



*Federation of  
Naturopathic Medicine  
Regulatory Authorities*

## **Letter of Support for Regulation of the Practice of Naturopathic Medicine in Virginia**

August 7, 2020

Dear Members of the Virginia Board of Health Professions Regulatory Research Committee,

The Federation of Naturopathic Medicine Regulatory Authorities (FNMRA) supports regulation of naturopathic medicine in Virginia. Regulation is integral to the promotion of safe naturopathic medical practice and protection of the public.

The FNMRA's mission is to protect the public by connecting regulatory authorities and promoting standards of excellence in the regulation of naturopathic medicine. The Federation supports new and existing regulatory organizations in fulfilling their statutory obligations to regulate the profession in the interest of public protection. The FNMRA envisions a coordinated regulatory system for naturopathic medicine throughout the United States.

The FNMRA appreciates this opportunity to illustrate the need for licensure of qualified naturopathic doctors (NDs) in Virginia. NDs who have graduated from a CNME-accredited naturopathic medicine program have been trained to be primary care providers. When they have passed competency-based national naturopathic licensing examinations, they have demonstrated that they are competent to safely and effectively use naturopathic medicine to treat disease and optimize health.

### **Risk of Harm to Consumers:**

The Virginia BHP has identified seven criteria to evaluate if a health profession requires licensure. The FNMRA will address the primary criterion of Risk of Harm to the Consumer.

Naturopathic doctors have been regulated for decades in many states for the purpose of public protection. This protection is provided by the use of proper title (naturopathic doctor), by excluding unqualified persons from practicing naturopathic medicine, and by creating a structure through which the public can report complaints and subsequently both licensees and lay practitioners can be investigated.

## **Risk of Harm to Consumers: (cont.)**

- **Regulation of naturopathic doctors provides consumer protections against harmful behavior**

Risk of Harm can be objectively demonstrated by the number of disciplinary actions taken against licensed NDs in currently regulated states. Naturopathic doctors have fewer disciplinary actions taken against them compared to MDs and DOs (see addendum A). Anytime a consumer enters into a doctor-patient relationship, there is an inherent power imbalance that places the patient at risk of harm. Regulation helps to minimize the risk of harm

The FNMRA has tallied the number of disciplinary actions taken the U.S. against licensed naturopathic doctors from 2010 to August 2020 (see Addendum B). The disciplinary actions are grouped by type. For example, “Physician acts that (directly) harm patients physically or emotionally”. This category includes sexual boundary violations. It is essential for a regulatory structure to be in place so that patients can file complaints of sexual violations. Although disciplinary actions of this type are rare, in the last 10 years there has been only 12 licensed NDs disciplined for sexual boundary violations, out of an estimated 6,000 active licensees (0.2 % of licensed NDs). This is consistent with the percentage of sexual boundary violations by MDs.<sup>1</sup>

Sexual boundary violations are a type of harm to the public that requires a response from regulators. Consumer protection agencies and attorneys general are not equipped to handle these types of complaints, whereas the Board of Health Professions is experienced and has policies and procedures in place to investigate these types of complaints. Licensing naturopathic doctors will provide the citizens of Virginia with a way to have this type of harm addressed and prevented.

- **Regulation provides consumer protection against lay naturopaths**

Naturopathic regulatory authorities consistently report to the FNMRA that there are many more consumer complaints against lay naturopaths than licensed naturopathic doctors. It is difficult to track this number, but we have a few examples. In 2013 in California, 6 actions were taken against licensed NDs and 51 were taken against lay naturopaths. In the past ten years in Utah, there has been one disciplinary action taken against a licensed ND and an average of one action taken per year against lay naturopaths. Lay naturopaths, because of their lack of training, can recommend dangerous or ineffectual treatments, leading to physical harm or death. Establishing a regulatory structure of licensing in Virginia will help educate the public on the difference between qualified naturopathic doctors and lay naturopaths as well as provide consumers formal complaint process.

