

Approved: May 10, 2002
Date

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE.

The meeting was called to order by Chairperson Senator Susan Wagle at 1:30 p.m. on February 25, 2002 in Room 231-N of the Capitol.

All members were present except: Ms. Emalene Correll, Kansas Legislative Research Department

Committee staff present: Ms. Lisa Montgomery, Revisor of Statutes
Ms. Margaret Cianciarulo, Administrative Assistant

Conferees appearing before the committee: Mr. Chip Wheelen, Executive Director,
KS Assoc. of Osteopathic Medicine
Mr. Jerry Slaughter, Kansas Medical Society

Others attending: See attached guest list.

Hearing on SB610 - an act concerning naturopathy; providing for licensure and regulation of practitioners thereof; providing for administration by the Board of Healing Arts

Upon calling the meeting, Chairperson Susan Wagle announced that information has been placed before the Committee from a request made last week regarding the technical committee findings and a packet stating the Attorney General's opinion of relating to the credentialing process that the naturopaths went through. A copy of the technical committee findings and the Attorney General's packet is ([Attachment 1](#)) attached hereto and incorporated into the Minutes as referenced. She then stated that since the Committee has already heard the explanation of the bill, the hearing would start with the opponents.

Mr. Chip Wheelen, Executive Director, Kansas Association of Osteopathic Medicine, was the first opponent conferee to testify. Mr. Wheelen stated that the bill contains technical flaws as well as unacceptable public policy objectives, but most importantly, it authorizes the practice of medicine and surgery in addition to the practice of naturopathy.

He went on to say that the members are somewhat divided regarding:

- 1) the training and education of persons with a doctor of naturopathy, saying it could not be as rigorous as the academic and clinical training requirements for a doctor of osteopathy or doctor of medicine degree;
- 2) why it is necessary to enact additional laws, other members already have a complementary relationship with a naturopathic practitioner and do not understand the original meaning; and
- 3) naturopaths already practicing in Kansas unlawfully and that they pose a genuine threat of potential harm to the public. (This group would agree that the naturopathic practitioners should be regulated and be held to a level of responsibility similar to the responsibility of persons licensed under the Healing Arts Act.

He continued stating the bill appears to be drafted using two different sources;

- 1) administrative features delegating responsibility to the Board of Healing Arts are similar to the recently enacted Kansas laws governing licensure of respiratory therapists. (These sections of the bill are generally acceptable.); and
- 2) other sections appear to be copied from previous bills which were originally borrowed from other states and if passed without scrutiny the Committee would be adopting the mistakes of other states (ex. Vague references, confusing mixed subjects, and questionable public policy.)

And lastly, he stated, in order to point out the flaws and policy questions, he had drafted some amendments, that are attached to his testimony, employing the following principles in the drafting:

- 1) the bill should adhere to commonly accepted rules of the English language;
- 2) it should be clearly understandable and make sense;
- 3) it should not allow naturopathic doctors to order or administer prescription-only medication;
- 4) it should not allow naturopathic doctors to perform surgery or other invasive procedures; and,
- 5) it should not allow naturopathic doctors to deliver infants.

A copy of his testimony and attachments are (Attachment 2) attached hereto and incorporated into the Minutes by reference.

The next opponent conferee was Mr. Jerry Slaughter, Kansas Medical Society, who stated that although the society did not support this bill as it is currently written, they would support a bill that grants legal recognition to naturopaths with certain restrictions on their authorized scope of practice, which is where they did have a problem with the bill in that it describes a scope of practice for naturopaths that is overly broad and not clear enough about what is being authorized.

Mr. Slaughter pointed out there are at least three groups of individuals who identify themselves as naturopathic practitioners:

- 1) those who are graduates of the few colleges of naturopathy;
- 2) those who obtain a naturopathic degree or certificate through limited or non-accredited training programs; and,
- 3) some who simply utilize the term with little or no formalized training, so the effect of the above bill would be to restrict the practice of naturopathy exclusively to those individuals who have graduated from one of the colleges of naturopathy approved by the Board of Healing Arts.

He also stated while the KDHE credentialing process did make findings about the level of regulation, it did not make specific findings about the scope of practice that is appropriate for naturopaths and to get a picture of the scope of practice authorized under the bill, he referred to New Section 13 and New Section 2 of the bill citing examples if read together.

And lastly, he offered a balloon with several suggested amendments which he felt would clear up some of the ambiguity in the bill regarding scope of practice. A copy of his testimony and his attachments are (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

As there were no other opponent conferees, Chairperson Wagle asked for questions or comments from the Committee. A discussion ensued among Senators Wagle, Haley, Harrington, Barnett, Praeger, Salmans, and Steineger, Mr. Wheelen and Mr. Slaughter involving such issues as: inconsistent language, sharing opponents suggestions with the naturopaths, “on-the-surface” non-prescription topical drugs, distinction between naturopathic and physician’s education for testing, safety concerns, if bill cleaned up would separate the “quacks”, who licenses osteopaths, is laceration/suturing well defined in osteopathic and chiropractic arena, removal of formal bodies, EMT’s in radio contact with physicians, health stores not being regulated (ex. GNC stores), and naturopaths have been trying to compromise at least over the last six years.

As there was no further discussion, Chairperson Wagle thanked the conferees for their testimony. She believes there are things they have done that have helped clean up this legislation, and from her understanding and working with both groups she is sure the naturopaths have already agreed to no surgery and obstetric. She stated she thinks the Committee will find is the problem is going to be specifically what kind of compounds that they want to use intravenously and specific language on prescription which will address tomorrow maybe leading to some very specific cleanup language offered by the naturopaths.

Adjournment

Adjournment time was at 2:30 p.m.

The next meeting is scheduled for February 26, 2002.

CONTINUATION SHEET