

1998 SUNRISE REVIEW

Naturopathic Physicians

Colorado Department of Regulatory Agencies



Office of Policy and Research

October 15, 1998

Members of the General Assembly
c/o Office of Legislative Legal Services
State Capitol Building
Denver, Colorado 80203

Dear Members of the Colorado General Assembly:

We have completed our evaluation of the sunrise application for licensure of naturopathic physicians and are pleased to submit this written report. The report is submitted pursuant to §24-34-104.1, Colorado Revised Statutes, 1988 Repl. Vol., (the "Sunrise Act") which provides that the Department of Regulatory Agencies shall conduct an analysis and evaluation of proposed regulation to determine whether the public needs, and would benefit from, the regulation.

The report discusses the question of whether there is a need for the regulation in order to protect the public from potential harm, whether regulation would serve to mitigate the potential harm, and whether the public can be adequately protected by other means in a more cost-effective manner.

Sincerely,

Joseph A. Garcia
Executive Director

Table of Contents

Executive Summary	1
Introduction	2
<i>Sunrise Process</i>	2
<i>Overview of Application for Regulation</i>	2
<i>Methodology</i>	3
<i>Historical Perspective</i>	3
<i>Who are Naturopathic Physicians?</i>	4
<i>Scope of Practice</i>	5
<i>Education and Training</i>	6
<i>Examinations</i>	12
Proposal for Regulation	13
<i>Request for Licensure</i>	13
Opposition to Regulation	15
<i>Coalition for Natural Health</i>	15
<i>National Council Against Health Fraud</i>	16
<i>Colorado Medical Society</i>	17
<i>National Medical Journals and Consumer Health Journals Dispute Some Opposition's</i> <i>Claims</i>	18
Regulation in Other States	20
<i>Other States</i>	20
The Colorado Experience	23
Conclusions and Recommendations	24
<i>Sunrise Analysis</i>	24
<i>Other Issues</i>	26
<i>Regulatory Models</i>	29
Appendix A - Exam Program Evaluation	32

Executive Summary

The Colorado Department of Regulatory Agencies has completed its 1998 Sunrise Review of the application for state regulation of naturopathic physicians. In diagnosing ailments, naturopathic physicians take medical histories, order laboratory tests, and perform physical examinations. Treatment methods include nutritional advice, the use of homeopathic remedies, herbs and botanical medicines, vitamin and mineral therapy, physiotherapy, hydrotherapy, and stress management.

There are currently 34 naturopathic physicians in Colorado who have graduated from a naturopathic medical college accredited by an accrediting agency recognized by the U. S. Department of Education. There are other persons practicing naturopathy in Colorado who call themselves N.D., naturopathic doctor, Doctor of Naturopathy, and N.M.D. (naturopathic medical doctor). Currently, the public has no reliable means of determining the education or training of someone who practices naturopathy. It is reasonable to believe that there is a vast difference in the knowledge and abilities of someone who has graduated from a four-year college program in naturopathic medicine and someone who has taken a six-week correspondence course.

Although the sunrise review conducted in 1993 recommended against regulation, a bill for full regulation and licensure of naturopathic physicians was introduced in the General Assembly, indicating that the Joint Sunrise/Sunset Committee found that regulation was necessary.

While it is not clear whether the sunrise criteria for regulation have been satisfied, there are reasons to consider regulation of naturopathic physicians: it is possible that the public is confused by the common use of the various forms of the term “naturopath”; it is possible that the practice of some naturopaths who refer to themselves as “doctors” is in violation of the Colorado Consumer Protection Act; and the use of naturopathic and alternative medicine is becoming increasingly mainstream, thus requiring some level of regulatory oversight.

If the General Assembly determines that regulation of naturopathic physicians is warranted, two alternative regulatory models should be considered: title protection or a licensure program. Further discussion of the two models appear in the conclusion of this report.

Introduction

Sunrise Process

The Department of Regulatory Agencies has completed its evaluation of the application for regulation of naturopathic physicians submitted by the Colorado Association of Naturopathic Physicians. The applicants seek state regulation of naturopathic physicians. Pursuant to the Colorado Sunrise Act, §24-34-104.1, C.R.S., the applicant must prove the benefit to the public of the proposal for regulation according to the following criteria:

- 1) Whether the unregulated practice of the occupation or profession clearly harms or endangers the health, safety or welfare of the public, and whether the potential for harm is easily recognizable and not remote or dependent on tenuous argument;
- 2) Whether the public needs, and can reasonably be expected to benefit from, an assurance of initial and continuing professional or occupational competence; and
- 3) Whether the public can be adequately protected by other means in a more cost-effective manner.

Overview of Application for Regulation

The Colorado Association of Naturopathic Physicians (CANP) submitted a sunrise application for licensure on behalf of its 34 members in Colorado. To be eligible for membership in the CANP, one must have a degree from a naturopathic medical curriculum accredited by the Council on Naturopathic Medical Education (CNME). This occupation is also known as naturopathic doctors, Doctors of Naturopathy, N.D., naturopaths, naturopathic practitioners, Doctors of Naturopathic Medicine, and Naturopathic Medical Doctors. For the purpose of this report, the term “naturopathic physician” refers to those persons with a degree from a CNME-accredited naturopathic medical college.

The applicant argues that the state should license naturopathic physicians because naturopathic medicine is an autonomous profession and may be considered a form of the practice of medicine and needs to have independent regulation and the accompanying individual responsibility.

Methodology

The scope of this review was comprehensive in nature. As part of this sunrise review process, the Department of Regulatory Agencies interviewed the applicant, naturopathic physicians in private practice and their patients. The Department performed a literature search, contacted pertinent professional associations, and reviewed other states' statutes regarding naturopathic licensure. Numerous articles in medical and health-related journals and magazines were reviewed, as well as other literature. Curriculum for both onsite and correspondence courses in naturopathy were obtained. The program administrator for the Colorado Board of Medical Examiners was interviewed and inquiries regarding complaints against naturopathic physicians were made of the Colorado Attorney General's Consumer Protection Office.

Historical Perspective

Naturopathic medicine grew out of the nature cure healing systems of the 18th and 19th centuries, but traces its philosophical roots to the Hippocratic school of medicine (circa 400 B.C.). Many of the therapies used in natural medicine have a long history of used in Europe, Asia, and the United States. Conventional medicine and naturopathy were at one time quite similar in their use of medicinal plants, diet therapies, and hydrotherapy treatments to help heal the sick.

The naturopathic profession has a 100-year history in North America. Naturopathy evolved in the late nineteenth century through the work of Dr. Benjamin Lust, a German physician who came to the United States in 1892 to spread the practice of hydrotherapy, or the use of water cures to treat illness. The practice grew to include all natural methods of healing, including the use of botanical medicines, homeopathy, nutritional therapy, and manipulative therapies. In 1895, Dr. John Scheel of New York City coined the term "naturopathy" to describe a method of health care that includes an evolving system of natural therapies.

Naturopathy and other forms of "alternative" treatment were more popular and more accepted throughout the U.S. in the early 1900's. There were numerous naturopathic colleges, doctors, and hospitals. Due to economic and political pressure, the practice of naturopathic medicine almost ceased. It was revitalized in the 1950's by a small naturopathic school in the Northwest and has seen a dramatic increase in popularity during the last ten years.

Who are Naturopathic Physicians?

Naturopathic physicians are primary health care providers who exercise independent judgment in diagnosing and treating illnesses. They are trained to see patients for general health care, for preventive health care, for the diagnosis and treatment of acute and chronic conditions, and for initial evaluations before referral to medical specialists. They also serve those whose treatment by conventional means has not met their needs and who seek naturopathic care as an alternative.

Naturopathy is a system of health care based on the philosophy that the human body has the power to heal itself by restoring its natural balance. The current scope of naturopathic practice may include, but is not limited to: clinical nutrition, botanical medicine, homeopathic medicine, physical medicine, oriental medicine, naturopathic obstetrics, hydrotherapy, spinal manipulation, psychological medicine and minor surgery. Naturopathic practice excludes the use of most synthetic drugs and major surgery.

