

SCR 123

/SR 53

**PRESENTATION OF THE
BOARD OF NATUROPATHIC MEDICINE**

TO THE SENATE COMMITTEE ON
COMMERCE AND CONSUMER PROTECTION

TWENTY-FIFTH STATE LEGISLATURE
Regular Session of 2010

Wednesday, April 7, 2010
10:00 a.m.

WRITTEN COMMENTS ONLY

TESTIMONY ON SENATE CONCURRENT RESOLUTION NO. 123, S.D. 1/SENATE RESOLUTION NO. 53, S.D. 1 – URGING THE BOARD OF NATUROPATHIC MEDICINE TO ADOPT RULES CONSISTENT WITH ACT 22, SPECIAL SESSION LAWS OF HAWAII 2009, TO ALLOW NATUROPATHIC PHYSICIANS TO PERFORM PARENTERAL THERAPY.

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Dr. Michael Traub, Chairperson of the Board of Naturopathic Medicine (“Board”). The Board appreciates the opportunity to provide comments on Senate Concurrent Resolution No. 123, S.D. 1 and Senate Resolution No. 53, S.D. 1, Urging the Board of Naturopathic Medicine to adopt rules consistent with Act 22, Special Session Laws of Hawaii 2009, to allow naturopathic physicians to perform parenteral therapy (i.e., injections).

The Board has not had the opportunity to meet and establish an official position on these resolutions. However, at its February 19, 2010 meeting, the Board considered a request to grandfather naturopathic physician licensees to perform parenteral therapy. With the passage of Act 22, Hawaii Revised Statutes sections 455-1 and 455-6 currently state that naturopathic physicians cannot use parenteral therapy until the Board adopts administrative rules that establish the education and training requirements

for parenteral therapy and the standards to administer parenteral therapy. The Board came to a consensus that it does not have the statutory authority to grandfather licensees to practice parenteral therapy.

In addition, with regard to the ninth "Whereas" paragraph, at its June 29, 2006 meeting, the Board discussed whether a committee report on House Bill No. 1155 (2006) constitutes legislative intent. The Board found that although committee reports are part of the legislative history of a bill, the committee reports for House Bill No. 1155 do not supersede the previous 1994 committee report on House Bill No. 2238 (in which the legislature stated that naturopathic physicians cannot administer natural medicines through injection) because House Bill No. 1155 (2006) did not become law whereas House Bill No. 2238 was enacted in 1994 after language that would allow naturopathic physicians to administer injections was deleted from the bill.

Thank you for the opportunity to provide comments on this matter.



HAWAII MEDICAL ASSOCIATION

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Wednesday, April 07, 2010, 10:00 a.m., Conference Room 229

To: COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
Senator Rosalyn H. Baker, Chair
Senator David Y. Ige, Vice Chair

From: Hawaii Medical Association
Gary A. Okamoto, MD, Legislative Co-Chair
Linda Rasmussen, MD, Legislative Co-Chair
April Donahue, Executive Director
Lauren Zirbel, Government Affairs
Dick Botti, Government Affairs

Re: SCR 123 AND SR 53 URGING THE BOARD OF NATUROPATHIC MEDICINE TO MAKE RULES CONSISTENT WITH ACT 222, SPECIAL SESSION LAWS OF HAWAII 2009, TO ALLOW NATUROPATHIC PHYSICIANS TO PERFORM PARENTERAL THERAPY.

The Hawaii Medical Association would like to provide comments on this measure.

As you are aware, last year, changes in Hawaii state law expanded the scope of practice of naturopathic doctors to include parenteral therapy. The new law defines parenteral therapy as "the administration of substances by means other than through the gastrointestinal tract, including intravenous, subcutaneous and intramuscular injection."

There are many negative complications that will likely result from this clause if there continues to be no continuing education required for naturopathic doctors and no pharmacist and MD or DO input required for the naturopathic formulary. The lack of input from these healthcare professionals, who do receive extensive and continuing education in pharmacology, was seen by the extensive allowance for specialist legend drugs in the 2010 naturopathic formulary. One example is that their current formulary allows them to prescribe the entire category of "antidepressants". Most physicians will not prescribe these drugs because the potential for negative side effects is so high that prescribing these specialty drugs warrants years of additional residency training and continuous medical education.

In the interests of space and time, we will not detail all of the potential negative complications of encouraging a board made up of only Naturopathic Doctors (who are not required to take continuing medical education) and two lay people to develop extensive parenteral therapies. Instead we would like to share one example with you, as outlined by the American Society for Dermatologic Surgery:

"We are deeply concerned with the broad-based nature of this language, as there have been many incidences of patient disfigurement due to the injection of FDA-approved prescription cosmetic drugs and medical devices by inadequately trained non-physicians.

