

Eric Blake ND, MSOM Dipl. Ac.  
DrBlake@HolisticHealthPC.com  
2/18/2025

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  
Oppose**

Dear Members of the House Health Care Committee,

I am writing to express my concerns and my opposition to HB 3042. This bill 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 – undermining diversity, equity and inclusion – and has the potential for overreach as well as potential constitutional concerns.

**Concerns with HB 3042**

1. **Diversity, equity and inclusion as well as 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 application** without clear boundaries. This could potentially be targeted at those who are considered of minority opinion and therefore undermine equity and inclusion as well.
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**.  
Again this undermines **Diversity, Equity, and Inclusion**. For example - there are broad disagreements currently in the realm of medicine on whether transgender persons are actually transgender or whether they are suffering from gender dysphoria. The examiner may have a viewpoint that does not respect the physician under examinations' self identity - which could lead to discriminatory decisions.
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.
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**

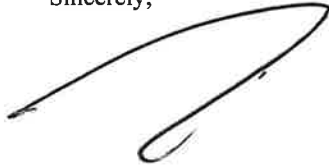
To ensure fairness, I respectfully propose the following amendments:

- **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, undermining of diversity, equity, and inclusion, and risks constitutional challenge**. I urge the committee to **reject the current bill as written**.

Thank you for your time and consideration.

Sincerely,



Eric Blake ND  
Director – Portland Clinic of Holistic Health