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Testifying as an opponent to SB 287 on behalf of the Alternative Health Care Board

Thank you for your time and attention. I am Dr. Nancy Aagenes, a naturopathic physician and acupuncturist licensed by the state of Montana in both professions. I stand as an opponent to SB 287 on behalf of the Alternative Health Care Board, of which I am a member. I have practiced in Helena for two decades. Before that though, I worked for the Montana Legislature for many years, including a stint in the 70s as first woman to be Secretary of the Senate. I come with great respect for your process.

Before I offer the reasons the Board opposes this bill I would like to thank you Senator Balyeat for bringing these concerns forward. The network of unlicensed complementary and alternative practitioners who offer meaningful care to many people deserves protection and recognition. Not only do they provide a level of care not available from more conventional providers, they offer it at far less cost. They do a lot of good for a lot of folks. Those on the inside resisting those on the outside is a pattern that serves no one.

Nonetheless, this bill drew the concern of the Alternative Health Care Board mainly because it only protects practitioners and does not adequately protect the public.

- First, the bill contains **no defined scope of practice**. With this bill the Department of Labor and Industry would have no idea what those exempt would actually be doing. The bill protects doing something completely undefined.
- Those exempt from regulation have **no standards for education or testing**. In Section 5.a.iv the bill requires disclosure of the degrees, training, experience, credentials or other qualifications *if any*. The bill apparently allows health care practice without any training whatsoever.

In Section 4.5 practitioners are exempt unless they diagnose and treat a health condition of a client *in a manner that causes imminent and significant risk*. The Board's question is: Without education how would they know?

Does the exemption allow diagnosis and treatment if there isn't risk? Again, without an educational standard, how could they diagnose and treat? *Do you want to take responsibility for folks with no education diagnosing and treating your constituents?*

- Finally, there is **no avenue here for complaint** from a person who believes they have been harmed by an exempt practitioner. Those of us in licensed professions who do have education and examination know all too well that harm still occurs. Licensed professions have processes by which the public can hold us accountable. This bill does not provide the public any process for holding an exempt practitioner accountable.

There is a need for legal definition of alternative practices to protect these practitioners and those they serve. The Montana Legislature could provide farsighted leadership in passing a bill that required practitioners:

- To define their individual scope of practice
- To meet at least some minimal education and testing standard
- To define a process that offered remedy and an avenue of complaint by a client/patient

Such a bill would be useful not only to protect the public, but also to encourage conventional providers to make use of the many healing services represented by good people who bring you this bill.

Until those things are better defined, this bill protects only the exempt providers and not the public. I am willing to be available to the committee to try to make a better bill. It would be difficult and might take the interim to accomplish the task, but Montanans would be well served by that effort.