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# BARBARA DITTRICH

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STATE REPRESENTATIVE • 38<sup>th</sup> ASSEMBLY DISTRICT

July 29, 2021

## Assembly Committee on Health

**RE: Rep. Dittrich Testimony on AB 86** - providing complementary and alternative health care practitioners with exemptions from practice protection laws, requirements and prohibitions for individuals who provide complementary and alternative health care services, and providing a penalty.

Good Morning Assembly Committee Chair Sanfelippo and members of the Committee on Health. I appreciate the opportunity to speak to you today I would like to thank Senator Felzkowski for her help and leadership on this incredibly important topic, providing complementary and alternative health care practitioners the protection of law while providing them guidance. Unfortunately, she could not join us today. However, I am grateful for her office submitting testimony to the committee on her behalf today.

Assembly Bill 86 will allow Wisconsinites who prefer to utilize alternative health care practices the confidence in knowing the practitioners treating them are following state law. Under this bill, complementary health care providers would be required to provide written disclosure acknowledging they are not licensed health care providers, a description of services provided, and a list of qualifications. Requiring this disclosure will protect consumers from bad actors while allowing individuals the freedom to seek health care options that best fit their beliefs and needs.

I myself have used alternate health care therapies and found them to be quite beneficial. I would hate to see alternative health care therapies and options disappear due to bad actors. In fact, under the auspices of this bill, disingenuous individuals should and could be prosecuted to the fullest extent of the law.

In closing, I would like to take a moment to address one of the points raised in opposition to this bill since it was heard in the Senate Committee on Insurance, Licensing, and Forestry back in April. One of the main concerns was complementary and alternative health care providers from might engage in psychotherapy. I would like to assure the committee that no complementary alternative healthcare practitioner can hold themselves out as licensed professionals. The problem with adding psychotherapy to the list of prohibited acts specifically is the definition of psychotherapy is so broad, it could include something as harmless as a life coach. Ultimately, the whole point of the bill to allow for practitioners to operate as long as they do not do any of the

prohibited acts that could cause harm. The disclosure form, as required in the bill, is to give consumers all of the information so that ultimately they can make their own informed health decisions.

As I have continually stated both to my constituents and in previous hearings, I absolutely believe in personal medical autonomy and freedom, including allowing individuals options to seek out alternative, complementary health care services.

Again, I would like to thank my colleague, Senator Felzkowski for her work on this legislation. With that, I would be happy to answer any questions from the committee.



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# MARY FELZKOWSKI

STATE SENATOR • 12<sup>TH</sup> SENATE DISTRICT

## Assembly Committee on Health

July 29, 2021  
Assembly Bill 86

### Committee Members:

Thank you for allowing me to submit testimony today on Assembly Bill 86, relating to complementary health care practitioners and their ability to operate in the state of Wisconsin. Representative Dittrich and I are bringing this bill forward again today for two reasons. The first is to allow for practitioners, such as homeopaths, herbalists, nutritional consultants, and many more to provide their services in Wisconsin legally and without fear of being shut down. Our statutes are currently written so broadly that these practitioners can be criminally charged for “practice of medicine or other medical occupation” without a license, even though the services they offer are not medical.

This bill lays out clear parameters for what the complementary health care practitioners cannot do to be able to operate, such as:

1. Puncturing the skin
2. Diagnosing medical disease
3. Prescribing or dispensing a prescription drug or controlled substance
4. Recommending that a client discontinue treatment described by a medical professional
5. Acting as a health care professional without the applicable certificate, permit, or license.

It also creates a written disclosure requirement from a practitioner to the consumer including:

1. An acknowledgement that they do not hold a medical certificate, permit, or license.
2. A description of the complementary health service(s) offered.
3. A list of credentials, or other qualifications the practitioner has with respect to the services they provide.

It also includes an enforcement provision that will allow for the Department of Safety and Professional Services to investigate any practitioner that has violated any of the prohibitions in the bill.

The second reason for this bill is the meaning behind its namesake of the Consumer Protection for Complementary Health Care Act. Every industry has fraudulent people looking to take advantage of the unsuspecting, and complementary health care is no different. The clear parameters in this bill will protect consumers from those that choose to obfuscate, confuse, or mislead the public with the product or service they provide. A strong majority of complementary health care practitioners offer legitimate care with their customers’ best interest at heart, and this bill ultimately gives a pathway for them to continue operating while creating retribution for bad actors.

Wisconsinites are like people all over the United States. They see an enormous value in having access to this type of complementary health care. I say “complementary” because these practitioners work best in conjunction with physicians and medical doctors, not at odds with them. You will hear stories or receive written testimony today from people who respect and love working with their doctors when it comes to medicine, but have other non-medical health care needs that can often be better met by one of these practitioners.

As a two-time cancer survivor, I personally understand how medicine can work together with this kind of care. I regularly met with my oncologist for my cancer treatments, but was also really interested in how to give my body its best fighting chance with natural remedies. Ultimately, I survived that battle, and I believe it was because both my medical and non-medical care worked together to find what was best for me.

At the end of the day, this bill makes it possible for consumers to access the kind of complementary health care that they have shown they really want and need, while creating clear standards that will protect them. It is time for Wisconsin to join 11 other states to pass this legislation.

Last session, this bill passed on the Assembly floor and was available to schedule for the Senate floor, but was unfortunately timed out by COVID-19, so we are bringing it forward again. Earlier this session, it passed in the Senate as amended. **Assembly Amendment 1 (and SA 1) does the following:**

1. It removes massage therapy from the allowable complementary and alternative health care services. Under current law, massage therapy is a licensed profession, and it was not the authors’ intent to de-license massage therapists. Accordingly, under the amendment, a person may perform massage, but not massage therapy, and may not hold themselves out as a massage therapist unless licensed under those provisions.
2. It clarifies that a complementary or alternative health care practitioner may not use or assume the title “doctor” or “physician.”
3. It clarifies that while a practitioner may not make a diagnosis of a medical disease, a practitioner may respond generally to a client’s expressed concerns.

I would like to thank Representative Dittrich for being a great partner on this bill that positively impacts health care access in Wisconsin. Thank you again for your time and please feel free to reach out to me with any questions.

**Date:** July 26, 2021

**To:** State Representative Joe Sanfelippo, Chairperson Assembly Committee on Health

**From:** Wisconsin Health Freedom Coalition – Rosanne Lindsay; National Health Freedom Action – Anne Gillum JD

**Subject:** Opposition to the Wisconsin Council on Mental Health (WCMH) Request for Amendments to Assembly Bill 86

Wisconsin Health Freedom Coalition (WIHFC) opposes the suggested amendments and appreciates the opportunity to respond to the requests of the WCMH to amend AB 86.

WCMH accurately states that AB 86 is a consumer protection bill and that it “includes protections for consumers as outlined in the analysis by the Legislative Reference Bureau (LRB)”, which includes a long list of mandatory disclosures as well as a long list of prohibited acts. WCMH also accurately states that under AB 86 “CAHC practitioners would not be allowed to represent themselves as licensed mental health professionals”.

We are in agreement that AB 86 would add protections for consumers that do not currently exist in Wisconsin law as well as maintain current WI laws that prohibit misrepresentation and encourage transparency. In general, AB 86 is designed to allow consumers to access, and practitioners to provide, services that are gentle and noninvasive from complementary and alternative health care practitioners.

We are concerned that WCMH does not acknowledge that AB 86 is primarily a consumer access bill. Wisconsin residents are increasingly searching for and benefitting from health care options that involve lifestyle and behavior modifications. Consumers want to use a broad range of complementary and alternative healing therapies alongside of, more conventional, pharmaceutical-based options.

