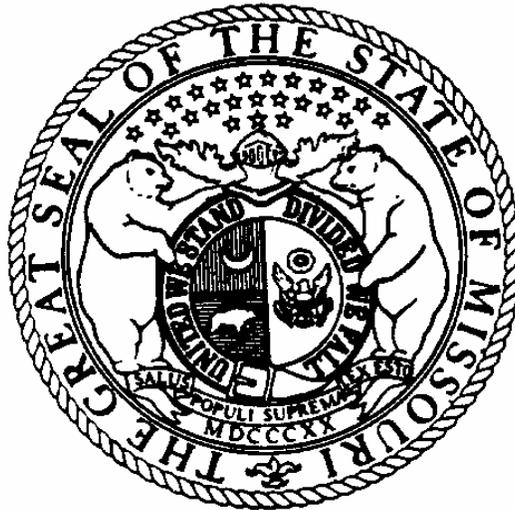


REPORT
OF
THE SENATE INTERIM COMMITTEE
ON
NATUROPATHIC MEDICINE



January 20, 2006

Prepared by
Chris Hogerty, Senate Research Staff

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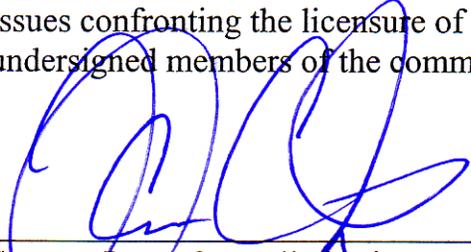
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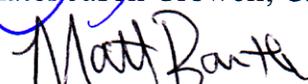
The Honorable Michael Gibbons, President Pro Tem
State Capitol, RM 326
Jefferson City, MO 65101

Dear Mr. President:

The Senate Interim Committee on Naturopathic Medicine, acting pursuant to Rule 31 of the Missouri Senate, has met, taken testimony, deliberated, and concluded its study on issues confronting the licensure of naturopathic physicians in the state of Missouri. The undersigned members of the committee are pleased to submit the attached report.



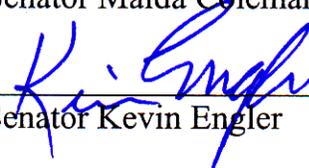
Senator Jason Crowell, Chair



Senator Matt Bartle

Senator Joan Bray

Senator Maida Coleman



Senator Kevin Engler

Senate Interim Committee on Naturopathic Medicine

I. OVERVIEW

As a result of the continued interest in creating licensure standards for naturopathic physicians, President Pro-Tem Michael Gibbons established the Senate Interim Committee on Naturopathic Physicians. The committee was charged primarily with developing a comprehensive analysis of the definitions and components of naturopathy and the extent to which there is, and can be, integration and coordination of natural therapies and conventional medical treatments, as well as the effects of licensing and regulating naturopathic physicians. The membership of the committee consisted of the following senate members: Senator Jason Crowell, Chair; Senator Matt Bartle; Senator Joan Bray; Senator Maida Coleman; Senator Kevin Engler.

The committee held public hearings and solicited testimony regarding a wide range of issues related to licensing naturopathic physicians. Hearings were held in the following locations:

September 7, 2005

Jefferson City, MO

September 14, 2005

Jefferson City, MO

Oral and written testimony was provided by members of the Missouri Association of Naturopathic Physicians, general practitioners of naturopathic medicine, the vice president of the Missouri Naturopathic Medical Association, the president of Idaho Naturopathic Physicians; members of the Missouri State Medical Association, the Missouri State Chiropractors Association, the Missouri Nurses Association, the Missouri Hospital Association, the Missouri Dietetic Association, the Missouri Academy of Family Physicians, and the Coalition for Natural Health, Inc., professors of the University of Missouri School of Medicine, practicing oncologists, private citizens, and other interested parties. Based on the testimony, the committee has compiled findings and conclusions assessing the viability of licensing naturopathic physicians in the state of Missouri.

