

**Chair Nosse, Members of the Committee,**

My name is Stephanie Sur. I have been a licensed veterinarian in the state of Oregon for the past 4 years and have been licensed elsewhere for a total of almost 23 years. I have serious concerns about HB 3042. While it has been presented as an effort to modernize language and ensure accountability, the **new additions in this bill** introduce **serious risks** that could **unfairly target naturopathic doctors (NDs)**, restrict patient access to care, and **expand disciplinary powers in vague and concerning ways**.

There are **several key changes** in HB 3042 that create **dangerous precedents** for how NDs are regulated.

### **1. Expanding Fraud Accusations in Licensing**

Previously, the law addressed “using fraud or deception in securing a license.” Now, the language has been changed to **“making misleading, deceptive, or fraudulent representations in applying for a license.”**

- **Why this is concerning:** This broadens the board’s ability to **subjectively interpret what qualifies as misleading** and could be used to **unfairly block or discipline NDs without clear, demonstrable fraud**.

### **2. Restricting What NDs Can Say About Treatments**

Another new provision states that NDs **cannot make statements that they “know or should know” are false or misleading regarding their skill or the efficacy or value of a medicine, remedy, or treatment**.

- **Why this is concerning:** This sounds reasonable on the surface, but **who decides what is misleading?** Many naturopathic treatments rely on **historical use, clinical experience, and holistic frameworks that don’t fit neatly into randomized controlled trials**. This language could be **used to discredit legally permitted treatments simply because they do not align with conventional (allopathic) medical perspectives**.
- **This provision also threatens First Amendment protections** by restricting the ability of NDs to engage in professional speech about treatments that are legally within their scope of practice. **Medical discourse and differing opinions are essential to scientific progress**.

### **3. Expanding Discipline for “Substandard Care” Even When No Harm Occurs**

HB 3042 allows the board to take action against an ND for **“providing substandard care” even if no patient harm occurs**.

- **Why this is concerning:** Unlike in other medical disciplines, this could be **interpreted broadly to punish NDs for using naturopathic methods rather than conventional ones**. The standard for “substandard care” is **not defined**, creating a risk of **biased enforcement**.

### **4. Forcing NDs to Undergo Costly Medical Evaluations Without Clear Justification**

This bill allows the board to **require a person under investigation to undergo a mental, physical, chemical dependency, or competency evaluation—at their own expense**.

- **Why this is concerning:** There are **no safeguards to ensure that these evaluations are not used as a tool of intimidation**. A board complaint—even one made in bad faith—could lead to an ND

being forced into a costly and invasive evaluation, **potentially damaging their reputation and livelihood.**

- **This undermines due process rights**, violating principles of fairness and transparency that should be upheld in any regulatory action.
- **The volume of board complaints could skyrocket** under these new rules, flooding the board with unnecessary cases and **potentially bankrupting the board itself** as it struggles to process an overwhelming number of investigations.
- **This creates a dangerous “witch hunt” scenario, where bad-faith actors or competitors could abuse the complaint system to harass NDs.** The potential for politically or ideologically motivated complaints could make it impossible for NDs to practice without constant fear of investigation.

## 5. Removing Confidentiality Protections for Forced Evaluations

The results of an evaluation must **be reported to the board and may be used in disciplinary proceedings, even if the findings are not incriminating.**

- **Why this is concerning:** This means that **even private medical evaluations can be used against a practitioner, stripping them of confidentiality protections.** It sets a **dangerous precedent** for medical privacy rights.

## 6. Giving the Board Unlimited Rule-Making Power

Finally, this bill allows the board to **adopt rules to carry out these sections without additional legislative oversight.**

- **Why this is concerning:** The board could **expand its own authority** and create **new disciplinary rules at any time**, making it impossible for NDs to predict how regulations might shift in the future.

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## Key Takeaways

HB 3042 does **not** improve patient safety. Instead, it introduces **broad, vague, and subjective standards** that could be **weaponized against NDs simply for practicing within their legal scope.**

- This bill **allows for selective enforcement** based on undefined “misleading” statements, which threatens **First Amendment rights and medical free speech.**
- It **creates new restrictions on naturopathic treatments** without acknowledging the **three pillars of evidence-based medicine:** scientific evidence, clinical expertise, and patient values.
- It **removes confidentiality protections** from forced evaluations, which **undermines due process and practitioner rights.**
- It **grants excessive authority to the board to create future restrictions** without proper oversight.

- It **opens the door for an overwhelming number of complaints**, which could **financially cripple the board itself** as it struggles to process a flood of disciplinary actions.
- It **creates an environment ripe for witch hunting**, where complaints could be filed as a means of professional harassment rather than legitimate patient protection.

### What Needs to Change

- **Remove vague language** like *“recognized standard of ethics”* and *“danger to the public.”*
- **Include free speech protections** so practitioners cannot be targeted for challenging mandates or policies.
- **Require due process** before forcing evaluations—doctors must not be subjected to psychiatric exams for political reasons.
- **Ensure disciplinary actions are tied to patient harm, not dissenting opinions.**

### Next Steps

- **HB 3042 must be amended** to include clearer definitions, due process protections, and a fairer review process.
- **Remove provisions** that allow forced medical testing without a clear evidentiary standard.
- **Ensure all healthcare professionals** are held to the **same disciplinary standards** to prevent selective enforcement.

