

NATUROPATHIC PHYSICIANS

**Submitted by the
Colorado Department of Regulatory Agencies
June 1993**

June 30, 1993

The Honorable Vickie Agler
Joint Sunrise/Sunset Review Committee
State Capitol Building
Denver, Colorado 80203

Dear Representative Agler:

We have completed our evaluation of the sunrise application for Naturopathic Physicians and are pleased to submit this written report which will be the basis for my office's oral testimony before the Sunrise and Sunset Review Committee. The report is submitted pursuant to section 24-34-104.1, Colorado Revised Statutes, 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

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I. 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 Naturopaths. The applicants seek state regulation of naturopathic physicians. Pursuant to the Colorado Sunrise Act, C.R.S. 24-34-104.1, 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 dependant 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.

The scope of this review was comprehensive in nature. As part of this sunrise review process, the Department of Regulatory Agencies performed a literature search, interviewed naturopathic physicians, contacted pertinent professional associations, and reviewed other states' statutes regarding naturopathy licensure. In addition, a class was taken on the practice of homeopathy. Results of this process are reflected in the recommendations section of this report.

II. BACKGROUND

The Naturopathic Physician

The U.S. Department of Labor defines the naturopathic physician as one who "diagnoses, treats, and cares for patients, using a system of practice that bases its treatment of all physiological functions and abnormal conditions on natural laws governing the body, utilizes physiological, psychological and mechanic methods, such as air, water, heat, earth, phytotherapy (treatment by use of plants), electrotherapy, physiotherapy, minor or orificial surgery, mechanotherapy, naturopathic corrections and manipulation, and all natural methods or modalities, together with natural medicines, natural processed foods, and herbs, and natural remedies. This definition excludes major surgery, therapeutic use of x-ray and radium, and use of drugs, except those assimilable substances containing elements or compounds which are compounds of bodily tissues and are physiologically compatible to body processes for maintenance of life."

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."¹

Historical Perspective

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. Naturopathy encompasses an evolving system of natural therapeutics which includes hydrotherapy, homeopathy, nutritional therapy, botanical medicines, psychology, physiotherapy, and spinal manipulation.

¹Bradley, Randall N.D., **Philosophy of Naturopathic Medicine** -
1. Pizzorno, Murray & Bradley, 1985.

Natural medicine grew out of alternative healing systems of the 18th and 19th centuries, but traces its philosophical roots to the Hippocratic school of medicine (circa 400 B.C.). Naturopathic medicine has been practiced in the United States and in Europe throughout history. 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. Only within the last 40-50 years, has conventional medicine diverged from this path.

The naturopathic profession has a one hundred-year history in North America. Naturopathy evolved in the late nineteenth century from 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. The term "naturopathy" was coined for this evolving system of natural therapies in 1895 by Dr. John Scheel of New York City, to describe his method of health care

Naturopathy and other forms of "alternative" treatment were more popular and more accepted throughout the country in the early 1900's. Earlier this century there were more naturopathic colleges, doctors, and hospitals, Then due to economic and political pressure, the practice of Naturopathic Medicine almost died out. But it was revitalized in the 1950's by a small naturopathic school in the Northwest. Today, there are two accredited naturopathic medical colleges, one in Oregon and one in Washington. There are plans to open an additional college in Arizona in September, 1994 and discussion of opening another college in Connecticut in 1995.

Recently, the naturopathic profession has become more established. Research into the biological mechanism of health and disease, and the nutritional requirements of these states, has provided greater comprehension of the complexities of the human system. In 1985, the naturopathic profession organized the American Association of Naturopathic Physicians. Recently, the U.S. Congress has allotted \$2 million to the new Federal Office of Alternative Medicine to fund studies of therapies outside the mainstream of Western medicine.²

The Colorado Experience

It is estimated that there are 20 fully qualified naturopathic physicians in Colorado. The applicants expect the number of qualified naturopathic physicians in Colorado to double within two years after licensing, then increase by approximately fifteen (15) new licensed practitioners per year during the following five years.