The majority of naturopathic physicians are in private practice, either solo practice or in group practice with other professionals such as chiropractors, osteopaths, or other naturopathic physicians. Some naturopathic physicians may concentrate on particular fields such as pediatrics, allergies, or cardiology.

The practice of naturopathy is based on the philosophy that can be summarized most simply as helping the body heal itself in the least invasive, most fundamentally curative manner possible. This approach is not tied to any particular therapy or modality, but rather is oriented to a rational blend of vitalistic and mechanistic principles working with the whole person, and educating the patient in the ways of health.

There are six principles that naturopathic physicians consider to be fundamental in defining naturopathic medicine. They are:

- a. The Healing Power of Nature:
Naturopathic medicine recognizes an inherent healing process in the person that is ordered and intelligent. The body is capable of healing itself. The role of the naturopathic physician is to identify and remove obstacles to healing and recovery and to facilitate and augment this inherent natural tendency of the body.
- b. Identify and Treat the Cause:
Naturopathic physicians seek to identify and remove the underlying causes of illness, not merely eliminate or suppress symptoms.

- c. First Do No Harm:
Naturopathic physicians follow three guidelines to avoid harming patients:
 - 1. Utilize methods and medicinal substances which minimize risks of side effects, using the least force needed to diagnose and treat.
 - 2. Avoid, when possible, the harmful suppression of symptoms.
 - 3. Acknowledge and work with the individual's self-healing process.

- d. Doctor as Teacher:
Naturopathic physicians recall that the origin of the word "doctor" is the Latin word, "to teach." A fundamental emphasis in naturopathic medicine is patient education.

- e. Treat the Whole Person:
Naturopathic physicians attempt to take into consideration all the factors that make up patients' lives and affect their health and well being.

- f. Prevention:
Naturopathic medicine emphasizes the prevention of disease, assesses risk factors, and makes appropriate interventions with patients to prevent illness.

Scope of Practice

Naturopathic physicians believe that health results from the harmonious functioning of all parts of a person. Therapy is directed at the whole person and at the underlying cause of illness, such as the patient's lifestyle, diet habits, and emotional state. Naturopaths take a holistic approach to healing. In diagnosing ailments, naturopathic physicians take medical histories, order laboratory tests, and perform physical examinations. Treatment methods include nutritional advice, the use of homeopathic remedies, herbs and botanical medicines, vitamin and mineral therapy, physiotherapy, hydrotherapy, psychological counseling, stress management, and spinal manipulation. In regard to spinal manipulation, naturopathic physicians differ from chiropractors in that chiropractors may specialize in one therapeutic approach while naturopathic practice usually includes a broad range of drugless therapies.

One treatment method, homeopathy, based on the principle that "like cures like," is a treatment in which the patient receives tiny dosages of natural substances that in larger dosages would cause the same symptoms as the ailment. It is based upon the observed relationship between a remedy's ability to produce signs and symptoms in a healthy individual and the same remedy's ability to cure a sick patient with similar signs and symptoms. Homeopathic remedies are derived from a wide variety of plant, mineral, and chemical substances. The 1938 Federal Food, Drug, and Cosmetic Act gave legal status to homeopathic remedies. These remedies are recognized as drugs in the *Homeopathic Pharmacopoeia of the United States*. Homeopathic remedies are available from practitioners, pharmacists, and health food stores, as well as manufacturers who sell directly to the public.

Introduction

Hydrotherapy, another method of treatment used by naturopathic physicians, is defined as the use of water in any of its forms for the maintenance of health or the treatment of disease. Water at various temperatures is used for therapeutic purposes. For example, the physiotherapy departments of many hospitals have heated hydrotherapy pools for treatment. In addition, alternate treatments with hot and cold water are used to stimulate the circulation of the blood. Naturopathic physicians may also recommend hydrotherapy for its revitalizing properties during convalescence.

Education and Training

There are a range of alternative care providers currently practicing in Colorado using the titles: naturopathy, naturopathic medicine, Doctor of Naturopathy, Naturopathic Medical Doctor, and Naturopathic Physician. Their training varies from ten-lesson correspondence courses requiring little or no previous education to the four-year postgraduate medical education of CANP members.

Naturopathic Medical Colleges

There are presently three naturopathic medical colleges in the United States: Bastyr University (Bastyr) in Seattle, Washington; National College of Naturopathic Medicine (NCNM) in Portland, Oregon; and the Southwest College of Naturopathic Medicine & Health Sciences (SCNM) in Scottsdale, Arizona. The U.S. Department of Education recognizes the Council on Naturopathic Medical Education (CNME) as the national agency for accreditation of naturopathic medical curriculum. For accreditation, the CNME requires four years of graduate level study in medical sciences and naturopathic therapeutics. Both the Naturopathic Medicine Program at Bastyr and the NCNM are accredited by the CNME. SCNM is a candidate for accreditation from the Commission on Accreditation of the CNME.

A minimum of three years of undergraduate premedical study from an accredited college or university is a prerequisite for entry to a naturopathic medical school. The naturopathic medical college program is a four-year post-graduate curriculum. The first two years of study focus on the standard medical sciences (e.g., anatomy, physiology, pathology, biochemistry, immunology, embryology, and related areas), with specialty courses required in pediatrics, obstetrics, cardiology, dermatology, neurology, urology, and other clinical sciences.

Introduction

The second two years focus on clinical skills and the range of natural therapeutics. Naturopathic physicians are trained in naturopathic therapeutics including botanical medicine, homeopathy, natural childbirth, acupuncture, hydrotherapy, naturopathic manipulative therapy, and therapeutic nutrition. Along with natural therapies, one full year of training is required in physical diagnosis, as well as laboratory and x-ray diagnosis. Pharmacology is also taught as naturopathic physicians have limited prescriptive authority in some states where they are licensed. For this reason, they need to be aware of the effects of drugs and their side effects. The Clinical Internship consists of 1500 hours of treating patients under the supervision of licensed naturopathic and conventional medical physicians.

Bastyr University was founded in 1978 to train naturopathic physicians with a scientific approach. Since then, degree programs in nutrition, acupuncture and oriental medicine, and psychology have been added. In addition to accreditation by CNME, Bastyr is accredited by the Commission on Colleges of the Northwest Association of Schools and Colleges. Bastyr was awarded funding by the National Institutes of Health, Office of Alternative Medicine to establish the AIDS Research Center. Bastyr is conducting a nation-wide study on the use of alternative/complementary therapies for the treatment of HIV/AIDS.

Founded in 1956, the National College of Naturopathic Medicine is the oldest naturopathic medical school in North America. The Naturopathic Physician (N.D.) degree is an intensive four-year graduate program that prepares graduates for licensure and the general practice of naturopathic medicine. At NCNM, for example, clinical training hours comprise 1,974 of the total 4,824 hours of instruction. These hours consist of externships at an on-campus clinic where students work under the supervision of a licensed naturopathic physician in private practice and at numerous off-campus clinics serving the general population. In addition, students must demonstrate competence in specific skills, knowledge, judgment, professional and ethical behavior, and communication skills. NCNM has a post-graduate program for training in a specialty area, but opportunities are limited.

The Doctor of Naturopathic Medicine program began at the Southwest College of Naturopathic Medicine & Health Sciences in 1993. The SCNM is approved by the Arizona Naturopathic Physicians Board of Medical Examiners and the Arizona Board for Private Post-secondary Education. The graduate medical-degree program takes four academic years to complete. Upon completion of the graduation requirements, the student is awarded a Doctor of Naturopathic Medicine, N.D. or N.M.D. degree. The Residency Program at SCNM, under the direction of the Dean of Postgraduate Medical Education, provides for a limited number of openings each calendar year. Residencies are based on one- or two-year experiences.

