

**Complementary
and Alternative Medicine**

BIOMEDICAL ETHICS REVIEWS

Edited by Lois Snyder

Complementary and Alternative Medicine: *Ethics, the Patient, and the Physician* • 2007

Edited by James M. Humber and Robert F. Almeder

Stem Cell Research • 2004

Care of the Aged • 2003

Mental Illness and Public Health Care • 2002

Privacy and Health Care • 2001

Is There a Duty to Die? • 2000

Human Cloning • 1999

Alternative Medicine and Ethics • 1998

What Is Disease? • 1997

Reproduction, Technology, and Rights • 1996

Allocating Health Care Resources • 1995

Physician-Assisted Death • 1994

Bioethics and the Military • 1992

Bioethics and the Fetus • 1991

Biomedical Ethics Reviews • 1990

Biomedical Ethics Reviews • 1989

Aids and Ethics • 1988

Biomedical Ethics Reviews • 1987

Quantitative Risk Assessment: *The Practitioner's Viewpoint* • 1986

Biomedical Ethics Reviews • 1985

Biomedical Ethics Reviews • 1984

Biomedical Ethics Reviews • 1983

BIOMEDICAL
E T H I C S
R E V I E W S

**COMPLEMENTARY
AND ALTERNATIVE
MEDICINE**

**ETHICS, THE PATIENT,
AND THE PHYSICIAN**

Edited by

Lois Snyder

Philadelphia, PA

HUMANA PRESS  **TOTOWA, NEW JERSEY**

© 2007 by Humana Press Inc.
999 Riverview Drive, Suite 208
Totowa, NJ 07512

humanapress.com

For additional copies, pricing for bulk purchases, and/or information about other Humana titles, contact Humana at the above address or at any of the following numbers: Tel.: 973-256-1699; Fax: 973-256-8341; E-mail: humana@humanapress.com, or visit our Website: humanapress.com

All rights in any form whatsoever reserved.

No part of this book may be reproduced, stored in a retrieval system, or transmitted in any form or by any means (electronic, mechanical, photocopying, microfilming, recording, or otherwise) without written permission from the publisher.

All authored papers, comments, opinions, conclusions, or recommendations are those of the author(s) and do not necessarily reflect the views of the publisher.

This publication is printed on acid-free paper. ∞

ANSI Z39.48-1984 (American National Standards Institute) Permanence of Paper for Printed Library Materials.

Cover design by Patricia F. Cleary
Production Editor: Christina Thomas

Photocopy Authorization Policy:

Authorization to photocopy items for internal or personal use, or the internal or personal use of specific clients, is granted by Humana Press Inc., provided that the base fee of US \$30.00 per copy, is paid directly to the Copyright Clearance Center at 222 Rosewood Drive, Danvers, MA 01923. For those organizations that have been granted a photocopy license from the CCC, a separate system of payment has been arranged and is acceptable to Humana Press Inc. The fee code for users of the Transactional Reporting Service is: [978-1-58829-584-2 • 1-58829-584-2/07 \$30.00].

e-ISBN 1-59745-381-1

Printed in the United States of America. 10 9 8 7 6 5 4 3 2 1

Library of Congress Cataloging-in-Publication Data

Complementary and alternative medicine : ethics, the patient, and the physician / edited by Lois Snyder.

p. ; cm. -- (Biomedical ethics reviews ; 2007)

Includes bibliographical references and index.

ISBN-13: 978-1-58829-584-2

ISBN-10: 1-58829-584-2 (alk. paper)

1. Medical ethics. 2. Physicians and patients--Moral and ethical aspects. I. Snyder, Lois, 1961- II. Series.

[DNLM: 1. Complementary Therapies--ethics. 2. Physician-Patient Relations--ethics. W1 BI615 2007 / WB 890 C73666 2007]

