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Best Practices for California Physicians Providing Complementary Health Care Methods

California law protects physicians who offer complementary health care methods, provided the physician ensures the following:

- 1) Provide Informed Consent.** The patient has been provided with informed consent, including for example giving the patient information concerning conventional treatment.
- 2) No Delay in Diagnosis.** The treatment or advice is provided for the patient's health or well-being. The treatment or advice should not delay or discourage traditional diagnosis of a condition of the patient.
- 3) Describe Physician Background.** The physician describes his/her education, experience, and credentials related to the alternative or complementary medicine that the physician practices.
- 4) Conduct a Physical Exam.** The physician conducts a good-faith examination of the patient.
- 5) Do No Harm.** The treatment or advice does not cause death or serious bodily injury to the patient.

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See California Business & Professions Code §2234.1

(a) A physician and surgeon shall not be subject to discipline pursuant to subdivision (b) , (c) , or (d) of Section 2234 solely on the basis that the treatment or advice he or she rendered to a patient is alternative or complementary medicine, including the treatment of persistent Lyme Disease, if that treatment or advice meets all of the following requirements:

- (1) It is provided after informed consent and a good-faith prior examination of the patient, and medical indication exists for the treatment or advice, or it is provided for health or well-being.
- (2) It is provided after the physician and surgeon has given the patient information concerning conventional treatment and describing the education, experience, and credentials of the physician and surgeon related to the alternative or complementary medicine that he or she practices.
- (3) In the case of alternative or complementary medicine, it does not cause a delay in, or discourage traditional diagnosis of, a condition of the patient.
- (4) It does not cause death or serious bodily injury to the patient.

(b) For purposes of this section, "alternative or complementary medicine," means those health care methods of diagnosis, treatment, or healing that are not generally used but that provide a reasonable potential for therapeutic gain in a patient's medical condition that is not outweighed by the risk of the health care method.

(c) Since the National Institute of Medicine has reported that it can take up to 17 years for a new best practice to reach the average physician and surgeon, it is prudent to give attention to new developments not only in general medical care but in the actual treatment of specific diseases, particularly those that are not yet broadly recognized in California.