

COUNCIL ON NATUROPATHIC MEDICAL EDUCATION

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**Response to the submission of the American
Naturopathic Medical Association opposing the Council's
continued Recognition**

February 28, 1990

Council on Naturopathic Medical Education

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The present document is the response of the Council on Naturopathic Medical Education (CNME) to the brief submitted to the Department of Education by the American Naturopathic Medical Association (ANMA). Because there are many discrepancies and omissions in the brief, we will respond to the text page by page along with its accompanying documentation. Though the narrative may be somewhat detailed, we ask the Committee's indulgence of our effort to shed light on a complex situation. In the course of this response, we will attempt to provide some background to the opposition of the ANMA to continued recognition of the Council. We will not necessarily respond to allegations and opinions that the ANMA presents without accompanying documentation or rationale.

We believe that the profession holds immense potential for health care if the public is protected. The need for a recognized accrediting agency is so great and Council efforts so successful that, in a very few years, we have gained the support of all naturopathic licensing boards, all eligible schools, and all associations of licensed naturopathic physicians. We have only been Recognized for two years but we have established a track record of appropriate maturation. While we believe that we are in compliance with all of the Department of Education's Criteria for Recognition, we take our failings seriously and act to correct them.

Headings, page numbers and criteria numbers within the text here refer to those of the ANMA submission. In this response to the ANMA submission, the Committee will find a history of the ANMA (pages 1 to 2), relations between the ANMA and the CNME before the ANMA applied for a seat on the Council (page 3), relations during the application process (pages 4 to 7), a summation of the CNME position on the ANMA (page 8), response to charges on site visitors' credentials (13 to 16), credentials of ANMA officers (16 to 17), and a list of exhibits of supporting documents (page 20).

Background on ANMA and CNME

page 2, paragraph 1, sentence 2.

Dr. Hayhurst indicates that no second organization known as the American Naturopathic Medical Association exists as was stated in the CNME Petition for Renewal of Recognition of June 12, 1989. Correspondence between Dr. John Minasian, who wrote that he was the President of the ANMA, and the CNME in 1988 indicates otherwise (Exhibit 1-1 and 1-6), and further, that Drs. Hayhurst and Minasian were in contention over the name of the organization (Exhibit 1-4 and 1-5).

Exhibit 4). Hayhurst, while dismissing the legitimacy of the other ANMA, acknowledges this conflict in a letter to the CNME in 1988 (Exhibit 4).

Page 2, paragraph 1, sentence 4.

The ANMA was founded in 1982 in Portland, Oregon. As the CNME later learned, how its control passed into the hands of Dr. Hayhurst is somewhat more involved than is indicated in this one sentence. The first convention of the ANMA was held January 15 and 16, 1983 with Dr. Bernard Steuber as President. At that meeting, a Board of Directors, including Hayhurst, was elected and Articles of Incorporation were developed. The Articles (Exhibit 2) were finalized, signed by three members of the Board, Steuber, Hayhurst, and Richard Thurmer, who were to be the incorporators, and notarized on February 28, 1983. These Articles listed the original nine directors and include the provision that general voting members of the Association be "only Naturopathic Medical Physicians licensed to practice in any state (Sixth Article, Exhibit 2-2)."

However, the Association was not incorporated under these Articles. Unknown to most members of the Association, including the Board of Directors, Hayhurst incorporated the ANMA in July, 1983 under Articles notarized on April 25, 1983 (Exhibit 3). The incorporators, except for Hayhurst, were not members of the Board of Directors elected at the February meeting. There are no directors listed in the Hayhurst incorporation documents. The Articles under which Hayhurst incorporated the ANMA say that general voting members may include, in addition to licensed naturopathic physicians, those "recognized as lawfully practicing in any state (Article F., Exhibit 3-2)." This is an issue that is extremely problematic because, given that naturopathy is unregulated in most states, some persons purporting to be naturopathic physicians are practicing "lawfully" with no formal training at all. This is the case, for example, in Idaho, where one simply registers with the State as a naturopath and pays a business tax regardless of training. The "lawfully practicing" qualifier would raise questions with the CNME five years later.

In a letter sent to the CNME in 1988, Hayhurst relates a history of the ANMA incorporation and subsequent events (Exhibit 4). He indicates that he "put out a letter notifying people of the new corporation," but we have been unable to identify any individuals who received that letter. Hayhurst has to date been unwilling or unable to provide evidence of any meetings of the ANMA taking place between January, 1983 and September, 1988 when he announced the "5th Annual Convention" in Reno, Nevada. He has apparently acted as both president and treasurer ever since his incorporation of the organization.

James Sensenig, N.D., one of the original elected directors of the ANMA, became involved in the formation of a new national professional group, the American Association of Naturopathic Physicians (AANP) in 1985, because of the perception that the ANMA had failed to garner the support of the licensed profession and had ceased operations. The organizers of the AANP asked Dr. Bernard Steuber, the president of the ANMA elected at the meeting of January, 1983, to sit on the original AANP Board of Directors as a demonstration of the solidarity of the profession. Dr. Steuber accepted that role. In addition, Dr. Irv Miller, last president of the National

Association of Naturopathic Physicians (NANP), also accepted a position on the AANP Board. The NANP was the largest and most active national association of the 1970's and is the organization which initiated the CNME in 1978. The AANP, with Steuber and two other former Board members of the ANMA on its Board, stimulated the reorganization of the Council on Naturopathic Medical Education.

Page 2, paragraph 2, sentence 1.

In December of 1985, the CNME was reorganized as indicated in its Petition. Hayhurst asserts that we were doing this without communicating with the ANMA. Though we had written in 1986 to all state and national naturopathic associations for which we had addresses (see 23 letters in Exhibit 49 in Petition for Initial Recognition, February, 1987) soliciting their membership and inviting comments on our standards, we were unaware that the ANMA was still in existence and that Hayhurst now claimed to be its president.

