

PERFORMANCE AUDIT

NATUROPATHIC PHYSICIANS BOARD

Report to the Arizona Legislature
By the Auditor General
April 1991
91-3

DOUGLAS R. NORTON, CPA
AUDITOR GENERAL

STATE OF ARIZONA
OFFICE OF THE
AUDITOR GENERAL

April 29, 1991

Members of the Arizona Legislature

The Honorable Fife Symington, Governor

Dr. Glenn T. Ozalan, Chairman
Naturopathic Physicians Board
of Medical Examiners

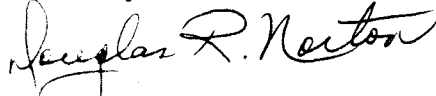
Transmitted herewith is a report of the Auditor General, A Performance Audit of the Naturopathic Physicians Board of Medical Examiners. This report is in response to a June 14, 1989, resolution of the Joint Legislative Oversight Committee and was conducted as part of the Sunset Review set forth in Arizona Revised Statutes §§41-2351 through 41-2379.

We found that the Board licenses few practitioners and its activities are comparatively limited. In reviewing the Board's activities, we found no major deficiencies in its operations. Because of the limited nature of the Board's activities, instead of developing audit findings, areas of concerns were addressed in the statutorily mandated Sunset factors.

My staff and I will be pleased to discuss or clarify items in this report.

The report will be released to the public on April 30, 1991.

Sincerely,



Douglas R. Norton
Auditor General

DRN:lmn

Staff: William Thomson
Peter N. Francis
Lucinda A. Trimble
Leonard B. Wojciechowicz

INTRODUCTION AND BACKGROUND

The Office of the Auditor General has conducted a performance audit of the Naturopathic Physicians Board of Medical Examiners pursuant to a June 14, 1989, resolution of the Joint Legislative Oversight Committee. This performance audit was conducted as part of the Sunset Review set forth in Arizona Revised Statutes (A.R.S.) §§41-2351 through 41-2379.

The Naturopathic Physicians Board of Medical Examiners was established in 1935. A.R.S. §32-1501 defines the practice of naturopathic medicine as "a medical system of treating the human mind and body by natural means, drugless methods, nonsurgical methods, physical, electrical, hygienic and sanitary measures or all forms of physiotherapy."

Personnel and Budget

The Board consists of five members: three naturopathic physicians and two public members appointed by the Governor for five-year terms. The Board is primarily responsible for examining and licensing naturopathic physicians and enforcing standards of practice.

The Board does not have full-time support staff, however, it does employ a part-time administrative assistant to help in carrying out its responsibilities.

Monies for Board operations are appropriated from the Naturopathic Physicians Board of Medical Examiners Fund. The fund comprises fees collected for applications for examinations, licenses, and registrations. The Board retains 90 percent of the fees it collects, while the remaining 10 percent is deposited in the State General Fund. Table 1 (see page 2) illustrates the Board's revenues and expenditures for fiscal years 1988-89 through 1990-91.

TABLE 1

**NATUROPATHIC PHYSICIANS BOARD OF MEDICAL EXAMINERS
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCE
FISCAL YEARS 1988-89 AND 1989-90 ACTUAL,
AND 1990-91 BUDGETED
(unaudited)**

	<u>1988-89</u> <u>Actual</u>	<u>1989-90</u> <u>Actual</u>	<u>1990-91</u> <u>Budgeted</u>
Revenues	<u>\$27,379</u>	<u>\$26,539</u>	<u>\$31,000</u>
Expenditures			
Personal services	1,410	1,410	2,400
Employee-related expenses	26	32	0
Professional and outside services	18,905	19,997	20,400
Travel, in-state	813	514	1,900
Travel, out-of-state	0	198	0
Equipment	0	0	0
Other operating expenses	<u>1,831</u>	<u>2,467</u>	<u>2,300</u>
Total Expenditures	<u>22,985</u>	<u>24,618</u>	<u>27,000</u>
Excess of revenues over expenditures	4,394	1,921	4,000
Beginning fund balance	<u>3,856</u>	<u>8,250</u>	<u>8,400</u> (a)
Ending fund balance	<u>\$ 8,250</u>	<u>\$10,171</u>	<u>\$12,400</u>

(a) The beginning balance for the fiscal year 1990-91 budget was estimated prior to the end of fiscal year 1989-90. Therefore, the actual ending balance for fiscal year 1989-90 does not agree with the beginning balance budgeted for fiscal year 1990-91.

