

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on April 3, 2002 in Room 210, Memorial Hall

All members were present except: Representative Nancy Kirk, Excused
 Representative Tricia Lightner, Excused
 Representative Peggy Palmer, Excused
 Representative Dale Swenson, Excused
 Representative Jonathan Wells, Excused

Committee staff present: Dr. Bill Wolff, Kansas Legislative Research Department
 Emalene Correll, Kansas Legislative Research Department
 Renea Jefferies, Revisor of Statute's Office
 June Evans, Secretary

Conferees appearing before the committee: Dale Scott, Galena, Health Freedom Association
 Betty Russell, nutritionist
 Clint Miller, National and state health freedom
 legislative advocate
 Charlie Smith, Synergiscist, Crawford County
 Robert Bates, Synergiscist, Crawford County

Others attending: See Attached Sheet

The Chairperson announced the hearing for opponents to **SB 610 - Naturopathic doctor licensure act** would be continued today. The House has to be back on the Floor at 2:30 p.m. today, therefore, there is not much time and will have to limit the time for testimony and questions again today.

The Chairperson announced a proposed amendment to **SB 610** had been distributed from Boyd Landry, The Coalition for Natural Health (Attachment 1).

Dale Scott, a herbalist, Galena, opposing **SB 610** said this is a very unhealthy bill. It is bad news for the profession and the consumer. This bill brings naturopathy into the arena of allopathic medicine. This does not leave any place for those who have been traditional naturopaths for 10-20-30 years (Attachment 2).

Betty Russell, an opponent to **SB 610** stated alternative methods of health and wellness have impacted her life. She is in the midst of completing her doctorate in naturopathy from Trinity School of Natural Health. This school is not recognized in **SB 610** because it is not one attended by any of the naturopaths who are proponents of this bill. If this bill is passed, she and others would be forced to abandon the profession (Attachment 3).

Clinton R. Miller, Health Freedom Legislative Advocate, Statesville, NC, testified as an opponent to **SB 610**, stating the desire and intent of this bill was to exclude any well-qualified traditional naturopaths, herbalists, or nutritionists in Kansas from continuing to do what they have been doing no matter how long, or how successfully they have been doing it. The key word here is exclude. "Naturopathic medicine," or "naturopathy" means a system of health care practiced by naturopathic doctors for the prevention, diagnosis and treatment of human health conditions, injuries and diseases, that uses education, natural medicines and therapies to support and stimulate the individual's intrinsic self-healing processes" (Attachment 4).

The Chairperson asked if Representative Welshimer's amendment took care of the herbalists?

Staff said it could be clearer.

CONTINUATION

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 210, Memorial Hall at 1:30 p.m. on April 3

Charles Smith, Crawford County, an opponent to **SB 610**, operates a wellness business based in Kansas. There are currently over 10,000 business associates in the business. This bill could single handedly redefine the definition of "free enterprise" in the state of Kansas (Attachment 5).

Robert L. Bates, Grandby, MO, testified as an opponent to **SB 610**, stating as an independent business owner with independent distributors in the state of Kansas, urge this bill be killed. It would be illegal unless a person was a "licensed naturopathic doctor" to provide education or information on food, food extracts, vitamins, minerals or any natural substances to stimulate an individual's intrinsic self healing process (Attachment 6).

Gail Bates, Grandby, MO, testified as an opponent to **SB 610**, wanting freedom of choice and freedom to help others with alternative medicine which had made her well.

The Chairperson asked if the Minnesota Law would take care of the naturopathic doctors? No, the law is flawed.

Other testimony distributed: Janey Higginson, The Wellness Center, Parsons, (Attachment 7).

The meeting adjourned at 2:20 p.m. and the next meeting will be April 4.

HEALTH AND HUMAN SERVICES

DATE April 3, 2002

NAME	REPRESENTING
David R. Smith	Myself
Dale M. Smith	Self & Chiropractors
Jawarae J. Sklar	Self
Farley Kessler	KVPA
Ryan Bates	Rep Bates
Haren Seavel	Betty Russell
Betty Russell	Natural Connection
Frank Russell	BIO MAGNETIC WORLD
Byo Landy	CNH
Chip Wheelen	Osteopathic Assoc.
JERRY SAUWATER	KANS
LARRY BUENING	BD OF HEALING ARTS
Karen McGowan	Ultimate Lifestyles
Jerrey McGowan	" "
Gale Bates	" "
Robert Bates	" "
Randall Baker	Ultimate Lifestyles
Sherry Smith	Ultimate Lifestyles / Synergistics
Charles T. Smith	" " / " / owner
Tania Peefus	KDHE
Cathy McMoran	K+WA
Elmer E. Schmucker	Herb Shop.
Kari E. Schmucker	" "
Irene Jastrow	Herbalist / Massage therapist self
Mary Milner	myself + employment
James Montz	myself + our Group
Ben Eaton	Ultimate Lifestyles

Proposed Amendment to SB 610
(As Amended by Senate Committee)

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Delete SB 610 in its entirety and insert in lieu thereof the following:

An ACT concerning unlicensed health care practices; providing for the regulation of practitioners thereof; providing for administration by the board of healing arts;

Be it enacted by the Legislature of the State of Kansas:

New Section 1. Sections 1 to 21, inclusive, shall be known and may be cited as the unlicensed health care practices act.

New Sec. 2. As used sections 1 to 21, inclusive and amendments thereto:

(a) "Board" means the state board of healing arts.

(b) "Unlicensed health care client" means an individual who receives services from an unlicensed health care practitioner;

(c)(1) "Unlicensed health care practices" means the broad domain of unlicensed healing methods and treatments, including, but not limited to: (1) acupressure; (2) Alexander technique; (3) aroma therapy; (4) ayurveda; (5) cranial sacral therapy; (6) crystal therapy; (7) culturally traditional healing practices; (8) detoxification practices and therapies; (9) energetic healing; (10) rolfing; (11) folk practices; (12) healing practices utilizing food, food supplements, nutrients, and the physical forces of heat, cold, water, touch, and light; (13) Gerson therapy and colostrum therapy; (14) therapeutic touch; (15) herbology or herbalism; (16) polarity therapy; (17) homeopathy; (18) nondiagnostic iridology; (19) body work; (20) meditation; (21) reiki; (22) mind-body healing practices; (23) naturopathy; and (24) traditional oriental practices, such as Qi Gong energy healing.

(2) "Unlicensed health care practices" do not include surgery, x-ray radiation, prescribing, administering, or dispensing legend drugs and controlled substances, practices that invade the human body by puncture of the skin, setting fractures, any practice included in the practice of dentistry, the manipulation or adjustment of articulations of joints, or the spine, also known as chiropractic medicine as defined in _____, or practices that are permitted under NURSES or chapter CHRISTIAN SCIENTISTS.

(3) This chapter does not apply to, control, prevent, or restrict the practice, service, or activity of lawfully marketing or distributing food products, including dietary supplements as defined in the federal dietary supplement health and education act, educating customers about such products, or explaining the uses of such products. Under Kansas's law, an unlicensed health care practitioner may not provide a medical diagnosis or recommend discontinuance of medically prescribed treatments.

(d) "Unlicensed health care practitioner" means a person who:

(1) either:

(a) is not licensed by the board; or

(b) holds a license issued by the board in this state, but does not hold oneself out to the public as being licensed or registered by the board when engaging in unlicensed health care;

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(As Amended by Senate Committee)

- 1 (2) has not had a license issued by the board revoked or has not been disciplined
2 in any manner at any time in the past, unless the right to engage in unlicensed
3 health care practices has been established by order of the board;
4 (3) is engaging in unlicensed health care practices; and
5 (4) is providing unlicensed health care services for remuneration or is holding
6 oneself out to the public as a practitioner of unlicensed health care practices.

7 New Sec. 3. A health care practitioner, licensed or registered by the board, who engages
8 in unlicensed health care while practicing under the practitioner's license or registration,
9 shall be regulated by and be under the jurisdiction of the board with regard to the
10 unlicensed health care practices.

11 New Sec. 4. Subject to the provisions of this chapter, persons in Kansas are authorized to
12 practice as unlicensed health care practitioners and receive remuneration for their
13 services.

14 New Sec. 5. The board shall adopt rules and regulations necessary to implement,
15 administer, or enforce the provisions of this chapter.

16 New Sec. 6. The board shall maintain and keep current a file containing the reports and
17 complaints filed against unlicensed health care practitioners within the board's
18 jurisdiction. Each complaint filed with the board must be investigated.

19 New Sec. 7. (A) The board may impose disciplinary action as described in this chapter
20 against any unlicensed health care practitioner. The following conduct is prohibited and
21 is grounds for disciplinary action:

22 (1) Conviction of a crime, including a finding or verdict of guilt, and admission of guilt,
23 or a no contest plea, in any court in Kansas or any other jurisdiction in the United States,
24 reasonably related to engaging in health care practices. Conviction, as used in this
25 subdivision, includes a conviction of an offense which, if committed in this state, would
26 be deemed a felony, gross misdemeanor, or misdemeanor, without regard to its
27 designation elsewhere, or a criminal proceeding where a finding or verdict of guilty is
28 made or returned, but the adjudication of guilt is either withheld or not entered.

