

Operating Within the Scope of Your Practice

“Being a natural health physician is the highest legal risk profession we know. Because of this, we all owe a great debt of thanks to those brave physicians who persevere because of their love for medicine and genuine desire to help people.” [Alliance for Natural Health, 2012]

How do energy imbalances occur in Humans? Men, women, children and even toddlers can develop intolerances or have pre-existing sensitivities to food types, additives, preservatives and the like. For example, celiac disease linked to wheat intolerance (gluten); retinal degeneration linked to MSG (monosodium glutamate); milk may contain r[Bovine Growth Hormone]; milk may lead to hypochlorhydria. Further, the inappropriate combination of protein, carbohydrates and sugars leads to fermentation of carbohydrates and putrefaction of proteins. Please refer to the following resources:

<http://itsnotmental.blogspot.com/2011/08/brain-health-cut-out-casein-doped-with.html>

http://www.betterhealth.vic.gov.au/bhcv2/bhcarticles.nsf/pages/Gluten-free_diet

What about chemicals used in industry or found in the environment? A chemical/substance that has no biological function to human physiology is called a xenobiotic. Levels of xenobiotics may be tolerated initially implying there is a certain level of substance that can be tolerated after which if exceeded will cause a physiological effect. For example Plasticizers (TMA, Trimellic anhydride) Complex antigens impacting the immune system; Dry cleaning fluids are Cardio toxins; Solvents associated with Panic disorders; Hydrocarbons cause Glomerulonephritis; Formaldehyde linked to Fatigue and cancer; Pesticides linked to Brain fog (loss of concentration, poor memory, irritability and depression. Please refer to the following resources:

<http://www.chem-tox.com/>

http://en.wikipedia.org/wiki/Multiple_chemical_sensitivity

<http://www.environmentalhealthnews.org/ehs/news/epigenetics-workshop>

Further, there are nutrient depletions caused by drugs. Antacids deplete the body of calcium and phosphorous; Sodium bicarbonate depletes the body of potassium; Antibiotics depletes the body of good bacteria, vitamin B and vitamin K; Isoniazid depletes the body of vitamin B6 (pyridoxine) and vitamin D; Anticonvulsants deplete the body of Vitamins D & K, calcium and folic acid; Antidiabetics deplete the body of Coenzyme Q10; Anti-inflammatory drugs deplete the body of Vitamin C, folic acid, iron, potassium and sodium; NSAIDs deplete the body of folic acid, also cause CICs (auto-immune); Corticosteroids deplete Vitamins C&D, calcium, potassium, zinc; Antiviral deplete carnitine, Vitamin B12, zinc and copper; Bronchodilators deplete the body of pyridoxine; Cardiovascular drugs deplete pyridoxine and Coenzyme Q10; Loop diuretics deplete calcium, magnesium, B1, B6, potassium and Vitamin C; ACE Inhibitors deplete the body of zinc; Centrally acting antihypertensive deplete Coenzyme Q10 and zinc; Cardiac glycosides deplete calcium, magnesium, phosphorous and B1; Beta Blockers deplete Coenzyme Q10; Cholesterol lowering drugs deplete Coenzyme Q10; Electrolyte replacement depletes B12; Bile acid suppressants deplete Vitamins A,E,K, D as well as iron, calcium, magnesium, phosphorous and zinc; Female hormones deplete folic acid, B6, B12, B2, magnesium, zinc and Vitamin C; Estrogen replacement therapy depletes magnesium, zinc, and vitamin B6; Gout medications deplete sodium, potassium, B12 and beta carotene; Laxatives deplete Vitamins A, D, E, calcium, beta carotene potassium;

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Psychotherapeutics deplete B2 and Coenzyme Q10; Ulcer medications H-2 receptor antagonists deplete B12, folic acid, Vitamin D, calcium, iron, zinc; Proton Pump inhibitors deplete B12.

http://www.chiro.org/nutrition/ABSTRACTS/Nutrient_Depletion.shtml

Aside from heritable conditions in humans there are three areas causing energy imbalances in human physiology, food types and foods with additives/preservatives, chemicals and drugs. Note I did not use the terms disease, medicine, nor cure. However, many practitioners fall into the current paradigm of allopathic community - attempting to diagnose and treat; prohibitive in alternative health practices.

