

MICHAEL H. COHEN, JD, MBA

SPEAKER ON ALTERNATIVE/COMPLEMENTARY MEDICINE

HEALTH & WELLNESS, LEGAL ISSUES



CONSCIOUSNESS AND SPIRITUALITY

“Negotiation of the new health care is not only about financial or insurance reform or even about access to medical treatment. It deals with the borderland between medicine and religion, between the scientific and the mystical, between knowledge that is considered objective and publicly accessible and privately accessible, and between outer and inner, material and spiritual, overt and covert, and quantifiable and perhaps immeasurable. This borderland lacks clear rules, in both a clinical and legal sense; it requires an integration of emerging understandings of consciousness and an appreciation of conceptualizations in medical traditions of innate forces, such as acupuncture’s chi. It evokes tolerance and health care pluralism and, therefore, controversy.”

— Michael H. Cohen

Michael’s Message

Many of our world’s many health care traditions can unlock emotional and spiritual, as well as physical, doors to well-being. This unlocking function is vital if humanity is to choose fulfillment and transcendence, over destruction and oblivion. Therefore health care, and the regulatory framework governing its delivery, must not only protect patients from unwise choices and dangerous practitioners, but as importantly, give people informed access to the full spectrum of healing choices, thus recognizing not only the shadow aspects of human nature, but also our potential for transformation, freedom, and psychological and spiritual evolution.

Transforming our World

Michael’s message is not only about ‘health care reform;’ more broadly, it is a call to transform our world. As a lawyer who is deeply ensconced in healing, Michael work is not law but about consciousness; not about lobbying to change a particular legal rule, but rather about bringing awareness to the way legal rules embody certain collective choices about our health. In other words, the law simply codifies the way we perceive ourselves are merely physical machines, to be repaired through technological adjustments, or as carrying transformational possibilities and higher ideals, such as the capacity for universal love, that manifest in the way we use our physical, emotional, and spiritual intelligence. As a lawyer, Michael believes the law must move beyond its narrow focus on preventing the worst of human behavior, and also open up to embracing the possibility for human transformation. As a healer, trained in ministry and energy healing, Michael believes we



are at a critical juncture in human history where our capacity for transformational love will either yield to apocalyptic destruction, or blossom into a whole new level of being for humankind in a globally integrated web of souls.

Biography

Michael H. Cohen is Principal in the Law Offices of Michael H. Cohen. He is Adjunct Assistant Professor of Health Law & Policy at Harvard School of Public Health, where he teaches “Complementary & Alternative Medicine: Health Law and Policy.” Previously, he was appointed Assistant Professor of Medicine at Harvard Medical School, and served as a Fortieth Anniversary Senior Fellow at Harvard Divinity School. He was also Consultant to the Institute of Medicine Committee on Use of CAM by the American Public.

Michael has spoken to more than 100 audiences including physicians at top medical schools (Harvard, Stanford, Columbia, and Johns Hopkins); hospitals and health care systems (Kaiser, MGH and Banner Health); professional societies; policymakers and government-related organizations; legal institutions; specialty audiences; and business groups.

He has published numerous articles and ground-breaking books such as *Healing at the Borderland of Medicine* and *Complementary and Alternative Medicine: Legal Boundaries and Regulatory Perspectives*.

As an attorney, he represents physicians, nurses, psychologists, chiropractors, healers, hospitals, health care clinics, health spas, entrepreneurs, and corporations.

Visit his blog, *Complementary & Alternative Medicine Law Blog*. www.CamLawBlog.com

“Michael’s work unquestionably stands with that of other luminaries such as Rachel Naomi Remen MD, Jon Kabat-Zinn MD, and Dean Ornish, MD, who have been pioneers in this area.”

— KAREN E. ADAMS, M.D.
Center for Ethics in Health Care,
Oregon Health Sciences University

“Cohen does for medicine what Kuhn did for science in *The Structure of Scientific Revolutions*.”

— ROSEMARIE TONG, PH.D.
Distinguished Professor in Health Care Ethics,
University of North Carolina

“Michael Cohen eloquently explores pathways to healing — a universal human desire. He opens our eyes to new ways to think about health — beyond the exclusivity of science and medicine to a wonderful array of different traditions and methodologies.”

