

2002 Fall Article: An Interview with Diane Miller

by Charlotte Gilruth, North American Society of Homeopaths (NASH) News
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“I WANT LAWS TO EVOLVE TO TRACK THE SPIRITUAL CONSCIOUSNESS OF A NATION – THAT’S MY PASSION”

– Diane Miller JD

NASH News: I understand that you were instrumental in getting Minnesota’s Freedom of Access to Complementary and Alternative Health Care Act passed in 2000. What is the main point of this legislation?

Diane Miller: We want the unlicensed healing arts to be in the public domain. We don’t want them regulated by conventional medical licensing laws that create exclusive professional turfs, although in general we’re in favor of protecting the consumer with government oversight. My view is that I want as much freedom to be preserved as possible and still keep people safe. My passion is that I have a broad concept of the healing arts, which I insist be accessible to me and everyone else.

NN: What is your story? How did you become so passionate about this?

DM: It started a long time ago, in 1977, when I was a young mother with acute arthritis and no hope to deal **NN:** What is your story? How did you become so passionate about this?

DM: It started a long time ago, in 1977, when I was a young mother with acute arthritis and no hope to deal with it other than aspirin. I couldn’t lift my own child. I suffered off and on for five years until I found homeopathy and changed my diet. I got into alternative healing for my own family’s health. I was a health freedom advocate before law school. I eventually decided on law school because if I went to medical school, I wouldn’t be able to do what I wanted. I was on the medical track as a medical technologist for years. I saw people die. I knew in my stomach that the whole arena of healing could be done differently, yet the medical staff was at that time so fearful of other approaches. When the time came to expand my degree, I thought, rather than be an MD in that setting, maybe I would go to law school, then start a health care center.

At that time, I thought it was just the attitudes of the medical staff. I didn't know it [alternative health care] was not legal. In 1980, I tried to give my child garlic oil capsules for an ear infection. The doctor called and said I was putting my child in danger, and that he might report me to Child Protection Services. (Ten years later, that doctor wrote me a letter and attached an article about the value of garlic oil. He said, "You were right.")

NN: What was your first experience with health care issues as a new lawyer?

DM: For one of my first cases as an attorney, I helped defend a farmer, Herb Saunders, who was selling colostrum to people to boost their immune systems. He was charged with practicing medicine without a license under a criminal statute. I worked with the trial team on that case for three years pro bono, as a single mom. The charges were dismissed before the third trial, after two hung juries on the first two trials and a certified question on Appeal. After that I became very ill. I was exhausted. I completely collapsed and was taken to the hospital. I chose to have alternative health people take me from the hospital to a private home. They took care of me 24/7 for five months.

One week after the farmer's trial, a Naturopathic Physician was shut down by an injunction from the medical board for practicing medicine without a license. The whole alternative community rose up against this, saying, "You can't do this." A group of patients and citizens that wanted to protect their access to the Naturopathic Physician went to the legislature and tried to get a Naturopathic Physician licensing law passed but it would have only been for seven NPs and would not have protected the rights of many other wonderful naturopaths in Minnesota to practice. I had just come out of the farmer's case, and saw that licensing of Naturopathic Physicians wouldn't have helped Herb Saunders (the farmer) because then he'd have been practicing naturopathy without a license. On my sick bed, I wrote versions of legislation to solve the problem. I don't support licensure for the natural healing arts because of its exclusive criminal charges to other practitioners.



Diane Miller with sister Marylu Miller [R], a homeopath in Winona, MN.

NN: What was the overall situation with professional licensure in Minnesota at that time?

DM: There are 37 regulated health care professions in Minnesota. Over the years, as groups went forward, most of the professions that would otherwise create an imminent risk of harm to the public had already been registered or licensed. The

unlicensed healers were still considered criminal and were vulnerable to charges of practice of medicine without a license, though their danger was not established.

The Minnesota health freedom group wanted a new approach that would protect access to unlicensed practitioners. Rather than having massage therapists and Naturopathic Physicians go forward and create broad scopes of practice that would limit other people from practicing their healing professions, the group worked to defeat the Naturopathic Physician licensing bill. The bill was defeated, which was hard for those seven NPs who wanted to be licensed, but good for Minnesota consumers and the 100 other naturopaths that the bill would not have protected. Then we proposed a different act – that practitioners could practice as long as they disclosed their training and abided by a code of professional conduct. It was a big push, four years of very hard work to get it passed in 2000. It went into effect in July of 2001.

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NN: Could you elaborate about licensing of separate health care professions? Many homeopaths, in the desire to achieve more credibility as a profession, wonder about working toward licensure of homeopaths. From what you have already said, I take it that you don't think this is a good idea?

DM: Laws should not be made for special groups to get special status.

If you get a group that says, "We can do better than any other group," and then tries to get rid of other groups, that's an attempt to regulate efficacy rather than harm. That destroys pluralism, it's a paternalistic attitude. If I want to go to somebody, that's my decision. You don't see groups of professionals like painters and electricians using the government to sell their product because it's the best. That takes away the option for the public, for consumers, to do what they want to do. If I want to go to someone who gives combination remedies that a classical homeopath thinks is awful, I get to choose.