In the 11 states that have passed laws similar to AB 86, we are not aware of any increase in consumer harm occurring.

AB 86 is adding protections to the law that do not currently exist for unlicensed complementary and alternative practitioners and their consumers and it is allowing consumers to have the option to receive services from both licensed professionals and from complementary and alternative practitioners.

We have observed the complementary and alternative practitioner exemption laws – passed in 11 states so far and in MN for the past 20 years – provide a practical way for states to assure continued consumer access to and the availability of complementary and alternative practitioners and modalities while also retaining the avenues that state governments have to process complaints for unlicensed practice when the need arises.

**REGARDING PROPOSED AMENDMENT #1:**

**WIHFC does not agree to amendment 1** which recommends eliminating “the exemption for CAHC practitioners from the mental health professions listed in this bill (psychology, psychotherapy, marriage and family therapy, professional counseling, and clinical social work)”.

There are many practice acts in Wisconsin. To not exempt out of one type of profession, would leave anyone doing anything under those particular practice acts vulnerable to criminal charges of unlicensed practice, even if they were avoiding all prohibited acts and giving out their proper disclosures.

Out of the 11 states that provide CAHC practitioner exemptions, some exempt out of all the practice acts and some out of one or some. Whether states exempt out of one or all or some, is specific to each state. But all “safe harbor” CAHC exemption bills exempt out of some practice acts because that is the meaning of safe harbor. Examples of two states that are like AB 86 in that they exempt out of all of the practice acts are Maine and New Mexico.

**MAINE**, the most recent CAHC exemption bill that passed into law reads:

**Title 31: Chapter 113-B: Subchapter 5: Complementary and Alternative Health Care**

**Section 12602. License Not Required**

A person who provides complementary or alternative health care services in accordance with this subchapter but who is not licensed, certified or registered in this State as a health care professional or practitioner under this Title does not violate any law relating to the licensing of health care professionals under this Title as long as the person complies with the requirements of this subchapter.

**NEW MEXICO**'s law is another example that reads:

**Article 35, Chapter 61-35-3. Licensing exemption.**

A complementary and alternative health care practitioner who is not licensed, certified or registered in New Mexico as a health care practitioner shall not be in violation of any licensing law relating to health care services pursuant to Chapter 61 NMSA 1978 unless that individual:

- A. engages in any activity prohibited in Section 4 [61-35-4 NMSA 1978] of the Unlicensed Health Care Practice Act; or
- B. fails to fulfill the duties set forth in Section 5 [61-35-5 NMSA 1978] of the Unlicensed Health Care Practice Act.

Again, we are not aware of any increase in consumer harm occurring in these, or any other, states after the passage of a CAHC exemption law.

**REGARDING PROPOSED AMENDMENT #2:**

**WIHFC does not agree to amendment 2** which would maintain criminal charges for CAHC providers who do anything within the definition of “psychotherapy.” Wisconsin law amended the definition of “Psychotherapy” in 2021 to be defined as follows:

“Psychotherapy” means the diagnosis and treatment of mental, emotional, or behavioral disorders, conditions, or addictions through the application of methods derived from established psychological or systemic principles, including for the purpose of assisting individuals with modifying their behaviors, cognitions, emotions, or personality characteristics, or for the purpose of understanding unconscious processes or intrapersonal, interpersonal, or psychosocial dynamics. Wisc. Stat. 455.01(6).

WCMH need not be concerned about CAHC practitioners diagnosing because AB 86 prohibits CAHC practitioners from doing so. See WI AB 86 at Prohibition (j).

In regards to the rest of that broad definition, the terms in the definition could be read to include helping someone become aware of how they respond to stress and providing them with supportive ways they can change the way they respond to stress.

It is good to have broad definitions in the practice acts because it is important to have health providers be able to use all the tools in their tool kit to help people get well. But the problem is that anyone who does anything within that broad definition without holding a license - even if it's not dangerous or harmful - can be put in jail or fined. And that dilemma sparked the need for the complementary and alternative exemption laws that many states are adopting.

AB 86 is asking WI to add a practitioner exemption for those practitioners that do gentle, common-sense, non-invasive activities, that should be protected in the public domain because they don't rise to the level of potential for harm that requires state licensure.

### **REGARDING PROPOSED AMENDMENT #3:**

**WIHFC does not agree to amendment 3** which seeks to “Add a provision to this bill that would require CAHC practitioners to make referrals when appropriate to health and mental health providers.”

CAHC practitioners under this bill would be practicing in the public domain and would have the reasonable person standard of assisting a person in need and should not be required to make a professional assessment and referral because doing so may be beyond their training and credentials.

Chair Sanfelippo and Members of the committee,

My name is Anne Gillum. I'm an attorney with National Health Freedom Action. Thank you for hearing this bill and for the opportunity to speak in favor of it today.

NHFA is a 501c4 non-profit organization. We work to protect maximum health care options for consumers so they can access the health care practitioners, products, services, and information that resonate with their own personal decisions on achieving and maintaining health and wellness.

We had the privilege of working with WI residents on this bill after they reached out to us over 10 years ago for a solution to a problem in WI law.

A problem that is not unique to WI law - but a problem that leaves complementary and alternative health care practitioners vulnerable to criminal charges for practicing medicine – or another licensed health care profession – without a license.

These criminal charges arise from the broad definition of the practice of medicine in WI which essentially states that a person is practicing medicine if he or she:

*advises on the condition or cause of health or disease by any means or instrumentality.*

It's good to have a broad definition. We want doctors to be able to use all the tools in their tool kit to help people get well. But the problem is that anyone who does anything within that broad definition without holding a license - even if it's not dangerous or harmful – can be put in jail or fined up to \$10,000.

So, AB 86 doesn't seek to change that broad definition, but it asks WI law to acknowledge the impact that the broad definition has on complementary and alternative health care providers by providing them with an exemption under certain situations – adherence with the disclosure requirements listed in the bill on p 7-9 and avoiding the list of prohibited acts outlined on p 5-7 of the bill.

WI law already has a long list of exemptions at the end of each health care licensing law. Typically, these exemptions are for other licensed health care professionals. Also, there are exemptions that exist for non-licensed people for example Good Samaritan laws in cases of emergencies

AB 86 is asking you to add another exemption for these unlicensed complementary and alternative health care practitioners; an exemption for gentle, common-sense, non-invasive activities, that yes, do fit within the broad definition of the practice of medicine but activities that should be allowed in the public domain because they don't rise to the level of potential for harm that requires state regulation. If a practitioner fails to adhere to the requirements, they could be shut down.

A practitioner exemption law – passed in 11 states so far and in MN for the past 20 years – will add transparency and consumer protections to Wisconsin laws while acknowledging what is happening in the culture already.

Consumers have been increasingly searching for and benefitting from health care options that involve lifestyle and behavior modifications for decades. Consumers want to use gentle healing therapies alongside of, more conventional, pharmaceutical-based options. And they want access to practitioners who can help them navigate their holistic health options; herbalists, health coaches, aromatherapists, and others.

But finding a practitioner who can discuss these approaches with a consumer is challenging because they work under the radar due to the potential of criminal charges for speaking honestly about what they know or for putting to use the education, training or credentials, or other experience that they invested time and money in pursuing. And that's what AB 86 is here to change.

NHFA respectfully asks you to support AB 86 and we are happy to answer any questions you have. Thank you.

Testimony In Favor of AB86  
The Complimentary and Alternative Healthcare Act  
To: The Assembly Committee on Health  
July 29, 2021

Thank you to Rep. Dittrich, our 17 co-sponsors, to all the members in the Senate Committee on Insurance, Licensing, and Forestry who passed this bill in a unanimous vote in March, and finally, to the members of the Assembly Committee on Health for hearing these testimonies today.

