



## **Homeopathy Practice and the Law**

*A Guide for Homeopathy Practitioners  
in the United States and Canada*



## Acknowledgments

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## About NASH

The North American Society of Homeopaths (NASH) is dedicated to promoting, representing, and serving as the voice of all professional homeopaths in North America. NASH aims to develop and uphold the highest level of excellence in homeopathic practice while enhancing the role of the homeopathic profession as an integral part of health care delivery. To learn more about membership, visit the NASH website which is linked below. Members who qualify can become registered members and add RSHom(NA) to their list of credentials.

NASH believes that the safety and effectiveness of alternative outpatient care should be the subject of a full and transparent public debate.

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### **DISCLAIMER**

**Nothing in this guide should be construed as legal advice. Consult qualified legal counsel for legal advice regarding your professional status and your practice.**

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## OVERVIEW

### ‘Patient’ vs ‘Client’: Which Should You Use?

This guide uses the words “patient” and “client” in specific ways in order to reduce the risk that unlicensed practitioners will trigger enforcement actions by state or provincial authorities:

1. We urge unlicensed practitioners to refer to those who seek their help as “clients” in both their written and oral communications.
2. Licensed health care professionals including licensed homeopaths may call those whom they serve “patients.”
3. Where topics in this guide refer to both “patients” and “clients,” we use “patient/client” or the plural, “patients/clients,” as appropriate.

### The Purpose of This Guide

This guide is designed to help homeopathy practitioners in the United States and Canada understand their legal rights and the laws that apply to the practice of homeopathy by licensed and unlicensed practitioners. It contains sections covering each country.

The goal of the guide is to empower practitioners to practice confidently within applicable law and to maximize communication with patients/clients and the public regarding homeopathy.

This guide focuses on 1) who can practice where, 2) what practitioners should and should not communicate within the normal course of their practice and in public settings, and 3) how to avoid unwanted confrontations with critics of homeopathy.

The guide does not cover such topics as malpractice claims, business contracts, employment law or the many other legal issues related to the operation of any professional practice.

### Who Should Read This Guide

This guide applies to individuals practicing homeopathy professionally, that is, those accepting payment for providing homeopathic care or advice and who may dispense homeopathic medicines in the course of their practice. The guide is designed to help you understand your legal rights and risks and provide practical guidance to help you confidently communicate about homeopathic care to your patients/clients and to the public.

The practice of homeopathy is a health care practice. As such it is subject to state or provincial law rather than federal law. This guide reviews those laws in order to help you understand your rights and risks under state and provincial law.

Individuals who advise others or treat themselves, their family or friends **without accepting payment** are NOT included in this guide. While individuals have free speech rights to express their opinions and dispense advice, they are subject to general legal duties imposed on all persons. Both unpaid individuals and professionals are subject to those duties and may potentially incur criminal or civil liability in cases of negligent or intentional acts or misrepresentation resulting in harm or loss. The standards for professionals, however, are stricter because 1) if licensed, they are held to the standards of their licensure and 2) whether or not licensed, their acceptance of payment justifies reliance by patients/clients on their care, diligence and skill.

## Homeopathic Medicines in the United States and Canada

This guide does not cover homeopathic medicines beyond the general information provided below.

### *United States*

In the United States the regulation of homeopathic medicines, including single remedies, combination remedies, and non-prescription homeopathic products sold in pharmacies, retail outlets and online, is governed by the federal Food, Drug and Cosmetic Act of 1938, as amended (21 U.S.C. ch. 9 § 301 et seq) (FD&C Act).

That Act is enforced by the U.S. Food and Drug Administration (FDA). Section 321(g) of the FD&C Act defines a drug as, “articles recognized in the official United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them.”

The vast majority of homeopathic medicines are available over-the-counter to consumers.

### *Canada*

In Canada homeopathic medicines are considered “natural health products.” They are governed by the Natural Health Products Regulations which are administered by the Natural and Non-prescription Health Products Directorate of Health Canada, a federal agency. In general, homeopathic medicines can be purchased and used by anyone in Canada.

All approved homeopathic medicines sold in Canada will have a DIN-HM identification number. Homeopathy practitioners may compound homeopathic medicines. For more information see “Compounding” on page 19.

Health Canada states the following:

To be legally sold in Canada, all natural health products must have a product licence, and the Canadian sites that manufacture, package, label and import these products must have site licences.

To get product and site licences, specific labelling and packaging requirements must be met, good manufacturing practices must be followed, and proper safety and efficacy evidence must be provided.

The agency further states the following:

The safety and efficacy of NHPs [natural health products] and their health claims must be supported by proper evidence so that consumers and Health Canada know the products are indeed safe and effective. Evidence may include clinical trial data or references to published studies, journals, pharmacopoeias and traditional resources. The type and amount of supporting evidence required depends on the proposed health claim of the product and its overall risks.



## GUIDE FOR U.S. PRACTITIONERS

### Introduction

As previously noted, health care practices in the United States are regulated by states and territories. Therefore, the following information relates almost exclusively to state and territorial law.

### States that License Homeopathy Practitioners

Three states provide licensure for homeopathic physicians. Some other states permit practitioners of other healing professions, most notably naturopaths and chiropractors, to hold themselves out as having expertise to recommend homeopathic medicines to their patients/clients.

#### *States with Homeopathic Licensure Boards*

Arizona, Connecticut and Nevada each have licensing boards that allow limited licensure of homeopathic practitioners. Here is some information about each state:

State	Link to Licensing Body	Who Can Get a License
Arizona	<a href="#">Board of Homeopathic and Integrated Medicine Examiners</a>	Physicians (MDs, DOs) and medical assistants
Connecticut	<a href="#">Department of Public Health</a>	Licensed MDs and DOs
Nevada*	<a href="#">Nevada State Board of Homeopathic Medical Examiners</a>	Licensed physicians

\*Nevada “homeopathic physicians” (licensed MDs and DOs with a homeopathic license) and “advanced practitioners” can also practice in the areas of electrodiagnosis and cell therapy, neural therapy, herbal therapy, neuromuscular integration, orthomolecular therapy, and nutrition. “Advanced practitioners” and “homeopathic assistants” must practice under the supervision of a “homeopathic physician.”