Can you unequivocally state that as a health food store owner you do not recommend; as a bioenergetics' professional that you do not prescribe; as an alternative health practitioner that you do not diagnose or prescribe?. As an example a consumer came into a health food store with the intent to purchase a product to help her thyroid gland. The store owner was asked about the label dose, who in turn consulted with an alternative practitioner. The practitioner "recommended" twice/thrice the label amount. The consumer later suffered tachycardia and was hospitalized. The hospital physician correlated the product the consumer purchased with the onset of the tachycardia. Clearly, this is atypical as naturopaths do not diagnose, treat, or prescribe. Iridologists share an equal guilt. For example, an investigative news reporter went undercover with cameras at an Iridology conference recording individuals being given an iris analysis after which the iridologist directed the individual to purchase a product the practitioner had in his/her booth. Was this diagnosing and prescribing? The same news story had an interview with the Director of National Institute of Health with the 'sound bite' from her that there is no scientific basis for iridology. The Director's statement associated with the practice filmed in the conference of treatment clearly gave a bad name to iridologists. No expert in Iridology was allowed to refute the NIH Director's statement.

The iridologist that was leading the client to purchase his product for an intended outcome would be subject to scrutiny from medical licensing boards as well as the Food and Drug Administration. For example the following 'type' of Cease and desist letters are being sent to practitioners that use a product that has a claim of some curative property which is not a drug:

"This letter is to advise you that the United States Food and Drug Administration (FDA) and the United States Federal Trade Commission (FTC) have reviewed your web site at the internet address, XXXXXXXX. The FDA has determined that your firm's marketing of the products XX (Liquid), XXZ Tonic Liquid Drops, and XXYZ Physician's Strength, which are offered for sale on your website, violates the Federal Food, Drug, and Cosmetic Act (the Act). As described in more detail below, XX 500 ppm (Liquid), XXZ Liquid XXYZ Physician's Strength are unapproved new drugs in violation of sections 301(d) and 505(a) of the Act [21 U.S.C. §§ 331(d) and 355(a)] and are misbranded under sections 502 and 502(t)(1) of the Act [21 U.S.C §§ 352 and 352(f)(1)]. These products are further misbranded under section 502(j) of the Act in that they are dangerous to health when used in the manner recommended or suggested in their labeling."

*"In addition, it is unlawful under the FTC Act, 15 U.S.C. § 41 et seq., to advertise that a product can prevent, treat, or cure human disease unless you possess competent and reliable scientific evidence, including, when appropriate, well-controlled human clinical studies, substantiating that the claims are true at the time they are made. See FTC v. Direct Mktg. Concepts, 569 F. Supp. 2d 285,300,303 (D. Mass. 2008), aff'd, 624 F.3d 1 (1st Cir. 2010); FTC v. Nat'l Urological Group, Inc., 645 F. Supp. 2d 1167, 1190, 1202 (N.D. Ga. 2008), aff'd, 356 Fed. Appx. 358 (11th Cir. 2009); FTC v. Natural Solution, Inc., No. CV 06-6112-JFW, 2007-2 Trade Cas. (CCH) P75,866, 2007 U.S. Dist. LEXIS 60783, at *11-12 (C.D. Cal. Aug. 7,2007). More generally, to make or exaggerate*

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such claims, whether directly or indirectly, through the use of a product name, website name, metatags, or other means, without rigorous scientific evidence sufficient to substantiate the claims, violates the FTC Act. See In re Daniel Chapter One, No. 9239, slip op. 18-20,2009 WL 516000 (F.T.C.), 17-19 (Dec. 24, XXXX) (<http://XXXXXXXXXXXXXXXXX3>), pet. for review den., 2010 WL 5108600 (D.C. Cir. Dec. 10, 2010)."

"FTC strongly urges you to review all claims for your products and ensure that those claims are supported by competent and reliable scientific evidence. Violations of the FTC Act may result in legal action seeking a Federal District Court injunction or Administrative Cease and Desist Order. An order also may require that you pay back money to consumers. Please notify FTC via electronic mail at healthproducts@ftc.gov, within fifteen working days of receipt of this letter, of the specific actions you have taken to address FTC's concerns."