I'm Rosanne Lindsay, a certified Naturopath, Herbalist, a small business owner, a member of the Wisconsin Health Freedom Coalition and president of the National Health Freedom Coalition. I hold a Masters degree in Environmental Health Science from the School of Public Health at UIC, in Chicago, and an ND degree in Naturopathic medicine from Trinity School of Natural Health in Indiana.

I'm here today to urge your support for AB86 and make Wisconsin the 12<sup>th</sup> state with a health freedom law that supports options for health and healing.

As I said, I am a Naturopath and Herbalist, which are considered two categories in the alternative and complimentary health field. One of the fundamental principles of naturopathic medicine is "Let food be thy medicine, and medicine be thy food." This quote by Hippocrates from around 440 BCE reinforces that that the ability to heal comes from each individual. Everyone needs food. Instead of invasive intervention or suppressing the signs and symptoms of an illness, Hippocrates said that preference should be given by the doctor to assisting the patient in the healing and regeneration that the body is naturally trying to accomplish. "Work *with* Nature not against it."

Rosanne Lindsay  
5722 Lake Mendota Dr.  
Madison, WI 53705

Testimony In Favor of SB98  
The Complimentary and Alternative Healthcare Act  
To: The Assembly Committee on Health

Most people today know Hippocrates as the father of modern western medicine. They know him by The Hippocratic Oath, taken by all medical doctors, “to first, do no harm” to their patients. But Hippocrates’ style is that of a naturopath because he saw the role of a practitioner as being a servant and facilitator of Nature. He taught his students to not focus on disease only, but to study the whole patient. This approach is called Holism, or the whole body approach, where everything is interconnected, as in Nature. And that is the approach of natural healers. What food are you eating? What are your exposures? Do you get enough sunshine? Etc. If there are deficiencies or excesses in these areas, we help our clients to balance themselves.

As a group, we naturopaths and other holistic practitioners, remain unlicensed simply because we do not cause harm in what we offer. We work with the tools of nature. So this bill reflects what is already happening on the ground. But, it goes further, because I am now required to offer to my clients a list of disclosures, and as a list of prohibitions with respect to: 1) prescription drugs; 2) recommending the discontinuation of treatment prescribed by a health care professional; 3) making a diagnosis of a medical disease; or 4) holding myself out as a credentialed health care professional without a credential, among other things.

I appreciate having these parameters in place for my practice because it shows to everyone that I am not in the arena of doing harmful things and it clearly says what I cannot do so that I can freely practice. But, it’s not just me who benefits from this

Rosanne Lindsay  
5722 Lake Mendota Dr.  
Madison, WI 53705

Testimony In Favor of SB98  
The Complimentary and Alternative Healthcare Act  
To: The Assembly Committee on Health

language. It protects everyone. In addition to adding accountability and transparency, this bill offers a regulatory framework through DSPS for practitioners who do not comply with the law.

Today, 40% of all American consumers utilize alternative healthcare options and spend almost \$40 billion annually. In Wisconsin, that means that around 335,000 people spend 600K for alternative and complimentary services and products out of pocket.<sup>1</sup> Wisconsin is also home to many natural supplement companies, including Standard Process, located in Palmira, WI, which employs 415 people on their own sustainable, organic farm. Nature's Sunshine Products is a national company that employs over 3000 members and distributors in Wisconsin. And there are many others.

People are hungry for options and alternatives in healing. To illustrate this, in March of 2000, twenty-one years ago, the State of Wisconsin was featured in that month's issue of the *Journal of Family Practice* which showed consumers demanded more, not less, alternative healing options.<sup>2</sup> Four reasons emerged as the basis for this demand: 1) Holism (whole person approach), 2) Empowerment (being responsible for your own health) 3) Access, and 4) Legitimization. It was written that Hippocrates sought to endow

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<sup>1</sup> National Center for Complementary and Alternative Medicine (NCCAM) The Use of Complementary and Alternative Medicine in the United States, National Institutes of Health (December 2008); available at: [http://nccam.nih.gov/news/camstats/2007/camsurvey\\_fs1.htm](http://nccam.nih.gov/news/camstats/2007/camsurvey_fs1.htm) (accessed June 15, 2017).

<sup>2</sup> Barlett, B., L. Marchad, J. Scheder, and D. Applebaum, Bridging the Gap Between Conventional and Alternative Medicine, *Journal of Family Practice* 49, no. 3 (March 4, 2000): 234-9; available at: <https://www.ncbi.nlm.nih.gov/pubmed/10735483> (accessed June 15, 2017).

Rosanne Lindsay  
5722 Lake Mendota Dr.  
Madison, WI 53705

Testimony In Favor of SB98  
The Complimentary and Alternative Healthcare Act  
To: The Assembly Committee on Health

holistic medicine with legitimacy. And that is already happening. Western medicine is integrating holistic therapies.

One testimony was shared with me from a Madisonian named Jean. She writes:

*I returned home from Afghanistan in 2006. One is not prepared for their return home and the issues that they have incurred while being in combat. I am a PA-C (Physician Assistant) and I ran a Battalion Aid Station while serving in the Providence of Ghazni.*

*When I decided I needed to seek help, which is difficult for a medical person to do, I was not thrilled with what the VA had to offer. It has changed considerably since 2006 and has incorporated all the things that this bill is supporting. Freedom to choose Massage, Acupuncture, etc. But at that time I had to seek these options elsewhere. It is in Homeopathy and all of the above-mentioned that I found peace again.*

*The VA has seen the need to have these modalities included in what is now offered at VA hospitals and clinics. It has helped thousands of Veterans to find a sense of well-being again. Let WI do the same!*

*I encourage you all to vote YES to this very important bill.*

*Very Respectfully,*

*Jean*

Today, we are introducing this bill, so that people like Jean, a medical Veteran who served her country, can make clear, informed, choices about the kinds of practitioners they wish to work with.

Alternatively, there are known problems with licensure. A 2016 report from the Wisconsin Institute for Law and Liberty (also known as WILL) showed how more licensing laws drain the US economy. They do this by:

Rosanne Lindsay  
5722 Lake Mendota Dr.  
Madison, WI 53705

Testimony In Favor of SB98  
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To: The Assembly Committee on Health

- 1) creating barriers to entry into occupations,
- 2) shrinking the available number of jobs,
- 3) reducing competition, and
- 4) allowing licensees to charge more for their services than they could earn in a more competitive market—as much as 15 percent more according to the Wisconsin WILL study.

Likewise, a 2018 Institute of Justice study estimated that licensing costs the American economy nearly 2 million jobs and about \$200 billion annually and that these costs are not necessarily offset by additional consumer protection; also there is little evidence that stricter licensing yields higher quality or safer services.

Health is a personal responsibility. Others cannot exercise or eat healthy for me to be healthy. Whether you're an MD, an RN, a chiropractor, a homeopath, herbalist, or a naturopath, all of these practitioners can only help to guide individuals about how they might heal themselves, which is everyone's birthright. So, it is the consumer who decides.

This type of law is a common-sense way of addressing how to manage the thousands of healers and practitioners and the many businesses providing services in the public domain. They provide practitioners and the state with guidance parameters on how to

Rosanne Lindsay  
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Madison, WI 53705

Testimony In Favor of SB98  
The Complimentary and Alternative Healthcare Act  
To: The Assembly Committee on Health

proceed in their work and in the event of a complaint, and it assures the continued availability of these services to consumers who enjoy them.

I believe all healers are meant to work cooperatively together. So choices for healing must be laid out for everyone to see because there are many ways to do something safely and effectively.

Thank you for hearing my testimony.