***Licensed Naturopathic Physicians***

Many naturopathic physicians use homeopathic medicines in their practices. Since naturopaths are licensed in the 26 jurisdictions listed below, they represent a large group of health practitioners who dispense homeopathic medicines and who are recognized by states.

State Or Territory	Link to Law	Homeopathy Mentioned	Link to Naturopathic Formulary
Alaska	<a href="#">Link</a>	Yes	None Found
Arizona	<a href="#">Link</a>	Yes	None Found
California	<a href="#">Link</a>	Yes	None Found
Colorado	<a href="#">Link</a>	Yes	None Found
Connecticut	<a href="#">Link</a>	No	None Found
District of Columbia	<a href="#">Link</a>	Yes	<a href="#">Link</a>
Hawaii	<a href="#">Link</a>	Yes	<a href="#">Link</a>
Idaho	<a href="#">Link</a>	Yes*	None Found
Kansas	<a href="#">Link</a>	Yes	<a href="#">Link</a>
Maine	<a href="#">Link</a>	Yes	<a href="#">Link</a>
Maryland	<a href="#">Link</a>	Yes	<a href="#">Link</a>
Massachusetts	<a href="#">Link</a>	Yes	None Found
Minnesota	<a href="#">Link</a>	Yes	None Found
Montana	<a href="#">Link</a>	Yes	<a href="#">Link</a>
New Hampshire	<a href="#">Link</a>	Yes	<a href="#">Link</a>
New Mexico	<a href="#">Link</a>	Yes	None Found
North Dakota	<a href="#">Link</a>	Yes	None Found
Oregon	<a href="#">Link</a>	Yes	None Found
Pennsylvania	<a href="#">Link</a>	No	None Found
Puerto Rico	<a href="#">Link</a>	No	None Found
Rhode Island	<a href="#">Link</a>	Yes	None Found
US Virgin Islands**	<a href="#">Link</a>	Yes	None Found
Utah	<a href="#">Link</a>	Yes	<a href="#">Link</a>
Vermont	<a href="#">Link</a>	Yes	<a href="#">Link</a>
Washington	<a href="#">Link</a>	Yes	<a href="#">Link</a>
Wisconsin	<a href="#">Link</a>	No	None Found

\*Idaho law mentions homeopathy only in reference to an exclusion from licensure for those selling homeopathic medicines.

\*\*The US Virgin Islands does not appear to have ever formed a licensing board.

Naturopathic physicians study homeopathy as part of their medical education. All graduates must successfully complete the Naturopathic Physicians Licensing

Examination (NPLEX) to become licensed. NPLEX includes a section on homeopathy which all exam takers must pass in order to obtain a license (even if they don't plan to use homeopathy in their practices). For more information contact the [North American Board of Naturopathic Examiners](#).

### ***Other Licensed Health Professionals***

Other licensed health professionals may have to meet requirements in state law or regulation to advertise to patients that they provide homeopathic care. For example, in Oklahoma chiropractors who wish to tell patients that they have expertise in homeopathy must have their names placed [on a registry after demonstrating the necessary training to the Oklahoma Board of Chiropractic Examiners](#).

If you are licensed in a field of practice other than homeopathy, you need to check the scope of practice for your particular license before advertising to patients that you have expertise in homeopathy. If the state law and regulations regarding your profession are silent about homeopathy, see the section entitled “Unlicensed Practice of Homeopathy” starting on page 9.

## **Licensed Physicians and Homeopathic Medicines**

If you are a licensed physician, you are empowered by state medical licensing laws to prescribe drugs as defined by federal law. The definition of a drug appears in the Federal Food, Drug and Cosmetic Act as follows:

[A]rticles recognized in the official United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them.

The definition of drugs in state statutes invariably follows this federal definition closely. Thus, licensed physicians in all states and territories of the United States may prescribe homeopathic medicines to their patients and may do so explicitly to diagnose, prevent, treat, mitigate and cure disease.

## **States with Health Freedom Laws**

Eleven states have so-called “health freedom laws” also referred to as “safe harbor exemption laws.” Generally speaking, these laws allow unlicensed practitioners of homeopathy (and other natural, alternative, complementary and integrative healing arts) to practice so long as they do the following:

1. Accurately and fully disclose qualifications, training, certification, and other background relevant to the practice of homeopathy to all clients without embellishment. If you embellish your résumé, you are taking the first dangerous step down a road that could lead to trouble for you and your practice. For example, you may be unwittingly inviting other practitioners or members of the public to file a complaint against you for falsely stating your credentials.

2. Make it clear to your clients that you are NOT a licensed health care professional. (We strongly advise you to refer to those whom you serve as “clients.” See “‘Patient’ vs ‘Client’: Which Should You Use?” on page 3.)
3. Never make claims or any statements that can be construed as claims that you can diagnose, prevent, treat, mitigate or cure disease using homeopathy. (See also item 3 at the bottom of page 10.)
4. Keep good records including notes regarding client sessions and conversations, signed consent forms, and printed informational materials. Doing this is important both for the care of your clients AND so that you will be able to provide proof that you have acted within the law should the need arise.

The laws in each of the health freedom states differ, and they may change over time. Therefore, you should read the law in your state and get answers to any questions from qualified legal counsel.

The following table summarizes information regarding states with health freedom laws. Some laws specifically mention homeopathy; others do not. Even if homeopathy is NOT mentioned, generally, it is covered under the law. Again, you should read your state law and get answers to any questions from qualified legal counsel.

### *Health Freedom Laws by State*

State	Link to Law	Homeopathy Mentioned
Arizona*	<a href="#">Link</a>	Yes
California	<a href="#">Link</a>	No
Colorado	<a href="#">Link</a>	Yes
Idaho	<a href="#">Link</a>	No
Louisiana	<a href="#">Link</a>	Yes
Maine	<a href="#">Link</a>	No
Minnesota	<a href="#">Link</a>	Yes
Nevada*	<a href="#">Link</a>	No
New Mexico	<a href="#">Link</a>	Yes
Oklahoma	<a href="#">Link</a>	Yes
Rhode Island	<a href="#">Link</a>	Yes

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## Unlicensed Practice of Homeopathy

There are unlicensed homeopathy practitioners throughout the United States—in states with homeopathy licensure, in states with health freedom (safe harbor exemption) laws, and in states with neither.