In November, 1986, we had contacted Dr. R. M. Finley, head of a then inactive agency known as the American Naturopathic Medical Certification and Accreditation Board, Inc. (ANMC&AB, Inc) for his support of our Petition. The CNME got the support of the ANMC&AB, Inc. (Exhibit 13-1 and 13-2), but Finley, who is now a vice-president of the ANMA, gave no indication at that time that the ANMA was in existence. This corporation has, as a part of its mission, the certification of the credentials of individual practitioners as well as the accreditation of schools. We later learned that Hayhurst has become its president and treasurer (Exhibit 13-3) and has been its registered agent since April 12, 1986 (Exhibit 13-4). Thus, it is likely that Hayhurst knew of our activities but made no attempt to inform us of his interest.

We continued to be unaware of the ANMA until we received word from the Department of Education preceding the hearing for our Petition for Initial Recognition in 1987 that the ANMA had lodged a complaint against the Council for failing to communicate with them. We immediately opened a dialogue with the ANMA and Hayhurst subsequently declared support for our standards and activities. The ANMA, however, did not communicate its interest in our activities to the CNME until a phone call was placed by Calabrese to Hayhurst in May, 1987 to investigate the basis of the complaint.

Page 2, paragraph 2, sentence 2.

While Hayhurst characterized the ANMA as "one of the nation's largest naturopathic organizations," it is unlikely that, in early 1987 when he first communicated with the Department, that his organization had more than a handful of members, especially among licensed naturopathic physicians. Certainly the reorganizers of the CNME, many of whom were very active in professional affairs, would have known of ANMA activities had it been otherwise. The bulk of the membership in the list he provided in 1988 joined as a result of communications such as that presented in Exhibit 9, distributed in early 1987, in which the CNME is mentioned prominently and perhaps inappropriately. He tells potential members that joining the ANMA before the organization's acceptance by the CNME would put to rest the issue of "old schools." Presumably, this meant that the educational

credentials of ANMA members would be somehow validated by virtue of CNME acceptance of the the ANMA application. Hayhurst also told prospective members that 40% of initial ANMA membership fees (\$100 of \$250 fees per regular member) would be presented to the CNME. This was done without the knowledge of the CNME. Though the sum collected under this assertion apparently amounted to \$12,750 (calculated on the basis of the submitted membership list), his board reneged on the promise in his response (Exhibit 8-2), instead promising to pay the normal CNME dues of \$10 per member or a total of \$1440. The CNME received a check for \$1440 but payment was stopped before it was deposited.

Page 2, paragraph 2, sentence 4.

Hayhurst implies that he would not have supported the CNME had he known of the participation of James McConkey and the position held by current CNME president Carlo Calabrese with National College of Naturopathic Medicine. Hayhurst's repudiation of McConkey is unexpected as McConkey has served as the Vice President of the Nevada Naturopathic Medical Association of which Hayhurst is President and Hayhurst gave him a warm introduction at the January, 1983 meeting of the ANMA. That Calabrese was "deeply involved" with National College of Naturopathic Medicine (NCNM) as its Clinic Director should come as no surprise as he has been that institution's representative to the CNME for four years. Institutional representatives are required to be members of their school's administration. To avoid conflicts of interest, they take no part in the deliberations of the Commission on Accreditation, the CNME body which evaluates institutions, though they do participate in standards-setting and policy-making. Hayhurst placed several phone calls to Calabrese's office at National College in 1987 and 1988 and participated in CNME meetings when the ANMA was still supporting the Council's petitions for recognition, thus it is extremely unlikely that he did not know that Calabrese was an administrator at National during this period.

Page 3, paragraph 1.

The following three pages with its accompanying documentation demonstrates the process of the CNME in considering the application of the ANMA for a seat on the Council. The CNME did not reject their application. It was withdrawn by the ANMA after the ANMA refused to answer several questions about the association regarding its membership criteria and history. Until it was formally withdrawn, they were frequently encouraged to continue with the application.

Nine, not six, CNME members were present for the meeting of May 7, 1988 at which the application of the ANMA for representation on the Council was first discussed (Exhibit 5, Minutes). We did not, as Hayhurst asserts, accept the ANMA for representative membership. Instead, we were to vote on the AMNA's application after receiving certain documents from them that had been requested in April (Exhibit 6). Hayhurst pressed for a decision at the meeting, saying that he would find it difficult to support the CNME with his Department of Education contacts if the CNME did not vote in favor of ANMA membership. A membership committee of three CNME members was formed to review the submitted materials and certify their receipt. This membership committee purposefully included the two public

members in order to avoid, as much as possible, any conflict of interest from AANP members. We were to act within 30 days of the receipt of the requested material. The acceptance of ANMA representation was conditional on the submission from the ANMA of information requested earlier and a positive vote at a later meeting. At this meeting we also set in motion a process to establish clearer guidelines for the acceptability of professional associations for representative membership, acknowledging that these would not apply to the ANMA. At Hayhurst's request, on June 18, Dr. Calabrese sent him draft minutes of the May 7 meeting (Exhibit 7).

On August 1, 1988, Calabrese received the response dated July 7 presented at Exhibit 8 acknowledging receipt of the minutes. Hayhurst complied with part of the request but declined to provide minutes and budgets, making the argument that these were privileged information. In April, in response to Calabrese's letter of April 11 (Exhibit 6), he had provided evidence of one meeting, that of January, 1983, without making the privileged information argument. The ANMA response of July 7 also included an objection (Exhibit 8-3) to a policy adopted at the meeting that naturopathic professional members sitting on the Council must hold a current license to practice in at least one jurisdiction. He did not object to other parts of the minutes at that time though they clearly indicate that we were not making a decision on the application until all of the requested materials were received. He closes the letter saying that he was waiting to hear from us.

