Proposal Summary/ Overview

**To be completed by proposal sponsor. (500 Word Count Limit for this page)**

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*Is this proposal regarding:*

* *New or increased regulation of an existing profession/occupation? If so, complete this form, Questionnaire A.*
* *Increased scope of practice or decreased regulation of an existing profession? If so, complete Questionnaire B.*
* *Any other change to regulation or scope of practice? If so, please contact the Committee Administrator to discuss how to proceed.*

**1) State the profession/occupation that is the subject of the proposal.**

Naturopathic Doctors (Minn. Stat. 147E).

**2) Briefly describe the proposed change.**

The MNANP’s 2022 legislative proposal seeks to transition the current system of requiring naturopathic doctors (ND) to register with the Board of Medical Practice (BMP) into a licensure system in order to clarify the oversight authority the BMP has over the profession and the corresponding due process protections to which NDs are entitled.

The bill would also add the word “naturopath” to the list of protected titles for naturopathic doctors in a way similar to the way the title ‘osteopath’ and ‘chiropractor’ are protected for their respective professions. In a corresponding move, the bill removes “naturopath” from Chapter 146 (Complementary & Alternative Health Care Practices).

**3) If the proposal has been introduced, provide the bill number and names of House and Senate sponsors. If the proposal has not been introduced, indicate whether legislative sponsors have been identified. If the bill has been proposed in previous sessions, please list previous bill numbers and years of introduction.**

While the bill has not yet been introduced, it was recently sent to the Revisor of Statute’s office to be jacketed for introduction. Rep. Laurie Pryor (DFL-Minnetonka) has agreed to be the chief author in the House. The MNANP is meeting with multiple Senators and anticipate having a chief author in the Senate shortly. This iteration of MNANP’s proposal has not previously been introduced.

**Questionnaire A: New or increased regulation (adapted from Mn Stat 214.002 subd 2 and MDH Scope of Practice Tools)**

This questionnaire is intended to assist the House Health Finance and Policy Committee in deciding which legislative proposals for new or increased regulation of health professions should receive a hearing and advance through the legislative process. It is also intended to alert the public to these proposals and to narrow the issues for hearing.

This form must be completed by the sponsor of the legislative proposal. The completed form will be posted on the committee’s public web page. At any time before the bill is heard in committee, opponents may respond in writing with concerns, questions, or opposition to the information stated and these documents will also be posted. The Chair may request that the sponsor respond in writing to any concerns raised before a hearing will be scheduled.

A response is not required for questions which do not pertain to the profession/occupation (indicate “not applicable”). Please be concise. Refer to supporting evidence and provide citation to the source of the information where appropriate.

New or increased regulation of health professions is governed by Mn State 214. Please read and be familiar with those provisions before submitting this form.

While it is often impossible to reach complete agreement with all interested parties, sponsors are advised to try to understand and to address the concerns of any opponents before submitting the form.

1. **Who does the proposal impact?**
2. **Define the occupations, practices, or practitioners who are the subject of this proposal.**

The proposal primarily impacts the regulations of naturopathic doctors, though it also impacts individuals who might currently hold themselves out as “naturopaths” without having received the requisite 4-year graduate level trained required of naturopathic doctors under Chapter 147E.

1. **List any associations or other groups representing the occupation seeking regulation and the approximate number of members of each in Minnesota**

The Minnesota Association of Naturopathic Physicians (MNANP) represents the naturopathic medical occupation in the state of Minnesota and is the association seeking licensure of naturopathic doctors. Currently, the MNANP has 40 professional members who are registered with the Minnesota Board of Medical Practice (BMP) as naturopathic doctors. According to the BMP, of the 98 active “Naturopathic Doctor” registrations, 61 of them belong to naturopathic doctors who live in Minnesota.

1. **Describe the work settings, and conditions for practitioners of the occupation, including any special geographic areas or populations frequently served.**

Most naturopathic doctors work in private, out-patient clinics, in solo practices or in group practices with other health care professionals such as chiropractors, acupuncturists, osteopaths, medical doctors, or other naturopathic doctors. Exceptions include the many naturopathic doctors who hold research positions, practice in association with university teaching clinics, in public health clinics, and in hospital settings or as technical and educational consultants in industry.