II. BACKGROUND

According to the American Association of Naturopathic Physicians (AANP), the profession of naturopathy has been in existence since 1905; however until recently it was largely unknown. Some states have had continuous naturopathic licensing for many years. For instance, naturopathy has been licensed in Hawaii since 1925, in Oregon since 1927, in Connecticut since 1920, and in the state of Washington since 1919. Conversely, naturopaths in other states have lost their right to practice. Naturopaths in Tennessee, Florida, South Carolina, and Texas lost their rights to practice in the 1950s. As the demand for naturopathic care has grown as an alternative to traditional methods of care, practitioners are presently pressing the legislature to adopt licensing standards to regulate the profession.

The hallmark of naturopathic care is its focus on the treatment of the “whole individual” as opposed to the treatment of a patient’s symptoms.¹ Naturopathic physicians point to this approach as the main factor that distinguishes their practice from those utilized by conventional medical practitioners, including osteopathic and allopathic physicians. The National Center for Complementary and Alternative Medicine (NCCAM) defines complimentary and alternative medicine as:

[T]hose treatments and healthcare practices not taught widely in medical schools, not generally used in hospitals, and not usually reimbursed by medical insurance companies...Therapies are used alone (often referred to as alternative), in combination with other alternative therapies, or in addition to conventional therapies sometimes referred to as complementary).²

The NCCAM additionally describes naturopathic medicine as:

[A]n array of healing practices, including diet and clinical nutrition; homeopathy; acupuncture; herbal medicine; hydrotherapy (the use of water in a range of temperatures and methods of applications); spinal and soft-tissue manipulation; physical therapies involving electric currents, ultrasound and light therapy; therapeutic counseling; and pharmacology.³

¹The American Association of Naturopathic Physicians (AANP).

²<http://nccam.nih.gov/nccam/fcp/index.html#what-is>

³<http://nccam.nih.gov/nccam/fcp/classify>

According to the AANP, naturopathic doctors (deemed NDs by the AANP) employ safe, nature-based therapies, medications, nutrients, and other types of integrative care to provide comprehensive care for illnesses including high blood pressure, cholesterol, allergies, fatigue, and pain. Most NDs do not specialize in the treatment of any one organ system or any individual disease but rather treat the body as an integrated whole and practice “whole person healthcare”.⁴ Some practitioners perform minor invasive procedures, prescribe pharmaceuticals, and deliver primary health care, while others do not.

As a result of the recent rise in interest in naturopathy, education institutions across the country have instituted degrees with curriculum requirements designed to prepare their graduates for professions in the field of naturopathy. Currently, three schools in the United States have educational programs accredited by the Council on Naturopathic Medical Education (CNME).⁵ The CNME is recognized by the U.S. Department of Education as the programmatic accrediting agency for naturopathic medical colleges.⁶ States that license naturopaths require candidates to have graduated from CNME accredited schools and take the Naturopathic Physicians Licensing Examination (NPLEX), in addition to various state required examinations. Other schools are accredited by the American Naturopathic Medical Accreditation Board (ANMAB), which allows candidates to be certified by taking an exam administered by the American Naturopathic Certification Board (ANCB). However, certification by the ANMAB is entirely voluntary and the organization itself is self-accredited. It has no authority to issue a naturopathic degree or to regulate educational standards and considers naturopathy to be a non-medical practice. No individual certified by the ANMAB has sat for the NPLEX or is licensed in any jurisdiction currently regulating naturopaths.

⁴Id.

⁵ Bastyr University, Seattle, WA; National College of Naturopathic Medicine, Portland, OR; and Southwest College of Naturopathic Medicine & Health Sciences, Scottsdale, AZ; are the only CNME accredited institutions offering four-year degrees. All of these institutions follow the CNME core curriculum requirements of 4,100 clock hours for graduation and 1,200 clock hours in the clinical practicum.

⁶ U.S. Department of Education, Letter from Secretary Rod Paige to Robert Lofft, Executive Director of the Council on Naturopathic Medical Education, September 10, 2003.

