

Report of Findings & Recommendations
By the
Nebraska Board of Health
on the Application for Licensure
of the
Nebraska Association of Naturopathic Physicians
to the
Director of Health
and the
Nebraska Legislature

January 23, 1989

Introduction

The Nebraska Regulation of Health Professions Act created a three-tier process for the review of proposals pertaining to the credentialing of health occupations. These three tiers are the technical review committees, the Nebraska Board of Health, and the Director of Health. The Board of Health reviews specific proposals for credentialing only after the technical committees have completed their reports on these proposals. After the Board completes its reports on the proposals, these reports, and those of the technical committees are presented to the Director of Health, who in turn prepares his own report on them. All reports are submitted to the Legislature for its consideration.

Each of these three review bodies issues reports that represent the advice of their membership on the proposals in question. Each report is a separate, independent response to the proposals, and is in no way dependent upon the reports that have preceded it.

The Board of Health reviews credentialing proposals only after receiving a preliminary recommendation on each proposal from an advisory subcommittee selected from its own membership. This subcommittee met on November 1, 1988 in order to give the full Board its advice on the proposal of the naturopathic physicians. The full Board of Health then met on November 21, 1988 and formulated its own, independent report on this proposal. The following pages constitute the body of this report.

Recommendations

In their application, the Nebraska Association of Naturopathic Physicians sought licensure for all practitioners who could satisfy the standards of the proposal. The technical committee recommended against approval of the proposal as written, but did recommend that the Legislature create some mechanism by which naturopathic physicians can be incorporated into the health care system of Nebraska. The Board of Health decided to recommend against approval of the proposal.

The Deliberations of the 407 Subcommittee

The discussion of the 407 Subcommittee on the proposal revealed that the subcommittee members were torn between the need to protect the public from harm and the ideal of allowing the members of the public the freedom to choose a naturopathic practitioner if they so desire. Dr. Shapiro expressed the opinion that protection of the public health and welfare from what he perceives to be potentially harmful naturopathic medicines and practices is the responsibility of state government. He stated that these medicines and practices have not been demonstrated to be either safe or effective. Dr. Shapiro also stated that the protection of the public health and welfare in this particular case should override concerns about freedom of choice.

Janet Coleman responded to Dr. Shapiro's comments by stating that it has not been demonstrated that naturopathic medicines and practices are either harmful or ineffective, and that the only way to generate meaningful evidence on the quality of naturopathic care is to give the profession in question a chance to practice in Nebraska for a certain period of time. Mrs. Coleman also stated that although protection of the public health and welfare is a vital concern, state government must be

careful not to unduly limit the right of citizens to exercise freedom of choice in the selection of health care practitioners.

The subcommittee members then discussed some of the ideas and recommendations generated by the technical committee during its review of the proposal. Dr. Shapiro and Lar Voss expressed the opinion that the ancillary recommendations made by the technical committee did not provide the Legislature with sufficient guidance to develop viable options for incorporating naturopathic physicians into Nebraska's health care system. Dr. Shapiro stated that the technical committee's concept of incorporating naturopaths as "secondary providers" is an example of a concept that is too vague to be useful to the Legislature. He stated that the technical committee did not describe how such a concept could be implemented. He stated that it leaves the question of the credentialing of naturopaths unanswered, and does not explain where these practitioners would fit in the health care system vis-a-vis other health care providers.

Lar Voss stated that in recommending the concept of the "secondary provider," the technical committee contradicted its actions on the four criteria. He stated that the technical committee members explicitly rejected the concept of autonomous practice for naturopaths during their discussions on the four criteria. However, the technical committee's concept of a "secondary provider" implies the creation of an autonomous naturopathic profession.

Janet Coleman responded to these criticisms of the technical committee by stating that it is not clear that the technical committee intended to reject the concept of autonomous practice for naturopaths. Mrs. Coleman expressed the opinion that what the technical committee rejected was the concept of an autonomous board. Mrs. Coleman expressed

support for the efforts of the technical committee to identify various alternative means by which naturopathic physicians could be incorporated into the health care system of Nebraska.

The subcommittee members decided to advise the full Board of Health not to recommend approval of the proposal as written. The subcommittee members also decided to endorse the report of the technical committee minus the ancillary recommendations contained on page 26 of that document.

The Deliberation of the Full Board of Health

After listening to comments from both opponents and proponents, the Board of Health discussed the issues raised by the proposal. Most of this discussion focused on the question of whether or not the public should have the freedom to choose naturopathic physicians as primary care providers. Jack Clark stated that the freedom to choose a particular type of medical practitioner should not be granted if there are significant concerns about the ability of these practitioners to provide health care services in a safe and effective manner.

Dr. Shapiro stated that there is no evidence that naturopathic medicine is either safe or effective, and that because of this, great potential for harm would be created if the profession in question were credentialed. Dr. Shapiro moved that the Board of Health endorse the 407 Subcommittee's actions on the proposal. Janet Coleman seconded the motion. Voting aye were Marcum, Coleman, Jeffers, Lefler, Nelson, Blair, Adickes, Masek, Kenney, Williams, Shapiro, Voss, and Clark. There were no nay votes or abstentions. By this action, the Board of Health had decided not to recommend approval of this proposal.

