



Effective 2/27/06

Protecting, maintaining and improving the health of all Minnesotans

January 13, 2006

Mr. Harold Johnson



RE: Determination affecting your naturopathic practice.

Dear Mr. Johnson:

Based on my review of the attached document outlining the facts and law in this matter, I have determined to revoke your right to provide unlicensed complementary and alternative health care as defined in Minnesota Statutes, Chapter 146A. This decision is based on the fact that you have failed to comply with a Minnesota Department of Health Determination Order that was effective March 3, 2005. Included in this Determination Order were requirements that you provide a Client Bill of Rights as set out in Minnesota Statutes, section 146A.11, and pay a civil penalty in the amount of \$817. Your failure to comply with this Determination Order is a violation of Minnesota Statutes, section 148A.08, Subd. 1(s).

You have the right to challenge this decision in a contested-case hearing as provided under Minnesota Statutes, Chapter 14. Requests for hearing should be made in writing and include specific grounds for challenging the Department's decision. If you wish to request a hearing, please send, deliver, or fax a written hearing request within 30 days of your receipt of this letter to:

Susan Winkelmann, Investigations and Enforcement Manager
Minnesota Department of Health
85 East Seventh Place, Suite 300
P.O. Box 64882
St. Paul, MN 55164-0882
Fax (651) 282-3839

If you have any questions about this matter, contact Ms. Susan Winkelmann, at (651) 282-5623. You will still be required to request a hearing in writing with the grounds for challenging the Department's decision.

Sincerely,

David J. Giese, Director
Division of Compliance Monitoring

cc: Susan Winkelmann, Investigations and Enforcement Manager

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of Harold Johnson
Unlicensed Complementary and Alternative Health Care Practitioner**

AUTHORITY

1. Minnesota Statutes, section 146A.09, subd. 1, provides that the Office of Unlicensed Complementary and Alternative Health Care Practice (hereinafter "OCAP") within the Minnesota Department of Health (hereinafter "Department") has the authority to revoke, suspend, censure, reprimand or impose limitations or conditions on an unlicensed complementary and alternative health care practitioner when there is a violation of law as defined in Minnesota Statutes, section 146.08, subd. 1. Further the Department has the authority to impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed as to deprive the practitioner of any economic advantage gained by reason of the violation or to reimburse the office for all costs of the investigation and proceeding (Minnesota Statutes, section 146A.09, subd.1(4)), or to impose a fee on the practitioner to reimburse the office for all or part of the cost of the proceedings resulting in disciplinary action including, but not limited to, the amount paid by the office for services from the office of administrative hearings, attorney fees, court reports, witnesses, reproduction of records, staff time, and expense incurred by the Department. (Minnesota Statutes, section 146A.09, subd. 1(7)).
2. Pursuant to Minnesota Statutes, section 146A.01, subd. 4, complementary and alternative health care practices include the broad domain of complementary and alternative healing methods and treatments, including but not limited to: (11) healing practices utilizing food, food supplements, nutrients, and the physical forces of heat, cold, water, and light; (14) herbology or herbalism; (15) homeopathy; and (20) naturopathy.
3. Minnesota Statutes, section 146A.01, subd. 4 (b) and (d) prohibits unlicensed complementary and alternative health care practitioners from performing practices that invade the human body by puncture of the skin, or providing medical diagnoses.
4. Minnesota Statutes, section 146A.08 subd. 1 (w) prohibits unlicensed complementary and alternative health care practitioners from using the titles "doctor," "Dr.," or "physician" alone or in combination with other words, letters or insignia to describe his or her practices.

5. Minnesota Statutes, sections 146A.11 and 146A.08, subd. 1(r), requires that all OCAP practitioners provide a client bill of rights containing information about the practitioner's credentials, fees, client rights, and how to file a complaint with the Department.
6. Minnesota Statutes, section 146A.06, subd. 1, requires an unlicensed complementary and alternative health care practitioner who is the subject of investigation, or who is questioned in connection with an investigation, to cooperate fully with the investigation. Cooperation includes responding fully and promptly to any question raised by or on behalf of the Department.
7. Minnesota Statutes, section 146A.08, subd. 1(s), prohibits violating an order issued by the Minnesota Commissioner of Health.

FINDINGS OF FACT

1. Practitioner has been a Naturopathic practitioner in Minnesota for over 30 years. Practitioner is owner and sole proprietor of both "Whole Health Center" and "Laboratory Research Associates," which are two names for the same business. The business address is [REDACTED].
2. In a Minnesota Department of Health Determination Order effective March 3, 2005, Practitioner was ordered to cease activities related to taking blood from clients and making a diagnosis for clients; cease using the title "Dr." as his title in any form; revise the Client Bill of Rights; and pay a civil penalty in the amount of \$817.
3. On July 26, 2005, an investigator in the MDH Health Occupations Program wrote to the practitioner outlining the compliance requirements as identified in the Minnesota Department of Health Determination Order effective March 3, 2005, and informing him that his failure to comply may result in additional enforcement action being taken. Practitioner acknowledged receipt of this certified mail on August 22, 2005; however, the Practitioner has not paid the civil penalty or revised his Client Bill of Rights.

CONCLUSION

Practitioner has not provided a revised Client Bill of Rights; Practitioner has failed to pay a civil penalty in the amount of \$817. Practitioner did not comply with the requirements as stated in the Department's Order and is in violation of Minnesota Statutes, section 146A.08, subd. 1(s), violating an order issued by the Department.

DETERMINATION

Practitioner is revoked from providing Unlicensed Complementary and Alternative Health Care Practitioner for failure to comply with a Department Order.