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1. Randy A. Sansone, MD and Lori A. Sansone, MD. “Crossing the Line: Sexual Boundary Violations by Physicians” *Psychiatry (Edgmont)*. 2009 Jun; 6(6): 45–48.

**In Conclusion:**

Licensure will ensure that naturopathic doctors are competent by establishing educational and practice standards. Furthermore, a naturopathic medicine regulatory structure in Virginia will allow enforcement of the state's rules by monitoring licensee activity and implementing disciplinary actions.

As a member of this research committee, you are a champion of public safety. Your support of naturopathic medical regulation will protect the citizens of Virginia from untrained lay naturopaths who may cause harm, and establish a structure under which consumers can have their complaints addressed.

We thank you for the opportunity to share our comments and hope this information, and any future dialogue between the Federation of Naturopathic Medicine Regulatory Authorities and the Virginia Board of Health Professions, will lead to the establishment of regulations that promote the safe practice of naturopathic medicine.

If you have any questions, please call me at 503-244-7189 or email me at [ShannonBraden@fnmra.org](mailto:ShannonBraden@fnmra.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Braden ND', with a long horizontal line extending from the end of the signature.

Shannon Braden, ND  
Program Director FNMRA

Addendum A

**Number of Disciplinary Actions taken in Oregon against NDs, MDs, and DOs  
2013-2019**

| Year     | Profession | # of Licensees | # of Disciplinary Actions | %     |
|----------|------------|----------------|---------------------------|-------|
| 2019     | MD         | 15,927         | 89                        | 0.559 |
|          | DO         | 1,666          | 11                        | 0.66  |
|          | ND         | 1,086          | 1                         | 0.092 |
| 2018     | MD         | 11,730         | 88                        | 0.75  |
|          | DO         | 984            | 8                         | 0.813 |
|          | ND         | 1,054          | 10                        | 0.949 |
| 2017     | MD         | 15,099         | 92                        | 0.609 |
|          | DO         | 1,428          | 21                        | 1.471 |
|          | ND         | 1,030          | 4                         | 0.388 |
| 2016     | MD         | 16,266         | 101                       | 0.621 |
|          | DO         | 1,537          | 11                        | 0.716 |
|          | ND         | 1,091          | 6                         | 0.549 |
| 2015     | MD         | 16,266         | 102                       | 0.627 |
|          | DO         | 1,456          | 15                        | 1.03  |
|          | ND         | 1,010          | 5                         | 0.495 |
| 2014     | MD         | 15,288         | 79                        | 0.517 |
|          | DO         | 1,295          | 6                         | 0.463 |
|          | ND         | 985            | 3                         | 0.305 |
| 2013     | MD         | 14,249         | 82                        | 0.575 |
|          | DO         | 1,168          | 11                        | 0.942 |
|          | ND         | 936            | 0                         | 0     |
| TOTALS   | MD         | 88,559         | 633                       |       |
|          | DO         | 9,535          | 83                        |       |
|          | ND         | 7,192          | 29                        |       |
| AVERAGES | MD         | 76,346         | 563                       | 0.737 |
|          | DO         | 8,533          | 12                        | 0.141 |
|          | ND         | 6,390          | 4                         | 0.063 |

**REFERENCES:** <http://www.oregon.gov/omb/board/Pages/Board-Actions.aspx>  
<http://www.oregon.gov/OMB/board/Pages/Newsletters.aspx>  
<https://www.oregon.gov/obnm/Pages/Discipline.aspx>  
 ND #s provided by email - OR ND Board  
[https://store.aamc.org/downloadable/download/sample/sample\\_id/305/](https://store.aamc.org/downloadable/download/sample/sample_id/305/)  
<https://www.fsmb.org/siteassets/advocacy/publications/2018census.pdf>