The charts on pages 10 & 11 illustrate course requirements, hours required, cost of program, and accreditation information for both the correspondence schools and naturopathic medical colleges offering degrees in naturopathy or naturopathic medicine.

Correspondence Schools

There are a variety of correspondence schools that offer N.D., Doctor of Naturopathy and Ph.D. degrees for a fee after completing correspondence courses. Many of these correspondence schools proclaim accreditation. However, the U.S. Department of Education has not recognized these accreditation agencies. The prerequisites to participate in these programs vary greatly. Students graduating from correspondence schools would not qualify for licensure as a naturopathic physician in states that require licensure to practice. The following school descriptions are taken from school brochures and Internet sites:

The Clayton College of Natural Health offers three different degree programs in Naturopathy from the School of Natural Health: a single degree program for a Doctor of Naturopathy; a two-degree combination program for a M.S./Doctor of Naturopathy; and a three-degree combination program for a B.S./M.S./Doctor of Naturopathy. In addition, the School of Naturopathic Medical Education offers a Naturopathic Medical Degree to licensed M.D.'s and D.O.'s. Clayton College is accredited by the World Association of Universities and Colleges (WAUC). The U.S. Department of Education does not recognize WAUC as an official accreditation agency.

The Hallmark School of Natural Healing offers a basic naturopath program and upon completion of the program, students receive a "certified naturopath" diploma. A period of not more than two years from enrollment date is allowed for the completion of the Basic Naturopath Program.

The Herbal Healer Academy (HHA) is a private membership organization, offering alternative natural medicines, herbs, homeopathic remedies, tinctures, health books, videos, flower essences, essential oils, soap kits, hair analysis, private N.D. correspondence consultations, ear coning, herbal teas, and more. In addition, HHA offers natural medicine correspondence courses to acquire an N.D. (naturopathic doctor) diploma. The curriculum is approved for board certification by the American Naturopathic Medical Certification & Accreditation Board (ANMCAB). The ANMCAB is an incorporated entity that issues accreditation to correspondence schools for a fee. The U.S. Department of Education does not recognize ANMCAB as an official accreditation agency.

The Progressive Universal Life Church offers degree, diploma and ordination programs by correspondence. In addition to a Ph.D. in naturopathy, they offer degrees and diplomas in Healing, Tarot, Astrology, Psychic, Herbology, Dreams, Clairvoyant, Exorcisms, Ufology, and Dowsing. Certificates may be awarded for life, work, or educational experience. The Progressive Universal Life Church is accredited by the World Accrediting Association which is not recognized by the U.S. Department of Education as an official accreditation agency.

Introduction

The School of Natural Medicine was founded in Cambridge, England and is now based in Boulder, Colorado. The school offers home study courses in naturopathy. Qualifications are met by completing the home study as well as attending summer school in Boulder during August for three weeks. The School of Natural Medicine “seeks worthy students who love health and healing and who are willing to become living examples and guides for others.”

The Trinity School of Natural Health offers a Doctor of Naturopathy (N.D.). The Trinity School is not designed to provide a vocational curriculum that meets the requirement of any particular state where a license is required. Programs are for personal enrichment, self-improvement and focus on a pure, unadulterated lifestyle.

The Westbrook University, College of Natural Health Sciences offers a Doctor of Naturopathy (N.D.). The University offers diplomas, certificates, and Associate, Bachelor, Master and Doctorate degrees through distance learning. The courses offered for various degrees have a foundation of spiritual healing that will assist a student in entering a professional healing ministry. Incoming credits for life/work experiences may be applied to fulfill many of the requirements. Westbrook is licensed by the New Mexico Commission on Higher Education. It is accredited by the American Naturopathic Medical Certification and Accreditation Board, Inc. and the International Association of Schools, Colleges and Universities; neither of which are recognized by the U.S. Department of Education as an official accreditation agency.

The charts on the following pages offer a more detailed comparison among selected correspondence and onsite naturopathic programs in the United States. These schools are representative of the spectrum of schools offering naturopathic degrees.

Introduction

Comparison of Selected Schools Offering Naturopathic Degrees

	Year Began	Degree Offered	Onsite or Correspondence	Required Courses	Hours Required	Cost of Program	Accreditation		
Herbal Healer Academy	1988	N.D. certificate	Correspondence	Herbology	no time limit	22 lessons/\$396	American Naturopathic Medical Certification & Accreditation Board, Inc. (ANMCAB)		
				Nutrition & Chemistry		\$300			
				Anatomy & Physiology		\$125			
				Reflexology	40 hours/home study	\$95			
				Acupuncture		\$110			
				Homeopathy		\$250			
				Massage		\$200			
				Psychology of Healing		\$175			
				Chronic Diseases, Plagues and Death & Dying		\$200			
				Basic Business & Practice of Naturopathy		\$180			
				Final exam		\$50			
				<i>Total</i>		<i>\$2,081</i>			
Hallmark Naturopath College		Pre-Naturopathic Studies	Correspondence	Nutritional Healing	100 contact hours	\$300			
				Basic Nutrition	150 contact hours	\$300			
				Reflexology	150 contact hours	\$275			
				Self Esteem & Peak Performance	20 contact hours	\$250			
				Parasites	30 contact hours	\$100			
				Basic Anatomy	200 contact hours	\$500			
				Basic Chemistry	400 contact hours	\$800			
				Herbology	200 contact hours	\$125			
		<i>1250 Total</i>		<i>\$2,650 Total</i> <i>\$592.93 - Total Materials</i>					
		Certified Naturopath	Correspondence	Biological Ionization as Applied to Nutrition	500 contact hours	\$624.55			
				Reams Lab Work in the 90s	200 contact hours	\$100			
				Nutritional Support for the Health Concerns of the 21 st Century	80 contact hours	\$100			
				Hormones/Hormone Lab Testing	90 contact hours	\$168			
				Energies/Chakras/Meridians	200 contact hours	\$89.50			
				<i>1070 Total</i>		<i>\$1,082.05 Total Materials</i> <i>\$3,877.05 - Tuition costs</i>			
				Progressive Universal Life Church		Ph.D. Naturopathy		Awarded for Life Experience	N/A
Clayton College of Natural Healing	1977			Doctor of Naturopathy	Correspondence	Building & Maintaining a Consulting Practice	6 credit hours	Total \$3800 Includes complete set of books and exams, grade reports, embossed diploma and shipping.	The World Association of Universities and Colleges
		Advanced Herbology	6 credit hours						
		Growing and Identifying Herbs	6 credit hours						
		Advanced Nutrition	6 credit hours						
		Overview of Body Therapies	6 credit hours						
		Iridology	6 credit hours						
		Fasting Techniques	6 credit hours						
		Alternative Approaches to Arthritis	6 credit hours						
		Alternative Approaches to Cancer	6 credit hours						
		Classical Homeopathy	6 credit hours						
		One elective course	6 credit hours						
		Consulting Practicum	8 credit hours						
		<i>74 Total credit hours</i>							

Introduction

Comparison of Schools Offering Naturopathic Degrees (Con't.)