As dermatologic surgeons, we are particularly concerned with injections of botulinum toxins and dermal fillers. It is the position of the ASDSA that FDA-approved prescriptive dermal fillers and botulinum toxins for cosmetic medical use be administered by physicians only. Dermal fillers and botulinum toxins require extensive specialized physician knowledge to ensure the highest level of care. The precise placement of a needle for a botulinum toxin injection or the exact depth of administration of a dermal filler is a specialized type of injection. Additionally, the tolerance for adverse events for these specialized injections is comparatively low to that of typical injections.

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President - Robert Marvit, MD President-Elect - Morris Mitsunaga, MD Secretary - Thomas Kosasa, MD
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Complications resulting from the use of dermal fillers, while rare, are frequently caused by poor injection technique. Proper placement of fillers with reduced side effects is largely dependent upon depth of understanding of facial anatomy, and knowledge of chemical and physical properties of the agents themselves. Appropriate training should include an appreciation of normal facial anatomy and the changes that occur with aging and illness; a working knowledge of the location, thickness, and properties of the soft tissue layers, and the location and course of major arteries and nerves; as well as familiarity with indications, technique, postoperative care, and potential complications and their management. "

Naturopathic doctors have less training and education requirements than Medical Doctors, Doctors of Osteopathy, and other health care practitioners, particularly in the implementation of pharmacology in direct patient care (see table below). Further, naturopathic doctors have no continuing education or residency requirements in Hawaii.

By comparison, naturopathic doctors in California, who have a similar formulary to Hawaii's, must complete 60 credit hours of continuing education biennially, a least 20 being in pharmacotherapeutics. In addition, a naturopathic formulary advisory subcommittee is composed of an equal number of representatives from the clinical and academic settings of physicians and surgeons, pharmacists, and naturopathic doctors. Naturopathic doctors must furnish and order these drugs under physician or surgeon supervision.

Bringing in the expertise of physicians and pharmacists in determining the naturopathic formulary and requiring continuing medical education for naturopathic doctors will help protect patient safety.

Thank you for the opportunity to testify.

Education, Training, & Licensure Requirements:

To become an M.D. or D.O.	To become a naturopath
<ul style="list-style-type: none"> • Obtain baccalaureate degree • Pass national medical aptitude test (average score 30.9) for entry to medical school • Graduate from a 4-year accredited medical school • 18 months of hands-on clinical experience during medical school • Pass three-step national licensing exam • Complete at least 1-3 years of post-graduate residency training (varies by state, more for specialties) typically working 80-hour weeks • Optional board certification testing, ongoing • Continuing education requirements for licensure renewal 	<ul style="list-style-type: none"> • No baccalaureate required • No national medical aptitude test required for entry to naturopathic school • 2 years of basic science + 2 years of clinical rotations in naturopathic school • 2 years of rotations includes minimum of 850 hours of primary or secondary patient care at a naturopathic clinic • Passing score on two-step naturopathic licensing test • Post-graduate training not required, except 1 year in Utah • No continuing education requirement in Hawaii
<p>(Sources: "Comparison of U.S. Allopathic/Osteopathic Educational Requirements." American Medical Association; AMA Scope of Practice Data Series – Naturopaths. September 2009; Council on Naturopathic Medical Education Accreditation Standards. June 2009.)</p>	

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SCR 123 SR53

CPNTestimony@Capitol.hawaii.gov

DATE: Wednesday, April 07, 2010

TIME: 10:00 a.m.

PLACE: Conference Room 229

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Rosalyn H. Baker, Chair

Senator David Y. Ige, Vice Chair

WE ARE IN FULL SUPPORT OF SCR 123 and SR53

May I suggest, if time permits, some changes to the language of the BE IT RESOLVED.

The suggested changes are in **BOLD**

- The Board of Naturopathic Medicine is urged to expeditiously adopt administrative rules in accord with Act 22, Special Session Laws of Hawaii 2009, to allow the use of parenteral therapy by naturopathic physicians that include education and training requirements **based upon era appropriate professional schools**; and
- The Board of Naturopathic Medicine is urged to immediately adopt rules that grandfather all persons licensed under chapter 455, Hawaii Revised Statutes, prior to January 1, 2010, and allow those persons to perform intramuscular, subcutaneous, and intravenous injection and prescribe, administer, and dispense naturopathic formulary substances manufactured for injection **pending passage of this administrative rule**; and

OR

- The Board of Naturopathic Medicine is urged to immediately adopt rules that grandfather all persons licensed under chapter 455, Hawaii Revised Statutes, prior to January 1, 2010, and allow those persons to perform intramuscular, subcutaneous, and intravenous injection and prescribe, administer, and dispense naturopathic formulary substances manufactured for injection. [pending passage of this administrative rule]; and