R724.C662 2007

174.2--dc22

2006018114

To my daughter Hannah

Contents

ix	Preface
xiii	Contributors
1	Chapter 1: A Context for Thinking About Complementary and Alternative Medicine and Ethics <i>Lois Snyder</i>
7	Chapter 2: Complementary and Alternative Medicine: <i>History, Definitions, and What Is It Today?</i> <i>Richard J. Carroll</i>
45	Chapter 3: Complementary and Alternative Medicine: <i>The Physician's Ethical Obligations</i> <i>Wayne Vaught</i>
77	Chapter 4: Advising Patients About Complementary and Alternative Medicine <i>Arti Prasad and Mariebeth B. Velásquez</i>
121	Chapter 5: Patient and Medical Education on Complementary and Alternative Medicine: <i>Sorting It Out</i> <i>Catherine Leffler</i>
167	Chapter 6: Legal and Risk Management Issues in Complementary and Alternative Medicine <i>Michael H. Cohen</i>
201	Chapter 7: Whose Evidence, Which Methods? <i>Ethical Challenges in Complementary and Alternative Medicine Research</i> <i>Jon Tilburt</i>
231	Index

Preface

With this edition of *Biomedical Ethics Reviews* we commence a somewhat new focus for the series. Building on its solid tradition of exploring and debating pressing bioethical issues of the day, this series will now also examine the real-life implications of these issues for patients and the health care system in which care is delivered. With each topic, attention will be focused not only on the theoretical and policy aspects of ethical dilemmas, but also on the clinical dimensions of these challenges, and effects on the patient–physician relationship.

A fitting early topic for *Biomedical Ethics Reviews* in the 21st century is complementary and alternative medicine (CAM). The National Center for Complementary and Alternative Medicine (NCCAM) defines CAM as “a group of diverse medical and health care systems, practices, and products that are not presently considered to be part of conventional medicine.” A telling definition, for what it actually seems to define is what CAM is not. We will probably be coming to terms with CAM and its value in promoting the health of the mind, body, and spirit, its approaches to the causes of illness, and to the restoration of the balance that is health, for some time. Chapters 1 and 2 in *Complementary and Alternative Medicine: Ethics, the Patient, and the Physician* provide a context for thinking about CAM and introduce the history and definitions of CAM.

Another aspect of how we define CAM focuses on questions yet to be resolved through scientific studies about whether such therapies are safe and effective against the illnesses and conditions for which they are used. An editorial in one of medicine’s leading journals, *JAMA* (1998;280:1618-1619), said, “There is no alternative medicine. There is only scientifically proven, evidence-based medicine supported by solid data or unproven medi-

chine, for which scientific evidence is lacking.” Yet, as is raised in Chapters 3, 4, and 7 on CAM and the physician’s ethical obligations; communicating with and advising patients about CAM; and CAM research, respectively, we do not necessarily have that scientific evidence for many so-called conventional therapies. How to review CAM under the scientific method is further explored in Chapter 7. And, of course, what is considered CAM will continue to be a moving target, as evidence of safety and effectiveness moves CAM therapies into conventional medical practice.

In the meantime, it is estimated that approximately 42% of Americans spent \$27 billion out of pocket on CAM therapies in 1997. This, according to a 2005 report of the Institute of Medicine (IOM) of the National Academy of Sciences, Complementary and Alternative Medicine in the United States. The IOM found a huge increase in CAM use over the period 1990 through 1997, with the total number of visits to CAM practitioners rising 47%, to 629 million visits in 1997. That surpasses total visits to primary care physicians for that year at 386 million. Most people do not tell their physicians about their CAM use, with implications for the patient-physician relationship and the ethics obligations of physicians (Chapter 3), advising patients (Chapter 4), patient education (Chapter 5), and liability concerns (Chapter 6).

CAM therapies are extremely popular with baby boomers, who take a very active interest in their health and health care and presumably will do so even more as they age. And as they age, the boomers 65 and older are expected to grow to 20% of Americans (more than 66 million people) by 2030.

NCCAM, on the other hand, is quite young, only established by Congress in 1998. Its mission is to explore complementary and alternative healing practices in the context of rigorous science, train CAM researchers, and disseminate evidence-based information to the public and health care professionals. Its 2004 fiscal year budget for this ambitious agenda was \$117,752,000.

So, with big issues and big money at stake, how are patients, physicians, the health care system and policymakers handling the explosion in CAM interest and use? What implications does it

have for traditional patient-physician relationships? What are the physician's ethical obligations in this area? These topics and more are examined in *Complementary and Alternative Medicine: Ethics, the Patient, and the Physician*.