NN: You don't think that licensure helps maintain high standards of practice?

DM: If you had a product that worked better than anyone else's in the country, if you invented it and felt people were being ripped off, that other products like it didn't work as well, would you run to the government and ban the other products? Is that how we want to use the government, use guns and handcuffs to make sure our product is the only one on the market?

That's connecting efficacy with safety, and is a misuse of laws. It's important not to link laws for safety with efficacy – the marketplace can deal with that. It's important to use the government to protect the community from harm, to use the government judiciously to maintain our basic freedoms.

NN: Then how is the consumer protected from unqualified practitioners?

DM: The real issue is mandated disclosure so the consumer can make choices. In our new law, practitioners have to tell what their training is, where they went to school. Pretty soon people will share their successes and the background information of their practitioner with their friends. We need disclosure, not a ban on practices. Give consumers credit for getting educated.

NN: How do you see consumers getting educated?

DM: You can market yourself. For example, if you have an MBA from Harvard, you can use the free society to promote yourself. Pluralism is more efficacious. People don't nurture a market that is not helping them, unless laws are skewing or limiting the market. If you don't get better, you're not going to keep giving your money; but if you do keep spending your money, it's your business. That's what being in a free society is all about. I spend my money where I want, go where I want, travel where I want, talk to whom I want, and they're free to tell me what they know.

By banning homeopaths not trained in the same way you are, you're not only banning practice, but banning freedom of speech. If you go down that path, to be more perfect, it will be like Nazi Germany, using the government to develop a perfect thing. It will implode.

NN: Why is freedom of access legislation necessary?

DM: The move to outlaw all health care in the culture, except MDs, has had a profound effect. State licensing laws for health practitioners by definition are used to define a scope of practice and put criminal charges on anyone using that practice without the proper credentials. In Minnesota, we crafted a statute to bring back unlicensed practitioners to legal status. They had been taken out of the public domain by licensing laws decades ago.

NN: How did this happen in the first place?

DM: The consciousness of the people that originally made the laws regulating health care was science-based. Science had become so famous that some people started thinking that it was the only way to save a person's life. MDs were the only ones educated in biomedical science so they were considered the only ones that could cure a person with drugs and surgery. So medical

lobbyists lobbied to have doctors be the only ones that could practice medicine, saying this would protect the public. The harm came when they defined the practice of medicine incredibly broadly to include all of healing and persons without a license could be charged criminally. At that time, women and blacks were not voting, legislators were not multicultural.

NN: So, our present laws regarding health care still reflect these old limiting attitudes?

DM: My focus in general is to expand people's awareness so that they understand that if we're living in a true democracy, laws made by people should reflect what they want the future of the community to look like. When special interest groups pass laws without the full understanding and support of the people, and that law exists for many years, pretty soon the people start thinking that the law reflects what is right and good for the community. They trust the persons who put the laws in place and believe that it is right and good for them. Younger persons born under the law don't know what life was like before the law, so they are unfamiliar with other options. Laws are powerful at shaping people's perceptions of their community. That's why I do not support laws that only reflect a special interest group's perception of what should be available to me as a health care consumer. I want all of our options to be available and I want the government to work with me on safety and fraud issues.

NN: Could you briefly summarize your perception of federal and state laws, in regard to health care?

DM: The law that we do not want to change is the Constitution. It is based on the freedom and integrity of the individual so we have a government of "We, the People." It provides checks and balances so that government looks out for the interests of the larger community's survival as a whole and at the same time holds personal freedoms as a center piece of intention. The new laws that people make, although we want them to maintain the constitutionality that protects liberty and individual freedom, we also want them to evolve to track the spiritual consciousness of a nation. If a community spiritually evolves to another place, we need to adjust those community's laws to reflect that change.

The Constitution is federal, a nationwide document. When the Constitution was written, the signers wanted the federal government to be a government of the people and not to take over personal freedoms. The only jurisdiction the federal government has over the healing arts in very general terms is jurisdiction over products and devices, because they reflect interstate commerce.

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Of course there are many federal health care laws on various topics. But in general, the states have jurisdiction over healing practices within them, because states have the responsibility to protect their citizens, through state police power. The states have always wanted to maintain authority over laws that affect the daily lives of their citizens, those laws that reflect the culture of the states where the people live. The power of the Constitution of the United States is the pluralism of the states. It's manageable. People can participate in state laws and change them to help their community reflect the kind of healing environment they want. It's doable.

NN: How do you see your own role in this process?

DM: My job is to figure out new models of laws that will guide the healing relationship based on principles that will help that relationship be safe, rather than enforce the dominance of a particular kind of healing. If we grasp the power of healing and how economic interest groups are negatively impacting the health of the nation, we'll start turning health around.

NN: Should homeopaths spearhead legislation guaranteeing freedom of access to health care?

