

**Genesis, Current State and Trends of the Folk Medicine Legal Regulation in Ukraine and Abroad: Introduction to the Issue**  
**(Abstract)**

*Yaroslav Radysh, Doctor of Science in Public Administration, Professor of the Department of Health Care Management, National Academy of Public Administration under the President of Ukraine*

*Vyachslav Yevtushenko, Researcher of the Department of Health Care Management, National Academy of Public Administration under the President of Ukraine, Deputy Head of the Division of Health Care, Humanitarian and Social Affairs Department of the Cabinet of Ministers of Ukraine*

In this article, the authors note that the practice of folk medicine is as old as humankind itself and play important roles in human society from past centuries to date as in Ukraine and all around the world millions of people use traditional, complementary and alternative medicines to deal with different health issues. In addition, the safety and efficacy of traditional, complementary and alternative medicines, as well as quality control, are of great attentiveness of both the state and the public all the time.

As different societies have evolved various forms of healing methods and the use of traditional medicine varies from country to country without a parallel improvement of universal principles and appropriate methods for evaluating traditional, complementary and alternative medicines practices, there are different approaches to legal regulating of traditional medicine in a number of countries. Therefore, in the authors' opinion, sharing national experiences between countries and the exchange of information about the current situation and the development trends of legal regulation of traditional, complementary and alternative medicines is crucial.

This article offers a general study of historical and legal aspects of traditional medicine practices and clarifies basic conceptual and categorical apparatus.

Thus, the authors mention, to avoid terminological mistakes both in research and practice, the World Health Organization outlines clearly the content of all terms related to those medical practices that are outside the scope of standard medical curricula. For example, WHO defines traditional medicine as "health practices, approaches, knowledge, and beliefs incorporating plant, animal, and mineral based medicines, spiritual therapies, manual techniques and exercises, applied singular or in combination, to treat, diagnose and prevent illnesses or maintain well-being". Complementary and alternative medicine often refer to a broad set of health care practices that are not part of a country's own tradition and are not integrated into the health care system.

In some countries, these terms are used with such terms as "natural medicine", "herbal medicine", "indigenous medicine", "folk medicine", "non-conventional medicine", "integrative medicine" and "traditional and alternative (additional) medicine" which covers all types of healing. Regardless of the various terms under which they are known, all of them represent the fundamental foundation of any health care system. Societies have used them through the millennia for the maintenance of health.

According to Ukrainian legislation, folk medicine (healing) is defined as methods of the prevention, diagnosis, improvement or treatment of physical and mental illness, based on the experience of many generations of people entrenched in folk traditions and does not require a state license.

The authors share the view that folk, complementary and alternative medicines usage patterns differ between countries depending on factors such as culture, historical significance, as well as law and regulations. It is necessary that traditional medicine is recognized, respected and endorsed by governments for full actualization of its potential.

The World Health Organization has defined three types of health care systems to describe the degree to which traditional, complementary and alternative medicines are an officially recognized component of health care:

1) traditional, complementary and alternative medicines are officially acknowledged and incorporated into all areas of the provision of health care services. This means that traditional medicine is included in the national health care policy, and traditional, complementary and alternative medicines therapies are available at all public and private hospitals and clinics. Moreover, traditional, complementary and alternative medicines are a primary source of providing health care treatment.

2) traditional, complementary and alternative medicines are not entirely integrated into all aspects of the provision of health care services, which means that it might not be available at all levels of health care system, and there is a lack of legal regulation of traditional, complementary and alternative medicines providers and products. The use of traditional, complementary and alternative medicines is explained because of historical, cultural, political, and social influences.

3) only some traditional, complementary and alternative medicines practices used like additional medical treatment are tolerated by national legislation and policies.

The authors state that countries face many challenges in the development and implementation of policies, regulations and procedures affecting access to traditional, complementary and alternative medicines practices related to identifying definitions of traditional, complementary and alternative medicines, assessment of safety and efficacy, quality control, safety monitoring of traditional medicine and intellectual property issues.

In addition, the authors gave a brief analysis of the legal regulation of traditional medicine under the laws of Ukraine and described the required algorithm of exercising the right to engage in the healing work.

The authors come to the conclusion that Ukraine is one of those countries that have made significant progress to integrate traditional, complementary and alternative medicines into the legislative framework in the sphere of health care. However, the authors acknowledge that legal regulation of traditional, complementary and alternative medicines practice is still a major challenge in Ukraine. In order to integrate traditional medicine into the national health care system, to improve the institutional and legal framework for traditional, complementary and alternative medicines the authors developed the scientific concept of a new functional organizational structure of health care system. This concept is based on the updated legal framework for traditional, complementary and alternative medicines in Ukraine, determines the optimal structure and functions of traditional medicine health care institutions, and involves a wide range of awareness-raising activities among the population of Ukraine, etc.

