

April 7-11, 2006
First Joint Conference
of Homeopathic Organizations
San Jose, California

**Homeopathic Action Alliance
(HAA) Meeting 12-4:00p.m.**

Luncheon Presentation

Diane Miller JD

Legal and Public Policy Director

National Health Freedom Coalition

NATIONAL HEALTH FREEDOM COALITION

A 501(c) 3 Educational Nonprofit Organization

NATIONAL HEALTH FREEDOM ACTION

A 501 (c) 4 Lobbying Organization

*PMB 218, 2136 Ford Parkway, St. Paul, MN 55116-1863
www.nationalhealthfreedom.org, E-mail: similars@aol.com*

651-690-0732

Homeopathy

In the context of governments and law

Governments and law

In the context of homeopathy

U.S. Government

U.S. federal laws are made to regulate commerce between states and countries including products such as homeopathic remedies defined as "*drugs*"

Homeopathic Remedies

Special federal rules and policies are now in place in the U.S. regarding homeopathic remedies including approval, labeling of products, and whether or not the drug is prescription only.

State Governments

State laws are made to regulate occupations that pose an imminent and discernible risk of significant harm to citizens by use of the state police power

Practicing Homeopathy

State laws are now in place that regulate giving exclusive privilege to practice the healing arts and exclusive titles to those practitioners that stay within state mandated requirements for types of education, exam, and standard of care. Those without privilege, that act within the exclusive turf, are in criminal or civil violation.

Primary Problem

“Legal Over breadth”

Historically, the definition of medicine and the use of the title medical doctor were given exclusive privilege, and medicine was defined overly broadly to include all of the healing arts.

Result: A Gold Rush Response...to get exemptions from criminal charges.

Secondary Problem

“Exemption via Licensure”

- Professions requested licensure as a solution to getting exemption to criminal charges. Licensure is the “most restrictive” occupational regulation and develops new areas of exclusive turf and criminal charges for unlicensed practice of other professions.

Result: Licensure Flood at Legislatures...Even practices that did not pose a risk.

Secondary Response: Legislatures unsuccessful attempts at Repealing Licensure Statutes because of lobbying efforts therefore resorted to Sunrise Acts passed in 12 states stating the legal threshold that a state must abide by before enacting police powered occupational statutes.

Tertiary Disease

Disintegration of Diverse Strong Healing Community

Turf Battles:

between licensed professions

Innovation Banned:

prevailing and accepted conventional standards required for all professions

Revocation of Licensure:

discrimination against other options

Prosecutions:

Unlicensed professionals persecuted

Consumer Deaths:

Statistics

Consumer Access Denied:

innovative and low risk modalities not freely accessible



Homeopathy

“In the state of health the spirit-like vital force (dynamis) animating the material human organism reigns in supreme sovereignty.”

Samuel Hahnemann, *Organon of Medicine*, 1982 by The Hahnemann Foundation, translated by Jost Kunzli M.D., Alain Naude and Peter Pendleton, 9, Page 14.

Touch Stones

“Material Human Organism”

and

“Spirit-Like Vital Force (Dynamis)”

“Material Human Organism”

- **A person**
- **A family**
- **A community of similar persons**
- **A geographical community of persons**
- **A country of people**
- **A world**

“Material Human Organism”

The Homeopathic Community

- Homeopaths**
- Homeopathic Clients**
- Friends of Homeopathy**
- Homeopathic Businesses**

“Spirit-Like Vital Force (Dynamis)”

- **Soul**
- **Breath of life**
- **Family bonds**
- **Group Consciousness**
- **Synchronicity**
- **The Universe**

Spirit-Like Vital Force (Dynamis)

The homeopathic community animated:

“Without the vital force the material organism is unable to feel, or act, or maintain itself. (Without the vital force the body dies; and then, delivered exclusively to the forces of the outer material world, it decomposes, reverting to its chemical constituents.

Only because of the immaterial being (vital principle, vital force) that animates it in health and in disease can it feel and maintain its vital functions.”

Totality of Symptoms

“... the totality of symptoms and circumstances observed in each individual case is the one and only indication that can guide us to the choice of the remedy.”

Samuel Hahnemann, *Organon of Medicine*, 1982 by The Hahnemann Foundation,
translated by Jost Kunzli M.D., Alain Naude and Peter Pendleton,
18, Page 23.

