



3-14-2019

Senate Public Health & Welfare
Re: HB2185 — Proponent

Chairmen, members of the committee, I am Dr. Alicia Johnson and and the president of the Kansas Naturopathic Doctor's Association. I want to thank you for the opportunity to testify in support of HB2185.

HB2185 is a clarification of our current practice in Kansas. In 2017, an employee at Diagnostic Imaging Centers was unsure about the ability of Naturopathic Doctors to order imaging and reached out to the Kansas Board of Healing Arts. An assistant attorney at the KBOHA reviewed our statutes and indicated that we were not licensed to order imaging, a statement that the KBOHA later rescinded. The radiology technicians law that includes licensed providers, who are able to order imaging was written before our licensure was granted. Thus the absence of our profession is an oversight of which we only recently became aware. Our statutes indicate that we are licensed doctors with the ability to diagnose and treat. Our statutes also indicate that we are not allowed to administer ionizing radiation, however there is no language that precludes us from sending a patient to an imaging center for a radiologist to administer and interpret the test. For the past 15 years, until that slow day in 2017, no one has questioned our right to order imaging, since it has been the common practice with the inception of our license.

In Kansas, as in many states, the language that regulates imaging is generally exclusionary in most bills, meaning only things the provider is NOT permitted to do are listed in statutes with regard to imaging. It is generally assumed that a provider will use all of the diagnostic tools included in their didactic and clinical training unless otherwise specified. For example, we can not administer ionizing radiation. Administering diagnostic imaging is not part of our training and it is specifically excluded in statute to clarify that while we can order an x-ray, we do administer or interpret do x-rays on site. Very few professionals in Kansas have their right to order explicitly written into their statutes, but imaging is addressed in the rad tech language.

The Kansas Naturopathic Doctors Association is here today to update the rad tech language now that the clarity of our statutes has been called into question. At the recommendation of the board, when this point of confusion came up, we began reviewing many other areas of our statutes that may be perceived as unclear. Our statutes will be addressed at a later date after working with various stakeholders. For simplicity, we would like to address this issue now in the Rad Tech language since this serves as a straightforward clarification of current practice. The KBOHA has been made aware on two occasions that we consider ordering imaging a part of our common practice.

As we had this bill introduced, we spoke with Radiology Technicians at the hospitals and the lobbyist for the Radiology Technicians and can say that we are all in agreement about this mistake and that this is really a technical fix. To our knowledge, there is no opposition to this clarification.

In conclusion, again I thank you for the opportunity to testify in support of HB2185 and ask you to pass the bill out favorably. I can answer any questions when appropriate. We are aware that our profession has a small presence in the state of Kansas. To assist you in answering common questions, I have submitted a document that was created to help the KBOHA understand the background of the issue. It would be my pleasure to briefly review some specifics about our profession, our training, and our use of diagnostic imaging if you find it helpful. I think you will find that a quick review of the information in this packet covers most questions that you may have.

Dr. Alicia Johnson, ND
Kansas Naturopathic Doctor's Association
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Naturopathic Profession Overview

Training

- Prerequisites
 - Four year-bachelor degree prior to matriculation
 - Minimum prerequisite courses
 - Biology, Organic Chemistry, Psychology, English, Humanities
 - GPA >3.0
- Naturopathic Program
 - Naturopathic Programs are accredited by NABNE
 - Four year in-residence
 - 4,100 minimum contact hours of instruction
 - 1,200 minimum contact hours for clinical training
 - Program of Study (attached)

Testing

- North American Board of Naturopathic Examiners
 - NPLEX Part 1 – Biomedical Sciences Examination
 - Taken after the second year of training
 - NPLEX Part 2 – Core Clinical Science Examination
 - Taken after graduation and upon passing NPLEX Part 1

Kansas

- 2002 – Passage of the Naturopathic Doctor Licensure Act
- Overview of KSA 65-7201 to 65-7218
 - Graduate of an accredited program and passing of NPLEX examinations
 - Naturopathic statues include
 - Prescribing, recommending or administering food, food extracts, vitamins, minerals, enzymes, whole gland thyroid, botanicals, homoeopathic preparations, nonprescription drugs, plant substances not designated as prescription drugs or controlled substances
 - Health care counseling, nutritional counseling, dietary therapy, naturopathic physical applications, barrier contraceptive devices
 - Intramuscular or intravenous administration pursuant to a written protocol with a physician
 - Noninvasive physical examinations, venipuncture to obtain blood for clinical laboratory tests and orofacial examinations excluding endoscopies
 - Minor office procedures
 - Naturopathic acupuncture
 - Naturopathic statues preclude
 - Surgery, obstetrics or administration of ionizing radiation
 - Prescribe, dispense or administer any controlled substances.
- CME Required
 - 50 Continuing education hours required each year
 - 20 within professional supervised setting
 - 30 hours of non-supervised setting
- Professional Liability Insurance
 - According to K.A.R. 100-72-6, professional liability policy must be maintained that complies with a \$200,000 per claim, subject to an annual aggregate of not less than \$600,000.