29 (2) Engaging in sexual contact with an unlicensed health care client, engaging in contact
30 that may be reasonably interpreted by a client as sexual, engaging in any verbal behavior
31 that is seductive or sexually demeaning to the client, or engaging in sexual exploitation of
32 a client.

33 (3) Advertising that is false, fraudulent, or deceptive.

34 (4) Conduct likely to deceive, defraud, or harm the public or demonstrating a willful or
35 reckless disregard for the health, welfare, or safety of a unlicensed health care client; or
36 any other practice that may create danger to any client's life, health, or safety, in any of
37 which cases, proof of actual injury need not be established.

38 (5) Adjudication as mentally incompetent or as a person who is dangerous to self or
39 adjudicated as chemically dependent, mentally ill, mentally retarded, mentally ill and
40 dangerous to the public, or as a sexual psychopathic personality or sexually dangerous
41 person.

42 (6) The habitual overindulgence in the use of or the dependence on intoxicating liquors.

43 (7) Improper or unauthorized personal or other use of any drugs, chemicals, or any
44 controlled substance.

45 (8) Revealing a communication from, or relating to, an unlicensed health care client
46 except when otherwise required or permitted by law.

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- 1 (9) Failure to comply with a unlicensed health care client's request to furnish a unlicensed
2 health care client record or report required by law.
- 3 (10) Splitting fees or promising to pay a portion of a fee to any other professional other
4 than for services rendered by the other professional to the unlicensed health care client.
- 5 (11) Engaging in abusive or fraudulent billing practices, including violations of the
6 federal Medicare and Medicaid laws or state medical assistance laws.
- 7 (12) Obtaining money, property, or services from a unlicensed health care client, other
8 than reasonable fees for services provided to the client, through the use of undue
9 influence, harassment, duress, deception, or fraud.
- 10 (13) Undertaking or continuing a professional relationship with a unlicensed health care
11 client in which the objectivity of the unlicensed health care practitioner would be
12 impaired.
- 13 (14) Failure to provide an unlicensed health care client with a copy of the client bill of
14 rights or violation of any provision of the client bill of rights.
- 15 (15) Violating any order issued by the board.
- 16 (16) Failure to comply with any provision of any rules adopted by the board.
- 17 (17) Failure to comply with any additional disciplinary grounds established by the board.
- 18 (18) Revocation, suspension, restriction, limitation, or other disciplinary action against
19 any health care license, certificate, registration, or right to practice of the unlicensed
20 health care practitioner in this or another state or jurisdiction for offenses that would be
21 subject to disciplinary action in this state or failure to report to the board that charges
22 regarding the practitioner's license, certificate, registration, or right of practice have been
23 brought in this or another state or jurisdiction.
- 24 (19) Use of the title "doctor," "Dr.," or "physician" alone or in combination with any
25 other words, letters, or insignia to describe the unlicensed health care practices the
26 practitioner provides.
- 27 (20) Failure to provide a unlicensed health care client with a recommendation that the
28 client see a health care provider who is licensed or registered by the board, if there is a
29 substantial likelihood that the client needs to be seen by a licensed or registered health
30 care provider.
- 31 New Sec.8. The fact that a health care practice may be a less customary approach to
32 health care shall not constitute the basis of a disciplinary action per se.
- 33 New Sec. 9. In any disciplinary action alleging a professional violation of the provisions
34 of this chapter, a copy of the judgment or proceeding under the seal of the court
35 administrator or clerk of the administrative agency that entered the same is admissible
36 into evidence without further authentication and constitutes prima facie evidence of its
37 contents.
- 38 New Sec. 10. (A) If the Board has probable cause to believe that an unlicensed health
39 care practitioner has engaged in professional misconduct as set forth in this chapter, the
40 Board may issue an order directing the practitioner to submit to a mental or physical
41 examination or chemical dependency evaluation. For the purpose of this section, every
42 unlicensed health care practitioner is deemed to have consented to submit to a mental or
43 physical examination or chemical dependency evaluation when ordered to do so in
44 writing by the board and further to have waived all objections to the admissibility of the
45 testimony or examination reports of the health care provider performing the examination
46 or evaluation on the grounds that the same constitute a privileged communication. Failure

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1 of an unlicensed health care practitioner to submit to an examination or evaluation when
2 ordered, unless the failure was due to circumstances beyond the practitioner's control,
3 constitutes an admission that the unlicensed health care practitioner engaged in
4 professional misconduct, based on the factual specifications in the examination or
5 evaluation order and may result in a default and final disciplinary order being entered
6 after a contested case hearing. An unlicensed health care practitioner affected under this
7 section shall at reasonable intervals be given an opportunity to demonstrate that the
8 practitioner can resume the provision of health care practices with reasonable safety to
9 clients. In any proceeding under this section, neither the record of proceedings nor the
10 orders entered by the board shall be used against an unlicensed health care practitioner in
11 any other proceeding.

12 (B) In addition to ordering a physical or mental examination or chemical dependency
13 evaluation, the board may, notwithstanding any other law limiting access to medical or
14 other health data, obtain medical data and health records relating to an unlicensed health
15 care practitioner without the practitioner's consent if the board has probable cause to
16 believe that a practitioner has engaged in professional misconduct. The medical data may
17 be requested from a medical services provider, an insurance company, or a government
18 agency, including the department of human services. A medical services provider,
19 insurance company, or government agency shall comply with any written request of the
20 board under this section and is not liable in any action for damages for releasing the data
21 requested by the board if the data released pursuant to a written request under this
22 section, unless the information is false and the person or organization giving the
23 information knew or had reason to believe the information was false. Information
24 obtained under this section is private data.

25 New Sec. 11. (A) Forms of disciplinary action. When the board finds that an unlicensed
26 health care practitioner has violated any provision of this chapter, the board may take one
27 or more of the following actions, only against the individual practitioner:

- 28 (1) revoke the right to practice;
- 29 (2) suspend the right to practice;
- 30 (3) impose limitations or conditions on the practitioner's provision of unlicensed health
31 care practices, impose rehabilitation requirements, or require practice under supervision;
- 32 (4) impose a civil penalty not exceeding ten thousand dollars (\$10,000) for each separate
33 violation, the amount of the civil penalty to be fixed so as to deprive the practitioner of
34 any economic advantage gained by reason of the violation charged or to reimburse the
35 board for all costs of the investigation and proceeding;
- 36 (5) censure or reprimand the practitioner;
- 37 (6) impose a fee on the practitioner to reimburse the board for all or part of the cost of the
38 proceedings resulting in disciplinary action including, but not limited to, the amount paid
39 by the board for services from the board of administrative hearings, attorney fees, court
40 reports, witnesses, reproduction of records, staff time, and expense incurred by the staff
41 of the board of unlicensed health care practice; or
- 42 (7) any other action justified by the case.

43 New Sec. 12. In all matters relating to the lawful activities of the board, the board may
44 issue subpoenas and compel the attendance of witnesses and the production of all
45 necessary papers, books, records, documents, and other evidentiary material. Any person
46 failing or refusing to appear or testify regarding any matter about which the person may

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1 be lawfully questioned or failing to produce any papers, books, records, documents or
2 other evidentiary materials in the matter to be heard, after having been required by order
3 of the board or by a subpoena of the board to do so may, upon application to the district
4 court in any district, be ordered to comply with the order or subpoena. The board may
5 administer oaths to witnesses or take their affirmation. Depositions may be taken within
6 or without the state in the manner provided by law for the taking of depositions in civil
7 actions. A subpoena or other process may be served upon a person it names anywhere
8 within the state by any officer authorized to serve subpoenas or other process in civil
9 actions in the same manner as prescribed by law for service of process issued out of the
10 district court of this state.

11 New Sec. 13. If the board proposes to take action against the practitioner as described in
12 this chapter, the board must first notify the practitioner against whom the action is
13 proposed to be taken and provide the practitioner with an opportunity to request a
14 hearing. If the practitioner does not request a hearing by notifying the board within thirty
15 (30) days after service of the notice of the proposed action, the board may proceed with
16 the action without a hearing.

17 The board may at its discretion reinstate the right to practice and may impose any
18 disciplinary measure listed under this chapter provided the time limits set forth herein
19 shall control over any inconsistent or contrary provisions.

20 New Sec. 14. (A) In addition to any other remedy provided by law, the board may, acting
21 through a person to whom the board has delegated this authority and without a hearing,
22 suspend the right of an unlicensed health care practitioner to practice if the board's
23 delegate finds that the practitioner has violated a statute or rule that the board is
24 empowered to enforce and continued practice by the practitioner would create a serious
25 risk of harm to others. The suspension is in effect upon service of a written order on the
26 practitioner specifying the statute or rule violated. The order remains in effect until the
27 board issues a final order in the matter after a hearing or upon agreement between the
28 board and the practitioner. Service of the order is effective if the order is served on the
29 practitioner or counsel of record personally or by first class mail. Within ten (10) days of
30 service of the order, the board shall hold a hearing on the sole issue of whether there is a
31 reasonable basis to continue, modify, or lift the suspension. Evidence presented by the
32 board or practitioner shall be in affidavit form only. The practitioner or the counsel of
33 record may appear for oral argument. Within five (5) working days after the hearing, the
34 board shall issue its order.

