

## **NHAA submission on Exposure draft subordinate legislation Private Health Insurance (Reforms) Amendment Rules 2018**

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The Naturopaths and Herbalists Association of Australia (NHAA) is the preeminent professional association representing Naturopaths and Herbalists and the only association recognised by the World Naturopathic Federation.

The NHAA believe access to evidence-based health care is very important. With regard to the changes proposed to Private Health Insurance (PHI), there are a number of important deficiencies associated with the evidence used to exclude Naturopathy from PHI rebates.

Removal from private health insurance refundable status is of particular concern to the NHAA, primarily due to the anticipated impact on public safety. In the absence of statutory regulation under AHPRA, Naturopathy (and Western Herbal Medicine) operate in a self-regulated environment.

- A key safety lever in the current self-regulatory model, is the need for practitioners to join a professional association to access PHI provider numbers in order to allow patients to claim private insurer rebates on the services rendered.
- In the face of inaction on the part of various governments to regulate Naturopathy (and Western Herbal Medicine), the private health insurers have assumed the pseudo-regulatory role in this area by requiring practitioners be members of a professional association, to maintain current first aid training, and meet continued professional development requirements, which has acted as a steadying influence on the profession.
- This allows professional associations such as the NHAA to enforce standards of public safety. For instance: 'registered' practitioner listings, codes of conduct, education standards and educational accreditation, monitoring of compliance with first aid certification, overseeing member professional development and continuing education activities, and ensuring practicing members hold appropriate levels of professional indemnity and public liability insurance.
- A major concern with removal of health fund rebates looming, is the observation that some practitioners are considering leaving the constraints of their various associations (on private social media discussion pages) which appears to be emboldening the more fringe element. This would be a serious detriment to public safety, as a significant means for the public to identify a qualified and safe Naturopath or Herbalist would be lost.
- Removal from private health insurance refundable status in relation to Naturopaths (and Western Herbal Medicine practitioners) removes the 'pseudo-regulatory' function currently acting in the public interest and is likely

- to facilitate underqualified and non-compliant persons to practice Naturopathy or Western Herbal Medicine with no professional checks or balances.
- There are already high-profile cases of misconduct by people claiming to be Naturopaths (Marilyn Bodnar for example) while not meeting even the most basic requirements set by some of the other representative bodies. Had there been statutory registration, cases like this would have been clearly described in the press as ‘fake Naturopaths’ in similar terms to those used for other fake medical practitioners.
- The NHAHA is concerned the regulatory vacuum resulting from removal of PHI for Naturopaths (and Western Herbal Medicine practitioners) will enable people with little or no qualifications in the discipline to misrepresent themselves and anticipate more harm to the community and to the standing of the profession.

Using the “Review of the Australian Government Rebate on Private Health Insurance for Natural Therapies”<sup>1</sup> as the basis for preventing PHI’s from providing rebates for Naturopathy and Western Herbal Medicine is also significantly problematic.

- For Naturopathy, the “Review of the Australian Government Rebate on Private Health Insurance for Natural Therapies”<sup>2</sup> noted, Naturopathy was an effective treatment for many chronic conditions. However, as most of the research was conducted in North America it was deemed not relevant to the Australian setting, due to the lack of statutory regulation.
- The review found 13 studies investigating “whole of practice” Naturopathy: six were randomised trials and included in the results. Combined, these covered 627 participants and 20 primary health outcomes – 17 of these outcomes were in favour of naturopathic practice. However, the authors had concerns about applying the evidence to the Australian context due to the unregulated nature of Naturopathy in Australia.
- Baggoley<sup>1</sup> cited a 2012 review of Naturopathic education<sup>3</sup> to justify or explain why Naturopathy is so different in Australia to other jurisdictions, however on the contrary, these authors clearly identify that practitioners who graduate from accredited degree programs in Australia have a similar level of training and practice to their North American counterparts where the majority of the included studies originated.
- Had the Naturopathic profession already been regulated – as has been recommended by Australian State and Commonwealth governments<sup>4</sup> for at least 20 years, Naturopathy would not have been included in the review in the first place, just as Acupuncture, Chiropractic and Osteopathy were not subject to the review.

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<sup>1</sup> Baggoley, C., (2015). “Review of the Australian Government Rebate on Natural Therapies for Private Health Insurance.” Australian Government Department of Health, Canberra.

<sup>2</sup> Baggoley, C., (2015). “Review of the Australian Government Rebate on Natural Therapies for Private Health Insurance.” Australian Government Department of Health, Canberra.

<sup>3</sup> Wardle, J., Steel, A., Adams, J., (2012). "A review of tensions and risks in naturopathic education and training in Australia: a need for regulation." *Journal of Alternative & Complementary Medicine* 18(4): 363-370.

