

SUBJECT: Regulating and licensing naturopathic physicians

COMMITTEE: Public Health — favorable, without amendment

VOTE: 6 ayes — Berlanga, Hirschi, Coleman, Davila, Glaze, Maxey

0 nays

2 absent — Delisi, Janek

SENATE VOTE: On final passage, May 2 — voice vote (Harris registered nay)

WITNESSES: For — Ken Looney, Texas Naturopathic Medicine Association; Gerard Luna; Stephen Sporn, Texas Association of Naturopathic Physicians

Against — Jan Adams; Terry Boucher, Texas Osteopathic Medicine Association; Tim Gorski, Texas Medical Association

DIGEST: SB 1577 would provide for the regulation and licensing of naturopathic physicians, declaring naturopathy as a distinct health care profession affecting public health, safety, and welfare.

The bill would define naturopathic medicine as a system of primary health care that uses education, natural substances, and remedies to support and stimulate the individual's intrinsic self-healing process.

The bill would create the Naturopathic Physicians Advisory Committee to recommend for consideration by the Texas Board of Health rules to implement its provisions and to perform other duties as assigned. Committee members would receive a per diem and travel allowance as authorized by the general appropriations act.

Rights and responsibilities. The bill would authorize licensed naturopathic physicians to use minor preparations and therapies, including natural medicines; naturopathic childbirth and mobilization therapy; x-rays; clinical laboratory tests and examinations; and other common non-invasive diagnostic procedures.

Naturopathic physicians could not prescribe, dispense or administer legend drugs or controlled substances; perform surgical procedures; perform emergency care; or claim to practice another system or method of treatment.

Naturopathic physicians would have the same responsibilities as any other licensed health care providers regarding public health laws, reportable diseases and conditions, communicable disease control and prevention, the recording of vital statistics, health and physical examinations, competency examinations, and local boards of health.

Licensing and regulation. Persons would qualify for licensing as a naturopathic physician if they: completed and submitted an application and fees; had graduated from an approved naturopathic college; had passed an examination; and were of good moral character.

SB 257 would exempt from examination requirements a person who was licensed in another state, territory, or the District of Columbia; had graduated from an accredited naturopathic college; was a Texas resident 21 years or older who had been practicing for at least three years or accumulated at least 3,080 patient contact hours before January 1, 1999; or produced satisfactory evidence of holding a valid license and had been practicing for at least a year.

The Texas Board of Health would administer the bill's provisions, including preparing and administering examinations. The board would adopt a licensing fee and annual renewal fees, which would be in amounts necessary to cover administrative costs. The board would establish standards for at least 15 hours of continuing education for license renewals.

The bill would provide for complaint investigation and disposition procedures, according to rules developed by the Texas Department of Health. License holders could be subject to license suspension or other discipline if they abused drugs or alcohol; obtained a fraudulent license; were judged mentally incompetent; violated the bill's provisions; or were convicted of a felony or a crime involving moral turpitude. Violators could be required to report to the Health Department; limit their areas of practice; or continue professional education in areas related to their infraction.

Persons representing themselves falsely as naturopathic physicians would be guilty of a third degree felony, with a maximum penalty of two to ten years in prison and an optional fine of up to \$10,000.

SB 257 would take effect September 1, 1997.

**SUPPORTERS
SAY:**

Alternative forms of medicine are increasingly popular in Texas, and the number of Texans seeing naturopathic physicians has increased dramatically over the last 20 years, to an estimated 175,000. Because there are currently no laws governing the practice of naturopathic medicine in Texas, consumers are not protected from unqualified or unscrupulous individuals claiming to be naturopathic physicians.

Currently, anyone can obtain a doctorate of naturopathy degree by correspondence schooling without classroom or clinical training, and the public is unable to distinguish between qualified or unqualified naturopathic physicians. SB 257 would ensure that naturopathic physicians were held to established standards of professional qualifications and conduct and that Texans receive a high quality of medical care, no matter what method of treatment they choose.

Naturopathic medicine is an established and respected discipline in the state of Texas. The Texas Naturopathic Medical Association, for example, is a statewide not-for-profit, 256-member organization established for the purpose of continuing education and promotion of ethical standards for naturopathic physicians.

Naturopathic physicians can serve as primary care physicians, reducing health care costs by acting as gatekeepers who can treat patients not needing the more expensive care of a medical specialist. SB 257 would ensure that only qualified, legitimate individuals were established as naturopathic physicians and extend the benefits of naturopathic medicine to more citizens throughout the state.

**OPPONENTS
SAY:**

By regulating and licensing practitioners of naturopathic medicine, SB 257 would effectively legitimize medical quackery. Naturopathy is an ill-defined, largely untried, discipline that does not adhere to the same high standards or serve the same purposes as traditional medical disciplines. It

should not be granted a place in state law along with those more proven medical disciplines. To do so would institutionalize naturopathy, effectively giving state sanction to a field that does not deserve such elevation.

SB 257 would be of questionable constitutionality. Article 16 of the Texas Constitution says that state law should not favor one medical discipline over another. Because naturopathic physicians do not receive the same level of training as medical doctors, allowing them to be regulated as health care providers would effectively be granting them preferential treatment. Such was the finding in 1957, when the previously established licensing procedures for naturopathic physicians were declared unconstitutional. Since that time, there has been no state recognition of naturopathic physicians, and such recognition should not be reinstated.