1. **Describe the work duties or functions typically performed by members of this occupational group and whether they are the same or similar to those performed by any other occupational groups.**

Naturopathic doctors are known as experts in drug-herb-nutrient interactions and for emphasizing prevention of disease and overall wellness. Naturopathic doctors are trained in outpatient family medicine and primary care medicine, with an emphasis on prevention and wellness, through the use of naturopathic treatment modalities. Pharmaceutical medicine and minor surgery are naturopathic treatment modalities.

Comparatively, where allopathic and osteopathic physicians spend time learning in-patient (hospital) medicine, including the treatment modalities of major and minor surgery (and, in the case of osteopathic physicians, osteopathic manipulative medicine [OMM] and osteopathic manipulative treatment [OMT], in preparation for rotations in osteopathic manipulative therapy [OMTh]), naturopathic doctors spend time learning the treatment modalities of nutritional medicine; botanical medicine; homeopathic medicine; pharmaceutical medicine; physical medicine, including osseous and soft tissue manipulative therapy and hydrotherapy; mind-body medicine, including counseling; lifestyle medicine, including hygiene and diet; minor surgery; phlebotomy; intravenous and injection therapy; traditional Asian medicine, including acupuncture; and naturopathic obstetrics.

Allopathic, osteopathic, and naturopathic physicians all learn outpatient family medicine and primary care medicine. Thus, for better understanding of the training of naturopathic physicians, as a comparison to specialty areas of the allopathic and osteopathic medical professions, naturopathic doctors can be thought of as outpatient integrative family medicine physicians with an emphasis on natural medical treatment modalities.

Like allopathic and osteopathic physicians, naturopathic doctors are held liable for reporting diseases and conditions to a state department of health that are considered to be mandatory reportable diseases.

1. **Specialized training, education, or experience (“preparation”) required to engage in the occupation**
2. **What preparation is required to engage in the occupation? How have current practitioners acquired that preparation?**

Yes, there is specialized training, education, and experience required to engage in the naturopathic medical profession. In order to be registered with the Minnesota Board of Medical Practice and practice naturopathic medicine in the state, practitioners must have received a four-year graduate degree from an accredited institution in the United States. The Council on Naturopathic Medical Education (CNME), a US Department of Education specialized accrediting agency, accredits naturopathic medicine (NMD/ND) degree programs in the USA, Puerto Rico, and Canada. In the USA and Puerto Rico, all of the universities and colleges with a CNME-accredited naturopathic medical program are also US Department of Education regionally-accredited institutions.

In addition, all current registered naturopathic doctors must have passed the Naturopathic Physicians Licensing Examination (NPLEX). The NPLEX consists of two parts. Part I is the Biomedical Science Examination (BSE) and is administered after the second year of naturopathic medical school. Part II is the Core Clinical Science Examination (CCSE) and is administered after the fourth year of naturopathic medical school.

The North American Board of Naturopathic Examiners (NABNE) administers the NPLEX to each naturopathic medical student (NMS) and naturopathic doctor (NMD/ND). Naturopathic medical students who successfully complete their biomedical science coursework during their first two years are eligible to take the NPLEX Part I BSE. Naturopathic medical students who successfully complete their clinical science coursework and clinical rotations during their second two years and who passed the NPLEX Part I BSE are eligible to take the NPLEX Part II CCSE.

1. **Would the proposed regulation change the way practitioners become prepared? If so, why and how? Include any change in the cost of entry to the occupation. Who would bear these costs?**

The MNANP’s 2022 legislative proposal does not make any changes to the qualifications for registration as a naturopathic doctor currently outlined in Chapter 147E.

1. **Is there an existing model of this change being implemented in another state? Please list state, originating bill and year of passage?**

Minnesota’s current regulation of naturopathic doctors is an outlier nationally. Minnesota is the only state to currently require registration (passed in 2008) while the practice of naturopathic medicine is currently licensed in 20 other states. The states that currently license naturopathic doctors are: Washington (1919), Connecticut (1920), Hawaii (1925), Oregon (1927), Arizona (1935), Alaska (1986), Montana (1991), New Hampshire (1994), Maine (1995), Vermont (1995), Utah (1996), California (2003), Kansas (2003), District of Columbia (2004), North Dakota (2011), Maryland (2014), Massachusetts (2016), Rhode Island (2017), and New Mexico (2019)

1. **If current practitioners in Minnesota lack any training, education, experience, or credential that would be required under the new regulation, how does the proposal address that lack?**

All naturopathic doctors currently registered with the Board of Medical practice pursuant to Chapter 147E meet the standards to practice as licensed naturopathic doctors under the MNANP’s 2022 legislative proposal. Individuals who currently hold themselves out as “naturopaths” under Chapter 146A generally do not.