Before the warning what just happened? At the iridology conference a condition was diagnosed in an individual and a product was recommended to treat the condition. An iridologist looks at challenges to an individual's physiology s/he does not diagnose nor treat.

Examine closely the information from the American Naturopathic Medical Association: "My practice involves educating my clients on the use of natural therapies, including but not limited to fresh air, clean water, good diet and exercise to attain a healthier body." "I do not diagnose or treat disease and I represent the majority of practicing Naturopaths." "Naturopaths, Naturopathic Doctors, or Naturopathic Physicians should not diagnose, dispense drugs, or perform surgery as set out in the legislation in question." "Naturopaths, Naturopathic Doctors, or Naturopathic Physicians simply do not have the experience or education required for diagnosing, dispensing drugs or performing surgery's." "It is in the public interest to protect the public from the group seeking this "Medical" scope of practice." [ANMA, Naturopathic Legislation, 2012]

Remember the alternative practitioner is to do no harm. Practitioner know the facts: A product "claim" that comes under Food& Drug Administration (FDA) jurisdiction is any statement made about an effect the product will have on a consumer. A sales associate/health practitioner cannot create his/her own promotional materials using excerpts from corporate approved 'labeling exempt' educational material. Legal product claims can read that the product supports a tissue/organ but does not 'cure' as only a 'drug' is recognized as being able to 'cure' by the FDA. If the health practitioner recommends or correlates a dietary supplement to cure/treat disease then the practitioner is in violation of the FD&C Act; as well as being clearly wrong under the Dietary Supplement Health Education Act.

Further, remember FDA's level of substantiation for a drug to be marketed requires \$300-\$500 million dollars in research costs; an average of 10-15 years of research; toxicity testing in at least two animal species; at least two placebo-controlled clinical trials in humans. Imagine if an herb, homeopathic preparation, bioidentical compounded hormone is given to a client for a corrective measure to support health, the perception by the pharmaceutical industry is imbalance based on FDA's paradigm of requirements prior to drug approval.

Do not jeopardize tested sciences of herbology and homeopathy by acting under an allopathic paradigm. There are cases where allopathic methods did not solve the problem, but the modality of homeopathy accomplished what traditional methods in medicine could not. Homeopathy is one modality the Naturopath can use and here is where opposition to alternative practice begins. Only a drug, based on the Food Drug and Cosmetic Act, can cure a disease. But how many

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times have you witnessed a practitioner acting in the same manner as an allopath? Why? Clients want a quick fix and alternative practitioners want to help. How is help defined? How should one handle the risks associated with their alternative practice? The practitioner can remain status quo, using words that are not allowed, operating without a consent and disclaimer form, continue to query the client as if attempting to diagnose, direct the client to a product which is part of the practitioner's practice; or, the practitioner can do what is required before establishing their business; namely knowing the laws within their state, defining the scope of their practice within their consent form, seeking counsel, and understanding the key precept from the American Naturopathic Medical Association: "my practice involves educating my clients on the use of natural therapies, including but not limited to fresh air, clean water, good diet and exercise to attain a healthier body."

Some examples of when your practice is in jeopardy of being forced to close or will be subject to a 'cease and desist' letter from the state medical licensing board.

Bioidentical Hormones

"Federal law clearly states that licensed physicians may "manufacture, prepare, propagate, compound, or process drugs solely for use in the course of their professional practice" [21 USC 360(g)]. Furthermore, the Federal Food, Drug, and Cosmetic Act (FD&C) cannot regulate the therapeutic practices themselves. Despite this, the FDA has approached individual doctors and threatened them with legal action if they continue to prescribe or use anything other than an FDA-approved drug or a drug being investigated under FDA procedures. For example, doctors legally using bioidentical hormones made by a local compounding pharmacy in their practice have been intimidated by FDA officials who send a letter or demand a visit. FDA employees may also demand to see the doctor's books or patient records, none of which is proper. The doctor may also worry that the FDA is in contact with medical insurance companies or the state medical board." [Alliance for Natural Health, Aug 2011]

