

Seeing Red

It has been said many times that history repeats itself, although in most cases there are changes in the players, timeline, and meat of the issue. In 1947, we had the House Committee on Un-American Activities (HUAC), which in its heyday of bully pulpit action featured Senator Joseph McCarthy and his sidekick, Roy Cohn. This national blight was unfortunately endured until its none-too-timely demise in 1954. Now comes 2002 and we have the Federation of State Medical Boards (FSMB), whose woeful activities smack of the same mentality that foisted McCarthyism off on an unwary public.

In its collective, albeit aberrant, wisdom the FSMB has chosen to recommend that its “Model Guidelines for the Use of Complementary and Alternative Therapies in Medical Practice,” be unquestioningly adopted as policy by the individual state medical boards across the country. The text of this misanthropic document may be found online at www.fsmb.org. If the members of the FSMB committee who authored this document practiced medicine in the same manner they make policy, they would be guilty of gross malpractice. Just like McCarthyism, they have defined their target as any practitioner who does not believe or practice as they do. They paternalistically claim it is always best to act in the patient’s best interest, yet they arrogantly propose utilizing conventional treatment first, as that is, of course, always best. This, fittingly, is the same mentality that brought us bypass surgery as a first resort, then consider suggesting diet, exercise, and nutritional supplementation, not to mention chelation therapy. Obviously, the drafters of this misbegotten policy have turned a deaf ear to the flood of patients who are sick of – and literally sickened by – so-called conventional methods of treatment. The reason there is such a burgeoning demand for CAM therapy is that it succeeds without endangering the patient in the manner that conventional medicine often does.

The FSMB policy will be susceptible to legal challenge in every state it is adopted on the well-recognized constitutional due process principle of being “void for vagueness.” In other words, it’s so vague a reviewing court must void it; i.e., the regulated community doesn’t know how to comply with it, and the regulators can’t enforce it fairly and consistently. Most state licensing statutes regulate the practice of medicine “in all of its branches.” No state medical licensing statute categorizes various practices of medicine. By categorizing CAM, however, the FSMB guidelines fly in the face of every state medical licensing statute and will be challenged as being contradictory to state law in any state where the state medical board is sufficiently biased to adopt them.

Incredibly, the FSMB policy would prohibit the sale of health-related products by CAM physicians, but not the sale of health-related products by conventional physicians, because of the “potential for economic exploitation of patients.” If these same physicians who drafted this policy put on their patient hats (if they can find ones that will fit) and made the rounds pretending to be patients, they would be amazed at how often they would be “exploited” by conventional practitioners recommending “approved” therapies and surgeries that are wholly unnecessary, albeit profitable to the practitioner, and hereafter legitimized (read lobotomized) under the FSMB way of thinking.

If McCarthy and Cohn were alive today and were “conventional” physicians, you can just imagine them in a smoky back room, with Tail Gunner Joe injecting the now-conventional Botox into Cohn’s lips to keep him from smiling as he imposed his misguided will upon an unsuspecting populace. Said injection now being an approved use. Are you seeing red yet?

Al Czap,
Publisher