

California Has A Deadly Problem With Regulating Naturopathic Doctors



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Credit: Brendan Smialowski/AFP/GettyImages

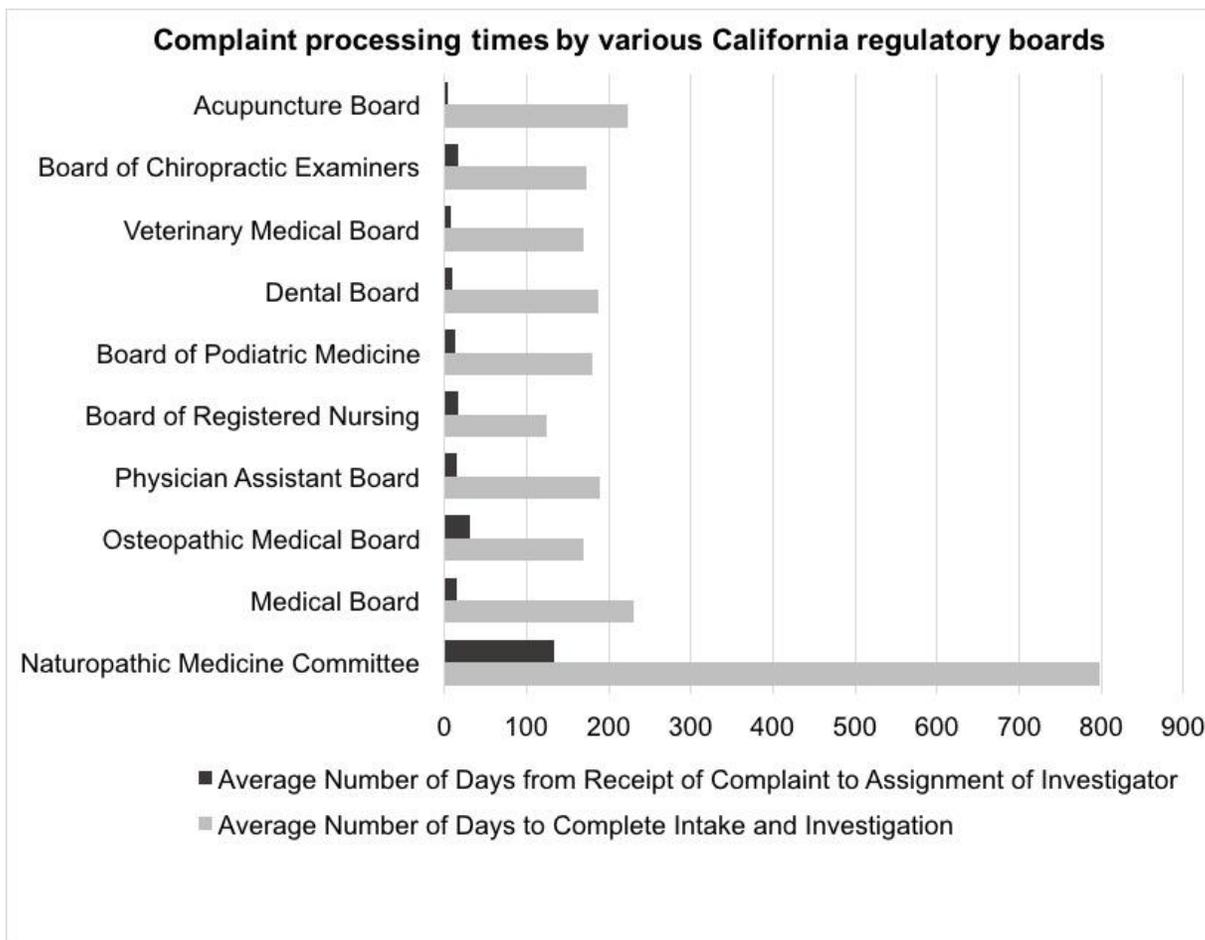
About five weeks ago, naturopathic doctor Kim Kelly gave an [intravenous injection of curcumin](#) that killed Jade Erick, 30, who sought “natural” treatment for eczema. Her death sparked outrage across the country, while [naturopathic doctors scrambled](#) to defend this [senseless treatment](#). Now, details about Kelly’s practice and the faulty regulation of naturopathic doctors in California raise questions about whether Erick could have been alive today.

