

THE ROLE OF PUBLIC AUTHORITIES IN REGULATING NON-CONVENTIONAL HEALTH PRACTICES: BETWEEN FREEDOM OF CHOICE AND THE PROTECTION OF THE PUBLIC INTEREST

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INTRODUCTION

Since the dawn of human evolution, people have sought to care for their health, searching for ways to relieve pain and manage diseases. Long before the emergence of modern medicine, they relied on the forces of nature, using plants, foods, mineral waters, and various natural materials, believing in their healing properties.

Evidence of the use of medicinal herbs on Bulgarian territory dates back as early as the 3rd century BC and is linked to the medical culture of the Thracians. The Thracians held in high esteem the therapeutic qualities of the mineral springs [1], of which the Bulgarian lands abound. Skilled in herbal medicine, they combined phytotherapy with music therapy (Zalmoxis, Orpheus, and others), verbal healing techniques, therapies using mineral waters, and other approaches [2]. The Slavs also primarily practiced healing through herbs. In their medical traditions, various plants were widely used, such as ivy (to induce vomiting), hemp and poppy (for their narcotic and anesthetic properties), hellebore (used as a poison), among many others. The Proto-Bulgarians, in turn, applied herbs with anesthetic effects during surgical interventions.

Herbs appear in collections of medical prescriptions and apocryphal texts associated with the Bogomils, while Old Bulgarian medical manuscripts contain recipes and guidelines for managing deteriorating health conditions. The Hilandar Medical Codex, a manuscript preserved in the library of the Hilandar Monastery (14th–16th century), contains some of the most typical treatises of medieval medical literature, including works on pulse diagnostics and therapeutic manuals [3]. For example, the treatment of acute febrile conditions described in the codex involves cool baths, application of rose or almond oil, consumption of cooling foods, washing of the face and extremities with cold water, aromatherapy, listening to music, and other therapeutic measures [4].

These ancient practices laid the foundations for non-conventional medical practices, which continue to generate interest today and occupy a significant place in people's pursuit of health and well-being. Even in modern times,

many individuals continue to use decoctions, extracts, and ointments prepared from medicinal plants, to follow various diets and nutritional regimens involving specific foods, and to practice diverse physical techniques for preventive or therapeutic purposes.

EXPOSITION

Although a significant portion of these ancient practices continues to exist in modern times, the dynamics of social processes, along with advances in science and technology, necessitate regulation in the field of healthcare. The modern state plays a crucial role in regulating social relations, including those related to the protection of public health, with the primary aim of ensuring the safety and quality of medical services provided.

According to Article 52, paragraph 5 of the Constitution of the Republic of Bulgaria, the state exercises control over all healthcare establishments, as well as over the production of medicinal products, biological preparations, medical equipment, and their trade. The obligations of the state regarding the protection of public health – both collective and individual health—are implemented through the legal establishment of the rights and responsibilities of participants within the healthcare system, the institutionalization of the bodies and mechanisms necessary for its functioning, and the exercise of regulatory oversight in the field of healthcare. In accordance with the constitutionally established state control, special laws have introduced licensing and registration regimes for the performance of various activities within the healthcare sector [5]. Moreover, state intervention is not confined solely to conventional medical activities but also extends to the domain of non-conventional health practices.

As early as 1997, the European Parliament adopted the Resolution on the Status of Non-Conventional Medicine. The aim of the resolution was to bring greater clarity and to establish uniform standards within the European Union regarding non-conventional medicine, such as homeopathy, acupuncture, and other methods. The reason for this initiative was the fact that, in different Member States, this field was regulated in highly diverse ways, creating legal uncertainty for both patients and practicing professionals. The resolution emphasizes that a significant number of EU citizens use non-conventional therapeutic methods and have the right to access safe and high-quality healthcare services. However, the document does not provide a definition of the term “non-conventional medicine.” In certain European documents, the terms complementary and alternative medicine are also used, sometimes as synonyms. The resolution acknowledges that non-conventional medicine encompasses a wide range of therapies and methods, although these are not exhaustively defined. In the debates preceding the resolution, as well as in the report on which it is based (Report A4-0075/97), examples cited include

homeopathy, acupuncture, phytotherapy (herbal medicine), osteopathy, chiropractic, anthroposophic medicine, and naturopathy.

The World Health Organization (WHO) adopted its first strategy on traditional medicine as early as 2002. Traditional medicine is defined as a body of knowledge, skills, and practices based on theories, beliefs, and experiences indigenous to different cultures, which are used for maintaining health as well as for the prevention, diagnosis, improvement, or treatment of physical and mental illnesses. The purpose of the current strategy—the Draft Global Traditional Medicine Strategy (2025–2034)—is to support Member States in utilizing traditional medicine in a safe, effective, and high-quality manner, through its integration into healthcare systems, with the aim of achieving universal health coverage and health for all. The reasons behind the development of this new strategy are related to the growing global interest in traditional medicine, the need for a scientifically based approach to ensure its safety, efficacy, and quality, as well as calls for innovation and cooperation between traditional and modern medicine.

In the context of the growing international interest in traditional and non-conventional medicine, particularly following the adoption of strategic documents by the WHO and the European Union, it is of significant importance to analyze how Bulgarian legislation regulates these practices and what mechanisms for oversight have been established at the national level.