35 All findings in such hearings shall be made by clear and convincing evidence.

36 Any practitioner aggrieved by an order of the board may appeal such order pursuant to
37 the provisions of the administrative procedures act.

38 (B) The right of an unlicensed health care practitioner to practice is automatically
39 suspended if: (1) a guardian of an unlicensed health care practitioner is appointed by
40 order of a court of competent jurisdiction; or (2) the practitioner is committed by order of
41 a court. The right to practice remains suspended until the practitioner is restored to
42 capacity by a court and, upon petition by the practitioner; the board terminates the
43 suspension after a hearing or upon agreement between the board and the practitioner.

44 New Sec. 15. If a practitioner investigated under this chapter is licensed or registered by
45 the board, is subject to the jurisdiction of the board, and it determines that the practitioner

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1 has violated any provision of this chapter, the board in addition to taking disciplinary
2 action under this section:

3 (a) may, if the practitioner is licensed or regulated in another capacity by the board, take
4 further disciplinary action against the practitioner in that capacity; or

5 (b) shall, if the practitioner is licensed or registered in another capacity by the board,
6 report the board's findings under this section, and may make a nonbinding
7 recommendation that the board take further action against the practitioner in that
8 capacity.

9 New Sec. 16. (a) The board may issue a cease and desist order to stop a person from
10 violating or threatening to violate a statute, rule or order which the board has issued or is
11 empowered to enforce. The cease and desist order must state the reason for its issuance
12 and give notice of the person's right to request a hearing under the provisions of this
13 chapter. If, within fifteen (15) days of service of the order, the subject of the order fails to
14 request a hearing in writing, the order is the final order of the board and is not reviewable
15 by a court or agency.

16 (b) A hearing must be initiated by the board not later than thirty (30) days from the date
17 of the board's receipt of a written hearing request. Within thirty (30) days of receipt of the
18 administrative law judge's report, the board shall issue a final order modifying, vacating,
19 or making permanent the cease and desist order, as the facts require. The final order
20 remains in effect until modified or vacated by the board.

21 (c) When a request for a stay accompanies a timely hearing request, the board may, in its
22 discretion, grant the stay. If the board does not grant a requested stay, it shall refer the
23 request to the superior court within three (3) working days of receipt of the request.
24 Within ten (10) days after receiving the request from the board, a superior court judge
25 shall issue an order to grant or deny the stay.

26 (d) In the event of noncompliance with a cease and desist order, the board may institute a
27 proceeding in superior court to obtain injunctive relief or other appropriate relief,
28 including a civil penalty payable to the department not exceeding ten thousand dollars
29 (\$10,000) for each separate violation.

30 New Sec. 17. In addition to any other remedy provided by law, including the issuance of
31 a cease and desist order under New Sec. 16. The board may in it's own name bring an
32 action in superior court for injunctive relief to restrain an unlicensed health care
33 practitioner from a violation or threatened violation of any statute, rule, or order which
34 the board is empowered to regulate, enforce, or issue. A temporary restraining order must
35 be granted in the proceeding if continued activity by a practitioner would create a serious
36 risk of harm to others. The board need not show irreparable harm.

37 New Sec. 18. The issuance of a cease and desist order or injunctive relief granted under
38 this section does not relieve a practitioner from criminal prosecution by a competent
39 authority or from disciplinary action by the board.

40 New Sec. 19. All unlicensed health care practitioners shall provide to each unlicensed
41 health care client prior to providing treatment a written copy of the unlicensed health care
42 client bill of rights. A copy must also be posted in a prominent location in the office of
43 the unlicensed health care practitioner. Reasonable accommodations shall be made for
44 those clients who cannot read or who have communication impairments and those who
45 do not read or speak English. The unlicensed health care client bill of rights shall include
46 the following:

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- 1 (a) the name, unlicensed health care title, business address, and telephone number of the
2 unlicensed health care practitioner;
- 3 (b) the degrees, training, experience, or other qualifications of the practitioner regarding
4 the unlicensed health care being provided, followed by the following statement in bold
5 print:
6
- 7 **"The state of Kansas has not adopted any educational and training standards for
8 unlicensed health care practitioners. This statement of credentials is for information
9 purposes only.**
- 10
- 11 **Under Kansas law, an unlicensed health care practitioner may not provide a
12 medical diagnosis or recommend discontinuance of medically prescribed
13 treatments. If a client desires a diagnosis from a licensed physician, osteopath,
14 chiropractor, or services from a physician, chiropractor, nurse, osteopath, physical
15 therapist, dietician, nutritionist, athletic trainer, or any other type of health care
16 provider, the client may seek such services at any time;"**
- 17
- 18 (c) the name, business address, and telephone number of the practitioner's supervisor, if
19 any;
- 20 (d) notice that an unlicensed health care client has the right to file a complaint with the
21 practitioner's supervisor, if any, and the procedure for filing complaints;
- 22 (e) the name, address, and telephone number of the board and notice that a client may file
23 complaints with the board;
- 24 (f) the practitioner's fees per unit of service, the practitioner's method of billing for such
25 fees, the names of any insurance companies that agreed to reimburse the practitioner, or
26 health maintenance organizations with whom the practitioner contracts to provide
27 service, whether the practitioner accepts Medicare, medical assistance, or general
28 assistance medical care, and whether the practitioner is willing to accept partial payment,
29 or to waive payment, and in what circumstances;
- 30 (g) a statement that the client has a right to reasonable notice of changes in services or
31 charges;
- 32 (h) a brief summary, in plain language, of the theoretical approach used by the
33 practitioner in providing services to clients;
- 34 (i) notice that the client has a right to complete and current information concerning the
35 practitioner's assessment and recommended service that is to be provided, including the
36 expected duration of the service to be provided;
- 37 (j) a statement that clients may expect courteous treatment and to be free from verbal,
38 physical, or sexual abuse by the practitioner;
- 39 (k) a statement that client records and transactions with the practitioner are confidential,
40 unless release of these records is authorized in writing by the client, or otherwise
41 provided by law;
- 42 (l) a statement of the client's right to be allowed access to records and written information
43 from records in accordance with the provisions of this chapter;
- 44 (m) a statement that other services may be available in the community, including where
45 information concerning services is available;

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- 1 (n) a statement that the client has the right to choose freely among available practitioners
2 and to change practitioners after services have begun, within the limits of health
3 insurance, medical assistance, or other health programs;
4 (o) a statement that the client has a right to a coordinated transfer when there will be a
5 change in the provider of services;
6 (p) a statement that the client may refuse services or treatment, unless otherwise provided
7 by law; and
8 (q) a statement that the client may assert the client's rights without retaliation.
9 New Sec. 20. Prior to the provision of any service, an unlicensed health care client must
10 sign a written statement attesting that the client has received the unlicensed health care
11 client bill of rights.
12 New Sec. 21. This act shall take effect and be in force from and after January 1, 2003,
13 and its publication in the statute book.

April 2, 2002

Re: SB 610

Dear Representative:

Please STOP SB 610 !!! This is a Very Unhealthy Bill. I believe it is Bad News for the Profession and also for the Consumer.

I am an Herbalist and have been studying for 23 years. I am a Kansas business owner and have been since 1986. I am a tax payer, I employ 2 people and provide income for their families. I pay sales tax, property tax and I believe I provide a service to my community. I am a lifelong resident of Kansas.

I came into the Health Field from a Cancer background. After doctoring for 6 years, my health was not improving. My husband, a Native American, suggested Herbal Remedies, I found that by changing my diet, taking Vitamins, Minerals, and Herb supplements, I became Cancer free. After that time, with enthusiasm, I began studying Herbs, Healthy Lifestyles, and what foods can do to build the body, so that the body can rebuild itself.

As I began my search for knowledge, I took courses in Herbology, and I still continue my schooling. I studied, earned, and received a Doctorate in Naturopathy in 1992. I have studied at least 60 hours each year through Continuing Education. With this Bill, I would not be able to continue teaching Healthy Lifestyles, and Herbal information.

With SB610, I and people like myself would not be able to choose the counselors of our choice. I believe there is a place for Traditional Naturopaths (those who teach healthy lifestyles and pose no threat of harm to anyone.) There are those who use Herbal knowledge to educate others so they too can have a healthier, happier life. This approach is non-invasive and its preventative care, based on educating clients how to maintain healthy lifestyles. Even insurance companies are finding out that preventative care is cost effective.

I ask that you would consider a bill, not just to protect a small group, but to make it a bill "For The People"

I would like to address some of the problems of SB610:

** Licensure: Licensure has always been brought forth by small groups to protect their economic base.

** This Bill serves only 7 people in the state, at this time. What about the Hundreds of Natural Health Care Practitioners that are successfully educating and helping people, and offering services to the many consumers all over the State of Kansas.

** The language used in the Bill limits many of us and jeopardizes our Freedom to educate our Clients.

** On the first page of the Bill, the definition of Naturopathy limits others who educate, & use natural medicines. Native Americans, such as my husband, have used the term Natural Medicines for hundreds of years, yet by this definition they would have to graduate from only 3 schools in the US. How sad, since

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they were the educators of Natural Medicines in the first place.

** Traditional Naturopaths (those who do NOT draw blood, give shots, etc.) would not be able to educate their clients in prevention, or to Support the Natural Healing processes of the body.

