

THE CURRENT SITUATION AND FUTURE DEVELOPMENT OF THE USE OF ACUPUNCTURE IN SPAIN

This lecture shows the practical development and the prospects in Spain in the last 10 years and the discussion of a legalisation, for the Traditional Chinese Medicine. It has been taken into consideration the progresses, which have been achieved as well as, the problems that have persisted with an opposition between the graduated western medical doctors and surgeon with practitioner of alternative medicine within Spain. An analysis has been made regarding the actual situation, including the view of the experts that have collaborated in the development of nowadays regulation in Catalonia. Also, are checking the European current situation, at the same time they are analyzing the communitarian Directive influences and specially the 2004/24/CE of the European Parliament and of the council that will exercise in Spain.

When professor Alfons Montserrat, President of the Fundació Europea de MTC asked me to prepare an article about how the Traditional Chinese Medicine has been done in Spain for the last 10 years, the first thing I thought was about, how much length the lecture would allow me to spend? You can not talk about what has happened during the period of ten years in such a confined space. Even though, we have to be very pleased and congratulate to the organisation for this International Symposium.

I am not going to explain what has been happening during all these ten years, as it would be quite impossible. Neither, could I do it in this confined space as to cut down to nothing won't be a good job. I am going to concentrate and explain how the situation is at the present moment and somehow, to look forward the near future of the TCM .

First of all, to note that after having a few years of stillness times nowadays is developing some kind of nervousness within the TCM's sector. On the other hand, members of different Medical Associations have rush to the media to declare that the acupuncture (they never mentioned Traditional Chinese Medicine) should be kept exclusivity, for them to practise it, and by the law, should be for all those medical doctors and surgeon that hold the degrees. They attribute this discussion, in the actual situation, as it should be legal. And the practitioner, -non doctors; are reacting, all in alarm as they worry about their current jobs, about all their accomplished and achievement, the effort in their years of studies would go anywhere.

Even though the TCM is moving. Why are now all the collectives of medical doctors are reacting this way and are defending their interest and want to

cooperate, where very few of them might have the knowledge of the principles and application of TCM, that belongs to us. And why the practitioners of the MTC- non medical doctors, would like and trend to get some legal regulations in this sector? Has all these something to do with the Spanish government's changes? That's nothing new for us, it has been in our country for long time but, it's very curious why something that has always existed (at least during this last ten years) now is going quite fast since the government party has changed? What has been changed them? Basically, the Catalan government has approved a Regulation (published in the DOGC num. 4812, last 1st of February, 2007) that regulates the so-called Natural Therapies. The anxious practitioner of TCM has made a claim and obviously there is a clear and unequivocal compromise to regulate the sector a legal one.

In Catalunya, which government is tripartite has a certain influence with the Spanish government. A regulation of the Natural Therapies, including the Acupuncture and Chinese Traditional Medicine, has been approved. In order to find the way in how to give a credit and a guarantee to the current practitioners of the TCM, and how to regulate the future for all these professionals. Obviously, the general public; the citizenship would get all the benefit and the security that they deserve, as there would be a new development and improvement for the entire professional of the alternative medicine, all these individuals that would not meet the establish requirements and regulations should be dismissed of this professional sector.

But, at a national level this legislature has other priorities. So one has to become a bit sceptical as the way things are not taking into place. We are not on any pacific subject besides; these graduated medical doctors won't miss any attribution. In the past, in other intervention, I have always defended that everything will go our way. A good advantage and a benefit is that in another European countries the TCM has already established so, we can say they are doing some of the work for us. The recently approved regulation in Catalonia gives us the reason. All this does not mean that we have to wait for the problem be resolved. We have to be over there giving the right permanent pressure, and to be aware of any changes. Nowadays, we feel quite fortunate as it seems, things are changing or going our way.

For me the most important thing is to know the public opinion and it has been in last past ten years. The citizens do not see the practitioner of the Traditional Chinese Medicine any more as a healer who manipulates the needles and to prescribe healing herbs, and that manage to make his living telling lies to those patients that have little knowledge or that are desperate to find a solution for their illness, aches or pains. The statistics have shown us the opposite of all this. The patients have certain kind of knowledge between medium or medium high levels. Also, they appreciate and respect all these professionals working as a practitioner of the TCM. All this is because the practitioner likes to obtain a good education and trainings (nowadays, there is the possibility to obtain a continuous formation that enable someone to up date their knowledge) as well as being responsible and very professional.