Further improvement of laws and regulations on traditional, complementary and alternative medicines in Ukraine is augmented by the need for ensuring safety and effectiveness of traditional therapies and providing equal access to high-quality and comprehensive health care. In addition, in authors' opinion, this regulation is motivated by public interest and strengthened social welfare.

*Key words:* Ukrainian traditional medicine, terminology, genesis, periodization, usage patents, law regulation.

### Reference list

1. Аникин И.А. Монастырская больница Древней Руси // Советское здравоохранение, 1987. – № 11. – С. 58 — 61 (Аныкун У.А. Monastyrskaiabolnytsa Drevnei Rusy // Sovetskoe zdravookhraneniye, 1987. – № 11. – S. 58 — 61).
2. Верхратський С.А., Заблудовський П.Ю. Історія медицини: Навч. посібник. – К.: Вища школа, 1991. – 431 с. (Verkhratskyi S.A., Zabludovskyi P.Iu. Istoriia medytsyny: Navch. posibnyk. – K.: Vyshcha shkola, 1991. – 431 s.).
3. Гарник Т.А., Поканевич В.О., Петріщева В.О., Гарник К.В. Актуальні і проблемні питання в народній медицині: фундаментальні дослідження та впровадження в первинну ланку охорони здоров'я / Т.А. Гарник, В.О. Поканевич, В.О. Петріщева, К.В. Гарник // Актуальні питання в народній медицині. Здоров'я та довголіття: фундаментальні дослідження, впровадження: матеріали наукового симпозиуму з міжнародною участю, м. Київ, 8-9 квітня 2016 р. / За ред. д.мед.н., проф. Г.П. Гарник, д.мед.н., проф. В.А. Туманова. – К., 2016 - С. 17 – 19 (Harnyk T.A., Pokanevych V.O., Petrishcheva V.O., Harnyk K.V. Aktualni i problemni pytannia v narodnii medytsyni: fundamentalni doslidzhennia ta vprovadzhennia v pervynnu lanku okhorony zdorov'ia / T.A. Harnyk, V.O. Pokanevych, V.O. Petrishcheva, K.V. Harnyk // Aktualni pytannia v narodnii medytsyni. Zdorov'ia ta dovhollittia: fundamentalni doslidzhennia, vprovadzhennia: materialy naukovoho sympoziumu z mizhnarodnoiu uchastiu, m. Kyiv, 8-9 kvitnia 2016 r. / Za red. d.med.n., prof. H.P. Harnyk, d.med.n., prof. V.A. Tumanova. – K., 2016 - S. 17 – 19).
4. Євтушенко В.В. Прийоми та засоби народної медицини у практичному використанні запорізьких козаків / В.В. Євтушенко, Я.Ф. Радиш // Актуальні питання в народній і нетрадиційній медицині: здоров'я і довголіття – університет здоров'я: матеріали міжнар. симпозиуму, м. Київ, 29 травня 2015 р. / Фітотерапія, 2015. - № 2 (Yevtushenko V.V. Pryiomy ta zasoby narodnoi medytsyny u praktychnomu vykorystanni zaporizkykh kozakiv / V.V. Yevtushenko, Ia.F. Radysh // Aktualni pytannia v narodnii i netradytiinii medytsyni: zdorov'ia i dovhollittia – universytet zdorov'ia: materialy mizhnar. sympoziumu, m. Kyiv, 29 travnia 2015 r. / Fitoterapiia, 2015. - № 2).
5. Кучмістов В.О. Аспекти викладення фармакогнозії на етапі післядипломної освіти / В.О. Кучмістов, О.П. Шматенко, О.Ф. Кучмістова // Актуальні питання в народній медицині. Здоров'я та довголіття: фундаментальні дослідження, впровадження: матеріали наукового симпозиуму з міжнародною участю, м. Київ, 8-9 квітня 2016 р. / За ред. д.мед.н., проф. Г.П. Гарник, д.мед.н., проф. В.А. Туманова. – К., 2016 – С. 36 – 37 (Kuchmistov V.O. Aspekty vykladennia farmakohnozii na etapi pisliadyplomnoi osvity / V.O. Kuchmistov, O.P. Shmatenko, O.F. Kuchmistova // Aktualni pytannia v narodnii medytsyni. Zdorov'ia ta dovhollittia: fundamentalni doslidzhennia, vprovadzhennia: materialy naukovoho sympoziumu z mizhnarodnoiu uchastiu, m. Kyiv, 8-9 kvitnia 2016 r. / Za red. d.med.n., prof. H.P. Harnyk, d.med.n., prof. V.A. Tumanova. – K., 2016 - S. 36 – 37).
6. Народная медицина: определения. Общее руководство по методологиям научных исследований и оценке народной медицины [Электронный ресурс]. — Режим доступа: [http://www.who.int/topics/traditional\\_medicine/definitions/ru](http://www.who.int/topics/traditional_medicine/definitions/ru) (Narodnaia medytsyna: opredeleniia. Obshchee rukovodstvo po metodolohiyam nauchnykh yssledovanyi y otsenke

narodnoi medytsyny [Elektronnyi resurs]. — Rezhyim dostupa: [http://www.who.int/topics/traditional\\_medicine/definitions/ru](http://www.who.int/topics/traditional_medicine/definitions/ru)).

