

Homeopathy and the National Health Freedom Coalition

By Diane Miller JD

"I believe that laws and customs must be carefully reviewed, revised, and even repealed if necessary, and new ones created, to reflect the continual development, evolution, and spiritual maturation of a people."

—Diane Miller JD www.nationalhealthfreedom.org.

As science continues to discover the marvelous mysteries of the universe, the power of homeopathy is being understood by many. For those who wish to examine the ever-changing ecosystem and its impact on the survival of the human race, research homeopathy. Homeopathy is a body of knowledge that will challenge and motivate deep exploration of all of the material elements of the universe and the ways in which they can be presented to bring balance and healing to the human experience.

That said, I am a lawyer, and the Director of Law and Public Policy for the National Health Freedom Coalition and National Health Freedom Action, and I constantly have to ask myself the question: Given that we live in a country based on the rule of law, how best can we design laws that take into consideration change, when populations or cultures move from one trusted and accepted understanding of the universe to new understandings. How do we change smoothly and without persecution and conflict, between old and new thought? My work with NHFC and NHFA and the health freedom movement focuses on this pivotal position; finding legal ways to protect both the age-old wisdom of the healing arts and the path of innovation and exploration in healing while, at the same time, honoring the dominant power structures put in place by governments that maintain existing ways of healing and the protection of its people.

Change is complex. And often change demands flexibility and compromise so that increments of change can be made. Sometimes change destroys age-old wisdom because

of the excitement and social and financial benefits that new mechanisms introduce. Yet, at other times change enhances the understanding of former thought. For over five centuries the scientific community has debated about why people get sick and how to heal them. As Dana Ullman so succinctly states in his summary of Harris Coulter's *Divided Legacy*,¹ "Whether the Rationalist or the Empirical school of medicine appears to be more appropriate does not depend upon which approach seems more scientific. It ultimately depends upon which set of assumptions, summarized above, the practitioner has about human beings, about the definition of health, about obtaining knowledge, and about understanding the universe."²

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Gradually, the USA adopted a dominant approach to medicine and healing that is reflected in our conventional drug- and surgery-based health care system. Now, increasingly, both practitioners and the public are challeng-

ing the assumptions that Ullman points out: about human beings, the definition of health, obtaining knowledge and understanding the universe. They are exploring more holistic approaches to health. So change is happening. For example, a dominant theory for decades in our country has been that there are bad bacteria that must be killed by using specific antibiotics. This has been sustained by people wishing quick relief of symptoms and by the explosion of companies making drugs to kill those bacteria. The downside to the germ theory and the antibiotic approach has become evident over time and an understanding is growing that balancing the microbiome of bacteria in and on our bodies, and strengthening our vital force are the keys to health. Rather than a quick fix, people may be better served by becoming involved in their own health and lifestyle choices over time. The battles to stop the emerging approach have raged over recent decades but now time has allowed the new thought to take hold and new healing approaches are evolving.

A specific challenge in the world of technological progress and its acceptance by people is the concept of “seeing is believing.” Holistic healers are very aware that seeing is not the only sensory experience that matters in overall health. With a conventional mindset, it seems that if we can see it with our own eyes and use it to our benefit, we easily embrace it. For example, having Wi-Fi easily available in our living room, we tend to accept the technology as positive scientific progress whether we understand it or not. If someone claims that the Wi-Fi is bad for us, possibly causing brain tumors, we hesitate, knowing it would require us to let go of the benefit it provides, and besides, we cannot see the harm. Our hesitation to believe might escalate to the tendency to openly persecute those who would attempt to take away the benefit and, of course, battles wage.

Homeopathy is one of those “have to see it to believe it” healing arts that the dominant scientific community persecutes in order to keep its own domain stable. The high dilutions of homeopathic remedies and the mention of energy medicine allow the dominant community to say, “There is nothing in it.” Given the plethora of research now emerging substantiating homeopathy, conventional science will hopefully catch up to the understanding of energy medicine. When it does, the use of homeopathy and energy medicine will be widespread, and allopathic approaches will become less common—or even obsolete—and viewed as causing too many substantial side effects for the benefit of overall health.

So what do we do from a legal standpoint while our universe is evolving in its understanding?