Fifteen Colorado naturopathic physicians belong to the Colorado Association of Naturopathic Physicians (CANP) which was formed in 1985. It is a professional association of naturopathic physicians formed to promote the merits of naturopathic medicine in Colorado and to work

² Plevin, Nancy, *"Alternative Medicine Spurs Interest, Rocky Mountain News, March 26, 1993*

towards a law which would enable qualified naturopathic physicians to practice. The American Association of Naturopathic Physicians (AANP) recognized the CANP as a constituent organization in Fall, 1987. 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 exists to establish and maintain 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. According to the current legal definition and methods of practice, naturopathic medicine today would be considered the practice of medicine. Presently, many patients drive 2-3 hours seeking alternative therapies and some also come from out of the state. The Colorado Association of Naturopathic Physician estimates an average patient load of 2,000 patients per naturopathic physician. The map on the following page illustrates the geographic distribution of naturopathic physicians and their patients.

At the current time it is still possible to obtain a mail order "naturopathic degree". Nothing prevents anyone from obtaining such a degree and hanging out a shingle to practice as a naturopathic physician. Persons in Colorado may obtain a diploma as a Doctor of Naturopathy through correspondence courses offered by several schools in the United States. For example, the Clayton School of Natural Healing in Birmingham, Alabama offers a Doctor of Naturopathy Program (all courses are correspondence) for a fee of \$975.00. The average time to complete the program is about six months and upon completion, the student receives a Doctor of Naturopathy diploma. As of December, 1992, the tuition and fees to attend the accredited National College of Naturopathic Medicine for four years were \$42,560. The Clayton School naturopathic correspondence program offers coursework in nutrition, massage, reflexology, iridology, degenerative diseases (focus on arthritis and cancer), and homeopathy.

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 do 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. Although a chiropractor will also use drugless methods, these are employed only to augment the central chiropractic therapy of manipulation.

One treatment method, homeopathy, based on the principle that "like cures like," is a treatment where the patient receives tiny doses 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. Homeopathic remedies were given legal status by the 1938 Federal Food, Drug, and Cosmetic Act. These remedies are recognized as drugs in the Homeopathic Pharmacopeia of the United States. Homeopathic remedies are available from practitioners, health food stores, as well as manufacturers who sell directly to the public. Problems have occurred where companies have marketed products under the name of homeopathic remedies but they were unproven, untested and not included in the Homeopathic Pharmacopeia. Some skeptics of the effectiveness of homeopathic remedies contend that they lack a scientific rationale. They contend that the theory of "like cures like" still seeks experimental and clinical support.³

In response to the skeptics, a British biochemistry professor concluded in a 1984 edition of the British Homeopathic Journal : "Despite a great deal of experimental and clinical work there is only a little scientific evidence to suggest that homeopathy is effective. This is because of bad design, execution, reporting or failure to repeat promising experimental work and not necessarily because of the inefficacy of the system which has yet to be properly tested on a large enough scale."

Hydrotherapy, another method of treatment used by naturopathic physicians, is defined as the

³Morgan, Peter P. "Homeopathy - Will its theory ever hold water"? **Canadian Medical Association Journal**, May 15, 1992, p.1719-1720

use of water in any of its forms for the maintenance of health or the treatment of disease. Water at any temperature 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. Hydrotherapy may be also be recommended for its revitalizing properties during convalescence. There is disparity among the scientific community as to the effectiveness of hydrotherapy. An article in a 1983 journal states:

"Hydrotherapy is based on the physical properties of water, acting from outside the body mainly during the time of its application. The underlying cause of the disease being treated is not affected, so hydrotherapy must be considered as an adjunct, as a palliative measure facilitating the activity of other remedies or spontaneous healing."⁴

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.