Though the ANMA application had not been voted on for final acceptance at the May 7, 1988 meeting and he seemed to understand that by his response of July 7, on May 10 Hayhurst had written to a Canadian colleague saying that the ANMA had been "approved" by the CNME (Exhibit 10). After learning of it, Calabrese wrote to him on July 20 asking him to correct the impression his letter had created (Exhibit 11). There followed a letter dated July 27 from Hayhurst insisting that the ANMA had been accepted by the CNME (Exhibit 19). He accused the CNME of having altered its minutes and invited communications between the CNME and the ANMA "so that we may avoid the demise of the CNME." Until receipt of this letter, there was no indication that Hayhurst was challenging the minutes despite his claim of having discussed it on the phone. In an exchange of phone calls thereafter, they discussed the possibility of a misunderstanding of the CNME action on the part of Hayhurst perhaps based on the the phrase "accepting the application." In an August 16 letter, Hayhurst seemed to have accepted that he had misunderstood the action, explicitly acknowledging the CNME position (Exhibit 12). On August 23, Calabrese told Hayhurst in a phone conversation that a CNME phone conference meeting was scheduled for August 29 to consider the ANMA application (see Exhibit 12, notes). However, in a letter dated August 19 (but postmarked August 30), Hayhurst writes to the CNME that "As you know, on May 7, 1988, the CNME voted to accept the ANMA as a supporting member (Exhibit 14)." He goes on to broadly impugn the ability of the CNME to engage in accreditation, its financial activities, and the qualifications and integrity of its members but provides no specific information on the charges. He says that he is withdrawing his support for the CNME and is turning to "older, more reliable sources for accreditation information," presumably meaning the American Naturopathic Medical Certification and Accreditation Board, Inc.

The August 29, 1988 phone conference meeting of the CNME (Exhibit 16, minutes) had only the ANMA application on its agenda since the CNME had promised to

respond within 30 days of receipt of the ANMA material indicated in the May 7 meeting. CNME members expressed surprise at Hayhurst's interpretation of events.

Before this meeting, the CNME had been sent documentation that indicated that an ANMA member had recently (in 1984) been granted a Doctor of Naturopathy degree by an institution that clearly did not have the authority from the State of Washington to grant it (Exhibit 17). This raised the question of how the ANMA was screening the credentials of its members.

In the CNME response of September 7, 1988 to Hayhurst's letter (Exhibit 15), Dr. Calabrese reported the results of the meeting of August 29. He pointed out that two other officers of the ANMA with whom he had talked in early September did not mention the charges that Hayhurst made nor the possibility of withdrawing ANMA support for the CNME. Calabrese noted Hayhurst's allegations with concern and asked for specifics so that an investigation could be made. Hayhurst did not respond to this request.

Hayhurst's letter dated August 19, 1988 indicates that he had sent a copy of his letter to Leslie Ross, a Department of Education official. In a phone call from Hayhurst on September 9, he said that, on the contrary, he had not sent a copy to Ross yet. (The letter apparently was not sent to the Department until it appears in Hayhurst's brief in January 1990.) He demanded an immediate yes or no answer on the ANMA application. He was told that the process defined by the Council needed to be followed and he was encouraged to continue with the application.

Hayhurst attended the next meeting of the CNME on September 24, 1988 (Exhibit 18, minutes). When he was asked about the charges in the letter of August 19 letter, he and the ANMA Board Directors who were present said that they would withdraw the content of the second paragraph of the letter until they knew the outcome of this CNME meeting and that afterward Hayhurst would put his concerns and intentions in a new letter. We did not receive such a letter. As a result of the meeting, we sent the ANMA a letter outlining what the CNME needed to continue with the application (Exhibit 20). We repeated our requests for information not yet received. At that time, CNME members did not know that Hayhurst had apparently arbitrarily inserted the "lawfully practicing" qualifier for admission into the ANMA Articles in 1983. However, since the phrase is ambiguous, we asked how it was interpreted. Because of the questionable diploma we had received, we also asked for information on the ANMA membership screening process. Hayhurst did not reply.

Around the time of the September 24 meeting, the CNME received applications from state naturopathic associations in Idaho, Nevada, New York, Pennsylvania and Puerto Rico requesting membership. Some of these associations sent some of the materials requested of the ANMA, protested inclusion of the same materials that the ANMA had protested, and displayed an overlapping membership featuring the membership of Don Hayhurst in all of them. These associations were sent information on the newly developed association membership process (Exhibit 27) and were not heard from again.

The CNME had a hearing for continued recognition scheduled before the National Committee on Accreditation and Institutional Eligibility on December 12, 1988. On November 30, R. M. Finley, an ANMA vice-president presented Calabrese with

three questions in a note (Exhibit 21-1), demanding an answer by December 4: "1) will the CNME accept the ANMA the same as the AANP; 2) does the CNME want the [National Council Against Health Fraud president William] Jarvis issue diluted; 3) does the CNME want congressional help-pull?" Calabrese responded repeating our position, pointing out that ANMA vice-president Patrick Ranch had said that the ANMA would be working to provide the requested information, and that any help in support of strong naturopathic educational standards would be welcome (Exhibit 21-2 and -3). At the hearing on December 12, Finley and John Miller, representing the ANMA, appeared in opposition to the CNME petition. They presented a seven page brief which reached the CNME by way of the Dept. of Education only four days before the hearing. Much of what they had to say was mistaken and, despite repeated requests for specifics on the broad allegations they had been making, had never been presented to us as criticisms of the Council's activities.

Though they were opposing our continued recognition, when asked by Dr. Bernard Fryshman, a member of the National Advisory Committee, whether the ANMA would accept a seat on the CNME if it were now offered, Mr. Miller said that they would.

On December 16, Hayhurst wrote to Secretary Cavazos, saying that although he had not seen the CNME documentation, he was sure it fell "far short of meeting DOE standards," that much of the profession does not recognize the CNME because of the CNME's "unethical, misleading and pretentious demeanor (Exhibit 22)." He repeats his charge that we altered our minutes adding that we listed people present who were not in attendance (a new charge) without naming the individuals.

In January, 1989, we received a letter (Exhibit 23) that Hayhurst had sent to his constituency soliciting attendance at an ANMA seminar in February, 1989 during which he states that there were to be "business meetings with the AANP and CNME representatives." Since he had not asked the CNME to meet with him, we were surprised at this. When he was phoned about this on January 19, he replied that the "CNME" in his letter meant the "Committee [not the Council] on Naturopathic Medical Education" and that "there is more than one AANP in the world, you know." In the context presented, his statement in the letter seemed intentionally misleading to his constituents.