1. If you have a state license for practicing an alternative, natural, complementary or integrative form of health care that does not explicitly cover homeopathy (for example, a chiropractic license)

OR

2. You have no professional health care license

AND

3. You recommend homeopathic medicines or advise people about them, then you are engaging in the unlicensed practice of homeopathy.

If you are an unlicensed practitioner in a state without a “safe harbor exemption” law, you are exposed to heightened risk that your practice may be challenged. Here are the most important things you need to know to protect yourself:

- 1. Never make claims or any statements that can be construed as claims that you can diagnose, prevent, treat, mitigate or cure disease using homeopathy. Avoiding such statements is the most important step in protecting yourself from a charge of practicing medicine without a license.**
- 2. Refer to those whom you serve as “clients.”**
- 3. Rather than describing yourself as a “health practitioner” or “homeopathy practitioner,” it is best to present yourself as a “consultant” who provides information to assist clients who wish to treat themselves using homeopathic medicines.**

To further protect yourself, you should do the following:

1. Accurately and fully disclose your qualifications, training and other background relevant to the practice of homeopathy to all clients without embellishment. If you embellish your résumé, you are taking the first dangerous step down a road that could lead to trouble for you and your practice. For example, you may be unwittingly inviting other practitioners or members of the public to file a complaint against you for falsely stating your credentials.
2. Make it clear to your clients that you are NOT a licensed health care professional.
3. Whether or not you practice in a state with health freedom laws, avoid terms used in your state’s statutory definition of the practice of medicine in your

communications with clients and practice notes, and ask clients to avoid using allopathic diagnostic terms on intake forms. Below are excerpts from two state laws, but you should review carefully your own state law.

### **Alaska**

(5) "practice of medicine" or "practice of osteopathy" means:

(A) for a fee, donation or other consideration, to diagnose, treat, operate on, prescribe for, or administer to, any human ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other mental or physical condition; or to attempt to perform or represent that a person is authorized to perform any of the acts set out in this subparagraph;

(B) to use or publicly display a title in connection with a person's name including "doctor of medicine," "physician," "M.D.," or "doctor of osteopathic medicine" or "D.O." or a specialist designation including "surgeon," "dermatologist," or a similar title in such a manner as to show that the person is willing or qualified to diagnose or treat the sick or injured;

### **Colorado**

(1) For the purpose of this article, "practice of medicine" means:

(a) Holding out one's self to the public within this state as being able to diagnose, treat, prescribe for, palliate, or prevent any human disease, ailment, pain, injury, deformity, or physical or mental condition, whether by the use of drugs, surgery, manipulation, electricity, telemedicine, the interpretation of tests, including primary diagnosis of pathology specimens, images, or photographs, or any physical, mechanical, or other means whatsoever;

(b) Suggesting, recommending, prescribing, or administering any form of treatment, operation, or healing for the intended palliation, relief, or cure of any physical or mental disease, ailment, injury, condition, or defect of any person;

(c) The maintenance of an office or other place for the purpose of examining or treating persons afflicted with disease, injury, or defect of body or mind;

(d) Using the title M.D., D.O., physician, surgeon, or any word or abbreviation to indicate or induce others to believe that one is licensed to practice medicine in this state and engaged in the diagnosis or treatment of persons afflicted with disease, injury, or defect of body or mind, except as otherwise expressly permitted by the laws of this state enacted relating to the practice of any limited field of the healing arts;

(e) Performing any kind of surgical operation upon a human being;

4. Keep good records including notes regarding client sessions and conversations, signed consent forms, and printed informational materials. Doing this is important both for the care of your clients AND so that you will be able to provide proof that you have acted within the law should the need arise.

### The ‘No Surprises Act’ and Your Responsibilities

U.S. health care practitioners are subject to federal provisions regarding surprise billing collectively known as the No Surprises Act. The rules apply to the billing of patients/clients who are:

1. Covered by group and individual insurance plans and Federal Employees Health Benefit plans.
2. Uninsured or choose not to seek reimbursement or payment under a plan which covers them.

These rules do not apply to those enrolled in Medicare, Medicaid, Indian Health Services, Veterans Affairs Health Care, or TRICARE which have their own protections against surprise medical billing.

Since the vast majority of care performed by homeopathy practitioners is not covered by insurance plans, the most likely circumstance in which the surprise billing rules apply is that in which the patients/clients pay for services themselves.

In such instances, practitioners are obliged to provide a “good faith estimate” of charges in advance of rendering services. If you work with other practitioners who will be providing services to your patient/client, you must disclose expected charges from those practitioners as well. **For most practitioners disclosure of fees accompanies the signing of consent forms.**

Homeopathy practitioners who hold medical licenses and work in conventional medical facilities are more likely to see patients for whom surprise billing could become an issue because the rules state that there will be:

1. No balance billing for out-of-network emergency services.
2. No balance billing for non-emergency services by nonparticipating providers at certain participating health care facilities, unless notice and consent was given in some circumstances.
3. No balance billing for air ambulance services by nonparticipating air ambulance providers.

“Balance billing” is the practice of billing patients directly for charges not covered under their health plans.

The rules regarding surprise billing are complex. This is just an overview. For additional information visit the [No Surprises Act website](#).



# GUIDE FOR CANADIAN PRACTITIONERS

## Introduction

As previously noted, health care practices in Canada are regulated by provinces. Therefore, the following information relates almost exclusively to provincial law.

## Ontario

### *Scope of Practice*

The [Ontario law governing homeopathy](#) has a short explanation of the scope of practice of licensed homeopaths:

The practice of homeopathy is the assessment of body system disorders and treatment using homeopathic techniques to promote, maintain or restore health.