Meeting of the Kansas Board of Healing Arts

December 8, 2017

Section 1: Introduction

- The Goal of today's meeting is to get clarity on our right as Naturopathic Doctors in the state of Kansas to order imaging.
- Today we will present information and documentation showing the statutes and training of Naturopathic doctors in the state of Kansas that allows us to order imaging.
- Kansas Naturopathic Doctors are not *performing* ionizing radiation.
- Kansas Naturopathic Doctors are trained in radiology as part of our four-year post-graduate Naturopathic Medical curriculum.

Section 2: Issue At Hand

- It was brought to our attention that members of our community are under the impression that Naturopathic Doctors in the State of Kansas cannot order imaging.
- We as a profession do have the right to order imaging and have been *ordering* imaging since the inception of our statutes in 2002. We are not and have not *performed* ionizing radiation. Consistent with naturopathic training, our profession refers the studies to an appropriately licensed health care professional to conduct and interpret the results
- There was a verbal discussion in 2002 in the Naturopathic Advisory Committee whereupon it was agreed that Naturopathic doctors could order imaging.

Section 3: Legislative Precedent in Kansas

- In 2002 it was discussed that Naturopathic Doctors can order imaging, not perform ionizing radiation. That we cannot perform ionizing radiation does not preclude us from ordering imaging. This was an agreement made through the Naturopathic Advisory Committee.
- Statutes for non-naturopathic medical professions within the state of Kansas are largely silent on imaging rights when it is conveyed that those professions are licensed to diagnose and treat, as it is common practice and understood that imaging is essential to the diagnostic process

Section 4: Legislative Precedent in Other States

- Current Licensed states and their position/statute on ordering imaging
- Eight out of 19 licensed states use the word silent in the determination of image ordering and they have authority to order imaging within those states

Section 5: Naturopathic Training: Clinical Competencies

- Naturopathic medical school is four years long and is divided into quarter terms.
- The first two years include studies in biomedical sciences and general medical diagnosis (including radiology)
- The final two years includes studies/classes in general medical practice (including radiology) and hand-on clinical training

Section 6: Naturopathic Testing And Accreditation

- To be a licensed Naturopathic Doctor, one must graduate from a four-year post-graduate accredited Naturopathic Medical school.
- There are eight accredited schools in the United States and Canada including:
 - Southwest College of Naturopathic Medicine and Health Sciences (SCNM)
 - Bastyr University - Seattle
 - Bastyr University - San Diego
 - National University of Natural Medicine
 - University of Bridgeport College
 - National University of Health Sciences
 - Canadian College of Naturopathic Medicine
 - Boucher Institute of Naturopathic Medicine
- In addition to completion and graduation from an accredited Naturopathic Medical school, one must pass 2 separate sets of board exams (Part I - Biomedical Science Examination and Part II - Core Clinical Science Examination) through the North American Board of Naturopathic Examiners (NABNE). www.nabne.org

Section 7: Courses and Training

- Sample of Program of Study (Attached is the current curricula for SCNM)

Section 8: Radiology Training of Naturopathic Doctors

- In the current curriculum (at SCNM) Radiology training is a part of the General Medical Diagnosis Course I-IV which included between 7-9 credit hours each.
- Prior to the graduating class of 2014, at SCNM, Radiology was taught in a series of 3 separate individual courses. Each course lasted a full quarter, was taught weekly, for 2-2.5 hours each week.
- Texts used in these courses includes:
 - Clinical Radiology: the Essentials, by R.H Daffner, M.D., Lippincott Williams & Wilins, 1998
 - Squire's Fundamentals of Radiology by R.A. Novelline, Harvard U Press, 2004.

Section 9: Comparison of Training

- Attached is training for other professional colleagues

**KANSAS STATE BOARD
OF
HEALING ARTS**



**KANSAS STATUTES
ANNOTATED**

AND

**KANSAS ADMINISTRATIVE
REGULATIONS**

Relating to the practice of

NATUROPATHY

February 2013

FOREWORD

In 2002, the Kansas Legislature enacted the Naturopathic Doctor Registration Act. The bill was included in the Kansas Statutes Annotated as K.S.A. 65-7201 *et seq.* The statutes designated the Kansas State Board of Healing Arts as the agency responsible for registering naturopathic doctors commencing January 1, 2003. After that date, it became unlawful for anyone not registered by the Board to use the words “doctor of naturopathy”, “doctor of naturopathic medicine”, or “naturopathic medical doctor” or any other words, letters or abbreviations indicating or implying that the person is a naturopathic doctor. Effective, July 1, 2004 it became unlawful to use the term “naturopath” unless the person is registered by the Board.

The following is a compilation of the current statutes and rules and regulations relating to naturopathy.

If you have any questions concerning naturopathy, please contact the Board office.