In a telephone conversation on January 23, 1989 with Calabrese, Hayhurst said that ANMA application was not withdrawn and that it was a matter that he would have to take up with his Board of Directors in February. In March, he protests an article written by Calabrese for the AANP Quarterly newsletter in which it was stated that the ANMA had an application pending (Exhibit 24). Hayhurst says "As usual your statements regarding the ANMA are incorrect," but does not say which facts were misstated. The letter implies the withdrawal of the ANMA application. Calabrese wrote to him in June (Exhibit 25) at the request of the other CNME members asking explicitly if the application was withdrawn, pointing out the inconsistent messages we had received on this issue. Calabrese added his personal encouragement that the ANMA continue with the process and indicating the likelihood that the crux of the problem of the ANMA application would lie "in our request that you provide us with your membership criteria, explaining how the phrase 'lawfully practicing' is interpreted by your membership committee, and your membership screening process." He also offered to explain the CNME position to ANMA members in their newsletter and to provide the same information for the

ANMA newsletter that was being sent to the AANP Quarterly. The CNME received the explicit withdrawal of the application in Hayhurst's letter of June 16, 1989 (Exhibit 26). He did not accept the offer of informing his membership of the CNME position.

Given these events and documents, CNME members were forced to consider several possibilities: 1) that the history of the ANMA was not as Hayhurst had presented it, 2) that he had arbitrarily altered the Articles of Incorporation before they were registered thereby undermining its standards, 3) that he was intentionally creating confusion in the profession by duplicating the names of naturopathic agencies 4) that he may not have always been acting with the knowledge of the other officers and directors of his organization, 5) that ANMA membership criteria were so ambiguous as to allow individuals with no training at all to be admitted, 6) that the minimal membership criteria that the ANMA had were not effectively applied, 7) that funds were being used in ways that the membership had not agreed to, 8) that unlicensable ANMA members were attempting to control educational standards for naturopathic medicine by obtaining a large number of seats on the Council, 9) that the Council was being threatened with either immediately accepting the ANMA's participation in accrediting activities without further question or facing their opposition to CNME recognition by the Secretary of Education and 10) that, since the ANMA demand was not met, Hayhurst is now carrying out the threat.

We believe that the ANMA may be opposing the CNME's continued Recognition because they perceive the establishment of clear educational standards through the Council's work as representing a threat to the practices of unlicensable individuals characterizing themselves as naturopaths unless the unlicensed participate in the process. Our mission, however, is the evaluation of existing educational programs of naturopathic medicine and not the certification of individual credentials. We have no choice but to set a standard which will prepare graduates for licensure and to protect against encroachment on that standard. Some CNME members believe that there is room for a voice for the unlicensed in the accreditation process and that the ANMA should be that voice; others do not. We have encouraged the ANMA to continue with their application and to resolve these questions.

Page 4, sentence 4

While the standards worksheet was developed as an aid to site visitors, its use was not a requirement of our procedures. The worksheet was derived from the Educational Standards and Accreditation Procedures which was used during the visit but is not as convenient as the worksheet. We had hired a new Executive Director since the last site visit had been done by the Commission on Accreditation. He was not familiar with the worksheet's intended use and did not provide copies to the visitors. An updated worksheet is to be used on site visits in the future.

Preparation of the site visitors followed the usual practice of sending CNME standards and procedures and college documents together with a cover letter to site visitors. The visitors met the night before in a work session to review the criteria and organize the committee for its visit. The site team was prepared by our Executive Director, Cecil Baxter, PhD, who has done many site visits for the Northwest Association of Schools and Colleges and was a member of its Commission

on Accreditation for five years. In his critique of the site visit, Dr. Bradley simply suggested ways that the site team could be additionally supported.

Page 4, sentence 6

The CNME has not opposed the ANMA's Freedom of Information Act request for disclosure of our records as is asserted by Hayhurst. We immediately gave permission for the release of all documents related to our structure, purpose, membership and operations. We indicated that we considered it inappropriate for the Council to release information provided by institutions without the permission of the colleges involved and referred the request to the schools while encouraging them to cooperate with the Department. One of the two schools holding status with the CNME has given permission for the release of all of its documents; the other has _____ released some of these documents.

Page 5, 602.11 (a), sentence 3

The CNME has sought and obtained the broad support of the profession as demonstrated by its composition and the documentation it has submitted in its Petitions. It has concentrated, as is appropriate, on the support of licensed naturopathic physicians, on the associations that represent them, the institutions that train them, and the Boards of Examiners that regulate them. Consistent with its purpose of ensuring the educational community, the public, and other agencies the academic credibility of naturopathic educational programs, it has sought the involvement of individuals who have actually and demonstrably received a naturopathic education. The CNME has not especially pursued the support and participation of unlicensable practitioners as their training varies enormously and is not recognized, their practice has no regulation, and there may be frank danger associated with the practices of some. It has not rejected their participation where it is compatible with the maintenance of high educational standards and the protection of the public.

Page 5, 602.11 (a), sentence 4

The CNME has held most of its meetings in conjunction with the conventions of either the American Association of Naturopathic Physicians (because it is the largest association of licensed naturopathic physicians) or the Northwest Association of Naturopathic Physicians (because the greatest concentration of naturopathic physicians is in the Northwest). The CNME has not been invited to hold a meeting in conjunction with the ANMA. We have been invited to send a representative to one meeting, an invitation which we were unfortunately unable to accept at the time.