If you use the words “promote, maintain and restore health” as a description of what you do as a homeopath when communicating with patients and the public, you will remain in safe legal territory. It is advisable to refrain from using the words “prevent,” “mitigate,” or “cure.” You most definitely must stay away from the words “diagnose” or “diagnosis” except as it relates to a medical diagnosis revealed by the patient. (See “Diagnosis vs Assessment: What Can You Say?” on page 14.) Of course, homeopaths do not diagnose, but rather assess patients under Ontario law.

### *Licensure: The Best Way to Reduce Legal Risks*

The most important thing you can do to reduce your legal risks if you practice homeopathy in Ontario is to obtain licensure. Ontario is the only province which licenses homeopaths. Ontario law restricts the use of the term “homeopath.” It states: “No person other than a member [of the College of Homeopaths of Ontario] shall hold himself or herself out as a person who is qualified to practise in Ontario as a homeopath or in a specialty of homeopathy.” In other words, persons calling themselves homeopaths or making any claims or statements that can be construed as meaning they are homeopaths must be licensed. Those who claim to be homeopaths but are NOT licensed are violating the law and are subject to fines of \$25,000 for the first offense and \$50,000 for each subsequent offense.

While homeopathic medicines are in the public domain, that is, anyone can use them, unlicensed persons counseling others regarding the use of these medicines—whether those unlicensed persons receive compensation or not—are working in a legal gray zone in Ontario.

On the one hand, a person recommending a homeopathic remedy to a neighbor in the course of conversation is perfectly within the law. On the other, an unlicensed person who regularly receives clients for homeopathic consultation in his or her home or online is walking a very difficult tightrope. In Ontario, it is better to complete the necessary training and obtain a license.

Licensing protects both patients and practitioners. The patients are assured that the homeopaths they are seeing are properly trained and in good standing with the College of Homeopaths of Ontario, the provincial regulator of homeopaths. Practitioners are protected because licensure demonstrates that they are properly trained and that they are obliged to practice according to the standards and guidelines of the College. Where a complaint is filed, demonstrating proper training and adherence to the College's standards and guidelines form the basis for a solid defense that any care given was, indeed, appropriate.

### ***Other Licensed Health Professionals***

Those who have licenses to practice other health professions are free to recommend and dispense homeopathic remedies for their patients. For example, a chiropractor might recommend the use of Arnica gel to a patient for pain resulting from an injury. However, the chiropractor is not allowed to represent himself or herself as a homeopath. Practitioners should consult the standards and guidelines for their particular profession and any applicable laws to ensure that they stay within the law.

As a practical matter, it is difficult for health professionals who hold two different professional licenses to practice both professions at once since practitioners generally must keep the two practices separate. However, there are a number of health professionals who do hold licenses to practice homeopathy and another health profession.

### ***Diagnosis vs Assessment: What Can You Say?***

Perhaps the most important restriction on what licensed Ontario homeopaths can say to patients regards diagnoses. Regulations distinguish between a homeopathic assessment and a medical diagnosis.

Ontario homeopaths are allowed to ask a patient if he or she is willing to share relevant medical information such as a diagnosis, reports and tests. With the patient's permission, a homeopath can request medical information from medical doctors and other health professionals. Of course, for a homeopath, a medical diagnosis is just one piece of information in a much more elaborate puzzle that is the patient.

A homeopath may make a medical diagnosis if he or she has the appropriate training and may use this diagnosis as part of a homeopathic analysis. However, a homeopath may NOT communicate this diagnosis to the patient.

A homeopath can, however, make and discuss a homeopathic assessment. The regulations state the following:

A homeopath cannot communicate a diagnosis. However, the Registrant [licensed homeopath] can discuss the assessment findings referring to the disease or condition markers, the function or reactions of the body and its systems, and the nature of the treatment plan.

It is permissible to ask general questions of a patient which may result in the disclosure of a medical diagnosis. Ontario regulations include the following examples:

1. What brings you here today?
2. Who else have you seen regarding this matter?
3. What kind of tests have you experienced before? What did you find out?
4. Has there been any worry about these symptoms or results before this?

Ontario practice standards direct homeopaths to include in the patient's chart a summary of any conversation with another health care professional regarding a patient. But that summary should NOT include any "known or suspected medical diagnosis, as this may be inadvertently interpreted as communicating a diagnosis."

For more detailed information visit the ["Professional Practice Standards and Guidelines"](#) page on the website of the College of Homeopaths of Ontario.

## Licensed Naturopathic Doctors

Many naturopathic doctors use homeopathic medicines in their practices. Since naturopaths are licensed in the five provinces listed below, they represent a large group of health practitioners who dispense homeopathic medicines and who are recognized by provinces.

Naturopathic doctors are regulated through bodies formed pursuant to provincial health profession laws. In the five provinces listed below, it is illegal to hold oneself out as a naturopathic doctor without registering with the appropriate regulatory body. Registration requires the applicant to be a graduate of an approved naturopathic training program and to pass certain examinations.

*Provinces Licensing Naturopathic Doctors*

Province	Link to Law	Link to Regulatory Body	Homeopathy Mentioned in Standards of Practice
Alberta	<a href="#">Link</a>	<a href="#">College of Naturopathic Doctors of Alberta</a>	Yes
British Columbia	<a href="#">Link</a>	<a href="#">College of Naturopathic Physicians of British Columbia</a>	Yes
Manitoba	<a href="#">Link</a>	<a href="#">The Manitoba Naturopathic Association</a>	Yes
Ontario	<a href="#">Link</a>	<a href="#">College of Naturopaths of Ontario</a>	No
Saskatchewan	<a href="#">Link</a>	<a href="#">Saskatchewan Association of Naturopathic Practitioners</a>	No

**In Ontario** if you are both a licensed naturopathic doctor AND a licensed homeopath, you are, of course, allowed to represent yourself as a homeopath. If you lack licensure in homeopathy, you may not use the title homeopath nor hold yourself out as a homeopath.

**Other Licensed Health Professionals**

Any licensed health care professional has a right to discuss treatment options including homeopathy with patients (though the range of treatments that can be performed is restricted depending on the license). Since homeopathic medicines are considered natural health products, their use is not restricted in the way that conventional prescription drugs or other treatments are. The vast majority of homeopathic medicines are freely available to consumers at retail stores and online outlets.