⁴Franchimont P, Juchmes J, and Lecomte J. "Hydrotherapy - mechanisms and indications". **Pharmacol Ther** 20:79, 1983.

- 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 a patient's 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.

Education and Training

The U.S. Department of Education recognizes the Council on Naturopathic Medical Education (CNME) as the national agency for accreditation of naturopathic medical curriculum. The CNME requires four years of graduate level study in medical sciences and naturopathic therapeutics. The two accredited naturopathic colleges in the United States are the John Bastyr College of Naturopathic Medicine in Seattle, Washington and the National College of Naturopathic Medicine (NCNM) in Portland, Oregon. The National College of Naturopathic Medicine (NCNM), founded in 1956, is the oldest and largest of the naturopathic colleges.

The naturopathic medical college program is a 4-year post-graduate curriculum consisting of two years of instruction in basic sciences (e.g.) anatomy, physiology, biochemistry, immunology, embryology, and related areas, with specialty courses required in pediatrics, obstetrics, cardiology, urology, and other fields. The first two years of training are reportedly similar to that received by medical doctors (please see Appendix B). During the third and fourth years, the emphasis is on the clinical sciences (e.g.) pediatrics, dermatology, and botanical medicine. This training focuses more on the use of natural therapies and treatments as part of the clinical experience. 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, though not practiced, as naturopaths need to be aware of the effects of drugs and their side effects.

Students gain experience with patients during the last two years of the naturopathic medical program. At NCNM, for example, clinical training hours make up 1,525 of the total 5,188 hours of instruction. They consist of externships in an on-campus clinic where students work under the supervision of a licensed naturopath in private practice. 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 since only two to four post-graduate fellowships are offered each year.

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 a naturopathic physician.

NPLEX contracted with the National Assessment Institute to do 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 (7) clinical exam blueprints were developed, on which the 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.

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's 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.

III. PROPOSAL FOR REGULATION

This sunrise application proposes licensure of naturopathic physicians. This occupational group is also known as naturopathic doctors, Doctors of Naturopathy, N.D., naturopaths, naturopathic practitioners, Doctors of Naturopathic Medicine, Naturopathic Medical Doctors (Arizona only), and natureopathy (Connecticut).

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

The applicant further argues that licensure would:

- Expand the range of services provided directly by naturopathic doctors. Without regulation, naturopathic patients are referred to other practitioners for diagnosis, immunizations, and other restricted services;
- Reduce the overall costs of health care for naturopathic patients because the naturopathic doctor would be able to perform services without having to rely so heavily on referrals;
- Establish standards for education, examination, and practice. Currently, the public has no way to determine the qualifications of individuals claiming to be naturopathic physicians;
- Give the public freedom of choice in health care by providing access to natural health care and at the same time guarantee the public that they are seeing well trained, qualified practitioners; and,
- Halt the practice of sub-standard and inadequate naturopathic medicine.

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

- Licensing program administered by the Division of Registrations located within the Department of Regulatory Agencies.
- A licensing board consisting of a combination of professional members and representatives from the general public.
- Establishment of minimum education standards including a degree from an accredited naturopathic medical college.
- Passing scores required on the NPLEX and local jurisprudence exam.

IV. NATUROPATHIC MEDICINE: CONTRIBUTIONS TO HEALTH CARE REFORM

In response to a request from the 1993 Task Force on National Health Reform, the American Association of Naturopathic Physicians submitted a report on Naturopathic Medicine: Contributions to Health Care Reform. These recommendations are one of many sources requested by the task force to provide input into the process of reforming the health care system in the United States.

The fundamental recommendation of naturopathic physicians to the Health Care Reform Task force is to transform the United States health care system from one that focuses almost entirely on consequences to one that focuses equally on causes. In order to accomplish this objective, naturopaths believe that the United States must shift from an exclusively disease-oriented system which over-utilizes expensive specialists in end-state disease treatment to a system that also promotes health and wellness. The following summarizes the key issues discussed in this report.

