



CONSUMER NEWS

SAN DIEGO CITY ATTORNEY'S OFFICE

MEDICAL DOCTORS, DOCTORS OF OSTEOPATHY AND NATUROPATHIC DOCTORS

==December== 2013

It is inevitable that most consumers will seek assistance from a medical doctor at some point in life. The term "doctor" is used in many different professions, both medically and academically. This newsletter will generally discuss three categories of doctors which practice medicine. However, depending upon a patient's needs, there are multiple areas of medical practice. For instance, there are "traditional" Medical Doctors (MD), Doctors of Podiatric Medicine (DPM), Doctors of Osteopathy (DO), Naturopathic Doctors (ND), Doctors of Chiropractic (DC), Doctors of Dentistry (DDS) and Doctors of Veterinary Medicine (DVM), all of whom have differing educational and licensing requirements. Because the information regarding the multiple areas of practice is too detailed to list in this newsletter, the three areas of practice highlighted here are MDs, DOs and NDs, each of whom have varying theories of practice. Internet links are provided to view additional governing and educational requirements on each practice.

THE PRACTICE OF MEDICINE

Pursuant to California Business and Professions Code (BP) section 2052, the crime of practicing medicine without a license occurs when a person practices or attempts to practice,

or advertises or holds himself or herself out as practicing, any system or mode of treating the sick or afflicted, 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 a valid certificate. A violation of this law is punishable by a fine not to exceed \$10,000, and/or by imprisonment. This criminal provision falls within the "Medical Practices Act" (MPA) (BP sections 2000 through 2521), one of the many statutory and regulatory vehicles used in California to protect consumers from unsavory medical practices.

The "certificate" a doctor must have to lawfully practice is what we think of as a "license," and is called a "physician's and surgeon's certificate" (for purposes of this newsletter, the terms "physician" and "doctor" are synonymous). The certificates are issued by the California state agency which regulates the related area of medical practice. In order to receive a valid certificate to practice, an individual must have an education which generally includes approximately four years at an approved post-graduate medical school, a combination of three to six years clinical work as an intern and resident at an approved hospital, and must pass the regulating agency's licensing exam. See each agency's

website for specific educational requirements.

MEDICAL DOCTOR GENERALLY

The California Department of Consumer Affairs' (DOCA) Medical Board of California (MBC) (www.mbc.ca.gov) licenses and regulates what is traditionally known as a "Medical Doctor" (MD) in California. An MD will generally concentrate his or her practice to a specific medical discipline. For instance: family or emergency practice, surgery, neurology, geriatrics, pediatrics, and many others. See the MBC's website for more detailed information at www.mbc.ca.gov.

If an MD decides to practice a specialty discipline such as neurology, psychiatry, urology or any other specialty, the MD can seek "board certification" in the specialty from The American Board of Medical Specialties (ABMS) (www.abms.org). The ABMS certification is a voluntary process above and beyond the required state medical license. The ABMS certification signifies a doctor's commitment and expertise in the specialty. The ABMS oversees the rigorous process of testing and peer evaluation involved. See ABMS' website at www.abms.org to check if your specialist is board certified.

DOCTOR OF OSTEOPATHY

In California, a Doctor of Osteopathy (DO) is licensed by

the DOCA's Osteopathic Medical Board of California (OMBC) (www.ombc.ca.gov). Like MDs, DOs are licensed to practice in all aspects of general medicine, and can be certified in specialties. In addition to being subject to the MPA and other statutes governing MDs, DOs must pass an examination approved by the OMBC.

A DO's theory of practice differs from an MD in that a DO practices beyond treating a specific symptom or illness. A DO practices by regarding a person's body as an "integrated whole," and by focusing on preventative health care (see the Osteopathic Physicians and Surgeons of California's website located at www.osps.org for more information, as well as OMBC's site at www.ombc.ca.gov). A DO receives additional training in the musculoskeletal system in order to better understand the ways an injury or illness in one part of the body can affect another. Some DOs, but not all, practice Osteopathic Manipulative Treatment (OMT) on the musculoskeletal system to diagnose injury and illness.

Like an MD, a DO, in order to be licensed via an osteopathic physician's and surgeon's certificate, must have four years of post-graduate training at an approved medical school and perform clinical internship and residency hours to qualify to take the exam for licensing.

NATUROPATHIC DOCTOR

A Naturopathic Doctor (ND) in California is regulated and licensed by the DOCA's Naturopathic Medicine Committee (NMC), which falls

under the OMBC. (See the NMC's website for applicable laws and regulations at www.naturopathic.ca.gov.) An ND provides primary health care with natural methods and substances which support and stimulate the human body's self-healing process. An ND practices treating the "whole person" by treating not just the physical health of a person, but the emotional, mental, genetic, environmental, spiritual, and social factors.

In order to qualify for an ND license in California, an ND must first graduate from a naturopathic medical school accredited by the Council of Naturopathic Medical Education (www.cnme.org). The naturopathic medical school includes a standard medical curriculum along with tailored training in clinical nutrition, homeopathic and botanical medicine, and hydrotherapy. The ND must then pass a two-part licensing examination administered by the North American Board of Naturopathic Examiners (www.nabne.org). Once the ND shows he or she attended an approved naturopathic medical school and passed the licensing exam, he or she can apply for licensing in California with the NME.

CITY ATTORNEY'S ROLE

The licensing and regulating agencies discussed above refer their criminal investigations to the City Attorney's Office for prosecution. This office has prosecuted several individuals for practicing medicine without a license. These prosecutions assist regulating agencies in protecting consumers from harmful practitioners while helping ensure

the practitioner either has the necessary education and licensing, or is prohibited from practicing in the profession. Prosecution also serves in deterring others from engaging in unlicensed activity. If you have a complaint against any of these practitioners, be sure to contact the regulating agency so your concern can be properly addressed.

**San Diego
City Attorney's Office
Consumer and Environmental
Protection Unit
(619) 533-5600**

Newsletter written by R. Wharton.

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The information provided in this newsletter is intended to convey general information and is not intended to be relied upon as legal advice.

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The San Diego City Attorney's Consumer & Environmental Protection Unit prosecutes criminal and civil violations of California's unfair competition and other consumer laws committed in the City of San Diego. The Unit maintains a Phone Hotline for consumers to report possible violations. You can reach the Hotline at **(619) 533-5600**.