**Unlicensed Practice of Homeopathy**

If you do NOT have a health professions license and you practice homeopathy, you are engaging in the unlicensed practice of homeopathy. In Ontario you must be licensed to practice as a homeopath. Everywhere else in Canada, if you are NOT a licensed physician or licensed naturopathic doctor OR your license for practicing an alternative, natural, complementary or integrative form of health care does not cover homeopathy, then you are engaging in the unlicensed practice of homeopathy.

If you are an unlicensed practitioner, you are exposed to heightened risk that your practice may be challenged. Here is the most important thing you need to know to protect yourself:

**Never make claims or any statements that can be construed as claims that you can diagnose, prevent, treat, mitigate or cure disease using homeopathy. Avoiding such statements is the most important step in protecting yourself from an accusation of practicing medicine without a license.**

To further protect yourself, you should do the following:

1. Refer to those whom you serve as “clients.”
2. Accurately and fully disclose your qualifications, training, certification and other background relevant to the practice of homeopathy to all clients without embellishment. If you embellish your résumé, you are taking the first dangerous step down a road that could lead to trouble for you and your practice. For example, you may be unwittingly inviting other practitioners or members of the public to file a complaint against you for falsely stating your credentials.
3. Make it clear to your clients that you are NOT a licensed health care professional. Do not refer to yourself as a doctor or physician, nor should you allow others to go uncorrected when they do—unless, of course, you are a licensed physician. Many practitioners use the term “consultant” to describe themselves.
4. Avoid using terms found in the “practice,” “scope of practice” or equivalent section of your province’s health professions law. Below are two examples, but you should review carefully your own provincial law.

### *Alberta*

#### Practice

(1) In their practice of medicine, physicians, surgeons and osteopaths do one or more of the following:

- (a) assess the physical, mental and psychosocial condition of individuals to establish a diagnosis,
- (b) assist individuals to make informed choices about medical and surgical treatments,
- (c) treat physical, mental and psychosocial conditions,
- (d) promote wellness, injury avoidance, disease prevention and cure through research and education,
- (e) engage in research, education and administration with respect to health, and
- (f) provide restricted activities authorized by the regulations.

## Ontario

### Scope of practice

The practice of medicine is the assessment of the physical or mental condition of an individual and the diagnosis, treatment and prevention of any disease, disorder or dysfunction.

5. Confine yourself to telling clients and the public that as a practitioner **you help people restore and maintain their health**. If you do so, you will almost certainly be within safe legal territory. (Quebec-based practitioners may need to avoid even these words since the phrase “maintain or restore health” is found in the province’s medical practice act. See below.)
6. Keep good records including notes regarding client sessions and conversations, signed consent forms, and printed informational materials. Doing this is important both for the care of your clients AND so that you will be able to provide proof that you have acted within the law should the need arise.

## Practicing in Quebec – Special Considerations

In Quebec, like every other province except Ontario, homeopathy practitioners are unlicensed. Much of the advice given above regarding the unlicensed practice of homeopathy in other provinces applies. However, Quebec-based practitioners face some special difficulties that arise from [Quebec’s very broad medical practice law](#) known simply as the Medical Act. And, Quebec has in the past (but not recently) prosecuted homeopathy practitioners for practicing medicine illegally.

### Medical Act

To understand the scope of the Medical Act, it is worth quoting the relevant section here:

The practice of medicine consists in assessing and diagnosing any health deficiency in a person in interaction with their environment, in preventing and treating illness to maintain or restore health or to provide appropriate symptom relief.

The following activities in the practice of medicine are reserved to physicians:

- (1) diagnosing illnesses;
- (2) prescribing diagnostic examinations;
- (3) using diagnostic techniques that are invasive or entail risks of injury;
- (4) determining medical treatment;
- (5) prescribing medications and other substances;
- (6) prescribing treatment;

- (7) using techniques or applying treatments that are invasive or entail risks of injury, including aesthetic procedures;
- (8) providing clinical monitoring of the condition of patients whose state of health is problematic;
- (9) providing pregnancy care and conducting deliveries;
- (10) making decisions as to the use of restraint measures;
- (11) deciding to use isolation measures in accordance with the Act respecting health services and social services (chapter S-4.2) and the Act respecting health services and social services for Cree Native persons (chapter S-5); and
- (12) administering the drug or substance allowing an end-of-life patient to obtain medical aid in dying under the Act respecting end-of-life care (chapter S-32.0001)

From this excerpt of the law it should now be apparent that a wide range of words and phrases are off limits to homeopathy practitioners. In general, it is best to avoid the following words: diagnose, prevent, prescribe, treat, mitigate and cure. In addition, the words “maintain or restore health” appear in the act suggesting that Quebec-based homeopathy practitioners should stay away from those words. The words “promoting health” or “promoting wellness” may convey what the practitioner is doing without making reference to a specific medical condition, which should be avoided. Practitioners would do better to “recommend” a specific homeopathic medicine rather than “prescribe” it.

### ***Protecting Yourself and Your Practice***

Other than avoiding words that may result in an accusation of practicing medicine without a license, Quebec-based practitioners should strongly consider joining [Le Syndicat Professionnel des Homéopathes du Québec \(SPHQ\)](#), the province’s professional organization for homeopathy practitioners. Practitioners must demonstrate that they have met the organization’s stringent training requirements before joining. That training will help you practice in an effective and professional manner that leads to satisfied clients who are less likely to bring complaints against you.

Quebec homeopaths are eligible to register with the College of Homeopaths of Ontario as a way to demonstrate their training and competence. Registration with the College, however, provides no legally recognized protections for practitioners in Quebec.

### **Compounding**

Across Canada homeopathy practitioners may recommend and dispense any homeopathic remedy purchased in Canada and found on the [list of approved Natural Health Products](#) maintained by Health Canada. Homeopathic medicines NOT found on that list or imported directly from another country by a practitioner may be dispensed so long as the practitioner compounds the remedy first AND offers the remedy only within the context of a practitioner-patient/client relationship. For detailed information on rules governing compounding for all of Canada, see the [comprehensive information found on the website of the College of Homeopaths of Ontario](#).

