

# Towards An Inclusive Legislative Model for the Homeopathic Profession

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Overview: The United States homeopathic community in recent years has been troubled with conflict about the best legislative models to adopt for the homeopathic profession. Many models have been proposed which range from freedom legislation to licensure models. The debate has often centered around an **either/or** philosophy rather than a **both/and** approach to this issue.

Unfortunately, this issue has divided the homeopathic community and led to much acrimonious debate. It also has prevented the homeopathic community from moving forward as an organized profession and stifled its growth.

The hope in writing this article is to suggest an inclusive model for the homeopathic profession that will bridge the various "camps" and lead to a possible solution to the debate. In this way, it is hoped that each homeopathic professional can find a place within the homeopathic community that they are comfortable with, while respecting the needs and training of other homeopathic practitioners.

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*Unless someone like you cares a whole awful lot, nothing is going to get better. It's not.  
- "The Lorax," Dr. Seuss*

## Legislative Models for the Homeopathic Profession

Suggested below are five separate models for homeopathic practice. These levels are not hierarchical and are not exclusive. They can be practiced independently along side each other. Each of the various levels also has advantages and weaknesses.

### Level One: Freedom Legislation

Health Freedom is a growing movement in the United States. It takes different forms depending on the State in which it is introduced.

Freedom legislation permits unlicensed health care practitioners freedom to practice in the state in which they are practicing, gives freedom of access to patients of unlicensed health care practitioners and legitimizes alternative health care practice. Depending on the state in which this legislation is passed, practitioners are required to disclose their training and qualifications to their clients and not represent themselves as a doctor or

physician. Typical modalities that are affected include acupressure; aromatherapy; Ayurveda; cranial sacral therapy; culturally traditional healing practices; detoxification practices and therapies; energetic healing; polarity therapy; folk practices; healing touch; herbology or herbalism; homeopathy; iridology; body work and massage therapy; meditation; mind-body healing practices; naturopathy; yoga teachers; and unlicensed traditional Oriental practices, such as Qi Gong energy healing.

Freedom legislation is currently present in Minnesota, California, Rhode Island and Oklahoma. It is also present in a modified form in Arizona. Freedom of practice is easier in countries where there exists common law (such as England and Canada). The United States does not operate under common law. In common law countries, the homeopathic practitioner can practice as a consultant but not form a treatment plan.

Name	Licensure	Where Does This Exist	Regulation*	Capacity to Medically Diagnose
Freedom Legislation	No	Minnesota, California, Rhode Island, Oklahoma; Idaho; Arizona (modified form)	No	No
Homeopathic Medical Assistant Registration	No	Arizona; Nevada; Connecticut	Yes	No
Homeopathic Practitioner Licensure	Yes	Other Countries	Yes	No
Doctor of Homeopathy Licensure	Yes	Other Countries	Yes	Yes
Sub-specialization Homeopathic Licensure	Yes	Many States	Yes	Yes

\* Functioning review Board set up to review registration or licensure

**Pros:** Safety and protection for the homeopathic practitioner in homeopathic Practice; Makes Homeopathy More Available in a Legal Way to the Public; Legitimization of homeopathic practice

**Cons:** Does not help to build a unified homeopathic profession, nor is there any regulatory oversight for the safety of patients

### Level Two: Homeopathic Medical Assistant Registration and Homeopathic Veterinary Medical Assistant Registration

Homeopathic Medical Assistant Registration is a model of practice where the homeopathic assistant works under the auspices of a licensed homeopathic physician. This individual can be a Medical Doctor, Osteopathic Doctor, Veterinary Doctor or Naturopathic Doctor. Typically homeopathic medical assistants are not licensed but registered by a State Licensing Board.

There are two states where homeopathic medical assistant registration currently exists: Arizona and Nevada. There are fourteen states where regulation naturopathic medical assistants currently exist: Oregon, California, Idaho, Utah, Arizona, Montana, Kansas, Minnesota, Vermont, New Hampshire, Connecticut, Maine, and Washington, DC. Homeopathic medicine is included within the scope of practice of naturopathic medicine. 47 of the 50 states have provisions for Veterinary Technicians.

**Pros:** Direct Medical Guidance and Medical Support for Homeopathic Practitioners; Similar to Nursing and Physician Assistant Model; Helps Issue of In-

ternships and Mentorship

**Cons:** Restricted form of practice (Must practice under a physician although degree of restrictiveness for PA and NP varies from state to state); Lack of Autonomy

### Level Three: Homeopathic Practitioner Licensure

Homeopathic Practitioner Licensure provides for the licensure of professional homeopaths. These individuals typically graduate from part-time programs and do not have the authority to medically diagnose or prescribe (they can homeopathically diagnose).

