

Legal Issues of Tibetan medicine in Russia

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The article discusses legal status of institutions and specialists of Tibetan medicine in Russia, and its integration into national health system.

In contemporary Russia, the term “Tibetan medicine” is not officially acknowledged and traditional Tibetan methods of treatment and diagnostics are not included into Russian medical standards, there is no educational program for teaching and preparing doctors of traditional medicine. Therefore, the doctors and the patients are not covered by insurance; it is looked upon as one of the kinds of traditional oriental medicine. According to the federal law № 323 "On the Fundamentals of Health Care of Citizens of the Russian Federation" it is referred to as a "Traditional (complementary) medicine". This document does not allow distribution and import of medicines based on Tibetan formulas. It does not have legal status. Such situation with Tibetan medicine in Russia can be traced back to the 19th – early 20th centuries, when it was introduced to European medical system by Alexander and Peter Badmaevs in Sankt-Petersburg. The main goal of the paper is aimed at analyzing the legal status of traditional medicine in nowadays Russia.

Buddhism penetrated to Buryatia beginning from the early XVII century. It was brought by Buddhist missionaries from Tibet and Mongolia. For the short period of time Buddhism and Buddhist monasteries took an important place in spiritual, cultural and social life of the Buryat population. Tibetan medicine was one the important factors of this phenomenon.

At the turn of the XIX-XX centuries in tsarist Russia Tibetan medical system was experiencing the peak of prosperity because there functioned medical faculties (mamba datsans) at the largest Buryat Buddhist monasteries. In the early twentieth century, the main schools of Tibetan medicine were mamba-datsans at Gusinoozersky, Tsugolsky, Aginskoye, Atsagatsky and Chelutai temples. There appeared many learned Buryat emchi-lamas. They translated many important medical treatises from Tibetan and composed their own works,

dictionaries, textbooks, etc. Buryat Buddhist temples and lamas were engaged in the production of multicomponent drugs, created their own prescriptions of medicines based on local raw materials. Among them we can mention Kushok khambo lama Agvan Dorzhiev, the founder of the Atsagat mamba datsan, Galsan-Zhimba Dylgirov, Iroltuev, Yondonov, etc. The most well-known of them can be called two brothers - Alexander and Peter Badmaev. They studied medicine in the Buryat monastery and later popularized Tibetan medicine in Russia having acquainted the tsarist court with the effective methods of healing. Particularly known is Peter Badmaev, a doctor, political and public figure, translator of the canonic treatise of the Tibetan medicine "rGyud bzhi" into Russian. Peter Badmaev was a prominent practitioner of Tibetan medicine with excellent political connections in the Russian imperial court. P. Badmaev treated many Russian noblemen, famous persons and ordinary citizens with the methods of Tibetan medicine. The population of the imperial capital of Russia learnt about the effectiveness of treatment methods of Tibetan medicine through his deep knowledge and activities.

Since the 30-ies of the last century in connection with the anti-religious campaign, all Buddhist temples were closed and ruined, repressions began against lamas and doctors. Buddhism practically ceased to exist and Tibetan medicine was banned. For 70 years in the Soviet Union, the legacy of Tibetan medicine was not used.

The heritage of Tibetan medicine became the object of scientific research since the end of first half of the 20th century. It was studied by specialists in various fields: orientalists, philologists, historians, pharmacists, biologists, clinicians, and so on.

Systematic academic researches of the heritage of Tibetan medicine started in 1966 at the Buryat Scientific Center in the Department of Source Studies of our Institute for Mongolian, Buddhist and Tibetan studies with the study of the experience of old Buryat lamas of using natural raw materials in traditional Tibetan medicine and on this basis effective medicines based on them were created.

Our colleagues of the Institute of general and experimental medicine have created new integrative medical technologies for treatment and prevention of some common diseases, as well as effective and safe medicines from ecologically pure raw materials of the Siberian region. These created medicines were patented and certified, but they have not been licensed for industrial production.

The practice of integrating traditional medicine into the system of the Russian healthcare has revealed the following problems, first of all, connected with the process of formulating and developing of consensual uniform standards:

- the necessity of unification of terminology for creating common conceptual and legal basis;

- developing joint standards of diagnostic and treatment methods, of raw materials used in medicines;

- the necessity of development of professional educational programs of different levels.

The accumulated results of researches found practical application in the creation of the "Center of the Oriental Medicine" in Ulan-Ude. This Center is the only state institution of Russia for 30 years working with the use of the methods of Oriental medicine. This Centre provides medical services to the population from all over the Russia. The right for carrying these activities is certified by the state license.

In Russia, the most common "oriental medicine" embraces Chinese, Mongolian, Buryat, Kalmyk, Tyva, Ayurvedic systems of medicine. While the term "Tibetan" medicine has disappeared from official documents giving way to the term "traditional medicine".

The future development of traditional oriental medicine in the Russian Federation depends on the solution of several large complex problems. First of all, this is the problem of unsolved legal status of traditional medicine in Russia, including it into the official medical system. For the second, the importance of withdrawal of sanctions for the distribution and import of medicines based on Tibetan formulas. For the third, founding the basis for educational programs for teaching doctors of traditional medicine.

All these problems arose with the adoption of the Federal Law of November 21, 2011, No. 323 called "On the fundamentals of protecting the health of citizens in the Russian Federation" (Article 50). This law significantly limited the legal status of traditional medicine in Russia in general, with all negative implications arising from it. The adoption of this law opposed it to the official European medicine, which is strictly regulated by the state through a legislative framework. This situation means that according to this law organizations of traditional medicine, specialists and medicines can not be licensed and can not be controlled by the state institutions and that is why their activities are not legal.

Traditional medicine is equated to "folk medicine", i.e. to the not scholarly system, traditional folk healing.

The need for legalization of traditional methods of treatment of oriental medicine facilitated the unification of efforts of scientists, doctors and politicians in promoting the regulatory and legal issues of Tibetan medicine in the legislative field. Thus, for the past five years, the State Parliament has held "Round tables" on the topic of "Legal regulation and the perspective of the development of traditional, folk and oriental medicine in the Russian Federation", which resulted in the creation in the State Parliament of the Expert Committee on

Traditional Medicine. The work of this Committee is aimed at changing the existing laws and regulations, like the Federal Law "On the fundamentals of protecting the health of Russian citizens" and "On the circulation of medicines", for including phytotherapy, hirudotherapy and homeopathy into to the register of specialties that were excluded earlier from it. As well as to decide the problem of restoration of the Federal Scientific Clinical Experimental Center for Traditional Methods of Diagnosis and Treatment that has been closed according to the aforementioned Federal Law No. 323 and to work out the system of managing coordination with the State medical organizations.

This Committee has worked out a special plan for the integration of traditional medicine into the modern medical healthcare system of the Russian Federation and has passed it to the Ministry of Health of the Russian Federation. The main demand of this document is to include methods of traditional medicine (phytotherapy, manual therapy, reflexology, traditional diagnostics) into the standards of modern medical care and to add the specialties: "phyto therapist", "homeopath", "traditional medicine doctor" to the "The nomenclature of specialists with a higher medical and pharmaceutical education". This will give to the doctors the right for carrying on their work officially and legally.

This Expert Committee under the State Duma is trying to develop a new mechanism for accelerated certification of medicines and for creating new special pharmacopoeia for traditional medicines.

Successful realization and implementation of these tasks connected with official recognition of the legal status of traditional medicine will provide for effective integration of the legacy of Tibetan medicine into modern Russian health care program and will give a new impetus to the scientific research of oriental medical system in general and particularly of the Tibetan medicine.