Page 5, 602.11 (a), sentence 5

The CNME does not recognize, as Hayhurst states, individual graduates of schools, but evaluates existing institutions training naturopathic physicians. It is true that

the majority of licensed naturopathic physicians in the U.S. are graduates of Bastyr College or National College

Page 5. 602.11(b), sentence 2

The CNME has not taken a position on the institutions that Hayhurst cites as "notorious diploma mills," Fremont and Bernadean, because they have not applied for any status of accreditation. Letters were sent in 1986 to those schools, as well as a number of others, announcing the activities of the CNME and inviting applications for accreditation. Bernadean (a correspondence school) responded with a request for our Educational Standards and Accreditation Procedures, but we received no further communication from them. Fremont did not respond to our initial letter and we assume they are out of operation. Their addresses were obtained from a Petition for Recognition sent in 1979 to the Department of Health, Education and Welfare by the American Naturopathic Medical Certification and Accreditation Board, Inc. (ANMC&AB) (Exhibit 13-1) of which R.M. Finley was then president, and Don Hayhurst is now president. Dr. Finley is now a vice-president of the ANMA. While Fremont may be a diploma mill, at least one of the members of the ANMA apparently attended the school (Exhibits 28 and 8-4, #70.), again raising questions about their membership screening procedures.

Page 7. 602.13(h), sentence 3

There was no intention on Bradley's part to imply that there was significant noncompliance with CNME standards. Dr. Bradley's comment, misquoted here, was made in connection with a discussion of how standards are applied and specifically in relation to the CNME guideline which reads that institutions "must meet the Educational Standards listed in Section III unless the institution can demonstrate to the satisfaction of the Commission on Accreditation why one or more Standards should not be applied and what equivalent structures or processes respond to the Standard (from the Educational Standards and Accreditation Procedures, page II-3)." A comparison of hours among the schools and CNME standards had been done by a committee in evaluating reliability and validity of standards. The committee's report found that in a CNME prescribed curriculum of 4100 hours distributed over 24 subject areas, there was a deviation between what the schools required each student to take and CNME standards in only one area, Acupuncture, where the standard read 50 clock hours and the schools require 36. This area has been controversial because only Arizona and British Columbia allow acupuncture by naturopathic physicians. Both schools have ample opportunity for more acupuncture training for students going to those jurisdictions or who are interested in Chinese medicine. Other aspects of Chinese medicine are included in other parts of the college curricula. The discussion centered on how this deviation was missed and on how to avoid it in future site visits. It emphasized the importance of the worksheet previously discussed.

Page 7. 602.13(k)

This Criterion does not require that the agency have criteria established to measure

a potential student's ability to benefit as is stated by Hayhurst. The Criterion requires that the agency maintains and makes publicly available any criteria established with respect to nationally recognized, standardized, or industry-developed tests designed to measure the aptitude of prospective students to complete the program. There are no widely accepted pre-professional training measures of student ability for naturopathic medicine such as the MCAT for conventional medicine. The Council therefore has no criteria with respect to those measures. However, the CNME requirements for pre-professional education are fairly rigorous. These include at least three years of course work leading to a baccalaureate, with at least 36 quarter hours in laboratory sciences in biology, physical sciences and chemistry with an overall GPA of at least 2.5. The institutions which hold status with the CNME have additional requirements. Besides preparing students for more advanced study in biochemistry, physiology, etc. in the professional program, these requirements are a *de facto* measure of ability to benefit.

Page 7. 602.14 (b)

It is difficult to collect figures on the number of unlicensed practitioners, with or without professional education, who characterize themselves as "naturopaths." The numbers are probably small as, in states where naturopathic physicians are working for regulation of the profession (recently Nebraska, Montana and Minnesota), less than a dozen such individuals were identified. Hayhurst may be doing a valuable service by identifying these individuals, especially if he would release their names. Those who are not licensed as naturopathic physicians in any state comprised about 90% of the ANMA membership list presented in 1988. Hayhurst has been unwilling to release specifics on his membership since that time. While the ANMA, as an organization, has opposed the continued recognition of the CNME, it has never done so on the basis of the standards of the Council. We have been unable to present the position of the CNME to the ANMA members as Hayhurst has closed access to them through ANMA channels. It is unlikely that Hayhurst has enough information about unlicensed practitioners to say that most do not "accept" the CNME. It is clear that the CNME, contrary to what Hayhurst says, has almost universal support among licensed naturopathic physicians.

Page 7. 602.14(c), sentence 2

The ANMA brief says that the CNME is not accepted by "recognized agencies" and names the American Naturopathic Medical Certification and Accreditation Board, Inc. (ANMC&AB) and the Federation of Naturopathic Medical Licensing Boards (see discussion below) among these. The ANMC&AB has not officially expressed opposition to CNME recognition. It would not be a surprise if it did as Hayhurst is its president, treasurer, and registered agent. In any case, it is not a "recognized" agency. In contrast, the Northwest Association of Schools and Colleges, a regional accrediting agency recognized by the Secretary of Education and the Council on Postsecondary Education has participated with the CNME in a joint site visit, supports the CNME's petition for continued recognition (Exhibit 31), and has agreed to assist in providing additional training for CNME site visitors (Exhibit 32).

Page 7, 602.14(c), sentence 3

The Federation of Naturopathic Medical Licensing Boards (FNMLB) has reorganized and reincorporated. No licensing boards are any longer members of the old Federation though its charter may still exist. The new Federation, reorganized as the Federation of Naturopathic Medical Licensing Boards, Inc. (FNMLB, Inc.), has members representing the Boards of Arizona, Connecticut, Hawaii, Oregon, British Columbia, and Ontario. Two representatives of the FNMLB, Inc. are presently on the CNME. The circumstances of the reorganization was explained in the CNME Petition and the CNME has enjoyed the support of both organizations (see Petition, June, 1989, Exhibits 38 and 39). In addition, the CNME has been supported by the individual licensing boards independent of their participation in the Federation.

Page 7 and 8, 602.14(c), sentences 4, 5, 6

Since Hayhurst will not release specifics on his membership, we do not know how large the ANMA is. In 1988, he claimed 121 professional members. The American Association of Naturopathic Physicians (AANP) is the largest association as far as we know (about 250). It is certainly the largest association of licensed naturopathic physicians since the ANMA has very few licensed members. While the AANP has a category of student membership (not counted in the figure above), to say that it consists primarily of students of Bastyr and National is a gross distortion.

