



**H. 289 - Professions and occupations regulated by the Office of Professional Regulation
Senate Government Operations Committee – Follow-up testimony
Dr. Sam Russo, ND - April 27, 2021**

Thank you for the opportunity to testify on H.289. My name is Dr. Sam Russo. I am a naturopathic physician and Chair of the Legislative Committee of the Vermont Association of Naturopathic Physicians and former advisor to the Office of Professional Regulation. I am here today to provide further testimony related to the signing of birth and death certificates, and to follow up with further information requested at the last hearing.

Vermont statutory definitions of “health care professional”

We did some research to find out why naturopathic physicians were not included in the definition of “health care professional” under the vital records statutes. The common denominator between MDs, PAs, and APRNs (specifically nurse practitioners) is that they are all considered primary care providers- naturopathic physicians are now considered primary care providers, too. Note that osteopathic physicians are not included in the definition, but they have explicit authority in their licensing statutes to sign certificates.

At the last hearing, the question was raised as to whether the definition of health care professional was created prior to or after the licensing of NDs. We discovered that the definition of health care professional was created prior to NDs becoming primary care providers. Here is the timeline –

- **2009** - The definition of health care practitioner, for purposes of death certificates, was enacted in 2009 in 18 V.S.A. § 5202 (a) – “ ...For the purposes of this section, a licensed health care professional means a physician, a physician assistant, or an advance practice registered nurse...”
- **2012** - NDs were not, yet, considered primary care providers in 2009 when 18 V.S.A. § 5202 was enacted. NDs attained primary care provider status in 2012, under 8 V.S.A. § 4088d (a) – “... A health insurance plan shall ... recognize naturopathic physicians who practice primary care to be primary care physicians...”
- **2017** - 18 V.S.A. § 4999, enacted in 2017 in Act 46 (H.111) – An Act Relating to Vital Records. For the purpose of vital record generally, the definition of health care professional as an MD, PA, or APRN was simply moved (struck) from §5202 (where it was created in 2009) and put in the new §4999 definition section that was created in 2017.

Even though § 4999 passed *after* NDs became primary care providers, the definition was created *prior* to NDs becoming primary care providers. We reviewed all the Act 46 written testimony

presented in 2017 to House and Senate Government Operations and posted on the committee webpages and found no reference to the issue at hand – not by VMS nor any of the other witnesses. We did not testify, either, because no issue had arisen as of that time regarding our ability to sign the certificates. It wasn't until recently that we became aware that the Department of Health had taken the position that NDs were not permitted to sign. It is possible that no one testified about the definition, because it was just moved from one section of the statutes to another, without issue.

Other States' Laws

Our research shows that the following states allow NDs to sign vital records - Arizona, California, Hawaii, Maine, New Hampshire, Oregon, and Washington

ND Training

Any health care provider trained to diagnose, treat, and do medical assessments, especially a provider considered a primary care provider, is competent and licensed to be able to clinically diagnose birth and death.

Educational institutions, regardless of type (MD, DO, ND) demonstrate a wide variation in provision of training on end-of-life care. Currently, the Liaison Committee on Medical Education, the organization that accredits allopathic medical schools, requires “The faculty of a medical school ensure that the medical curriculum includes content and clinical experiences related to each organ system; each phase of the human life cycle; continuity of care; and preventive, acute, chronic, rehabilitative, and end-of-life care.”ⁱⁱ The Council on Naturopathic Medical Education, the organization that accredits naturopathic medical schools, requires didactic and clinical course work in Geriatrics, and requires naturopathic programs to provide training on support for patients related to acute and chronic illness, and end-of-life issues.”ⁱⁱⁱ

Specifically regarding the education on completion of a death certificate, there is no standardization in education across different professions, as many training programs have relied on the CDC and the states' Dept of Health to supply supplemental education on completing death certificates: see the Vermont Department of Health section on Training Materials for Physicians, PAs, APRNs.

To further develop the skills necessary for end-of-life care, naturopathic programs have also placed emphasis on practice in the field. To that end, most naturopathic programs, have created rotations within hospices, nursing homes, and assisted living facilities to give students and residents an opportunity to practice these skills. In Vermont, naturopathic physicians guide patients in completion of advance directives and end of life planning, including preparation of do-not-resuscitate orders.ⁱⁱⁱ

NDs, like other primary care providers in VT, should have the authority to sign birth and death certificates. We have the training and competency to be able to do so. Not allowing NDs to do creates additional barriers for patients who rely on NDs for their primary care, creating undue stress and hardship on families at a time that they are the most vulnerable. Such a result is not theoretical and has already resulted in harm to a patient's family due to delay with funeral arrangements, estate proceedings, and other legal and personal matters.

Amendments

We request the following three amendments:

Title 26

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:

(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.

ⁱ Liaison Committee on Medical Education, Functions and Structure of a Medical School; academic year 2020-2021. [Standards, Publications, & Notification Forms | LCME](#) accessed 4/14/21

ⁱⁱ Council on Naturopathic Medical Education: HANDBOOK OF ACCREDITATION FOR NATUROPATHIC MEDICINE PROGRAMS. [CNME-Accreditation-Handbook.pdf](#) accessed 4/14/21

ⁱⁱⁱ Vermont 18 § 9701 and 18 § 9432