	Year Began	Degree Offered	Onsite or Correspondence	Required Courses	Hours Required	Cost of Program	Accreditation
National College of Naturopathic Medicine	1956	Doctor of Naturopathic Medicine	Onsite	Basic and Clinical Sciences including: anatomy, cell biology, physiology, pathology, neurosciences clinical/physical diagnosis, histology, genetics, biochemistry, pharmacology, lab diagnosis, biostatistics, epidemiology, public health, history, philosophy, ethics, research Clerkships and Allopathic Therapeutics lecture and clinical instruction in dermatology, family medicine, psychiatry, radiology, pediatrics, obstetrics, gynecology, neurology, surgery, ophthalmology Naturopathic Therapeutics botanical medicine, homeopathy, oriental medicine, hydrotherapy, naturopathic manipulative therapy Therapeutic Nutrition Counseling	2,070 clock hours	\$55,200 for 4 years	Council on Naturopathic Medical Education (CNME)
					1,974 clock hours		
					492 clock hours		
					144 clock hours		
					144 clock hours		
					<i>Total 4824 clock hours</i>		
					216.54 credit hours		
					29 credit hours		
<i>245.54 Total credit hours</i>							
Bastyr College	1978	Doctor of Naturopathic Medicine	Onsite	Basic and Clinical Sciences including: anatomy, cell biology, physiology, pathology, neurosciences clinical/physical diagnosis, histology, genetics, biochemistry, pharmacology, lab diagnosis, biostatistics, epidemiology, public health, history, philosophy, ethics, research Clerkships and Allopathic Therapeutics lecture and clinical instruction in dermatology, family medicine, psychiatry, radiology, pediatrics, obstetrics, gynecology, neurology, surgery, ophthalmology Naturopathic Therapeutics botanical medicine, homeopathy, oriental medicine, hydrotherapy, naturopathic manipulative therapy Therapeutic Nutrition Counseling	1,891 clock hours	\$206/per clinic credit \$180/academic credit \$62,725 average	Council on Naturopathic Medical Education (CNME)
					1,959 clock hours		
					335 clock hours		
					138 clock hours		
					158 clock hours		
					<i>4,481 Total clock hours</i>		
					264 credit hours		
					15 credit hours		
					48 credit hours		
					<i>327 Total credit hours</i>		

Introduction

Examinations

In 1985, in response to a need for the development of standards for licensing naturopathic physicians and to provide a measure which could be accepted across jurisdictions, a group of Licensed Naturopathic Physicians formed NPLEX (Naturopathic Physicians Licensing Examination). To date, the sole purpose of NPLEX has been to prepare an examination which may be administered by licensing jurisdictions to qualified applicants with the objective of identifying those individuals who have the knowledge and the skills necessary to be licensed as naturopathic physicians.

NPLEX contracted with the National Assessment Institute for the initial development of the examination. A questionnaire was sent to Licensed Naturopathic Physicians nationwide to determine which functions of diagnosis and treatment were being encountered in practice, and to assess the level of frequency and criticality associated with each aspect. A set of seven clinical examination blueprints were developed, on which NPLEX is based. Two "add-on" exams (in Homeopathy and Minor Surgery) were also made available to jurisdictions that required demonstrated competence in these areas. NPLEX completed a second criterion-related validity study in 1995 and implemented a new procedure for verifying the passing score.

The National Assessment Institute set standards for test development, administration, item review, and scoring; all of which are followed today. NPLEX has contracted with other organizations (including Columbia Assessment Services and the Washington State Department of Health) to provide the exam production and scoring services. Gradually NPLEX has taken over more of the responsibility for this process.

For the purposes of the naturopathic physicians' request for licensure, the Department of Regulatory Agencies, Division of Registrations' testing expert reviewed the examination development, scoring and security of NPLEX. The review included such specific questions as:

- * What topics are covered on the test? Do they represent knowledge or ability areas that are most important to safe, effective public practice?
- * Who in terms of professional position, writes the test questions; who reviews and edits them; who has final approval of the questions; and who assembles the test?
- * Are test questions administered experimentally before they are included on a test for official scoring?

The conclusion of the review was that the NPLEX satisfies the standards applicable to credentialing tests. Please see Appendix A for the findings and conclusions of this report.

Proposal for Regulation

Request for Licensure

The Department of Regulatory Agencies (DORA) has evaluated the proposal for state licensure of naturopathic physicians submitted by the Colorado Association of Naturopathic Physicians (CANP). The applicant argues that the state should license naturopathic physicians because naturopathic medicine is an autonomous profession and is considered by some to be a form of the practice of medicine. This profession needs to have independent regulation and the accompanying individual responsibility.

CANP asserts that there are a range of alternative care providers currently practicing in Colorado using the name naturopathy and naturopathic medicine. Their training varies from ten-lesson correspondence courses requiring little or no previous education to the four-year postgraduate medical education of CANP members. The applicant contends that the general public cannot determine the competence of these practitioners without licensure.

The applicant further argues that licensure would:

- Protect the public by establishing acceptable standards of practice with which naturopathic physicians would be required to comply, and to maintain credentials;
- Allow for discipline or restrictions of practice of those naturopathic physicians participating in unethical or dangerous practice;
- Provide a place within Colorado for consumers to make complaints;
- Establish mechanisms to investigate claims of qualifications and to prevent false credentials from being used;
- Define a scope of practice that will be enforced;
- Provide the public with means to easily and clearly recognize the difference in education between different types of naturopathic practitioners who all call themselves N.D., naturopathic doctor; or N.M.D. (naturopathic medical doctor).
- Give the public freedom of choice in health care and provide access to natural health care. At the same time, guarantee the public that they are being treated by well trained, qualified practitioners.

Proposal for Regulation

The regulatory scheme is envisioned as being similar to existing legislation in other states. The following components would characterize the program:

- Licensing program administered by the Division of Registrations located within the Department of Regulatory Agencies;
- Establishment of minimum education standards, including a degree from an accredited naturopathic medical college; and
- Passing scores on the NPLEX and local jurisprudence examinations.

The applicant maintains that licensing will likely cause an increase in the number of practitioners in Colorado. The profession is growing rapidly as evidenced in a study done by the Health Policy Institute, Medical College of Wisconsin. This study projects that the per capita supply of alternative medicine clinicians (chiropractors, naturopaths, and practitioners of oriental medicine) will increase by 88% by the year 2010, while the supply of traditional physicians will grow by only 16%.¹ The study projects that the number of naturopaths will approximately triple by the year 2010.

Most new graduates of CNME accredited naturopathic programs prefer to open practices in states which license the profession. Without licensing, their legal status as health care practitioners is unclear, the ability to establish and maintain good referral networks with other health care practitioners is hindered, and their access to laboratory diagnostic services may be limited. In 1997, a survey conducted at the Southwest College of Naturopathic Medicine revealed that of the 43 graduating students only three planned to practice in Colorado. When asked how many would move to Colorado if there was a licensing law, 13 responded that they would open a practice here.

¹ Cooper R.A. and S.J. Stoflet. "Trends in the Education and Practice of Alternative Medicine Clinicians." *Health Affairs*, Fall 1996, 15 (3): 226-38.

Opposition to Regulation

Not everyone agrees that naturopathy represents an appropriate form of health care. To some, many of the therapies used by naturopaths represent unscientific treatments that may at best be benign and at worst be harmful. The argument made against naturopathy is that if these therapies were to be proven scientifically valid, they would be adopted by medical doctors and would become mainstream.

During the Sunset Review process, DORA made every effort to elicit information and comments from all interested parties. Several opponents of licensure for naturopathic physicians responded to the sunrise application by submitting opposition papers and letters to DORA. The Coalition for Natural Health, the National Council Against Health Fraud, and the Colorado Medical Society oppose regulation.

Coalition for Natural Health

The mission of the Coalition for Natural Health (CNH) is to “*educate the public as to the true meaning and benefits of naturopathy, educate legislators on the difference between true naturopathy and naturopathic medicine, prevent legislation that would prohibit true naturopaths from practicing now and in the future, and keep true naturopathy in the public domain. It is CNH’s goal to prevent a small special interest group from controlling naturopathy and natural health.*”

CNH submitted a 68-page document to DORA in response to the naturopathic physician’s sunrise application. DORA met with CNH to discuss their various concerns.

The following comments are from this document:

Traditional naturopathy and AANP-style naturopathic medicine are two distinctly different approaches to healthcare. Naturopathy as practiced by traditional naturopaths, is inherently safe and is not in need of regulation. Conversely, there are definite health safety issues involved in the practice of AANP-style naturopathic medicine and that Colorado should not authorize or license it. The American Association of Naturopathic Physicians (AANP) attempts to redefine naturopathy into naturopathic medicine.

...

Part of the redefinition of naturopathy, by the AANP is the push to pass licensure statutes in every state that creates a monopoly of the field of naturopathic medicine. The problem with this monopolistic policy initiative is the purposeful exclusion of a much larger population of practicing naturopaths.