III. SUMMARY OF INFORMATION AND TESTIMONY RECEIVED

In the course of two public hearings, the committee gathered a tremendous amount of information about the practice of naturopathic medicine. As could be expected, the committee heard from a number of naturopathic, allopathic, and osteopathic practitioners, as well as other interested individuals who expressed their views about the effect of licensing naturopathic practitioners in Missouri. The committee actively sought out witnesses who could assist the members in determining the effect of and need for regulating the practice of naturopathic practitioners.

September 7, 2005, Jefferson City, Missouri: Testimony of those in favor of the naturopathic initiative

The committee began its work by hearing public testimony from those in favor of licensing the profession of naturopathy in Missouri. Christopher Deatherage, a general practitioner of naturopathic medicine and a member of the Missouri Association of Naturopathic Physicians (MANP) began his testimony by pointing out the 100-year history of the profession and the different jurisdictions that currently license naturopaths. Currently, Alaska, Arizona, California, Connecticut, Hawaii, Idaho, Kansas, Maine, Montana, New Hampshire, Oregon, Utah, Vermont, and Washington have licensing requirements for naturopaths. Mr. Deatherage argued that citizens residing in states without licensure requirements are being harmed by those professing to be naturopaths without adequate training.⁷ He opined that the licensure of naturopaths is required for adequate consumer protection. Mr. Deatherage, upon request from the committee, submitted information regarding course descriptions of naturopathic colleges, the CNME, and regional accrediting agencies.

Two members of MANP and recent graduates of Bastyr University, Dionne Reinhart and Cindy Willbrand, provided written and oral testimony in support of state licensure of naturopathic physicians. Each witness testified as to the validity of the practice of naturopathy and stressed the rigorous training offered to Bastyr students and their respective qualifications for practicing naturopathy in Missouri. Dionne Reinhart has a bachelor's degree from the University of Minnesota and 1,000 hours of supervised training in an integrated health center. Cindy Willbrand holds a bachelor's degree from Truman State University, where she completed all of the pre-med course work.

With regard to specific legislation to be adopted, Raymond Vasquez, the vice president of

⁷ Mr. Deatheridge has not graduated from a four-year institution, has never been licensed, and could not sit for the NPLEX licensing exam. Although he provided information about trained practitioners, he is not part of this trained group.

the Missouri Naturopathic Medical Association (MNMA), testified before the committee and urged the adoption of the Idaho Naturopathic Physicians Licensing Act. Mr. Vasquez indicated that the MANP had joined the MNMA in endorsing this particular piece of legislation for adoption in Missouri. Mr. Vasquez assured the committee that the proposed bill restricts the scope of practice of naturopathic medicine in a manner that does not encroach on the practice of allopathic and osteopathic medicine.

John Thomas College of Naturopathic Medicine of St. Charles was represented by Mr. Vincent Froeder, a practicing NMD. Mr. Froeder submitted written testimony outlining the parameters of the naturopathic program at John Thomas. The college offers a Naturopathic Medical Doctor (NMD) degree designed for M.D., D.C., or D.O. recipients. The program is taught in an integrated format where doctors can become aware of and utilize both alternative and allopathic forms of therapy. Mr. Froeder included the course curriculum and descriptions.

David Clark, D.C., who is associated with the Missouri Naturopathic Medical Association, testified as to the need to license naturopaths in Missouri so they may practice in medically underserved areas in the state. Dr. Clark pointed out the need for more primary care physicians in rural areas and contended that state licensure of NDs would stimulate the Missouri economy.

Finally, Stephen Sporn, a naturopathic physician licensed in Oregon and living in Springfield, provided written testimony regarding the merits of naturopathic therapies. Mr. Sporn also supports licensing in order to ensure that those calling themselves NDs will be trained and tested according to national standards. Furthermore, in the opinion of Mr. Sporn, the creation of a naturopathy board will allow for efficient investigation of complaints by the public.

