

# Legal Brief

## Chelation Therapy

This Legal Brief was drafted for general informational purposes only. It is not meant to be a comprehensive guide, nor should it be construed as legal advice. The information in this brief is current as of February 1, 2014; readers should consult the most recent versions of referenced statutes, regulations, and cases to ensure there have been no material changes.

### Summary

*Although the evidence of its efficacy beyond certain commonly-accepted uses is at best questionable, the South Dakota Board of Medical and Osteopathic Examiners (SDBMOE) is prohibited from finding a physician guilty of unprofessional or dishonorable conduct solely upon the basis that the physician practices chelation therapy.*

### Discussion

Chelation therapy is the administration of chelating agents to remove heavy metals from the body, and has a long history of use in clinical toxicology, including the treatment of heavy metal poisoning, hypercalcemia and digitalis toxicity. Alternative medical uses of chelation therapy include the treatment of cardiovascular disease, atherosclerosis, rheumatoid arthritis and cancer. The American Medical Association (AMA) takes the position that there is no scientific documentation to show that chelation therapy is effective for treating cardiovascular disease, atherosclerosis, rheumatoid arthritis or cancer. The AMA further believes if chelation therapy is to be considered a useful medical treatment for anything other than heavy metal poisoning, hypercalcemia, or digitalis toxicity, it is the responsibility of its proponents to conduct properly controlled scientific studies, to adhere to FDA guidelines for drug investigation, and to disseminate study results in the usually accepted channels.

In response to a ruling by the SDBMOE declaring chelation therapy effective only for the treatment of hypercalcemia, digitalis toxicity and heavy metal poisoning, the 1993 South Dakota Legislature passed legislation permitting other uses for chelation therapy. The legislation does not specify those uses for which chelation therapy is approved, although the proponents of the legislation were specifically advocating chelation therapy for the treatment of atherosclerosis. The bill passed by the Legislature prohibits the Board from basing a finding of unprofessional or dishonorable conduct solely upon the basis that a physician practices chelation therapy. SDCL 36-4-29.

### Conclusion

*The South Dakota Board of Medical and Osteopathic Examiners is prohibited by law from making a finding of unprofessional or dishonorable conduct based solely on the fact that a physician practices chelation therapy. A physician who practices chelation therapy may be subject to discipline for other causes, and may be subject to civil liability for injury or death resulting from the use of chelation therapy for unproven purposes.*

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Sources: SDCL 36-4-29

AMA Policy H-175.994 Chelation Therapy

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[http://en.wikipedia.org/wiki/Chelation\\_therapy](http://en.wikipedia.org/wiki/Chelation_therapy)



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