

The present legal status of the TCM in the Czech Republic

Prof. JUDr. Ivo Telec, CSc.

ivo.telec@upol.cz

The present legal status of traditional chinese medicine in the Czech Republic is extremely unclear and its future is very opened.

A year ago, the Czech Parliament has passed an amendment to the Non-doctor Medical Professions Act which included the two new non-doctor medical professions into the Czech national health system: the „lower“ therapist of the TCM and the „higher“ specialist of the TCM with the specific professional conditions and health educational requirements.

Later in 2017, several other rules were adopted, too: the ministerial amendment to the Ministerial Decree on the Activities of the Health Professionals describing the two new professions concerning the TCM in the Czech national health system in detail and also the amendment to the aprobaton examination ministerial decree concerning the TCM and the amendment to the governmental decree on the catalogue of labour activities in the public services and administration.

We are still missing the fourth rule regarding the provisions of the educational programmes in the TCM for both new health professions in the Czech national health system. Although the official draft was prepared and discussed by the Czech Ministry of Health in September and October 2017, the further official steps were closedown.

All these valid recent acts and rules and the Czech governmental health policy were broadly accepted by the patients, lawyers, the public and the former TCM practitioners which standed outside the health system before. The only body which has not accepted this new legal situation was the Czech Medical Chamber and its authorities and also some authorities of several Czech universities, or its medical faculties, respectively.

In this time the legal situation of the TCM in the Czech Republic is unclear. The reason lies in the preparation phase of the new Act on revocation and cancellation of the 2017 Act on two new non-doctor medical professions in the TCM and in the Czech health system. This cancellation is in the procedure of second reading in the Czech Parliament at the moment. The revocation was officialy drafted by some members of the Senate and later

another draft was initiated by the Senate itself. It is not a governmental draft but it is an official draft of the Czech Parliament.

One of the political and legal aims of this draft is based on the political and medical degradation of the TCM and its expulsion from the Czech national health system categorization from „medicine“ to „healing“. The medical concept and words were also changed from the international well known traditional chinese „medicine“ to the mere traditional chinese „healing“ with its lower standard and significance level.

The Czech Ministry of Health is currently in preparation of a draft of the Healers Act which considers the TCM a part of the healing system only, not a part of medicine. A draft has not been published yet.

The very problem of the shift of the Czech legal policy consists of several issues: (1) health education of the future practitioners of the TCM, (2) the expertness, examination and protection of the public, (3) and the problem of potential lack of cooperation between the doctors and other health professionals within the limits of the Czech national health system and the mere healers standing outside of this system.

My expert legal opinion is, that the so called „2017 solution“ best follows the public interest concerning the rights and positions of the patients, and remains the best legislative approach towards TCM as it should be kept an integral part of the national health system.

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