Page 8, 602.15, paragraph 1

The CNME does not falsely claim that the Oregon Association of Naturopathic Physicians or Ontario College of Naturopathic Medicine paid money to the CNME in 1989. The Exhibit cited by Hayhurst and provided to the Department of Education which had figures associated with these organizations was not an income statement but a projected budget, was clearly labeled as such, and does not constitute a claim that we had received these sums. The figures mentioned were anticipated revenue and are due and payable to the CNME (Exhibits 29 and 30).

Page 8, 602.15, paragraph 2

Dr. Canvasser is well qualified to be a site visitor. He was at the time of the his site visit to Bastyr in 1986 a member of the Oregon Board of Naturopathic Examiners. He did not make contributions to Bastyr College until well after his site visit there, but his contributions do not constitute a conflict of interest in any case. Since he is a principal in a company making medications available to naturopathic physicians and because his company's sales to Bastyr College clinic have since risen above \$500, Dr. Canvasser would no longer be eligible as a site visitor under the CNME conflict of interest policy adopted in 1987.

Page 9, paragraph 2

The CNME has generally chosen the members who are involved in it because they are the best people available for the positions and not, as Hayhurst states, because of insufficient financial resources. The CNME has been able to perform all of its functions while continuously improving its fund balance over the past four years. The comment of Dr. Moore (CNME member and President of the Naturopathic Physicians Licensing Examination Board, an agency which writes licensing exams to which most state licensing boards subscribe) on CNME members "wearing too many hats" is a reflection of the fact that some of the most active members of the profession have decided to devote energy to the professional accrediting agency because they see it as fundamentally important to manifesting the potential the profession holds for health care while simultaneously protecting the public. We have considered the expertise gained in their other activities to be extremely valuable in the work of the Council. Indeed, they were sometimes nominated because of these activities. It is difficult to see how Hayhurst can fairly make the implication that these individuals have a conflict of interest due to multiple offices when, as documented elsewhere in this response, he has been serving simultaneously as president and treasurer of the ANMA and the Nevada Naturopathic Medical Association, and as president, treasurer and registered agent of the ANMC&AB (an accrediting and credentials certifying agency).

Page 9, paragraph 2.

Besides the information provided on McConkey under the response we make in this document to page 2, paragraph 2, sentence 4 of Hayhurst's brief, we add the following. As indicated in our Petitions, James McConkey contributed to the preparation of documents at the reorganization of the CNME in 1985 as a lawyer and not as a naturopathic physician, thus his naturopathic education was not especially relevant to his role. He did not participate in CNME accrediting activities. The CNME has no detail on Sequoia which has ceased operations and from which Hayhurst says McConkey got his degree. If Sequoia did sell degrees as Hayhurst asserts, it is interesting to note that at least one member of the ANMA on the membership list that Hayhurst provided in 1988 has a degree from Sequoia (Exhibit 33).

Page 10 and ff.

Because the universe of schools eligible for accreditation under CNME guidelines is very small (only two in the U.S. at present), the CNME has sought naturopathic physicians who are not graduates of these schools to engage in their evaluations. Establishing the qualifications of individuals who graduated from schools no longer in existence is sometimes problematic. As is indicated in our Petitions, due to the lack of licensure and regulation in many states, there has been great variation in the quality and length of training for naturopathy. Further complicating this picture, there have been instances of opportunists, taking advantage of the lack of regulation, who generated or claimed frankly fraudulent credentials. While times have greatly altered the view that the public holds of alternative medicine, there were also a number of prosecutions of legitimately trained individuals associated with the valid

practice or teaching of its various forms. There is a movement in naturopathic professional associations toward validating credentials on an era-appropriate basis to make the distinction between those reasonable well-trained and those who are a danger to the public. This process is proceeding slowly. As the standards of naturopathic education have risen and become well-established nationally complementary to the work of the CNME, there will be less of a problem discriminating among more recent graduates. The CNME, unable to investigate every credential, has generally taken the position of relying on state licensure to establish the qualifications of people graduated from schools no longer in existence who may engage in accreditation activities.

Robert Broadwell served as a site visitor to one school in 1986. He was well known to most members of the CNME as a teacher and clinician. We did no background check on his credentials at that time except on his licensure as a naturopathic physician in the State of Oregon which was current.

Page 10, paragraph 2, sentence 3

When asked about his explanation of the discrepancies in his educational record claimed by Hayhurst, Broadwell sent a history of his education and experience presented at Exhibit 34. He comments on his University of Iowa experience in paragraphs numbered 1. to 4.

Page 10, paragraph 2, sentence 4

Broadwell comments on his Kirksville experience in Exhibit 34, paragraphs 7. to 13.

Page 10, paragraph 2, sentence 5

American Therapy University (ATU), American Non-Allopathic University and Midwestern University were three separate institutions, not one as Hayhurst asserts. American Therapy University, which Broadwell attended, was not identified as a "degree mill" by the Department. ATU was a school recognized for professional training by the American Naturopathic Association, the largest professional association of the time. It was also recognized by the Veterans Administration and the Immigration and Naturalization Service. Though he neglects to mention it, in the file that R. M. Finley, ANMA vice-president, examined at the Oregon Board of Naturopathic Examiners is a transcript from ATU documenting Broadwell's education there.

Page 10, paragraph 2, sentence 6

After the site visit that Broadwell participated in, we learned that he had a conviction against him in Ohio in 1954 for "offering to sell a diploma falsely representing the holder to be a graduate of a medical school." The diploma was in Homeopathic Medicine. When confronted with this information, Dr. Broadwell acknowledged it but insisted that there was no wrong-doing on his part.

The CNME officers were in considerable consternation at this revelation. Given that a) he was selected on his reputation established in the 1970's and 80's, b) that he is extremely knowledgeable in the specific area which he examined, c) that other site visitors to the school who had examined the same areas previously and thereafter had rated them similarly, d) that the areas he examined were generally areas of strength in that institution, e) that there were other site visitors of unquestioned credentials on the visit to balance his views, f) that the infraction, if it occurred, had happened 33 years previously and that he had paid his debt, and g) that he had no apparent reason to bias his judgments during the visit, we decided that our belated knowledge of the conviction did not invalidate the evaluation to which he had contributed.