Over time, laws have been put in place in our country that make the dominant allopathic approach to health care the legal and proper way to care for the sick. In many states, if you are a health care professional and you do something that does not conform to the minimum accepted and prevailing approach, you would risk losing your license. In addition, in most states there are laws that provide that if you are not a state-licensed health practitioner then you have no business healing others at all, and you could be charged with practicing a health care occupation without a license, and be at risk of a jail sentence.

You can imagine my surprise twenty years ago when I learned that a local farmer was jailed for telling people that the raw milk colostrum from his dairy cows could be healing. I was raised on a farm where we used colostrum for that purpose and I was shocked to hear the news of his arrest. I thought, “It is just wrong to arrest this man” and I was so glad I had gone to law school. I went to work to help protect him and eventually, after three years of legal battles, Herb Saunders went free. But that bad law was still on the books. During and after the Saunders trials, I read many cases of wonderful healers going to jail for healing others when there was no harm to anyone. The thought that naturopaths, acupuncturists, homeopaths, herbalists, and for that matter Grandma giving out chicken soup, could go to jail without harming anyone was unconscionable to me and it became the launch pad for the work that I do: creating laws that protect the healing arts.

There is a debate within the healing community itself as

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to the best way to legally protect the different practices. Doctors were the first to get the government’s exclusive license to practice the healing arts and use this power to exclude others. But what about nurses, dentists, chiropractors and others? One way to describe this legal debate is: should practitioners be licensed, or should they be protected? In other words, should persons practicing a therapy or profession get their own government certification, registration or license and exempt themselves from the criminal charges listed in

the medical practice acts so that they can perform their profession? Or, should they continue to work in the public domain and develop “safe harbor” laws that provide an exemption to medical practice acts but require disclosures and avoidance of prohibited acts? More specifically, should a group go to the government to describe their practice and education, set up a Board of authority for monitoring and enforcing their practice scope and standards, ask for government endorsement and title protection, and make criminal laws to keep others without that type of education and title from practicing? Or, should they find a way to work without being under government jurisdiction unless they cause harm or they, for some other reason, go outside of the “safe harbor” parameters?

If a practice poses an imminent risk of harm to a person, such as surgery or the administration of dangerous substances or prescription medications, it is reasonable for a government to have laws in place to curb abuse of misconduct by those

providing such services. But what about professions that do not pose a direct, imminent risk of harm to citizens? Is there a reason to have the government involved in regulating that healing art?

I would recommend that governments put in place safe harbor laws for those professions that do not pose an imminent risk of harm to the public, like homeopathy. I say this because once a profession takes on the authority of the state to mandate a particular kind of education the incidence and temptation for abuse of power and market exclusivity is very great. This may result in eliminating all competition based on certain schools providing an exclusive education. In addition, when a profession takes on the authority of the government, the resulting professional body has a duty to enforce the status quo and standards of care. I believe this can be a real detriment to innovation in a profession.

Homeopathy could risk stagnation if a homeopathic governmental board were to enforce a particular curriculum on all homeopaths. In Nevada, a homeopathic medical board requires certification as well as supervision by a medical doctor, or medical licensure of homeopaths. As a result, professional, lay homeopaths cannot practice freely there. For this reason, homeopathy is noticeably absent from the list of professions that can now practice freely in the public domain in Nevada under a safe harbor law that protects: “(a) Anthroposophy, (b) Aromatherapy, (c) Traditional cultural healing practices, (d) Detoxification practices and therapies, (e) Energetic healing, (f) Folk practices, (g) Gerson therapy and colostrum therapy, (h) Healing practices using food, dietary supplements, nutrients and the physical forces of heat, cold, water and light, (i) Herbology and herbalism, (j) Reflexology and Reiki, (k) Mind-body healing practices, (l) Nondiagnostic iridology, (m) Noninvasive instrumentalities, (n) Holistic kinesiology.”³

My view is that homeopathy is a diverse profession with powerful concepts continually being expanded and explored. Homeopathy should be able to be practiced freely in the world without a homeopathic medical board determining what type of education and supervision a practitioner must have before practicing. Homeopathy is a safe and holistic practice and should be legally treated and protected as such. For inherently safe professions, the professions themselves, rather than government bodies, are the best place to advocate for and promote various approaches to healing. There are ten states that have passed safe harbor laws setting disclosure requirements and prohibited conduct parameters for the healing arts: Idaho and Oklahoma historically, with the addition of Minnesota, Rhode Island, California, Louisiana, New Mexico, Arizona, Colorado, and Nevada since 2000. This protects practitioners of professions that do not pose an imminent risk of harm to clients. Most of these states protect homeopathy, although there is variation in the precise nature and wording of this protection.

