

The Department of Health's Consultation Document

How to respond

The Consultation Document is also presented in a complicated way that makes it difficult for members of the public to respond. Do not be daunted. An incomplete response will also send your message just as well – maybe even better, so don't be afraid to send a "short and sweet" response or just tick the boxes without making any comments.

You can respond to the Consultation Document via the automated response system template provided by the DH at http://www.info.doh.gov.uk/questionnaire/ahmtcm_consultation.nsf/questionnaire?openform but if you don't wish to use the template you can respond directly by email at hrdlistening@dh.gsi.gov.uk or alternatively by post to the AHMTCM Consultation Team, Department of Health, Room 2N09, Quarry House, Quarry Hill, Leeds LS2 7UE. Don't forget that the closing date is November 2nd.

You should indicate whether you are replying as an individual or on behalf of a group of people. Your response may be made public but if you prefer it to remain private you can make this clear in your reply.

Here's what to put in the boxes:

The RCHM has been advised that if everybody was to send the same "template" response that the Department of Health would treat them all as a single response. Therefore when filling in the comments boxes try to use your own words and make your own comments if possible.

Question 1

What evidence is there of harm to the public currently as a result of the activities of acupuncturists, herbalists and traditional Chinese medical practitioners? What is its likelihood and severity?

Answer = Harm

Comment – e.g. "But only if practitioners are poorly trained. This is why I support SR."

Question 2

Would this harm be lessened by statutory regulation? If so, how?

Answer = Yes

Question 3

What do you envisage would be the benefits to the public, to practitioners, and to businesses, associated with introducing statutory regulation?

Answer = significant benefit

Question 4

What do you envisage would be the regulatory burden and financial costs, to the public, to practitioners, and to businesses, associated with introducing statutory regulation? Are these costs justified by the benefits and are they proportionate to the risks? If so, in what way?

Answer = justified

Question 5

If herbal and TCM practitioners are subject to statutory regulation, should the right to prepare and commission unlicensed herbal medicines be restricted to statutorily regulated practitioners?

Answer = yes

Question 6

If herbal and TCM practitioners are *not* statutorily regulated, how (if at all) should unlicensed herbal medicines prepared or commissioned by these practitioners be regulated?

Answer = There is no way of regulating unlicensed herbal medicines other than through statutory regulation.

Question 7

What would be the effect on the public, practitioners and businesses if, in order to comply with the requirements of European medicines legislation, practitioners were unable to supply manufactured unlicensed herbal medicines commissioned from a third party, after 2011?

Answer = significant effect

Comments e.g. "It would be terrible for everyone" or "SR is the only way to make sure that this doesn't happen" or "If my herbalist couldn't prescribe my herbs to me I would be devastated"

Question 8

How might the risk of harm to the public be reduced other than by statutory professional self-regulation? For example, by voluntary self-regulation underpinned by consumer protection legislation and by greater public awareness, by accreditation of voluntary registration bodies, or by a statutory or voluntary licensing regime?

Answer = leave blank

Comments – "none of the above"

Question 9

What would you estimate would be the regulatory burden and financial costs, to the public, to practitioners, and to businesses, for the alternatives to statutory regulation suggested at Question 8?

Answer – see my answer to question 6

Comment e.g. "I do not think that any of the alternatives to SR is a good idea" or "I am not in favour of any of the other options suggested"

Question 10

What would you envisage would be the benefits to the public, to practitioners, and to businesses, for the alternatives to statutory regulation outlined at Question 8?

Answer = e.g. "As I have said above in questions 6, 8 and 9, none of the alternatives to SR is in the interest of the public" or "I do not want any of the alternatives listed" or "SR is the only option which would give any benefit to the public, practitioners and businesses"

Question 11

If you feel that not all three practitioner groups justify statutory regulation, which group(s) does/do not and please give your reasons why/why not?

Answer = Do not fill in any of the boxes

Comment should be “acupuncture, herbal medicine and TCM all justify statutory regulation”

Question 12

Would it be helpful to the public for these practitioners to be regulated in a way which differentiates them from the regulatory regime for mainstream professions publicly perceived as having an evidence base of clinical effectiveness? If so, why? If not, why not?

Answer = no

Comment e.g. = “There is good evidence for the effectiveness of acupuncture, herbal medicine and TCM” or “This is not a helpful question and should not be part of the decision about whether SR of these therapies should go ahead” or “SR should not be determined by an idea of a certain type of evidence base.”