Source: Arizona Financial Information Systems Fiscal Years 1988-89 and 1989-90 Financial Reports and the State of Arizona, Appropriations Report for the Fiscal Year Ending June 30, 1991.

Trends in Licensing

Currently, only six states license naturopathic physicians: Arizona, Connecticut, Washington, Oregon, Hawaii, and Alaska.⁽¹⁾ However, Montana's Senate Public Health Committee is currently considering a

(1) There are approximately 500 licensed naturopathic physicians nationwide. It is difficult to determine the exact number as some hold licenses in more than one state.

Sunrise bill that would allow licensure in that state. A licensure initiative has also been attempted in Nebraska. According to the Executive Director of the American Association of Naturopathic Physicians (AANP), Nevada ceased licensing naturopathic physicians in 1987 (in Nevada naturopathic physicians were required to be supervised by medical doctors.) Utah discontinued licensing new naturopathic practitioners in 1981 and Florida in the late 1950s; however, both states allow naturopathic physicians licensed prior to these dates to continue to practice. (In addition, Utah allows those who were working towards licensure prior to 1981 to become licensed once requirements are met.)

Although Arizona remains the state with the third highest number of licensed naturopathic physicians, the number of licensed naturopathic physicians in the State has declined significantly during the last ten years. In 1980, there were 140 physicians licensed by the Board. At the present time there are 86 (a 38 percent decrease), and only 57 of these have in-State addresses. Reasons for the declining number of naturopathic physicians in Arizona may include stricter licensing requirements, increased licensing fees, and attrition.

Licensing Requirements

All states licensing naturopathic physicians require that applicants pass the Naturopathic Physicians Licensing Examinations' (NPLEX) seven-part clinical examination. Some states also require that applicants pass the NPLEX Basic Science Examination or "add-on" NPLEX examinations in minor surgery and homeopathy. In addition to the clinical examination, Arizona requires examinations in minor surgery and homeopathy. Arizona also requires that applicants pass Board-developed examinations in jurisprudence and acupuncture. Endorsement candidates (those currently licensed in another state) must also pass a Board-developed oral examination. Statutes require that applicants attain a grade of at least 75 in each subject to pass an examination. The John Bastyr College of Naturopathic Medicine and the National College of Naturopathic Medicine are the only two schools from which the Board will accept graduates for licensure at the present time.⁽¹⁾

(1) The Council on Naturopathic Medical Education, which is recognized by the U. S. Department of Education as a specialized accrediting agency, has given accrediting status to John Bastyr College of Naturopathic Medicine and the National College of Naturopathic Medicine.

Scope and Methodology

This audit was conducted as a Sunset Review as defined by A.R.S. §41-2352. The purpose of the audit was to determine whether the Naturopathic Physicians Board of Medical Examiners is needed and the extent to which it has accomplished its statutory goals. Our work included a review of the Board's examination, licensing, and enforcement activities. In addition, the General Counsel of the Office of the Auditor General reviewed legal matters concerning the Board. We found that the Board licenses few practitioners and its activities are comparatively limited. In reviewing the Board's activities, we found no major deficiencies in its operations. Because of the limited nature of the Board's activities, instead of developing audit findings, areas of concern are addressed in the statutorily mandated Sunset Factors (see pages 5 through 10).

During the audit we discovered complaints questioning the credentials of the three physician Board members. According to the Board's chairman, the complainant has also questioned the credentials of naturopathic physician board members in other states. However, we did not pursue this matter because it has been referred to the Office of the Attorney General for investigation.

The audit was conducted in accordance with government auditing standards.

The Auditor General and staff express appreciation to the members and the administrative assistant of the Naturopathic Board of Medical Examiners for their cooperation and assistance during the audit.

SUNSET FACTORS

In accordance with A.R.S. §41-2354, the Legislature should consider the following 12 factors in determining whether the Naturopathic Physicians Board of Medical Examiners should be continued or terminated.

