

HOUSE BILL REPORT

HB 1630

As Reported by House Committee On:
Health Care & Wellness

Title: An act relating to the practice of naturopathy.

Brief Description: Concerning the practice of naturopathy.

Sponsors: Representatives DeBolt, Macri, Cody, Harris, Tharinger, Riccelli, Doglio, Kloba, Jinkins and Robinson.

Brief History:

Committee Activity:

Health Care & Wellness: 2/13/19, 2/22/19 [DPS].

Brief Summary of Substitute Bill

- Allows, under certain circumstances, a naturopath to prescribe any legend drug or Schedule III-V controlled substance as necessary in the practice of naturopathy.
- Changes the naturopathic scope of practice.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Cody, Chair; Macri, Vice Chair; Davis, DeBolt, Harris, Jinkins, Riccelli, Robinson, Stonier, Thai and Tharinger.

Minority Report: Do not pass. Signed by 4 members: Representatives Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Chambers and Maycumber.

Staff: Jim Morishima (786-7191).

Background:

Naturopathic medicine is the art and science of the diagnosis, prevention, and treatment of disorders of the body through the natural processes of the body. Naturopathic medicine includes:

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- manipulation (mechanotherapy);
- the prescription, dispensing, and use of nutrition and food science;
- physical modalities, including modalities that do not exceed those used as of July 22, 2011, in minor office procedures or common diagnostic procedures;
- minor office procedures, including: (1) care and procedures incident to superficial lacerations, lesions, and abrasions; and (2) intramuscular, intravenous, subcutaneous, and intradermal injections of substances consistent with the practice of naturopathic medicine in accordance with rules established by the Secretary of Health;
- homeopathy;
- naturopathic medicines, including legend drugs and codeine and testosterone products that are Schedule III-V controlled substances, consistent with naturopathic medical practice in accordance with rules adopted by the Board of Naturopathy (Board);
- hygiene and immunization;
- non-drug contraceptive devices;
- common diagnostic procedures; and
- suggestion.

The Board is the disciplining authority for naturopaths, but the Secretary of Health maintains certain administrative functions, including setting licensing fees, issuing licenses, and hearing appeals of license denials.

Summary of Substitute Bill:

A naturopath may prescribe and administer any legend drug or Schedule III-V controlled substance as necessary in the practice of naturopathy. A naturopath may only administer legend drugs and controlled substances if he or she:

- meets the minimum number of hours of education and training requirements set jointly by the Board of Naturopathy (Board) and the Medical Quality Assurance Commission;
- files a joint practice agreement with a physician that contains the names, license numbers, and practice addresses of the naturopath and the physician, a written agreement describing how collaboration between the naturopath and the physician will occur, and any other information required by the Board; and
- registers with the Department of Health (DOH) to access the prescription monitoring program.

By July 1, 2020, the Board must adopt rules for prescribing opioids. The rules may contain exemptions based on education, training, amount of opioids prescribed, patient panel, and practice environment. The Board must conform its rules to prescribing rules adopted for other prescribing professions. The Board must also consider guidelines adopted by the Agency Medical Director's Group and the Centers for Disease Control and Prevention and may consult with the DOH, the University of Washington, and the largest professional association of naturopaths in the state. Naturopaths from other states and Canada may prescribe legend drugs and may prescribe controlled substances if they meet substantially similar requirements as naturopaths licensed in Washington.

The medicines a naturopath is authorized to administer are expanded to include nutrients, compounds, and natural substances consistent with naturopathic practice.

A naturopath may sign and attest to any certificate, card, form, or other required documentation that a physician may sign if it is within the naturopath's scope of practice. This includes death certificates, guardianships, powers of attorney, disability determinations, and similar legal documents.

The minor office procedures a naturopath may perform are expanded to include:

- primary care services and procedures that pose minimal risk to the patient and can be safely performed in an office environment;
- procedures incident to minor injuries (instead of abrasions); and
- topical and other routes of substance administration.

Physical modalities a naturopath is authorized to perform are expanded to include medical equipment and modalities that were used before or after July 22, 2011. The authority to adopt rules regarding the injections a naturopath may perform is changed from the Secretary of Health to the Board.

The common diagnostic procedures a naturopath may perform do not include colonoscopies.

Substitute Bill Compared to Original Bill:

The substitute bill:

- requires the rules specifying the education and training necessary for a naturopath to prescribe controlled substances to be adopted jointly by the Board of Naturopathy (Board) and the Medical Quality Assurance Commission;
- requires a naturopath to enter into a joint practice agreement with an allopathic or osteopathic physician prior to prescribing controlled substances (other than codeine or testosterone);
- requires the written agreement to include contact information for the naturopath and the physician, a written agreement describing how the collaboration will occur, and any other information required by the Board;
- requires naturopaths licensed in other states to meet requirements substantially similar to Washington's in order to prescribe controlled substances in Washington;
- requires the Board to adopt prescribing rules based on the prescribing rules adopted by other prescribing professions;
- excludes colonoscopies from a naturopath's scope of practice;
- limits primary care to services and procedures that pose minimal risk to the patient and can be safely performed in an office setting;
- authorizes naturopaths to use "other routes of administration" of substances consistent with naturopathic medicine;
- limits the services a naturopath may provide to only services the naturopath is competent to perform based on his or her education, training, and experience;
- restores the definition of "secretary;" and
- removes references to "naturopathic physician."

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Patient care is the primary concern. The current statutes pertaining to naturopaths go back to 1919 and need to be updated to reflect a naturopath's practice, education, and training. Naturopathic educational institutions are recognized by the United States Department of Education and provide training in pharmacology, minor office procedures, and legal documentation. Naturopaths provide primary care to underserved populations, including patients served by the Medicaid program. They are often the only primary care providers available in some communities. Underserved populations can have higher rates of opioid addictions, which makes it more important to involve naturopaths, whose pharmacological training exceeds that of other prescribing professions. This bill will help naturopaths assume a larger role in fighting the opioid crisis. Sometimes a provider needs to prescribe a controlled substance to help someone overcome addiction—naturopaths currently do not have this ability. This bill allows naturopaths to prescribe Schedule III-V controlled substances, but leaves out Schedule II controlled substances, which are the highly addictive drugs. A sunrise review performed by the Department of Health found sufficient evidence to support this bill. Many of the objections to this bill are based on the mistaken belief that naturopaths are trying to become allopathic physicians. Patients receive a higher level of care when naturopaths work in collaboration with other professions.

(Opposed) Naturopaths do not have sufficient training to safely sign official documents or prescribe controlled substances, which are dangerous, complex drugs. Other prescribing professions receive a lot more training; the danger is that you do not know what you do not know. Expanding prescriptive authority based on rules adopted by the Board of Naturopathy (Board) is open-ended; the Board should not be allowed to dictate the necessary education and training. This bill could exacerbate the opioid crisis. Naturopaths are well-meaning, but have limited training. This bill could cause confusion to patients because it changes the meaning of what a naturopath is versus a physician. This bill is an attempt to give naturopaths a foot in both worlds without changing core training requirements.

Persons Testifying: (In support) Brad Tower, Robert May, and Christopher Krumm, Washington Association of Naturopathic Physicians; Barbara Mendrey and Blake Myers, Northshore Family Practice; and Arianna Staruch, Bastyr University School of Naturopathic Medicine.

(Opposed) Katie Kolan and Mika Sinanan, Washington State Medical Association; and Melanie Stewart, Washington Podiatric Medical Association.

Persons Signed In To Testify But Not Testifying: None.