

MedChi

The Maryland State Medical Society

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TO: The Honorable Joan Carter Conway, Chairman
Members, Senate Education, Health & Environmental Affairs Committee
The Honorable Catherine Pugh

FROM: Joseph A. Schwartz, III
Pamela Metz Kasemeyer
J. Steven Wise

DATE: March 13, 2013

RE: **OPPOSE** – Senate Bill 783 – *State Board of Physicians – Naturopathic Doctors*

The Maryland State Medical Society (MedChi), which represents over 7,500 Maryland physicians and their patients, opposes Senate Bill 783.

Attached is a letter written by MedChi to Chairman Hammen in December of 2012. The letter explains in detail MedChi's position with respect to the licensure of naturopathy, and what would be necessary in order for MedChi not to oppose this effort. This remains our position today.

It is important to note at the outset that many of our members continue to question the lack of evidence-based science supporting the treatments offered by naturopaths, and others still query how the practice exists at all in the State, given that current law considers it to be the practice of medicine which can only be carried out by a licensed physician. See *Atchison v. State*, 204 Md. 538, 105 A.2d 495, cert. denied, 348 U.S. 880 (1954). Indeed, only 16 states and Washington, D.C. have legalized some form of naturopathy.

Despite these concerns and in response to Chairman Hammen's request, MedChi endeavored in its December 5, 2012 letter to identify in clear terms its concerns with this legislation. Still, the legislation before you fails to address these concerns, which are raised on behalf of our patients and what we believe will be the impact upon them if naturopathy is sanctioned by the State in the manner proposed. To be fair, the advocates have made two changes which seek to address concerns raised by MedChi and others. The first is that the bill properly places the governance of naturopathy under the Board of Physicians (though we see no need to add a naturopath to the Board); the second that it eliminates the *immediate* prospect of naturopaths prescribing prescription drugs (we remain concerned about this in the long run). Yet other concerns long ago identified by MedChi remain, as follows.

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First, there remains no requirement in the bill that a naturopath collaborate with a physician. Clauses in the bill suggest that a naturopath should “refer” patients to physicians, but there is no *requirement* of a collaborative agreement with one (See Page 12, Lines 9-13). MedChi believes that an established relationship between a physician and a naturopath is the only way to ensure that a disease which is not recognizable to a naturopath does not go undiagnosed, or treated improperly. Certainly, some physicians believe that naturopathy is beneficial, but MedChi believes it must be a part of a treatment plan that includes evidence-based medicine.

The lack of such evidence in naturopathy is borne out by the standard for discipline set out in the bill (See page 18, line 9). While other professions like doctors and nurses are to be judged on the accepted standards of practice that are borne out in evidence-based studies and practice, naturopaths would be judged based on the judgment of a “reasonably prudent” naturopath. MedChi believes this further speaks to the need for collaboration with a medical doctor.

Second, MedChi remains concerned about the breadth of the scope of practice set forth in the bill. It continues to allow naturopaths to “prevent, diagnose and treat” human health conditions (See page 6, lines 5-9). This is particularly concerning when coupled with the language on page 12, line 15 that specifically refers to the “applicant’s practice of medicine”, and the advocates’ unwillingness to specifically exclude the practice of medicine from the scope of a naturopath. The bill makes this exclusion for acupuncture and certain chiropractics (See Page 14, lines 13-18), but not medicine, which is troubling.

Finally, there is no prohibition in the bill against a naturopathic doctor referring to him or herself as a “physician”. MedChi remains firm in its position that allowing the use of the term “physician” by naturopaths will create confusion and unclear expectations on behalf of the public. In the ever-expanding world of health care, the term “physician” should be reserved to those individuals licensed under Title 14 of the Health Occupations Article.

In sum, MedChi has spent considerable time and effort and gone directly against the considered opinion of some of its members in setting out a structure under which naturopathy might be legalized in Maryland. Our organization has worked with other health professions with respect to licensure and has similarly been very fair and deliberative in its approach here. However, we have reached our final position with respect to this legislation. Simply put, it is the Legislature’s decision on how to proceed and MedChi respects that judgment, but if this legislation is not amended to conform to the principles outlined months ago, MedChi will continue to oppose the legislation.

For these reasons, MedChi urges you to oppose Senate Bill 783.

For more information call:

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