

Act No. 64 of 27 June 2003 relating to the alternative treatment of disease, illness, etc.

Section 1 Objective of this Act

The objective of this Act is to contribute to safety for patients who seek or receive alternative treatment and to regulate the right to practise such treatment.

Section 2 Scope of this Act, terms, etc.

This Act applies to persons offering or practising alternative treatment in Norway.

Insofar as they are appropriate, the regulations regarding territorial scope issued in pursuance of Section 2, second and third paragraph, of the Health Personnel Act shall also apply to this Act.

Alternative treatment is understood to mean health-related treatment which is practised outside the established health services and which is not practised by authorised health personnel. However, treatment practised within the scope of the established health services or by authorised health personnel is also covered by the term alternative treatment when the methods used are essentially methods that are used outside the established health services.

For the purposes of this Act health personnel is understood to mean persons who are so defined in Section 3 of the Health Personnel Act.

When alternative treatment is practised within the scope of the health services or by authorised health personnel, the Health Personnel Act shall also apply. Authorised health personnel shall give information and access to medical records as follows from Sections 10 and 41 of the Health Personnel Act, also in cases where the patient has no rights under the Patients' Rights Act.

Section 3 Registration scheme

The Ministry shall issue regulations regarding a voluntary registration scheme for health personnel and others who practise alternative treatment. These may include provisions on

1. a charge on registration and
2. an annual fee to retain registration.

Section 4 Duty of confidentiality

Insofar as they are appropriate, the provisions on duty of confidentiality in Sections 21 to 25 in the Health Personnel Act shall have corresponding application to non-health personnel who practise alternative treatment.

Section 5 Medical intervention or treatment which may entail a serious health hazard

Medical intervention or treatment which may entail a serious health hazard for patients shall only be practised by health personnel.

The Ministry may issue regulations stipulating in more detail the content of the first paragraph.

Section 6 Treatment of communicable diseases which are hazardous to public health

Treatment of diseases which are regarded in Section 1-3 of the Communicable Diseases Act as hazardous to public health shall only be practised by health personnel.

Non-health personnel may nevertheless administer treatment in cases where the sole purpose is to alleviate or moderate symptoms or consequences of the disease or side effects of given

treatment or where the purpose is to strengthen the body's immune system or its ability to heal itself.

The Ministry may issue more detailed regulations regarding treatment pursuant to the second paragraph.

Section 7 Treatment of serious diseases and disorders

The treatment of serious diseases and disorders other than those covered by Section 6 shall not be practised by non-health personnel.

Non-health personnel may nevertheless administer treatment in cases where the sole purpose is to alleviate or moderate symptoms or consequences of the disease or disorder or side effects of given treatment or where the purpose is to strengthen the body's immune system or its ability to heal itself.

The provision in the first paragraph does not apply if the treatment takes place in cooperation with or in consultation with the patient's physician and the patient is of age and is entitled to consent to healthcare pursuant to Section 4-3, first and second paragraph, of the Patients' Rights Act. This also applies to other patients if the health service has no curative or palliative treatment to offer the patient. Insofar as they are appropriate, the provisions regarding consent in Sections 4-4, 4-5, 4-7 and 4-8 in the Patients' Rights Act shall apply correspondingly.

The Ministry may issue regulations containing more detailed provisions regarding the diseases and disorders that are covered by the first paragraph and regarding treatment pursuant to the second and third paragraphs.

Section 8 Protected title and marketing

Only persons who have been granted authorisation, a licence or specialist approval pursuant to Section 48 to 51 of the Health Personnel Act may use a title designating the group of health personnel concerned.

Only persons who are registered as practitioners of alternative treatment in the register established pursuant to Section 3 of this Act may use the designation 'registered' along with their professional title of alternative therapist.

No person may unrightfully use titles or market his/her activity in a manner which can give the impression that the person in question has authorisation, a licence or specialist approval pursuant to the Health Personnel Act, cf. first paragraph, or is a registered practitioner of alternative treatment, cf. second paragraph.

Persons providing alternative treatment may in marketing their activity only give an objective and factual description of the nature of their activity.

The Ministry may issue regulations containing more detailed provisions regarding marketing.

Section 9 Penal provisions

Any person who wilfully or through gross negligence infringes the provisions of this Act or provisions issued in pursuance of this Act, or who is an accessory thereto, may be punished by fines or by a term of imprisonment not exceeding three months.

Non-health personnel who by medical intervention or treatment wilfully or through gross negligence place a person's life or health in serious danger, either by the treatment itself or because the patient as a result of the treatment omits to seek expert help, may be punished by fines or a term of imprisonment not exceeding three months. An accessory is liable to the same punishment.

In particularly aggravating circumstances, a term of imprisonment not exceeding two years may be imposed. In evaluating whether such circumstances exist, emphasis shall be placed on whether the action resulted in death or serious injury to health, whether it was particularly painful physically or mentally, and whether the guilty party has previously been punished under the provisions in this Section.

The fact that the person in question did not understand or should have understood the danger or the nature of the disease does not exempt that person from punishment pursuant to the first or second paragraph.

Public prosecution shall be instituted if this is in the public interest or by petition of the Norwegian Board of Health.

Section 10 Entry into force

This Act shall enter into force at the time determined by the King. The King may determine that certain provisions of this Act shall enter into force at different times.

Section 11 Repeal of and amendments to other legislation

From the time of entry into force of this Act, Act No. 9 of 19 June 1936 relating to the restricted access of non-health personnel to treat the sick shall be repealed.