

Regulation in the USA_Overview

In the USA, every state has its own licensing scheme, with different laws and regulations and courts and judicial documents that interpret these rules. The primary means by which states regulate healthcare practitioners are: (1) mandatory licensure, the most common; (2) title licensure, where a licence is needed to use a particular professional title; (3) registration, with the designated state agency; and (4) exemption from licensure requirements. In general, state regulatory boards establish educational and licensure requirements such as requiring the passing of a specific exam and minimum number of training hours.

Regulation for certain therapies is also moving faster than for others. For example, South Dakota passed a law in February of this year to regulate the state's massage therapy profession. According to the American Massage Therapy Association (AMTA), South Dakota is now the 34th state to regulate massage therapy. The first state to regulate massage therapy was Arkansas, which passed its law in 1951. Fifty-four years later, there are still 16 states with no specific regulation and in many states, massage is still regulated by individual town ordinances. This situation is one familiar to many complementary and alternative therapies in the USA.

Minnesota is a state where there is almost unlimited freedom to practise a therapy. Unlicensed practitioners must inform clients of their education, experience and intended treatments, as well as possible side effects or known risks of the treatment. Clients must sign an informed consent form acknowledging the practitioner is unlicensed, that complaints may be filed with the Minnesota Department of Health if the treatment is unsatisfactory, and that they have the right to seek licensed care at any time. Requirements for practice are minimal, but practitioners are not exempted from liability for untoward outcomes.

In a contrasting example, Washington provides licensure, registration, or exemption for various categories of therapists, based on their education and the extent to which their profession prepares practitioners to assume responsibility for the total healthcare of clients. Regulations delineate standards of practice, the scope of practice allowable, education and training requirements for licensure, registration or exemption and required professional oversight. Four therapy groups (naturopaths, acupuncturists, massage therapists and chiropractors) are licensed and regulated.

While accepting the view that the US has a multiplicity of regulatory and educational requirements for therapists, in order to facilitate future uniformity the Federation of State Medical Boards Special Committee for the Study of Unconventional Health Care Practises has begun to develop guidelines for the use of complementary therapies. These guidelines address training and education with a focus on the scientific basis of treatment methods. The American Board of Holistic Medicine has administered a board certification examination covering 13 areas of holistic medicine including nutritional

medicine, environmental medicine, bio-molecular medicine, homeopathic medicine, manual medicine, ethno-medicine including acupuncture and conventional medicine.

Chiropractic is the most developed in terms of national standards for education and training in the USA of any complementary profession. Traditional Chinese acupuncture, therapeutic massage and naturopathic medicine have moved closer than other CAM professionals to having national education and training standards. Because of this progression, these professions are appropriate candidates for conferences convened by the Department of Health and Human Services and other agencies where the leaders of the sector, conventional medicine, health professional groups, the public and other organisation will meet to facilitate the establishment of education and training guidelines. Establishing agreed levels of training, education and standards of continuing education and scope of practice is necessary if legal authority to practise a therapy is to be recognised in a wider context across the states.

As the US regulatory framework is framed by its federal nature, one of the recommendations of the report of the White House Commission on Complementary and Alternative Medicine Policy is to establish a centralised office for the sector in order to facilitate policy formulation and implementation.

It was also a recommendation of the White House Commission on Complementary and Alternative Medicine Policy that the Department of Health and Human Services should assist the states in evaluating the impact of legislation enacted in various states in terms of regulation of practitioners and ensure accountability to the public, with periodic review. It was also recommended that the Secretary of Health and Human Sciences, in collaboration with states, should assist CAM organisations that wish to develop consensus within the field of practice regarding standards of practice including education and training.⁽¹⁾

These conclusions could then be considered by states in terms of regulatory options such as registration licensure or exemption. In conclusion, it is evident that the United States is endeavouring to establish a more cohesive framework for regulation across the country and facilitate better communication, evaluation, and review of regulation between states, regulatory bodies and practitioners.