The British Columbia Association of Homeopaths advises the following in its member handbook:

The Compounding policy of Health Canada prohibits the importation of remedies as a finished product unless you have a site license to import and sell remedies. If importing remedies, members are required to compound them when giving them to patients. It is best to import medicating potencies for this purpose.

Purchasing remedies such as those available from Boiron Canada or another local pharmacy do not require a site license.

### **Patient/Client Testimonials**

Patients/clients are, of course, free to discuss their experiences with homeopathy. However, practitioners across Canada are strongly advised against using testimonials on their websites or in their promotional material. Even if the patient/client talks only in broad terms about his or her care without mentioning the practitioner, such testimonials may be construed as endorsements of a specific practitioner, something that is illegal in most places in Canada. In addition, a patient/client may end up using words that practitioners are strongly advised to avoid, thus giving the impression that the homeopathy practitioner has said and done things which constitute the unlicensed practice of medicine.

As a practitioner, you may direct patients/clients wishing to submit testimonials to websites favorable to homeopathy but that have no direct affiliation with a specific practitioner. Ask your provincial association for recommendations. Of course, patients/clients are free to tell their stories on social media as well. Suggest that your patients/clients speak only about their experience and refrain from using your name.

# PRACTICAL ADVICE FOR ALL PRACTITIONERS

## Protecting Yourself and Your Practice

If you are not a licensed physician, the following are some suggestions that will help you protect yourself and your practice:

1. Familiarize yourself with state or provincial laws that apply to your situation. This guide gives you a general start, but you should study carefully the laws and regulations in your state or province.
2. Find a lawyer who can help you if an individual or agency challenges your right to practice. It is much better to do this BEFORE you need a lawyer than in the heat of the moment after such a challenge has been lodged.
3. Review your professional and business liability insurance so that you understand its limits and exclusions.
4. Ask clients to sign an informed consent document on their first visit explaining what your practice does. Unless you are a licensed medical practitioner, you should make it clear on the form that you are NOT a licensed health care professional and that you do not diagnose, prevent, treat, mitigate or cure disease.
5. In order to make it clear that you are not engaging in the unlicensed practice of medicine, avoid taking a medical history in which a client may discuss a diagnosis he or she has received from a medical professional. (For registered Ontario homeopaths, see “Diagnosis vs Assessment: What Can You Say” on page 14.)
6. Keep good records that do not reference disease, medical diagnoses or treatments, and maintain those records with proper security and privacy protections.
7. Inform clients if your practice involves dispensing homeopathic medicines without disclosing the name of the medicine.
8. When talking with clients, DO the following:
  - a. Confine your professional discussion to the particular client and his or her particular situation.
  - b. Discuss the theory, approaches and uses of homeopathy as necessary.

- c. Discuss your experience with homeopathy.
9. When talking with clients, here are words and topics to AVOID:
- a. Never say that you can diagnose, prevent, treat, mitigate or cure disease using homeopathy (unless you have a license that allows you to do so).
  - b. Refrain from discussing the conventional medical system in general (unless it relates directly to the client's situation).
  - c. If the client is taking doctor-prescribed medication, do NOT advise the client to discontinue the medication without first discussing it with his or her doctor (unless you are a licensed medical professional who is the primary physician for your client).
10. Consider seeking certification. (For a list of certification organizations, see Appendix C.) State and provincial laws appear to be silent on homeopathic certification. However, certification can offer several benefits, some of which may help reduce legal risk to homeopathy practitioners, especially those engaged in unlicensed practice:
- a. Certification demonstrates competence in the field of homeopathy as determined by a recognized professional certifying agency.
  - b. Your demonstrated competence reassures clients and the public about your abilities and can be useful in attracting new clients.
  - c. Certification lifts the profession as a whole. It has long been said that there is safety in numbers. The more certified homeopathy practitioners there are, the more comfortable the public and regulatory authorities will be with its practice.

## Protecting Homeopathy

When speaking in public about your practice, please remember that you are representing the homeopathy community.

Here are some ideas for what is BEST to communicate to the public:

1. In the United States homeopathic medicines are a federally recognized form of medicine. In Canada they are federally recognized natural health products.
2. Homeopathy is backed by thousands of published research studies, papers and clinical trials. A current listing is available from the American Institute of Homeopathy. See "AIH Releases Large New Homeopathic Research Database" on the organization's [home page](#). For a compendium of key research published by Americans for Homeopathy Choice, visit the organization's [research page](#).

3. Because of its nontoxic nature, homeopathy has a remarkable safety record.
4. Homeopathy can be useful in addressing such important public health challenges as pain relief without opioids and minor infections without creating antibiotic resistance.
5. Homeopathy is affordable and widely available.
6. Homeopathy is safe for home care for people of all ages when addressing self-limiting conditions.
7. Here is a list of additional topics that may be useful to draw from for a public presentation:
  - a. **Withdrawal from addictive substances.** Homeopathy can assist in the process of withdrawal from substance abuse of opioids, benzodiazepines, and other drugs. Evidence suggests that homeopathy is effective in reducing symptoms of post-acute withdrawal syndrome (PAWS).
  - b. **Gastrointestinal conditions.** Homeopathy is effective across a wide range of functional and inflammatory gastrointestinal disorders.
  - c. **Allergy and immunology.** Homeopathy appears to strengthen and balance immunological responses to a wide range of allergic and autoimmune conditions, in part through its effect on the human microbiome.
  - d. **Mental health.** Homeopathy acts holistically on the body and mind to support beneficial psychological, emotional and physical states.
  - e. **Polypharmacy (Drug Interactions).** Homeopathic medicine can potentially address what appear to be separate issues using a single medicine that operates on a whole-person level. This may reduce the need for multiple drugs (polypharmacy) by simultaneously addressing multiple expressions. Used in this manner, homeopathic medicines may be able to reduce the risk of drug interactions. This is important for all populations, but particularly the elderly, who are often prescribed multiple drugs.

Certain topics may elicit a strong response in your audience that will turn out to be a negative for homeopathy and possibly for you. Here are some topics to AVOID:

1. COVID-19 – The controversy surrounding care of COVID-19 patients/clients is fraught with downsides for you and homeopathy when communicating with the public.
2. Vaccination – The same can be said about vaccination.