Rosanne Lindsay  
5722 Lake Mendota Dr.  
Madison, WI 53705

From: Heather Burkart <[heather.burkart@gmail.com](mailto:heather.burkart@gmail.com)>

Date: Tue, Mar 2, 2021 at 4:48 PM

Subject: Testimony in favor of SB 98 / AB 86

I already observe all these prohibitions and nearly all requirements, and many other credible CAHC practitioners probably do as well. And if they don't, they most likely will start if this bill is passed into law. This bill puts guardrails in place and provides a system for bad actors.

I realize there are objections. My impression is that they perceive CAHC practitioners as a threat and this gives them too much freedom. What's being overlooked here is that in most cases an alternative and complementary approach is gentle, non-invasive, and non-toxic. And yet, the practitioner has the least freedom under Wisconsin law. This bill affords them the freedom to practice more openly within very clear parameters. That is something everyone - practitioners and consumers - can and will benefit from.

Please, don't see me and other CAHC practitioners as a threat. We are here to help.

I ask the Committee to please vote YES on AB 98. This is a trend that is sweeping the nation, one state at a time. Please help us make Wisconsin the 12th state to embrace Health Freedom laws to support CAHC practitioners and the increasing numbers of consumers who benefit from their services.

Thank you for your consideration and time.

Heather Burkart CAP

Certified Ayurvedic Practitioner

NAMA Professional Member

Heather R. Burkart CAP, CPT, E-RYT 200

Nationally Certified Ayurvedic Practitioner

Experienced Registered Yoga Teacher

[heather.burkart@gmail.com](mailto:heather.burkart@gmail.com)

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Wisconsin Health Freedom Coalition

Honorable Committee members:

I support SB 98/AB 86, a bill Protecting Consumer Access to Complementary and Alternative Health Care Practitioners. I am a nutritionist living in Fall Creek, WI and have a practice helping people to be healthier by eating well. As there are many modalities when it comes to health care, it is important not to penalize those that chose to help others to better health by means other than the traditional health care. By restricting health care to only particular modalities is shortsighted and limits the liberties of the consumer to seek out the type of solution that they desire to employ for their personal health decisions. *The prohibitions in this bill will prevent consumer abuse and over-reach or misrepresentation by complementary alternative care providers.* Over all, the bill protects both consumers and practitioners as well as allowing the liberty to utilize complementary and alternative health care options.

Respectfully submitted,

Karen R. Hurd  
Nutritionist, Master of Science Biochemistry  
Karen R. Hurd Nutritional Practice, LLC  
114 S. State Street  
Fall Creek, WI 54742  
715-577-4860  
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Home address: 835 S. Liberty Street, Apt. 14, Fall Creek, WI 54742

# Testimony for AB86/SB98 Safe Harbor Bill - Alternative Health Care

## Comment or Message

Members of the committee, my name is Jean Anaya. I live in Rhinelander. I support SB 98/AB 86 and I want you to please VOTE YES on SB 98/AB 86, the "Consumer Protection for Complementary Healthcare" bill. This bill is important to me as a disabled veteran because as a returning Vet from Afghanistan, I wanted to be able to use a gentler approach to my healing than what the VA was currently offering at that time. I am thankful this bill is moving forward.

## Name

jean anaya

## Address

3950 s shore pkwy

WI

54501

US

## Email

[jean.baribeau.anaya@gmail.com](mailto:jean.baribeau.anaya@gmail.com)

## Date / Time

02/27/2021 7:30 AM

Wisconsin Health Freedom Coalition

# Testimony for AB86/SB98 Safe Harbor Bill - Alternative Health Care

Comment or Message  
Members of the Committee,

I dealt with a stomach/ gut issue for over 40 years. I began medical help in my 20's. I was given NO help. I walked away from medical help and just lived with this problem. I began an interest in alternative medicine for this issue. Once I finally 'broke' down and sought out an alternative ND practitioner I got results in a 3 to 6 th month period of time. Do the math on this personal issue of years of torture. An ND solved it in a few months. Please let them practice.

Please protect these practitioners. They harm no one, ever. If I 'm an example, they work. Forty years of issues, against 3 to 6 months of the issue disappearing.

Dean Reichel.

Name

Dean Reichel

Address

10180 Blue Lake Rd

Minocqua, WI

54548

US

Email

[Bemis195253@protonmail.com](mailto:Bemis195253@protonmail.com)

Wisconsin Health Freedom Coalition

# Testimony for AB86/SB98 Safe Harbor Bill - Alternative Health Care

## Comment or Message

Individuals have the right to self-determination in making their own choices when it comes to decisions that impact their health and the health of their family members. When alternative and complementary health care options are eliminated through restrictive laws and regulations, choices are eliminated and access to health becomes meaningless. When this happens all people suffer. I am a practitioner of complementary healthcare and a small business owner in Minnesota moving to Wisconsin. I want to serve my clients without the fear that my state's laws could be used to treat me as a criminal. Please update WI law to reflect what is happening in our state.

## Name

Shiloh Thompson

## Address

8245 W Beatrice Dr

Minong, Wisconsin (currently building)

Clear Lake, MN

55362

US

## Email

[elevatedwellness@icloud.com](mailto:elevatedwellness@icloud.com)

## Date / Time

02/27/2021 8:00 PM

Wisconsin Health Freedom Coalition

# Testimony for AB86/SB98 Safe Harbor Bill - Alternative Health Care

## Comment or Message

I depend on complementary and alternative health care for myself and my family and I want Wisconsin law to protect my rights as a consumer to a free and educated choice in health care providers.

## Name

Duane Benkowski

## Address

Misty Bogg Rd.

Minong, WI

54859

US

## Email

[duane@innovativestucco.com](mailto:duane@innovativestucco.com)

## Date / Time

02/27/2021 8:00 PM

Wisconsin Health Freedom Coalition

# Testimony for AB86/SB98 Safe Harbor Bill - Alternative Health Care

## Comment or Message

My husband and I use complementary and alternative health care more than any other medical care. It's more effective and cheaper. Now that we are on Medicare we are saving the tax payers a lot of money. We do a lot to stay healthy and not end up in the hospital. We do research and make an educated decision as to what is which health care providers we want to see. As a consumer I want this choice. Please support SB 98/AB 86 Safe Harbor Bill.

Jody Slocum and Kurt Buetow

N9215 130th St

Downing, WI 54734

Name

Jody Slocum

Address

N9215 130th St

Downing, WI

54734

US

Email

[jodyslocum@gmail.com](mailto:jodyslocum@gmail.com)

Date / Time

02/28/2021 10:30 AM

Wisconsin Health Freedom Coalition

# Testimony for AB86/SB98 Safe Harbor Bill - Alternative Health Care

## Comment or Message

I am an alternative health care consumer and I want to have the freedom to decide for myself the type of health care I want. It is not appropriate for the State of Wisconsin or any other government to dictate individual health care. I support health care freedom.

## Name

Patricia Huggett

## Address

406 Haskin Dr

Pardeeville, WI

53954

US

## Email

[galoned@gmail.com](mailto:galoned@gmail.com)

## Date / Time

03/01/2021 9:00 AM

Wisconsin Health Freedom Coalition,

# Testimony for AB86/SB98 Safe Harbor Bill - Alternative Health Care

## Comment or Message

Please vote Yes for SB 98/AB 86! Complementary and alternative health care are part of a wide ranging opportunity to heal, prevent and assist in the health of our bodies and our being. Please consider this crucial addition to our care.

Thank you.