We do not have to go back to the debate between the medical doctor and practitioners. Obviously, the graduated in western medicine and surgery should be able to practise the Traditional Chinese Medicine but, only to those who has achieved the education, formation and experience required. Their medical registered will enquired for the deontological code, that will affect to them as western doctors although, they will make some propaganda as a better professional of the Traditional Chinese Medicine. Nobody says they cannot do that. What is not fair is that these graduated doctors get the scoop to work with the TCM. Always in this country the social reality ends interfering and one has to be blind not to see the truth within the social reality. The same that exist an medical doctor board, the TCM sector should structure with strong organizations, to protects the interest of all associates members, from having a good, a coherent and rational position, and to be in charge of a continuous and up dated training, for the professional deontologist (and to dismiss and expel those who are against it) as well as having to meet all the requested questions or fees that are affecting the professional such as insurances, congress's organisation, magazines, image's campaign, etc.

Before I have mentioned that in other European countries, are ahead of us in this subject. But the social reality is that in all those countries the situation is quite similar for all those practitioner of the non-conventional medicines. It would be too much to ask to those Spanish that are in charge and are the specialist member of the work's commission, to find out how well the German Heilpraktikers or the English Practitioner's Register have achieved as well as all their protective rules.

Continuing with the Europeans' situation, which is affecting us directly, have to mention the recent Directive 2004 /24/CE from the European Parliament and Council, published in the official agenda of the European Union last 31st March 2004, where is modifying a few changes within the traditional herbal medicines having as a base the plants, the Directive 2001/83/CE. This Directive determined these plants as a medical-remedy "any medicine which can contain exclusively such as, an active substances one or more vegetarian substances, or one or more vegetarian preparations, or one or more vegetarian substances in combination with one or more vegetarian preparations". This article 16th (twice) establishes a method for these medicines. This article 16th (eighth) establishes that the therapeutic indications should be shown in the label. In the 16th (eleventh) is established that the member states should recognise all the traditional registered medicines based in plants. The above mentioned article 16th (twice) also, establishes about medicines and that for its composition and purpose are meant to be used without any professional advice. And to the member states, in the last one, the second article of the Directive allows a period of time, until 30th of October the 2005 for its legalisation.

Until 31st of October 2005 our Spanish government had enough time to be able to make a new legislation's agreement with the mentioned Directive (until today, it has not been passed through to the Spanish). It's obvious to include the traditional herbs in the category of medical remedy, with all the therapeutic

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indications, this will make to the pharmacist to create their own exclusive products. And the health shops owner will continue defending their rights, asking for an exclusive sale of these products. But myself, I have got my own opinion and I would rather not to mention it now. I would like to point out what the Directive can actually represent for all the professionals that are practitioners of the Traditional Chinese Medicine. For them, to be able to prescribe medical remedies products with the rank as a medicine, and showing in the product label all the therapeutic indications. These would be a good progress for us, as before to prescribe was allowed only for the graduated in medical – doctor and surgeon, besides all this will improve the professional image of the TCM. On the other hand, the health and safety minister will have to admit the health and safety registration of those products that have already been registered in other European Union countries. The Directive we're talking about, in a sort period of time, will gain an enormous importance between the professionals and practitioners of the Traditional Chinese Medicine as they will be able to prescribe the herbal medicines, which are necessary within their job. At the same time the citizen could have the guarantee, the registration, the quality and suitability of all these products. Particularly, I have always defended the Traditional Chinese Medicine as a “medicine” for the TCM practitioners. It gives me a great satisfaction that all these products could have the category as a medicine, although in the label they have to be mentioned as “traditional medicine made by herbs for its use on specific indication or indications only based on a long traditional use”, established at the article 16th 8th part 3 of the mentioned Directive.

To summarise, the Decree that regulates Natural Therapies in Catalonia is drawing the way that other Spanish Autonomous Communities should follow. As a curiosity, this Decree has had more opposition by part of the Practitioners – non-medical doctors, than by the own doctors, as it is considered too exigent. In my opinion, this is not the end but the beginning. From the European Foundation of TCM we are going to continue our work for the acknowledgement of this profession in Catalonia, as it is, and in the whole Spain. We are going to work for the recognition of the studies in TCM in the officially university level, incorporated in the Health Sciences area so the graduates will be considered as health professionals.

As I have almost completed all the space conceded to me, I would like to thank to the organisers who gave me the chance to join this Symposium and congratulation for their great job for this event!

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