**KANSAS STATE BOARD OF HEALING ARTS
800 SW JACKSON, LOWER LEVEL-SUITE A
TOPEKA, KANSAS 66612
(785) 296-7413 or toll-free at 1-(888) 886-7205
E-Mail: healingarts@ksbha.ks.gov
Web Site Address: www.ksbha.org**

SECTION 2

NOTE:

The laws and regulations listed in this website booklet are not to be considered the official authority on the current law. While every effort has been made to ensure the accuracy and completeness of this information, for legal purposes the law should be obtained from the Kansas statute books and the regulations from the Kansas Secretary of State's Administrative Regulations.

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65-7201

**Chapter 65 – PUBLIC HEALTH
Article 72– NATUROPATHIC DOCTORS**

65-7201. Citation of act. K.S.A. 65-7201 to 65-7218, inclusive, and amendments thereto shall be known and may be cited as the naturopathic doctor licensure act.
History: L. 2002, ch. 203, § 20; L. 2010, ch. 126, § 1; Jan. 1, 2011.

65-7202

**Chapter 65 – PUBLIC HEALTH
Article 72– NATUROPATHIC DOCTORS**

65-7202. Definitions. As used in K.S.A. 65-7201 to 65-7218, inclusive, and amendments thereto:
(a) "Naturopathic doctor" means a doctor of naturopathic medicine who is authorized and licensed pursuant to this act.
(b) "Naturopathic medicine," or "naturopathy" means a system of health care practiced by naturopathic doctors for the prevention, diagnosis and treatment of human health conditions, injuries and diseases, that uses education, natural medicines and therapies to support and stimulate the individual's intrinsic self-healing processes, and includes prescribing, recommending or administering: (1) Food, food extracts, vitamins, minerals, enzymes, whole gland thyroid, botanicals, homeopathic preparations, nonprescription drugs, plant substances that are not designated as prescription drugs or controlled substances, topical drugs as defined in subsection (i) of this section, and amendments thereto; (2) health care counseling, nutritional counseling and dietary therapy, naturopathic physical applications, barrier contraceptive devices; (3) substances on the naturopathic formulary which are authorized for intramuscular or intravenous administration pursuant to a written protocol entered into with a physician who has entered into a written

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- 65-7213.** Naturopathic acupuncture specialty certification.
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protocol with a naturopathic doctor licensed under this act; (4) noninvasive physical examinations, venipuncture to obtain blood for clinical laboratory tests and oroficial examinations, excluding endoscopies; (5) minor office procedures; and (6) naturopathic acupuncture. A naturopathic doctor may not perform surgery, obstetrics, administer ionizing radiation, or prescribe, dispense or administer any controlled substances as defined in K.S.A. 65-4101, and amendments thereto, or any prescription-only drugs except those listed on the naturopathic formulary adopted by the board pursuant to this act.

(c) "Board" means the state board of healing arts.

(d) "Approved naturopathic medical college" means a college and program granting the degree of doctor of naturopathy or naturopathic medicine that has been approved by the board under this act and which college and program requires at a minimum a four-year, full-time resident program of academic and clinical study.

(e) "Homeopathic preparations" means substances and drugs prepared according to the official homeopathic pharmacopoeia recognized by the United States food and drug administration.

(f) "Naturopathic acupuncture" means the insertion of fine metal needles through the skin at specific points on or near the surface of the body with or without the palpation of specific points on the body and with or without the application of electric current or heat to the needles or skin or both to treat human disease and impairment and to relieve pain.

(g) "Minor office procedures" means care incidental to superficial lacerations and abrasions, superficial lesions and the removal of foreign bodies located in the superficial tissues, except eyes, and not involving blood vessels, tendons, ligaments or nerves. "Minor office procedures" includes use of antiseptics, but shall not include the suturing, repairing, alteration or removal of tissue or the use of general or spinal anesthesia. Minor office procedures does not include anesthetics or surgery.

(h) "Naturopathic physical applications" means the therapeutic use by naturopathic doctors of the actions or devices of electrical muscle stimulation, galvanic, diathermy, ultrasound, ultraviolet light, constitutional hydrotherapy, naturopathic musculoskeletal technique and therapeutic exercise.

(i) "Topical drugs" means topical analgesics, antiseptics, scabicides, antifungals and antibacterials but does not include prescription only drugs.

(j) "Physician" means a person licensed to practice medicine and surgery.

(k) "Written protocol" means a formal written agreement between a naturopathic doctor licensed under this act and a person licensed to practice medicine and surgery. Any licensee of the board entering into a written protocol with a licensed naturopathic doctor shall notify the board in writing of such relationship by providing such information as the board may require.

History: L. 2002, ch. 203, § 21; L. 2010, ch. 126, § 2; Jan. 1, 2011.

65-7203

Chapter 65 – PUBLIC HEALTH Article 72– NATUROPATHIC DOCTORS

65-7203. Administration of act by state board of healing arts; qualifications of applicants; licensure of certain naturopathic doctors; record of proceedings.

(a) The board, as hereinafter provided, shall administer the provisions of this act.

(b) The board shall judge the qualifications of all applicants for examination and licensure, determine the applicants who successfully pass the examination, duly license such applicants and adopt rules and regulations as may be necessary to administer the provisions of this act.