1. The objective and purpose in establishing the Board

Legislation passed in 1982 contained a statement of Legislative Intent that the practice of naturopathic medicine has a direct relationship with public health, and that the profession should be regulated to safeguard public health, safety, and welfare. The legislation further stated that only qualified persons should be allowed to practice naturopathic medicine. Board members said that the purpose of the Board is to protect the public from incompetent, unscrupulous, and unlicensed doctors of naturopathic medicine. The Board accomplishes its purpose by examining and licensing qualified candidates, and enforcing relevant statutes and rules.

2. The effectiveness with which the Board has met its objective and purpose and the efficiency with which it has operated

The Board has been generally effective in regulating the practice of naturopathic medicine by administering exams to ensure that only qualified applicants become licensed, renewing licenses of qualified practitioners, collecting fees, taking action against practitioners that fail to comply with statutes or rules when complaints have been filed against them, and promulgating rules consistent with statutes.

However, we found that the Board could improve its efficiency and effectiveness in five ways.

First, the Board does not fully document its relicensure decisions. For example, the Board does not maintain adequate documentation of completed Continuing Medical Education (CME) requirements for its licensed practitioners. At the present time, the Board reviews licenses at the end of every year to determine whether practitioners have completed the sufficient number of CME requirements and met

other licensing requirements. However, in six of the ten files we reviewed, we were unable to determine if the necessary number of CME requirements had been met during a recent three-year period. Three were missing documentation during one of the three years. Three others contained documentation of seminar attendance but did not indicate CME credits achieved. In addition, minutes of Board meetings also failed to indicate which licensees had been approved or disapproved for relicensure.

Second, although the Board has apparently managed complaints in an appropriate manner, it has no policies and procedures for handling complaints or for any other function it performs. The Board and the public would be better served if the Board established policies and procedures, to help ensure consistency of action between present and future Boards.

Third, public representation on the Board may currently be inadequate. Board statutes provide that the Board shall consist of three physician members and two public members. Although the Board usually meets monthly, one public member has attended only five regular session Board meetings in the last 25 months, in effect creating a vacancy on the Board. A.R.S. §38-291 provides: "An office shall be deemed vacant [when][t]he person holding the office ceas[es] to discharge the duties of office for the period of three consecutive months." According to the Board's chairman, the Board informed the Governor of the situation.

Fourth, 1990 statutes require the Board to publish a directory that includes the names of Board members and licensees, the Board rules and statutes, and a list of approved naturopathic medical schools. To date, the Board has not published a directory.

Finally, the Board has not taken adequate action against licensees who have failed to renew their licenses. The Board has not acted on three licenses that have not been renewed, even though statutes provide that the Board shall revoke licenses not renewed by July 1 of each year. One of these licenses has been inactive for over ten

years. At its regular session meeting in December 1990, the Board agreed to begin the revocation process for these licenses.

3. The extent to which the Board has operated within the public interest

The Board protects the public by ensuring that only qualified applicants are licensed, that unlicensed practitioners are not allowed to advertise their services under a title of or similar to "naturopathic physician" and that the appropriate disciplinary action is taken against licensees that have failed to comply with statutes and rules.

4. The extent to which rules and regulations promulgated by the Board are consistent with the legislative mandate

The Office of the Attorney General reviews and certifies all proposed rules. According to the Board's Attorney General representative, it has promulgated rules and regulations that are consistent with its legislative mandate.

Although at the present time the rules promulgated by the Board are consistent with statutes, both the statutes and Board rules fail to provide some important guidelines for the Board. For example, statutes added in 1989 allow naturopathic physicians to dispense "natural substances" if they first register with the Board. However, the Legislature provided no definition of what constitutes a "natural substance." Therefore, the Board is in the process of drafting a considerable number of new rules. The new rules will provide guidelines for administering and dispensing of natural substances. The new rules will also provide more thorough and complete definitions of terms and guidelines for the use of medical assistants.

5. The extent to which the Board has encouraged input from the public before promulgating its rules and regulations and the extent to which it has informed the public as to its actions and their expected impact on the public

According to the Board's Attorney General representative, the Board

has encouraged input from the public before promulgating its rules and regulations.

However, the Board has failed to comply with Open Meeting Law requirements regarding proper notification of Board meetings. It has failed to inform the Secretary of State of the locations where meeting notices will be posted as required by A.R.S. §38-431.02(A)(1).

