

New Regulation for Traditional and Complementary Medicine in Turkey

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A new regulation has been introduced in Turkey to address traditional medicine and medical practices, commonly referred to as "complementary" or "alternative" medicine. Such practices have become increasingly popular in Turkey and are now addressed by the Regulation on Practices of Traditional and Complementary Medicine (the "Regulation"), which entered into force on 27 October 2014 (Official Gazette dated 27 October 2014, numbered 29158).

The Regulation represents a positive step to establish legal instruments and clear rules regarding traditional and complementary medicine practices. These include practitioner training, the conditions in which such therapies may be practiced, and definition of the legal scope within which they may be practiced.

The purpose of the Regulation is to:

- Define the practices of traditional and complementary medicine,
- Regulate the training and authorization of traditional practitioners, and
- Set the method and principles of organizations where these traditional and complementary therapies are practiced.

The legislator's strategy appears to be to promote integration of traditional and complementary medicine into the existing national health care system, where appropriate. The activity of traditional medical practitioners must meet the requirements and standards set forth under the Regulation, including safety, effectiveness and quality.

After the Regulation came into force some other related laws have been introduced. Accordingly, the Law on Establishment of Turkish Institutes of Health Directorate and Amendment of Some of the Laws and Decree Laws came into effect on 26 November 2014 and this law establishes the Turkish Institute of Health Directorate, a public independent entity for the purposes of providing healthcare, science and technology services. The Institute of Traditional and Complementary Medicine will be established, existing within the body of the Turkish Institute of Health Directorate.

Prior to the Regulation, the only legislation specifically addressing traditional and complementary medicine in Turkey was the Regulation on the Private Health Organizations where Acupuncture Treatment is Practiced, and the Practice of this Treatment. With the enactment of the new Regulation, this acupuncture-specific regulation has now been repealed. Under the new regime, 15 distinct types of traditional and complementary medicine are addressed under one overarching Regulation. The Regulation states 15 separate methods of practice for traditional and complementary medicine in its Annex. These include acupuncture, apitherapy, phytotherapy, hypnosis, hirudo, homeopathy, and mesotherapy, among others.

The Regulation introduces a system of authorization certificates, restricting who may practice traditional and complementary medicine. The practices outlined in the Regulation's Annex may be exercised only by (i) physicians and (ii) dentists (to the extent that such practices are related to dentistry) who have been granted authorization certificates by the Ministry of Health.

The Regulation also establishes a control mechanism for traditional and complementary medicine in Turkey. According to Article 10 of the Regulation, the Ministry of Health must establish a body called the "Traditional and Complementary Medicine Practices Science Commission" (the "Commission"), consisting of 11 members. The Commission's purpose is to provide its opinion on matters related to traditional and complementary medicine. These include methods of practice, practitioners, centers where the practitioners use these practices, and the side effects of the practices. The Commission's duty is ostensibly only to provide an opinion to the Ministry of Health. It is unclear whether the Commission has the power to make a binding decision.

Interestingly, the Regulation does not contain any definitions for "traditional medicine" or "complementary medicine". Therefore, there is no difference between how traditional medicine and complementary medicine are treated under the Regulation.

Consequently, the Regulation has been criticized as being unclear. The absence of key definitions in the Regulation is the topic of much criticism, including from the President of the Turkish Bioethics Association. The Turkish Doctors Union stated that the Regulation allows unproven practices to be performed on patients. The Union stated that the Regulation allows practices which aren't taught in medical faculties, nor in professional education, and which have little available information about scientific validity or potential harmful consequences. The Union goes on to state that it will not be a mere spectator, but rather intends to actively campaign against such practices, which it views as "non-scientific".

Despite these critics it is notable that some universities in Turkey have already begun activities with respect to the traditional and complementary medicine.