<sup>4</sup> Wardle, J. L., et al. (2016). "Is Health Practitioner Regulation Keeping Pace with the Changing Practitioner and Health- Care Landscape? An Australian Perspective." *Frontiers in Public Health* 4: 91.

- Every previous government inquiry into Naturopathy and Herbal Medicine in the past 20 years has established that these are effective and beneficial treatments<sup>5</sup>
- Naturopathic practitioners have consistently identified regulation of the profession as the major challenge the profession faces and support it to ensure practice standards and promote public safety<sup>6</sup>.
- A range of therapies with markedly different educational standards are inappropriately treated as equivalent. For example, a 2-month non-accredited certificate course in Reiki is compared to a 4-year degree for Naturopathy (3-year degree for Western Herbal Medicine), which should not be considered equivalent due to the vast difference in scope and depth of the training and education. This, in itself, reflects negatively on the professions of Naturopathy and Western Herbal Medicine in the public eye through inference.
- Conversely, Naturopathy is treated differently to Traditional Chinese Medicine (which is exempt from the changes), despite Traditional Chinese Medicine having the same or similar level of education standards. In many instances, in Traditional Chinese Medicine, a practitioner may prescribe the same herbal remedies as a Naturopath or Western Herbal Medicine practitioner.
- Naturopathy and Western Herbal Medicine have previously been assessed against the requirements for registration and found to meet the requirements.<sup>7</sup> Yet due to a fast-moving change in the regulatory landscape from State to National registration when the National Registration and Accreditation Scheme (the National Scheme) and the Australian Health Practitioner Regulation Agency (AHPRA) was formed in 2010, Naturopathy and Western Herbal Medicine essentially 'missed the boat'.
- It is our understanding that the lack of statutory regulation of Naturopaths and Western Herbal Medicine practitioners under the National Scheme (through AHPRA, as the agency that supports the National Boards to implement the National Scheme) is the key difference, to Naturopaths and Western Herbal Medicine practitioners' adverse treatment under the policy change (that removes the government rebate to private health insurers in relation to a broad range of natural therapies).
- Registration under the National Scheme (i.e. AHPRA) would address this issue and the NHAHA has been working consistently to facilitate this and significant progress has been made by the Naturopathic profession towards statutory registration with the establishment of ARONAH to match the AHPRA requirements as closely as possible and so have a register ready to go.

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<sup>5</sup> Wardle, J. (2014). "Holding unregistered health practitioners to account: an analysis of current regulatory and legislative approaches." *Journal of Law and Medicine* 22(2): 350-375.

<sup>6</sup> Wardle, J., et al. (2013). "Current challenges and future directions for naturopathic medicine in Australia: a qualitative examination of perceptions and experiences from grassroots practice." *BMC Complementary and Alternative Medicine* 13: 15.

<sup>7</sup> Lin, V., et al. (2005). "The practice and regulatory requirements of naturopathy and western herbal medicine." Melbourne: Department of Human Services.

- Considering the overwhelming evidence that Naturopaths and Western Herbalists be registered, we request consideration be given to facilitating the registration of Naturopathy as a profession under AHPRA. This process was started by Victoria and remains tabled at COAG, perhaps the federal government could use its HWPC seat to restart the process.
- Alternatively, perhaps a Sax Rapid Review type update of the original NHMRC report could be undertaken for those therapies which had some merit in the original review which is now significantly out of date, notwithstanding the methodological errors identified in regard to Naturopathy<sup>8</sup>
- Most of the issues with the proposed legislation stem from its prohibitive nature – i.e. whilst the purpose of this provision was to remove public subsidies for these services, the legislation actually *prohibits* their provision as part of a private health insurance plan under any circumstances. What has *not* been made clear in this legislation is why removal of public subsidies from these therapies *requires* that their supply be prohibited in complying policies.
- While the Labor party also proposed that subsidies for natural therapies be removed from private health insurance, their model only removes subsidies whilst still allowing continued access. It has not been made clear whether alternative models that continue access to these therapies have been considered.

**Recommendation 1. The government use its position at COAG Health Council to initiate (or possibly reactivate) a formal examination into whether naturopaths should be included in the National Registration and Accreditation Scheme**

**Recommendation 2. When updating the reviews for naturopathy and Western herbal medicine, look beyond “whole practice” studies to ensure the evidence-base for these professions is appropriately assessed.**

**Recommendation 3. Amend the legislation to fulfil its stated role of removing subsidies rather than prohibiting therapies.**

Yours Sincerely



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Naturopaths and Herbalists Association of Australia

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<sup>8</sup> Wardle, J. (2016) “The Australian government review of natural therapies for private health insurance rebates: What does it say and what does it mean?” *Advances in Integrative Medicine*, 3:3-10