Name

Maralee Savage

Address

566 N Falls St

River Falls, WI

54022

US

Email

[maraleesavage@gmail.com](mailto:maraleesavage@gmail.com)

Date / Time

03/01/2021 5:30 PM

Wisconsin Health Freedom Coalition

# Testimony for AB86/SB98 Safe Harbor Bill - Alternative Health Care

## Comment or Message

Members of the Committee, my name is Amber R Miller. I live in Wisconsin Rapids. I support SB 98/AB 86 and want you to please VOTE YES on SB 98/AB 86, the "Consumer Protection for Complementary Healthcare" Bill. This bill is important to me as someone with multiple health issues for which standard medicine provides little relief. I depend on complementary and alternative health care for both myself and my family. I want Wisconsin law to protect my rights as a consumer to make a free and educated choice in health care providers. Thank you!

## Name

Amber Miller

## Address

2230 Lincoln Street  
Wisconsin Rapids, WI  
54494

US

## Email

[newmorn30@gmail.com](mailto:newmorn30@gmail.com)

## Date / Time

03/02/2021 10:00 AM

Wisconsin Health Freedom Coalition

# Testimony for AB86/SB98 Safe Harbor Bill - Alternative Health Care

Comment or Message

Members of the Senate Committee on Insurance, Licensing and Forestry:

My name is Chad Oler. I live in Madison and have a complementary healthcare clinic in Fitchburg. I support SB 98/AB 86 and I ask that you please vote YES on this "Consumer Protection for Complementary Healthcare" bill.

I both use and provide complementary and alternative health care services for myself, my family and my clients. As a small business owner in this state for the past 21 years, I believe this bill provides a solid framework to not only allow me to continue my practice with the reassurance of defined protections, it also provides standardized informed consent for consumers.

I believe this bill will help improve health care in our state and ask that you vote YES on SB 98/AB 86.

Sincerely,

Chad Oler

Name

Chad Oler

Address

3409 KINGSTON DR

MADISON, WI

53713

US

Email

[drchadoler@gmail.com](mailto:drchadoler@gmail.com)

Date / Time

03/02/2021 3:30 PM

Wisconsin Health Freedom Coalition

# Testimony for AB86/SB98 Safe Harbor Bill - Alternative Health Care

## Comment or Message

My name is Chandon Williams and I own the largest acupuncture and massage clinic in the Madison area and currently serve on the Wisconsin state board of acupuncturists and have practiced as a massage therapist or acupuncturist since 2003. I support SB 98/AB 86, a bill Protecting Consumer Access to Complementary and Alternative Health Care Practitioners.

I am writing not as a business owner or as a board member, but as an experienced alternative health care provider that is familiar with our local network of providers and that has a pulse on the current needs of our local community and its complementary self care needs. True healing comes from the individual feeling empowered to take an active role and advocate for what is necessary for their body, mind and spirit. As a state, we should do everything necessary to keep an open mind and supportive environment for people of our communities to be able to access these different approaches to self care. I have seen people drive from out of state and all across the state to meet with many of these providers that will be supported by this bill.

It is everyone's responsibility to support the individuals accessibility to whatever healing modality they feel with benefit them. Creating red tape is not what our communities need, especially right now. Every part of our system is working full force to care of all of the needs of the individual and limiting access to this care is not helpful in creating an environment that promotes true healing and effectiveness of Wisconsinites to be fully present in our local communities.

## Name

Chandon Williams

## Address

6434 County Road K  
Blue Mounds, WI  
53517  
US

## Email

[chandonchic@gmail.com](mailto:chandonchic@gmail.com)

## Date / Time

03/02/2021 4:30 PM

Wisconsin Health Freedom Coalition

# Testimony for AB86/SB98 Safe Harbor Bill - Alternative Health Care

## Comment or Message

Members of the Committee, my name is Synthia Maniscalco and live in Sheldon, WI. I support SB 98/AB 86 and I want you to please VOTE YES on SB 98/AB 86, the "Consumer Protection for Complementary Healthcare" bill. This bill is important to me because I want access to low cost (out of pocket expense) natural therapies.

Thank you

Synthia Maniscalco

Sheldon, WI 54766

Name

Synthia Maniscalco

Address

W5187 Broken Arrow Road

Sheldon, WI

54766

US

Email

[synchaa@gmail.com](mailto:synchaa@gmail.com)

Date / Time

03/02/2021 4:00 PM

Wisconsin Health Freedom Coalition

# Testimony for AB86/SB98 Safe Harbor Bill - Alternative Health Care

## Comment or Message

When 3 doctors said, " yes you have painful arthritis." AND " No, you can't have anything for it. Oh, and you should take daily OTC to get through your day. You need a knee replacement, and no we're not going to do it."

Herbal medicine was not only effective, but affordable.

## Name

Nancy Vandehey

## Address

2032 w russet ct#3

Appleton, WI

54914

US

## Email

[Poised.Inanna@yahoo.com](mailto:Poised.Inanna@yahoo.com)

## Date / Time

03/02/2021 5:00 P

Wisconsin Health Freedom Coalition

# Testimony for AB86/SB98 Safe Harbor Bill - Alternative Health Care

## Comment or Message

Thank you to the Health Committee members for holding this important public hearing.

I urge you to support , AB86/SB98 and here is why.

My name is Anne Temple from Milwaukee and I am the Midwest Leader with Moms Across America, a non-profit group based out of California whose motto is "Empowered Moms, Healthy Kids." We have educated 1000's of people about the importance of creating a healthy environment to raise healthy kids through the choices we make in our daily lives.

My story started on this track over a decade ago, when I was suffering from depression. Of course, my doctor immediately put me on an antidepressant, which not only did not work, but caused a myriad of other health issues. Through doing my own research and then talking with a natural practitioner, who took a much more detailed medical history than my regular doctor did, including daily products I used in my home and on my body, we discovered that it was my diet, specifically my consumption of aspartame, the artificial sweetener used in over 6000 products worldwide that could be causing my depression. I stopped consuming anything that had aspartame in it and my depression went away. Fast forward several years -- I started to develop a rash all over my face and neck. It got so bad that I became frightened and ended up in the emergency room. I was examined by several doctors and the diagnosis was that I had an auto-immune disease called dermatomyocitis. There is no cure and the treatments include medications, including Corticosteroids which carry with them a host of potentially dangerous side effects. Once again, I did more research into more natural treatments and went and talked to an herbalist. She suggested that I change my essential oils and amazingly my rash abated, and I was no longer walking around with a dark cloud over me thinking I had an incurable disease that I had absolutely no control over.

So, what I am saying to you is this -- had I not had these choices, right now I would be a "managed patient" and would not have the quality of life that I desired as I would not be healed. The allopathic doctors could only take me so far. They are great at diagnosing a problem, and they are great at prescribing medications to manage the symptoms, but I had to look outside that system to truly heal myself.

Freedom of choice defines our state as well as our country. This bill will support my freedom of choice to seek out and choose natural remedies and practitioners when I need and choose to do so. Trust me, if I break my leg I will be heading straight to the ER and completely trusting in their ability to reset my bones.

*This country is based on having freedoms, freedom of speech, freedom to practice whatever religion we choose, and freedom to choose what we put in our bodies.*

Please support SB 98/AB 86.

Thank you.

Name

Anne Temple Temple

Address

6671 N. 56th St.

Milwaukee, WI

53223

US

Email

[goldie6175@gmail.com](mailto:goldie6175@gmail.com)

Date / Time

03/02/2021 7:30 PM

Wisconsin Health Freedom Coalition

# Testimony for AB86/SB98 Safe Harbor Bill - Alternative Health Care

## Comment or Message

### Comment or Message

I have been suffering with interstitial cystitis since I was young. It is a chronic, painful inflammation of the bladder and is incurable. The only medication available is Elmiron at \$800 per month. My naturopath found an alternative medication for me within 6 weeks that costs \$20.00 per month. I can now retire and not depend on my employers health insurance. I have so grateful. We must have alternate health care.