6. The extent to which the Board has been able to investigate and resolve complaints that are within its jurisdiction

The Board appears to have handled complaints in an appropriate manner. Over the last three years the Board has received 15 complaints including practicing without a license, misdiagnosis, patient abandonment, and wrongful death. All seven of the cases received in 1988 and 1989 have been resolved. Five of the eight cases received in 1990 are currently pending. Over the last three years, the Board has placed one naturopathic physician on probation, suspended one license, and revoked another.

The Board's handling and disposition of complaint cases appears to have been appropriate, especially given its limited resources. The Board has no full-time support staff. It employs only one administrative assistant on a part-time basis, and hires an investigator to pursue complaint investigations as needed. In handling complaints, the Board has also sought the assistance of its Attorney General representative⁽¹⁾, a hearing officer, and specialty organizations like the American College of Naturopathic Obstetricians.

7. The extent to which the Attorney General or any other applicable agency of State government has the authority to prosecute actions under the enabling legislation

According to the Board's Attorney General representative, the Board's statutes provide sufficient authority to prosecute.

(1) In addition to assisting the Board with complaints, the Office of the Attorney General is also currently determining how best to proceed with investigations regarding recent complaints about the credentials of the three physician Board members.

8. The extent to which the Board has addressed deficiencies in its enabling statutes which prevent it from fulfilling its statutory mandate

For the last few years, the Board has been actively pursuing changes in both its statutes and rules. The statutes under which the Board currently operates have changed considerably during the last two years. For example, two new sections have been added. One allows medical assistants to help naturopathic physicians in their practice. The other allows registered naturopathic physicians to dispense natural substances under certain conditions. These new statutes also require the Board to adopt rules regulating natural substances, a process which the Board has recently undertaken (see #4, page 7). Some definitions were also added.

9. The extent to which changes are necessary in the laws of the Board to adequately comply with the factors listed in the subsection

We question the need for the Board to conduct oral examinations of applicants seeking licensure. No other state that licenses naturopathic physicians requires oral examinations. As the purpose of the national examination (NPLEX) is to sample all of the skills and knowledge needed by an entry-level naturopathic physician to practice safely, we see no reason for the Board to require an oral examination. According to the Board's Attorney General representative, it would be unlikely the oral examination would survive scrutiny if challenged by a person taking the examination. We recommend that the Legislature amend A.R.S. §32-1525 to delete oral examinations as a test that may be administered. We also recommend that A.R.S. §32-1523.4 be deleted so that applicants for licensure by endorsement need not pass an oral examination to become licensed.

10. The extent to which the termination of the Board would significantly harm the public health, safety or welfare

Termination of the Board could pose a threat to public health, safety, or welfare because current naturopathic modalities or misdiagnosis can cause significant risks to patients. For example,

naturopathic physicians are allowed to attend live births. Misdiagnosis can be of equal concern. In a recent complaint case, a naturopathic physician misdiagnosed skin cancer as poor circulation. Eliminating licensure could therefore be detrimental because practitioners would be left unregulated.

Continued licensure in Arizona is consistent with licensing decisions in other states. After Sunset reviews, both the Washington Legislative Budget Committee and the Hawaii Legislative Auditor recommended continued licensure of naturopathic practitioners to protect the public from harm.

In addition to protecting public safety, licensure may benefit the public welfare by providing for another healthcare alternative. Licensure helps the profession compete with other healthcare providers by making it eligible to receive third-party (i.e., insurance) payments. According to the Board's vice chairman, about 30 to 40 percent of naturopathic patients are assisted by third party payments.

11. The extent to which the level of regulation exercised by the Board is appropriate and whether less or more stringent levels of regulation would be appropriate

Based on our review, in general, the present level of regulation exercised by the Board is appropriate.

12. The extent to which the Board has used private contractors in the performance of its duties and how effective use of private contractors could be accomplished.

Current use of private contractors appears appropriate. The Board contracts with an investigator and hearing officer as needed. However, because of the Board's small budget and the low number of complaints that come before it, opportunities for further use appear limited.