Symptoms

- **Primary Problem** – *Legal Over breadth*
- **Secondary Problem** – *More Exclusivity Enforced*
- **Tertiary Disease** – *Disintegration of Community*

Plus!

Exploring Symptoms

- 1. Homeopaths get a wide variety of types of education and intentionally practice throughout the world in an infinite number and types of ways.**
- 2. Millions of consumers intentionally utilize homeopaths and homeopathic remedies in a wide variety of ways, levels, and contexts.**
- 3. There is a strong and educated community that can be considered friends of homeopathy**
- 4. There are thriving businesses that include homeopathic services and products.**

Symptoms

5. Homeopaths are prohibited from practicing in geographical areas by some governments.
6. There is fear among the homeopathic community that homeopathy will be annihilated as was attempted before.
7. Some believe receiving exclusive privilege from the government will help protect homeopathy.
8. Some believe having an exclusive relationship with the government will long term harm homeopathy

Symptoms

9. Homeopaths do not pose and imminent risk of significant harm to the public therefore should not be considered criminal or in civil violation per se.
10. There is no basis for the police power of a government to regulate homeopaths. Least restrictive means models have been developed in six states for safe harbor practice exemptions.
11. In addition to safe harbor exemption guidelines requiring disclosures, consumer protection and fraud and civil litigation laws are available for consumer recourse

Symptoms

12. Some think that all homeopaths should receive an agreed upon education and that homeopaths should practice alike and that there should be a “prevailing and accepted standard of care”.
13. Homogeneity is not the focus of homeopathy and many acknowledge that all homeopaths practice in different manners and use remedies in different ways depending on their broad variety of trainings and personal talents.

Symptoms

14. Some would like the widest diversity possible for the education and practice of homeopathy and access to various methods of homeopathy.
15. Homeopathy is part of the natural world of truth and it is woven into the fabric of cultures and some think it best to be part of the age old community wisdom like academic guilds such as herbalist have done over time.

Symptoms

16. Consumers are using all types of homeopaths from self-treating, to various different practitioners from many geographical areas, countries, and types of practices and methods.
17. Consumers seem to bond with their homeopaths.
18. Consumers research their practitioners and go to practitioners often on a referral basis.
19. Consumers are well educated and often to not continue treatments if they do not see results on some level.

Symptoms

20. Homeopathic remedies are blocked from some markets by local, national, and international laws because of their medicinal nature and laws regarding drugs and homeopathic remedies.
21. There is fear that homeopathic remedies will not be available or that the number of new remedies will be limited or that customized remedies will be banned.
22. Consumer fear that they will not be able to get remedies or practitioners. Homeopathic remedies are being stopped from going across the US Canadian border by Canadian police.

Choice of Remedy

“...It is the invisible energy of the crude substance released and freed to the highest possible extent which is to be found in the minute impregnated globule or its solution. Upon contact with living tissue, this medicinal force acts dynamically on the whole organism in a specific way, without communicating to it the smallest material particle, however subtle: and it does so more and more powerfully as it becomes freer and less material through progressive dynamization (par. 270)

Samuel Hahnemann, *Organon of Medicine*, 1982 by The Hahnemann Foundation, translated by Jost Kunzli M.D., Alain Naude and Peter Pendleton, 11, Page 18.

Choice of Remedy

Keeping in mind the truth within the touchstones:

“Material Human Organism “

and

“Spirit-like Vital Force”

Choice of Remedy

And

“A healthy person or community will throw off too much restriction of sovereignty in order to control their own destiny.”

Diane Miller JD

Choice of Remedy

Solution for Homeopathic Community

Control in the *“least restrictive means”* to the point where there is no substance left except the essence of order and harmony: *“responsible freedom”*.



Responsible Freedom

“In a harmonious community there dwells a group consciousness that animates the community persona while holding sacred and responsible the individual sovereign life experience to reign supreme.”