DM: That would be great but the approach is important. It's one thing to go to the legislature saying, "We're practitioners trying to get the right to practice." It's another to be grounded in consumer choice principles. In

Minnesota we worked hard to make it a bipartisan issue of consumer choice, which was wise. We said, "You might not believe in homeopathy, but I do." You can't argue with that. We said, "I don't want to discuss whether it [a given healing practice] is good or bad, I want to discuss my options as a consumer. I don't want you to take that away from me." We created a presence based on grass-roots freedom of choice mobilization.

NN: So, the collective voice of consumers is crucial?

DM: It's not true that laws are changing because more practitioners want to practice different things. The truth is that more people are realizing they can find their way back to wellness in different ways than the medical model.

This secret has been suppressed for so long, it's coming out like the emperor having no clothes: People believed they would die if they didn't practice the bio-medical model, but now they're figuring out that that's not true. For example, people are not going to give up matches in the middle of a freezing blizzard. Even if matches are the fourth leading cause of death, they wouldn't give them up.

They think they'll die. But if an angel comes and takes the matches away and they survive, they'll think, "Maybe I don't need matches" or "Maybe 10 feet away is a warm house I didn't even think of."

The link between survival and the biomedical model is engraved on people's psyches. They're trained on it. They're not going to give it up unless a person who has gone before them holds their hand and walks with them. As people are healed, they tell others. If homeopaths had only a couple of clients a year, homeopathy wouldn't survive. Now they have month-long waiting lists because the culture is starting to change. Personal stories of healing are starting to change the country and community. My story of being sick and being healed, along with many others, contributed in changing the Minnesota law. The fire that gets behind consumers is what makes a difference.

NN: What place does spirituality have in law, in the legal arenas? And how? And why?

DM: Firstly, law by its very nature, has everything to do with the state of consciousness of a community. The state of consciousness of a community on a particular issue will affect the public policy of the community and will dictate what kinds of enforceable laws will be put in place. Communities grow and advance in consciousness and awareness on particular issues much the same as the developmental stages of a living organism. For instance, when the earth was considered to be flat and people rejected the notion of it being round, you had a whole community that had a world view that affected their thinking, their public policy, and their laws enforcing certain behaviors regarding the flatness of the world. When Americans considered black people and women to be inferior to white males and rejected the notion that all men and women are created equal, you had a whole community that had a view that affected their thinking, their public policy, and their laws regarding equal rights. Evolution of consciousness happens on lots of levels and across a wide range of issues. As we grow in our awareness we have to adjust our laws to reflect the new "truth" that is being presented to us.

In America, I think we believe and even pride ourselves in finding new truths and we believe that this makes us a better and a more mature community. However, in the world of law, this always brings up a more complex issue about changing laws. We want to hold our basic public policies and laws in high regard and do not want them to change with the wind, so changing laws is always regarded as a big step. But when it reflects a new paradigm for the betterment of a community, it is done with courage and with much celebration because even in the pain of the shift, it brings in a hope for a better world.

Secondly, I see consciousness regarding the issue of spirituality changing in our country. To me, spirituality means a view or perception of the architecture of the unseen world and whether or how

that relates to, expands, or encompasses physical human existence. I don't mean religion, which I see as more of a set of rituals based on a particular and special story and set of beliefs. I mean how people actually view the state of being. And as the conventional American consciousness is changing in this arena to embrace many different perceptions and experiences, it is directly affecting the world of healing. For decades Americans have considered Western medicine to be the best method of assuring survival from illness. The concept of the mind-body-spirit connection being powerful enough to affect a cure or the concept of energetic patterns in humans or in nature being critical to wellness has been dismissed. And as you can see by the health freedom movement, the community is not willing to dismiss these realities any longer or support laws and public policies that outlaw these awarenesses. Our public policy and laws reflect our old thinking and Americans are asking for that to change. We are learning about age-old truths and we are also exploring cutting edge new technologies that apply to healing. And this necessarily affects our laws.

For example, you can see this in the homeopathic community by the large numbers of Americans that are now accepting the truth of the homeopathic recovery because they have experienced it. We as a country can no longer tolerate a law that outlaws homeopathy.

NN: Thank you.

Short Biographical Sketch: Diane M. Miller, JD.

Diane Miller is an attorney who has dedicated her legal talents to health freedom. As Executive Director of the National Health Freedom Coalition and NHFAction, Miller is active in providing information and resources to health freedom decision-makers across the country. She was chief drafter and lobbyist of Minnesota's Freedom of Access to Complementary and Alternative Health Care Act 2000, and helped pave the way for citizen access to unlicensed health care practitioners and treatments of their choice.

Miller's strength lies in her vision for creative process and health freedom reform. Her former degrees in Chemistry and Medical Technology and her legal training as a professional Mediator bring much to the table when participating in the creation of new models of law. "I believe that laws and customs must be carefully reviewed, revised, and even repealed if necessary, and new ones created, to reflect the continual development, evolution, and spiritual maturation of a people."