1. **Would new entrants into the occupation be required to provide evidence of preparation or be required to pass an examination? If not, please explain why not. Would current practitioners be required to provide such evidence? If not, why not**?

Yes, new entrants to the occupation would be required to provide the same evidence of the necessary training, education, and experience that individuals who are currently registered with the Minnesota Board of Medical Practice as “naturopathic doctors” need to provide, including passing of the Naturopathic doctors Licensing Examination (NPLEX).

The proposed legislation does not change the already-stringent requirements that individuals need to meet in order to become a “registered naturopathic doctor,” in Minnesota, but does change the level of regulation of the naturopathic medical occupation from registration to licensure to ensure that unqualified individuals, who have not met the stringent requirements, are not able to practice naturopathic medicine.

1. **Supervision of practitioners**
2. **How are practitioners of the occupation currently supervised, including any supervision within regulated institutions or by a regulated health professional? How would the proposal change the provision of supervision?**

Naturopathic doctors currently practice independently in a manner similar to medical doctors, osteopathic doctors, and doctors of chiropractic. This proposal would not change the level of supervision.

1. **Does a regulatory entity currently exist or does the proposal create a regulatory entity? What is the proposed scope of authority of the entity? (For example, will it have authority to develop rules, determine standards for education and training, assess practitioners’ competence levels?) Has the proposed change been discussed with the current regulatory authority? If so, please list participants and date.**

The Minnesota Board of Medical practice is the current regulatory authority the practice of naturopathic medicine. The MNANP’s 2022 legislative proposal does not change that. Further, in early January 2022, the Minnesota Board of Medicine, on the recommendation of its Policy and Planning Committee, unanimously voted **to support** the MNANP’s proposal

1. **Do provisions exist to ensure that practitioners maintain competency? Describe any proposed change.**

Yes, naturopathic doctors are required to provide proof to the Minnesota Board of Medical Practice of continuing education each year when they renew their registration. This will continue under this legislation. The only proposed change is to increase the number of continuing education hours required annually to more closely reflect requirements in other states. The continuing education hours will increase from 25 hours annually to 30 hours annually.

1. **Level of regulation (See Mn Stat 214.001, subd. 2, declaring that “no regulations shall be imposed upon any occupation unless required for the safety and well being of the citizens of the state.” The harm must be “recognizable, and not remote.” Ibid.)**
2. **Describe the harm to the public posed by the unregulated practice of the occupation or by the continued practice at its current degree of regulation.**

Since the practice of naturopathic medicine was first regulated in Minnesota in 2008, a growing number of individuals have sought primary care services from NDs. Further, as people who have received care from NDs practicing in other states with enhanced scopes of practice (including prescribing authority) have moved to Minnesota, they have certain expectations as to the educational and clinical experiences of naturopathic doctors.

However, in most states where NDs are licensed, the title “naturopath” is a restricted title that is limited to individuals licensed as NDs (just as Minnesota restricts “osteopath” to D.O.s and “chiropractor” to D.C.s). This is where the MNANP and its members have seen a growing risk of harm. A patient may seek out a lay “naturopath” practicing under Chapter 146 (Complementary & Alternative Health Care Practices) and believe they are seeing a naturopathic doctor. This can, and has, resulted in direct patient harm as individuals have made important health care decisions while relying on individuals who may or may not have any education in health care at all.

To add to the confusion, lay persons practicing naturopathy have founded their own organizations which imply a level of training or professionalism that exceeds their qualifications. For example, the American Naturopathic Medical Association (ANMA), the American Naturopathic Medical Accreditation Board (ANMAB), the American Naturopathic Medical Certification Board (ANMCB), American Naturopathic Certification Board (ANCB), and the National Registry of Naturopathic Practitioners (NRNP) are all organizations for lay persons practicing naturopathy who do not have training in naturopathic medicine.