Opposition to Regulation

Colorado Association of Naturopathic Physicians' Response to the Coalition for Natural Health:

The naturopathic profession in this country was founded by Dr. Benedict Lust one hundred years ago. He established a college to provide education for this new type of practitioner. The naturopathic licensing laws from that era included the broadest scope of practice possible, because the profession was seen as medical practice. The profession was conceived and still exists as a medical practice. States that regulate naturopathy through licensing have developed their laws over the years to make the naturopathic scope of practice reflective of modern scientific and educational standards, and to require the profession to meet the same kinds of public accountability measures required of health professions.

...

Naturopathic Physicians are trained to diagnose and treat disease -- the untrained or superficially trained "traditional naturopath" is not -- and this is completely consistent with the profession's history and development.

...

The CANP does not support legislation that would affect what nonlicensed naturopaths would do with regard to their clients. They would remain unregulated, with the exception of title usage. They would be precluded from using the terms naturopath, naturopathic doctor or naturopathic physician. There are far better descriptors such as natural health advisor or health consultant.

National Council Against Health Fraud

The National Council Against Health Fraud (NCAHF) is a non-profit, tax-exempt voluntary health agency whose leadership appears to be comprised of medical doctors and other mainstream medical personnel. The organization's membership is also comprised of nurses, educators, researchers, attorneys and concerned citizens. NCAHF focuses its attention upon health fraud, misinformation, and quackery as public health problems.

The Colorado Area Coordinator of the NCAHF submitted a letter to DORA urging the denial of licensure for naturopathic physicians for the following reasons. They did not submit any supporting documentation with their letter.

- *Naturopaths are insufficiently educated to diagnose and treat - Naturopaths are schooled in "conversational medicine" and learn a medieval philosophy of medicine along with a plethora of non-scientific practices.*
- *Naturopaths are a public health risk, particularly to children - Naturopaths condemn fluoridation, pasteurization and immunization.*

Opposition to Regulation

- *Naturopathy has no standards - Absolutely anything is permissible as a treatment, and patients therefore become guinea pigs. Naturopaths prescribe mostly worthless treatments. All divert patients away from evidence-based care.*
- *Naturopaths prey on the weak, vulnerable, mentally ill, and uneducated - They foster life-long dependence on their care and thereby violate the principle of “do no harm.” Naturopaths are also renowned for scaring patients away from modern medicine.*
- *The CANP should reasonably be expected to speak more fully about the financial impact of licensure to Colorado health consumers. CANP has not resolved the problem of the cost of setting up a regulatory board for a handful of practitioners. CANP seeks to eliminate less educated naturopathic competitors and gain third party and Medicare reimbursement.*
- *The difference between more and less educated Naturopaths is not worthy of discussion -- it's like comparing more and less educated witch doctors. It could actually be argued that less schooled Naturopaths are safer because they may have a smaller bag of tricks and, because they don't consider themselves 'primary health physicians' are more apt to refer patients to M.D.s for additional care.*

Colorado Medical Society

The Colorado Medical Society (CMS) submitted a letter opposing the regulation of the practice of Naturopathic Medicine. The reasons for their opposition are repeated below:

The CMS believes that those who request licensure for alternative practitioners must prove by appropriately controlled peer reviewed trials that the naturopathic remedies are effective and safe for the purposes for which they are used. These natural treatments must be subjected to various scientific examinations, be systematically replicated, subjected to double blind controlled studies and not based on anecdotal evidence of efficacy if the public health is to be protected. This has not been done.

Naturopaths lack appropriate education and training to be granted the full practice of medicine excluding major surgery and the use of most prescriptive drugs. The educational requirements for graduation from a school of naturopathic medicine are significantly substandard to those requirements for graduation from a school of medicine or osteopathic medicine. In addition, naturopathic licensure requires no residency training. This difference between the education of naturopaths and that of medical doctors forces CMS to vigorously oppose the regulation of naturopaths.

National Medical Journals and Consumer Health Journals Dispute Some Opposition's Claims

The National Council Against Health Fraud argues that alternative therapies can delay the application of conventional medical treatments, thus leading to reduced health status and increased medical expenditures. Although the NCAHF raises legitimate concerns, research conducted for this review found studies published in professional medical journals and federal and state government reports that does not support all of the above-mentioned beliefs. Published studies in the *Journal of the American Medical Association (JAMA)* and *The New England Journal of Medicine* do not support the theory that individuals who choose alternative therapies avoid traditional western medical care. Rather they utilize a combination of both.

Dr. David M. Eisenberg's article, "Unconventional Medicine in the United States: Prevalence, Costs, and Patterns of Use," in *The New England Journal of Medicine* found that more than 50% of those patients who reported that they sought treatment from alternative medicine practitioners were concurrently under the care of a conventional physician. The article reported that the use of unconventional therapy was significantly more common among persons 25 to 49 years of age and among persons with some college education than among those with no college education.

In addition, the Eisenberg article reports the following:

Unconventional therapies are generally used as adjuncts to conventional therapy, rather than as replacements for it. Users of unconventional therapy were more likely to see a medical doctor than a provider of unconventional therapy, and visits to providers for serious medical conditions in the absence of contact with a medical doctor were rare. Moreover, in contrast to previous reports of research involving patients with cancer, no respondents in this national survey who identified cancer as a principal medical problem reported seeing a provider of unconventional therapy without also seeing a medical doctor for this condition.²

² Eisenberg, David M. et al. "Unconventional Medicine in the United States: Prevalence, Costs, and Patterns of Use." *The New England Journal of Medicine*, January 28, 1993, p.251.

Opposition to Regulation

An article published in the May 20, 1998 issue of JAMA reports the results of a study on why patients use alternative medicine. A survey was designed to examine use of alternative health care, health status, values, and attitudes toward conventional medicine. The survey concluded the following:

Dissatisfaction with conventional medicine did not predict use of alternative medicine. Only 4.4% of those surveyed reported relying primarily on alternative therapies. Along with being more educated and reporting poorer health status, the majority of alternative medicine users appear to be doing so not so much as a result of being dissatisfied with conventional medicine but largely because they find these health care alternatives to be more congruent with their own values, beliefs, and philosophical orientations toward health and life.³

The July/August 1998 issue of *Rx Remedy*, a consumer journal providing health information, reported on naturopathic doctors and their use of herbal medicine. The article noted that scientific studies are underway, financed by the National Institutes of Health's Office of Alternative Medicine. For example, at Columbia University College of Physicians and Surgeons, Chinese herbs are being tested for menopausal hot flashes. At Southern Illinois University School of Medicine, the effectiveness of Indian herbs against Parkinson's disease is being researched.

³ Astin, John A. "Why Patients Use Alternative Medicine: Results of a National Study." *Journal of the American Medical Association*. May 20, 1998 v279 n19 p 1548-1553.

Regulation in Other States

Other States

Naturopathy practice acts currently exist in eleven states: Alaska, Arizona, Connecticut, Hawaii, Maine, Montana, New Hampshire, Oregon, Utah, Vermont, and Washington. In states that do not have naturopathy practice acts, the use of naturopathy may be considered to be the practice of medicine for which a medical license is required. In some jurisdictions, the scope of practice for naturopathy includes alternative modalities such as acupuncture, biofeedback, homeopathy, hypnotherapy or massage. A few statutes permit naturopaths to perform minor surgery and naturopathic or natural childbirth. In general, the practice acts allow naturopaths to utilize an extensive array of adjunctive therapies and procedures.

Of the eleven jurisdictions with naturopathy practice acts, six states have established independent boards to regulate this profession. Three states regulate naturopathy at the department level, with assistance from advisory committees. In two states, boards of alternative health care regulate naturopathic physicians. All the practice acts authorize naturopaths through licensure. In several states, licensees must also have a special certificate to practice natural childbirth, acupuncture, or to dispense natural substances or devices.

