

## Provider Non-Discrimination

Several laws protect a patient's right to choose the provider that will best meet their needs:

**Section 2706** of the Public Health Services Act (as modified by the Patient Protection and Affordable Care Act), effective 1/1/14.

"A group health plan and a health insurance issuer offering group or individual health insurance coverage shall not discriminate with respect to participation under the plan or coverage against any health care provider who is acting within the scope of that provider's license or certification under applicable State law. This section shall not require that a group health plan or health insurance issuer contract with any health care provider willing to abide by the terms and conditions for participation established by the plan or issuer. Nothing in this section shall be construed as preventing a group health plan, a health insurance issuer, or the Secretary from establishing varying reimbursement rates based on quality or performance measures."

### ORS 685.033

"The Director of the Oregon Health Authority may not discriminate between licensed naturopathic physicians and any other person authorized by law to render professional services that a licensed naturopathic physician may render, when such services are required. If the Oregon Health Authority is responsible for paying for such services, the services shall be paid for in the same manner and under the same standards as similar professional services."

### ORS 414.646

"A fully capitated health plan, physician care organization or coordinated care organization may not discriminate with respect to participation in the plan or organization or coverage against any health care provider who is acting within the scope of the provider's license or certification under applicable state law. This section does not require that a plan or organization contract with any health care provider willing to abide by the terms and conditions for participation established by the plan or organization. This section does not prevent a plan or organization from establishing varying reimbursement rates based on quality or performance measures."

## Insurance Coverage Under the PPACA

- NDs perform the same Essential Health Benefits as Medical Doctors, Nurse Practitioners, and Physician Assistants.



If a plan has a general medicine / primary care benefit, NDs are another provider type that must be included.

- NDs are licensed to provide primary care and specialize in preventive medicine. It should be the provider's choice to be classified as "PCP" or "Specialist" for insurance.
- NDs cannot be selectively excluded from providing service within their scope, where other provider types are covered.
- Non-discrimination requires equal pay for equal service. Reimbursement rates may only vary based on objective quality and performance metrics that have not yet been defined or measured. Provider type is neither a quality nor a performance measurement.
- Plans may not discriminate in participation in the plan as an in-network provider. While the law does not require plans to contract with every willing provider, it does require plans to offer patients a choice among all provider types licensed to perform a covered service within their state.



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## Oregon Naturopathic Doctors and the PPACA

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## Naturopathic Doctor (ND) Medical Education

NDs attend naturopathic medical college at a four-year, post-graduate federally and regionally accredited medical school. Training includes:

- **Biomedical and diagnostic sciences:** anatomy, biochemistry, physiology, radiology, neurology, immunology, pathology, etc.
- **Clinical sciences:** clinical, laboratory, and physical diagnosis, gastroenterology, pharmacology, neurology, gynecology, cardiology, etc.
- **Therapeutics:** conventional medical treatments in addition to Naturopathic Treatments listed here.
- **Residencies:** Accredited residencies are available for one, two or three-year terms, but are not available for all graduates. Residency sites include private or teaching clinics, federally qualified healthcare clinics and hospitals.

There are currently seven accredited colleges in the US and Canada. Established in 1956, Oregon's National College of Natural Medicine is the oldest accredited naturopathic medical college in North America.



## Naturopathic Scope of Practice

as defined in ORS 685 and OAR 850

Naturopathic Doctors are trained as primary care providers and are licensed to act in the capacity of either a PCP or a non-PCP depending on provider preference. An ND in Oregon can:

**DIAGNOSE AND TREAT** NDs have the legal responsibility to diagnose and treat patients. Barriers and restrictions to ND licensed scope may impinge on this legal requirement.

**PERFORM** physical exams, gynecological exams, nutritional and dietary assessments, allergy testing.

**PROVIDE DIAGNOSTIC LABS & IMAGING** including collecting biological samples, CLIA-waived in-office testing, laboratory testing, X-ray/CT/MRI imaging, ultrasounds, EKGs, and all diagnostic tests utilized in primary care.

**PRESCRIBE** all pharmaceuticals used in primary care & may hold DEA licenses for scheduled drugs.

**COORDINATE HOSPITAL CARE** including referring to hospitalist groups, ordering mid-line or central IV ports, coordinating admission/discharge orders.

**REFER TO SPECIALISTS** as medically needed for advanced, hospice, in-home, or rehabilitative care.

**PHYSICAL MEDICINE** includes naturopathic manipulation, bones and spine, application of hot and cold, gentle electrical impulses, therapeutic ultrasound, and exercise therapy.

**MINOR SURGERY** includes repair of superficial wounds, removal of foreign bodies, cysts and other superficial masses with local anesthesia, and collecting dermal biopsies including of the cervix.

## Naturopathic Scope of Practice

**NATURAL CHILDBIRTH** is offered by NDs with additional specialty training. These physicians offer prenatal and postnatal care using modern diagnostic techniques. When natural childbirth is not medically appropriate, patients are referred to in-patient and advanced care.

**CLINICAL NUTRITION** refers to the practice of using food to maintain health, the therapeutic use of food to treat illness, and the utilization of targeted vitamin and nutrient therapy, given orally or by IV.

**BOTANICAL MEDICINE**, also known as herbal medicine, is the use of plants as medicine. Many pharmaceuticals have their origin in plants and plant substances can be powerful, safe and effective when used properly.



**PREVENTIVE CARE** refers to the body of early screening, physical exams and labs that offer early detection of disease. NDs specialize in prevention and are licensed to do all wellness exams, well women/men/child exams, vaccinations, and assist in lifestyle choices including diet, exercise, weight management, etc.

**COUNSELING AND STRESS MANAGEMENT** address the mental and emotional attitudes that may influence healing. NDs are trained in counseling, biofeedback, and other mind-body techniques.