STATE OF ARIZONA
NATUROPATHIC PHYSICIANS BOARD OF MEDICAL EXAMINERS
1645 W. Jefferson, Room 410 • Phoenix, Arizona 85007
(602) 542-3095

April 26, 1991

Douglas R. Norton
Auditor General
2700 North Central Avenue Suite 700
Phoenix, Arizona 85004

Dear Mr. Norton:

I have completed my review of your revised preliminary draft, aside from the specific comments noted below, I feel that you and your staff have been very fair in your evaluation and for the most part accurate in your assessment. It is encouraging to see that two agencies can have a constructive rather than adversarial relationship in accomplishing their purposes.

Under Trends in Licensing, last week the Montana Legislature passed a sunrise bill, which was signed into law creating licensure and a regulatory board for naturopathic physicians.

Part of the reason for the declining number of naturopathic physicians in Arizona is also due to the fact that some of the other licensed states have better laws which allow recent graduates to practice with less restriction in regard to the use of natural substances than is presently the case in Arizona. Although recent Legislative changes have brought Arizona up to date, there may be need for further clarification by the Legislature.

Under the heading Scope and Methodology mention is made to the request by Mr. Hayhurst for the Attorney General's office is investigate the credentials of the board members. My concern is that this paragraph suggests to the Legislature and to the public that there is a possibility that the current board members have been involved in some wrong doing. The fact of the matter is these are not complaints in the usual sense, but an attempt by one individual to question the credibility of all the recently licensed individuals in Arizona, as well as, board members and individuals in other licensed States as well. The requests for investigation by Mr. Hayhurst are made in an attempt to undermine, if at all possible, the credibility of those individuals that are participants in a national effort of the boards in the licensed States to regulate the Naturopathic profession. In states which do not have a licensing law, an individual can use the title Naturopathic Physician (N.D.) without having any credentials whatsoever. The Arizona Naturopathic Physicians Board has had to take action against one individual licensed by Mr. Hayherst's organization who had attempted to pass himself off as a Naturopathic Physician in Arizona. For further clarification I am enclosing a copy of an investigative report from the Townsend Letter for Doctors, April

1990 which gives a fairly unbiased view of the events taking place on a national level.

On page five a comment is made that the board does not maintain adequate documentation of the CME requirements. At the present time the board is in a process of reorganizing and training a new administrative assistant. Our previous administrative assistant, of many years, had to retire due to health reasons. We have found in the process of cleaning out old files that records were misplaced and because the individuals responsible for reviewing the CME credits knew that the number of hours given by a particular relicensing seminar were adequate and verifiable, they did not make specific corrective notations in the files. We recognize that this would be questionable to an outside individual attempting to audit the file. In the new rules and procedures presently being developed by the board this particular problem will be eliminated and the approval of these credits be made a part of the minutes.

Under the second comment of this section, we are acutely aware of the need for policies and procedures and wholeheartedly agree with your comments. Our plan was to first make the necessary changes to the statutes which was accomplished in the '89 and '90 sessions. Our next step is the Rules and finally policy and procedure, which has to be the logical extension of the Rules. We are in the process of constructing a computerized procedural database which when finished will automatically link specific tasks with the necessary forms and reports for verification. This will concurrently be developed with the 30-40 pages of new Rules which will be ready for submission to the Attorney General's Office after a public hearing. We expect this to occur withing the next 60 to 90 days.

Under your third comment of this section, the Board had specifically discussed this particular issue with Nel Evans of Governor Mofford's staff, advising her of all aspects of the issue. Since the board serves at the pleasure of the Governor, it would have been up to the Governor's Office to make any changes if they had decided it was necessary. The board did not feel it was it's place to persue the item further.

Under your fourth comment of this section, we have, as mentioned above, recently constructed that part of the relational database which contains information on the current licenciates and are now in the process of preparing the directory for publication which will be forthcoming within the month.

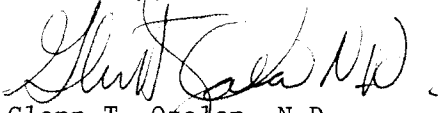
Under your last comment of this section, the board had chosen not to persue action against the individuals who had not renewed their license due to the expensed involved. To revoke a license requires a formal hearing, a formal hearing is expensive for the board who has a limited budget, since these individuals are no longer practicing, the board felt that it's duty to protect the public would not be compromised and that the funds would be better spent on actions which do protect the public, until Legislative changes could be made to make the process automatic. The board had made wording changes in ARS 32-1526 in the '89 Legislative Session, which it had hoped would allow for automatic revocation, only to find out afterward from it's Assistant Attorney General that revocation requires a formal hearing regardless of what the Statute implies. A plan of action has recently been formulated by the board with the assistance of it's Assistant

Attorney General. After a thorough review of all past files the board will begin a "group" license revocation hearing as required by the Statute. We anticipate the process will be finalized within the next six months.

