

Testimony on SB 13 -215 before the Colorado House Health, Insurance and Environment  
Committee, May 2, 2013

Thank you, Madame Chairman, Rep. Ginal, members of the Committee.

My name is Dr. Mark Johnson. I am the Executive Director of Jefferson County Public Health and the President of the Institute for Science in Medicine.

I am opposed to SB 13-215.

There is a longstanding war between two factions of naturopaths in this State, with each group periodically attempting to legitimize themselves at the expense of the other through legislative decree. Up until this year, the Legislature has refused to engage in this battle, or take sides, by defeating the attempts of both sections. This year, however, the “naturopathic medical school trained” party has apparently gained the advantage over the “traditional naturopath” party through the anticipated passage of another bill. It is therefore hoped by some that the passage of SB 13-215 will somewhat level the playing field again.

Unfortunately, this war has had collateral damage. SB 13-215 specifically protects the practice parameters of chiropractors, massage therapists, psychotherapists, optometrists, dentists and midwives, but not physicians. As long as CAM practitioners disclose that they are not licensed physicians and do not use the selective list of modalities in subsection (6), they may diagnose disease and practice their form of alternative medicine without fear of violating the Colorado Medical Practice Act or any Colorado statute.

While this may appear innocuous, it strikes directly health consumer protections and at the claim made in the bill that these practices “do not pose an imminent and discernable risk of significant harm to public health and safety.” I fear the authors of the bill do not fully appreciate the full scope of what is covered under “traditional, religious, cultural, complementary, integrative and alternative” practices. While there are whole books

written about the public health risks of many of these practices, I would draw your attention to just one very small area of traditional and cultural health care practices – the use in the United States of human and animal excrement in the treatment of various conditions.

<b><u>“Therapeutic” agent</u></b>	<b><u>Condition to be treated</u></b>
Human excrement	Finger- and toenail infections Scorpion bites Menstrual cramps Toothaches
Dried and powdered	Epilepsy Intermittent fevers
Buried in a hole in a tree	Asthma
Chicken excrement	Hives in children Warts Diphtheria Whooping cough Thumb sucking
Sheep dung	Measles Scarlet fever Hives
Cow dung	Measles Boils Rheumatism
Black cow’s dung and urine	Inflamed fingers or toes Scabs
Water from cowpats	Warts
Dog excrement	Indigestion
White dog’s excrement	Sore throat Pneumonia Burns and scalds
Hog dung	Diphtheria Nosebleeds Mumps
Goose dung	Burns Erysipelas
Wolf dung	Colic

These practices clearly show a lack of knowledge and understanding regarding the germ theory and the cause and treatment of diseases and infections.

Although many CAM practitioners claim to support immunization schedules and state they inform parents of what the ACIP recommendations are, a study in the *Maternal and Child Health Journal* in 2009 found that children were significantly less likely to receive each of the four immunizations that were studied (measles/mumps/rubella, chickenpox, diphtheria/tetanus/pertussis, and *H. influenzae* type B) if they saw a naturopathic doctor. Children who saw chiropractors were significantly less likely to receive each of three of the recommended vaccinations. Children aged 1-17 years were significantly more likely to be diagnosed with a vaccine-preventable disease if they received naturopathic care. The summary conclusion of the study was that “pediatric use of complementary/alternative medicine in Washington State was significantly associated with reduced adherence to recommended pediatric vaccination schedules and with acquisition of vaccine-preventable disease.”

With all health care professionals, there are those who are competent and truly believe that what they are doing is noble and for the best good of their patients, there are those who are incompetent and truly believe that what they are doing is noble and for the best good of their patients, and there are those who unscrupulously take physical and/or financial advantage of their patients. If just one such unscrupulous CAM practitioner sets up a practice in this State utilizing folk remedies similar to the ones listed, where in this legislation is there a safeguard or appeal process for the patient? If an immoral or unethical practitioner is using inappropriate “touch, words, and directed movement of a healing art within the bodywork community, including healing touch,” but defends it is a part of the “traditional, religious, cultural, complementary, integrative or alternative” therapy, who is to declare it inappropriate, and by what mechanism in the bill will the practice be stopped and the perpetrator prosecuted? Subsection 11 allows civil or common law remedies for negligence, but what about immoral or unethical practices? To the contrary, this bill clearly states that “nothing...limits...the right of an unregulated

complementary and alternative health care practitioner to practice,” and “a person who is not licensed, certified, or registered by the state as a health care professional and who is practicing complementary and alternative health care services consistent with this section does not violate any statute relating to a health care profession or professional practice unless the person” engages in a prohibited activity in subsection (6) or fails to disclose as required in subsection (7).

I believe SB 13-215 is an effort to bring peace to a small part of the complementary and alternative health community. That is a worthy goal. But the unintended consequences of this bill would be devastating for the public health of Colorado. In many ways this is a neon sign signaling to both legitimate and unscrupulous CAM practitioners all over the world that this State is now a safe harbor for them in which they can freely practice their unconventional, and potentially dangerous or unethical, brand of health care. The definitions of what is allowed, and the listing of what is prohibited are incomplete and insufficient, and the proposed protections for unsuspecting consumers are seriously inadequate.

#### Summary

1. SB13-215 will allow dangerous and unhealthy health care practices and may attract incompetent and/or unscrupulous practitioners to Colorado
2. Many CAM practitioners have shown a disregard for immunizations with a resultant increase in vaccine-preventable diseases among their clients
3. SB 13-215 has no apparent safeguards for unsafe practices or immoral and unethical acts

I would strongly urge the defeat of this bill here in this committee.

Thank you very much.