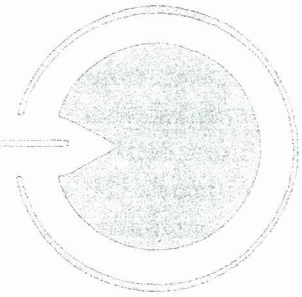


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NEWSLETTER



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MERCURY FLORIDA PASSES BILL ALTERNATIVE/COMPLIMENTARY HEALTH CARE ALLOWED

On 30 May 2001, Florida Governor Jeb Bush signed into Law a "Patients' Freedom of Choice" bill, in spite of strong opposition from the Florida Dental Association. The Florida House and Senate passed their respective bills almost unanimously. Some key points of the law are:

"SB1324 is an act relating to health care; creating s.456.41, F.S.; authorizing provision of and access to complementary or alternative health-care treatments; requiring patients to be provided with certain information regarding such treatments; requiring the keeping of certain records; providing effect on the practice acts; amending s. 381.026, F.S.; revising the Florida Patient's Bill of Rights and Responsibilities to include the right to access any mode of treatment the patient or the patient's health-care practitioner believes is in the patient's best interests; and providing an effective date."

(1) Legislative Intent - It is the intent of the Legislature that citizens be able to make informed choices for any type of health care they deem to be an effective option for treating human disease, pain, injury, deformity or other physical or mental condition. It is the intent of the Legislature that citizens be able to choose

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from all health-care options, including the prevailing or conventional treatment methods, as well as other treatments designed to complement or substitute for the prevailing conventional treatment methods. It is the intent of the Legislature that health-care practitioners be able to offer complementary or alternative health-care treatments with the same requirements, provisions and liabilities as those

associated with the prevailing or conventional treatment methods.”

BP Comment: This is obviously a bill of huge importance. The intent is to clearly open the doors for non-mainstream health care, providing patients with options under the law! However, as we shall soon see, this does not provide carte blanche to anything you wish and place non-mainstream practitioners above the law.

In dentistry, support for the use of mercury fillings and water fluoridation have been the “prevailing or conventional” positions of the main stream. Now, Florida Law permits providing patients with alternative approaches to dental treatment. Again, providing patients with valid documentation to support the dental treatment recommended is crucial.

“(3) Communication of Treatment Alternatives - A health-care practitioner who offers to provide a patient with a complementary or alternative health-care treatment must inform the patient of the nature of the treatment and must explain the benefits and risks associated with the treatment to the extent necessary for the patient to make an informed and prudent decision regarding such treatment.”

BP Comment: Here, the Legislature attempts to protect the patient from ill-advised treatment. The patient would do well to remember the IAOMT motto: *“Show me your science (documentation).”* Of particular concern, might be the need to provide some documentation on the safety of the non-mainstream treatment for use in humans. The practitioner must still consider the implications of potential need to defend the treatment legally.

“(3a) The health-care practitioner must inform the patient of the practitioner’s education, experience and credentials in relation to the complementary or alternative health-care treatment option.”

BP Comment: Here is where members of the IAOMT, and especially those who have gone

through the Accreditation Program, have an advantage. IAOMT has worked hard and long to achieve credibility and, increasingly, patients are aware of this.

“(3c) The health-care practitioner may, in his or her discretion and without restriction, recommend any mode of treatment that is, in his or her judgement, in the best interests of the patient, including complementary or alternative health-care treatments, in accordance with the provisions of his or her license.”

BP Comment: This is a key provision of the new law. It clearly establishes the practitioners right to recommend procedures not in the dental main stream.

For example, after providing the patient with the valid documentation demonstrating transfer of mercury from amalgam fillings into body tissues, the doctor should be able to recommend elimination of this chronic exposure to a very toxic element. This is contrary to the position of the dental main stream, enforced through the dental boards, that the dentist cannot recommend removal of amalgam fillings for the sole purpose of eliminating exposure to a toxic material. Still, in the absence of strong published documentation, the practitioner should not claim that removal of the amalgam fillings will cure any particular disease condition.

“(4) Records - every health-care practitioner providing a patient with a complementary or alternative health-care treatment must indicate in the patient’s care record the method by which the requirements of subsection (3) were met.”

BP Comment: Here again, in these sections the Legislature tries to ensure protection of the patient from unscrupulous practitioners.

“(5) Effect - This section does not modify or change the scope of practice of any licensees of the department, nor does it alter in any way the provisions of the individual practice acts for those licensees, which require licensees to