

**Worthington, Amber**

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**To:** ST, RegulatoryCounsel  
**Subject:** RE: [External] 16A-4953 (Registration of Naturopathic Doctors)

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**From:** Dwayne Haus, N.D. <[drhaus@dwaynehaus.com](mailto:drhaus@dwaynehaus.com)>  
**Sent:** Thursday, January 13, 2022 11:23 AM  
**To:** ST, RegulatoryCounsel <[RA-STRegulatoryCounsel@pa.gov](mailto:RA-STRegulatoryCounsel@pa.gov)>  
**Subject:** [External] 16A-4953 (Registration of Naturopathic Doctors)

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Please accept my comments in the attached letter regarding the State Board of Medicine's proposed regulation 16-4953 (Registration of Naturopathic Doctors). A hard copy has been mailed as well.

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January 19, 2022

Shana Walter, Counsel  
State Board of Medicine  
P.O. Box 69523  
Harrisburg, PA 17106-9523

Dear Attorney Walter:

I am writing to offer my comments and suggestions to the State Board of Medicine's proposed regulation regarding the registration of Naturopathic Doctors in The Commonwealth of Pennsylvania.

I am a traditionally trained Naturopath, who received a Doctor of Naturopathy degree after completing a vigorous, rigid and intense study. I have used the title of Doctor of Naturopathy and my degree, N.D., since graduation in 2001, (I was practicing as a classically trained herbalist for years prior to this.) as have thousands of traditional naturopaths over the last 100+ years. However, the State Board of Medicine's proposed regulations threatens my continued use of the title and degree abbreviation that I have earned and by which the public historically recognizes me and my colleagues by failing to expressly authorize the continued use of my degree, "N.D.", or the use of the term "Doctor of Naturopathy" in section 18.907(b) of the proposed regulation.

Traditional Naturopaths are "holistic practitioners", who work hand-in-hand with Medical Doctors, Osteopathic Doctors, and Doctors of Chiropractic's and related for the benefit of their clients. Traditional Naturopaths educate their clients and teach them to assume responsibility for their own health and well-being. For example, traditional naturopaths educate their clients about the effect of nutrition on their bodies and illnesses that may be directly related to a poor diet. Among other methods, Traditional Naturopaths help clients make informed choices about their lifestyle and the positive or negative effects of nutritional habits on their health as well as herbs, nutritional supplementation and adjunct modalities.

Other than prohibiting the use of the terms "Naturopathic Doctor", Act 128 does not directly affect traditional naturopaths. Act 128 does not limit a traditional naturopath's scope of practice or use of the degree they have earned, Doctor of Naturopathy," or its associated abbreviation, "N.D." Act 128 identifies the qualifications necessary if an individual desires to register as a "doctor of naturopathic medicine" or a "naturopathic doctor." Nothing within Act 128 expressly precludes a traditional naturopath's use of the title "Doctor of Naturopathy" or the abbreviation historically associated with it, "N.D." In fact, review of the legislative history of Act 128, reveals that the General Assembly did not

intend to preclude the use of "N.D." by unregistered Traditional Naturopaths. Earlier versions of Act 128 expressly prohibited the use of "N.D." by unlicensed traditional naturopaths. For example, section 506 of House Bill 612 of 2013, printer number 592, expressly prohibited unlicensed individuals using the abbreviation "N.D." and expressly authorized licensees to use it. The General Assembly retained the language in printer number 1053. However, in Act 128, the General Assembly removed the prohibition against an unregistered naturopath's use of the abbreviation, "N.D." as well as the express reservation of the use of "N.D." to registered naturopaths in contrast to earlier versions of the proposed legislation. Having directly considered the legislation of the use of "N.D." and having removed it from the final version of the enacted statute, the General Assembly clearly did not intend to prohibit the use of "N.D." by Traditional Naturopaths such as myself and the additional 200+ Traditional Naturopaths practicing in The Commonwealth of Pennsylvania. If the General Assembly had intended that the Board regulate who may use the abbreviation "N.D." it would have retained the language restricting its use that was in earlier version of Act 128. However, the Board's proposed regulation creates uncertainty regarding Traditional Naturopaths continued use of the degree that they have earned, "Doctor of Naturopathy." The Board's proposed regulation, if un-amended, would have a significant financial impact as Traditional Naturopaths replaced signage and other forms of advertising, Corporation Filings and Business Registrations of Name, etc., to avoid the uncertainty created by the proposed regulations. I and my colleagues are already absorbing the financial cost of Act 128, which precludes their continued use of "Naturopathic Doctor" and the confusion that it has created among the public regarding its ability to continue seeing traditional naturopaths. Items like this fly in direct conflict with the ability to continue as a Pennsylvania business and have forced several practitioners to relocate to a friendlier business environment.

To avoid adverse financial consequences, confusion to the public, uncertainty among practitioners and to comply with the General Assembly's intent, I am requesting that the Board include the phrase "Doctor of Naturopathy" and the abbreviation associated with the degree that I and other traditional Naturopaths have earned, "N.D.", in section 18.907(b). The legislative history of Act 128 indicates that the General Assembly did not intend to restrict the use of "N.D." to just registrants with the Board. It is unfair to impose upon me and other traditional naturopaths the cost of removing all references to the legally recognized degree that we have earned," in signage, contracts, stationary, and advertisements when it was another group who sought legislation seeking the recognition of state registration. Nor is there any mention of compensation to the Naturopaths and businesses for these additional expenses that would be required by this proposed act. Amending the proposed regulation in this fashion is consistent with the General Assembly's intent as discerned by a review of Act 128's legislative history.

Amending section 18.907(b) in the proposed regulation to provide that "[a]n individual who has not registered with the Board may claim to be, and hold oneself out as, a Naturopath, a Traditional Naturopath, DOCTOR OF NATUROPATHY, OR N.D. and use any similar title implying that the individual practices naturopathy so long as the title does not also imply that the individual is a naturopathic doctor registered with the Board of Medicine."

As it stands with the wording as relates to this that is before the Regulatory Review Board, the intent of this wording is not what was discussed with the Board of Medicine in numerous meetings over the past several years. What this wording is implying, that a bad faith was put forth by the Board of Medicine in an attempt to willfully, blatantly and intentionally do irreparable harm to a group of businesses in The Commonwealth of Pennsylvania, and in doing so, might actually be in violation of Constitutionality.

Therefore, I am strongly urging the Review Board as well as the Board of Medicine to amend the wording of the proposed regulation, re-visit the legality of the matter and see if an actual workable situation can exist that does not harm the livelihoods of practitioners, the ability of the citizens to make informed choices in their health care and create more issues than it attempts to address.

Sincerely,

Dwayne Haus, N.D.

CC: BOM-Legal Counsel.

PA Regulatory Review Board.

IFJ-Washington, DC.

PA Naturopaths Assoc.

Legal.