— LAWRENCE O. GOSTIN
Assoc. Dean, Georgetown University Law Center,
Director of Center for Law and the Public’s Health

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Talk #1 —

When Patients Insist on Complementary & Alternative Medicine: 4 Ways to Help Legally Protect Your Clinical Practice or Hospital

Because more than half of Americans use complementary and alternative medical (CAM) modalities, such as acupuncture, chiropractic, massage therapy, herbal medicine, naturopathy, homeopathy, Reiki, and energy healing), physicians, hospitals, and health care institutions often find themselves besieged by requests for information about, or delivery of, modalities outside conventional medical care. Such patient demand can pose legal and ethical conflicts for physicians sworn to do no harm, while protecting the health of their patients. Hospitals also face demands to integrate CAM therapies such as acupuncture into their care, or to stock Ginkgo, St. John's wort, and other dietary supplements in their pharmacies. If you are a clinician or health care organizations, learn how to:

- Develop a management plan that reduces liability risks by implementing credentialing mechanisms and limiting practitioners' authorized scope of practice.
- Create a framework to help contain malpractice liability by assessing the legal risk of different CAM therapies.
- Address legal issues relating to patient demand for dietary supplements, while maintaining evidence-based criteria and recognized standards of care.
- Deal with risk of physician discipline for deviation from accepted, conventional practice standards.

Audiences

Clinicians, hospitals, medical clinics, medical societies, healthcare institutions, insurance companies, wellness centers, integrative medicine clinics, medical spas, individual entrepreneurs, and corporations involved in the health care field.



"If patients are using these therapies, then a responsible clinician has to know how to converse intelligently, dispassionately, neutrally, and in a way that is mindful of legal and ethical obligations."

Talk #2 —

Developing a Legally Defensible Business Model in New Wellness Paradigm: 5 Liability Management Tips for Medical Spas, Integrative Care Clinics, and Holistic Health Businesses

Medical spas are one of the fastest growing businesses, and health care organizations increasingly are moving into adding complementary and alternative medical (CAM) modalities, such as acupuncture, chiropractic, massage therapy, herbal medicine, naturopathy, homeopathy, Reiki, and energy healing, to conventional medical care. The result is a hodgepodge of business enterprises, combining many different kinds of medical, allied health, and CAM providers, and offering patients unique therapeutic combinations. With the global popularity of so-called "traditional medicine" as

well as medical tourism, health care consumers are turning toward holistic models of healing, focusing nutritional, exercise and lifestyle choices, and aiming their consumer dollars at prevention and "wellness care." So-called "retail medicine" is also expanding, with the most basic medical services (such as blood pressure checks) being offered in locations from Walmart to local malls. Business entities seeking to capitalize on these trends, and meet the growing consumer demand for wellness care, must manage their liability risk in this new terrain, whether they are styled as a medical spa, complementary care clinic, integrative medicine center, or holistic health business. This talk provides 5 liability management tips to help organizations stay clear of unnecessary legal entanglement.

Audiences

Entrepreneurs and businesses trying to meet consumer demand for complementary and alternative medical therapies, either by offering these therapies either in hospitals and medical clinics, or in gyms, wellness centers, mind-body health and integrative medicine programs, medical spas, or retail medical services.

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Talk #3 —

7 Steps to Ensure Your Right to Alternative Medicine as a Patient: Negotiating with Doctors, Hospitals and Insurers

Consumer insistence on CAM choices often clashes with doctors' preferences and physician reliance on evidence-based medicine. Understanding your rights as a patient is critical to wise decision-making and navigating your relationship with doctors, hospitals, and other caregivers. Learn:

- The obscure institutional nooks and crannies through which you might get your hospital to offer you CAM therapies (such as acupuncture for pain relief).
- The extent of your right to keep your dietary supplements (such as St. John's wort or ginkgo) as an in-patient.
- How to talk your doctor about CAM therapies and address medical and institutional concerns so as to get your needs met.
- How to enlist the help of professional organizations in your quest for holistic healthcare when dealing with a mainstream medical organization such as a hospital.
- Ways to overcome liability concerns when you try to coordinate your conventional and CAM caregivers.
- Special concerns that will arise when you treat your child with CAM therapies such as homeopathy for chronic ear infections, special diets and nutritional protocols, and other treatments.
- Ways to tap into medical respect for "mind-body" therapies to give yourself a broader array of health care choices.