Naturopathic Medicine and Health Care Access

Naturopathic primary care physicians contend that they could help immediately solve some national and regional problems with shortages of primary care family practice physicians in under-served areas. Health care reform allowing consumers to choose naturopathic physicians as their primary care providers in regions where naturopathic services are available would give public access to a well developed system of prevention-oriented primary care medicine. They further argue that consumers with an alternative medicine preference would be assured of equal access to a primary care physician familiar with their medical preferences.

Potential Long-Term Cost Impacts of Naturopathic Medicine

Naturopathic preventive medicine is focused on reducing the incidence of expensive chronic disease. A previous U.S. Surgeon General (Koop) suggests that dietary changes alone can prevent significant heart disease and cancer. The dietary changes recommended by the Surgeon General have been mainstays of naturopathic practice for the last century. Naturopathic physicians describe their practice as educating the patient in self-care, thus playing a major role in disease prevention and thereby reducing utilization of more expensive and invasive health care. Nutrition and lifestyle changes are essential ingredients to preventive medicine.

Naturopathic physicians maintain that they are accessible to communities because of low cost and a practice structure which supports spending enough time with patients to allow full understanding of their problems and opportunity to provide prevention-oriented education. Average office visits are thirty minutes for naturopaths as compared to six minutes in conventional medicine.

Potential Indirect Cost Impacts of Naturopathic Medicine

Malpractice suits against naturopathic physicians are extremely rare, and ND's do not practice in a climate of defensive medicine. One malpractice insurance provider reported that a group of fifty naturopathic physicians had only four incidents reported, with no settlements or judgments, over a period of four years. Jury Verdicts Northwest, a legal database which records court cases in Washington and Oregon, the area of the country with the largest number of practicing naturopathic physicians, showed no judgments for malpractice against ND's between the start of the database in 1983 and a report filed in 1991.

Naturopathic physicians believe that the benefits of a more pluralistic health care delivery system potentially would be a community-based health care system that is affordable, effective and easily adoptable by the U.S. to provide health care to under-serviced populations, i.e. inner-city and rural populations.

Cultural Diversity of Naturopathic Medicine

Among the populations requiring greater access to basic care are many ethnic groups which naturopathic physicians are exceptionally qualified to serve. These include Native American, Hispanic, Asian, and other groups which continue to practice their traditional natural healing methods. Naturopathic medical education provides leadership in integrating Western medical sciences and diagnostics with traditional therapies from diverse cultures. There is growing consensus in the international health community that the ideal in health care is an integration of alternative traditional medicine with modern Western medicine, contingent upon appropriate training and regulation.

V. REGULATION IN OTHER STATES

The legal status of naturopathy varies from state to state. In some states, the practice of naturopathy, though not regulated, is protected through court rulings or attorney general rulings. In most states, naturopathic physician status is unprotected or unclear.

Three states have repealed regulation of this profession; Florida, Utah, and Nevada. Nevada ceased licensing naturopathic physicians in 1987 (in Nevada naturopathic physicians were required to be supervised by medical doctors.). Utah discontinued licensing new naturopathic practitioners in 1981 because the licensing board had not recognized any naturopathic school as meeting its standards and with only 24 licensees the board had not granted a new license in over 12 years, with most having been granted prior to 1959. Although naturopathic licensing in Florida was discontinued in 1959, there are still laws and a board regulating those naturopaths practicing as a "dying class". Both Utah and Florida allow naturopathic physicians licensed prior to program termination dates to continue to practice.

Currently, seven states license naturopathic physicians: Arizona, Alaska, Connecticut, Hawaii, Montana, Oregon, and Washington. The following summarizes their licensure programs.

Alaska's law places several restrictions on the practice of naturopathy. A person who practices naturopathy may not prescribe a prescription drug, perform surgery or use the word "physician" as a title. There are currently 16 licensed naturopathic physicians in Alaska practicing naturopathy.

