



## NATIONAL HEALTH FREEDOM ACTION

[www.nationalhealthfreedomaction.org](http://www.nationalhealthfreedomaction.org)

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**Dir. of Law and Public Policy**  
Diane Miller JD

To: Oregon House Committee on Behavioral Health  
From: National Health Freedom Action  
Re: **Opposition to House Bill 2493**

May 7 2021

Dear Members of the Committee:

National Health Freedom Action (NHFA) asks you to please oppose House Bill 2493, a bill attempting to provide a registration mechanism and rulemaking authority for alternative practitioners. If passed, HB 2493 would negatively impact thousands of diverse healers and complementary and alternative health care practitioners in Oregon.

My name is Diane Miller. I am an attorney and the Director of Law and Public Policy for National Health Freedom Action (NHFA) and its sister educational organization National Health Freedom Coalition (NHFC).

National Health Freedom Action (NHFA) is a 501(c)4 non-profit corporation working to protect maximum health care options for consumers. NHFA works to protect the right of people to access the health care practitioners, health care products, and the broad range of healing arts that resonate with his or her own decisions regarding health and wellness. NHFA responds to calls year-round from individuals and groups throughout the country who wish to promote legal reform in occupational laws and regulations having to do with health care on the state level.

This year Oregon citizens contacted our office and requested our support and guidance because they oppose HB 2493 and instead, they would like to have a safe harbor practitioner exemption law for unlicensed healers and practitioners who are providing non-invasive methods of healing and health care services in Oregon similar to other states that we have been involved in. NHFA has enjoyed working with these citizens and we have worked to empower them to take action to address their concerns.

NHFA believes that HB 2493 attempts to set up an entirely new and unnecessary regulatory process giving the state the ability to be unnecessarily and be deeply involved in a diverse number of safe and non-invasive vocations, making decisions via rulemaking that could severely impact these independent practitioners. The bill would eliminate the presumption of safety that is held by vocations that are considered generally regarded as safe.

The following are eight reasons why NHFA opposes HB 2493. We understand that the Public hearing on May 10, 2021 in the House Behavioral Health Committee, is informational in nature and there will not be a vote taken, but we sincerely hope that all complementary and alternative practitioners are involved in any discussion or working group that takes place in the future regarding this bill. We would hope that Oregon would eventually adopt a safe harbor

*To ensure that the people of this nation have access to the broad domain of healing and health care information and services, to ensure the right of practitioners of the healing arts to practice, and to educate the public, promote health and well-being, conduct surveys and research, and participate in legislative, regulatory, legal, or public policy-reform and lobbying to accomplish the goal of health freedom.*

practitioner exemption model of legislation used in other states to address complementary and alternative health care practices. See, e.g., Oregon LC 3591.

1. There is no constitutional basis to establish and promote regulation, including state registration with government endorsed education, of a broad range of independent healers, practicing *generally regarded as safe* vocations. Registration is a form of government involvement that should not be initiated unless there is a clear showing of harm to the public without registration. There are much less costly and less restrictive models of informing the public regarding complementary and alternative practitioners used in other states.

2. HB 2493 inappropriately captures the term “alternative well-being care” as a catch-all term and attempts to set up a state registration system with rulemaking for the broad field of diverse, generally regarded as safe, healing disciplines; many of which have their own body of knowledge, educational requirements or programs, codes of ethics, as well as, oftentimes, professional organizations to administer them.

The definition of “alternative well-being care” in the bill focuses on behaviors that are basic, normal human behaviors in which all people participate in order to address personal growth and alleviate emotional suffering. To give the impression that these helping behaviors are dangerous or promoting certain individuals and businesses who provide these helping vocations and human behaviors, over others, would be detrimental to the fabric of society. HB 2493 would negatively impact the future of a broad range of vocations:

HB 2493 --- in part (2)(a) "*Alternative well-being care*" means:

(A) *Helping services that are relevant to the alternative therapy or care provided to an individual or group of individuals for the purpose of addressing personal growth or to alleviate emotional suffering; and*

(B) *The application of techniques and intervention such as energy work, hypnotherapy, life coaching, philosophically based disciplines and spiritually based disciplines relevant to the particular approach of the registered alternative provider to support change in emotional, relationship or attitudinal conflicts or to modify behavior that interferes with effective emotional, social, relationship, health, work or spiritual functioning of the individual or group of individuals to whom the alternative therapy or care is provided.*

(b) "*Alternative well-being care*" does not include the provision of life skills training or instruction, such as learning to make friends, handle social situations or do laundry.

