

Complementary and Alternative Medicine in Child and Adolescent Psychiatry: Legal Considerations

Michael H. Cohen, JD, MBA, MFA^a, Suzanne R. Natbony, JD^a,
Ryan B. Abbott, MD, JD, MTOM^{b,*}

KEYWORDS

- Complementary and alternative medicine • Health law • Informed consent • Liability
- Medicolegal aspects

KEY POINTS

- All treatment decisions should be made in a child's best interests. If the child's parents make a decision, a psychiatrist may not simply override their judgment with his or her own preference, but can report the parents to state authorities or bring the case to court if the psychiatrist believes the child might be harmed by the decision.
- There is no case law regarding the use of complementary and alternative medicine (CAM) in child psychiatry, so the risk of malpractice liability in this setting is minimal. However, any deviation from customary medical practices creates an increased risk of legal liability.
- If CAM therapies are recommended, any known risks, benefits, and alternative treatments should be fully disclosed.
- As is the case with conventional medicine, physicians can reduce their personal liability by practicing good clinical medicine, obtaining informed consent, and comprehensively documenting.

COMPLEMENTARY AND ALTERNATIVE MEDICINE AND CHILD AND ADOLESCENT PSYCHIATRY

The term complementary and alternative medicine (CAM) describes a group of health care systems, practices, and products not currently considered to be part of conventional allopathic medicine.¹ Although systems of CAM (such as chiropractic, Ayurveda, homeopathy, and naturopathy) display considerable diversity, these systems share many of the same core values, such as a holistic approach to patient care and a strong emphasis on preventive medicine.² CAM systems and therapies may be grouped into broad categories such as natural products, mind-body medicine, and manipulative and body-based practices.¹

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^a The Michael H. Cohen Law Group, 468 North Camden Drive, Beverly Hills, CA 90210, USA;

^b Southwestern Law School, 3050 Wilshire Boulevard, Los Angeles, CA 90010, USA

* Corresponding author.

E-mail address: DrRyanAbbott@gmail.com

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The use of CAM in child and adolescent psychiatry is growing in the face of increasing patient demand, a growing evidence base suggesting that certain CAM therapies may be effective, and CAM's typically lower costs in comparison with the rising costs of many biomedical therapies.³ In the United States 10% to 15% of children use some form of CAM, and these numbers are increasing.⁴ However, for psychiatrists and other conventional health care providers, prescribing CAM poses both ethical and legal concerns, including:

1. How to best manage parents who insist on using a CAM therapy against medical advice
2. Whether there is a legal duty to disclose a CAM therapy as a possible treatment alternative when recommending conventional treatments
3. Whether a CAM treatment recommendation or referral to a CAM provider will expose a psychiatrist to legal liability

This article explores these concerns and provides clinical advice for promoting patient health and safety while minimizing the psychiatrist's risk. The use of integrative medicine is discussed from a legal standpoint, so clinicians should bear in mind that certain actions may not be legally required but might nonetheless be clinically advisable or even essential.

BEST-INTEREST STANDARD

It is a well-settled principle that parents have an ethical and legal obligation to make medical decisions on behalf of their minor children.⁵⁻⁸ There are 2 primary reasons why parents are entrusted with this authority to consent to, or refuse, medical treatment. First, it is generally believed that children lack the knowledge, experience, and maturity to make some of life's most difficult decisions.⁹ Second, parents, with the assistance of health care providers, are expected to make decisions that are in their children's best interest. Courts presume that parents know the most about their children and care for their children's well-being more than anyone else, making them the most appropriate decision makers.^{5,9} Nevertheless, the law has safeguards in place to protect children from poor parental decision making; for example, all treatment decisions must be made in the child's best interest.^{5,7-9}

There is no precise test to determine which treatment option serves the child's best interest. Whether the treatment option is CAM or conventional care, many factors must be weighed to determine which treatment is most appropriate, including the risks and benefits of the treatment and its alternatives, congruence of the parents' views with the child's values and beliefs, the child's psychological and emotional welfare, the family situation, and whether less intrusive treatment would be as beneficial.^{6-8,10} Some of these factors may be shaped by the parents' cultural and religious backgrounds, but ultimately the decision needs to be made in the child's best interest.¹¹

DISAGREEMENTS WITH PARENTS

Disagreements about the best interests of the child may arise when the parents are pushing a psychiatrist to use a specific CAM intervention, especially if the psychiatrist is not familiar with the therapy and insufficiently knowledgeable about its risks or benefits; this may lead to disagreement about the best course of action. The psychiatrist has the option to take time to learn about the suggested CAM treatment and then come back to discuss the treatment with the parents. Although there is generally no legal requirement for psychiatrists to inform themselves about the parents' preferred treatment, this would be a wise approach to take clinically. It may also be a helpful

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