Arizona's Naturopathic Physicians Board of Medical Examiners was established in 1935. Although Arizona remains the state with the third highest number of licensed naturopathic physicians, the number of licensed naturopathic physicians has declined since 1980 when there were 140 physicians licensed by the Board. At the present time, there are 96 licensees. Like Alaska, Arizona restricts the practice of naturopathic physicians by prohibiting naturopaths from prescribing drugs and performing minor surgery.

Connecticut's law does not allow licensed naturopathic physicians to perform minor surgery, prescribe drugs or practice venipuncture. There are currently 65 licensed naturopaths in Connecticut.

Hawaii has regulated naturopathic physicians since 1925. There are currently 47 licensed naturopaths. Originally, the Board of Health was responsible for conducting examinations and issuing licenses. In 1969, the board was transferred to the Department of Regulatory Agencies, now the Department of Commerce and Consumer Affairs. The regulation of naturopathy was reviewed in 1978 and 1985 with continued regulation recommended.

Montana is the most recent state to license naturopathic physicians. In 1991, the Board of Alternative Health Care was conceived to regulate lay midwives and naturopathic physicians. When the program first began, there were only five naturopaths in the state. Today, there are 20 licensed NDs in Montana.

Oregon was the first state to license naturopaths (1927), although they were able to practice before then under an exemption in the Osteopathic Practice Act. The total number of practicing NDs in Oregon is 284, ranking number one in licensed naturopaths in the United States. Oregon also has the most encompassing law as NDs are allowed to prescribe drugs, perform minor surgery, and practice natural childbirth with a certificate of special competency. Oregon is the home of the National College of Naturopathic Medicine, the oldest and largest of the naturopathic colleges now operating.

Washington originally regulated naturopathic physicians in 1919, as part of their law created to regulate professions engaged in "drugless healing". The law was substantially amended in 1988 to reflect the current practice of naturopathic physicians. Washington has the second largest number of licensed naturopathic physicians, totalling 245. Washington is the home of the other naturopathic medical college in the United States, the John Bastyr College of Naturopathic Medicine.

STATE EXPERIENCE IN REGULATING NATUROPATHIC PHYSICIANS

STATE	YEAR LAW ENACTED	TYPE OF LAW	REGULATORY BODY	NO OF LICENSEES	COMPLAINT ACTIVITY	EXAMINATION REQUIREMENTS	EDUCATION REQUIREMENTS
Alaska	1986	Licensure	Board of Examiners in Naturopathy	16	1993 - 0 1992 - 0 1991 - 1 1990 - 2	NPLEX Examination on Homeopathy	Graduate of accredited school, university or college of naturopathy
Arizona	1935	Licensure	Arizona Naturopathic Physicians Board of Medical Examiners	96	1993 - 2 1992 - 7 1991 - 3 1990 - 8	NPLEX Clinical Series Homeopathy Jurisprudence Exam	Graduate of school of naturopathic medicine approved by the Board
Connecticut	1920	Licensure	Board of Naturopathic Examiners	65	1990 to present - 3*	NPLEX Clinical Series Jurisprudence Exam	Graduate of legally chartered school or college of naturopathy approved by the State Board of Naturopathic Examiners
Hawaii	1925	Licensure	Board of Examiners of Naturopathy	47	Not available	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 Council of Naturopathic Medical Examiners
Montana	1991	Licensure	Board of Alternative Health Care	20	1993 - 0 1992 - 0 1991 - 0	NPLEX Clinical Series Basic Sciences Minor Surgery Homeopathic	Graduate of 4 year accredited CNME college or a college approved by the Board of Alternative Health Care
Oregon	1927	Licensure	Board of Naturopathic Examiners	284	1993 - 7 1992 - 24 1991 - 23 1990 - 20	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
Washington	1919 (Original law dealing with practice of "drugless therapeutics" 1988 law substantially amended.	Licensure	Naturopathic Physicians Advisory Commission Secretary of Department of Health	245	1989 to Present - 38	NPLEX Basic Science Clinical Series Homeopathy Minor Surgery Washington Jurisprudence Exam	Washington approved (DOH) college of Naturopathy

