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## Complementary medicine in the political process

### The Swiss population votes on the Constitutional Article “The future with complementary medicine“

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In Switzerland there is a great demand for treatments based on complementary medicine. According to the findings of a representative inquiry, 57% of the population use these types of therapy [1, 2]. About 40% of all medical practitioners in Switzerland are totally or partly active in the field of complementary medicine. According to an unpublished study carried out by the Collegial Instance for Complementary Medicine of the University of Berne, a further 40% of general practitioners resort to complementary-medicine procedures when this is considered to be necessary [3]. Almost every fourth freely practising medical doctor is, through membership of a professional association, also a Member of the UNION of professional complementary-medicine organisations [4]. However, up till now complementary medicine is not officially recognised as an integral component of the Swiss health-care system.

#### *Previous history – a scientific odyssey*

With effect from 1 July 1999, five different forms of complementary medicine (anthroposophic medicine, homeopathy, neural therapy, phytotherapy and traditional Chinese medicine) were included in the health insurance system and the cost of treatment by medical doctors with the appropriate qualifications reimbursed, for the limited period of 6 years. The decision on the continued inclusion of these five procedures in the basic health insurance system was based on scientific proof of their efficacy, their suitability and their economic efficiency, which was to be investigated by the Complementary Medicine Evaluation Programme (Projekt Evaluation Komplementärmedizin, PEK).

The PEK was concluded in 2006. Both the internal Final Report and the partly published

Research Reports showed that the five methods of complementary medicine met the criteria for efficacy, suitability and economic efficiency [5-7]. The Final Report was then submitted by the scientists concerned to the appropriate authority, the Federal Office of Health.

In the version of the Final Report drawn up by the authority [8], the positive recommendations of the evaluating committee of the PEK were deleted and were not replaced [9, 10]. The basically positive evaluations of all five methods were retained [4]. Even before conclusion of the PEK, with the decision of 3 June 2005 the responsible Minister of Health had again removed the five procedures from the basic health insurance [11, 12]. Logically, in its Annual Report of 23 January 2009 the Parliamentary Business-Study Committee observed that in the action of the Health Minister political rather than objective considerations were decisive [13].

#### *Federal referendum: “Yes to Complementary Medicine“*

Over the past few years it has become clear that in Switzerland neither the Confederation nor the Cantons wish to promote complementary medicine, since the existing Legal Articles were very restrictive. This led the umbrella organisation, Forum on Holistic Medicine, in the year 2004, by means of a referendum, to introduce a new Article into the Swiss Federal Constitution, which confirms the existence of complementary medicine:

Federal Constitution Art. 118a (new): Complementary Medicine: Within the framework of their responsibilities, the Confederation and the Cantons promote the comprehensive recognition of complementary medicine.

Almost all the Swiss professional and interest groups that are involved with complementary medicine became members of the committee supporting the referendum: medical doctors, non-medical practitioners and therapists, pharmacists, druggists, nurses, drug manufacturers and patients' organisations. In order to recognise the different languages and to promote general understanding among the Swiss population, it was agreed to adopt the common term "complementary medicine" (German: Komplementärmedizin. French: médecines complémentaires, Italian: medicina complementare), which covers all the established variants and definitions of complementary and alternative medicine. Up-to-date information may be found on the website [www.jzk.ch](http://www.jzk.ch).

#### *The political process – an excursion into Swiss direct democracy*

Referenda are a speciality of Swiss direct democracy, through which the voters exercise their right to vote on changes to the Swiss Federal Constitution. The referendum "Yes to Complementary Medicine" was launched on 21 September 2004 with a collection of signatures which reached a total of almost 140,000 signatures within 12 months. The Office of the Federal Council (Bundeskanzlei) officially initiated the procedure for the referendum on 4 October 2005 [14]. The Government (Federal Council) and the Parliament could now discuss the text of the Constitution and were in the position to recommend to the voters that it be accepted or rejected. In its Statement of August 2006 the Federal Council spoke against the proposed Article [15]. Also for the Parliament, with the choice of the wording "comprehensive acceptance of complementary medicine" the text of the Constitution went rather too far; in September 2007 the National Council (Upper Chamber of the Swiss Parliament) recommended that the proposed Article be rejected [16]. However, the Parliament may submit a so-called "direct counter-proposal" against a referendum, by suggesting an Article of its own. This was done in the Lower Chamber of the Parliament (the so-called "Ständerat", the chamber of the representatives of the Cantons): on the initiative of the Cantonal Councillor Rolf Büttiker the direct counter-proposal, "The future with complementary medicine", was submitted:

Federal Constitution Art. 118a (new): Complementary Medicine: Within the framework of their responsibilities, the Confederation and the Cantons promote the recognition of complementary medicine.

The counter-proposal differs from the original text only in that the word "comprehensive" is omitted. In this way the concerns of many parliamentarians with regard to unpredictable costs could be dispelled. In the final vote on 3 October 2008 the counter-proposal was approved by 78.5% of all members of the both chambers of the Swiss parliament and its acceptance recommended by the Swiss voters [17]. The Referendum Committee then decided to withdraw the original referendum and to support the parliamentary counter-proposal. In this way it was possible to avoid the voters having to decide between two referenda with practically the same wording, which would involve the risk that they would be disconcerted and that their attitude would be one of rejection.

