

# The Age of Lawsuits: *What It Means For You and Your Healing Practice*

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**A**lternative therapies, including various modalities of energy healing, have become mainstream. Western physicians are making referrals for these complementary services, or are expanding their own practices to include integrative therapies. With the inclusion of energy healing into the larger scope of medical practices, there has been an accompanying expansion of malpractice laws to govern them.

## BE AWARE OF THE INCLUSION OF ENERGY MEDICINE IN MALPRACTICE LAWS

Lawsuits brought against alternative practitioners have been less frequent than for your counterparts in traditional Western medicine, and in most cases, less dramatic. The difference can be accounted for in part by sheer mathematics; you are far fewer in numbers than physicians. Patients also may not see an energy healer as having the deep pockets of a physician. However, you can expect that to change. As alternative medicine practitioners become more prevalent, so may the litigations against you.

## UNDERSTAND HOW MALPRACTICE LAWS APPLY TO YOUR ENERGY MEDICINE PRACTICE

In a general sense, to make a malpractice claim it must be proven that the healer owed a particular responsibility to the patient according to the modality used, that it was violated, and that it caused harm that resulted in actual damage to the patient. The problem is in the interpretation of what constitutes a reasonable standard of care. That determines what the responsibility of the healer is to the patient, and what would be a violation of that responsibility.

As energy healing continues to become more standardized and have established best practices within a particular modality, then those standards will serve as the basis by which you can be judged in a case of malpractice. If it can be demonstrated that you provided substandard care in relation to other similar providers, and that it resulted in harm, you will be open to litigation under malpractice laws.

## CONSIDER THE FACTORS THAT MITIGATE THE POSSIBILITY OF LAWSUITS

As an energy medicine provider, you may open yourself up to liability by not recognizing that a health condition is beyond your ability to treat within the scope of your modality, or by discouraging a patient/client from trying another approach, including Western medicine. Be cognizant of the benefits and limitations of your practice, and openly discuss them with your patients/clients as they apply to them. However, if the patient/client refuses your advice to explore all options and continues solely with your treatment, it will be very difficult for that patient/client to later prove malpractice.

Having credentials from educational institutions that are recognized in a particular healing modality, obtaining required state licensing, and holding a membership in professional organizations that set the standards for practitioners, and legitimize your business. These factors along with adhering to standards of care all lessen the probability of litigation against you, and are considerations in court if you do face a lawsuit.

When you, an energy medicine professional, have collaborative relationships with your patients, it reduces misunderstandings and the chance of malpractice accusations. Most energy medicine practitioners put patient responsibility at the center of their treatment already, so collaboration should be familiar territory. By educating your patients and making them full partners in their health, they are less likely to view you in an adversarial or authoritative role, again diminishing the chances of litigation.

## INCLUDE SAFEGUARDS IN YOUR COMPREHENSIVE BUSINESS PLAN

Another important “must do” is to present new patients with an informed consent document prior to treatment. The consent form should fully inform them of the scope, methods, and duration of treatment, and manage their expectations of the energy

medicine practice. While presenting the informed consent document, you have the opportunity to discuss clearly what your practice consists of. This will build a trusting relationship between you and your patient reducing possible future malpractice accusations.

Despite all your best efforts, there may come a time during your career when you are faced with litigation. Liability insurance can save your finances and your energy medicine practice from the devastation of a lawsuit. Considering the low cost of a liability policy, especially when weighed against the astronomical costs of a lawsuit or the loss of your business, it makes sense to be insured. 