



THE PRACTICE OF NATUROPATHIC MEDICINE IN THE COMMONWEALTH OF VIRGINIA

As of 8/16/2017

With an understanding of the current legal climate regarding Naturopathic Medicine in Virginia, the VAANP is providing the following information for Naturopathic Doctors who choose to practice in the Commonwealth.

Your Role as a Naturopathic Doctor currently in VA

From a legal perspective, it is important that Naturopathic Doctors represent themselves appropriately. Naturopathic Doctors are not licensed to practice medicine in Virginia and are therefore NOT able to:

- Order lab tests
- Perform physical exams
- Provide a diagnosis
- Write a prescription
- Perform IV therapy, IM injections, or any medical procedures

NDs may act as consultants and make suggestions, based on their expertise, regarding natural therapeutics that could help clients move towards wellness. Please recognize that since NDs have medical training, any consulting work may be interpreted as practicing medicine.

If you do order labs, perform physical exams, etcetera. you may be liable and perceived as practicing medicine without a license. For NDs in Virginia, state regulation does not exist, and so we recommend you use your own personal "liability meter" to guide you through. There have been incidences of naturopathic doctors who have been reported and investigated. It's best to play it safe by being cognizant of refraining from doing anything that can be interpreted as practicing medicine.

Educating Prospective Clients

Prospective clients should be educated about naturopathic medical training and the lack of licensure in Virginia. All clients should be told that NDs cannot currently practice medicine in Virginia. Further, the VAANP strongly recommends that our members ask their clients to

maintain regular medical care with a licensed medical provider (MD or DO physician). It should be clear to clients that NDs can neither diagnose nor treat conditions in Virginia.

The VAANP recommends that NDs require clients to sign a consent form prior to the onset of treatment that states that the ND is not an MD, that the ND is not licensed to practice medicine in Virginia, and that clients need to maintain care with a licensed physician... Contact the VAANP for examples of consent forms. Please note that these consent forms may or may not be protective in a court situation.

Title and Advertising

It is misleading for NDs to use the phrase “Licensed Naturopathic Doctor”, unless they indicate the jurisdiction in which they are licensed. For example: Joe Smith ND, Licensed Naturopathic Doctor in Washington State. The language “board certified” is not recommended.

It is important to avoid the use of any words that imply the practice of medicine. For example, only use the word “medicine” in conjunction with the word “naturopathic” and do not list “treatments” in your advertisement. Instead use words like “natural therapies”, “recommendations”, and “conditions helped.”

You earned your title, “Doctor”. You can use it proudly and display your diploma prominently. However, using the language “licensed and board certified” is a flag to encourage those naysayers to inquire about your licensing and possibly create a legal issue for you. Past practitioners using a picture of themselves on a website with a lab coat and stethoscope (a recognized symbol of a physician) has been a flag as well.

Charting Language

It is okay and important to keep confidential charts for clients. In those charts, it is important NOT to use language that implies diagnosis or treatment, or the practice of medicine in general. Generally acceptable language includes evaluate, assess, consultation, recommendations, suggestions, options and choices. Stay away from the word “treatment”, “prescription” and “exam” because they suggest the practice of medicine. Use a previous diagnosis from the client’s licensed provider.

If a client does not have a diagnosis, recommend that they seek the care of a licensed practitioner to obtain a diagnosis. Make sure suggestions are charted.

Under assessment, state that the patient came in with the diagnosis from their physician. Use ‘Recommendation Plan’ rather than ‘Treatment Plan.’ Write broad language for your recommendations. For instance, it may be best to explain that recommendation X, ‘may support healthy digestive function’, instead of saying ‘treatment Y will heal ulcers.’

Referrals

Creating alliances with conventional practitioners is a very worthwhile pursuit. MDs, DOs and NPs can be utilized when a condition requires diagnosis and treatment. Building a referral base

with local practitioners will promote the integration of allopathic and naturopathic medicine for the betterment of patient care.

Don't be afraid to get out there and create community and relationship with other practitioners.

Malpractice Insurance

At this time, there is no malpractice insurance for NDs in an unlicensed state. Malpractice insurance for practice in a licensed state will not cover activities in an unlicensed state. It is normal business practice to carry business liability insurance for your office, however this is not malpractice insurance. Malpractice insurance covers a licensed doctor who is practicing medicine in the jurisdiction in which he or she is licensed.

Some Naturopathic Doctors have been able to link up with a medical doctor who has insurance. Another option is to get your CNS certification www.cbns.org and get liability insurance for a nutritionist. However, keep in mind that if you carry a degree for a licensed profession and are licensed in Virginia for that profession (for example, nutrition or acupuncture), please note that malpractice coverage for that other profession only covers within the scope of that profession and will not cover any naturopathic-specific work you choose to do in Virginia.

Informed Consent

As mentioned above, it is recommended that NDs use an informed consent/waiver type of form to inform clients about naturopathic training and the fact that NDs are not MDs and are not licensed to practice medicine in Virginia. There is no confirmation that the use of an informed consent form would protect NDs in any way in a court of law. Informed consent, however, does facilitate communication between naturopathic doctors and their clients regarding the services that are not provided by NDs in Virginia and the importance of maintaining medical care with a licensed practitioner. This communication may preclude misunderstandings that could lead to litigation for you as a practitioner.

Lab Tests and Physical Exams

Ordering lab tests and performing physical exams is considered practicing medicine because these are used for diagnosing conditions. Naturopathic doctors cannot legally order labs or perform physical exams in the Commonwealth of Virginia at the present time. NDs attempting to order labs in VA are vulnerable to action against them by the Commonwealth of Virginia.

Clients should be referred to their licensed medical providers (MDs or DOs) for lab tests and physical exams.

Use of Naturopathic Modalities

Naturopathic doctors in Virginia commonly make suggestions regarding nutrition, nutritional supplements, homeopathic remedies and botanical medicines, even these may be considered practicing medicine when employed by someone with a medical training such as an ND - so use caution and educate your patients to confirm all therapies with their licensed practitioners.

Remember you are an EXPERT in Natural Health. Get creative and start to think outside the box. Use social media and create information products. Have fun and use the VAANP as a resource for a supportive community.

Final Note

Please remember that while the above information sounds very restrictive, the VAANP applauds you for the courage and fortitude you must take a risk and bring naturopathic medicine to Virginia. In this chicken and egg scenario, if we do not have doctors in Virginia working with clients, we will likely not get licensed. But, we cannot officially have doctors seeing 'patients' until we are licensed. The doctors here now are paving the way for the future.

The VAANP supports your presence in Virginia, and simultaneously cautions you to work as safely as possible, to avoid litigation and disciplinary action.

As a VAANP member, you are invited to speak with us anytime if you have questions, concerns, or any ideas that may help other ND's work successfully and safely from a legal standpoint.