3. Pharmaceutical drugs – Many people in your audience may be taking pharmaceuticals and feel that they are benefitting from those drugs. There is no good reason to antagonize them. Remember, you are FOR homeopathy, not against other forms of medicine. Talk about homeopathy's benefits.
4. Cancer – This is a diagnosis that conjures up the strongest emotions in many people. Given that it is a conventional diagnosis and homeopathy practitioners don't provide such diagnoses, it is better to steer clear of this topic.

If you would like a list of talking points for defending homeopathy against common criticisms, ask your organization for a copy of "Homeopathy Talking Points." If the organization doesn't have this publication, you may obtain it by sending an email to the following address and writing in the subject line: Requesting Homeopathy Talking Points:

[nashinfo@homeopathy.org](mailto:nashinfo@homeopathy.org)

## Should You Engage Reporters?

Generally speaking, you should avoid talking to reporters. Most reporters on the health beat are oriented toward the conventional medical model. You will likely have a hard time getting across even the simplest ideas about homeopathy, and homeopathy is anything but simple.

**In the United States** if you are approached by a reporter, you should contact your Media Liaison if you are part of an organization that participates in the Unified Media and Communications Program. Let the Media Liaison know the name and contact information of the reporter and the nature of the inquiry. Your Media Liaison will advise you on whether to respond to the reporter.

**In Canada** if you are approached by a reporter, you should contact your provincial association. Let the association know the name and contact information of the reporter and the nature of the inquiry. The association will advise you on whether to respond to the reporter.

## Additional Advice About Legal Help

The best time to solicit legal assistance is BEFORE you need it. You do not want to be facing an emergency legal situation while at the same time trying to evaluate whether a lawyer has the necessary background, expertise and interest to serve you.

Since homeopathy practitioners are regulated by states and provinces, one approach you might consider is to come together with other homeopathy practitioners in your state or province to find legal counsel appropriate for your needs. By providing the possibility of multiple clients, you will find it easier to attract an able lawyer who will then be willing to become familiar with your needs in advance of any legal problems.

## Conclusion

This guide is general advice designed to help you avoid legal problems. It is not a replacement for sound legal counsel from a qualified lawyer. You can, however, significantly reduce the chance that you will encounter legal problems if you implement the advice in this guide.

## APPENDIX A

### Sample Consent Form for Homeopathy Care

*The language for this sample consent form has been generously provided by Denise Straiges, CCH, RSHom(NA) and president and clinical director of the Academy of Homeopathy Education. You should adapt this form according to your type of practice and applicable state or provincial laws.*

Homeopathy views health and well-being in a holistic manner. Consultations include a comprehensive intake that carefully evaluates symptoms on the mental, emotional, and physical level.

Clients will be asked about their temperament, personal habits, likes/dislikes and unique outlook on life. Providing this information will allow the homeopath to understand each client as an individual and to provide the most appropriate means of care.

This view differs from most conventional approaches, which typically limit concerns to the individual symptoms and their care. The goal of homeopathic care is to strengthen the constitution of the whole person, which results in alleviation of symptoms and an overall increase in health.

#### CONFIDENTIALITY

I understand that all information disclosed is confidential and may not be revealed to anyone without written permission, except when disclosure is required by law. (Disclosure may be required in circumstances such as: a reasonable suspicion of child or elder abuse or a reasonable suspicion that a client presents a danger to him/herself or others.)

#### CONSULTATION

I authorize discussion of my case notes with other homeopaths and/or health care professionals should assistance in remedy selection and/or case analysis be necessary (for me or my child) or if my best interest is served by such a consultation. In so doing, my right to privacy will be protected by withholding my name and all other identifying information.

#### CONSENT

I am over 18 years of age and have voluntarily chosen homeopathic care for myself/my child. I understand that [YOUR NAME] of [YOUR PRACTICE] is providing solely homeopathic care. I am aware that homeopathic care is not equivalent to care given by a medical doctor and that [YOUR NAME] is NOT a licensed health care practitioner.

Therefore, it is recommended that I retain the services of my primary care physician for appropriate evaluations and check-ups for myself/my child. I further understand that [YOUR NAME] does not diagnose, prevent, treat, mitigate, cure, or prescribe for any particular symptoms, diseases, or conditions. I understand that [YOUR NAME] will work to increase my (or my child's) general vitality and overall constitutional strength. This consent may be revoked by me at any time in writing.

Print Name \_\_\_\_\_

Names of minor children (if applicable) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

## APPENDIX B

### Veterinary Homeopathy in the United States For Licensed Veterinarians

*The information below has been generously provided by Sidney H. Storozum, DVM, CVH, who is also an attorney.*

**Please note:** In the following discussion “client” refers to the person who owns or controls the animal being treated and “patient” refers to the animal.

To offer veterinary services in any U.S. state or territory, you must hold a license to practice veterinary medicine. You cannot legally advertise that you treat animals without such a license.\*

Nearly all states define veterinary medicine to include any form of care for an animal by someone other than its owner, with limited exceptions, such as for dog groomers. This means that alternative medicine is within the scope of veterinary medicine and therefore subject to veterinary board regulation. Check your state laws and veterinary board regulations to be certain.

Most state boards know little about alternative practice and generally do not attempt to pass specific regulations regarding particular modalities such as homeopathy.

The boards’ attention to alternative veterinary care is generally complaint-driven, either by clients dissatisfied with an outcome—generally, poorly-selected clients who have unrealistic expectations—or by competing traditional veterinarians. In the event of a complaint to your state board, you should seek qualified legal counsel who can help you demonstrate that your practice of veterinary homeopathy has met the standard of care.

The following are keys to protecting yourself from client complaints:

1. **Select knowledgeable clients and obtain a signed informed consent document that includes a refusal of traditional veterinary care.** The form should reference the [standards of practice](#) found on the website of The Academy of Veterinary Homeopathy (AVH).
2. **Practice according to the [standards of practice](#) outlined on the site of The Academy of Veterinary Homeopathy.** Veterinary homeopaths who do this will likely avoid adverse legal actions. Should a client pursue legal action, the informed consent document and adherence to the AVH standards of practice should provide a sound basis for a defense under the practitioner’s malpractice and license defense insurance.

