



## NATIONAL HEALTH FREEDOM ACTION

PMB 218, 2136 Ford Parkway  
St. Paul, MN 55116-1863  
Phone 507-663-9018, Fax 507-663-9013  
E-mail: [similar@aol.com](mailto:similar@aol.com),  
[www.nationalhealthfreedom.org](http://www.nationalhealthfreedom.org)

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Larry Hanus  
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## Opposition of Registration of Unlicensed Health Care Practitioners

**National Health Freedom Action (NHFA) opposes government registration laws requiring the registration of unlicensed health care practitioners, practicing in the public domain, who are providing healing services that do not pose an imminent risk of harm to the public.**

### **Rational for NHFA's position on registration:**

NOTE: The legal definition of "registration" is unique and different in each state and in the federal government. For purposes of this discussion registration generally includes any pre-sign-up with the government that is required before a person can do an act of healing, including but not limited to a permit type registration or registry targeting a specific group of individuals requiring signing up with the government before a person can do a healing act, or a more traditional occupational registration that requires government parameters of education and peer review standards of care.

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**REASONS:** NHFA opposes registration of an unlicensed health care provider who is not causing an imminent and discernible risk of significant direct harm to the public and who is not holding themselves out as a licensed health care provider or who is not being fraudulent for the following reasons:.

a.) Many healing and health care practices are a normal and necessary part of social behavior and are inherent rights and are not dangerous and should not be considered privileges to be doled out by a government. The concept of healing, as a right of all people should be preserved.

b.) Mandating signing up with the government before a person does an act of healing takes healing, in its entirety, out of the public domain and puts it under a mandate of police power for no reason other than it is a healing act.

### **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.*

c.) Registration of all health care and healing is an unwarranted use of police power suggesting that the occupation of healing in and of itself is not a right and has inherent significant risk to the public requiring a privilege, without a showing of harm or fraud triggering the need for police power.

d.) NHFA believes that health care choice is a fundamental right and laws regulating health care practitioners directly impact that right and should always be held to a constitutional strict scrutiny standard which includes a showing of “compelling state interest” and “least restrictive means of regulation”.

e.) There is no compelling state interest to warrant registration of all people that do healing acts therefore it does not meet the constitutional threshold of a compelling government interest.

f.) There are less restrictive means of accomplishing the goals of the state therefore registration requirements do not meet the constitutional threshold of least restrictive means possible of legislation.

g.) Meeting constitutional muster for laws is a worthy goal of all Americans.

h.) Mandatory registration or permit requirements negatively impact consumers’ access.

- Consumer will lose legal access to healing practitioners who do not register, sign up and pay fees to the government.

- Costs to consumers increase because government expends funds and practitioners pass on fees to clients. This is well documented.

i.) Negative impact on practitioners include:

- Practitioners must sign up with the government and pay a fee before doing a healing act.
- Practitioners find themselves under the jurisdiction of an agency where there are future risks of additional regulation through rulemaking, such as random inspections or mandatory education. There is the risk that a permit type of registration can be converted to an occupational registration law that includes mandatory education and standards of care or converted to an exclusive professional licensing law.

j) Mis-use of the title “registered” by practitioners who function under a “permit-type” registration, to establish credibility, can cause misrepresentation to consumers.

k.) Governmental agency requiring all types of registration most often have rulemaking capabilities and rules can be promulgated that would extend the registration requirements in the future. It is very difficult to modify, or stop, or overturn the rulemaking process of an agency since they are considered the experts about the persons under their jurisdiction.

l.) Government agencies requiring registration, once they experience ownership of a list of persons, may develop goals and objectives for that list of persons which are not in concert with the goals and objectives of the persons themselves. These suggestions might develop into future legislation which practitioners and consumers might not want.

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m.) Although registration might appear to be a quick and acceptable option, NHFA and NHFC wish to educate citizens in this conversation about the relationship between government and the individuals of which the government serves. The question of when to use police power to make a law is a key question in any republic or democracy and should be considered with great deliberation.

n.) The simple act of registering with an agency could possibly cause a practitioner to lose their right to the defense of lack of jurisdiction if they so wish to use it should a person be detained.

o.) When governments mandate that a particular group of persons provide them with their personal information for no constitutionally compelling state reason, some citizens react to that mandate and become fearful that the government will misuse the information. This fear could be based on experiences in the past of abuse of power. Regarding the healing arts, this is not an unreasonable fear given the history of the prosecution of the practice of medicine without a license.

p.) It is extremely important that Health Freedom legislation, or safe harbor exemption laws exempting unlicensed practitioners from current criminal practice laws under some circumstances, is understood as an exemption to privileged licensing laws and not considered another form of regulation or credentialing. It is not a “privilege” to practice trades that do not pose an imminent and discernible risk of significant harm to the public. It is a “right”.

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