Almost a year before Erick's death, a complaint was submitted against Kim Kelly for subjecting patients to treatments using ozone, a toxic gas [without therapeutic value](#). The complaint included 33 other naturopathic doctors licensed in California who were also using or advertising so-called "[ozone therapies](#)." According to complaint documents, Kelly was doing procedures called "prolozone," in which ozone is injected into joints allegedly to promote healing. But he was also doing ozone insufflations, in which a catheter is used to insert the gas into a patient's rectum or vagina. The complaint highlights the fact that California naturopathic doctors are [not permitted](#) to use ozone gas and that the U.S. Food and Drug Administration [prohibits ozone generators](#) from being sold for medical purposes.

Rebecca Mitchell, the executive director of the California Naturopathic Medicine Committee, the body charged with protecting the public through the regulation of the state's naturopathic doctors, told me that she cannot comment on the status of complaints that the committee may have received. But the source of the complaint, who requested anonymity, confirmed to me that Mitchell received the documents on May 20, 2016. Mitchell told the complainant that the procedure can take several months to a few years and "uses the same process and expert reviewers as the Medical Board and Osteopathic Medical Board."

Mitchell's description seems inconsistent with the fact that for its cases, the Naturopathic Medicine Committee relies upon [naturopathic doctors as expert reviewers](#), who examine complaints covering [deviations from the standard of practice](#). But since there is no "naturopathic standard of care," a point that the [committee acknowledged in 2009](#) and that [critics of the regulation](#) of naturopathy have noticed too: naturopathic expert reviewers must make ad hoc determinations that are likely to deviate from the medical consensus and fail to establish lasting precedent. For some [influential naturopathic doctors](#), the standard of care includes anything taught in naturopathic school or done by two or more practitioners.

A comparison of the processing times of complaints against California naturopathic doctors versus those against other regulated health professionals reveals a troubling dissimilarity.



Are complaints against California naturopathic doctors handled differently? DATA SOURCE: CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS 2016 ANNUAL REPORT.

According to the [2016 annual report](#) of the California Department of Consumer Affairs, the Medical Board and Osteopathic Medical Board, on average, took 230 and 170 days, respectively, to complete an intake and investigation of a complaint. But under the directorship of Rebecca Mitchell, the Naturopathic Medicine Committee took, on average, 797 days to complete an intake and investigation. It took the Medical Board, on average, 15 days to assign an investigator to a complaint after receiving it, and the Osteopathic Medical Board took 32 days. The Naturopathic Medicine Committee lagged again, taking 134 days, on average, to assign an investigator. No other health profession, from veterinary medicine to chiropractors, took as long as the naturopathic committee to initiate and complete investigations of its licensees. (Mitchell was unable to comment on these processing times.)

Had Kim Kelly been promptly investigated for his use of ozone, he may not have expanded his repertoire of intravenous (IV) therapies as he did in [September 2016](#) to include curcumin, a substance found in turmeric that [medical chemists](#) consider to be useless, potentially dangerous and a touted cure-all in alternative medicine. His license to practice could have been suspended or revoked. By March 10, 2017, when Jade Erick received the curcumin IV, 294 days had passed since the Naturopathic Medicine Committee received the complaint that Kelly was operating outside his scope of practice with a dangerous substance.

California's Naturopathic Doctors Act, which licenses naturopathic doctors and defines the Naturopathic Medicine Committee, is set to expire on January 1, 2018. The legislative process that will determine whether California naturopathic doctors continue to be regulated as they are now starts today with the hearing of [Senate Bill 796](#) before the Senate Business, Professions and Economic Development Committee. This bill would extend licensure to 2022.

California's Naturopathic Medicine Committee has demonstrated that it is incapable of adequately regulating naturopathic doctors. In the interest of public safety, California legislators should act to 1) allow the existing Naturopathic Doctors Act to expire, 2) dissolve the Naturopathic Medicine Committee and 3) move the regulation of naturopathic doctors, who are already licensed, under the purview of the California Medical Board. This regulatory rearrangement would better protect patients from practitioners who have an unwavering belief that "natural" approaches, even those using ozone gas, are safe and effective alternatives to credible medical practices.