\*In some states or territories it may be permissible to treat animals under the supervision of a licensed veterinarian even if you do not have a license.

### Why a Consent Agreement is So Important

If there has NOT been full disclosure and a consent agreement binding the parties to an easily referenced and clearly stated standard of practice (SOP), a court or state board may measure your performance solely with reference to conventional practice standards, which will not be in your best interest.

Your likelihood of prevailing in a lawsuit or license action will be improved if you:

1. Have a solid consent agreement including the refusal of conventional treatment.
2. Adhere to the published SOP. An expert witness may be needed.
3. Properly provide the reasonably necessary diagnostics and supportive care.
4. Keep appropriate patient records.

### Constructing a Consent Agreement

A consent agreement can serve several purposes, including an introduction to your practice methods and your fee arrangements. But the main purpose is to reduce your susceptibility to the potential effects of client disputes or misunderstandings, especially lawsuits and regulatory board actions. The following list of items belong in a good consent agreement:

1. Name of the practice and the name(s) of the veterinarian(s) and other key individuals who will be involved with the care of the client's animal(s).
2. Full contact information and office hours, including when, where and how to obtain emergency care.
3. Methods you will use to diagnose and treat illness or imbalance and to promote wellness.
4. A reference to the AVH Standards of Practice document; where it can be viewed; a statement that the client understands it and desires that you follow the AVH SOP (to the exclusion of any differing standard) and that you provide appropriate patient care based upon it.
5. Reasonable expectations for patient progress and outcomes, but disclaiming any guarantees.
6. Methods you will NOT use to diagnose and treat patients.
7. Potential benefits of using homeopathic treatment for this patient.

8. Benefits and risks of other methods of treatment including conventional methods applicable for this patient.
9. Risks inherent in choosing homeopathic treatment while foregoing allopathic/biomedical treatment options, specifically, that as with all medical treatment, homeopathic treatment may or may not improve the patient's condition while allopathic/biomedical treatment may have the possibility of improving the patient's condition though this is not guaranteed either.
10. Client's understanding and agreement that the veterinarian will use exclusively homeopathic methods of diagnosis and treatment.
11. The client's refusal of any method of diagnosis and treatment not offered and described herein.
12. A list of responsibilities of the client as a partner in the treatment; i.e., things to do or avoid in order to improve outcomes.
13. The rights and obligations of the client and the veterinarian in dealing with unfavorable progress or outcomes, i.e., withdrawing consent and seeking alternative patient care, and providing referrals if appropriate.
14. Optional: financial policies. It is probably better to have a separate financial obligation document, especially if the client is being asked to approve automatic credit card or checking account debits.
15. Optional: Special disclosures relating to long distance prescribing, including the use of a partnering local practitioner to provide some objective diagnostic data.
16. Signature of the client and date signed indicating consent for homeopathic treatment as described above including risks assumed.

These agreements can be written in a conversational, unnumbered format without sacrificing the legal effect.

## APPENDIX C

### Certification

Several organizations offer and/or recognize practitioner certification in homeopathy. A brief description of each one in North America is provided below:

#### 1. American Board of Homeotherapeutics

From the [website](#):

The ABHt was founded in 1959 and incorporated in 1960 (New York) for the purpose of promoting the science of homeopathy, and demonstrating its effectiveness to the medical profession, and insuring homeopathy's growth as a viable medical specialty in the U.S. The ABHt grants Diplomate (advanced specialty) status (D.Ht.) to those medical and osteopathic physician applicants who meet the prerequisites and successfully pass a written and an oral examination.

#### 2. Council for Homeopathic Certification

From the [website](#):

Formed in 1991 and incorporated in 1992, the CHC is a 501(c)(6) nonprofit organization that certifies individuals who meet and maintain recognized professional standards and ethical competence in classical homeopathy. Assisting the general public in choosing appropriately qualified homeopaths, the CHC envisions healthcare systems that include access to certified classical homeopathic practitioners.

Graduates from accredited programs in homeopathy are eligible for certification. Those who graduate from programs outside of North America that have not been accredited by the Accreditation Commission for Homeopathic Education in North America or the College of Homeopaths of Ontario must be approved by the Pre-Qualification Evaluation Committee.

The National Commission for Certifying Agencies has accredited the Council for Homeopathic Certification for its Certified Classical Homeopath (CCH) credential.

### 3. Homeopathic Academy of Naturopathic Physicians

From the [website](#):

The Homeopathic Academy of Naturopathic Physicians (HANP) was founded and incorporated in 1981 (Oregon) for the purpose of promoting excellence in the practice of homeopathy among naturopathic physicians. The HANP grants Diplomate (advanced specialty) status (DHANP) to naturopathic physician applicants who meet the prerequisites and successfully demonstrate competency through case submission and an oral interview. Diplomates of the profession establish and uphold specialist standards, provide education and mentorship, and are committed to protect and preserve homeopathy as a core therapeutic modality within the naturopathic profession.

### 4. North American Society of Homeopaths

From the [website](#):

NASH was originally founded in 1990. Its mission was to set standards of competency and to create a registry of individuals highly trained in the practice of classical homeopathy in order to inform and protect consumers.

Since 2001, NASH has worked in close communication with organizations that set and maintain standards of practice for classical homeopathy. Those whose criteria meet or exceed the NASH Bylaws are recognized as one method of becoming a NASH Registered Member. NASH aims to uphold the highest standards of excellence in homeopathic practice and as such has our own Registration process which allows one to become a NASH Registered Member.

### 5. The Academy of Veterinary Homeopathy

From the [website](#):

Founded in 1995, The Academy of Veterinary Homeopathy is comprised of veterinarians who share the common desire to restore true health to their patients through the use of homeopathic treatment. Members of the Academy are dedicated to understanding and preserving the principles of Classical Homeopathy.

The academy offers certification to holders of a doctor of veterinary medicine degree who have undertaken the required study of homeopathy.