NPLEX - the Naturopathic Physicians Licensure Examination

***Complaints where licensing action was taken.
CNME - Council of Naturopathic Medical Examiners**

THE SCOPE OF NATUROPATHIC PRACTICE IN THE STATES WHICH LICENSE NATUROPATHS

	Arizona	Connecticut	Hawaii	Alaska	Oregon	Washington	Montana
Practice under supervision of licensed MD only	No	No	No	No	No	No	No
Prescribe drugs	No	No	No	No	Yes	Yes	No
Perform minor surgery	No	No	No	No	Yes	Yes	Yes
Hydrotherapy	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Colonic irrigation	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Physiotherapy	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Manipulation	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Electrotherapy	Yes	Yes	Yes	Yes	Yes	Yes	Yes
X-ray	Yes	Yes	No	No	Yes	Yes	No
Venipuncture	No	Yes	Yes	Yes	Yes	Yes	?
Obstetrics/gynecology	Yes	Yes	Yes	No	Yes*	No	Yes*

*** Additional Certification Required**

VI. IS THERE A NEED FOR REGULATION?

Public Harm

This report has found no evidence of physical or financial harm being caused to Colorado consumers by the operation of naturopathic physicians. Cases of harm or potential harm related to the practice of naturopathy can be attributed to persons calling themselves naturopathic physicians who, in fact, have not successfully graduated from an accredited naturopathic medical college or passed an accredited examination. Also, the State Board of Medical Examiners has no cases of complaints against naturopaths. Although recognizing that documenting financial harm is difficult, the Department has found no evidence that unavoidable financial harm is occurring to consumers because naturopathic physicians are not regulated.

Members of the Colorado medical community have expressed concerned over certain practices of naturopathic physicians that have the potential for harming the public that include:

- * the practice of venipuncture which is the puncturing of veins to remove blood or inject drugs or nutrients;
- * the use of colonic irrigations;
- * the ability to prescribe drugs;
- * the performance of minor surgery; and
- * the naturopathic treatment philosophies relating to diet and high dose supplements.

Cost of Regulation

State programs regulating occupations in Colorado are funded by revenues paid by the licensees and applicants for a license. Based on the estimated number of naturopaths currently in Colorado, Colorado could reasonably anticipate approximately 20 applicants for a license to practice naturopathy. Not all of these applicants may meet the state's requirements so the actual number practicing could even be fewer. While it is true that more naturopathic physicians may relocate to Colorado if there were a licensure program, there is no evidence that they would relocate here in large numbers. Five of the seven licensed states have fewer than 100 licensees. The Department has recently created new programs and a conservative estimate for start-up of a program is \$30,000. Assuming that Colorado did produce 20 naturopathic physicians, the cost to these practitioners would therefore be \$1500 per license per year. This seems to be an unreasonable burden to place on the practitioners absent any clear harm from the unregulated practices of this profession.

Possible Regulatory Approaches to the Practice of Naturopathic Medicine

Several regulatory approaches to the practice of naturopathic medicine are described below, along with the positive and negative aspects of each approach.

