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Oregon Legislative Assembly
House Health Care Committee
900 Court St. NE
Salem, OR 97301

Re: Public Testimony on HB 3042 – Concerns Regarding Due Process, Fairness, and Overreach

Dear Members of the House Health Care Committee,

I am writing to express my concerns regarding HB 3042, which expands the Oregon Board of Naturopathic Medicine's authority to discipline naturopathic physicians (NDs) and compel practitioners under investigation to undergo mental, physical, chemical dependency, or competency evaluations at their own expense. While I recognize the importance of ensuring professional accountability and patient safety, I urge the committee to reconsider aspects of this bill that may result in unintended consequences, overreach, and constitutional violations.

Concerns with HB 3042

1. **Due Process Violations (5th & 14th Amendments):** The bill lacks clear standards of proof before compelling a medical evaluation. The phrase “**objectively reasonable grounds**” is vague and leaves room for **arbitrary enforcement** without proper judicial oversight.
2. **Equal Protection Issues (14th Amendment):** HB 3042 **targets naturopathic physicians exclusively**, despite similar disciplinary processes not being required for MDs, DOs, PAs, or NPs. Holding NDs to different standards raises concerns about **discrimination within the healthcare profession**.
3. **Fourth Amendment Privacy Concerns:** The bill grants the Board **broad authority to mandate invasive evaluations** (mental, physical, chemical dependency) **without a**

warrant or external oversight. This could constitute an unconstitutional **search and seizure.**

4. **Self-Incrimination and Privilege Violations (5th Amendment):** The bill allows the Board to **use the results of compelled medical evaluations against practitioners,** even if they claim privilege. This forces practitioners to **provide evidence that could be used to revoke their license.**
5. **Overly Broad and Vague Language (Void for Vagueness Doctrine):** Terms like “**any conduct that might constitute a danger**” or “**recognized standard of ethics**” are **not clearly defined,** creating an environment for **selective enforcement** and abuse.
6. **Retaliation & First Amendment Issues:** The bill does not prevent the Board from **targeting naturopathic physicians based on political or philosophical beliefs.** This could be used to **silence alternative approaches to healthcare,** even when within the legal scope of practice.
7. **Chilling Effect on Alternative Medicine:** The bill could be used to **silence or punish practitioners who challenge conventional medical norms,** even if their treatments are **safe and within scope.** There is **no protection against politically motivated complaints,** meaning **naturopaths with controversial but legal practices could face harassment.** Without proper safeguards, this bill may disproportionately **impact practitioners who offer integrative, holistic, or functional medicine approaches,** stifling innovation and reducing patient choice.
8. **Excessive Financial Burden & Economic Hardship:** The bill forces practitioners to **pay for their own evaluations,** even if they are later cleared. This **unfairly punishes innocent physicians** and could result in **chilling effects on naturopathic practice.**

Recommendations for a More Balanced Approach

To ensure fairness, I respectfully propose the following amendments:

- **Add an independent appeal process** before compelling evaluations.
- **Clarify legal standards** for determining when an evaluation is necessary.
- **Ensure consistent enforcement** across all healthcare professions.
- **Provide financial protections** for falsely accused practitioners.
- **Refine vague terminology** to prevent arbitrary disciplinary actions.

While I support efforts to uphold high standards in naturopathic medicine, **HB 3042, in its current form, grants excessive power to the Oregon Board of Naturopathic Medicine without sufficient safeguards.** This could result in **unjust disciplinary actions, suppression of alternative medicine, and constitutional violations.** I urge the committee to **revise the bill to incorporate due process protections** before moving forward.

Thank you for your time and consideration.

Sincerely,

Dhai Barr

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