Nevertheless, we took this information very seriously. Broadwell has not been and will not be engaged as a site visitor again. At the CNME meeting of May, 1990, a proposed policy on the examination of presented credentials is being considered.

Page 10, paragraph 2, sentence 7

Broadwell comments on his Tahoe Colleges record in Exhibit 34, paragraphs 17. and 18. In the file that Finley examined at the Oregon Board of Naturopathic Examiners, is Broadwell's Tahoe transcript documenting 30 courses, research, and practical work done during his attendance there.

Page 10, paragraph 2, sentence 8

The CNME provided resumes of each of its members but not of each site visitor that it has engaged. There were short descriptions of the qualifications of the site visitors instead. This had proven to be acceptable to the Department of Education for previous Petitions. There was no special treatment of Broadwell in this regard.

Page 11, paragraph 1, sentence 2

Henry Merritt has been licensed as a naturopathic physician in Oregon, Arizona, Virginia, Ontario, and Alberta. His license in Virginia is issued by the Board of Medicine. He has not been licensed as a medical doctor, but he has used his M.D. as a teaching degree at Frostburg State College, Virginia Polytechnic Institute, and the University of Wisconsin at La Crosse where he was a full Professor and Chair of the Department of Health Education. Many of his classmates at Kansas City University are licensed to practice medicine in a number of jurisdictions. It is not "deception or incompetence on the part of the CNME," as Hayhurst says on page 12 of his submission, to list Merritt's earned M.D. degree after his name.

Page 11, paragraph 1, sentence 3

Again, in the file that R. M. Finley examined at the Oregon Board of Naturopathic Examiners, is a transcript for Merritt's Philathea College work for his Ph.D

documenting 23 courses, a thesis and transfer credit. Dr. Merritt, on our request for more information on his education, sent the letter at Exhibit 35.

Page 11, paragraph 1, sentence 4

Merritt did not claim a D.V.M. degree in the professional abstract he sent to us before the site visit in which he participated.

Page 11, paragraph 1, sentence 5

The document that Hayhurst exhibits from Western States College indicates 12 months of attendance not nine as he says in his narrative. Merritt says that he was attending classes (and teaching basic sciences there) before he was formally admitted. There is no challenge to the validity of Merritt's degree from Western States. Finley himself has a degree from the institution.

Page 12, 602.16 (a), sentence 2

The CNME has engaged the participation of reputable and licensed naturopathic physicians throughout the country as demonstrated by the documentation in its Petitions. We have even had the support and/or participation of some of the few licensed members of the ANMA. Hayhurst is presumably referring to his constituency of unlicensable practitioners. The credentials of the officers of the ANMA listed in his 1988 submission to the CNME (Exhibit 8-1) will serve to illustrate the situation.

It has been difficult to gather information on Don Hayhurst, the ANMA president, as he has been somewhat reluctant to reveal the specifics of his education. He signs his submission to the Department of Education with the credentials "N.M.D. (Naturopathic Medical Doctor), Ph.D." He has told a staff aide for members of the legislature of the State of Nebraska (Doug Gibbs, (402) 471-2617) that he received these degrees from Clayton University (7710 Carondelet, Clayton, St. Louis, MO, 63105 (314) 727-6100). Clayton University offers unaccredited "independent study programs by correspondence which use local adjunct faculty selected by the students" generally lasting about a year, gives extensive "life experience" credit and will arrange any type of program requested. Clayton University is not to be confused with Clayton School of Natural Healing, a different correspondence school in Alabama. Clayton University has no experience at all with naturopathic medicine. He received from Clayton a Ph.D. in counseling and psychology in 1981 and a "Doctor in Homeopathic Medicine" in 1983. He has also claimed naturopathic training at the "Utah College" to his district assemblyman, but older naturopaths in Utah have no knowledge of such a college (Exhibit 36). Hayhurst has been invited to join the American Association of Naturopathic Physicians but has been unable or unwilling to meet the membership criteria. He has a history of attempting to block regulatory efforts in Nebraska and Montana. As shown by his submission to the Department, he also seems to have a collection of blank, signed diplomas from institutions purporting to grant naturopathic degrees (see his Appendices 2 and 5). He is not licensed or eligible for licensure as a naturopathic physician in any state.

For a time he held a license in Nevada under a physician extender law requiring that the practitioner be under the supervision of a medical doctor. That law was closed in 1987 and all licenses were expired. Thus, there is some question as to whether he is practicing "lawfully" in Nevada and he may, therefore, be ineligible to be a member of his own organization, the ANMA.

One of the ANMA vice-presidents, R. M. Finley, has a license as a naturopathic physician in Oregon. The other vice-president, Patrick Ranch, is a chiropractor practicing in Idaho who attended a program in naturopathy designed as monthly 3 day seminars over a period of 36 months consisting of about 800 hours of lecture with no supervised clinical training. He has no license as a naturopathic physician and is probably not eligible for licensure in any state.

Listed as secretary of the ANMA in their 1988 letter (Exhibit 8-1), James Solomon, is a graduate of Arizona College of Naturopathic Medicine, a school which withdrew its application for status with the CNME in 1979 and was subsequently closed by the State of Arizona. It was never recognized by the Arizona Board of Naturopathic Examiners. Its graduates are not eligible for licensure as naturopathic physicians in any state and Solomon has no such license. In October, 1989 Solomon, who practices in Idaho, was arrested after reportedly promising to cure two cancer patients (Exhibit 37-1) and diagnosing the disease with a blood test, hair analysis and a pendulum (37-2). His case is now pending.

While we do not wish to impugn the qualifications of ANMA members, the CNME does not believe that it would be prudent to engage these particular individuals in accreditation activities. These and the other examples among ANMA members noted in the text above hopefully will demonstrate to the Committee and the Department of Education why the CNME has proceeded cautiously with respect to the ANMA and Hayhurst's constituency.