Question 13

Given the Government’s commitment to reducing the overall burden of unnecessary statutory regulation, can you suggest which areas of healthcare practice present sufficiently low risk so that they could be regulated in a different, less burdensome way or de-regulated, if a decision is made to statutorily regulate acupuncturists, herbalists and traditional Chinese medicine practitioners?

Answer = No or unsure

Question 14

If there were to be statutory regulation, should the Health Professions Council (HPC) regulate all three professions? If not, which one(s) should the HPC not regulate?

Answer = Yes

Question 15

If there were to be statutory regulation, should the Health Professions Council or the General Pharmaceutical Council/ Pharmaceutical Society of Northern Ireland regulate herbal medicine and traditional Chinese medicine practitioners?

Answer = HPC

Question 16

If neither, who should and why?

Answer = “N/A” or “Or I have already said that it should be the HPC”

Question 17

Should acupuncture be subject to a different form of regulation from that for herbalism and traditional Chinese medicine? If so, what?

Answer = No

Comments e.g. – “all three groups should be regulated” or “all three - many acupuncturists prescribe herbs or “or all three – my acupuncturist prescribes herbs to me”.

b) Can acupuncture be adequately regulated through local means, for example through Health and Safety legislation, Trading Standards legislation and Local Authority licensing?

Answer = No

Comments e.g. “These are not adequate ways to regulate” or “these don’t look at training standards or whether a therapist is fit to practice.

Question 18

(a) Should the titles "acupuncturist", "herbalist" and "[traditional] Chinese medicine practitioner" be protected?

Answer = yes

If your answer is “No”, which ones do you consider should not be legally protected?

Answer = blank

Comments – “N/A” or leave blank

Question 19

Should a new model of regulation be tested where it is the *functions* of acupuncture, herbal medicine and TCM that are protected, rather than the *titles* of acupuncturist, herbalist or Chinese medicine practitioner?

Answer = No

Question 20

If statutory professional self-regulation is progressed, with a model of protection of title, do you agree with the proposals for "grandparenting" set out in the Pittilo report?

Answer = Yes

Question 21

In the event of a decision that statutory or voluntary regulation is needed, do you agree that all practitioners should be able to achieve an English language IELTS score of 6.5 or above in order to register in the UK?

Answer = Yes

Question 22

Could practitioners demonstrate compliance with regulatory requirements and communicate effectively with regulators, the public and other healthcare professionals if they do not achieve the standard of English language competence normally required for UK registration? What additional costs would occur for both practitioners and regulatory authorities in this case?

Answer = No

Question 23

What would the impact be on the public, practitioners and businesses (financial and regulatory burden) if practitioners unable to achieve an English language IELTS score of 6.5 or above are unable to register in the UK?

Answer = Unsure or leave blank – it’s not a simple answer – or see the EHTPA’s or RCHM’s responses!

Question 24

Are there any other matters you wish to draw to our attention?

Answer = This is where you get to give your own individual message. As mentioned above, the RCHM has been advised that if everybody was to send the same “template” response that the Department of Health would treat them all as a single response. Therefore we encourage you to choose one or two (or as many more as you would like) of the points below when making your response and to try and write your comments in your own words.

For example:

- I am reliant on Chinese herbal medicine for my XXX
- I have a very good practitioner who is a member of X and if SR does not go ahead I am scared that s/he will no longer be able to prescribe herbs to me.

- My herbalist uses the RCHM Approved Suppliers and without SR I fear that they might go out of business, leaving room for unscrupulous internet providers of herbal medicine to flourish. This would present serious safety issues to the public.
- Statutory Regulation is the only option in order to protect the public with properly trained herbalists using good quality herbs.
- Statutory Regulation is the only way to make sure that we the public can get treatment from a properly qualified herbalist/acupuncturist.
- I'd like my GP to be able to refer me to a state registered acupuncturist /herbalist and without SR this won't be possible. I'd like to see more integration of western and complementary medicine.
- Statutory regulation is vital, not only for the public but for herbalists too.
- I cannot believe that after nearly ten years the government is back-tracking on its commitments. If SR does not go ahead I will not be voting for this government again at the General Election.
- Does the government not understand how many people use herbal medicines and acupuncture and how much we rely on them? Not to back SR would leave thousands, if not millions of people without the medicines that they need.

**Thank you so much for taking the time to do this!
We are most grateful.**

**Don't forget to also contact your MP. Look at our guidance sheet on this
for more help and pass this message on to as many people as you can.**

If you have any queries about any of the issues above, or about what is required of you, please contact the RCHM's office manager, Sue Harris or Emma Farrant, secretary & treasurer:

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