1. **Explain why existing civil or criminal laws or procedures are inadequate to prevent or remedy any harm to the public.**

Under current law, if an individual sees a lay naturopath who is holding themselves out as accredited by one of these organizations and something goes wrong or that individual causes harm or injuries the individual, there is no licensing board or governmental organization that has the ability to appropriately sanction the lay naturopath or prevent them from injuring someone else in the future. The Minnesota Department of Health’s Office of Unlicensed Complementary and Alternative Health Care Practice has limited authority to take meaningful disciplinary actions. Further, Chapter 146A does not provide MDH authority to review credentials, require continuing education, or effectively prohibit future practice.

1. **Explain why the proposed level of regulation has been selected and why a lower level of regulation was not selected.**

Licensure is the appropriate level of regulation as it clarifies both the statutory authority that the Board of Medical Practice has over the practice of naturopathic medicine and the due process rights that NDs have during a disciplinary proceeding.

1. **Implications for Health Care Access, Cost, Quality, and Transformation**
2. **Describe how the proposal will affect the availability, accessibility, cost, delivery, and quality of health care, including the impact on unmet health care needs and underserved populations. How does the proposal contribute to meeting these needs?**

The proposal would have no impact on the availability, accessibility, cost, delivery, and quality of naturopathic medicine. It would, however, ensure that an individual seeking care from a naturopathic doctor did not inadvertently rely on the medical advice of an unlicensed “naturopath.”

1. **Describe the expected impact of the proposal on the supply of practitioners and on the cost of services or goods provided by the occupation. If possible, include the geographic availability of proposed providers/services. Cite any sources used.**

The MNANP’s 2022 legislative proposal is not expected to impact the existing practice of naturopathic medicine in Minnesota.

1. **Does the proposal change how and by whom the services are compensated? What costs and what savings would accrue to patients, insurers, providers, and employers?**

There will be no change in how services are compensated.

1. **Describe any impact of the proposal on an evolving health care delivery and payment system (e.g., collaborative practice, innovations in technology, ensuring cultural competency, value-based payments)?**

The MNANP’s 2022 legislative proposal adds naturopathic doctors into the state’s professional firm’s statute (Chapter 319B) thus allowing NDs to more easily practice in collaborate settings with other licensed health care professionals.

1. **What is the expected regulatory cost to state government? Is there an up-to-date fiscal note for the proposal? How are the costs covered under the proposal?**

Based on preliminary discussions with staff for the Minnesota Board of Medical Practice, the MNANP does not anticipate this proposal will have a cost to state government. We anticipate a zero fiscal note.

1. **Evaluation/Reports**

**Describe any plans to evaluate and report on the impact of the proposal if it becomes law, including focus and timeline. List the evaluating agency and frequency of reviews.**

Not applicable.

1. **Support for and opposition to the proposal**
2. **What organizations are sponsoring the proposal? How many members do these organizations represent in Minnesota?**

The Minnesota Association of Naturopathic Physicians (MNANP) is the primary sponsor of the bill. The MNANP has 40 professional members who are registered with the Minnesota Board of Medical Practice as naturopathic doctors. This represents roughly 2/3 of the 61 (out of 98) NDs registered with the Board who live in Minnesota.

1. **List organizations, including professional, regulatory boards, consumer advocacy groups, and others, who support the proposal.**

This proposal is supported by the Minnesota Board of Medical practice who regulates naturopathic doctors. The Minnesota Medical Association and the Minnesota Department of Health are neutral on the proposal.

1. **List any organizations, including professional, regulatory boards, consumer advocacy groups, and others, who have indicated concerns/opposition to the proposal or who are likely to have concerns/opposition. Explain the concerns/opposition of each, as the sponsor understands it.**

The MNANP does not anticipate any organizational opposition to its 2022 legislative proposal. It is possible that lay persons who hold themselves out as “naturopaths” might object to the title protection provision, but there is no known association of such individuals in Minnesota.

1. **What actions has the sponsor taken to minimize or resolve disagreement with those opposing or likely to oppose the proposal?**

The MNANP spent significant time in the last year working with staff and representatives of the Board of Medical Practice and the Minnesota Medical Association to secure their support and neutrality respectively. There is no known association unifying lay persons who might hold themselves out as “naturopaths.”

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