September 14, 2005, Jefferson City, Missouri: Testimony of those against the naturopathic initiative

The committee next met to hear testimony from those who disfavor licensing naturopaths in Missouri. Robert McCallum, PhD, University of Missouri School of Medicine, did not appear but provided written testimony regarding admission requirements and curriculum requirements for graduation at the UMC School of Medicine.

David Barbe, MD, representing the Missouri State Medical Association, provided written testimony that summarized the following: Florida's Sunrise Report, a statement approved by the Board of Registration in Medicine of the Commonwealth of Massachusetts, and the Massachusetts Minority report. The Florida report conducted in 2004 concluded that: there is no evidence indicating a potential substantial harm or that the public is endangered by the unregulated practice of naturopathy; there is a risk of harm to the public from licensing naturopathic physicians with an expanded scope of practice. The Florida report also concluded that licensure of naturopathic physicians would negatively impact practitioners of traditional and alternative health healing techniques that currently do not have to be licensed. In addition, the

broad scope of practice of naturopathic physicians will overlap and compete with related licensed health professionals, and the small number of potential licensees would have difficulty meeting requirements to fund the cost of administering licensure and support for a board.

The statement approved by the Massachusetts board states its opinion that the granting of licenses to naturopathic physicians, for the independent practice of primary care, would subject citizens to an unnecessary risk of receiving substandard health care.

In the Massachusetts Minority report, the Massachusetts commission opposed the licensure of naturopaths on the grounds that licensure of naturopaths would legitimize a dangerous and unethical practice. The minority views the practice as grounded in fanciful musings with no basis in science.

Mr. Ralph Barrale, D.C., a member of the Missouri State Chiropractors Association provided written testimony voicing his concern that the practice of naturopathic medicine will encroach on the services currently performed by doctors of chiropractic, physical therapists, acupuncturists and doctors of medicine. Mr. Barrale fears that naturopaths currently do not have the educational background necessary to perform the functions that would be allowed if licensed. He specifically mentioned the lack of hands-on practical training and testing.

Mr. Kevin Hubbard from the Missouri Association of Osteopathic Physicians testified about concerns that referrals from naturopaths will occur at a point when the patient is too ill to receive proper care from other licensed medical professionals and that natural remedies are, to date, not proven effective.

In a written statement, Daniel Landon of the Missouri Hospital Association expressed concern about unlicensed naturopathic residents practicing in hospitals. He pointed out to the committee that medical residents and interns in hospitals are licensed physicians and hoped that the same standards would hold true if naturopaths were licensed.

Belinda Heimericks of the Missouri Nurses Association testified as to her concern about licensing naturopaths. In her opinion, naturopathy lacks the requisite scientific foundation to be recognized as a legitimate medical profession. In the event of licensure, she urged strict oversight of naturopaths working in hospitals.

Brenda Roling provided testimony from Jean Howard of the Missouri Dietetic Association (MDA). The MDA opposes allowing licensed naturopaths to practice nutrition therapy since they are not licensed dietitians.

Michele Clark testified on behalf of the Missouri Academy of Family Physicians against the licensing of naturopathic physicians mainly because of concerns about the ability of naturopaths to diagnose, treat, operate, and prescribe for disease, pain, injury or other physical or mental conditions. The academy's position is that these duties make up the practice of medicine and since naturopaths are not licensed physicians, they should not be allowed to practice as such.

Daniel Cleghorn, claiming to be a victim of medical malpractice by naturopathic physicians, also testified before the committee. He claimed that about fifty people in southern

Missouri have also been victimized by naturopathic doctors.

Boyd Landry from the Coalition for Natural Health provided written testimony and argued against licensing naturopaths. Mr. Landry distinguished traditional naturopathy from “AANP-style” naturopathy by explaining that traditional naturopathy, of the sort presently practiced in all states, is inherently safe and that “AANP-style” naturopathy is riddled with health and safety issues.