** In this Bill, it is bringing Naturopathy into the Arena of Allopathic Medicine. This does Not leave any place for those who have been Traditional Naturopaths for 10-20-30 years. Are they to leave their Kansas Businesses, Kansas Families, Kansas Homes for 4 years, when their clients are getting great results already?

**On page 2, line 23 (J): this limits what an Herbalist can do. "Found in Nature, that comprise the whole, or parts of plants, and constituents thereof, and that have not had changes made in their molecular structure as found in nature.

**Pg. 2, line33: After making this Bill a law: "adopt rules and regulations as may be necessarywhat will be accepted or rejected at this time & will there be hearings on the decision or will the Board have the Authority to exclude Herbalists at that time without any one looking out for the other Health Care Providers?

**Pg. 2, line (c): where does this leave the Traditional Naturopath (teaching healthy lifestyles, non-invasive education, Herbal knowledge, etc.)

**Pg. 6, Line 17: Unlawful for ANY person who is not licensed under this act Line (25) as herein defined. (Go again to pg. 1 for definition.)

**Pg.8, Line 19-24: Naturopathic doctors (licensed), mayrecommend.....for prevention.. (Line 22) Food, (Herbs are foods) Food extracts, vitamins, minerals, enzymes,, botanicals (Herbs), (This is what Herbalists do) ...Natural estrogens and Natural progesterone (Look again at page 2 (J)

**Pg. 13, Line 4: Articles, other than food: (Herbs are food) Pg. 8 Line 19-24 (above) says that you have to be a Licensed Naturopath to recommend Foods. Does this line contradict the other?

In closing I would add that this Bill SB 610 is a Very Unhealthy Bill, it is misleading, it is putting Authority in place that could be very dangerous to Kansas enterprise, to Kansas families and will create a Monopoly for a very small group.

Please STOP this Bill Now. I urge you to look at the Minnesota Bill. Their Legislature has adopted this and all parties are pleased. This is a Bill that is Pro-Health, Pro-Choice, Pro-Freedom. Their Bill is "For The People". SB610 denies our Rights to Choice. It denies our Rights to Health Freedom. Rhode Island is adopting the Minnesota Bill at this time. Please take a good, fair look at this Bill.

Please take the Consumer into Consideration ! The Minnesota Bill offers a "Clients Bill of Rights". Giving the Consumer the Freedom to choose the Level of Expertise the Client feels comfortable with. This is non-invasive, it harms no one and it doesn't take anything away from the Naturopathic Physicians that have graduated from the 3 Schools mentioned. There are laws already in place to protect the public from people who would do the harm

I admire the education that these schools provide, however I do not believe that they are the sole source of education and training. Many others have qualifications also. People in harmony don't insist on being the only one in authority.

Thanking You for Your Consideration,
I Am
Respectfully Yours,

Dale Scott
Galena, Kansas

DEAR REPRESENTATIVES:

Twenty-one years ago I was faced with a terrible health challenge. Thankfully, a friend of mine knew a woman who was familiar with alternative health techniques, and in desperation, my husband and I went to see her. It seemed like a miracle, but I began to get better, and eventually my life did return to normal as I followed the path of alternative health practices over a period of time. Alternative methods of health and wellness so impacted my life that I wanted to help others as I have been helped. Therefore, I became a student. I attended every class I could find in subjects like iridology, reflexology, magnetic therapy and herbology. So for 20 years, I have been amassing knowledge in a wide range of alternative therapies and have owned a health food store for the last 15 years. Because of my knowledge and training, I have been able to help countless people through the years. I am in the midst of completing my doctorate in Naturopathy from Trinity School of Natural Health. This school, Of course, is not one of the schools recognized in this Senate Bill 610 because it was not attended by any of the Naturopaths who are proponents of this bill. That does not however mean the information in this degree is not worthwhile. The courses required for this degree compose a wonderful wealth of knowledge, and anyone completing this will have an incredible understanding of the human body and the world of herbs and alternative treatments. The best part of this training is the fact that Trinity School advocates non-invasive care, based on educating clients how to maintain healthy lifestyles. Anyone completing this degree would be a tremendous help to mankind. Even without the completion of this degree, I have been able to successfully help people with their health challenges based on my own experiences and the knowledge I have gained from other sources. If this naturopathic licensing bill is passed in Kansas, I and others like me will be forced to abandon our chosen profession. This is not fair to me or to my clients who depend on me for advice. This monopolistic, exclusionary legislation is bad news for those in the natural health profession, and it is bad for the citizens of Kansas. I ask you to oppose this Senate Bill 610.

Betty Russell

H&HS
4-3-02
Atch #3



Clinton R. Miller
139 Northmont Dr.
Statesville, NC 28625-8382

topeka-2

Testimony of Clinton Ray Miller
Health Freedom Legislative Advocate
To the Kansas Health and Human
Services Committee
In opposition to SB 610
April 2, 2002

Mr. Chairman and distinguished Members of the
Committee:

Thank you for giving me the opportunity to give testimony
in opposition to SB 610, the Naturopathic Monopoly bill.

On November 29, 2001, the Kansas Department of Health
and Environment issued a summary of the findings and
conclusions of its technical committee which had been
directed to review an application for licensure by the
Kansas Naturopathic Physicians Association (*KNPA*).

The Department's Summary of the *KNPA*'s application
said:

*"The applicant desires to make it unlawful
for anyone to practice naturopathic medicine
unless he/she is licensed as a naturopathic
physician.*

(See exhibit #1)

H&HS
4-3-02
Atch #4

EXCLUSIONARY LEGISLATION

The desire and intent of this bill is to exclude any well-qualified traditional naturopaths, herbalists, or nutritionists in Kansas from continuing to do what they have been doing no matter how long, or how successfully they have been doing it. The key word here is EXCLUDE.

This is not a bill to simply permit 7 golden naturopathic physicians to practice a new and arguably more dangerous form of naturopathy in Kansas. This is a turf battle. The golden seven want a monopoly. Their bill will make a criminal of anyone who does anything that falls within their incredibly broad definition of “naturopathic medicine”. (See that definition on page 1, line 23)

23: “Naturopathic medicine,” or “naturopathy” means a system of health care practiced by naturopathic doctors for the prevention, diagnosis and treatment of human health conditions, injuries and diseases, that uses education, natural medicines and therapies to support and stimulate the individual’s intrinsic self-healing processes.”

Remember now that “The applicant desires to make it UNLAWFUL for anyone to practice naturopathic

UNLAWFUL for anyone to practice naturopathic medicine.

How many “natural medicines and therapies” are there which will support and stimulate the individual’s intrinsic self-health processes.?

There are hundreds of thousands.

How many potential combinations of natural medicines and therapies are there?

There are millions.

New combinations of natural medicines, foods, and therapies are being discovered daily by traditional naturopaths, herbalists and nutritionists.

By the millions, Americans are increasingly seeking advice from alternative and complementary specialists and consultants.

SB 610 would take Kansas health laws in the opposite direction of health freedom at the speed of light. It would drive many alternative and complimentary practitioners underground, out of business, or out of state.

In an attempt to justify the need for a naturopathy monopoly, proponents claimed or implied there is a tremendous “potential” for great harm to the public by

those who do not graduate from one of their schools and who do not practice their particular “mimic-a-medic” brand of naturopathy. As proof they cite several undocumented cases of harm.

However, the Department’s report states: “*The State of Kansas Attorney Generals office had no record of harm caused by alternative medical practitioners.*” (Page 4)

Considering the hundreds-of-thousands of Kansas citizens who are choosing and using alternative and complimentary therapies, it would be reasonable to expect at least several hundred records of harm.

The Minnesota Act

A couple of years ago the State of Minnesota faced the same situation we are looking at today in Kansas. Seven (7) golden naturopaths in that state asked for a naturopathic monopoly using the same arguments raised by proponents of SB 610.

Their monopoly proposal was strongly opposed by many consumers who insisted on the right to choose their own alternative practitioner.

The legislature rejected the bid for a naturopathic monopoly for Minnesota’s golden 7. Instead it virtually unanimously enacted a model health freedom act which

solved the problem not only for naturopathy, but also for the dozens of other alternative therapies. Similar legislation has now been introduced in about a dozen states.

WHEN IN DOUBT CHOOSE FREEDOM

The principle on which the Minnesota Health Freedom Act is that an informed consumer should have the same right to choose a health care practitioner as to choose a priest or pastor. The consumer, not the state, makes the choice..

Because there are a so many different complementary and/or alternative schools teaching so many different health care practices, the state steps aside when the consumer is fully informed and satisfied with the educational, and experience qualifications of the chosen health care practitioner.

A “CLIENT BILL OF RIHTS” must be filled out and kept on file by the unlicensed person offering to be a health care provider. (See Exhibits #2 and #3).

Under this new Minnesota law an unlicensed complementary and alternative health carafe practitioner may not provide a medical diagnosis or recommend discontinuance of medically prescribed treatments.

Final Findings and Conclusions of the Technical Committee on the Review of the Application to License Naturopathic Physicians

November 29, 2001

On June 12, 2001, the Kansas Naturopathic Physicians Association (KNPA), cited in this report as the applicant, submitted a credentialing application to the Kansas Department of Health and Environment. The applicant desired the State of Kansas to provide for the licensure of naturopathic physicians.