The principal legislative act governing public relations connected with the protection of public health in the Republic of Bulgaria is the Health Act. It was promulgated in the State Gazette, issue No. 70 of 10 August 2004, and entered into force on 1 January 2005. The Health Act reflects the new realities in the healthcare sector that emerged following the socio-political changes of 1989.

Non-conventional methods intended to exert a beneficial effect on individual health are regulated in Chapter Six of the Health Act. Bulgarian legislation defines non-conventional methods for promoting individual health as methods whose study is not included in the curricula of higher medical educational institutions. The law stipulates that such methods shall not cause any deterioration in individuals' health condition and may be applied solely for the purpose of exerting a beneficial influence on individual health.

The non-conventional methods regulated by the law are exhaustively enumerated in Article 166, paragraph 1 of the Health Act and include: the use of non-medicinal products of organic origin; the use of non-medicinal products of mineral origin; the application of non-traditional physical methods; homeopathy; acupuncture and acupressure; iris, pulse, and auricular diagnostic methods; dietetics; and therapeutic fasting. Furthermore, the law establishes an explicit prohibition on the application of non-conventional methods other than those specifically listed (Article 166, paragraph 2).

The practice of the specified non-conventional methods is subject to a registration regime. According to Article 170, paragraph 1 of the Health Act, individuals who engage in the practice of non-conventional methods are required to register with the Regional Health Inspectorate (RHI) in the region where they carry out their activities. For this purpose, they must submit an application accompanied by the relevant supporting documents. In the application, the non-conventional methods and means that the individual intends to practice must be exhaustively specified. Information regarding persons practicing non-conventional methods is publicly accessible and is maintained through the Register of Individuals Practicing Non-Conventional Methods, which is kept by each Regional Health Inspectorate. The register contains data on the identity of the practitioner, the methods they practice, the date of issuance of the certificate of registration for the non-conventional practice, the date of deregistration, if applicable, and other relevant information.

The activities of individuals practicing non-conventional methods are subject to regulatory oversight. In view of the regulations established in the Health Act, administrative and penal liability is envisaged in cases of non-compliance. According to Article 227 of the Health Act, any person who practices non-conventional methods intended to influence individual health in violation of statutory provisions is subject to a fine ranging from BGN 500 to BGN 1,500 (approximately EUR 255 to EUR 765). In cases of repeated offenses, the fine ranges from BGN 1,500 to BGN 5,000 (approximately EUR 765 to EUR 2,550).

It is possible to raise the question of whether the methods listed in the law are the only ones existing in practice [6]; however, this remains a matter of public debate and future legislative decision-making. At present, the legislator has established a specific legal framework aimed at protecting individuals who make use of such methods. In implementation of the provisions of the law, an Ordinance has been issued concerning the requirements for the activities of persons who practice non-conventional methods intended to exert a beneficial influence on individual health.

In Bulgaria, the right to practice non-conventional methods is granted to individuals who meet certain requirements. They must be mentally healthy, must not have been convicted of criminal offenses of a general nature, and must possess the requisite educational qualifications. The law permits the practice of non-conventional methods by individuals holding a master's degree in the fields of Medicine, Dental Medicine, or Pharmacy; by specialists or bachelor's degree holders in the professional field of Healthcare; and by individuals who have completed secondary education and hold a certificate of successful completion of training lasting no less than four semesters at a higher medical educational institution. The right to practice

homeopathy is reserved exclusively for physicians specialized in Medicine or Dental Medicine.

There has been criticism regarding the requirement for a specific educational qualification in order to practice non-conventional methods. Nevertheless, such a requirement has been introduced in view of the obligation of practitioners to assess the health condition of individuals seeking their assistance, as well as to evaluate whether the method they intend to apply could exert a beneficial influence on the person's health. Such an assessment can only be performed by an individual who possesses the necessary professional qualifications.

The practice of non-conventional methods constitutes a form of economic activity. Nevertheless, the law imposes a prohibition on all forms of advertising related to non-conventional methods. The purpose of this prohibition is to prevent citizens from being misled regarding the capabilities and effectiveness of such practices, as well as to avert unlawful claims about therapeutic properties that could pose a risk to their health. Furthermore, it is prohibited to associate non-conventional methods with activities related to prevention, diagnosis, treatment, and rehabilitation in order to avoid creating the false impression that these methods can replace conventional medical care or be used to treat serious diseases without the necessary medical evaluation.

CONCLUSION

Every individual has the right to choose the approach they consider most suitable for addressing minor health conditions and illnesses. In a state of despair, patients and their relatives often resort to questionable, and sometimes even dangerous, methods. Nevertheless, this remains a matter of personal choice, which is difficult to restrict through legislative measures.

The purpose of the legal regulation introduced in the field of non-conventional health practices is to establish a legal framework that ensures safety and protection for individuals who resort to such methods. The law does not seek to oppose conventional and non-conventional medicine but rather aims to provide the necessary level of protection for the health and rights of citizens. In this context, the role of public authorities is of crucial importance, as they must find the proper balance between respecting individual freedom of choice and fulfilling their obligation to safeguard the public interest. The regulation of non-conventional health practices should be carried out in a manner that does not suppress individual rights and cultural specificities. At the same time, it should guarantee the safety, quality, and scientific validity of the methods offered. It is precisely this delicate balance between citizens' autonomy and the responsibility of the state that lies at the core of the modern legal approach to non-conventional health practices.

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