7. Современная энциклопедия народной и нетрадиционной медицины: Целебные растения. Ч. 1. Методы и способы лечения / А.И. Пашковский, Т.П. Гарник, В.М. Мельник и др. — Житомир: Рута, 2016. — 760 с. (Sovremennaia entsyklopedyia narodnoi y netradytsyonnoi medytsyny: Tselebnye rastenyia. Ch. 1. Metody y sposoby lechenyia / A.Y. Pashkovskiy, T.P. Harnyk, V.M. Melnyk y dr. — Zhytomyr: Ruta, 2016. — 760 s.).

8. Аналіз ролі держави у регулюванні народної та нетрадиційної медицини в різних країнах Євросоюзу / Н. Похмурська-Гудим // Ефективність державного управління, 2015. — Вип. 44. — С. 82 — 90 (Analiz roli derzhavy u rehuliuванні narodnoi ta netradytsiinoi medytsyny v riznykh krainakh Yevrosoiuzu / N. Pokhmurska-Hudym // Efektyvnist derzhavnoho upravlinnia, 2015. — Vyp. 44. — S. 82 — 90.).

9. Сорока О.Я. Державне регулювання медичної діяльності на Прикарпатті на різних етапах його історичного розвитку в першій половині ХХ століття / О.Я. Сорока // Трансформація політико-управлінських та державно-владних відносин у процесі європейської інтеграції: зб. наук. пр. за матер. науково-практичної конференції з міжнародною участю (м. Івано-Франківськ, 24-25 травня 2012 р.) — Вип. 1. — Івано-Франківськ: Місто НВ, 2012.- С. 177-184 (Soroka O.Ia. Derzhavne rehuliuвання medychnoi diialnosti na Prykarpatti na riznykh etapakh yoho istorychnoho rozvytku v pershii polovyni KhKh stolittia / O.Ia. Soroka // Transformatsiia polityko-upravlinskykh ta derzhavno-vladnykh vidnosyn u protsesi yevropeiskoi intehratsii: zb. nauk. pr. za mater. naukovo-praktychnoi konferentsii z mizhnarodnoiu uchastiu (m. Ivano-Frankivsk, 24-25 travnia 2012 r.) — Vyp. 1. — Ivano-Frankivsk: Misto NV, 2012.- S. 177-184).

10. Стеценко С.Г. Медичне право України: підручник / С.Г. Стеценко, В.Ю. Стеценко, І.Я. Сенюта; [за заг. ред. д.ю.н., проф. С.Г. Стеценка]. — К.: Всеукраїнська асоціація видавців “Правова єдність”, 2008. — 507 с. (Stetsenko S.H. Medychne pravo Ukrainy: pidruchnyk / S.H. Stetsenko, V.Iu. Stetsenko, I.Ia. Seniuta; [za zah. red. d.iu.n., prof. S.H. Stetsenka]. — K.: Vseukrainska asotsiatsiia vydavtsiv “Pravova yednist”, 2008. — 507 s.).

11. Товстуха Є.С. Народна медицина як філософія українців / Є.С. Товстуха // Матеріали Першого з’їзду “Народна медицина в Україні”, 24 – 25 вересня 2010 р., м. Київ. — К.: 2010. — С. 9 – 10 (Tovstukha Ie.S. Narodna medytsyna yak filosofiiia ukrainsiv / Ie.S. Tovstukha // Materialy Pershoho z’izdu “Narodna medytsyna v Ukraini”, 24 – 25 veresnia 2010 r., m. Kyiv. — K.: 2010. — S. 9 - 10).

12. Товстуха Є.С. Українська народна медицина з погляду сучасності / Є.С. Товстуха // Матеріали Першого з’їзду “Народна медицина в Україні”, 24 – 25 вересня 2010 р., м. Київ. — К.: 2010. — С. 10 – 14 (Tovstukha Ie.S. Ukrainaska narodna medytsyna z pohliadu suchasnosti / Ie.S. Tovstukha // Materialy Pershoho z’izdu “Narodna medytsyna v Ukraini”, 24 – 25 veresnia 2010 r., m. Kyiv. — K.: 2010. — S. 10 – 14).