### Name

Patricia Von-Haden

### Address

N3740 Sharon Rose Ct  
Freedom, WI  
54913  
US

### Email

[pvonhaden@new.rr.com](mailto:pvonhaden@new.rr.com)

### Date / Time

03/02/2021 8:00 PM

Wisconsin Health Freedom Coalition

# Testimony for AB86/SB98 Safe Harbor Bill - Alternative Health Care

## Comment or Message

As a committee concerned with licensing, I hope you will support the "Consumer Protection for Complementary Healthcare" bill. This bill is so important to me and to my family because it would relieve many practitioners of the legal worries they could face for their valuable work.

Over the years my entire family has benefited from the health-supporting work of practitioners in homeopathy, energy work, herbal care, and massage. These people have provided enormous help via modalities that are safe, traditional, and benign ways to promote natural healing. They do not take the place of doctors who practice in medical clinics and emergency rooms. Their practices are for healing, but are not within the ambit of medical practice that needs to be licensed.

I have personally enjoyed homeopathic relief from eczema and bee stings, and a few drops of homeopathic preparation proved a great remedy for my young child's nightmares. An herbal compress suggested by a nurse immediately opened up a clogged milk duct when my wife was nursing our baby- just before she would have needed an antibiotic. Even energy work and massage have been used effectively for healing in my family. None of these health fixes was in any sense dangerous, and nothing more than a bit of common sense was needed to guide our taking advantage of the care. It would be a shame to limit our access to traditional healthcare.

Thank you for your consideration,

Dave Waterman  
Madison WI

### Name

Dave Waterman

### Address

122 E Gilman St

#107

MADISON, WI

53703

US

### Email

[dave@argonautpress.com](mailto:dave@argonautpress.com)

### Date / Time

03/02/2021

Wisconsin Health Freedom Coalition

# Testimony for AB86/SB98 Safe Harbor Bill - Alternative Health Care

## **Comment or Message**

Thank you to the Health Committee members for holding this important public hearing.

I urge you to support AB86/SB98, and here is why.

My name is Dave Waterman, from Hartland, Wisconsin. I work in a small company that does not give me medical coverage. My husband is self-employed and there have been times when we could not afford to get medical care. Have you seen the rising costs of just getting an office visit, let alone pay for the prescriptions? It's crazy.

I have been fortunate to work with some herbalists and naturopaths, and have been able to include these therapies into my life on a consistent basis. I consider myself a healthy, productive person because of these choices I have made.

As my friend Anne Temple said, there are times when alternative therapies will not be appropriate and that is when I will engage in a dialog with the medical community. But I would like to be able to have the choice to decide what is right for me and my family.

Our country is based on having these freedoms.

Please support AB86/SB98.

Thank you.

## **Name**

Michele Harroun

## **Address**

235 North Ave.

Hartland, WI

53029

US

## **Email**

[michele.harroun@sbcglobal.net](mailto:michele.harroun@sbcglobal.net)

## **Date / Time**

03/02/2021 7:30 PM

Wisconsin Health Freedom Coalition

# Testimony for AB86/SB98 Safe Harbor Bill - Alternative Health Care

Honorable Committee members:

I support SB 98/AB 86, a bill Protecting Consumer Access to Complementary and Alternative Health Care Practitioners. I am a nutritionist living in Fall Creek, WI and have a practice helping people to be healthier by eating well. As there are many modalities when it comes to health care, it is important not to penalize those that chose to help others to better health by means other than the traditional health care. By restricting health care to only particular modalities is shortsighted and limits the liberties of the consumer to seek out the type of solution that they desire to employ for their personal health decisions. The prohibitions in this bill will prevent consumer abuse and over-reach or misrepresentation by complementary alternative care providers. Over all, the bill protects both consumers and practitioners as well as allowing the liberty to utilize complementary and alternative health care options.

Respectfully submitted,

Karen R. Hurd

Nutritionist, Master of Science Biochemistry

Karen R. Hurd Nutritional Practice, LLC

114 S. State Street

Fall Creek, WI 54742

715-577-4860

[www.karenhurd.com](http://www.karenhurd.com)

Home address: 835 S. Liberty Street, Apt. 14, Fall Creek, WI 54742

Date: Tue, Mar 2, 2021 at 4:04 PM

Wisconsin Health Freedom Coalition

Wisconsin Health Freedom Coalition

# Testimony for AB86/SB98 Safe Harbor Bill - Alternative Health Care

From: **Denise Watson** <[Denise@vivifyih.com](mailto:Denise@vivifyih.com)>

Date: Tue, Mar 2, 2021 at 7:15 PM

Subject: SB /96 and AB / 86

Thank you for taking the time to read my comments.

The alternative health practitioners impacted by this bill are so valuable to our community's health.

They offer options that have brought much healing to many who have not been able to be helped by conventional medicine.

Please protect this option for treatment as more and more people are looking for options beyond drugs and surgery.

Medical freedom and body autonomy are part of our human right.

Thanks for listening.

Gratefully,

Denise Watson

927 Wallace Dr

Amery, WI 54001

Wisconsin Health Freedom Coalition

# Testimony for AB86/SB98 Safe Harbor Bill - Alternative Health Care

From: Heather Burkart <[heather.burkart@gmail.com](mailto:heather.burkart@gmail.com)>

Date: Tue, Mar 2, 2021 at 4:48 PM

Subject: Testimony in favor of SB 98 / AB 86

Chair Felzkowski and Committee members,

Thank you for the opportunity to offer my testimony concerning Senate Bill 98 (AB 86) relating to complementary and alternative health care practitioners.

My name is Heather Burkart. I am a Certified Ayurvedic Practitioner, Registered Yoga Teacher with Yoga Alliance, Professional Member of the National Ayurvedic Medical Association, and Vice President of the Ayurvedic Association of Wisconsin. I'm a graduate of The Kanyakumari Ayurveda & Yoga Center that was located in Glendale, WI until 2016. There is an established community of Ayurvedic professionals here in Wisconsin as well as a State Association, one of only a handful in the US.

Graduates of Ayurveda institutions nation-wide are certified through the National Ayurvedic Medical Association that implements and oversees a national curriculum, internship, board exams, and scope of practice for each level of training (AHC, CAP, AD). Nowadays, a practitioner like me is required to complete at least 1500 hours of coursework not including a 6-12 month internship that follows each year of a two-year program, complete the board exam, and keep up with annual continuing education requirements.

Ayurveda has been called Traditional Indian Medicine, the lesser known modality that is closely related to Traditional Chinese Medicine. Like TCM, it has been practiced for thousands of years and in recent years has come to enjoy a renaissance here in the West as it's sister science Yoga gains popularity. You may have not heard of it but most yoga practitioners have and this is because the two sciences are often intertwined. It won't be long before it becomes more mainstream. It makes sense that requesting licensure in the State of Wisconsin is the next natural step as interest in Ayurveda grows. However, last year's decision in Colorado may have set a precedent when they deemed Ayurveda professionals to not require licensing due to its noninvasive, non-threatening nature. So, what to do? This bill is our next best option.

As an Ayurvedic Practitioner, I do not intend to act as a medical physician or psychiatrist in any way. I don't puncture the skin (when appropriate, we use acupressure in place of acupuncture), I don't manipulate the spine or any joints, I don't make changes to prescription medications; and of course, I don't treat, cure, or diagnose. This is how I and other Ayurvedic professionals are trained and it among other prohibitions are clearly stated in the bill. I am also trained to always make referrals for any disease symptom yet to be evaluated by a medical doctor. This way, no client "falls through the cracks" who is in need of medical attention.