1. Create a Board of Naturopathic Medicine. The applicants have requested a full licensing board with title protection and scope of practice protection. This type of regulation is the most restrictive and involves governmental intervention to conduct an examination and to determine minimum qualifications and experience. In addition, a licensing board enforces the law and rules and regulations and disciplines violators. As a rule, applicants for licensure must satisfy certain state prerequisites before they are allowed to take the licensing examination. An agency of Colorado government must grant permission to an individual to engage in a given occupation upon finding that the applicant has attained the minimum degree of competency necessary to ensure public health, welfare and safety. This sunrise analysis found little harm to the public from the practice of naturopathic physicians, therefore a very restrictive governmental regulatory program is inappropriate at this time. In addition, a separate board for such a small group of practitioners is uncommon and costly. If naturopathic physicians were to be licensed, an estimated cost of \$1,500 would be assessed as an annual fee.
2. Develop a Registration Program similar to the regulatory scheme for the practice of acupuncture. Every acupuncturist desiring to practice in Colorado must register with the Division of Registration (Division) within the Department of Regulatory Agencies. In order to qualify to register, an acupuncturist must have successfully completed an education program conforming to standards approved by the Division Director. The regulatory scheme further requires a mandatory disclosure statement

of information to patients, grounds for disciplinary action, criminal and civil penalties, and reporting requirements for malpractice judgments or settlement . The Division Director also has the power to inspect on a complaint basis any premises where acupuncture services are provided and to order the physical or mental examination of an acupuncturist for reasonable cause.

Though the regulatory program for the practice of acupuncture is called registration, it is very similar to other occupational licensing programs in Colorado. Registration programs by definition, involve only listing one's name and address and payment of a fee. As a rule, the law does not require the individual to pass an examination or show that predetermined standards have been met. A program similar to the acupuncture program is very time-consuming and may not be the most cost-effective way of regulating such a small group of practitioners.

3. Create a Board of Alternative Health Care. With the advent of the registration of lay midwives in 1993 and given the existing acupuncturists' registration program, a Board of Alternative Health Care could be created to regulate a registration program for the three professions. Alternatives to the traditional Western medical model are increasing in popularity. According to the New England Journal of Medicine, a third of the population today consults alternative healers, spending nearly \$14 billion a year for their services.⁵ Given that the numbers of existing lay midwives, naturopathic physicians and acupuncturists are relatively low, a combined board might more effectively utilize limited resources. However, creation of such a board might also invite a plethora of alternative health care providers to seek state regulation.

Alternatives to Regulation

There are existing alternatives to regulation which are cost-effective means to protect the health, safety and welfare of the public. Colorado statutes protect the public from consumer fraud, incompetent or illegal medical practice, and unlawful cancer treatment. In regard to consumer protection, falsely representing the use or benefits of products or services through any medium of communication violates the Colorado Consumer Protection Act (C.R.S. 6-1-101, et. seq.). Regarding the treatment of cancer, any treatment of cancer not recognized as effective by the Board of Health is prohibited by the Colorado Cancer Control Act (C.R.S. 12-30-101, et. seq.) It is unlawful for any person other than a licensed physician, licensed osteopath, or licensed dentist to diagnose, treat or prescribe the treatment of cancer.

⁵ Eisenberg, David M., et. al., "Unconventional Medicine in the United States", New England Journal of Medicine, January 28, 1993, Page 250.

Conclusion and Recommendation

The Colorado Association of Naturopathic Physicians has not shown that the public is being substantially harmed by the unregulated practice of naturopathic physicians. In addition, the number of naturopathic physicians in Colorado comprise such a small number that a regulatory program is not appropriate at this time. Civil, criminal, and administrative means exist to address the unlicensed practice of medicine by naturopathic physicians and there are no documented cases of harm, no further benefit would accrue to the public by regulating the profession. Concerns do exist concerning the scope of practice of naturopathic physicians and the public's perception of their title "physician". By licensing naturopaths, the State would be giving recognition to the profession. This may mislead the public about the effectiveness of certain naturopathic services which may have no clinically proven medical value. The Department has not found any significant harm to the public resulting from the unregulated practice of naturopathic physicians that could be effectively addressed by the proposed regulatory scheme.