Lois Snyder, JD

Editor

Lois Snyder, JD is director of the Center for Ethics and Professionalism at the American College of Physicians, the national professional society of doctors of internal medicine and the subspecialties of internal medicine. She has also been adjunct assistant professor of bioethics and fellow at the University of Pennsylvania Center for Bioethics. She joined the college in 1987 after serving as a health care consultant on medical malpractice, risk management, and bioethics issues for hospitals. Ms. Snyder received her BA in health planning and policy from the University of Pennsylvania and her law degree from the evening division of the Temple University School of Law. She is a frequent writer and speaker on health care policy, bioethical, and medicolegal issues. She has edited a number of books.

Contributors

Richard J. Carroll, MD, SCM, FACC is a practicing cardiologist. He received his undergraduate and medical degrees from the University of Illinois. He is board certified in both internal medicine and cardiovascular disease, having completed both his residency and fellowship at Loyola University, Maywood, IL. He subsequently received his master's degree in health policy and management from the Johns Hopkins School of Hygiene and Public Health, as well as a certificate from the Advanced Training Program in Health Care Delivery Improvement at Intermountain Health Care.

Michael H. Cohen, JD, MBA is an attorney in private practice who publishes the *Complementary and Alternative Medicine Law*

Blog (www.camlawblog.com). He is an assistant professor of medicine at Harvard Medical School and director of legal programs at the Harvard Medical School Osher Institute and Division for Research and Education in Complementary and Alternative Medical Therapies.

Catherine Leffler, JD is a senior associate in the Center for Ethics and Professionalism at the American College of Physicians where she works in policy development and implementation in the areas of bioethics, medical professionalism, and human rights. She received her law degree, with a concentration in health law, from the Widener University School of Law and her undergraduate degree from the University of Maryland.

Arti Prasad, MD is an associate professor of internal medicine and the founding chief of the Section of Integrative Medicine (SIM) at the University of New Mexico's (UNM) Health Science Center. She grew up in India and has a lifetime of experience with natural and ayurvedic medicine. In November 2003, she completed an associate fellowship at the Program in Integrative Medicine at the University of Arizona, Tucson under the direction of Dr. Andrew Weil. Dr. Prasad is involved in clinical practice, research, teaching, faculty development, and national continuing medical education and community education. In addition to her duties as the chief of SIM, she serves as the director of Integrative Cancer Programs at the UNM Cancer Research and Treatment Center.

Lois Snyder, JD is director of the Center for Ethics and Professionalism at the American College of Physicians, the national professional society of doctors of internal medicine and the subspecialties of internal medicine. She has also been adjunct assistant professor of bioethics and fellow at the University of Pennsylvania Center for Bioethics. She joined the college in 1987 after serving as a health care consultant on medical malpractice, risk management, and bioethics issues for hospitals. Ms. Snyder received her BA in health planning and policy from the University of Pennsylvania and her law degree from the evening division of the Temple University School of Law. She is a frequent writer

and speaker on health care policy, bioethical, and medicolegal issues. She has edited a number of books.

Jon Tilburt, MD, MPH received his medical degree from Vanderbilt University and trained in internal medicine at the University of Michigan. From 2002 to 2005 he completed both the Greenwall Fellowship in Ethics and Health Policy as well as a general internal medicine research fellowship at Johns Hopkins (where he was also a trainee in the Johns Hopkins Complementary and Alternative Medicine Center). In the Fall of 2005 he took a position as a staff scientist in the Department of Clinical Bioethics at the National Institutes of Health where he devotes his time to studying social and ethical aspects of complementary and alternative medicine with the support of the National Center for Complementary and Alternative Medicine.

Mariebeth B. Velasquez, BS is a medical student at the University of New Mexico (UNM) School of Medicine. She graduated from the University of Washington with a bachelor's degree in psychology. She first became interested in complementary and alternative medicine while participating on a research team at the Fred Hutchinson Cancer Research Center, which conducted an exercise-intervention study as part of the Breast Cancer Prevention Research Programs, within the Division of Public Health Sciences. She serves on the New Mexico State Advisory Council for Protection and Advocacy Systems for Individuals with Mental Illness, and is an Advocacy Officer (UNM Chapter) of the American Medical Student Association.