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January 8, 2022

Via Email and First-Class Mail

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

Re: 16A-4953 (Registration of Naturopathic Doctors)

Dear Attorney Walter:

I am writing to offer my comments and suggestions to the State Board of Medicine's (Board) proposed regulation regarding the registration of naturopathic doctors, 16-4953.

I represent Pennsylvania Doctors of Naturopathy, Inc., a group of traditional naturopaths, each of whom, who received a Doctor of Naturopathy degree after completing a vigorous course of study. My clients have each used the title of Naturopathic Doctor and degree, N.D., since graduation, as have thousands of Naturopathic Doctors over the last 100 years. However, the Board proposed regulation threatens my client's continued use of the title and degree abbreviation that they have earned and by which the public historically recognizes them 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. In fact, my clients prefer not to be called Traditional Naturopaths. Prior to Act 128 and the proposed regulation, they had practiced as "Naturopathic Doctors".

Naturopaths are holistic practitioners, who work hand-in-hand with medical doctors 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 clients' bodies and illnesses. 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.

Other than prohibiting the use of the terms "naturopathic doctor" or "doctor of naturopathic medicine," 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 my clients. If the General Assembly had intended that the Board regulate use of 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 among traditional naturopaths continued use of the degree that they have earned, “Doctor of Naturopathy.” The Board’s proposed regulation, if unamended, would have a significant financial impact as traditional naturopaths would be required to replace signage and other forms of advertising to avoid the uncertainty created by the proposed regulations. My clients 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.

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 my clients 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 my clients the cost of removing all references to the degree that they have earned in signage, contracts, stationary, and advertisements, and professional Continuing Education Units when it was another group who sought legislation seeking the recognition of state registration. 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” would address the concern of my clients.

I appreciate your consideration of the foregoing comments.

Very Truly Yours,

A handwritten signature in blue ink that reads "Wesley J. Rish". The signature is fluid and cursive, with the first name being the most prominent.

Wesley J. Rish
Rish Law Office, LLC

cc: Lynn W. Feinman, N.D.