

Memorandum

To: Senator Jeanette White
Senate Government Operations Committee
From: Vermont Association of Naturopathic Physicians
Date: February 5, 2015
Re: Medical Marijuana Health Care Professional Verification Form

When S.247 passed last year, language limited the definition of health care professionals who can sign the Health Care Professional Verification Form to medical doctors, naturopathic physicians, physician assistants, and advanced practice registered nurses. Only naturopathic physicians:

- Are limited to those who have obtained a prescribing special license.
- Have language that states that they are acting within their scope of practice
- Are excluded if they are licensed in NH, MA, or NY

We will address each of these bulleted points individually below.

Limiting Naturopathic Physicians to Only Those Who Have a Prescribing License

As noted on the form to be filled out by the practitioner:

- It must be completed by the patient applicant's health care professional.
- It must indicate that the practitioner is treating the patient for cancer, AIDS, HIV, MS, or for a disease, medical condition, or its treatment that is chronic, debilitating, and produces severe, persistent and one or more of cachexia (wasting syndrome), severe pain, severe nausea; or seizures.
- The form specifically states ***"This form is to verify the nature of the disease and its symptoms; this is not a prescription or medical recommendation for the use of marijuana."***

It is within the scope of practice for naturopathic physicians (as well as all the other practitioners listed in the bill) to treat patients for all the illnesses listed on the form. The form, as explicitly stated in bold and italics, is not a *prescription* for medical marijuana. It is simply an attestation that the person is being treated for the listed illnesses. There is no logical reason why a naturopathic physician should be singled out in the list of practitioners as having to have a special prescribing license in order to attest to their patient's medical condition. It is apples and oranges - whether a naturopathic physician chooses to obtain a prescribing license has nothing to do with whether they can inform the state as to what the medical condition is of their patient, just as the scope of prescribing for any other practitioner is irrelevant to whether they can attest to the treated illness.

Within Scope of Practice Language

All practitioners must practice within their scope of practice. There are consequences in place, both in law and in regulations, which address any practitioner practicing outside their scope of practice. To have language in the law that specifically singles out naturopathic physicians is prejudicial and implies that this profession may be more likely than any other profession to practice medicine in a way that is contrary to the law.

Other States

There is no reason why a naturopathic physician, as opposed to any other licensed or certified practitioner, as defined by this law, should be excluded from attesting to a patient's medical condition if they practice in NH, NY, or MA. The law states that the practitioners must be "professionally licensed under substantially equivalent provisions". Why would a naturopathic physician from other states be singled out, as opposed to any other listed practitioner? The language that states that the license must be substantially equivalent to Vermont licensure requirements should be sufficient protection for all practitioners.

Based on these points, we request the following statutory changes:

18 V.S.A. § 4472 is amended to read:
§ 4472. DEFINITIONS

As used in this subchapter:

(6)(A) "Health care professional" means an individual licensed to practice medicine under 26 V.S.A. chapter 23 or 33, an individual licensed as a naturopathic physician under 26 V.S.A. chapter 81 ~~who has a special license endorsement authorizing the individual to prescribe, dispense, and administer prescription medicines to the extent that a diagnosis provided by a naturopath under this chapter is within the scope of his or her practice,~~ an individual certified as a physician assistant under 26 V.S.A. chapter 31, or an individual licensed as an advanced practice registered nurse under 26 V.S.A. chapter 28.

(B) ~~Except for naturopaths,~~ This definition includes individuals who are professionally licensed under substantially equivalent provisions in New Hampshire, Massachusetts, or New York.