The legal status of naturopathic physicians varies from state to state. The charts on the following pages summarize the regulation of naturopathic physicians in other states including: type of law, regulatory agency, number of licensees, complaint activity, examination requirements, education requirements, and scope of practice.

Regulation in Other States

STATE EXPERIENCE IN REGULATING NATUROPATHIC PHYSICIANS									
STATE	YEAR LAW ENACTED	TYPE OF LAW	TITLE	REGULATORY BODY	NO OF LICENSEES	COMPLAINT ACTIVITY	EXAMINATION REQUIREMENTS	EDUCATION REQUIREMENTS	
Alaska	1986	Licensure	Naturopathic Doctor May not use term "physician".	Division of Occupational Licensing, Naturopathic Licensing Section	20	Only 1 complaint since inception of program	NPLEX Basic Science Clinical Series Homeopathy	Graduate of CNME-accredited school, university or college of naturopathy	
Arizona	1935	Licensure	Doctor of Naturopathic Medicine Titles Protected: Naturopathic Physician	Arizona Naturopathic Physicians Board of Medical Examiners	169	1998-7 1997-7 1996-5 1995 - 8 1994 - 6 1996-1998-18*	Examination created by Naturopathic Physicians Board of Medical Examiners	Graduate of 4 year accredited CNME college or a college approved by the Naturopathic Physicians Board of Medical Examiners	
Connecticut	1920	Licensure	Licensed Naturopath Titles Protected: Naturopath or any word or title to induce the belief that one is engaged in the practice of naturopathy.	Board of Naturopathic Examiners	197	1998-1 1997-2 1996-4 1995-4 1994-0	NPLEX Basic Science Clinical Series Connecticut Jurisprudence Exam	Graduate of legally chartered school or college of naturopathy approved by the State Board of Naturopathic Examiners	
Hawaii	1925	Licensure	Naturopathic Physician Titles Protected: Naturopath or N.D. or any word or title to induce the belief that one is engaged in the practice of naturopathy.	Board of Examiners in Naturopathy	60	N/A	NPLEX Clinical Series Homeopathy Minimum passing score -75% correct.	Graduate of an accredited school, university, or college of naturopathy approved by the Commission on Accreditation of the CNME.	
Maine	1996	Licensure	Naturopathic Doctor Titles Protected: Naturopathic, Doctor of Naturopathic Medicine, Doctor of Naturopathy, Naturopathic Medicine, Naturopathic Health Care, Naturopathy, N.D., use of physician prohibited	Board of Complementary Health Care Providers	Not all rules adopted - anticipate 10-14 licensees	N/A	NPLEX Basic Science Clinical Series Homeopathy Minor Surgery	Graduate of a Board approved naturopathic medical college accredited by an accrediting agency recognized by the federal government.	
Montana	1991	Licensure	Naturopathic Physician Titles Protected: Doctor of Naturopathy, Doctor of Naturopathic Medicine, Naturopath, Naturopathic Physician, N.D., Naturopathic Medicine, Naturopathic Health Care, Naturopathic and Naturopathy	Board of Alternative Health Care	33	1995 - 0 1994 - 0 1996-98 - 5*	NPLEX Clinical Series Basic Science Minor Surgery Homeopathy	Graduate of 4 year accredited CNME college or a college approved by the Board of Alternative Health Care	
New Hampshire	1995 program began in 1997	Licensure	Doctor of Naturopathic Medicine Titles Protected: Naturopathic Doctor, Naturopath, Doctor of Naturopathy, Naturopathic Medicine, Naturopathic Health Care, Naturopathy, N.D.	Naturopathic Examiners Board	12	1997-present - 2	NPLEX Basic Science Clinical Series Homeopathy Minor Surgery New Hampshire Jurisprudence Exam	Graduate of a naturopathic medical school or college accredited by CNME or other accrediting agency recognized by the federal government.	
Oregon	1927	Licensure	Doctor of Naturopathy, N.D., Naturopath or Naturopathic Physician	Board of Naturopathic Examiners	325	1995 -10 1994- 10	NPLEX Basic Science Clinical Series Homeopathy Minor Surgery Botanical Pharmacology Oregon Jurisprudence Exam	Graduate of Naturopathic school or college approved by the Oregon Board of Naturopathic Examiners	
Utah	1996	Licensure	Naturopathic Physician Titles Protected: Naturopathic Doctor, Naturopath, Doctor of Naturopathic Medicine, Doctor of Naturopathy, Naturopathic Medical Doctor, Naturopathic Medicine, Naturopathic Health Care, Naturopathy, N.D., N.M.D. or any combinations thereof	Naturopathic Physician's Licensing Board	5	No complaints	NPLEX Clinical Series	Graduate of a naturopathic medical school or college accredited by, or a candidate for, accreditation by CNME.	
Vermont	1996	Licensure	Naturopathic Physician Titles Protected: N.D., Doctor of Naturopathic Medicine, Naturopathic Doctor, Doctor of Naturopathy	Office of Professional Regulation	34	1997-3 1998-1	NPLEX Basic Science Clinical Series	Graduate of a naturopathic medical school or college accredited by, or a candidate for, accreditation by CNME or other accrediting agency recognized by the U.S. Dept. of Education.	
Washington	1919 Original Law 1988 Amended	Licensure	Doctor of Naturopathic Medicine	Naturopathic Physicians Advisory Committee	369	1989 -1996 - 90 1997 - date - 15	NPLEX Basic Science Clinical Series Homeopathy Minor Surgery Washington Jurisprudence Exam	Graduates holding a degree from a college of naturopathic medicine approved by Washington State Dept. of Health.	

*Complaints for unlicensed activity

NPLEX - the Naturopathic Physicians Licensing Examination

*Complaints where licensing action was taken

CNME - Council of Naturopathic Medical Examiners

Regulation in Other States

Scope of Practice

	<i>Alaska</i>	<i>Arizona</i>	<i>Connecticut</i>	<i>Hawaii</i>	<i>Maine</i>	<i>Montana</i>	<i>New Hampshire</i>	<i>Oregon</i>	<i>Utah</i>	<i>Vermont</i>	<i>Washington</i>
Practice under Supervision of Licensed MD Only	No	No	No	No	No	No	No	No	No	No	No
Limited Prescriptive Authority	No	Yes	No	No	Yes	Yes (Non-controlled legend drugs)	No	Yes	Yes	No	Yes
Perform Limited Minor Surgery	No	Yes	No	No	Yes	Yes	No	Yes	Yes	No	Yes
Hydrotherapy	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Physiotherapy	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes
Manipulation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
Electrotherapy	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
X-ray	Yes	Yes	Yes	No	Order only	Yes	Yes	Yes	Yes	Yes	Yes
Obstetrics/Gynecology	Uncertain status	Yes	No	Uncertain status	Specific certificate	Special certificate	Special certificate	Special certificate	Special certificate	No	Special certificate
Professional Liability Insurance Required	No, but disclosure mandatory	No	Yes	No	No	No	No	No	No	No	No
Continuing Education Required	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

The Colorado Experience

There are currently 34 practicing naturopathic physicians in Colorado who have graduated from a naturopathic medical college accredited by an accrediting agency recognized by the U.S. Department of Education. The Coalition for Natural Health estimates that there are several hundred naturopaths practicing in Colorado. A recent memo from the Coalition states the following:

Training to become a traditional naturopath may be obtained from several different sources such as: distance education programs that lead to an N.D. degree, apprenticeships, from community/family members, institutions that specialize in teaching a particular type of therapy, specific courses, seminars, conference workshop, and in some cases, formal education of required duration in an accredited institution. In arriving at the conservative figure of several hundred, CNH surveyed its members and pledges in your state, which alone exceeds a hundred, contacted several educational institutions that have degree programs in naturopathy, and contacted some related trade and professional organizations. The total figure arrived at from this informal survey was 621 individuals. CNH realizes that there is probably overlap between its members, the various educational institutions, and other trade and professional organizations.

