



**H. 289 - Professions and occupations regulated by the Office of Professional Regulation  
Senate Government Operations Committee  
Dr. Joshua Green, ND  
April 6, 2021**

Thank you so much for the opportunity to testify on H.289. My name is Dr. Joshua Green. I am testifying as the President of the Vermont Association of Naturopathic Physicians. I come before you today to discuss two possible amendments to H.289:

- (1) modernizing Vermont statutes regarding the use of the words “physician” and “doctor”
- (2) clarifying statutes related to naturopathic physicians (NDs) signing birth and death certificates (please note that we are not requesting any changes to our scope of practice)

**Statutory Language Changes**

Outdated language regarding health care providers is used throughout the Vermont statutes. Oftentimes, statutes use the words “physician” or “doctor” when, in fact, the law equally applies to other types of health care providers acting within their scopes of practice, including NDs, APRNs, and others.

In 2012, this committee added language to the OPR bill in Act 116 that directed Legislative Council to prepare a catalog of the use of the words “physician” and “doctor” in the Vermont statutes and to deliver the catalog to the general assembly later that year. Since that time, we have been working with our colleagues in various health care professions to determine how to best amend the statutes.

Give the length of time that has passed since 2012, we are requesting that this committee add similar language in H.289 bill to update the catalog. We propose adding the following amendment (which is the same language that was passed in Act 116 in 2012):

Sec. XX. LEGISLATIVE COUNCIL; STATUTORY REVIEW AND CATALOG;  
“PHYSICIAN” AND “DOCTOR” The legislative council is directed to prepare a catalog of the use of the words “physician” and “doctor” in the Vermont Statutes Annotated and to deliver the catalog to the general assembly no later than November 1, 2021.

**Signing of Birth and Death Certificates**

This issue requires amendments in both Title 26 (licensing of naturopathic physicians) and Title 18.

For years, NDs have been able to sign birth and death certificates. As primary care providers, our patients expect that we will be able to carry out the duties of a primary care provider, and that includes signing birth and death certificates. A provision in our licensing statutes, 26 V.S.A. § 4124, presumes our ability to do so:

Naturopathic physicians are subject to the provisions of the law relating to contagious and infectious diseases *and to the issuance of birth and death certificates.*

We have not heard of any problems with NDs signing birth certificates; however, these days, not many NDs are doing ND midwifery. Most NDs don't attend births unless the family asks us to be there (this would be very rare).

There were, however, at least 4 instances just this past year where NDs were denied the right to sign a death certificate. This was heartbreaking for the families that specifically wanted their health care provider to be the one to be there with them and sign the certificate.

When we reached out to VDH to inquire as to why the death certificates signed by an ND were not accepted, they cited 18 V.S.A. § 4999, which defines a health care professional, *for purposes of this part*, as a physician, a physician assistant, or an advanced practice registered nurse. The only time the term is used in that entire chapter relates to uniformity of procedures among a variety of professionals.

VDH then cites 18 V.S.A § 5202, in chapter 107, which sets forth the procedures for signing death certificates for a “licensed health care provider”. They argue that the definition of “licensed health care provider” in chapter 101 does not include NDs. so we can’t sign death certificates under chapter 107. (even though chapter 101’s definition says that it is only for purposes *of this part*).

Whether the definition only applies to chapter 101, or it also applies to chapter 107, we believe that the statute must be amended to ensure that NDs can continue to sign both birth and death certificates. We suggest the following amendments:

Title 26 (this would be similar to the osteopathic physicians’ licensing statute)

26 V.S.A. § 4124. Reporting contagious and infectious diseases; death certificates communicable diseases and the granting of certificates of births and deaths

Naturopathic physicians are subject to the provisions of the law relating to ~~contagious and infectious~~ reporting of communicable diseases and to the issuance of birth and death certificates, and such reports and certificates shall be accepted by the office or department to whom the same are made or presented.

Title 18:

*Birth certificates*

18 V.S.A. § 5071

On or before the fifth business day of each live birth that occurs in this State, the attending physician or designee, naturopathic physician, or midwife or, if no attending physician, naturopathic physician, or midwife is present, a parent of the child or a legal guardian of a mother under 18 years of age shall file with the State Registrar a report of birth in the form and manner prescribed by the State Registrar.

*Death certificates*

18 V.S.A. § 4999 defines a health care professional -

As used in this part, unless the context requires otherwise:

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(2) "Licensed health care professional" means a physician, a physician assistant, naturopathic physician or an advanced practice registered nurse.

Thank you for considering our requests.