Page seven comment five, the board was not aware that the Secretary of State was not informed as to where notices were to be posted. The bulletin board in front of the Boards' Office seemed the logical place for notices to be posted. We have researched the statutory reference and will be in compliance for the next scheduled meeting.

Page nine comment nine, the board understands and has considered previously the arguments against an oral exam. We had considered eliminating it as part of the statutory changes in '89 and '90. We feel however that there is no substitute for personal interview.

Sincerely,



Glenn T. Ozalan, N.D.

Chairman

enclosure

GO/fa

Dr. Donald Hayhurst Organizer of "Old-Timer" Naturopaths and Critic of A.A.N.P.

reported by Emily Kane
edited by Jonathan Collin, M.D.

The American Naturopathic Medical Association (ANMA)

The oldest naturopathic professional organization, called the National Association of Naturopathic Physicians (NANP) was organized around the turn of the century. According to Irv Miller, ND, the last NANP president, the organization had been moribund since the '30s, except for a spurt of activity under the leadership of Dr. Ron Hoye, 1977-1981. The NANP finally "died" in 1982.

Later that same year, Jim Sensenig, ND, then Academic Dean at National College of Naturopathic Medicine (NCNM) called a meeting of physicians from around the U.S. in Portland to discuss the re-organization of a national professional organization. It was decided at that

meeting to let the NANP rest in peace, and to begin a new organization to be called the American Naturopathic Medical Association (ANMA). Bylaws agreed upon at that meeting stated that the organization would represent and support licensed naturopathic physicians in good standing, in any state. At that meeting, Dr. Bernard Steuber was elected President, Dr. Richard Thurmer Vice-President and Donald Hayhurst Secretary/Treasurer. However, this group was never able to garner the support of the profession. So the first meeting of the ANMA, which transpired at the MGM Grand in Las Vegas, January 1983, was also the last meeting. The bylaws and corporation papers were never filed.

Later that same year, Dr. Donald Hayhurst from Nevada quietly formed another association, also called the ANMA, whose articles declared that general

(voting) members must be "currently licensed to practice in any state, or territory of the United States or Canada; or recognized as lawfully practicing in any state, etc." This second ANMA was unknown to the bulk of politically active members of the profession.

The American Association of Naturopathic Physicians (AANP)

The following year Dr. Jim Sensenig, graduate and former Dean of NCNM, felt it was time to get a national organization going again, whose explicit purposes included both standardizing a high quality of naturopathic medical education and protecting the American public from falling prey to quacks. He decided, with a group of others, based on past experience, to first put together a forum and then invite members. Dr. Sensenig sought the advice of both Dr. Miller and Dr. Steuber (presidents of the dormant NANP and original ANMA, respectively), who were invited to be on the board of the forming AANP. Physicians from many states convened and agonized over credentials; how to protect the public while also endorsing legitimate naturopathic physicians who had been formally educated in now-defunct schools. Dr. Allen Gamble hit upon the ingenious idea of members needing to meet 2 out of the following 3 criteria: 1) Graduation from a college of naturopathic medicine recognized by the AANP (which includes the naturopathic colleges from the past which have been recognized by a state as a basis for licensure, and the two existing colleges, Bastyr College in Seattle and National College in Portland), 2) licensure in a state which offers board exams for the profession, and 3) active membership in a state association which is recognized by the AANP. Physicians from nearly all licensed states (which are Washington, Oregon, Arizona, Alaska, Hawaii, Connecticut, Utah and Florida - although these last two are accepting no new members) were involved in the formation of the AANP which officially became incorporated on December 30, 1985 in Portland. The first convention was held in the fall of 1986 in Scottsdale, Arizona.