The 34 Colorado naturopathic physicians belonging to the Colorado Association of Naturopathic Physicians (CANP) estimate an average patient load of 2,000 patients per naturopathic physician. The CANP was formed in 1985 and recognized by the American Association of Naturopathic Physicians (AANP) in Fall 1987. This professional association of naturopathic physicians was formed to promote the merits of naturopathic medicine in Colorado and to work towards a law which would enable qualified naturopathic physicians to practice. Active members in the CANP must hold either a valid license to practice naturopathic medicine in a state with a board of examiners recognized by the AANP or hold a degree of Doctor of Naturopathic Medicine from a naturopathic medical college approved by the Council on Naturopathic Medical Education. The CANP establishes and maintains basic levels of competence in its membership in order to better serve and protect the public.

Currently, the practice of naturopathic medicine has an uncertain status in the state of Colorado. There are no laws to regulate its practice or establish standards for its scope of practice. Naturopathic physicians are not on the list of exempted professions from the Medical Practice Act, and since the practice of naturopathic medicine involves activities described as the practice of medicine, it can be concluded that persons practicing naturopathic medicine could be in violation of the law.

Sloans Lake Health Plan is the first HMO in Colorado to develop credentialing standards for alternative care providers. This HMO offers alternative care in homeopathy, naturopathy, and Ayurveda to their customers. The Sloans Lake plan requires naturopathic physicians to be graduates from a CNME accredited college or university. Customers of this HMO may purchase a rider to their plan, in order to utilize the services of alternative health care practitioners.

Conclusions and Recommendations

Sunrise Analysis

The sunrise process requires the Department of Regulatory Agencies to evaluate whether regulation of naturopathic physicians is necessary to protect the public health, safety and welfare; whether the public will benefit from the professional competence imposed by the proposed regulation; and whether public protection can be achieved by other, more cost-effective means.

Public Harm

Currently, the public has no reliable way of determining the education or training of someone who practices naturopathy. It is reasonable to conclude that there is a vast difference in the knowledge and abilities of someone who has graduated from a four-year college program in naturopathic medicine and someone who has taken a three-week correspondence course.

The applicants have submitted information demonstrating that harm to the public has occurred, or the public was endangered by the threat of potential harm from the unregulated practice of naturopathy.

A review of these cases reveals that some naturopaths are alleged to have caused significant harm, while others are alleged to have engaged in inappropriate conduct, which did not result in health-related harm. Following are illustrations of harm that have been provided by the applicant seeking regulation.

Case 1: Naturopathic physician in Idaho sentenced to four years probation for mail fraud and mislabeling a controlled substance. (*Idaho Falls Post Register*, November 10, 1995)

Charged with distributing diazepam, the active ingredient in the tranquilizer Valium, without proper labeling. In Idaho, naturopathic physicians are not licensed, and no state regulatory agencies monitor them.

Case 2: New Hampshire resident suffering from intense pain was mistreated by three unlicensed naturopathic practitioners. (testimony before the New Hampshire General Assembly regarding the practice of naturopathic physicians).

The first practitioner prescribed a supplement that caused a severe allergic reaction and the second practitioner performed a procedure specifically against the patient's wishes. The third practitioner, who consistently canceled appointments, prescribed supplements that were ineffective.

Conclusions and Recommendations

Case 3: Patient in Colorado was misdiagnosed by a naturopathic practitioner as having a hiatal hernia. (*Durango Herald*, June 30, 1996)

In reality, the patient was suffering from gallstones and had emergency surgery to remove a large gallstone that was infected, enlarged and threatened other nearby organs. The naturopathic practitioner did not have a degree from a CNME accredited naturopathic medical college.

Case 4: Naturopathic physician practicing in Colorado with other alternative medicine providers behaved sexually inappropriately with patients and practiced unsafe hazardous waste disposal procedures. (letter dated June 24, 1997 received from an alternative health care practitioner)

A naturopathic physician offered inappropriate sexual comments and procedures to his patients. In addition, the naturopath did not dispose of biohazard material safely.

Case 5: A naturopathic practitioner in Colorado used “Bioenergetic Screening” to diagnose a parasite in a patient. (letter dated July 18, 1996 from an M.D. to the Colorado State Board of Medical Examiners).

A medical doctor treated a patient who was previously diagnosed by a naturopath as having a parasite. The patient was charged \$100 by the naturopath for the diagnosis and \$45 for the remedies. The treatment was not successful.

Case 6: Colorado resident offered cure for cancer. (letter dated September 5, 1998 from the patient to the Department of Regulatory Agencies)

A naturopath offered an herbal “cure for cancer” to a Colorado resident who has leukemia. The naturopath knew little about the formula and was only interested in selling it to the Colorado resident.

Case 7: California naturopath arrested for sexually molesting women. (article in the *Los Angeles Times*, November 4, 1996).

A naturopath was arrested and held on \$500,000 bail for sexually molesting women while performing vaginal ozone treatments. The practicing naturopath had a doctorate in naturopathy from a non-accredited correspondence school in Arizona that no longer exists.

A majority of these illustrations of physical and financial harm were caused by individuals who identified themselves as naturopaths, but had not graduated from CNME-accredited institutions. While there are examples of such harm, it is subject to debate whether or not the seriousness or frequency of such harm rises to the level of requiring regulation or, whether regulation would have prevented them from occurring.

Benefits of Regulation

Conclusions and Recommendations

There are currently 34 naturopathic physicians practicing in Colorado who have graduated from a CNME accredited naturopathic medical college. Since they are unregulated, they cannot perform the full range of services that they are trained to perform, because some services could be interpreted as the practice of medicine.

There are other problems for the practitioner and the patient in the current system. Without licensure, naturopathic physicians cannot secure malpractice insurance that would provide additional safeguards to the public. Nor can they be reimbursed under most insurance plans. Lack of licensing presently inhibits full cooperation between naturopathic medicine and other health care systems. As the system currently operates, if a referral is necessary, the naturopathic physician may find the medical doctor reluctant to consult on that referral, since the naturopathic physician lacks legal authority to practice. The current lack of regulation restricts naturopathic physicians' ability to consult with other health professionals and to make use of community diagnostic and treatment services, such as laboratory work and diagnostic x-rays.

Naturopathic physicians focus on prevention as the key to better health. Regulation of naturopathic physicians would increase access to primary health care practitioners and encourage wellness and preventive care. Few people have the time or expertise to investigate any health care practitioner's education or credentials. One of the purposes of regulation is to assure a level of education and competency. Often, consumers cannot reasonably determine the level of competency of a naturopath. Regulation may assist the consumer in choosing a provider with appropriate training and skills.

Other Issues

Although the sunrise review conducted in 1993 recommended against regulation, a bill for full regulation and licensure of naturopathic physicians was introduced in the General Assembly, indicating that the Joint Sunrise/Sunset Committee found that regulation was necessary.

While it is not clear whether the sunrise criteria for regulation have been satisfied, there are reasons to consider regulation of naturopathic physicians: it is possible that the public is confused by the common use of the various forms of the term "naturopath"; it is possible that the practice of some naturopaths who refer to themselves as "doctors" is in violation of the Colorado Consumer Protection Act; and the use of naturopathic and alternative medicine is becoming increasingly mainstream, thus requiring some level of regulatory oversight.

Conclusions and Recommendations

Public Confusion

Since 1993 (the date of the last sunrise review), the demand for, and use of, alternative and complementary medical treatments appear to be increasing. In addition, there has been a proliferation of correspondence schools easily accessible on the Internet that offer a Doctor of Naturopathy degree. These schools all have different standards and graduation/certification requirements.

Adding to this confusion, naturopaths often refer to themselves by varying titles, such as:

- Naturopathic physician;
- Naturopathic medical doctor;
- Doctor of Naturopathy; and
- N.D.

In addition, the distinction between other forms of alternative medicine is not necessarily known or fully understood by the public. For example, many members of the public do not know the difference between a homeopath and a naturopath. Regulation of naturopaths may help to increase public awareness and assist the public in determining which qualifications to look for in a practitioner.