3. This bill has the potential of sending a strong signal of fear to local complementary and alternative practitioners with a chilling effect giving them the impression that state involvement and regulations are coming and presenting a complex legal environment of laws and rules for them to assess and decide whether to continue practice. This could feasibly eliminate thousands

of practitioners from working and practicing their vocation without any showing of overall harm, losing large numbers of small business opportunities, losing diversity in the health care market, and allowing the restriction of trade and monopolization of health care offerings to state endorsed dominant professions.

Thousands who now provide for their families working in the holistic healthcare field could be affected. Many would choose to go out of business, adversely impacting their household and children, and unemployment will rise. Many of these practitioners and business owners are women. And in the end citizens will have fewer choices of practitioners to choose from, and also fewer choices of diverse modalities of care to access. At a time when more options are needed.

4. HB 2493 could negatively impact other unlicensed vocations that are currently practicing but may now fall unknowingly into the broad definition of this bill. Would they also lose their presumption of safety? Such as homeopaths, herbalists, traditional naturopaths? This bill would discriminate between the many healing art practitioners, endorsing and encouraging some to practice and rejecting others. The government has no basis for setting up a registry of these vocations that are generally regarded as safe.

5. HB 2493 is set forth as being a voluntary registration but it can be looked upon as an aggressive first step by a government to insert its opinion that a practice should be regulated, especially when the government is given rulemaking authority in the bill. There is great concern that a voluntary regulation could lead to a mandatory regulation in the future because the presumption of the status of “generally regarded as safe” is not being protected by the government and rulemaking authority is being given. There is no need for voluntary registration.

7. Rulemaking is of great concern. The bill does not include clear meaning in the statute language but rather refers to future rules to be made. The bill would delegate broad future rulemaking capabilities and authority to a government agency, the Health Licensing Office. This rulemaking is expansive, expensive, and includes many aspects of these diverse vocations that could lead to government attempting to shape each one of these vocations without their permission and without cause or expertise including standards of practice, scope of practice, and standards of professional conduct for practitioners. The delegation of authority is so broad that it includes but is not limited to:

*Setting up fee collection and tracking processes;*  
*Developing and maintaining an online Registry including location and services;*  
*Establishing standards of practice;*  
*Establishing standards of professional conduct;*  
*Designing and administering a tutorial on Oregon laws and rules relating to:*  
*Mandatory reporting,*  
*Scope of practice for practitioners,*  
*And “other” matters;*  
*Establishing “other requirements” for practitioners;*  
*Defining unprofessional conduct and imposing discipline;*

*To ensure that the people of this nation have access to the broad domain of healing and health care information and services, to ensure the right of practitioners of the healing arts to practice, and to educate the public, promote health and well-being, conduct surveys and research, and participate in legislative, regulatory, legal, or public policy-reform and lobbying to accomplish the goal of health freedom.*

*Developing and disseminating public education materials regarding practitioners, care and client rights.*

7. There is a better approach used by many states for regulating all complementary and alternative health care practitioners that are not conventionally licensed by the state. It is a common-sense solution providing practitioner guidelines and ensuring consumers have safe access to all unlicensed complementary and alternative health care practitioners. This approach is known as a “safe harbor practitioner exemption” legislation. It provides an exemption from registration or licensing requirements as long as the practitioners avoid prohibited acts and provide disclosures to clients. Eleven states now have this model of legislation with many other states introducing or preparing to introduce.

8. Clients find that complementary and alternative practitioners offer approaches that are often either more natural or may help them address their health concerns by lifestyle changes or non-invasive healing techniques from a broad variety of methods that the consumer has become aware of through their own research and networking. Because NHFA wants to assure consumers their broadest access to information and services, we oppose HB 2394 and support future efforts to have a safe harbor practitioner exemption law in Oregon. See, e.g., Oregon LC 3591

NHFA thanks you for your consideration.

Respectfully Submitted,

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