IV. FINDINGS

The practice of naturopathy is a valuable practice for consumers who desire therapies that are alternative and complimentary to conventional medical treatments. According to the World Health Organization, the use of alternative medicine to treat a variety of illnesses and conditions has increased over the past twenty years. This prompted the National Institutes of Health to establish the NCAAM to research practices employed in alternative and complimentary medicine. According to the NCAAM, scientific evidence exists regarding the effectiveness of some alternative practices. In addition, it is apparent that the practice of alternative and complimentary treatments holds real value for consumers as evidenced by the increased consumer demand for such treatments.

Licensing naturopathic physicians may open the door for Medicaid reimbursements for services rendered by naturopathic physicians. The purpose of Medicaid is to pay for basic medical and long-term care services on behalf of low-income individuals in cases where there is no other source of coverage for the services they need. It is possible that, if licensed, services provided by naturopathic physicians may, in the future, be covered under the state's Medicaid program or a successor program.

Questions have been raised as to the extent to which the NPLEX effectively measures competency. Upon graduation from a naturopathic school certified by the CNME, candidates are eligible to sit for the Naturopathic Licensing Examination (NPLEX). Currently there are two parts to the NPLEX: Part I - Basic Science Exam and Part II - Clinical Science Exam. These examinations are comparable to Step I and Step II of the United States Medical Licensing Exam (USMLE) that medical doctors must pass. Unlike the NPLEX, the USMLE has a third part designed to test clinical competence and "assess whether medical graduates can apply medical knowledge and understanding of biomedical and clinical science essential for the unsupervised practice of medicine." The committee views the absence of such an evaluation as a significant flaw in the NPLEX. In schools that offer 4-year naturopathic training programs, the second two years are dedicated to clinical application and competence that amounts to approximately 2,000 hours of supervision from licensed naturopathic physicians. The committee recommends that the students be tested for competence in this area.

The committee's concern is echoed in the Colorado Department of Regulatory Agencies Office of Policy, Research and Regulatory Reform Sunrise Review of Naturopathic Physicians, 2005, that reports that "there is little generalizable evidence that the NPLEX Part II clinical science examinations actually measure clinical competence." The review points out that the clinical science examination contains 50% new items that have not been pre-tested. In addition, many of the clinical licensing examination sections contain only 50 multiple-choice items in total. As a result, "the test may not adequately represent the universe of generalization it was intended to represent when it was developed."⁸

⁸Despite concerns, the report ultimately recommended the regulation of naturopathic physicians.

The committee is unclear as to which group actually represents the naturopathic profession. The American Association of Naturopathic Physicians (AANP) holds itself out to be the “national professional society representing naturopathic physicians who are licensed or eligible for licensure as primary care physicians” however, the AANP failed to testify before the committee. Alternatively, the committee heard testimony from the Missouri Association of Naturopathic Physicians and the Missouri Naturopathic Medical Association. Each group claimed to be representatives of the profession of naturopathy in Missouri in agreement on licensure legislation. The state of Missouri has never officially recognized either of these groups and it was unclear to the committee whether the groups were legitimate representatives of the naturopathic profession.

The main accrediting organization for naturopathic colleges has been in and out of favor with the United States Department of Education. The CNME, the major body that accredits naturopathic schools, was recognized in 1987 as an accrediting agency by the U.S. Department of Education (DoE) and its National Advisory Committee on Institutional Quality and Integrity. The DoE stripped the CNME of this distinction when it found that the CNME did not “consistently apply and enforce standards that ensure that the course or programs are of sufficient quality to achieve the stated objective for which the courses or the programs are offered.”⁹ On September 10, 2003, CNME earned a temporary, two-year recognition status.¹⁰

Two accrediting organizations of naturopathic educational institutions work independently and require successful completion of two different professional examinations. Currently, three schools in the United States have educational programs accredited by the Council on Naturopathic Medical Education (CNME).¹¹ The CNME is recognized by the U.S. Department of Education as the programmatic accrediting agency for naturopathic medical colleges. States that license naturopaths require candidates to have graduated from CNME accredited schools, and take portions of the Naturopathic Physicians Licensing Examination (NPLEX,) in addition to various state required examinations. Other schools are accredited by the American

⁹U.S. Department of Education, Docket No. 00-06-O, Decision of the Secretary, Richard W. Riley, January 16, 2001.

