

Introduction

Report to Ministers from the Department of Health Steering Group on the Statutory Regulation of Practitioners of Acupuncture, Herbal Medicine, Traditional Chinese Medicine and Other Traditional Medicine Systems Practised in the UK

The Report to Ministers from the Department of Health Steering Group on the Statutory Regulation of Practitioners of Acupuncture, Herbal Medicine, Traditional Chinese Medicine and Other Traditional Medicine Systems Practised in the UK is published on June 16th by the Steering Group. It was established in summer 2006 by Jane Kennedy, then Minister of State at the Department of Health.¹

Purpose of the Report

The Department of Health Steering Group was invited to prepare the ground for the regulation of practitioners of acupuncture, herbal medicine, traditional Chinese medicine and other traditional medicine systems practised in the UK.

In particular, the Steering Group was asked to identify issues and propose options in relation to education and training, registration, fitness to practise and other essential aspects of regulation.

Background to Report

The launch of the Steering Group by the Minister of State marked a significant further step in the move towards statutory regulation of acupuncture, herbal/traditional medicine and traditional Chinese medicine. This process has been consistently and fully supported by the Department of Health since it made, in 2001, a positive response to the report on CAM by the House of Lords' Select Committee on Science and Technology that called for the immediate regulation of acupuncture and herbal medicine practitioners.² Since that time the Department of Health has undertaken a scoping study and published timetables for statutory regulation of this sector. The process has also been ably supported by the Prince's Foundation for Integrated Health.

In February 2005 the Department of Health consulted on the statutory regulation of herbal medicine and acupuncture.³ Over 1000 copies of the

¹ *The Report to Ministers from the Department of Health Steering Group on the Statutory Regulation of Practitioners of Acupuncture, Herbal Medicine, Traditional Chinese Medicine and Other Traditional Medicine Systems Practised in the UK May 2008, ISBN 9781901085938*

² House of Lords' Select Committee on Science and Technology 2000. *Complementary and Alternative Medicine*. HMSO, London Section 5.53 & 5.54.

³ Dept. of Health., Regulation of herbal medicine and acupuncture, proposals for statutory regulation, March 2004. DH website: http://www.dh.gov.uk/en/Consultations/Closedconsultations/DH_4083508

consultation were distributed to interested individuals and organisations and a total 698 responses were received to the consultation. 98.5% of respondents expressed support for a UK-wide system of regulation of this sector.⁴

Thus throughout this process, the Government has led the way towards the statutory regulation of this sector, asking the Steering Group under the Chairmanship of Professor Michael Pittilo to consider this process in detail.

It should be noted that since the Government first accepted the public health case for statutory regulation of these therapies, the evidence relating to the risk to vulnerable members of the public from poorly trained, less responsible practitioners has continued to grow. These therapies have a capacity to cause significant harm if practised by poorly trained or negligent practitioners. In particular, the MHRA website, records several instances of substandard and unacceptable practice.⁵

The move to statutory regulation of herbal/traditional medicine and traditional Chinese medicine will put the UK at the forefront of developing a scheme for safe and accountable delivery of these popular forms of CAM.

⁴ Dept of Health, Statutory Regulation of Herbal Medicine and Acupuncture, Report on the consultation, Feb 2005, http://www.dh.gov.uk/en/Consultations/Closedconsultations/DH_4083508

⁵ <http://www.mhra.gov.uk/index.htm>

Abstract

Key Recommendations of Steering Group Report

- The Steering Group (SG) is of the view that there is an urgent need to proceed without delay with the statutory regulation of practitioners of acupuncture, herbal medicine, traditional Chinese medicine and other traditional medicine systems. The primary reasons for this recommendation are to safeguard the public by allowing removal of failing practitioners from the statutory register and to enable informed choice by those who wish to access these forms of treatment
- The SG also notes that statutory regulation of this sector will continue to permit the manufacture of herbal medicines by a third party for the use of individual patients. After the Traditional Herbal Medicinal Products Directive is fully implemented in 2011, this important facility will disappear unless these practitioners are statutorily regulated and thus able to have such products made up under Article 5 of Directive 2001/83/EC (the main EU Medicines Directive).
- The SG also recommends that statutory regulated practitioners from this sector should be able to demonstrate a reasonable standard of English language ability by being able to achieve an International English Language Testing System (IELTS) score of at least 6.5. The SG believes this to be important to safeguard patients and to ensure that practitioners from this sector can communicate effectively with both patients and other health professionals.
- The SG recommends that Section 12(1) of the 1968 Medicines Act, that permits the supply of herbal medicines to individual patients without the need for a marketing authorisation, should be limited to those on the statutory register. The report recommends that the grand-parenting process, by which existing practitioners are adopted onto the statutory register, should be as inclusive as possible.
- The SG is strongly in support of the Government suggestion made in the recent White Paper (2007), *Trust, assurance and safety – the regulation of health professionals in the 21st century*, that this sector should be regulated by the Health Professions Council (HPC). The SG has had ongoing and most constructive discussions with representatives of the HPC regarding the provision of statutory regulation of this sector by the HPC.
- The SG made specific recommendations about titles that could be protected by statutory regulation (Section 19 on page 15 of the report).
- The Report agrees standards of education and training submitted as Annexes (2-4) as well as agreeing standards of conduct, performance and ethics that are consistent with those operated by the HPC.
- The SG strongly recommends further research to underpin the practice of acupuncture, herbal medicine, traditional Chinese medicine and other traditional medicine systems practised in the UK. Research and resource issues are examined in some depth in Annex 1.

- The Report also names those professional bodies that have provided satisfactory criteria that would seem to permit their members to be transferred en bloc directly over to HPC regulation without risk to the public (Annex 7). The report also provides a list of existing taught provision within the UK (Annex 5). Annex 6 makes specific recommendations about the approval of accreditation boards.

Key Words: regulation; herbal medicine; acupuncture; traditional Chinese medicine; traditional medicine

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