I fill in the gaps where conventional medicine comes up short. I spend a great deal of time teaching my clients about making healthy changes in their diet and lifestyle with regular, in-depth meetings (all virtual for now). I teach about managing stress with yoga, meditation, and mindfulness. I might also make suggestions around supplements and herbs *only when appropriate* (usually not the latter with prescribed medications). None of this is ever offered as a cure; rather as a self-care support system to help manage their symptoms and enjoy greater quality of life. And it's all optional - to ultimately be decided and acted upon by my client. I encourage complete transparency

What's more, I review their medications, check for drug interactions, and, if asked, suggest natural means to help mediate the side effects. It's not uncommon for a new client to already be taking numerous supplements and herbs. I look into interactions for those as well. I also try to correct *self-prescribed* supplements if they're not appropriate, excessive, or put them at risk for an interaction with their prescribed medications.

My clients see me as part of their health care team along with their medical doctor; supporting whatever treatment their doctor has prescribed. It's not unusual for a client to also be seeing a naturopath, chiropractor, acupuncturist, and/or Reiki practitioner. This model of health care is growing in popularity. In fact, 1 in 3 people (your constituents) use some form of alternative or complementary method.

Let's be honest: this train has already left the station. People are using alternative and complementary health care right now and there is nothing in Wisconsin law that offers any kind of regulation for CAHC practitioners. They've only the fear of violating medical practice laws and Wisconsin has the broadest definition of the practice of medicine. That is simply not good enough for practitioners who are caring for one-third of our population.

This bill places much-needed guard rails for this growing trend. The main goals are:

Establish requirements and prohibitions for CAHC practitioners

Provide exemptions (safe harbor, if you will) IF they comply with the bill

In other words, practitioners will lose this exemption if they violate the bill

Provide oversight by DSPS

It clearly states that CAHC practitioners may not:

Puncture the skin except for blood work

Prescribe drugs

Imply that they are a health professional licensed by the State

Change medical treatment prescribed by a licensed healthcare provider

Make a diagnosis other than a general assessment

Misrepresent themselves in any way in regards to their services or qualifications

Release client's private information

Engage sexually in any way with a client

The list goes on ...

A CAHC practitioner is required under this bill to disclose upfront:

Full contact information

List of qualifications including training sources and duration

A description of services they provide

To claim they are not operating as a licensed health care practitioner

An assessment of the client including services and suggested timeframe of service

Access to client records

Contact information for the overseeing department (DSPS) for complaints.

The list goes on ...

The client is then given a written notice of all of the above that requires their signature as acknowledgement. All this happens *before* a client agrees to services. This is a major step to help consumers make informed decisions about seeking CAHC.



# NATIONAL HEALTH FREEDOM ACTION

PMB 218, 2136 Ford Parkway  
St. Paul, MN 55116-1863  
Phone 507-663-9018.  
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[www.nationalhealthfreedomaction.org](http://www.nationalhealthfreedomaction.org)

Board of Directors  
Larry Hanus  
President: Jerri Johnson  
Sally Tamplin  
Lynette Albrecht

**To: Representative Barbara Dittrich**

**From:** Diane Miller JD, Director of Law and Public Policy  
National Health Freedom Action

**Date:** July 29, 2021

**Re: Assembly Bill 86** regarding Complementary and Alternative Health Care Practices

**Dear Representative Dittrich:**

**Thank you so much for Sponsoring AB86**, a bill protecting access to complementary and alternative health care practitioners in Wisconsin. We thank you for bringing this bill forward and giving us an opportunity to testify in Assembly Health Committee in support of AB86.

**My name is Diane Miller. I am an attorney and the Director of Law and Public Policy** for National Health Freedom Action (NHFA) and its sister educational organization National Health Freedom Coalition (NHFC).

**National Health Freedom Action (NHFA) is a 501(c)4 non-profit corporation** working to protect maximum health care options for consumers. NHFA works to protect the right of people to access the health care practitioners, health care products, and the broad range of healing arts that resonate with his or her own decisions regarding health and wellness.

**NHFA responds to calls year-round from individuals and groups throughout the country** who wish to promote legal reform in occupational laws and regulations having to do with health care on the state level. We have been in touch with citizens of Wisconsin who would like to have a safe harbor practitioner exemption law for unlicensed healers and practitioners who are providing non-invasive methods of healing and health care services in Wisconsin similar to other states that we have been involved in. NHFA has enjoyed working with and educating Wisconsin citizens to help them ensure the rights of consumers to have access to products, practitioners, and information of their choice, as well as the rights of health care practitioners to offer their services.

**NHFA supports AB86 because:** it will protect access to hundreds of traditional, complementary, and alternative health care practitioners such as traditional naturopaths,

#### Mission Statement

*To promote access to all health care information, services, treatments and products that the people deem beneficial for their own health and survival; to promote legislative reform of the laws impacting the right to access; and to promote the health of the people of this nation.*

homeopaths, and herbalists, providing their services to health seekers in Wisconsin and who are not licensed under medical health care occupation laws. AB86 provides guidelines for the use of an exemption from state occupational licensing and registration requirements for those non-invasive complementary and alternative health care practitioners who (1) avoid a specific list of prohibited conduct, such as puncturing the skin and, (2) who give out the disclosure information for unlicensed practitioners listed in the bill, such as contact information, education and training, and the nature of the services to be provided.

**The use of complementary and alternative practitioners is prevalent in the United States.**

Based on a February 2015 National Health Statistics Report, the percentage of U.S. adults who used any complementary health approach according to the most recent statistics from 2012 was 33.2%.<sup>i</sup> And based on the 2012 National Institute of Health's NHIS Survey from the National Center for Complementary and Alternative Medicine (NCCAM), it was found that about 59 million Americans spend money out-of-pocket on complementary health approaches, and their total spending adds up to \$30.2 billion a year. This means that thousands of Wisconsin citizens are using complementary and alternative health care and spending millions of dollars in the State of Wisconsin for that care.

**Clients find that alternative practitioners offer approaches** that are often either more natural or may help them address their health concerns by lifestyle changes or non-invasive healing techniques from a broad variety of methods that the consumer has become aware of through their own research and networking. Many practitioners are not licensed to practice a conventional health care profession and do not have a desire or plan to become conventionally licensed in a medical profession. Because NHFA wants to assure consumers their broadest access to information and services, we support Wisconsin's AB86 and are glad that it is before this committee.

**Currently eleven states have passed safe harbor exemption laws** in some form, including: Minnesota, Rhode Island, California, Louisiana, Idaho, Oklahoma, Arizona (for homeopaths), New Mexico, Colorado, Nevada, and, most recently, Maine. Additional states have introduced and are working to pass similar legislation.

**Safe harbor laws do not change the regulation of licensed professionals.** Complementary and alternative methods of treatment are also provided by many licensed professionals but they practice under the jurisdiction of their own licensing Boards.

We believe that safe harbor laws are a common sense way of addressing how to manage the thousands of practitioners and businesses providing services in the public domain. These laws provide practitioners and the state with guidance parameters on how to proceed in the event of a complaint while assuring the continued availability of these services to consumers who enjoy them.

We have observed that state safe harbor practitioner exemption laws provide a practical way for states to assure continued consumer access to and the availability of wellness practitioners and modalities while also retaining the avenues that state governments have to process complaints for unlicensed practice when the need arises.

**Mission Statement**

*To promote access to all health care information, services, treatments and products that the people deem beneficial for their own health and survival; to promote legislative reform of the laws impacting the right to access; and to promote the health of the people of this nation.*

NHFA believes that AB86 goes a long way in protecting consumer access to the broad domain of healing modalities practiced by practitioners currently not licensed by the state of Wisconsin.