¹⁰U.S. Department of Education, Letter from Secretary Rod Paige to Robert Lofft, Executive Director of the Council on Naturopathic Medical Education, September 10, 2003.

¹¹Bastyr University, Seattle, WA; National College of Naturopathic Medicine, Portland, OR; and Southwest College of Naturopathic Medicine & Health Sciences, Scottsdale, AZ.

Naturopathic Medical Accreditation Board (ANMAB), which allows candidates to be certified by taking an exam administered by the American Naturopathic Certification Board (ANCB).

Following recent trends in legislation may foster public confusion within the profession.

The state of Idaho recently passed a Naturopathic Physicians Licensure Act that provides at least two tiers of regulation depending on the level of training of the licensee. In the committee's opinion, following this legislative precedent will increase public confusion about practitioner's qualifications and fail to protect the public against untrained or lesser trained naturopaths. The committee would like to warn legislators against naturopathic groups whose interest in licensure is driven by economics rather than a sincere interest in delivering medical benefits to the public.

V. Conclusion

Licensure of naturopathic physicians by the state of Missouri will effectively put citizens on notice that the licensed practitioners have achieved the highest level of training and education possible to ensure public safety. The CNME (Council on Naturopathic Medical Education) is recognized by the U.S. Department of Education as the accrediting body for naturopathic schools. Naturopathic schools must meet the standards of didactic and clinical curricula set by the CNME. However, the CNME has fallen in and out of favor with the U.S. Department of Education. As a result, the committee does not have full faith in the diligence of the CNME in its role as an accrediting body.

The committee recommends that the CNME must first prove itself as a legitimate and able accrediting body before any licensure legislation progresses. The committee also recommends that a third test be added to the NPLEX – one that tests clinical competence for the unsupervised practice of naturopathy.

The committee feels that it has come to an understanding of the definition and components of naturopathy and naturopathic medicine. However, it remains unclear to the committee who is a naturopath or what makes one a naturopath. This is a fundamental and necessary question that the committee was unable to determine.

The committee, at this time, recommends against licensure of Naturopathic physicians in the state of Missouri.



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The Honorable Jason Crowell, Chair
Interim Committee on Naturopathic Medicine
Missouri Senate, State Capitol Building, Room 323
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Dear Senator Crowell,

The premise of the Committee's conclusion that state licensing of any profession lends credence to that profession's practices and, by licensing naturopathic physicians, the state would signal that the licensed practitioners have achieved the highest level of training and education is precisely the reason the Committee should recommend state licensure.

Many practitioners of alternative medicine currently serve to meet the health care needs of our state. Although most are qualified, some of these practitioners identify themselves as capable of providing naturopathic medical care but have little formal training or education and therefore are not competent. State establishment of standards for training, education and practice is the only way to ensure our residents have safe access to health care. Our residents deserve health care providers and physicians who have achieved the highest level of training, education and licensure requirements to assure the highest level of care.

Our goal to guarantee the health, safety and well being of our constituents requires the state to establish minimum requirements and standards in order to practice naturopathic medicine. Furthermore, it is most sensible to follow the nationally recognized educational standards set forth by the Council on Naturopathic Medical Education (CNME). All accredited institutions that train and license naturopathic physicians are held to the extensive standards established by the CNME. States such as Kansas and Utah are among the 14 states and 17 total jurisdictions that recognize and license according to CNME standards.

In a time when access to allopathic medicine is becoming more costly and out of reach, our residents are seeking alternative and often less costly care. We owe it to the public to assure the care they seek is safe and delivered by qualified individuals. This Committee should recommend that it is in the best interest of public health and safety that Missouri apply such standards to certify such qualified individuals who desire to practice naturopathic medicine in Missouri.

Sincerely,


Joan Bray