

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:

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.