This application was reviewed by a technical committee in accordance with the Kansas Credentialing Act (KSA 65-5001, *et seq.*). The purposes of the review are: (1) to provide the legislature with a thorough analysis of the application and information gathered at the technical committee meetings, (2) to make recommendations as to whether the statutory criteria are met, and (3) to determine whether there is a need for credentialing. All criteria must be found met before the technical committee makes a recommendation for credentialing. The applicant has the burden of bringing forth clear, convincing evidence that each of the criteria are met. Such evidence must be more than hypothetical examples or testimonials, according to KSA 65-5003.

This report describes the technical committee's final findings and conclusions about the first nine statutory criteria as well as a recommendation regarding Criterion X.

SUMMARY OF APPLICATION

The applicant desires to make it unlawful for anyone to practice naturopathic medicine unless he/she is licensed as a naturopathic physician. Only licensed persons would then be able to practice in the field and use any or all of the following titles or terms: doctor of naturopathy, doctor of naturopathic medicine, naturopath, naturopathic medical doctor and the abbreviations N.D. or N.M.D. (Proposed Legislation, 2001 Senate Bill No. 276, Sec. 5(b))

The applicant proposes to adopt entry level education and continuing education requirements for licensure at the state level as defined by the Council on Naturopathic Medical Education (CNME) and the Kansas Naturopathic Physicians Association (KNPA) and testing requirements as prescribed by the North American Board of Naturopathic Examiners (NABNE). (Application, pp. 5-6) The Kansas Board of Healing Arts would be the regulatory body responsible for implementing licensure.

NO MONOPOLY FOR 7

Representative _____ 2002

Room Number _____

Kansas State House
300 SW 10th Avenue
Topeka, KS 66612-1504

PLEASE KILL SB 610.

A "Golden Seven (7) naturopathic physicians" have asked the legislature to give them a monopoly over Naturopathy in Kansas.

SB 610 would give a licensed monopoly to these Golden Seven and would force dozens, if not hundreds, of well qualified traditional naturopaths, who do not want to practice as naturopathic physicians, to either (1) move, (2) abandon their chosen careers or (3) face the continual threat of being "investigated", harassed, fined and put out of business by the State of Kansas. This monopolistic, exclusionary (for only 7) naturopathic physicians would be very bad for the profession and for all Kansas citizens.

The Golden Seven should be allowed to practice as naturopathic physicians so long as those who become their patients are fully informed about their training and qualifications and then give their written informed consent to be treated by them.

However exactly the same privilege should be given to the hundreds-of-thousands of Kansas citizens who choose to go to traditional naturopaths, herbalists, and nutritionists.

Sincerely yours,

NAME (PRINT)

SIGNATURE

ADDRESS

CITY

STATE

ZIP

Prepared by Clinton Ray Miller, Health Freedom Leg. Advocate (704) 924-8615 (Monopoly-2, 02)

KILL MONOPOLY BILL SB 610

Representative Gary Boston
Room 156-E State House _____ 2002
Topeka, Kansas 66612-1504
FAX: 785 368 6365
E-mail: boston@house.state.ks.us

Dear Representative Boston:

I respectfully urge you to do all you can to **KILL SB 610**, the Kansas Naturopathic Medical Monopoly bill of 2002.

If it is enacted, SB 610 will give graduates* of **3 (and only 3)** Naturopathic schools the exclusive right to define and practice naturopathy in Kansas. These schools are in OR, WA, and AZ and are the only "right" schools.

Graduates of these 3 expensive schools would understandably *love* such a monopoly. It would allow them to charge Kansas consumers much higher prices so they may more quickly pay back their school loans. The problem is: Health monopolies result in increasingly bad services and higher prices.

Health monopolies breed hate, anger, intolerance, contempt, arrogance, bribery, cheating, and a mean-spirited attitude towards those who study at the "wrong" schools. SB 610 makes 3 "right" schools. **Please kill SB 610!**

Please share this letter with other members of the House. My health freedom is as precious as my religious freedom! Kill SB 610.

*There are presently **only 7** "naturopathic physicians" in KS who have graduated from one of these 3 "right" schools. **Kansas HERBALISTS would be required to be licensed as "Naturopathic Physicians" in order to continue their practice.**

Sincerely yours,

NAME (PRINT)

SIGNATURE

ADDRESS

CITY

STATE

ZIP

Prepared by Clinton Ray Miller, Health Freedom Leg. Advocate (704) 924-8615 (Monopoly-2, 02)

Summary of Minnesota's Health Freedom Act

- The Act recognizes 22 examples of complementary and alternative health care practices, including, for example, homeopathy, naturopathy, acupuncture, meditation, etc. All of these practices are recognized as non-invasive, and are considered complementary and/or alternative. Practitioners covered under this act are not primary care physicians. [Pages 1 - 2, Subd. 4 (a) & (b)]
- The Act exempts complementary and alternative health care practices from the practice of medicine. [Pages 12-13, Sec. 21, (15)]
- The Act mandates that each complementary and alternative health care practitioner must present each client with a Client Bill of Rights. This document contains 17 different pieces of information including, education and training, services provided, address and telephone number of the Office in the Department of Health accepting complaints and a notice from the State of Minnesota. [Pages 11-12, Sec. 20]

CLIENT BILL OF RIGHTS

Please read this **Complementary and Alternative Health Care Client Bill of Rights**. If you have any difficulty reading or understanding it, tell me and reasonable accommodations will be made for you. This information is given to you to help you understand my qualifications and the services provided to you in this office. If you have any questions please discuss them with me. Before I can provide you any service, you must sign a written statement attesting that you have received this complementary and alternative health care bill of rights.

1. **My Name and Title:** Clinton Miller, Nutritional Teacher

My Services are Available at : 139 Northmont Dr., Statesville, North Carolina 28625, tele: 704-924-8615

2. **My Experience and Training:** I just signed up as a Nature's Sunshine distributor and am only beginning to learn about natural health and the benefits of herbs, vitamins and homeopathic remedies. However, I have personally benefited from their use.

"THE STATE OF MINNESOTA HAS NOT ADOPTED ANY EDUCATIONAL AND TRAINING STANDARDS FOR UNLICENSED COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONERS. THIS STATEMENT OF CREDENTIALS IS FOR INFORMATION PURPOSES ONLY.

Under Minnesota law, an unlicensed complementary and alternative health care practitioner may not provide a medical diagnosis or recommend discontinuance of medically prescribed treatments. If a client desires a diagnosis from a licensed physician, chiropractor, or acupuncture practitioner, or services from a physician, chiropractor, nurse, osteopath, physical therapist, dietitian, nutritionist, acupuncture practitioner, athletic trainer, or any other type of health care provider, the client may seek such services at any time."

3-4. **Complaints:** I do not have a supervisor. However, you have the right to file a complaint against me if you are dissatisfied with my services in any way. I encourage you to schedule a time to discuss the matter with me.

5. **File Complaints to the Minnesota Department of Health.** You may also contact the following office to investigate your complaint. The Office of Complementary and Alternative Health Care Practice, P.O. Box 64975 St. Paul, Minnesota 55164-095 651-282-6314 (Info Clearinghouse) www.health.state.mn.us

6. **Fees:** I do not charge for my services. I am here to educate you about the products I sell and how they have helped others with their health.

7. **Change in Fees and Services:** You will be notified when there are price changes or my hours change within a reasonable time.

8. **Brief Summary of Theoretical Approach:** I believe in helping people understand the causes of disease. I teach people how others have helped themselves with their health challenges using Nature's Sunshine Products.

9. **Assessment and Recommendations:** I will provide you with information about my assessment of your condition based on information you provide me and my recommendations for addressing this condition. This will include a description of the course of treatment I expect to provide to you and the duration of treatment which varies from individual to individual.

10. **Courteous Service:** I will provide courteous service that is free from verbal, physical or sexual abuse.

11. **Confidentiality:** Your records and transactions with this office are confidential unless release of these records is authorized in writing by you, or otherwise provided by law.

4-10

12. **Records:** You are entitled to access to your records and copies of written information from your records in accordance with section 144.335 of the Minnesota Statutes.

13. **Other Community Services:** If you are interested in learning about other similar services, please consult the yellow pages of the telephone book or call Nature's Sunshine Products Customer Service at 1-800-223-8225 (8:00 a.m. to 5:00 p.m. (MT) M-F.

14. **Selecting and Changing Practitioners:** You are free to go to a medical doctor or other licensed or unlicensed practitioners at any time. You are responsible for consulting them regarding your insurance coverage of their services.

15. **Changing Providers:** If you choose to change providers of services, you have a right to coordinated transfer of service.

16. **Right to Refuse Services:** You are free to refuse services or treatment unless otherwise provided by law.

17. **No Retaliation:** You may assert your rights described in this Client Bill of Rights at any time without retaliation.

ACKNOWLEDGMENT

I have received a copy of the Complementary and Alternative Health Care Client Bill of Rights. I have read and I understand the Client Bill of Rights or it has otherwise been read to me and I understand what has been read to me.

Your Name (Signature and Printed)

Date

I have also reviewed the information with my client and provided her/him with a signed copy. A copy has been placed in her/his file also.