Conversely, while most members of the CNME are graduates of Bastyr and National, the awareness of the dangers of the small universe of institutions now training naturopathic physicians has led the Council to exercise extreme care to render unbiased decisions. The structure of the Council and its Commission on Accreditation, the unassailable credentials of all members, an Executive Director with extensive accreditation experience, the presence of public members experienced in education and accreditation, the enactment of a firm conflict-of-interest policy (Exhibit 38), the support and participation of state licensing boards, the development of programs of validity and reliability, its affiliation with recognized accrediting agencies, and the openness of CNME meetings and activities serves to assure the public of the quality of professional educational programs accredited by the our Commission.

Page 12, 602.16 (a), sentence 3

Calabrese, contrary to what Hayhurst states here, is not listed in the HEP Higher Education Directory as the head of National College, but as a Dean. He served as the Dean of Clinical Education from 1986 to 1989. He has never headed the College.

Page 13, 602.16 (b), sentence 1

The CNME did not grant accreditation to Bastyr College, as Hayhurst states, without insisting on the establishment of a gross anatomy laboratory. It is true that the College had, in ten years of steady growth, begun to outgrow their lab, and last year they remodeled and upgraded the facility. Within four months of the Commission action granting Bastyr full accreditation, Bastyr was also granted full accreditation by the Northwest Association of Schools and Colleges.

Page 13, 602.16 (b), sentence 3

Hayhurst says that the CNME should not have granted candidacy status to National College on the basis of an "unqualified audit as evidence of reduced debt." His contention is based on his misunderstanding of the accounting phrase "unqualified audit" which means that the CPA who prepares the document has no reservations, or qualifications, about the material presented. National College could have produced no better evidence of reduced debt.

Page 13, 602.16 (c)

CNME meetings are open. Visitors present at the May 7, 1988 meeting (minutes at Exhibit 5) were asked to excuse themselves for 30 minutes. Hayhurst had presented the ANMA application for a seat on the CNME without providing the suggested documentation. The California organization also calling itself the ANMA had protested the seating of Hayhurst's group. John Miller, an ANMA member, was protesting CNME membership qualifications. CNME members had had no opportunity to discuss the ramifications of seating an association whose members were largely unlicensed. Hayhurst nevertheless requested that the CNME act on his application immediately. Protracted discussion had already taken place and the ANMA had fully presented its case. Asking visitors to leave for a few minutes to allow CNME members to discuss a course of action seemed prudent. Only discussion took place in the interlude; motions and votes were taken only after the visitors had returned.

The Vancouver meeting on May 20, 1989 was completely open and, in fact, had five visitors present. Though there was no ANMA representative at the meeting, there was no request from the ANMA for Kevin Garner to attend, no need for a request, and certainly no refusal. R. M. Finley, an ANMA representative, attended the following meeting of the CNME and taped the proceedings without making such a request and with no objection from the CNME.

Page 14, 602.17 (c), sentence 1

Licensing exam passing rates have been generally good though graduates do not necessarily pass on their first try.

The single basic sciences exam focused on by Hayhurst was determined to be seriously flawed by the Oregon Board. The Washington Board did not agree with Oregon's handling of the problem. While Washington will not offer reciprocity of licensure to those who passed that exam according to the Oregon formula, reciprocity has not been abandoned by Washington State. Hayhurst quotes Maria Gardipee as saying that the graduates of NCNM are "just not meeting minimum competency requirements." Ms. Gardipee ((206) 753-1230) denies saying this and is willing to be contacted to confirm it. NCNM has been under the continuous approval of the Washington State Higher Education Coordinating Board for many years.

EXHIBITS

1. Correspondence with John Minasian
2. Articles of Incorporation of ANMA dated February 28, 1983
3. Articles of Incorporation of ANMA dated April 25, 1983
4. Letter from Hayhurst giving a history of the ANMA
5. Minutes of CNME meeting of May 7, 1988
6. Letter requesting documents supporting ANMA application, Apr. 11, 1988
7. Letter from Calabrese to Hayhurst transmitting CNME minutes of May 7, 1988
8. Response of ANMA to request for documentation, July 7, 1988
9. Letter from Hayhurst soliciting membership in ANMA
10. Letter from Hayhurst to P. Wales claiming "approval" by CNME, May 10, 1988
11. Letter from Calabrese to Hayhurst protesting the claim, July 20, 1988
12. Letter from Hayhurst acknowledging CNME position, Aug. 16, 1988
13. Documents re: Am. Naturopathic Med. Certification and Accred. Board, Inc. part
14. Letter from Hayhurst dated August 19, 1988 which
15. Letter from Calabrese to Hayhurst, Sept. 7, 1988 letter
16. Minutes of CNME meeting of August 29, 1988
17. Diploma from Northgate Graduate School granted to ANMA member
18. Minutes of CNME meeting of September 24, 1988
19. Letter from Hayhurst, July 27, 1988
20. Letter from CNME to Hayhurst asking for information to continue application
21. Note from Finley, Nov. 30, 1988 with response from Calabrese.
22. Letter from Hayhurst to Secretary Cavazos, Dec. 19, 1988
23. Letter from Hayhurst to his constituency claiming meetings with CNME and
AANP, undated, distributed in December, 1988 and January, 1989
24. Letter from Hayhurst, March 16, 1989
25. Letter from Calabrese to Hayhurst, June 1, 1989
26. Letter from Hayhurst, June 16, 1989
27. CNME membership procedure and standards for professional associations adopted
September 24, 1988
28. Transcript of ANMA member from Fremont College
29. Letter from Oregon Association acknowledging dues payable to CNME
30. Bill to Ontario College for application fee
31. Letter in support of CNME petition from Northwest Association of Schools and
Colleges (NASC)
32. Letter from NASC agreeing to train CNME site visitors
33. Application for licensure from ANMA member graduated from Sequoia
34. Narrative of education and experience from R. Broadwell
35. Letter from Chancellor of Philathea College
36. Letters on Utah College
37. Newspaper articles on Solomon case, November, 1989
38. CNME conflict-of-interest policy