During the following year, 1987, the

AANP's national licensing exam task force succeeded in creating the new Naturopathic Physicians' Licensing Examination (NPLEX), a national standard exam for use by licensing states. In September 1987 the CNME was recognized by the U.S. Department of Education as the accrediting agency for naturopathic medicine; this milestone for the profession was celebrated at the second AANP convention, which was held in Washington state in October. About this time, Dr. Hayhurst wrote a letter to the naturopathic physicians complaining that the AANP was pretending to be judge and jury of naturopathic education and that many naturopathic physicians were unrepresented by the association. Dr. Hayhurst and his organization (the ANMA) were invited to work with the AANP; however, he did not document his or other members' capacity to meet the membership criteria. Dr. Hayhurst stated that the ANMA represents "over 2,000 naturopaths," although only 75 individuals attended the September 1989 ANMA conference.

Hayhurst's Education and Practice

It is uncertain if Hayhurst graduated from a school offering naturopathic medical training with examinations. Dr. Hayhurst reported in our interview with him that he received degrees in Naturopathy and Homeopathy from Clayton University in St. Louis. When we called the school, the registrar explained that it is an "independent study program by correspondence, which uses local adjunct faculty selected by the students" whose course of study generally lasts on average one year. She stated further that the school does not confer accredited degrees per se, but "a transcript diploma that says whatever you need it to say." Donald Hayhurst also stated that he acquired a degree in psychology from UCLA. A call to the registrar revealed that he was involved in the UCLA Extension program for a class in hypnosis from 10/6/88 to 10/8/88. Hayhurst has told other people, for example his district assemblyman, Dr. Marvin Sedway, that he received his ND from the Utah College of Naturopathic Medicine. This school seems to never have existed, although a prospectus was circulated which had some blank diplomas in the appendices.

Hayhurst currently offers smoking cessation and counselling to his clients in Las Vegas, where he has lived for the past 12 years. He lists himself (on page 868 of the current Las Vegas *Yellow Pages*) under Physicians & Surgeons as a "Naturopathic

Psychiatrist." He is also listed (on page 823) under "General Physicians." Dr. Sedway, an optometrist and not a Hayhurst fan, directed me to Detective Sandy Durgin of the Las Vegas Metropolitan Police force and to George Knapp, of Channel 8 in Nevada for further investigative information. Dr. Sedway told me that Hayhurst periodically ran advertisements claiming to "enlarge breasts by hypnosis." A TV journalist called Hayhurst up, in 1987, to see if he wanted to show his prowess with the mammary gland in living, prime-time color. Hayhurst agreed to go on the air and was viewed cupping his hands over the chest of a supine, bare-breasted female model intoning "Your breasts will get larger, your breasts will get larger...."

Dr. Hayhurst's Supporters

A fellow Nevadan, Vera Allison, NMD, who graduated from a recognized school of Naturopathic Medicine, and has conducted research with Linus Pauling, supports Hayhurst and the ANMA. What Allison sees in Hayhurst, evidently, is some kind of leader for the profession who has connections with the allopathic medical community and to national politics. Dr. Allison believes that the two "camps" (MDs and NDs) need to come together, and professes that to be a major goal of Hayhurst's ANMA. She spoke of having James Forsyth, MD, oncologist, researcher in interferon and the Surgeon General of Nevada, as a keynote speaker at the recent ANMA convention. She commented about her work with the Rife microscope and the properties of color for healing. Allison thought the "Naturopathic Act" (HR 12169), passed into law on February 7, 1931, was a federal mandate for the legality of the naturopathic profession in every state. She said, "Why are the AANP representatives (Labriola and Gamble) running around state to state when it's [naturopathy] already legal in every state? These guys should do their homework." However, *Townsend Letter* research indicated that HR 12169 adjudicates for the District of Columbia only. Dr. Allison told us that "Don Hayhurst is so accepted in D.C....in fact, Congress recognizes the profession now because of him."

According to a summer 1989, interview in *The Choice* (the newsletter of American Biologics-Mexico S.A.), "Dr." Hayhurst serves on the advisory board of the National Security Council. Who are his constituents? Does he really represent the naturopathic profession by way of the ANMA?