Clinton Miller, Nutritional Teacher

Date

Subject: Testimony to Kansas House Committee
April 2, 2002

Dear Committee Members:

My name is Charles Smith and my wife and I reside in Crawford County where we own and operate our wellness business. We are a Kansas based corporation and we currently have over 10,000 business associates in our business. Therefore, I am here today to express my concern over recent proposed legislation titled SB 610. I would like to address my protest on two fronts - - - first as a business owner and secondly as a citizen of Kansas.

I. As a business owner I would like to focus first on page 1, line 23-31 - - in attempting to define who would be affected by this bill and what would be recognized under the title of "system of health care" I find that by definition alone hundreds of thousands of business owners and wellness professionals would be definitely included and covered in this bill even to the extent that those who educate would also be limited in their efforts to do so. I find the verbiage to be either very sloppy or intentional - -either way, causing great harm to Kansas business people if the bill were to pass.

On page 6, line 17, these same citizens who I know to be law abiding, decent people who don't want to be and shouldn't have to be licensed as a naturopathic doctor would now be breaking the law in Kansas if they continue business as usual.

On line 24, again this bill reinforces that doing business in Kansas as a wellness professional would be unlawful according to the parameters of "as herein defined" referring back to the all inclusive definition of "system of health care" on page 1. Which would bring us to this question: Was it the intent of Kansas legislatures to put literally hundreds and thousands of Kansas business people on the wrong side of the law? I'm sure the answer is no, but this bill would certainly do so.

On page 8, line 19 again using very broad, undefined and all inclusive language, this bill again would use a shotgun technique when describing who would be considered to be unlawful if not in accordance with this bill.

To sum up my first objection, I am truly alarmed at what this bill would do to the rights of Kansas citizens and business owners to participate in a free enterprise system and I believe if passed this bill could single handedly redefine the definition of "free enterprise" in the state of Kansas. Without a doubt this bill, if passed, would satisfy the wants of only a few while violating the rights of thousands - - therefore this is a very bad piece of legislation and should be stopped!

H&HS
4-3-02
Atch #5

Which brings me to my second point of objection: As a citizen of Kansas I would like to know what would be the cost of administering and enforcing this bill? While Kansas is facing some real critical issues concerning our huge deficit, it would seem that legislation that again does not answer a real need but only satisfies the "wants" of a few citizens at the expense of thousands of Kansas citizens would certainly be a bill that has wrong timing glaring back at it. This is not the time to be increasing our financial obligations but on the contrary we should be hunting for every means possible to reduce and not increase state expenditures. Considering the fact that this bill is not "necessary legislation", to pass this bill or any similar bill now would constitute an enormous violation of responsibility on the part of our Kansas legislatures. I only make this statement on the basis of working with Kansas businesses for over 35 years and when a deficit appeared in any one of those businesses we had very few choices in overcoming the obstacle and conservative spending and cut-backs where certainly powerful tactics used to return any one of those businesses back to the black.

If I may answer my own question, I believe the cost incurred by the state of Kansas, if this bill were passed, would be huge. First in terms of unfair restrictions placed on Kansas business people forcing them to abandon their business or move their business to another state and secondly in terms of actual cost of administering and enforcing this bill- - - any way you choose to view it, this bill has not been well thought out and appears to be a power play by just a handful of citizens and apparently does not represent what would be in the best interest for the majority of Kansas citizens - - - so I beg you to take the appropriate action and stop Bill SB 610.

Respectfully yours,

Charles T Smith
President
Synergistics Inc.

April 1, 2002

Dear Committee Members,

As an independent business owner with independent distributors in the state of Kansas, I respectfully urge you to do all you can to Kill SB 610 the Kansas Naturopathic Medical Monopoly bill of 2002.

This bill would drastically affect thousands of people and businesses in the state of Kansas by putting severe limitations on natural substances such as food or food extracts.

By the Bills own definition, it would be illegal unless you were a "licensed Naturopathic doctor" to provide education or information on food, food extracts, vitamins, minerals or any natural substances to stimulate an individual's intrinsic self-healing processes.

It seems we are just coming out of the Dark Ages when it comes to nutrition and the positive effects of proper nutrition to the human body. Paul Harvey news in May of 2001 reported that The Mayo Clinic recently reported in their research findings that all serious diseases may be nutritionally related. Remember the old sayings "an apple a day keeps the doctor away or feed a cold, starve a fever", by Kansas SB 610's definition this would be unlawful unless you were a "licensed naturopathic doctor".

To truly see how restrictive this bill is and how much exclusive rights this would grant the "licensed naturopathic doctors", please look at:

Page 1, lines 23 through 31 of SB610, the definition of "Naturopathic medicine" or "naturopathy"

Page 6, lines 17 through 27 - "It shall be unlawful for any persons, etc"

Page 8, line 22 - Food, food extracts, vitamins, minerals, etc.

Sincerely,

Robert L. Bates
5200 Shetland Rd.
Granby, MO 64844
417-325-6382

H & HS
4-3-02
Atch # 6

Janey Higginson
The Wellness Center
1927 Washington
Parsons, Ks. 67357
620-423-1591

April 2, 2002

Dear Kansas State Representatives,

I urge you to Kill Bill SB 610. I asked that you consider carefully what this bill would do to put myself and other natural health care practitioners out of business.

I am an Herbalist, I own and operate the Wellness Center in Parsons, Ks. I have a neuromuscular therapist , massage therapist, an aethetician and two employees that also work at my center.

Like many others in this field, I didn't grow up thinking I would become an herbalist. I became interested in herbs through my own illness. As a young mother of two boys, my husband and I operated a farming operation in Southeast Ks. At the age of 26 I began seeing doctors in my area. Fatigue and low grade infections seemed to plague me. The doctors were generally puzzled, and were finding nothing definite in all the expensive medical testing. Yet, I was progressively getting worse and the medical bills and prescription bottles were piling up. I followed the doctors orders explicitly, because I wanted desperately

Atch #7

to feel better and gain my energy back. As time went by the symptoms began to compound. Doctors were beginning to name the diseases one by one: chronic fatigue, fibromyalgia, rheumatoid arthritis, colitis, hashimotos (thyroid disease), heart rythm disturbances etc...

As my illness progressed I was spending more and more time lying on the couch. I was having extreme bleeding from my colon. Medical specialist scoped the colon twice in six months and experimented with five of the newest medications on the market and was'nt able to get the colon to stop bleeding. In fact, blood test resulted in high levels of a toxicity to the liver. With toxic liver I had a high fever and felt like I had a bad case of the flu for over eight days. The doctors declared an antiinflammatory drug for the bowel the culprit. As time went by, I became very frustrated with paying for medical services, taking toxic medications, and still I was very ill. I was merely existing. I had no life in me. I regretted the fact that my young boys would only remember their mother lying around sick all the time, or others would consider me lazy, or a hypochondriac. I was discouraged, after sixteen different specialist and thousands of dollars worth of medical bills and medication. I was still not promised any sort of recovery. In fact, one of the doctors told me that I should accept my illness, (diagnoses as three autoimmune diseases), and learn to live my life accordingly. By which I was only getting about two to four hours of activity out of most days.

✓ A local vetrenarian, who was a trusted friend, reccommended that I go to an herbalist. I was very skeptical. From those who know me, I am still reccognized

as one of the most skeptical and conservative herbalist in the area. I went to an herbalist in Joplin, Mo. She was able to recommend herbs that would stop the bleeding in my bowel, which worked in four days. She taught me about diet, exercise, and lifestyle changes that would help me build and detoxify my body.

After three months I was seeing improvement. After six months I was much better and not taking any medications. With in a year I was cured of all my symptoms and was a whole and energetic person once again.

This experience created many changes in my life. I went back to school for a biology degree and have trained in herbs and natural medicine with many reputable herbalist from all over the U.S. I am also trained in essential oils and reflexology, and am an instructor for Tree of Light Institute.

As an herbalist, **I do not diagnose or treat disease.** I **teach** my clients how to use herbs and vitamins to change the terrain of the body so that illness and disease can't thrive. My methods are strickly non-invasive. I don't want to practice invasive measures such as minor surgery or injections. ***Bill SB 610 would insist that I be trained at one of three specific colleges and learn to practice invasive medicine.*** This bill would put me and my co-workers out of business or force me to move my business to another state. (see exhibit A Fred Blanchard, neuromuscular therapist)

Bill SB 610 (page 1,line 23) describes "Natutopathic medicine" as a system of health care practiced by natuopathic doctors for the prevention, diagnosis and treatment of human health conditions, **injuries and diseases, that uses**

education, natural medicines and therapies to support and stimulate the individuals intrinsic self-healing processes.