Audiences

Clinicians, hospitals, medical clinics, medical societies, health-care institutions, insurance companies, wellness centers, integrative medicine clinics, medical spas, individual entrepreneurs, and corporations involved in the health care field.



"To respect the patient as a person, the legal system, like medicine, must engage with paradigms beyond mechanism and reductionism and move toward a holistic understanding of the human being's journey toward health on all levels."

Talk #4 —

Healing at the Borderland of Medicine and Religion: Legal and Social Implications

As consumers' health care choices shift away from conventional medicine and more toward personal explorations, ranging from colonics to Reiki and Therapeutic Touch, guided imagery to bodywork, acupuncture to nutraceuticals and medical foods, the borderland between medicine and religion becomes increasingly fuzzy.

All disciplines must understand the increasingly intricate relationship between medicine, ethics, law, and spirituality in order to assimilate the new paradigm of consumer choice at the border of health care and personal freedom. Learn how therapies in what Michael calls the "Borderland" are changing:

- Medicine, psychology, and the conventional approach to health;
- Our ability to reconcile science and religion;
- Regulatory efforts to accommodate religious pluralism and expand medical pluralism without impinging on patient protection;
- The implications of complementary and alternative medicine and the holistic health movement for professions outside the health care arena, and disciplines in the humanities.

Audiences

Colleges, other university departments, academic medical centers, nonprofit organizations, writers, attorneys and regulators, physicians and nurses, hospitals, medical schools and colleges of acupuncture, chiropractic, and massage therapy; and scholars and professionals of all disciplines.

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Talk #5 —

Health Trends 2020: 5 Tools to Anticipate and Prepare for the Coming Merger of Technological Change and Spiritual Transformation

Through yoga, massage and other forms of bodywork, therapeutic touch, Reiki, hands-on and spiritual healing, guided imagery, meditation, and prayer, millions are turning to spirituality as an integral part of self-care. Health and wellness is no longer strictly about medicine. This has enormous implications for the business of health care, as well as for broader social trends toward unity, cohesion, environmental awareness, and even conflict resolution and global peace.

Whether considered a “New Age” movement or simply greater reliance on self-empowerment and healing, the upsurge in emphasis on spirituality and consciousness in the new millennium is changing perceptions of health care, wellness, and the link between physical care and care for the soul.

Addressing the delicate interface between legal authority, health care, and consciousness, Michael H. Cohen links the thread of technology, business, and spirituality with advice for the new entrepreneur and health care consumer.

Audiences

Policymakers and think tanks, lawyers, regulators, judges, universities, bioethicists, hospital ethics committees.



For the future, “I see a trend toward greater respect, greater tolerance and mutual cooperation. I see a team approach with referrals back and forth, but not a duty to refer that is a fear-based model of coercion based on adverse legal consequences.

“I see a model based on appreciation, respect, knowledge, wisdom and caring for the patient; where there’s greater team involvement in patient care; where each kind of practitioner understands the breadth of the others’ knowledge and the limitations of their own discipline; and where they need to reach out and have a common enterprise.

“The opposing trend is the trend that has dominated health care since its inception in the U.S. That trend is turf battles, waging war, trying to narrow the scope of authority of others, monopolization — that’s what we have seen so far.

“Which path the professions want to take is up to the leaders in the field.”

Talk #6 —

Complementary and Alternative Medicine — Legal Boundaries, Ethical Dilemmas, and Regulatory Perspectives: 3 Ways to Re-think the Current Balance Between Patient Choice, and Patient Protection

In 2005, the Institute of Medicine convened a study committee to explore scientific, policy and practice questions that arise from the significant and increasing use of Complementary and Alternative Medicine (CAM) therapies by the American public. The study found that greater openness was required on the part of scientific and medical communities, and that legislation and public policy should encourage a new and deeper balance between the goals of empowering health care consumers while protecting the public against dangerous practices.

