudence handbook](#), and guidance for practitioners can be found in the [Practice Guidance](#) document located on the College’s website.

### **What can I charge?**

Fees for service aren’t set by the College but may be investigated in cases of reported third party misbilling or excessive fees for service. The registrants must ensure that their fees for service, including those for products they sell are reasonable, consistent, and clearly explained. Additionally, it should be



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made clear to patients that cosmetic treatments are NOT covered by extended health or third-party insurance companies, and that they will be expected to pay out of pocket for treatments.

### **Can I sell packages or bill for treatments in advance?**

Billing for any service that has not yet been provided is not an acceptable practice. Fees for service must be consistent, fair, and accessible. Packaged treatments often benefit the registrant by receiving a lump sum of money in advance without guarantee of patient follow through for all purchased sessions. Additionally, fee schedules that work in this way are often unfair and financially discriminatory, by creating an advantage for those who can afford larger sums of money upfront, versus those who cannot. To avoid confusion or misbilling accidents, it is best to provide patients with receipts that are itemized for the services that were provided as part of their treatment.

### **Acupuncture for medical conditions vs. cosmetic purposes: what is the difference?**

Cosmetic/aesthetic treatments and procedures are not medically necessary treatments. While facial acupuncture can refer to the treatment of acupuncture points on the face for varying health and wellness concerns, cosmetic and/or other “rejuvenation” treatments specifically relate to acupuncture and/or other treatments for aesthetic purposes. Cosmetic or aesthetic practices do not meet the requirements for acupuncture set by many third-party insurance companies and health services plans. These insurance plans cover medical expenses deemed necessary.

For example: a patient who seeks acupuncture treatment for a skin condition such as acne vulgaris or rosacea would meet the criteria for acupuncture treatment as these are recognised medical conditions for which treatment may be sought. Whereas a patient who seeks acupuncture treatment for anti-aging or as a means to reduce the visibility of wrinkles or fine lines in their face, would meet the criteria for aesthetic or cosmetic purposes, as these are non-medical reasons for which treatment may be sought.

Registrants are expected to use clinical judgement and sound professional ethics when determining the differences between acupuncture services for cosmetic/aesthetic purposes vs. those deemed medically necessary.

### **Can I bill cosmetic/aesthetic treatments to third party insurance?**

As mentioned above, cosmetic/aesthetic practices do not meet the requirements for acupuncture set by many third-party insurance companies. Health services plans, and extended health insurance plans cover only medical expenses deemed necessary. Cosmetic treatments and procedures are not medically necessary treatments, therefore, not eligible as claimable expenses. Patients should be aware that aesthetic services cannot be billed under their extended health insurance and advised of the fees for treatment before services are performed.



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In the [Income Tax Act](#) s.118.2(2) it is specifically worded that medical or dental services or related expenses which are provided **for cosmetic purposes are not eligible medical expenses** for the purposes of the medical tax credit, unless the services are necessary for medical or reconstructive purposes.

BC's registered acupuncturists and traditional Chinese medicine practitioners and doctors are considered "authorized medical practitioners", hence their services (but not any products) can be considered for medical expense tax credit only when it is for a medical purpose.

For further information on best practices in billing and insurance, registrants are encouraged to review the [Practice Guidance on Billing and Insurance](#) available on the College's website.

### **Can I sell vitamins, supplements, or skin products in my clinic?**

While there are no specific rules around what registrants of the College may sell or not sell as part of their clinical practice, registrants should be mindful of their responsibilities to protect the public by ensuring that any products available for purchase are safe and approved by Health Canada.

Registrants are reminded that although they may have knowledge of specific vitamins, minerals and other dietary supplements, the practice of TCM and acupuncture as defined in the current TCMPA Regulation does not include them, and as such they may not specifically recommend or prescribe them.

As stated in the Consent Scenario No.2, on page 14 of the [Jurisprudence Handbook](#), the implications of implied consent, prescribing vitamins, and supplements for the treatment of a condition has potential to be considered as "performing a restricted act", which is not authorized to registrants of the College.

**Practice Note:** The public may purchase a variety of supplements through retail outlets without professional consultation for routine use. However, it is highly recommended that the public seek professional advice, such as licensed medical doctors and naturopathic doctors when using supplements, as supplements can still interact with other medications and may have side effects or risks associated with their use. The exception to this rule is in the case of TCM herbal formulas. Registrants who hold R.TCM.P, R.TCM.H and Dr. TCM registration class titles may prescribe and/or recommend TCM herbal formulas or TCM dietary supplements.

### **Useful links and resources:**

1. [Medical Devices Active Licence Listing \(MDALL\) - Your reference tool for licensed medical devices in Canada](#)
2. [What is a cosmetic? - Canada.ca](#)
3. Consent [https://www.ctcma.bc.ca/wp-content/uploads/2023/03/media/1061/ctcma-consent\\_to\\_treatment.pdf](https://www.ctcma.bc.ca/wp-content/uploads/2023/03/media/1061/ctcma-consent_to_treatment.pdf)
4. Microneedling Health Canada: <https://recalls-rappels.canada.ca/en/alert-recall/dr-pen-microneedling-devices-are-not-authorized-sale-and-may-pose-health-risks>



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5. Dermal Filler Health Canada: <https://recalls-rappels.canada.ca/en/alert-recall/needle-free-dermal-filler-devices-used-cosmetic-skin-treatments-are-not-authorized>
6. Income Tax Act <https://www.canada.ca/en/revenue-agency/services/tax/individuals/topics/about-your-tax-return/tax-return/completing-a-tax-return/deductions-credits-expenses/lines-33099-33199-eligible-medical-expenses-you-claim-on-your-tax-return/authorized-medical-practitioners-purposes-medical-expense-tax-credit.html>