AANP: "Nothing But A Private Club for JBC and NCNM Graduates"

In the fall of 1988, Hayhurst was informed, at the third annual AANP convention in Missoula, that the Association had changed its by-laws in order to accommodate state associations—like Hayhurst's Nevada group—that had some members that didn't meet AANP requirements, if these state associations would provide a list of members and their credentials. The Nevada list never materialized. Earlier, in March of 1988, the ANMA had made application for national representation on the CNME. The CNME accepted the application for consideration, and requested additional information; for example, it asked that Dr. Hayhurst provide a membership list, documentation supporting ANMA activities and meetings, and the criteria by which the ANMA assessed the credentials of its members. Again, the ANMA chose not to complete their application, but which was not formally withdrawn until 1989.

Hayhurst also seems to be purposefully pushing the idea that there exists two "factions" in the profession—the "old-timers" and the "young upstarts." He told me that he views the AANP as nothing but a "private club for JBC and NCNM graduates." Although he claims to represent a constituency of older naturopathic physicians who were in practice "long before the two schools (Bastyr and National) were even around," he has attempted to block the profession nationally. Instead of working with the AANP to gain licensing status for naturopathic physicians in all "States and territories," the ANMA has objected to naturopathic licensing in Nebraska and

Hayhurst & AANP

Montana. Dr. Hayhurst also attempted to dismantle the accredited status (as of October 2, 1989) of Bastyr College in a letter to the executive director of the Northwest Association of Schools & Colleges. Hayhurst's organization has also worked extensively to get the U.S. Department of Education to remove its recognition of the naturopathic education accrediting body, the CNME. After "express[ing] concern to the Department of Education that the CNME [at its inception] had not consulted with the ANMA," Hayhurst formulated another accrediting agency for naturopathic medical education, called the ANMCAB, headed up by Dr. R.M. Finley, a member of the Oregon state association. Finley was part of the CNME start-up team until 1981, but, according to Hayhurst, withdrew in 1988 to "revive" the ANMCAB.

Ontario College of Naturopathic Medicine Invited to be Accredited by ANMCAB

Considerable concern was expressed at the recent AANP convention about the current political situation for naturopathic medicine in the province of Ontario. Not only has the profession been actively rallying support to maintain the threatened legal status of naturopathy in Ontario, but the third "modern" school in North America, the Ontario College of Naturopathic Medicine (OCNM), has been approached by ANMCAB with claims to guarantee the Canadians' wish that their graduates will be able to "practice legally" in the U.S. In fact, neither the federal government nor any state licensing board currently recognizes the ANMCAB. At the convention OCNM students were urged to impress upon their Board of Trustees the need to complete a CNME application, so that a site visit could be arranged. Foreign schools can gain, through application, 'communicating status,' with the CNME, which gives them the same evaluation as recognized candidates for accreditation. Nevertheless, as of January, 1990, OCNM had been awarded "provisional" accreditation by ANMCAB. Members of the Institute of Naturopathic Education and Research (INER, who elect the OCNM Board) are planning to pursue CNME accreditation by conducting a self-study. However, the CNME self-study has not been started yet. The ANMA has made a move to influence INER's voting regarding

accreditation. Members of the OCNM board who support the ANMA/ANMCAB take the position that they want to be "friendly with all accrediting agencies," although the CNME is the only nationally approved agency to accredit naturopathic medical programs and is recognized by all state licensing boards. An annual meeting of INER was called for by court order (held January 10) in which elections of new OCNM board members was accomplished, and which succeeded in ousting members supportive of Hayhurst.

As this article goes to press, Hayhurst says he is mounting a legal suit against the CNME, and has already spent "thousands of dollars." His complaint, weak even if accurate, is that the "CNME falsified their minutes" of the meeting in which they verbally invited the ANMA to be a corporate member. "They pretended they didn't say that even though 11 of us [ANMA members] were right there in the room [in Missoula]." Hayhurst's plan may be to try to dismantle the CNME, and install the ANMCAB with its "NFLEX" exam, which both Finley and Hayhurst have claimed, in letters to all the students and faculty of OCNM, will guarantee the Canadians' right to sit for U.S. licensing exams.

This investigative report has been decried by Hayhurst as biased, since the *Townsend Letter* supports accredited naturopathic programs, the AANP, and organized naturopathy. Dr. Hayhurst was invited to submit an article countering any misinformation in this piece, but chose not to.

We invite Dr. Hayhurst to present his side of the story and will publish relevant information. The facts presented have been researched with phone calls, usually more than one time. Any distortion of fact will be gracefully corrected and is apologized for in advance.