

**WORKING GROUP ON STATUTORY REGULATION OF ACUPUNCTURE,  
HERBAL MEDICINE AND TRADITIONAL CHINESE MEDICINE  
PRACTITIONERS (AHTCM)**

Minutes of the First Meeting held on Thursday 22 June 2006  
Department of Health, Quarry House, Leeds

Attendees:

Mike Pittilo, Chair

Mauroof Athique }  
Peter Conway } representing Herbal Medicine  
Deepika Gunawant }  
Ned Reiter }

Ming Zhao Cheng }  
Nick Lampert } representing Chinese Medicine  
Benny Mei }  
Yilan Shen }

Mike Cummings }  
Val Hopwood } representing Acupuncture  
Jasmine Uddin }  
Ken Ward-Atherton }

Michael McIntyre, Chair – Herbal medicine stakeholder group

Mike O'Farrell – Chair, Chinese medicine stakeholder group

Keith Baggs, Department of Health  
Ian Brownhill, Foundation for Integrated Health  
Kat Caldwell, Department of Health  
Sharon Corner, Department of Health  
Andrea Farmer, MHRA  
Kate Ling, Department of Health  
Julie Stone, CHRE  
Rachel Tripp, Health Professions Council  
Richard Woodfield, MHRA

Frances Dow, Lay Member

Valerie McKie, Lay Member

Meeling Ng, Lay Member

Apologies: Mercy Jeyasingham,  
Tom Lane, Skills for Health  
Bill Scott, Scottish Executive Health Department  
Susan Wynn, Welsh Assembly

1. Mike Pittilo opened the meeting and thanked everyone for attending. He ran through the structure of the meeting for the day and stated that the purpose of the meeting was to decide the next steps and how to move forward towards statutory regulation.

Attendees round the table introduced themselves and gave a brief overview of the traditions they were representing at the meeting.

Mike Pittilo spoke about the three stakeholder groups and their important involvement in this work. The three Chairs of the groups gave an overview of the work of their respective groups – Michael McIntyre for the Herbal Medicine group, Mike O'Farrell for the Chinese Medicine group and Jasmine Uddin (in Mercy Jeyasingham's absence) for the Acupuncture group.

2. Mike Pittilo gave a presentation on regulation. A copy of the presentation is attached.

3. Kate Ling gave a presentation on "Why statutory regulation?" A copy of the presentation is attached. A discussion followed about when the outcomes of the Review of non-medical regulation might be announced and whether there is likely to be a separate Council for acupuncture, herbal medicine and chinese medicine or whether these professions might be regulated under one larger regulatory body. Mike Pittilo said it was unwise to try to second-guess what the Review of non-medical regulation might recommend and that the Working Group, together with the stakeholder groups should continue moving forward as this work still needs to be done whoever the Regulator may be.

4. Rachel Tripp from the Health Professions Council gave a presentation on "Regulation How?" A copy of the presentation is attached. Julie Stone asked about the numbers of members on the Council and future thinking about groupings of people on the Council. Rachel said that whilst it was important that every profession should have a voice, decisions had not yet been made about the future composition of the HPC Council and how professions might be represented (possibly by sharing representation).

Mike Pittilo asked about medical Royal Colleges' concerns about the relationship between professional bodies and regulatory bodies and how do they set standards? Rachel said that tensions between them can actually be helpful in setting standards and making a distinction between the role of the professional body and that of the regulator in setting threshold standards for public protection.

Peter Conway asked if there was a limit to how many professions can come on board and whether CAMs would fit in under the HPC? Rachel said that the CAMs professions do not currently meet the HPC's criteria. If the HPC were to be the regulatory body, then the criteria would need to be reconsidered.

Jasmine Uddin asked what action professional bodies can take in the event of conflict between them and the HPC? Rachel said that if dialogue between the bodies fails then judicial review would be the last resort.

Mike Cummings asked about the HPC's role in prosecution around the protection of title and whether the HPC had actually had to do this? Rachel replied by saying that complainants would bring to the HPC's attention instances where titles have been mis-used. The HPC would then contact the practitioner concerned to find out why this has happened. Past occurrences have resulted in the practitioners not using the title any more and therefore no prosecutions have yet been made.

Mike Pittilo asked about capacity/numbers of new professions coming into the HPC? Rachel said that as far as the HPC's IT systems and processes are concerned, they were set up so that they could take on new professions. Mike asked why not only have one regulatory body for all of Health and even Social Care professions? Rachel said it would not be the HPC's decision and legislative changes would be required which would be the responsibility of the Department of Health.

It was agreed that Rachel be invited back to our next meeting after the Review of non-medical regulation has been announced.

5. Mike Pittilo drew attention to the programme of work and asked the Group whether they were happy with the content or whether anything else was needed. Mike then said that the Department of Health had written to the three stakeholder groups asking them to report back on what work they had done or were doing already. Michael McIntyre had already done so and an edited version of this response would be circulated to the Group. Michael McIntyre stressed the importance of working in tandem with Richard Woodfield and the MHRA, to align with the work MHRA are currently doing on regulating herbal medicines. The MHRA are currently producing a series of documents reviewing the legislation on herbal medicines. Richard Woodfield agreed it was critical to work together and agreed to act as a liaison point between the MHRA and the statutory regulation Working Group.

Julie Stone asked about regulation of corporate bodies (i.e. +in companies) as well as individual registration. Mike O'Farrell responded by saying it was still early days yet and talks had only just started. Mike Pittilo asked Julie Stone for any further information on this subject that she could share with the Group.

#### **Action Points :**

Three stakeholder group Chairs to set up a forum to come together to share information on progress in their Groups and matters of common interest/overlap, certainly on scope of practice. That meeting to then feedback to this Group. A Lay Member should be present at these meetings and any documentation should be circulated at the next Group meeting.

**Action: Michael McIntyre, Mike O'Farrell, Mercy Jeyasingham**

Ian Brownhill agreed that the FIH can help with identifying existing educational providers. **Action: Ian Brownhill**

Stakeholder groups to identify, in conjunction with the FIH, existing voluntary registers and identify practical steps involved in moving from a voluntary to a statutory register. **Action: Stakeholder Groups**

Stakeholder groups to identify grandparenting issues. Herbal Medicine and Acupuncture stakeholder groups have already produced something on grandparenting which will be a useful start. **Action: Stakeholder Groups**

Stakeholder groups to identify registration issues and feedback through the Chairs to this Group. **Action: Stakeholder Groups**

Stakeholder Chairs to identify generic issues. Julie Stone said she would be happy to share CHRE's best practice/code of ethics/fitness to practise issues with the Group. **Action: Stakeholder Groups**

6. Kate Ling talked through the project plan and said that the dates on the plan were really just estimated at this stage. The timescale largely depends on how the work of the Stakeholder Groups progresses.

7. Kate Ling said that there was no DH policy on the payment of travel expenses for this type of meeting – she was aware of similar groups where no such expenses were paid to professional members. However, she did not wish anyone to be prevented from attending for this reason. She therefore suggested that practitioner members' professional organisations should pay their expenses if they were able and willing to do so, but that wherever this was not the case then the Department would be happy to reimburse reasonable standard class travel expenses. Lay members' expenses would also be paid. Expense claim forms, together with receipts, should be returned to Sharon Corner for processing.

8. The date of the next meeting has been arranged for Tuesday 19 September by which time all the stakeholder groups should have met at least once. The venue and further details of the meeting will be sent out in due course.