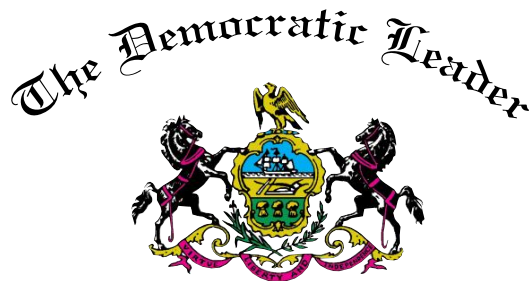


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Senate of Pennsylvania

July 17, 2023

Shana M. Walter
Board Counsel
Pennsylvania State Board of Medicine
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RE: Comments on 16A-4953– Naturopathic Doctors ANFR

Dear Board Counsel:

Thank you for your work on the rulemaking related to the Naturopathic Doctor Registration Act (NDRA), 63 P.S. §§ 272.101 - 272.301. It has recently come to my attention that there may be confusion as to the General Assembly's intent with regard to holding oneself out as a naturopathic doctor under the NDRA, which I helped craft and foster through the legislative process. I would like this opportunity to clarify the legislative intent of the NDRA.

As a matter of background, I sponsored the companion Senate legislation, S.B. 621 of the 2015-16 Session, to H.B. 516 of the 2015-16 Session that ultimately became law. I did so with the purpose of expanding safe and regulated access to naturopathic medicine for Pennsylvanians by providing for the registration of naturopathic doctors who graduated from accredited colleges, completed federally recognized postgraduate education and competency-based licensure examinations, and met advanced clinical training requirements.

Of most concern is proposed Section 18.907(b), which states, "An individual who has not registered with the Board may claim to be, and hold oneself out as, a naturopath or a traditional naturopath and use any similar title implying that the individual practices naturopathy so long as the title does not also imply that the individual is a naturopathic doctor registered with the Board." Also, at least one commenter suggested this be expanded to allow unregistered lay and traditional providers to use the title "doctor of naturopathy" or "ND" in their practices.

This is contrary to the language and legislative intent of the NDRA. Section 201 of the NDRA provides, "It shall be unlawful for an individual to use the title of 'naturopathic doctor' or 'doctor of naturopathic medicine' unless that person is registered as a naturopathic doctor with the

board.” Although this language does not explicitly list every title which implies registration with the Board, inclusion of any language addressing lay or traditional providers such as that in proposed Section 18.907(b) may imply that unregistered lay or traditional providers can utilize titles like “naturopath,” “naturopathic provider,” or even “doctor of naturopathy” or “N.D.” as suggested by at least one commenter, so long as they do not represent themselves to the patient as someone “registered” with the Board.

Use of these titles could be very confusing to the general public. Moreover, I did not introduce this legislation nor did the General Assembly enact it to include reference to lay or traditional providers for that same reason - The General Assembly did not intend to address unregistered lay and traditional providers under the NDRA or, as a consequence, its governing regulations.

As a result, I respectfully request that the Board strike Section 18.907(b) altogether. It is crucial that individuals who seek safe naturopathic medical care be able to differentiate between a regulated naturopathic doctor and a non-regulated provider.

Thank you for the opportunity to provide this clarity as to the legislative intent of the NDRA. Please do not hesitate to contact me for any questions.

Sincerely,

A handwritten signature in black ink that reads "Jay Costa". The signature is written in a cursive style with a large, looped initial "J" and a stylized "C" at the end.

Senator Jay Costa, Jr., Democratic Leader
43rd Senate District