Diane Miller

Group Consciousness

U.S. Group Consciousness

“The Original U.S. Animator”

- **To form a more perfect Union**
- **Establish Justice**
- **Insure Domestic Tranquility**
- **Provide for the Common Defense**
- **Promote the General Welfare**
- **Secure the Blessings of Liberty to ourselves and our
Posterity**

“The Sovereign Animator speaks”

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”



Freedom Remedy

*“the least
restrictive means”
... where
fundamental
liberties are at
stake.*

Balance and Harmony

Freedom to Practice

- 1. Freedom will protect essence of homeopathy and the homeopathic diversity and expansiveness of application.**
- 2. Freedom will free up the community to promote and provide homeopathy and have it be freely accessible to consumers of all kinds.**

The Goal: Promote Healing

Provide homeopathic services

Provide homeopathic remedies

Teach and mentor programs for new homeopaths

Teach consumer communities about homeopathy

Include homeopathy in educational curriculums at a variety of schools and higher ed

Produce text books

Produce stories and films and pr

Do research

Build diverse relationships with other practitioners of the healing arts

Build relationships with institutions

Work Together

- 1. Eliminate discrimination between homeopaths**
- 2. Avoid government dependence and restrictions when possible or looking to government for authenticity.**
- 3. Build credibility in the public sector by positive accomplishments and relationships.**
- 4. Identify goals and objectives for providing maximum amounts of services to consumers everywhere.**

Health Freedom Principles

Constitutional fundamental right

to heal and survive

Principle

Continual universal growth

of new healing information

Principle

Professional callings

to grow and learn new techniques

Principle

Safety questions

are not the same as

Efficacy questions

Principle

Unhelpful to legally define “xxx”

it creates another box

Principle

Expanded disclosures

encourages innovation

Work for “Responsible Freedom”

Examples:

Minnesota

California

Rhode Island

Idaho

Oklahoma

Louisiana

PRACTICE OF MEDICINE Defined - Minnesota

“Any person who: ...(3) offers or undertakes **to prevent or to diagnose, correct, or treat in any manner or by any means, methods, devices, or instrumentalities, any disease, illness, pain, wound, fracture, infirmity, deformity or defect** of any person; ...”

Gross misdemeanor

2000 Exemption to Practice of Medicine

- (11) A Christian Scientist or other person who endeavors to prevent or cure disease or suffering exclusively **by mental or a spiritual means or by prayer.**"
- (15) An **unlicensed complementary and alternative health care practitioner** practicing according to chapter 146A.

MN 146A Complementary and Alternative Practices include but are not limited to:

(1) acupressure; (2) anthroposophy; (3) aroma therapy; (4) ayurveda; (5) cranial sacral therapy; (6) culturally traditional healing practices; (7) detoxification practices and therapies; (8) energetic healing; (9) polarity therapy; (10) folk practices; (11) healing practices utilizing food, food supplements, nutrients, and the physical forces of heat, cold, water, touch, and light; (12) Gerson therapy and colostrum therapy; (13) healing touch; (14) herbology or herbalism; (15) homeopathy; (16) nondiagnostic iridology; (17) body work, massage, and massage therapy; (18) meditation; (19) mind-body healing practices; (20) naturopathy; (21) noninvasive instrumentalities; and (22) traditional Oriental practices, such as Qi Gong energy healing.

PRACTICE OF MEDICINE

Defined - California

2052. Any person who practices or attempts to practice, or who advertises or holds himself or herself out as **practicing, any system or mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition of any person**, without having at the time of so doing a valid, unrevoked, or unsuspended certificate as provided in this chapter, or without being authorized to perform such act pursuant to a certificate obtained in accordance with some other provision of law, is guilty of a **misdemeanor**.

CA Stat 2052 (2001)

California New Law Passed in 2002

*“...complementary and alternative services do not pose a known risk to the health and safety of California residents, and that **restricting access to those services due to technical violations of the Medical Practice Act is not warranted. ...**”*

Educational Handouts

Promoting Future Harmony

- 1. Hawaii: Suggested amendments to prevent prosecutions**
- 2. Washington sample law potential prosecution**
- 3. Minnesota NP amendments to interface with 146A**
- 4. Florida Consensus Bill for NP and Health Freedom**

BE AN AGENT OF CHANGE

Laws and customs must be carefully reviewed, revised, and even repealed if necessary, and new laws created, to reflect the development, evolution, and spiritual maturization of a people.

-Diane Miller

HEALTH FREEDOM PRINCIPLES

- **Freedom of access for consumers**
- **Freedom to practice**
- **Protection of the public welfare in the least restrictive means**

National HEALTH FREEDOM Coalition

We promote access to all health care information, services, treatments and products that the people deem beneficial for their own health and survival; we promote an understanding of the laws and factors impacting the right to access; and we promote the health of the people of this nation.

PMB 218, 2136 Ford Parkway, St. Paul, MN 55116-1863

Phone: 651-690-0732 Fax: 651-699-8306 www.nationalhealthfreedom.org ,