NHFA respectfully urges you to support AB86 and we are open to answering any of your questions about this type of legislation.

My Very Best Regards,

Diane M. Miller JD  
Director of Law and Public Policy NHFA

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<sup>i</sup> (“Trends in the Use of Complementary Health Approaches Among Adults: United States, 2002–2012”, by Tainya C. Clarke, Ph.D., M.P.H., Lindsey I. Black, M.P.H., National Center for Health Statistics; Barbara J. Stussman, B.A., National Institutes of Health; Patricia M. Barnes, M.A., National Center for Health Statistics; and Richard L. Nahin, Ph.D., M.P.H., National Institutes of Health).

**Mission Statement**

*To promote access to all health care information, services, treatments and products that the people deem beneficial for their own health and survival; to promote legislative reform of the laws impacting the right to access; and to promote the health of the people of this nation.*

## NASW WI STATEMENT IN OPPOSITION TO ASSEMBLY BILL 86

Chairperson Sanfelippo and members of the Assembly Committee on Health.

I am writing in opposition to Assembly Bill 86 in its current form and to request several amendments to this bill.

Our major concern is that AB 86 exempts complementary and alternative health care (CAHC) practitioners from the practice acts of clinical social work and the other mental health professions listed in the bill (psychology, psychotherapy, marriage and family therapy and professional counseling). Although the bill prohibits complementary and alternative health care practitioners from representing themselves as clinical social workers or the other mental health professions, by exempting them from the practice acts of these mental health professions, it would allow these individuals to engage in the practice clinical social work or psychotherapy.

Licensed clinical social workers and other mental health professionals provide services to extremely vulnerable clients. These clients can be suicidal, experience bi-polar mental illness, schizophrenia, have an eating disorder, be a victim or perpetrator of sexual abuse or domestic violence, or have a diagnosis of obsessive compulsive disorder or some other mental illness. Improper or inappropriate treatment can lead to suicide, serious mental or physical harm to the client or another individual or serious family or work conflict. Whether we are considering the needs of a Veteran with PTSD, a depressed and suicidal farmer about to lose his family farm or an extremely troubled adolescent, improper or inappropriate treatment can have deadly consequences.

Complementary and alternative health care practitioners do provide beneficial services but these practitioners need to stay in their area of practice and expertise. If some strong feelings arise in a massage, body work or Rolfing session, for instance, these practitioners need to make a referral to a mental health professional, rather than try to provide psychotherapy to their client. As an analogy, licensed clinical social workers are not exempt from the practice acts of Pharmacists and Psychiatrists and nor should they be. A licensed clinical social worker cannot advise their clients regarding the medications they should be taking. They refer clients to prescribers for their medication.

Therefore I would request that the Assembly Committee on Health make the following amendments to AB 86.

- 1) Eliminate the exemption from the practice acts of the mental health professions (clinical social work, marriage and family therapy, professional counseling, psychology and psychotherapy).
- 2) Add a provision to the bill stating that CAHC practitioners cannot engage in the diagnosis and treatment of mental and emotional disorders, including the provision of psychotherapy.
- 3) Add a provision requiring CAHC practitioners to make referrals to health and mental health practitioners when appropriate.

Please feel free to contact me if you have any questions or need additional information.

Sincerely yours

Marc

Marc Herstand, MSW CISW  
Executive Director  
National Association of Social Workers, Wisconsin Chapter  
131 West Wilson Street, Suite 903  
Madison, WI 53703  
(608) 257-6334  
[Mherstand.naswwi@socialworkers.org](mailto:Mherstand.naswwi@socialworkers.org)

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State of Wisconsin

**Wisconsin Council on Mental Health**  
1 West Wilson Street, P.O. Box 7851  
Madison, Wisconsin 53707-7851  
mhc.wisconsin.gov

Date: July 22, 2021  
To: State Representative Joe Sanfelippo,  
Chairperson Assembly Committee on Health  
From: Wisconsin Council on Mental Health – Rick Immler MD Chair

A handwritten signature in cursive that reads "Rick Immler MD".

Subject: Request for Amendments to Assembly Bill 86

The Wisconsin Council on Mental Health (WCMH) is the statutorily authorized, Governor-appointed council whose function is to advise the Governor, Legislature, and State agencies on mental health policy and funding.

First, thank-you and the members of the Assembly Committee on Health for your efforts to improve health and healthcare in Wisconsin.

On behalf of the Wisconsin Council on Mental Health, this letter is intended to express concerns over Assembly Bill 86 and to request important amendments to this bill.

We also appreciate that this bill includes protections for consumers as outlined in the analysis by the Legislative Reference Bureau (LRB). We are also concerned about the provision in AB 86 that exempt complementary and alternative health care (CAHC) practitioners from the practice acts for clinical social work, psychology, marriage and family therapy, professional counseling, and psychotherapy. According to the LRB:

“The bill provides that a CAHC practitioner **does not violate any of the prohibitions against engaging in the practices of** (*list of health care professionals licensed in Wisconsin*), with respect to the provision of CAHC services to a client, if the CAHC practitioner provides that client with the statement required under the bill and does not violate the prohibitions in the bill.”

According to the (US) Association of State and Territorial Health Officials – Scope of practice toolkit (1):

“Licensing, credentialing, certification, and privileging are used by regulatory agencies and private entities to ensure that a practitioner in a field has the required training, knowledge, and experience to perform as a qualified professional in that field. These mechanisms have been



State of Wisconsin

**Wisconsin Council on Mental Health**

1 West Wilson Street, P.O. Box 7851  
Madison, Wisconsin 53707-7851  
mhc.wisconsin.gov

used predominantly in the healthcare field, but increasingly public health and other regulated professions are adopting these methods to ensure competency and protect patients and consumers.”

A critical component of professional training is to “first do no harm”. Training programs professional standards, licensing boards and credentialing agencies have a primary responsibility to ensure the safe administration of services. Professional standards also maintain the professional expectation that the client will be referred to the appropriate resource when consumer needs are beyond the capacity of the original provider.

Licensed mental health professionals provide services to emotionally vulnerable clients. The absence of professional standards resulting in improper or inappropriate treatment, or failure to refer for more appropriate treatment, can lead to serious mental health or physical harm to the client or another individual or serious family or work conflict.

WCMH believes this exemption does not provide sufficient protections to vulnerable people with mental health needs served by the CAHC practitioners. Although the CAHC practitioners would not be allowed to represent themselves as licensed mental health professionals, there would be no prohibition against engaging in the practice of mental health therapy/psychotherapy during their sessions.

Therefore, we recommend the following amendments to this bill:

- 1) Eliminate the exemption for CAHC practitioners from the mental health professions listed in this bill (psychology, psychotherapy, marriage and family therapy, professional counseling, and clinical social work)
- 2) Add a provision to this bill that would state that CAHC providers cannot practice psychotherapy
- 3) Add a provision to this bill that would require CAHC practitioners to make referrals when appropriate to health and mental health providers.

Thanks again to you and the members of the Assembly Committee on Health for your service to Wisconsin!

Reference: (1) Understanding Licensing, Credentialing, Certification, and Privileging - Scope of Practice Toolkit - Association of State and Territorial Health Officials – Accessed 7/16/2021

[https://www.astho.org/Programs/Preparedness/Public-Health-Emergency-Law/Scope-of-Practice-Toolkit/Understanding-Licensing,-Credentialing,-Certification,-and-Privileging\(2\)/](https://www.astho.org/Programs/Preparedness/Public-Health-Emergency-Law/Scope-of-Practice-Toolkit/Understanding-Licensing,-Credentialing,-Certification,-and-Privileging(2)/)