

Law

Complementary and Alternative Medicine: Legal Boundaries and Regulatory Perspectives, by Michael H. Cohen, 180 pp. \$45. ISBN 0-8018-5687-6, paper. \$16.95. ISBN 0-8018-5689-2, Baltimore, Md. The Johns Hopkins University Press, 1998.

"Alternative medicine" is a euphemism for medicine based largely on anecdotal evidence. The possible safety and efficacy of many practices and procedures of alternative medicine have been neither proved nor disproved on the basis of peer-reviewed data. Medicine that has not been forged in the fire of peer review is not really medicine at all.

To denigrate alternative medicine as being tantamount to cultism, mysticism, chicanery, or quackery, however, is perpetuation of a caricature. Moreover, the salient reality is that many Americans have an active interest in alternative medicine. This interest has kindled controversy; indeed, controversies abound. And, perhaps almost invariably, many of the resultant issues and concerns have been funneled into the labyrinthine American legal system.

In *Complementary and Alternative Medicine*, Michael Cohen, a law professor, traverses the current legal terrain of alternative medicine in the United States. Multitudinous laws and cases are examined briefly in the larger context of such topics as licensing, scope of practice, malpractice, standard of care, informed consent, "unprofessional conduct," "experimental" treatment, and fraud. Cohen shows the panoply of the law at work as alternative practitioners have entered, or attempted to enter, territory dominated traditionally by allopathic medicine. Snippets of the body of alternative medicine are skillfully dissected and probed by Cohen's legal scalpel in a manner that is informative and intellectually stimulating. Some of the dissected appendages include acupuncture, chiropractic, chelation therapy, massage therapy, naturopathy, homeopathy, and nutritional therapies. A lengthy "Notes" section contains copious information pertaining to research-related materials. Readers should be mindful that the book reveals a picture of the US legal system, which changes continually, at a given point in time. Physicians engaged in clinical practice may find themselves trapped between the Scylla of losing patients who demand alternative therapies that the physician is unable or unwilling to provide and the Charybdis of acceding to patient wishes but possibly, and unwittingly, running afoul of ever-changing laws affecting alternative medicine.

An overarching theme is the desirability of integrating allopathic medicine (which he describes as the "biomedical" paradigm) with alternative medicine (which Cohen describes as "complementary and alternative medicine"). Is this merely the theoretical musing of a well-meaning scholar? Or does this trenchant sentiment have some semblance of legal reality? In the view of Cohen, steps have been taken already by the legal system that are consonant with the theme of close integration of biomedicine and alternative medicine.

Although Cohen believes that integrating science-based, allopathic medicine with alternative medicine will enhance patient autonomy and well-being, I have reservations. If allopathic medicine is commingled with alternative medicine, a logical result is that the safety and efficacy of medical treatment would be diluted. The safety and efficacy of the allopathic part of the admixture would be validated on the basis of objective scientific evaluation, but the possible safety and efficacy of the remaining, alternative medicine-based part, would not be. Critics may carp that a science-based approval process for medical procedures and practices is costly and cumbersome. But concerns involving cost and time must be balanced against the need to protect patients from unproven, and potentially unsafe, treatments. With respect to establishing the possible safety and efficacy of medical practices and procedures, there simply is no fully adequate substitute for rigorous, science-based evaluation.

For persons wishing to acquire rudimentary knowledge and understanding of the present legal environment for alternative medicine in the United States, this book is an excellent choice.

Leo Uzych, JD, MPH
Wallington, Pa