CHELATION THERAPY

"Few people realize that in Kentucky, [doctors cannot discuss chelation therapy with their patients](#) or else they are subject to revocation of their license. Indeed, [almost all Kentucky physicians who use alternative therapies](#) have been either forced out of state or forced to desist from using alternative therapies, especially chelation therapy, because it "departs from prevailing practice in the State of Kentucky." In other states, [pediatricians face the loss of their insurance reimbursements](#) if they fail to vaccinate all their patients." [Alliance for Natural Health, Aug 2011]

WEBSITE - ENERGY MEDICINE

"There are a number of ways that non-licensed energy medicine practitioners can find themselves in costly and debilitating legal dilemmas because of what is published on their websites. Most practitioners using innovative energy based techniques are not aware of the various legal issues that impact and govern their ability to represent themselves to the public via their websites. Ms. Murphy covers 3 major legal areas...licensing statutes, the Federal Trade Commission, and misrepresentation." Midge Murphy, JD http://www.midgemurphy.com/legal_website.html

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THREE RESOURCES TO KEEP YOUR PRACTICE LEGAL:

1) National Therapies Coach Workshop;

<http://www.ntcw.net>

Refer to the section on NTCW web page “Important Articles” and read “words To Avoid” The article is copyright protected. If your activity includes prescribing, diagnosing and you are not properly licensed, then you are subject to fines and possible incarceration. The tools offered from this training web site are invaluable to maintaining your practice. NTCW offers free courses that you can enroll in. Additionally I highly recommend the training for fee, as well.

2) Traditional Naturopath Education Association of America;

<http://www.tneaa.com>

Invaluable information is located on this web site: Becoming a professional member you will learn how to practice your chosen profession without harassment from medical, psychology, counseling and other license boards in your state or province; without harassment from federal health agencies -- like the FDA and Health Canada -and/or federal trade agencies in the USA and/or Canada. Learn to help your clients do the things they want to do in order to improve their health, healthcare, nutrition and wellness without state, provincial or federal government intervention and harassment; and You want to avoid the hassle and necessity of paying escalating professional insurance premiums -- unless you must carry it for some other reason -

3) Ethics and Legal Principles in Energy Therapy

http://www.midgemurphy.com/legal_website.html

A key resource outlining state law is ANH-USA’s [free 80-page report](#), “Know Your State’s Medical Board: An Integrative Medical Practitioner’s Guide to Understanding the Legal and Regulatory Environments in the 50 States.” Download it today! [Alliance for Natural Health, Aug 2011]

Finally, know the distinction between license and certification.

The definitions, features and implications of licensing and certification are summarized in the following chart for quick reference.

LICENSING

- A permission to perform an activity.
- Generally is mandatory to perform the activity
- Involves the police power of the government.
Presumes that working in the particular field of activity is a privilege. Establishment of licensing shifts the activity from a right to privilege. The privilege is given and may be withdrawn at any time by the issuing agency.
- Increases the power of government, and reduces the power of the individual consumer.
- The purpose is to restrict entry and strictly control the profession or activity.

CERTIFICATION

- A statement of completion or meeting a standard.
- Voluntary.

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- Does not involve the police power of the state.
- Presumes that working the field is a right.
Certification may be withdrawn at any time by the issuing agency. However, this does not stop one from working.
- Preserves and enhances the power of the individual consumer to decide upon the Practitioner of his choice.

The purpose is mainly to inform and educate. [ANMA, Naturopathic Legislation, 2012]

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I have been trained/certified under the Dietary Supplement Health Education Act through the American Nutraceutical Association; Natural Therapies Coach Workshops; as well as seeking expert opinions from the Natural Therapies Association of North America. My disciplines have been certified by the American Naturopathic Medical Certification and Accreditation Board, Inc. (August 2000); American Naturopathic Certification Board (Feb 2007); International Iridology Practitioners Assoc. (May 2004); International Sclerology Institute (Dec 2010). However until I became certified through National Therapies Certification Board (Naturopath Coach, April 2010) was I able to quench my unrest/fears inherent in providing educational tools and coaching in alternative health sciences. Through my friend and colleague I have been encouraged to review and consider <http://tneaa.com/>, especially the services afforded to traditional naturopaths to resolve problems they have with license boards and government agencies by Paula King (mediator since 1998).