### Proposed Alternative Wording for HB 3042

To ensure fairness, protect First Amendment rights, and maintain due process while upholding accountability in naturopathic medicine, I propose the following **alternative wording** to the key sections of HB 3042:

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#### 1. Expanding Fraud Accusations in Licensing

**Current Wording:** "Making misleading, deceptive, or fraudulent representations in applying for a license."

**Proposed Alternative:**

*"Knowingly engaging in fraudulent misrepresentation in applying for a license, where fraud is defined as an intentional act of deception with the purpose of securing an undue benefit."*

#### Why?

- Prevents **subjective interpretation** of "misleading" claims.
  - Requires **intent** to commit fraud rather than unintentional errors in representation.
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## 2. Restricting What NDs Can Say About Treatments

**Current Wording:** "Making statements that the licensee knows, or with the exercise of reasonable care should know, are false or misleading regarding the licensee's skill or the efficacy or value of a medicine, remedy, or treatment."

**Proposed Alternative:**

*"Knowingly making false claims about one's credentials or knowingly providing false information about the efficacy of a treatment, where 'false' is defined as information that is demonstrably untrue based on a preponderance of scientific evidence and standard clinical practice within the field of naturopathic medicine."*

**Why?**

- Protects **First Amendment rights and medical free speech**.
  - Ensures enforcement is **based on established scientific evidence** rather than subjective opinions of other professions.
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## 3. Expanding Discipline for "Substandard Care" Even When No Harm Occurs

**Current Wording:** "Providing substandard care as a naturopathic physician through a deliberate or negligent act or failure to act, regardless of whether injury to a patient occurs."

**Proposed Alternative:**

*"Providing substandard care that results in demonstrable patient harm and falls below the accepted standard of care within naturopathic medicine as determined by a panel of licensed naturopathic physicians."*

**Why?**

- **Removes subjective enforcement** based on perspectives outside the field of naturopathic medicine.
  - Ensures **accountability is tied to actual patient harm**, not just philosophical disagreements with conventional medicine.
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## 4. Forcing NDs to Undergo Costly Medical Evaluations Without Justification

**Current Wording:** "Requiring a person under investigation to undergo a mental, physical, chemical dependency, or competency evaluation, at the person's expense."

**Proposed Alternative:**

*"Requiring a person under investigation to undergo a mental, physical, chemical dependency, or competency evaluation only if there is clear and convincing evidence that such an evaluation is necessary for public safety, with the costs covered by the board unless misconduct is confirmed."*

### Why?

- Prevents politically motivated investigations.
  - Requires a higher burden of proof before mandating costly evaluations.
  - Protects practitioners from financial ruin due to bad-faith complaints.
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## 5. Removing Confidentiality Protections for Forced Evaluations

**Current Wording:** "The results of an evaluation must be reported to the board and may be used in disciplinary proceedings, even if the findings are not incriminating."

**Proposed Alternative:**

*"The results of an evaluation may only be used in disciplinary proceedings if they provide clear evidence of impairment affecting the ability to practice safely. Such results must remain confidential unless the practitioner provides written consent for public disclosure."*

### Why?

- Protects **medical privacy rights** for naturopathic doctors.
  - Ensures evaluations are used **only when necessary** for public safety.
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## 6. Giving the Board Unlimited Rule-Making Power

**Current Wording:** "The board may adopt rules to carry out this section."

**Proposed Alternative:**

*"The board may adopt rules to carry out this section, provided that any new rules are subject to public comment, review by a multi-disciplinary advisory panel, and legislative oversight."*

### Why?

- Prevents **unchecked expansion of board power**.
  - Ensures **stakeholder involvement in rule changes**.
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## Final Recommendations

To ensure fairness, I propose the following amendments to HB 3042:

✓ **Remove vague language** like "recognized standard of ethics" and "danger to the public."

✓ **Include free speech protections** so practitioners cannot be targeted for challenging mainstream policies.

✓ **Require due process protections** before forcing medical evaluations—NDs must not be subjected to psychiatric exams without clear evidence.

✓ **Ensure disciplinary actions are tied to actual patient harm**, not philosophical differences in treatment approaches.

✓ **Prevent politically motivated complaints** by requiring an initial review panel before investigations proceed.

✓ **Hold all healthcare professionals to the same disciplinary standards** to prevent selective enforcement against NDs.

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### Next Steps

- **HB 3042 must be amended** to include clearer definitions, due process protections, and an evidence-based review process.
- **Remove provisions** that allow forced medical testing without a clear evidentiary standard.
- **Ensure the naturopathic profession governs its own standard of care** rather than being subject to conventional medical bias.

**These changes ensure accountability while protecting practitioner rights and patient access to naturopathic care.**

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I urge you to **reconsider HB 3042 in its current form** and work toward legislation that **protects both patient safety and provider fairness**. Thank you for your time and dedication to public health.

Thank You,

Stephanie Sur, DVM