It has to be considered that besides an absolute parliamentary majority a majority vote on the part of the Cantons is also necessary, which represents a major hurdle for any change to the Constitution. Considered historically, parliamentary counter-proposals basically have a better chance of being accepted by the people and by the Cantons: since 1891 only 9% of all referenda have been approved, compared with 37% of direct counter-proposals.

#### *The political core demands*

The vote on the parliamentary counter-proposal, under the name "The future with complementary medicine" will take place on 17 May 2009 [21]. The Constitutional Article is addressed to enlightened citizens of full age and is intended to guarantee them, as responsible patients or their relatives, the free choice of treatments, including complementary methods, in general health care, rehabilitation and preventive health care. Dealing with health and sickness is understood as participation in an active life-promoting process – an attitude that is to be observed, for example, in many chronically ill patients. In order to be able to take on this active role, people must be fully informed with regard to the various established therapeutic procedures. The free choice of treatments presupposes that complementary medicine, expressly and on the basis of defined conditions, is given its proper place in a pluralistic society. In addition to this is the picture

of qualified specialists who include their patients in the therapeutic process. Responsible action on both sides is the keyword. The political demands that are relevant for the various professional specialist groups are detailed as follows:

*1. Five medical disciplines again included in the basic health-insurance system*

Medical treatments in the fields of anthroposophic medicine, homeopathy, neural therapy, phytotherapy and traditional Chinese medicine must again be included in the basic health-care insurance. This does not require any changes to the law, but in fact represents correct enforcement of the Law on Health Insurance. The precondition for reimbursement of health-care costs by the basic insurance is a recognised professional qualification in the particular discipline. From the administrative side, this requires neither new instructions nor additional tariffs. An extension of the list of treatments by the addition of other therapies is not envisaged, and also the work of non-medical therapists is still only reimbursed through the supplementary insurances; therefore in this respect no additional costs are to be expected.

*2. National diplomas for therapists and naturopaths*

For many patients, a therapist or naturopath is the first person they contact in the case of illness. In order to guarantee the patient's safety, it is therefore essential that for non-medical therapists there are in future special diplomas and permits for the exercise of their profession. Today, in six Swiss Cantons it is possible for any person without training or professional experience to open a practice. This situation is criticised even by the therapists' associations themselves. In the interests of their members, but also of the patients and the general public, they demand the award of uniform diplomas as are envisaged by the Law on Professional Training. The costs for the training, the examinations and the diplomas will be charged to the therapists themselves.

*3. Integration in teaching and research*

Complementary medicine must be increasingly considered in the fields of teaching and research. In the course of his/her training every medical doctor should at least become

acquainted with the basic principles of the therapeutic methods which are wanted by a majority of the population. The regulations regarding examinations for medical doctors require that medical training be oriented towards the needs of the general population [25]. This means that a university course should be established at least for the most important methods of complementary medicine. This should be complemented by provision for complementary medicine in the pharmacy, especially in the field of phytotherapy. Through the corresponding Constitutional Order, the framework for the increased recognition of complementary-medicine and pharmaceutical methods in teaching and research has been created in the different Swiss universities. Also, as an Associate Member in the research-promotion programmes of the European Union, the Swiss delegation should speak in favour of the recognition of complementary medicine.

*4. Maintenance of the wealth of proven drugs that are available*

In its Article 14, the Swiss Law on Drugs provides for a simplified licensing procedure for drugs in the field of complementary medicine [15]. Contrary to this legal provision the Swiss licensing authority, Swissmedic, has increased the bureaucratic requirements, and demands sometimes excessively high fees for the submission and processing of licence applications. As a result of this, in Switzerland more and more complementary-medicine drugs are disappearing from the market. Besides easing of the formal and financial constrictions, a regulation for traditional drugs, as well as for drugs for which the Cantonal licences are running out, is necessary.

*Outlook – The vote on “The future with complementary medicine”*

The team which is coordinating the campaign on the vote now has to mobilise all its forces for the 17th May 2009. The financial cost and the personnel involvement for carrying out a campaign of this nature is enormous. Even when one can count on the assistance and support of all the professional associations and specialists who are interested in complementary medicine, the vote is still not won. In particular, the advocates of the referendum must be motivated to actually take part in the vote. While up till now

the political process can be considered to have been successful, it is however also shown that only with the committed participation of all the interested parties would it be possible to overcome this political pressure. This strategy could also be an exemplary success factor for similar situations in other countries.

The chances for acceptance of the Constitutional Article, "The future with complementary medicine", are good. Various representative inquiries indicate that the number of "Yes" votes could be high [26, 27]. But resistance on the part of the political opponents will undoubtedly increase and must not be underestimated. With acceptance of this Constitutional Article it would in principle be made clear that complementary medicine is not only tolerated but that it is in fact an integral component of the Swiss health-care system. With this, Switzerland would be the first country where complementary medicine is embodied in the Constitution and in this respect would play a leading role in Europe.

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