Colorado Consumer Protection Act

According to the Colorado Office of the Attorney General, there are currently persons using the title Ph.D. in Naturopathy in Colorado who violate the Consumer Protection Act (CPA), § 6-1-105 (1)(dd)(I), C.R.S. The CPA states that persons engage in deceptive trade practices when they claim, either orally or in writing, to possess an academic degree or an honorary degree of the title associated with that degree, unless the person has been awarded the degree from an institution that is:

1. accredited by a regional or professional accrediting agency recognized by the U.S. Department of Education or the Council on Post-secondary Accreditation;
2. a school, institute, college, or university chartered outside the United States, the academic degree has been validated by an accrediting agency approved by the U.S. Department of Education; or
3. a religious seminary, institute, college, or university which prepares students for a religious, vocation, career, occupation, profession, or lifework.

Conclusions and Recommendations

In addition, the CPA states that persons may not use “Dr.,” “Ph.D.,” “Ed.D.,” “D.N.,” or “D.Th” or any other title that signifies they have a doctorate degree, unless their degree falls under the auspices of the three previously mentioned criteria. None of the doctorate degrees from the correspondence schools satisfy these criteria.

The education, training, and philosophy of correspondence school graduates are substantially different from that of the CNME graduates. There is potential for confusion for the Colorado resident trying to differentiate among the various persons calling themselves naturopaths, naturopathic physicians, doctor of naturopathy, N.D., Ph.D in naturopathy, or naturopathic medical doctors.

While the CPA offers some protection to the public against the illegal use of degree titles, a formal regulatory program would offer greater protection and more consistent and thorough oversight.

Mainstreaming Alternative Medicine

Research both in the United States and abroad suggests that significant numbers of people are receiving various forms of complementary alternative medicine treatments. According to the World Health Organization (WHO) of the United Nations, between 65% and 80% of the world’s health services currently would fall under the rubric of complementary and alternative medicine. Pharmacists and medical doctors recognize that herbs and medicinal plants have been used to treat disease for a long period of time. An estimated 500 million people in the world are treated with homeopathic remedies. The WHO has listed homeopathy as one of the traditional complementary alternative medicine treatments that, if integrated with modern medicine, will provide adequate health care across the globe in the future.

Dr. David Eisenberg’s (professor at Harvard Medical School) study published in the January 1993 issue of the *New England Journal of Medicine*, reported that one-third of Americans had - on their own initiative - used at least one alternative healing method within the previous year. One-third of these had gone to alternative practitioners (such as chiropractors, acupuncturists, naturopaths), with the remainder using natural self-care methods like nutritional supplements and meditation/relaxation techniques. The same study also found that the number of visits to alternative health care practitioners exceeded the number of visits to medical doctors.

Conclusions and Recommendations

A few health insurance companies responding to customer demand include coverage for alternative therapies in their plans. Sloans Lake HMO Health Plan in Colorado offers their customers a rider to their policy that provides for alternative care providers. American West Life and Presbyterian Health Plan of New Mexico offer members access to alternative care through a point-of-service plan by covering it on an out-of-plan basis. For its patients in New York, New Jersey and Connecticut, Oxford Health Plans, Inc., offers a policy rider for an additional 3% that covers visits to chiropractors, acupuncturists, naturopaths, and massage therapists included on Oxford's list of 1,000 alternative health care providers.

The March 4, 1998 issue of *The Journal of the American Medical Association* reported on alternative medicine and the conventional practitioner. Recognizing the increasing importance of complementary and alternative medicine in modern health care, more than 80% of medical students expressed the desire for further training in these areas.⁴ Currently, over 40 medical schools in the U.S. offer introductory elective courses in alternative medicine and almost one third of family practice residencies provide some type of instruction about alternative medical practices.⁵

Regulatory Models

If the General Assembly determines that further regulation of naturopathy is warranted, two regulatory models would be reasonable to consider further protecting the title beyond that found in the Consumer Protection Act, or licensing of naturopaths.

Title Protection

A title protection program could be modeled after the dietitian provisions of the Colorado Consumer Protection Act, §6-1-105(1)(ee.5), C.R.S. Following this model, the term "naturopath" would be reserved for those persons who have graduated from an approved naturopathic medical college accredited by the Council on Naturopathic Medical Education (CNME). CNME is recognized by the U.S. Department of Education as the national agency for accreditation of naturopathic medical curriculum.

Such a regulatory scheme possesses the advantage of offering the public a certain degree of protection and is less restrictive than a licensing program. Under a title protection scheme, enforcement would be taken pursuant to the Colorado Consumer Protection Act.

⁴ Furnham, A., Hanna, D., Vincent C.A., "Medical Students' Attitude to Complementary Medical Therapies." *Comp Ther Med* 1995, 3:212-219.

⁵ Carlston, M., Stuart M., Jonas, W. "Alternative Medicine Instruction in Medical Schools and Family Medicine Residency Programs." *Fam Med.*, 1997. 29:559-562.

Conclusions and Recommendations

Licensure Program

Should the General Assembly determine that regulation of naturopathic physicians is necessary, a licensing scheme administered by the Director of the Division of Registrations could provide adequate public protection. Such a regulatory program should include provisions addressing the following issues:

- Title Protection for “Licensed Naturopaths.”

Title protection will assist the public in identifying those individuals the state has determined to be qualified naturopaths. Individuals who satisfy the educational requirements established by the state would be permitted to use the titles “Licensed Naturopath”, “Naturopath” or any derivative thereof. The protected titles would be reserved for those persons with the following credentials:

- (1) Graduated from an approved naturopathic medical college accredited by or with a curriculum equivalent to the accreditation standards of the Council on Naturopathic Medical Education (CNME). CNME is recognized by the U.S. Department of Education as the national agency for accreditation of naturopathic medical curriculum.; and
- (2) Passed a licensure exam which conforms to the standards approved by the Director of the Division of Registrations.

- A definition of the practice of naturopathy.

By defining the practice of naturopathy, it will be clear which practitioners fall within the scope of the licensing program. The practice of naturopathy could be defined as:

A system of primary health care practiced by “licensed naturopaths” for the prevention, diagnosis and treatment of human health conditions, injury and disease. Its purpose is to promote or restore health by the support and stimulation of the individual’s inherent self-healing process. This is accomplished through education of the patient by a “licensed naturopath” and through the use of natural therapies and therapeutic substances.

Conclusions and Recommendations

- Restricting the practice of Licensed Naturopaths.

The restrictions on the practice of “Licensed Naturopaths” could prohibit:

- Prescribing or giving a prescription drug or a controlled substance
 - Engaging in minor surgery
 - Practicing obstetrics
- The program could be cash-funded and located within the Director’s Office of the Division of Registrations, Department of Regulatory Agencies.
 - Licensed Naturopaths could be exempted from the Medical Practice Act to allow them to practice the full range of their profession (with the restrictions above).
 - Full range of disciplinary actions against Licensed Naturopaths, including civil penalties, could be available.
 - The Director of the Division of Registrations could be granted the authority to convene a Naturopathic Advisory Committee.
 - An exemption clause could be included, similar to the one in Montana’s Naturopathic Licensing Act:

This chapter recognizes that many of the therapies used by naturopathic physicians, such as the use of nutritional supplements, herbs, foods, homeopathic preparations, and such physical forces as heat, cold, water, touch, and light, are not the exclusive privilege of naturopathic physicians, and their use, practice, prescription, or administration by persons not licensed to practice naturopathic medicine is not prohibited by this chapter. This chapter does not restrict or apply to the scope of practice of any other professional licensed, certified, or registered under the laws of this state.

A licensing scheme would offer the public the greatest level of regulatory protection. Only those individuals who have fulfilled the requirements for licensure would be allowed to engage in the scope of practice for naturopathic physicians, thus ensuring a minimum level of competency.

Appendix A - Exam Program Evaluation

Naturopathic Physicians Licensing Examination
