



## New Regulations for Naturopaths in Ontario – *Naturopathy Act, 2007*, slated to come into force in 2013

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There are over 1200 registered naturopathic doctors in Ontario and an increasing number of patients seeking naturopathic services. Naturopathic medicine blends modern scientific knowledge with traditional and natural forms of medicine.<sup>i</sup> Sarah Penney, a Naturopathic Doctor practicing in Hamilton, explains that Naturopathic Doctors use clinical nutrition, acupuncture, botanical medicine and homeopathy to treat patients' "mental, emotional, environmental, physical and spiritual health."

Since 1925 Ontario naturopaths have been regulated under the *Drugless Practitioners Act*.<sup>ii</sup> However, as soon as this spring, the *Naturopathy Act, 2007*,<sup>iii</sup> may come into force and establish the College of Naturopaths of Ontario. The College will regulate educational requirements, quality assurances, complaints and discipline procedures for Naturopathic Doctors.

The extended delay between Royal Assent and coming into force may well be due to the criticisms the Act has received by both proponents and opponents of naturopathy. The Ontario Association of Naturopathic Doctors (OAND) is concerned that Ontario is becoming the most restrictive of all the jurisdictions with regulated naturopathic care.<sup>iv</sup> Dr. Penney notes that she will remain unable to use X-rays or CT-Scans, unlike naturopaths in British Columbia. Indeed, Ms. Penney is prohibited from making a diagnosis of high blood pressure, as she is only authorized to make "naturopathic diagnoses." Naturopathic Doctors will be able to do several "controlled acts" (albeit in a more restricted way than physicians) under the *Regulated Health Professions Act*,<sup>v</sup> including administering (though injection or inhalation) prescribed substances but not prescribing or dispensing such substances. The OAND appeals for prescribing rights and warn that it would "unduly limit the contribution of NDs" if dispensing and selling natural substances were "lost in the transition."<sup>vi</sup>

While naturopathic organizations appeal for greater authority, many oppose the regulations entirely. Timothy Caulfield, a professor at the Faculty of Law and the School of Public Health at the University of Alberta, wrote that regulation "may create the impression that the therapies are supported by good science" by casting a "veil of legitimacy over the work of naturopaths."<sup>vii</sup> Following British Columbia and Manitoba, Alberta established the College of Naturopathic Doctors of Alberta this summer.<sup>viii</sup> Professor Caulfield warns that despite this public approval, "2 + 2 = 5 is still incorrect no matter how sincere, caring and 'holistically' motivated the proponent."<sup>ix</sup>

Similar arguments have been made against the regulation of Traditional Chinese Medicine, Homeopathy, Kinesiology and Psychotherapy. And yet, likely by the year's end, all these professions will be joining the 22 other health professions currently regulated under the *Regulated Health Professions Act*.

It is unclear how other health care professionals will react to these changes. Kathryn Frelick, a partner at Miller Thompson in Toronto, is optimistic that regulation will encourage collaboration between regulated health care professionals and medical doctors "will more readily consult with" Naturopathic Doctors.<sup>x</sup> Dr. Penney notes that while she regularly refers patients to medical doctors, she has only received one corresponding referral. Dr. Penney expects that collegiality is more likely to develop between the alternative medical professionals "now that we're under the same umbrella."

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<sup>i</sup> Canadian Association of Naturopathic Doctors, "What is Naturopathic Medicine", online: Canadian Association of Naturopathic Doctors <www.index.ca>

<sup>ii</sup> R.S.O. 1990, c. D.18.

<sup>iii</sup> S.O. 2007, c. 10, Sched. P.

<sup>iv</sup> Ontario Association of Naturopathic Doctors, "What's the concern?", online: The Ontario Association of Naturopathic Doctors <oand.org/advocacy-background>

<sup>v</sup> 1991, S.O. 1991, c. 18.

<sup>vi</sup> Joint Submission (CCNM, BCCT-N, OAND, CAND) to the Health Professions Regulatory Advisory Council, "Review of Non-Physician Prescribing and Administration of Drugs Under the Regulated Health Professions Act" (12 November 2008) online <www.ccnm.edu/sites/ccnm/files/pdfs/news\_events/press\_releases/hprac/non\_physician\_drugs.pdf>.

<sup>vii</sup> Timothy Caulfield, "The false promise of false science: Homeopathy as pseudoscience" (2013) 7 C2C Journal 8 at 8. See also, Timothy Caulfield, "Don't legitimize the witch doctors" *National Post* (21 January 2013) online: National Post <nationalpost.com>.

<sup>viii</sup> Josh Wingrove, "Alberta gives naturopaths full status as medical professionals" *The Globe and Mail* (25 July 2012) online: Globe and Mail <globeandmail.com>, see also: Jen Gerson, "Alberta creates college to oversee naturopathic doctors, stops short of endorsing treatments" *National Post* (26 July 2012) online: <news.nationalpost.com>.

<sup>ix</sup> Caulfield, *supra*, at 9. See also the response, Karen Wehrstein, "Homeopathy offers hope" *National Post* (25 January 2013) online: National Post <Nationalpost.com>.

<sup>x</sup> Kathryn Frelick, "Transition to the RHPA: Delegation and Collaborative Practice" (Spring 2012) 64 *The Pulse* 26 at 28.