



**DRAFT**

## Department of Justice

THOMAS J. MILLER  
ATTORNEY GENERAL

January 27, 1998

ADDRESS REPLY TO:  
HOOVER BUILDING  
DES MOINES, IOWA 50319  
TELEPHONE: 515-281-5164  
FACSIMILE: 515-281-4209

CERTIFIED MAIL

Daniel J. Dixon  
Penny Lane Building  
Fairfield, Iowa 52556

### ORDER TO CEASE AND DESIST

Dear Mr. Dixon:

I am counsel for the Iowa Board of Medical Examiners. It has come to the attention of the Board that you are holding yourself out in statements and advertisements to the public as "Dr. Daniel J. Dixon, N.D." It also appears to the Board that in the course of your practice of naturopathy, you may be providing services to the public which constitute the practice of medicine without a license. **You are hereby ordered by the Board to cease and desist from these activities.**

A.

First, your use of the designation "Dr." suggests to the public that you are a physician, which is not the case. The law in Iowa does not allow you to use the designation "doctor," "Dr.," or "physician" in connection with naturopathy services you provide to the public. The use of professional titles is governed by Iowa Code sections 147.72-74 (1997). Section 147.72 provides:

Any person licensed to practice a profession under this subtitle...may append to that person's name any recognized title or abbreviation, which the person is entitled to use, to designate the person's particular profession, but no other person shall assume or use such title or abbreviation, and no licensee shall advertise in such a manner as to lead the public to believe that the licensee is engaged in the practice of any other profession than the one which the licensee is licensed to practice. (emphasis added)

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The only persons authorized by law to use the prefix "Dr." or "Doctor" are those licensed professionals identified in section 147.74. Naturopaths are not licensed in Iowa. You are therefore clearly prohibited from using the designation "Dr." or "Doctor" in any manner. Iowa Code section 147.74(1) provides that any person who falsely claims by use of a professional title or abbreviation to be a licensed practitioner is guilty of a simple misdemeanor.

B.

Second, it is a violation of the law to provide services to the public which constitute the practice medicine in Iowa without a valid license. The practice of medicine is defined by the provisions of Iowa Code Section 148.1. That section provides that the following persons are deemed to be engaged in the practice of medicine:

1. Persons who publicly profess to be physicians or surgeons or who publicly profess to assume the duties incident to the practice of medicine or surgery.
2. Persons who prescribe, or prescribe and furnish medicine for human ailments or treat the same by surgery.
3. Persons who act as representatives of any person in doing any of the things mentioned in this section.

In addition, 653 Iowa Administrative Code 10.1 provides that:

The practice of medicine and surgery shall mean holding one's self out as being able to diagnose, treat, operate or prescribe for any human disease, pain, injury, deformity or physical or mental condition and who shall either offer or undertake, by any means or methods, to diagnose, treat, operate or prescribe for any human disease, pain, injury, deformity or physical or mental condition. This rule shall not apply to licensed podiatrists, chiropractors, physical therapists, nurses, dentists, optometrists, and pharmacists who are exclusively engaged in the practice of their respective professions.

A person who is engaged in the practice of medicine is required to obtain a license for that purpose. See Iowa Code § 147.2.

In addition, the opening of an office or place of business for

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the practice of a profession for which a license is required, or the announcing to the public or advertising in any way the intention to practice any such profession, is considered prima facie evidence of engaging in the practice of such profession. See Iowa Code § 147.93.

In the event a person engages in the practice of medicine or holds himself or herself out to the public as a physician without a license issued by the Board of Medical Examiners, the office of the Iowa Attorney General is authorized to file a civil action against that person in state district court to obtain a permanent injunction prohibiting that person from engaging in the unauthorized practice of medicine. See Iowa Code §§ 147.83 and 147.92.

You are hereby warned that you must **CEASE AND DESIST** from representing yourself as a doctor, and from performing any acts which constitute the practice of medicine. If the Board of Medical Examiners receives information that you have either represented yourself to the public in any way as a doctor, or engaged in the unauthorized practice of medicine, after the date you receive this letter, a civil injunction action may be filed against you by the Iowa Attorney General.

I would strongly advise you to contact your attorney to seek advice regarding this matter.

Sincerely,

THERESA O'CONNELL WEEG  
Assistant Attorney General

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cc: Iowa Board of Medical Examiners