Under this bill my business would be illegal based on these words:

It shall be unlawful for any person who is not licensed under this act as a **natuopathic doctor** or whose license has been suspended or revoked to practice natuopathic medicine or to hold oneself out to the public as a licensed natuopathic doctor,, or to practice the art and science of natuopathic medicines herein defined. (page 6, line17-27) (see definition above)

Yes, I help my clients learn to overcome and prevent *injury and diseases* as related to in the description of a Natuopathic doctor. Natural health is something I strongly believe in and know that I am empowering others by guiding them to take responsibility for their health and reach the level of well being that they are willing to work for. (See exhibit B,C) I am filling a very important void in the health care system. **If this bill passes, I would be in violation of this bill which could constitute a class B misdemeanor.**

As a consumer of natural health practices as well as a consumer of continuing education in this field. I want to preserve my right and the rights of my clients to choose non-traditional, non-invasive teachers and practitioners. Not to be forced into choosing a select few that could monopolize the natural health field in Kansas. (see attached clients concerns exhibit D,E)

I urge you to **Kill bill SB 610** and consider a bill comparable to the Minnesota

Health Freedom Act. (exhibit F)

Sincerely,

A handwritten signature in cursive script that reads "Janey Higginson". The signature is written in black ink and is positioned below the word "Sincerely,".

Janey Higginson

Fred Blanchard
9476 NW 120th
McCune, KS 66753
(620) 632-5235
blanchard@ckt.net

April 1, 2002

Dear Sirs,

I am writing in regard to Bill 610 concerning alternatives to traditional medicine.

I am certified to practice Nero Muscular Therapy and have been associated with the Parsons Wellness Center and Janey Higginson for the last 2 years. I worked as a paramedic/firefighter for the city of Aurora Colorado, a suburb of Denver, for nine years. Before that I worked as an EMT/firefighter for three years. I was originally raised and grounded in traditional medicine, and went kicking and screaming into my introduction to alternative therapies. I was very skeptical about both their efficacies and the people who practiced them. But I found out that they offered effective solutions to health care problems that traditional medicine did not. As of late, my relationship with Janey Higginson has convinced me that she is involved in alternatives to traditional health care because she knows that they work and because she feels she can help fill a void left by traditional health care. I agree. They fill a very important void in the health care system. They provide consumers with options, and some measure of personal control of their well being.

SB 610 is very bad legislation. It begins with the premise that only doctors know how to enhance a persons health and sense of well being. It is an arrogant point of view that assumes that only those trained at traditional institutions can know anything of value. It is the same logic that would say that only biologists can tell the difference between horses and cows, or that only botanists can distinguish between grass and trees. It eliminates people with uncommon knowledge or useful experience from passing that information along to others as a profession. It also apparently starts with the arrogant premise that most of us common folk are to stupid to recognize what is in our best interests.

Under the terms of this legislation I couldn't tell a client, (assuming I have any clients left to tell), that a common tea bath is a very good treatment for diaper rash. It is. And it works better than any other medication I have ever tried. But I won't be able to pass that information along without being accused of practicing medicine without a license. The law, strictly interpreted, wouldn't allow a butcher tell a customer that he thought the protein in meat was something they needed; or which meats he understood to contain the most protein. A mother couldn't tell a child that they needed to eat more greens.

As far as people seeking paid health and well being advise goes, the bill as written, would severely limit the options most people feel are basic to their abilities to choose. Traditional medicine and those trained in it have their place in society. So do those who have been trained in traditional medicine but also see the value of many non traditional types of care. But, those who don't have traditional medical training but who do have training in non traditional schools and

nontraditional experience also have a valuable place in society.

There seem to be two primary problems that this bill is trying to address. One is that there is no legislation to protect consumers from incompetent or unscrupulous people who would sell them either worthless or dangerous products. The second is the problem of people deceiving other people into using products that don't work in place of therapies and products that do work.

I'm here to tell you that while most non traditional people and most traditional medical people have integrity and have the best interests of their clients at heart, neither group has a monopoly on incompetence or unethical behavior. Limiting the trade of non traditional health care to doctors will not eliminate incompetence or unethical behavior. All it will do is place consumers in a situation where they can no longer go to people who have proven their competence and integrity, and force them to go to a very few traditional/nontraditional practitioners who may or may not be any more competent.

The idea that only three or four schools selected by less than a handful of people can properly train students in non traditional techniques is ridiculous. There are many fine schools and fine programs across this and other countries that teach non traditional methods of health care. Limiting the required training to only a very few schools, and then putting everyone out of business who haven't attended those schools makes no more sense, or is no more ethical, than saying to doctors that they can no longer practice medicine unless they have attended three or four select schools. Limiting the required training to only a few schools also limits that training to only those who can afford it. That limits the number of people available to a community. Many communities will be left without a valuable, affordable tool.

Most professional practitioners of these kinds of remedies have no problem with requirements for certification or laws requiring open disclosure of their backgrounds or training. They would welcome legislation that drives out the unethical and those who have given nontraditional therapies a bad reputation. But limiting the training to a few select schools, or to doctors, is not a proper solution.

Minnesota and Rhode Island, I believe, have adopted legislation that requires written open disclosure of a practitioners training, background and what they can legally do and not do. Most of the nontraditional practitioners that I know have nothing against some type of state certification. Both written disclosure and certification are types of solutions that would protect both the clients of nontraditional health practices and the practitioners themselves.

SB 610 does not do that. It limits options, drives out those who have proven themselves reputable and competent, and gives almost total control of all health care options to a very select few.

Sincerely



Fred Blanchard

April 1, 2002

To whom it may concern:

One year ago I had a flair-up in my right shoulder. I had x-rays, cat scans, MRI's, and other tests on the shoulder. The doctors wanted to perform surgery to fix the problem. I decided to try Natural Herbs, and preceeded to go see Janey Higginson. Janey recommened several different herbs to me. In August I returned to the doctor for more x-rays of the shoulder. He concluded that the shoulder was better and the deposit spot had gotten smaller. By February of this year, the spot was gone. I now have full use of my shoulder and have been released from the doctor's care. I'm sorry to say they [doctors] do not realize why I was cured but, it was Nature Sunshine and Janey's advice to me on what to take. As a consumer of these productsts I feel it should be my decision on who I go to and what I take, NOT THE GOVERNMENT!!

Thank You,



Kay Strange
Erie, KS

sf

Lanette Stice
26005 Meade Rd
Parsons, KS 67357

As a person with health problems for over a year, I saw 16 doctors including several specialist, all of whom could not help me. As an American citizen, I am blessed to have the freedom to choose my health care. Because of this freedom, I chose to go to an herbalist for the first time. After doing muscle testing, my herbalist was able to recommend 3 different products. After 3 days, my dizzy spells had subsided considerably and after 5 days, the dizzy spells were completely gone!

I also found out that all the medications the doctors had put me on had made my liver toxic which was causing other health problems. Through using a series of herbs and minerals, my liver is no longer toxic and my health problems are much better.

After seeking the advise of many doctors, being medicated for the symptoms instead of the problem, and spending over \$10,000 in medical bills, I am now happy to say that I have been dizzy and seizure free for several months. I am off of all the medications I was taking and doing great on the herbs.

With medications and procedures becoming more expensive every day, it is great to have choices. I hate to think where I would be today without the help I received through my herbalist.

I implore that you would consider the good that has come from the use of natural herbs and minerals.

Sincerely,



Lanette Stice

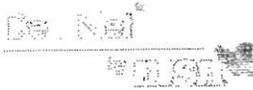
This is a statement against Senate Bill 610, which will severely limit consumer choice for naturopathic care. I have lived all my fifty+ years in Kansas and would like to think that Kansas has a progressive policy of Wellness care for its citizens. It has not always been easy to find practitioners with the knowledge and care for persons who do not wish to consume pharmaceutical products. In Kansas we allow all types of personnel decisions that do not promote the well being of the individual (i.e. Smoking , Drinking, & Gambling). It just seems that when a person is wanting to pursue positive personnel choice for health, we should promote that right. Thank you.

John Spare

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From : "Linda Lee" <llee@calforms.com>

To : "JANEY" <WELLNESSCNT@HOTMAIL.COM>

Subject : HERE'S MY E-MAIL

Date : Mon, 1 Apr 2002 12:39:31 -0600

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MY REPRESENTATIVE EUGENE O'BRIEN IS UNAVAILABLE TO HEAR MY CONCERNS SO I HOPE THAT I CAN VOICE THEM TO YOU.