## Disciplinary Actions Taken by States from 2010 to July 2020 Physician Acts Related to the Administration of Naturopathic Medical Practice

| Disciplinary Actions taken by States from 2010 to July 2020                      |                              |   |   |   |   |   |  |                                   |                   |   |                                 |
|--|------------------------------|---|---|---|---|---|--|-----------------------------------|-------------------|---|---------------------------------|
| PHYSICIAN ACTS RELATED TO THE ADMINISTRATION OF A NATUROPATHIC MEDICINE PRACTICE |                              |   |   |   |   |   |  |                                   |                   |   |                                 |
| State  | Practicing without a license | Providing false information to obtain or maintain a license (e.g. failure to disclose information on renewal) | Using false or misleading advertising, or misrepresenting credentials | Engaging in discriminatory behavior regarding which patients are seen or how they are treated | Failing to obtain appropriate patient consent to examine or treat | Failing to follow appropriate charting procedures and/or to maintain record-keeping standards | Engaging in fraudulent insurance/billing procedures and/or financially exploiting patients | Breaching patient confidentiality | Reciprocal action | Failing to report disciplinary action in another jurisdiction | Failing to meet CE requirements |
| Alaska   |                              |   |   |   |   |   |  |                                   |                   |   |                                 |
| Arizona  | 1                            |   | 1   |   |   | 3   |  |                                   | 1                 | 1   | 5                               |
| California   |                              |   |   |   |   |   |  |                                   |                   |   |                                 |
| Colorado   | 1                            |   |   |   |   |   |  |                                   |                   |   |                                 |
| Connecticut  |                              |   |   |   |   |   |  |                                   |                   |   |                                 |
| Dist. of Columbia  |                              |   |   |   |   |   |  |                                   |                   |   |                                 |
| Hawaii   |                              |   | 1   |   |   |   |  |                                   |                   |   |                                 |
| Kansas   |                              |   |   |   |   |   |  |                                   |                   |   | 1                               |
| Maine  |                              |   |   |   |   |   |  |                                   |                   |   |                                 |
| Maryland   | 2                            |   |   |   |   |   |  |                                   |                   |   |                                 |
| Minnesota  |                              |   |   |   |   |   |  |                                   |                   |   |                                 |
| Montana  |                              |   |   |   |   |   |  |                                   |                   |   |                                 |
| New Hampshire  |                              |   |   |   |   |   |  |                                   |                   |   |                                 |
| North Dakota   |                              |   |   |   |   |   |  |                                   |                   |   |                                 |
| Oregon   |                              |   | 3   |   |   | 3   |  |                                   |                   |   |                                 |
| Puerto Rico  |                              |   |   |   |   |   |  |                                   |                   |   |                                 |
| Rhode Island   |                              |   |   |   |   |   |  |                                   |                   |   |                                 |
| Utah   |                              |   |   |   |   |   |  |                                   |                   |   |                                 |
| Vermont  |                              |   |   |   |   |   |  |                                   |                   |   |                                 |
| Virgin Islands   |                              |   |   |   |   |   |  |                                   |                   |   |                                 |
| Washington   | 1                            | 1   | 3   | 0   | 0   | 1   | 4  | 0                                 | 3                 | 1   | 6                               |
| <b>TOTAL</b>   | <b>5</b>                     | <b>4</b>  | <b>5</b>  | <b>0</b>  | <b>0</b>  | <b>7</b>  | <b>4</b>   | <b>0</b>                          | <b>4</b>          | <b>2</b>  | <b>6</b>                        |

## Disciplinary Actions Taken by States from 2010 to July 2020 Physician Acts that Directly Harm Patients Physically or Emotionally

