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Speaker promotes Florida's health freedom

By Silvia Casabianca

Health activist and attorney Deborah Miller was a guest speaker of the recently-created Naples chapter of the Florida Health Freedom Coalition on Thursday, June 14. Miller tours the state, educating the public about how the law affects their right to use complementary and alternative therapies (CATH) and to choose the practitioners of their choice.

"Florida Health Freedom is all about choice," Miller said. "We don't denigrate health care in any form. We simply say that the public should have the right to decide what practitioners they want to use. We need to bring good practitioners who offer low and no-risk natural health therapies to light, so that the public can benefit from their services."



The Health Freedom Coalition is acting in response to the Department of Health's statement that unlicensed persons in the State of Florida cannot offer CATH. The Florida statutes define health care practitioners as licensed practitioners whose practice is regulated by the state. If a practitioner's intent is to affect a mental or physical condition, it could be considered practicing medicine. Additionally, under Florida law, all unlicensed practice is considered potentially harmful to the public.

"The state is using tens of thousand of dollars prosecuting people who have committed no fraud, who are not doing harm to anyone," said Miller. "These dollars are spent in undercover investigation of people who are just helping clients change their eating habits! I think this is a terrible misuse of consumer resources."

She has seen both sides of the coin: Her legal career started as a Florida prosecutor. Miller worked with law enforcement to prosecute people thought to be unlawfully practicing health care. Presently, as a policy and legal consultant for the Florida Health Freedom Coalition, she defends the rights of practitioners using gentle and natural therapies. These include energy practices and many other low or no-risk practices, such as homeopathy. As an example, Miller mentioned that in Florida, all reiki practitioners must hold a massage therapy license to practice for compensation.

"The Board of Massage has interpreted the massage practice act, which defines massage as the manipulation of soft tissue, to include reiki. If you are touching for compensation, then it's massage," Miller explained.

Concerns often expressed regarding the use of CATHs include alternative practitioners' lack of training to recognize the gravity of a disease, which may place a patient at risk if medical attention is not received in a timely manner. Presently, 36 states are working on passing health freedom legislation. Four states have already done so (Idaho, Rhode Island, Minnesota and California) and only one, Oklahoma, has added health freedom provisions in its constitution.

Miller said that a large number of votes are needed to pass health freedom legislation in Florida.

"This legislation creates a safe harbor for unlicensed practitioners," Miller said. "Practitioners such as homeopaths (not a licensed profession in Florida), and energy workers do not presently advertise their services... if the freedom legislation passes, they will come out into the open, advertise, become more visible to the public, so that consumers know who they are and can find them."

Miller mentioned cases in which people using alternative therapies innocently tell their doctors. "MDs call law enforcement that would send someone to the practitioner with recording devices and practitioners end up in jail. The point is, because they are unlicensed, even if they are not doing dangerous things, they are at risk of suffering criminal penalties.

"Laws which limit consumers' choices to medically-trained and licensed practitioners do not create health freedom. Instead, they restrict access and drive-up costs by restricting gentle, natural health therapies to the health-care monopolies given to state-licensed practitioners," Miller said.

If the concern is about possible unethical practices, Miller thinks that, "Licenses do not grant that unethical people will become ethical." She said it doesn't make sense that new licenses should be created just so that practitioners can be punished. "It costs state money."

In defense of consumers' rights to make choices, Miller said that, "Governments seem to have the idea that people have poor judgment, that law is required because people are not intelligent enough to make good choices. I don't accept that. What about the guy who fixes my automobile brakes? He can make a mistake that can cost my life and he is not licensed. But I cannot go to the homeopath who will prescribe a diluted solution of arnica for my sore muscles."

To learn more visit www.floridahealthfreedom.org.

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