

HOUSE BILL REPORT

HB 1862

As Reported by House Committee On:

Health Care
Appropriations

Title: An act relating to naturopaths.

Brief Description: Regulating naturopathic physicians.

Sponsors: Representatives Ruderman, Pflug, Cody, Skinner, Clibborn, Benson, Chase, Anderson, Campbell, Conway and Dickerson.

Brief History:

Committee Activity:

Health Care: 2/25/03, 1/15/04 [DPS];

Appropriations: 1/29/04, 2/4/04 [DPS(HC)].

Brief Summary of Substitute Bill

- Expands the types of medications that naturopaths may prescribe, administer, and use as well as the methods of administration .
- Allows naturopaths to provide care and perform procedures pertaining to lesions.

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Cody, Chair; Morrell, Vice Chair; Benson, Clibborn, Darneille, Edwards, Moeller and Skinner.

Minority Report: Do not pass. Signed by 2 members: Representatives Bailey, Ranking Minority Member; and Alexander.

Staff: Chris Blake (786-7392).

Background:

Naturopathy is the practice of the diagnosis, prevention, and treatment of disorders of the body by stimulation and support of the human body's natural processes. The practice includes manual manipulation; the use of nutrition and food science; physical modalities; homeopathy; hygiene and immunization; and the administration, prescription, and use of medicines of mineral, animal, and botanical origin.

Naturopaths may use medicines that are derived from animal organs, tissues, and oils; minerals; and plants. They may also use legend vitamins, minerals, whole gland thyroid, and other traditional herbal and botanical pharmacopeia. The Washington Administrative Code interprets this to include legend topical ointments, creams, and lotions containing antiseptics as well as legend topical, local anesthetics. Naturopaths may also use intermuscular injections of vitamin B12 preparations.

Summary of Substitute Bill:

The scope of practice statement describing naturopathic medicine is revised to include a description of the practice as a progression from treating patients with the least interventive, natural treatments to more interventive prescriptive medicines only when necessary.

The term "medicines of mineral, animal, and botanical origin" is replaced with the term "naturopathic medicines." The medicines that licensed naturopaths may use are revised in several aspects. First, the current list of topical and oral drugs that naturopaths may administer is revised to include other substances identified in naturopathic medical texts, journals, and pharmacopeia. The reference to topical and oral administration of these drugs is removed.

Second, the current use of legend drugs limited to vitamins, minerals, whole gland thyroid, and other traditional herbal and botanical pharmacopeia, is redefined to allow legend drugs as established by the Secretary of Health (Secretary) in rule.

Third, the use of intermuscular injections limited to vitamin B12 to address a deficiency is expanded to include all types of injections of any substances approved by the Secretary in rule.

Finally, the current prohibition on controlled substances is revised to permit the use of codeine and testosterone in Schedules III, IV, and V of the Uniform Controlled Substances Act as consistent with naturopathic practices and as established by the Secretary in rule. The Department of Health will adopt rules to address the forms, doses and uses of these drugs. The Secretary, in consultation with the Naturopathic Advisory Committee and the Board of Pharmacy, will establish requirements for the use of controlled substances including educational and training standards.

The definition of "minor office procedures" is modified to include care and procedures for lesions. The definition of "common diagnostic procedures" eliminates references to superficial scrapings and prohibitions on surgical procedures and restates the prohibition as applying to incision or excision beyond a minor office procedure.

Naturopathic education programs are required to be accredited.

Substitute Bill Compared to Original Bill:

The substitute bill authorizes the Secretary of Health to adopt rules establishing which legend drugs, controlled substances, and injected substances may be prescribed and administered by naturopaths. The substitute bill authorizes the Secretary of Health, in consultation with the Naturopathic Advisory Committee and the Board of Pharmacy, to develop education and training requirements for naturopaths using controlled substances.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill will save money and time for patients and insurers by allowing patients to receive more care from naturopaths without having to go to a physician for a second visit. This bill will help relieve the shortage of primary care practitioners. Naturopaths are trained to provide the services included in the bill. This bill was approved upon review by the Department of Health.

Testimony Against: This bill circumvents the rule-making process. The patients of naturopaths would have to see the naturopath twice - once for naturopathic care and once for allopathic medical care.

Persons Testifying: (In support) Representative Ruderman, prime sponsor; Terry Kohl, Kasra Pournadeali, and Bruce Milliman, Washington Association of Naturopathic Physicians; Lisa Lenihan; Gwynne Jackson; and Catherine Waldon.

(Opposed) Carl Nelson, Washington State Medical Association.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Health Care be substituted therefor and the substitute bill do pass. Signed by 18 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Pearson, Asst Ranking Minority Member; Anderson; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman and Schual-Berke.

Minority Report: Do not pass. Signed by 8 members: Representatives Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Chandler; Cox; Sump and Talcott.

Staff: Amy Hanson (786-7118).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Health Care:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: In terms of the fiscal impact of this bill, the Department of Health indicated to us that the naturopathic program currently has a surplus of \$650,000, which is more than enough to meet the needs of the fiscal note by several years over. The cost of running the naturopath program has been so efficient and there have been so few disciplinary actions that the license fee was reduced by over 50 percent last year. The fiscal note should represent the maximum cost of this bill. Naturopathic physicians are one of the four types of primary care providers in the state. Most patients see us as their first doctor and there is a need for naturopathic services particularly since there is a shortage of primary care doctors. To meet the demand of our patients currently, we need language that is very clear and allows our law and scope to modernize and evolve as the needs of our citizens evolve.

Testimony Against: We are concerned about the training. We are aware of no independent, empirical data that shows that naturopathic physicians are trained well enough to begin to prescribe more controlled substances. The difference between physician training and naturopathic training is the residency program. Physicians undergo typically a minimum of four years in residency programs, and that's when most of the training in drugs occurs. This sets physicians apart from naturopathic physicians in terms of training.

Persons Testifying: (In support) Terry Kohl, Washington Association of Naturopathic Physicians; Kasra Pournadeali, Washington Association of Naturopathic Physicians; and Bruce Milliman, Washington Association of Naturopathic Physicians.

(Opposed) Carl Nelson, Washington State Medical Association.

Persons Signed In To Testify But Not Testifying: None.