



ALABAMA STATE BOARD OF MEDICAL EXAMINERS

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June 6, 2005

Dear :

This letter is issued in response to your inquiry concerning the requirements for licensure for the practice of acupuncture and/or naturopathy in the state of Alabama. Any person practicing naturopathy in the state of Alabama who does not hold a certificate of qualification conferred by the Alabama Board of Medical Examiners and a license to practice medicine or osteopathy conferred by the Medical Licensure Commission of Alabama is practicing medicine in violation of state law. Any person practicing acupuncture in the state of Alabama who does not hold a certificate of qualification conferred by the Alabama Board of Medical Examiners and a license to practice medicine or osteopathy conferred by the Medical Licensure Commission of Alabama is practicing medicine in violation of state law, unless that person is a chiropractor licensed by the Alabama State Board of Chiropractic Examiners to practice acupuncture.

Section 34-24-50 of the Code of Alabama, the "practice of medicine or osteopathy" is defined as the following:

- (1) To diagnose, treat, correct, advise or prescribe for any human disease, ailment, injury, infirmity, deformity, pain or other condition, physical or mental, real or imaginary, by any means or instrumentality;
- (2) To maintain an office or place of business for the purpose of doing acts described in subdivision (1), whether for compensation or not;
- (3) To use, in the conduct of any occupation or profession pertaining to the diagnosis or treatment of human disease or conditions, the designation "doctor," "doctor of medicine," "doctor of osteopathy," "physician," "surgeon," "physician and surgeon," "Dr.," "M.D." or any combination thereof unless such a designation additionally contains the description of another branch of the healing arts for which a person has a license.

Section 34-24-51 of the Code of Alabama, which provides a penalty for practicing medicine without a license and which excludes certain practitioners of the healing arts from the penalty, states, in pertinent part, the following:

Any person who practices medicine or osteopathy or offers to do so in this state without a certificate of qualification having been issued in his behalf by the State Board of Medical Examiners and without a license and certificate of registration

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from the State Licensing Board for the Healing Arts shall be guilty of a misdemeanor . . . Nothing in this section shall be construed as applying to any person practicing chiropractic, dentistry, podiatry, optometry or any other branch of the healing arts, except medicine and osteopathy, pursuant to a license which has been issued, or which may hereafter be issued, by any state licensing board and who are practicing within the scope of such license.

The old State Licensing Board for the Healing Arts is now known as the Medical Licensure Commission of Alabama.

The applicability of §§34-24-50 and 34-24-51 to the practice of naturopathy in Alabama was discussed in *Williams v. State, ex. rel. Medical Licensure Commission*, 453 So. 2d 1051 (Ala. Civ. App. 1984). In *Williams*, the Court of Civil Appeals of Alabama found that a naturopath practicing in Alabama had engaged in the practice of medicine without a proper license in violation of the requirements of §§34-24-50 and 34-24-51. *Williams* at 1053 and 1054. The trial court's order enjoining Ms. Williams from practicing without a license was affirmed.

Although Ms. Williams had attended various schools of naturopathy and had obtained a business or occupational license required by state revenue statutes, Ala. Code §40-12-1, *et. seq.*, the Court stated, "There is no state license for the practice of naturopathy in Alabama." *Id.* at 1052. Also, the Court noted that Ms. Williams could not be licensed as a naturopath in Alabama "because the legislature has not made the practice of naturopathy a branch of the healing arts in Alabama." *Id.* at 1053.

After applying the evidence in the case to §§34-24-50 and 34-24-51, the appellate court affirmed the trial court's finding that Ms. Williams had undertaken to treat a patient "by any means or instrumentality" without having been licensed by the appropriate licensing authority, the Medical Licensure Commission of Alabama. *Id.* at 1052-1054.

The appellate court noted that §34-24-51 prohibits the practice of medicine by anyone who has not first received a license from the Medical Licensure Commission. *Id.* at 1053. The court held that "the legislature has not established licensing requirements or standards for the practice of naturopathy. Accordingly, the practice of naturopathy should properly be reserved to those practitioners of the healing arts who have been licensed by the appropriate licensing authority." *Id.* at 1054.

Based on the holding in *Williams v. State* and Ala. Code §§34-24-50 and 34-24-51, it is the opinion of the Alabama Board of Medical Examiners that the practice of naturopathic medicine in Alabama by someone who holds only a degree from a school of naturopathic medicine is the practice of medicine without a license. Neither naturopathy nor acupuncture has

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been recognized by the Legislature of the State of Alabama as a separate branch of the healing arts for which a license is issued and a separate scope of practice has been established. Consequently, in Alabama, the practice of naturopathic medicine and the practice of acupuncture are restricted to persons who have been issued a license by the Medical Licensure Commission of Alabama or to persons who hold a license issued by another state licensing board which issues licenses allowing a certain scope of practice in a particular branch of the healing arts. For example, the Alabama State Board of Chiropractic Examiners does issue licenses allowing the practice of acupuncture by certain chiropractors who have received requisite training.

If you have any questions or would like to discuss this matter further, please contact me at 1-800-227-2606.

Sincerely,
ALABAMA BOARD OF MEDICAL EXAMINERS

Patricia E. Shaner
General Counsel

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