The standards for licensure are dependent on the State in which this occurs. Generally licensure at this level would be dependent on an external standard such as certification through the Council for Homeopathic Certification. This form of licensure does not currently exist in the United States. It does exist elsewhere in the world, such as Canada.

**Pros:** Helps to grow and legitimize a unified homeopathic profession; Shields non-medically-licensed homeopaths from prosecution; Helps to protect reasonable fees for service; Helps to protect the public perception of and respect for homeopathy; Dispensing permits for homeopathic medicines; Potential for insurance reimbursement

**Cons:** Difficult to agree on a common standard although usable standards exist through the CHC; Difficulties in defining scope of practice; Fear of governmental regulation/interference.

## Level Four: Doctor of Homeopathy Licensure

This form of licensure generally focuses on homeopathic physicians. These individuals have been to full-time homeopathic medical schools and have the authority to medically diagnose and prescribe.

This form of licensure does not currently exist in the United States. It does exist elsewhere in the world, India and Great Britain being the best-known.

**Pros:** Helps to grow and legitimize a unified homeopathic profession; Shields medically-licensed homeopaths from prosecution; Helps to protect reasonable fees for service; Helps to protect the public perception of and respect for homeopathy; Dispensing permits for homeopathic medicines; Potential for insurance reimbursement

**Cons:** The homeopathic community in the U.S. lacks standards for this level.

## Level Five: Sub-specialization Homeopathic Licensure

This level includes medical doctors, osteopathic doctors, naturopathic doctors, doctors of oriental medicine, chiropractic doctors, physician assistants and nurse practitioners. Practitioners at this level have the authority to medically diagnose and prescribe.

For Medical Doctors and Osteopathic Doctors, homeopathic licensure exists in the states of Arizona, Connecticut and Nevada and can be included in the scope of practice with regulatory board approval in certain other states. For PA's, homeopathy can be included in the scope of practice so long as it is within the supervising MD's legal scope, and is approved by the state regulatory board. For Naturopathic Physicians, naturopathic licensure includes homeopathy within the scope of practice. This exists in the states of Washington, Oregon, California, Idaho, Utah, Arizona, Montana, Kansas, Minnesota, Vermont, New Hampshire, Connecticut, Maine, and Washington, DC. For acupuncturists, homeopathic medicine is included in scope of practice for Arkansas, New Mexico and Florida. For Chiropractic Physicians, homeopathic medicine is included within the scope of practice for the state of Florida.

**Pros:** Provides for homeopathic licensure of specialty groups, or else inclusion of homeopathy within the scope of practice, of specialty groups.

**Cons:** Does not build a unified homeopathic profes-

sion; potential loss of homeopathic identity when subsumed under subspecialization licensure; Lack the infrastructure to adequately train practitioners at this level.

## Arizona Model

Arizona currently has in place Levels One (modified form), Two and Five. The homeopathic community is working to establish Levels Three and Four. The modified form of Level One will only go into effect as of September 2008. Arizona will be the first state where homeopathic licensure and a modified form of freedom legislation coexist, although this also exists in other countries around the world such as the UK, New Zealand and Canada.

## Will the Levels Interfere With Each Other?

Concerns have been expressed within the homeopathic community that to pursue one legislative model, makes it more difficult to pursue another. In particular, concerns have been expressed that to pursue a licensure model (Level's 3-5) would make it more difficult to pursue freedom legislation (Level 1) or vice versa. We do not believe this to be the case and believe that these levels can coexist. We do feel that it is difficult to pass more than two of these options legislatively at one time. Licensure may make it easier to pass freedom legislation if it pre-exists.

## Advantage of an Inclusive Model

It is critical that any legislation that is drafted at any given level honor and respect the other levels. For example, concerns have been expressed in the past of new naturopathic legislation that would make it more difficult for non-naturopathic physicians to practice homeopathic medicine.

It is our belief that only by creating an inclusive model will the various factions of homeopathic medicine begin to work together more cohesively. In doing so, it is our hope that this would help to strengthen and grow the homeopathic profession.

## Conclusion

We believe that the homeopathic profession needs to unite to grow and move ahead. In this process we must support each other's right to practice. This includes avoiding legislation that eliminates or makes it difficult for other qualified homeopathic professionals to practice. If you would like to be more involved, please consider attending the NCH conference in Bellevue, Washington March 26-29, 2009, where a roundtable discussion will take place on these issues. ATH