| PHYSICIAN ACTS THAT (DIRECTLY) HARM PATIENTS PHYSICALLY OR EMOTIONALLY |  |   |                         |                                      |  |  |   |   |  |
|--|--|---|-------------------------|--------------------------------------|--|--|---|---|--|
| State  | Providing substandard patient care (e.g., misdiagnosing, failing to use standard care protocols) | Performing an inappropriate procedure that is not in the jurisdiction's scope of practice | Failing to report abuse | Neglecting or abandoning the patient | Inappropriately prescribing drugs (opioids and other legend drugs) | Providing substandard care in the prescription of Cannabis | Engaging in sexual contact with a patient | Violating appropriate doctor-patient boundaries | Exhibiting physical impairment (e.g., alcohol or substance abuse, mental/emotional impairment) |
| Alaska   |  |   |                         |                                      |  |  |   |   |  |
| Arizona  | 6  | 2   |                         |                                      | 17   | 14   | 1   | 1   | 9  |
| California   | 1  |   |                         |                                      |  |  |   |   |  |
| Colorado   |  | 1   |                         |                                      |  |  |   |   |  |
| Connecticut  |  |   |                         |                                      |  |  |   |   |  |
| Dist. of Columbia  |  |   |                         |                                      |  |  |   |   |  |
| Hawaii   |  |   |                         |                                      |  |  |   |   |  |
| Kansas   |  |   |                         |                                      |  |  |   |   |  |
| Maine  |  |   |                         |                                      |  |  |   |   |  |
| Maryland   |  |   |                         |                                      |  |  |   |   |  |
| Minnesota  |  |   |                         |                                      |  |  |   |   |  |
| Montana  |  |   |                         |                                      |  |  |   |   |  |
| New Hampshire  |  |   |                         |                                      |  |  |   |   |  |
| North Dakota   |  |   |                         |                                      |  |  |   |   |  |
| Oregon   |  |   | 1                       | 2                                    | 11   | 2  | 1   | 3   | 2  |
| Puerto Rico  |  |   |                         |                                      |  |  |   |   |  |
| Rhode Island   |  |   |                         |                                      |  |  |   |   |  |
| Utah   | 1  |   |                         |                                      |  |  |   |   |  |
| Vermont  |  |   |                         |                                      |  |  |   |   |  |
| Virgin Islands   |  |   |                         |                                      |  |  |   |   |  |
| Washington   | 6  |   |                         | 1                                    | 32   | 10   | 4   | 2   | 2  |
| <b>TOTAL</b>   | <b>14</b>  | <b>3</b>  | <b>1</b>                | <b>3</b>                             | <b>60</b>  | <b>26</b>  | <b>6</b>                                  | <b>6</b>  | <b>13</b>  |

## Disciplinary Actions Taken by States from 2010 to July 2020 Physician Acts that Potentially (Indirectly) Harm Patients

| PHYSICIAN ACTS THAT POTENTIALLY (INDIRECTLY) HARM THE PATIENT |   |                                 |   |  |
|---|---|---------------------------------|---|--|
| State   | Exhibiting rude or disruptive behavior in the clinic (verbally abusing and/or sexually harassing patients or staff) | Receiving a criminal conviction | Failing to comply with Regulatory Authority Order | UNKNOWN (records could not be obtained for analysis) |
| Alaska  |   |                                 |   | 1  |
| Arizona   |   | 2                               |   | 2  |
| California  |   |                                 |   |  |
| Colorado  |   |                                 |   | 1  |
| Connecticut   |   |                                 |   |  |
| Dist. of Columbia   |   |                                 |   | 3  |
| Hawaii  |   |                                 |   |  |
| Kansas  |   |                                 |   | 1  |
| Maine   |   |                                 |   |  |
| Maryland  |   |                                 |   |  |
| Minnesota   |   |                                 |   |  |
| Montana   |   |                                 |   |  |
| New Hampshire   |   |                                 |   |  |
| North Dakota  |   |                                 |   |  |
| Oregon  |   | 1                               | 6   |  |
| Puerto Rico   |   |                                 |   |  |
| Rhode Island  |   |                                 |   |  |
| Utah  |   |                                 |   |  |
| Vermont   |   |                                 |   | 1  |
| Virgin Islands  |   |                                 |   |  |
| Washington  | 1   |                                 | 1   | 1  |
| TOTAL   | 1   | 3                               | 7   | 10   |