Michael H. Cohen served as a Consultant to that report, and has been an important player in legislative, public policy, and organizational debates about the role of CAM in patient life. He has also written about the links between health care policy, environmental awareness, consciousness and spirituality movements, and personal choice in health and wellness. This talk addresses the profound impact of new models of medical pluralism on social change, including larger world trends such as self-determination and democratic values, sustainable development, and economic well-being.

Audiences

Policymakers and think tanks, lawyers, regulators, judges, universities.

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Speaker References, Endorsements & Reviews

“I heard Michael present the legal landscape of this very novel and unfamiliar area of health care to a ballroom filled with thought leaders from medical education and health care delivery systems, and was immediately impressed with his intellect and thoughtfulness. On that day he not only summarized the state of the law regarding complementary medicine, but also gave us a glimpse of what the future might hold for medicine.”

— KAREN E. ADAMS, M.D.

Center for Ethics in Health Care, Oregon Health and Sciences University

“Michael H. Cohen admirably pushes the frontiers of law, medicine, ethics, and health care policy. In an engaging, insightful, and provocative analysis, he opens a door to the future of medicine, thus laying the foundation for a regulatory framework that supports human physical, as well as spiritual, health.”

— KENNETH R. PELLETIER, PH.D.

Former Director, Stanford Corporate Health Program, and
Clinical Professor of Medicine, Stanford University School of Medicine

“As the public has increasingly turned to alternative methods of healing such as acupuncture, chiropractic, dietary supplements, energy healing, and yoga, the legal and ethical relationships between these alternatives and the traditional medical orthodoxy have come into question. What legal obstacles do practitioners of alternative medicine currently face, and should they be certified or licensed? What liability risks do traditional health care providers confront when they refer patients to complementary practices... Mr. Cohen offers a thought-provoking discussion about integrating the alternative with the traditional. Through poignant anecdotes and accessible analysis, he moves from practical legal issues of liability and regulation to more abstract questions regarding different traditions and understandings about healing.”

— HARVARD LAW REVIEW

*Interested in booking
Michael H. Cohen
to speak at your next event?*

*Contact / Booking:
(949) 209-8962*

“Michael asks the questions that we should all be considering whether as a patient visiting an acupuncturist, herbalist, or chiropractor, or as a practitioner of one of those medicines.”

— THE FORUM (AOM ALLIANCE)

“With ingenuity and finesse, Cohen demonstrates how the introduction of complementary and alternative medicine into healthcare is transforming not only the delivery of services for individuals, but also the web of personal and working relations for everyone involved in the processes of caring and healing. This is a unique and enriching contribution that stands out for its coupling of erudition and sensitivity.”

— MARY RUGGIE, PH.D.

Prof. of Public Policy, Kennedy School of Government, Harvard University

“Through gifted storytelling and rigorous, respectful exploration of multiple intellectual and religious disciplines, Cohen bridges the science and the soul of healing, transcends previous limitations, and embraces the mystery of the Spirit.”

— KATHI J. KEMPER, M.D., M.P.H.

Caryl J. Guth Chair for Holistic and Integrative Medicine and
Professor of Pediatrics, Wake Forest University School of Medicine

“As complementary medicine becomes more and more popular, it is inevitable that some practices will be integrated into conventional health care. This process raises a host of legal and ethical issues... Michael Cohen's attempt to address this complex area is both laudable and authoritative.”

— EDZARD ERNST

Dept of Complementary Medicine, University of Exeter

“Courageous, insightful, innovative, and inspiring, Mr. Cohen goes where few dare tread, and where all are headed — toward a global perspective in medicine.”

— WAYNE B. JONAS, M.D.

Director of the Samuelli Institute, and
Former Director, Office of Alternative Medicine, NIH

Books by Michael H. Cohen — SYNOPSSES AVAILABLE ONLINE AT MICHAELHCOHEN.COM AND AMAZON.COM