I WOULD LIKE TO EXPRESS MY CONCERN ABOUT BILL SB610. THIS CANNOT BE ALLOWED TO PASS!!!! NOT ONLY DOES IT CREATE A MONOPOLY FOR THE GRADUATES OF 3 SELECT NATURAPATHIC SCHOOLS IN OREGON, WASHINGTON, AND ARIZONA—BUT IT CREATES A HUGE INJUSTICE TO N.D.'S AND OTHER NATURAL HEALTH PROFESSIONALS IN OUR GREAT STATE AS WELL AS TO THE CITIZENS OF THIS STATE. CONSUMERS OF NATURAL SUPPLEMENTS WOULD BE FORCED TO RELY ON HEAR-SAY, TELEVISION ADS, MAGAZINE ARTICLES WRITTEN TO SELL A SPECIFIC PRODUCT FOR A GREAT DEAL OF THEIR INFORMATION ABOUT NATURAL SUPPLEMENTS. THEY WOULD ALSO BE FORCED TO GO TO NEIGHBORING STATES TO SEEK THE HELP OF THE N.D.'S, REIKE MASTERS, ETC. BECAUSE BELIEVE ME—THEY WILL TAKE THEIR BUSINESSES OUT OF THEIS STATE AND ALL OF THEIR CLIENTS WILL TAKE THEIR BUSINESS ACROSS OUR BORDERS. THIS MEANS A LOSS OF REVENUE TO THIS STATE!!!! THIS BILL WILL PROMOTE THE AMOUNT OF POTENTIAL HARM THAT COULD RESULT FROM THE UNGUIDED USE OF SOME SUPPLEMENTS & PRODUCTS. THERE ARE ALSO MANUFACTURING FACILITIES THAT I'M SURE WILL LEAVE THIS STATE OR NOT CONSIDER MOVING THEIR BUSINESS TO KANSAS BECAUSE OF THIS BILL. THERE IS CURRENTLY AT LEAST ONE SUCH BUSINESS CONSIDERING MOVING INTO SOUTHEAST KANSAS—AND WE NEED THE JOBS THAT THAT WOULD CREATE!!!!!! HERBAL SUPPLEMENTS ARE FOOD—NOT DRUGS. MOST OVER THE COUNTER DRUGS ARE CONSIDERED BY ALMOST EVERYONE TO BE SAFE, WHEN IN TRUTH THEIR MISUSE IS RESPONSIBLE FOR THOUSANDS OF DEATHS EVERY YEAR IN THIS COUNTRY. RX DRUGS KILL 32,000 PEOPLE A YEAR. WHILE ANY DEATH IS A TRAGEDY...VERY FEW ARE THE RESULT OF TAKING NATURAL SUPPLEMENTS. THE "MEDICAL PROFESSION" IS THE #3 CAUSE OF DEATH IN THE UNITED STATES...NOW THAT IS A VERY SCARY FACT!!!! THAT IS WHY THE CITIZENS OF KANSAS MUST HAVE OTHER CHOICES REGARDING OUR HEALTH CARE. THE N.D.'S THESE PEOPLE ARE TRYING TO DRIVE OUT OF BUSINESS IN THIS STATE HAVE HAD EXTENSIVE TRAINING AND EXPERIENCE. WHY SHOULD THE "CHOOSEN 3" HAVE A MONOPOLY ON THAT FIELD IN OUR STATE????????? THEY CHARGE VERY HIGH PRICES FOR SERVICES WE CAN ALREADY OBTAIN IN THIS STATE THE WAY THINGS STAND AT THIS MOMENT. WHY SHOULD WE DESIGNATE THESE 3 SCHOOLS TO BE THE ONLY N.D.'S THAT ARE WORTH THEIR SALT IN THIS STATE????????????? I ALREADY HAVE A CHIROPRACTOR AND A N.D. THAT I GO TO FOR MANY OF MY PROBLEMS....PROBLEMS THAT THE MEDICAL PROFESSION JUST WANTED TO FILL ME WITH CHEMICALS FOR—NO INTEREST IN FINDING THE ROOT OF MY PROBLEMS—AND SOLVING MY HEATH PROBLEMS IN THAT WAY. THIS BILL IS NOT IN THE BEST INTEREST OF KANSANS....IT IS ONLY IN THE BEST INTEREST OF THE GRADUATES OF THOSE FANCY SCHOOLS WHO ARE BACKING THIS LEGISLATION. WHEN GEORGE BUSH WAS GOVERNOR OF TEXAS HE SAW THIS SAME ATTEMPT IN THE STATE OF TEXAS FOR THE MONOPOLISTIC BULL THAT IT IS & VETOED IT. THEY HAVE RUSHED IN

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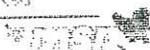
HERE AT THE LAST MINUTE TO TRY TO PUSH THIS THROUGH. STOP THIS
 MONOPOLISTIC BILL DEAD IN IT'S TRACKS!!!!!!!!!!!!!! SEE IT FOR WHAT IT
 IS!!!!!!!!!! REALIZE THAT THE N.D.'S, REIKE MASTERS, AND ALL OTHER NATURAL HEALTH
 PROFESSIONALS ARE AN ASSET TO THIS STATE FROM A BUSINESS STAND POINT AS WELL
 AS FROM THE PERSONAL STAND POINT OF EVERY CITIZEN OF THIS STATE. PRESERVE MY
 RIGHT TO CHOOSE!!!!!!!!!!!! I DON'T HAVE A PROBLEM WITH N.D.'S BEING LICENCED.....BUT
 INCLUDE EVERYONE--NOT JUST THE CHOSEN FEW. THANK YOU FOR YOUR TIME.

LINDA LEE
 2231 16,000 ROAD
 OSWEGO, KS 67356
 620-795-4972

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Summary of Minnesota's Health Freedom Act

- The Act recognizes 22 examples of complementary and alternative health care practices, including, for example, homeopathy, naturopathy, acupuncture, meditation, etc. All of these practices are recognized as non-invasive, and are considered complementary and/or alternative. Practitioners covered under this act are not primary care physicians. [Pages 1 - 2, Subd. 4 (a) & (b)]
- The Act exempts complementary and alternative health care practices from the practice of medicine. [Pages 12-13, Sec. 21, (15)]
- The Act mandates that each complementary and alternative health care practitioner must present each client with a Client Bill of Rights. This document contains 17 different pieces of information including, education and training, services provided, address and telephone number of the Office in the Department of Health accepting complaints and a notice from the State of Minnesota. [Pages 11-12, Sec. 20]

CLIENT BILL OF RIGHTS

Please read this **Complementary and Alternative Health Care Client Bill of Rights**. If you have any difficulty reading or understanding it, tell me and reasonable accommodations will be made for you. This information is given to you to help you understand my qualifications and the services provided to you in this office. If you have any questions please discuss them with me. Before I can provide you any service, you must sign a written statement attesting that you have received this complementary and alternative health care bill of rights.

1. **My Name and Title:** Clinton Miller, Nutritional Teacher

My Services are Available at : 139 Northmont Dr., Statesville, North Carolina 28625, tele: 704-924-8615

2. **My Experience and Training:** I just signed up as a Nature's Sunshine distributor and am only beginning to learn about natural health and the benefits of herbs, vitamins and homeopathic remedies. However, I have personally benefited from their use.

"THE STATE OF MINNESOTA HAS NOT ADOPTED ANY EDUCATIONAL AND TRAINING STANDARDS FOR UNLICENSED COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONERS. THIS STATEMENT OF CREDENTIALS IS FOR INFORMATION PURPOSES ONLY.

Under Minnesota law, an unlicensed complementary and alternative health care practitioner may not provide a medical diagnosis or recommend discontinuance of medically prescribed treatments. If a client desires a diagnosis from a licensed physician, chiropractor, or acupuncture practitioner, or services from a physician, chiropractor, nurse, osteopath, physical therapist, dietitian, nutritionist, acupuncture practitioner, athletic trainer, or any other type of health care provider, the client may seek such services at any time."

3-4. **Complaints:** I do not have a supervisor. However, you have the right to file a complaint against me if you are dissatisfied with my services in any way. I encourage you to schedule a time to discuss the matter with me.

5. **File Complaints to the Minnesota Department of Health:** You may also contact the following office to investigate your complaint. The Office of Complementary and Alternative Health Care Practice, P.O. Box 64975 St. Paul, Minnesota 55164-095 651-282-6314 (Info Clearinghouse) www.health.state.mn.us

6. **Fees:** I do not charge for my services. I am here to educate you about the products I sell and how they have helped others with their health.

7. **Change in Fees and Services:** You will be notified when there are price changes or my hours change within a reasonable time.

8. **Brief Summary of Theoretical Approach:** I believe in helping people understand the causes of disease. I teach people how others have helped themselves with their health challenges using Nature's Sunshine Products.

9. **Assessment and Recommendations:** I will provide you with information about my assessment of your condition based on information you provide me and my recommendations for addressing this condition. This will include a description of the course of treatment I expect to provide to you and the duration of treatment which varies from individual to individual.

10. **Courteous Service:** I will provide courteous service that is free from verbal, physical or sexual abuse.

11. **Confidentiality:** Your records and transactions with this office are confidential unless release of these records is authorized in writing by you, or otherwise provided by law.

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12. **Records:** You are entitled to access to your records and copies of written information from your records in accordance with section 144.335 of the Minnesota Statutes.
13. **Other Community Services:** If you are interested in learning about other similar services, please consult the yellow pages of the telephone book or call Nature's Sunshine Products Customer Service at 1-800-223-8225 (8:00 a.m. to 5:00 p.m. (MT) M-F.
14. **Selecting and Changing Practitioners:** You are free to go to a medical doctor or other licensed or unlicensed practitioners at any time. You are responsible for consulting them regarding your insurance coverage of their services.
15. **Changing Providers:** If you choose to change providers of services, you have a right to coordinated transfer of service.
16. **Right to Refuse Services:** You are free to refuse services or treatment unless otherwise provided by law.
17. **No Retaliation:** You may assert your rights described in this Client Bill of Rights at any time without retaliation.

ACKNOWLEDGMENT

I have received a copy of the Complementary and Alternative Health Care Client Bill of Rights. I have read and I understand the Client Bill of Rights or it has otherwise been read to me and I understand what has been read to me.

Your Name (Signature and Printed)

Date

I have also reviewed the information with my client and provided her/him with a signed copy. A copy has been placed in her/his file also.

Clinton Miller, Nutritional Teacher

Date

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