RECOMMENDATION: **The General Assembly should not regulate the practice of naturopathic physicians.**

Appendix A

NPLEX REVIEW

Appendix B
NATUROPATHIC AND MAJOR MEDICAL SCHOOLS
Comparative Curricula

	National College of Naturopathic Medicine	Bastyr College (Naturopathic)	Johns Hopkins	Mayo	Yale	Stanford
Basic and Clinical Sciences Including: Anatomy, Cell Biology, Physiology, Pathology, Neurosciences Clinical/Physical Diagnosis, Histology, Genetics, Biochemistry, Pharmacology, Lab Diagnosis, Pharmacognosy, Biostatistics, Epidemiology, Public Health, History, Philosophy, Ethics, Research and other coursework.	2070	1891	1794	1640	1457	1401
Clerkships' and Allopathic Therapeutics Including: Lecture and clinical instruction in Dermatology, Family Medicine, Psychiatry, Medicine, Radiology, Pediatrics, Obstetrics, Gynecology, Neurology, Surgery**, Ophthalmology, and clinical electives.	1974	1959	3260	3080	2040 (+ thesis)	3840
Naturopathic Therapeutics Including: Botanical Medicine, Homeopathy, Oriental Medicine, Hydrotherapy, Naturopathic Manipulative Therapy.	492	335	0	0	0	0
Therapeutic Nutrition	144	138	17	elective	elective	elective
Counseling	144	158	0	0	0	0
			(included under psychiatry above)			
TOTALS	4824	4481	5071	4720	3497 (+ thesis)	5241
* Clerkships are estimated to be 40 hours per week of mixed lecture and clinical training.						
** Naturopathic physicians study minor surgery only.						
Sources: 1988 Curriculum Directory of the Association of American Medical Colleges; 1988 catalogues of National College of Naturopathic Medicine and Bastyr College						

NATUROPATHIC MEDICAL EDUCATION
Nutrition and Lifestyle Modification

**"Diseases of dietary excess and imbalance...now rank among the leading causes of illness and death in the U.S. and generate substantial health care costs."
U.S. Surgeon General's Report (1988)**

"Improved nutrition training of physicians and other health care professionals is needed. Training should emphasize basic principles of nutrition, the role of the diet in health promotion and disease prevention, nutrition assessment methodologies and their interpretation, therapeutic aspects of dietary intervention, (and) behavioral aspects of dietary counseling."

Coursework Recommended by U.S. Surgeon General	Naturopathic Physician	Registered Dietician	Medical Doctor
Biochemistry and physiology	345	120	398
Basic nutrition, nutrition assessment and interpretation	72	108	21
Diet and disease; Therapeutic diets	128	72	0⁶
Counseling	150	36	0⁷
Internship	1300⁸	900⁹	0¹⁰
National/State exams	yes	yes	no¹¹
TOTALS	1995	1236	419

U.S. Surgeon General's Report (1988)

SOURCES:
The Surgeon General's Report on Nutrition and health, 1988.
The 1987 curricula of Bastyr College, Seattle, and National College of Naturopathic Medicine, Portland, Oregon.
The American Dietetic Association.
The 1988 catalogue of Oregon State University, Corvallis.
Nutrition Education in U.S. Medical Schools, National Academy Press, 1985.
The 1987 Curriculum Directory of the Association of American Medical Colleges. Medical school hours are averages for Johns Hopkins, Mayo, Yale and Stanford medical schools.
Naturopathic Physicians, Registered Dieticians, and Medical Doctors may take nutrition electives above and beyond this core curriculum.

NOTES :

- 6 **Not taught in most schools.**
- 7 **MD's receive about 96 hours of psychiatric clerkship, not likely to include behaviorally-oriented counseling.**
- 8 **Consists of dietary evaluation or treatment of most patients.**
- 9 **May be performed in food management rather than clinical nutrition.**
- 10 **Medical internship does not normally include training in diet and disease.**
- 11 **Less than 4% of tests are in nutritional areas, mostly in biochemistry, physiology and pediatrics.**

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