I recommend that medical professionals who perform procedures and treatments that involve a risk of harm to patients advocate for laws that specify when and how they can act freely and responsibly as they become more aware of new approaches within their medical community. In today's world of rapid information exchange and evolution of technology, there are many medical professionals who want to expand beyond the dominant standard of care and conventional understanding. A stagnant law or government Board can be their biggest nemesis. There is no need for physicians to put their livelihoods at risk under the current standards and protocols when as citizens we can propose and advocate for laws that will protect the direction of our healing community. There are over 25 states that have added protective laws for holistic physicians or complementary and alternative or integrative medicine doctors so that they do not lose their license for practicing holistic medicine under certain circumstances.

Another point to consider is that in designing laws, I encourage people from both the established and the innovating communities to collaborate. Working together with both colleagues and opponents to develop legislation helps to avoid conflict and can lead to designs that reflect and honor both tradition and innovation.

NHFC is a 501(c)3 nonprofit organization whose mission is to educate citizens about health freedom issues. Our attorneys research and track hundreds of bills every year to keep abreast of the development of legislation on topics such as natural health practitioner regulation, vaccine mandates, genetically modified food laws and more. We also host the annual US Health Freedom Congress, bringing together leaders from many different disciplines to discuss pending issues of health and freedom. The US Health Freedom Congress works to develop collaboration between leaders, develop policy strategies and produce statements to strengthen the voice of health freedom. To support our work or find out more about NHFC you can go to www.nationalhealthfreedom.org.

NHFA is a 501(c)4 nonprofit lobbying organization involved in direct lobbying as well as training citizens on how to lobby for laws that we believe will promote access to all health care information, services, treatments and products that the people deem beneficial for their own health and survival. We work hard to promote legislative reform in order to promote the health of all people. NHFA sends out action alerts to its subscribers to enable them to take action on state and federal bills that may impact their health freedoms. The action alerts always include key points, whether pro or con, as to why citizen action is needed. In this way, NHFA can educate and enable regular citizens to get involved in the process of shaping laws. We encourage citizens to develop relationships with their state and federal lawmakers so that they can vote to influence policy. If you are interested in developing a health freedom group in your state we are happy to support you;

please contact us. To support our work or find out more about NHFA you can go to nationalhealthfreedom.org/nhfa

Citizens can design and pass laws. Government involvement and laws are powerful forces in shaping health care. Our involvement in lawmaking is essential. Government can serve the people by having laws that reflect the ever-evolving human experience. As citizens, we are part of a culture that has a government and if we care about what laws are in place, we need to be part of shaping those laws to reflect the interests of the community. Citizen involvement ensures that laws reflect how the community can continue to grow and develop in maturity and wholeness.

References

- 1 Harris L. Coulter, Ph.D., *Divided Legacy*, Washington, D.C.: Wehawken Book Company, 1975. 3 volumes (537 pages, 785 pages, 546 pages).
- 2 Ullman, Dana. "A summary and review of *Divided Legacy—A History of the Schism in Medical Thought*," online April 30, 2016 at: vaccinationnews.org/Daily-News/July2002/DividedLegacy8.htm
- 3 Nevada Assembly Bill 295, 2015, online April 20, 2016 at: leg.state.nv.us/Session/78th2015/Bills/AB/AB295_EN.pdf

Diane Miller is co-founder and moderator of the United States Health Freedom Congress and author of "The Principles of Health Freedom." The NHFC and NHFA provide information and resources to health freedom decision-makers and leaders across the country. Miller's work for NHFC involves educating and speaking on the principles of health freedom and co-moderating the annual US Health Freedom Congress, a project of NHFC. Her work with NHFA involves state, national, and international health freedom advocacy work including: promoting safe harbor exemption state laws for unlicensed homeopaths, naturopaths, herbalists, and laws for medical professionals to practice holistic and integrative care; protecting access to dietary supplements and truthful health claims about dietary supplements; advocating for laws that require labeling of GMOs and other toxic substances; protecting consumers rights to avoid vaccine or other dangerous medical treatments, and the rights to choose non-toxic health options; protecting access to raw milk, organic food, and other natural resources and foods; and communicating with leaders who are working to impact the decisions of international forums in order to protect access to natural treatments, and foods and dietary supplements around the world.

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