

By: Senator(s) Harkins

To: Public Health and
Welfare; Accountability,
Efficiency, Transparency

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2511

1 AN ACT TO PROVIDE FOR THE LICENSING OF PRACTITIONERS OF
2 NATUROPATHIC MEDICINE BY THE STATE BOARD OF MEDICAL LICENSURE; TO
3 PROVIDE FOR CERTAIN DEFINITIONS; TO PROVIDE QUALIFICATIONS FOR
4 LICENSURE; TO PROVIDE FOR THE SCOPE OF PRACTICE; TO PROVIDE
5 CERTAIN PROHIBITIONS; TO PROVIDE CERTAIN EXEMPTIONS FROM THE
6 LICENSE REQUIREMENT; TO PROVIDE CERTAIN DUTIES OF THE BOARD; TO
7 PROVIDE FOR LICENSURE WITHOUT ADDITIONAL EXAMINATION; TO PROVIDE
8 FOR LICENSE EXPIRATION AND RENEWAL; TO PROVIDE CERTAIN LICENSE
9 FEES; TO PROVIDE CERTAIN DUTIES OF THE BOARD REGARDING
10 INVESTIGATIONS, HEARINGS AND SUBPOENAS; TO CREATE A STUDY
11 COMMITTEE ON NATUROPATHIC MEDICINE; TO AMEND SECTION 73-43-11,
12 MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 **SECTION 1.** The following words, terms and phrases, as used
15 in this act, shall have the following meanings ascribed to them
16 except where the context clearly indicates a different meaning.

17 (a) "Board" means the State Board of Medical Licensure
18 created under Section 73-43-1 et seq.

19 (b) "Director" means the Executive Director of the
20 State Board of Medical Licensure.

21 (c) "Naturopathic medicine" means a system of primary
22 health care for the prevention, diagnosis, and treatment of human
23 health conditions, injury and disease; the promotion or



24 restoration of health; and the support and stimulation of a
25 patient's inherent self-healing processes through patient
26 education and the use of naturopathic therapies and therapeutic
27 substances.

28 (d) "Naturopathic physician" and all designations
29 listed in Section 2 of this act means a practitioner of
30 naturopathic medicine who has been properly licensed for that
31 purpose by the board under this act.

32 (e) "Approved naturopathic medical program" means:

33 (i) A naturopathic medical education program in
34 the United States providing the degree of Doctor of Naturopathy or
35 Doctor of Naturopathic Medicine. Such program shall offer
36 graduate-level full-time didactic and supervised clinical training
37 and shall be accredited, or has achieved candidacy status for
38 accreditation by the Council on Naturopathic Medical Education
39 (CNME) or an equivalent federally recognized accrediting body for
40 naturopathic medical programs also recognized by the board.

41 Additionally, the program shall be an institution, or part of an
42 institution of higher education that is either accredited or is a
43 candidate for accreditation by a regional or national
44 institutional accrediting agency recognized by the United States
45 Secretary of Education;

46 (ii) A degree-granting college or university that,
47 prior to the existence of the CNME, offered a full-time structured
48 curriculum in basic sciences and supervised patient care



49 comprising a doctoral naturopathic medical education. The course,
50 as a prerequisite to graduation therefrom, must have been not less
51 than one hundred thirty-two (132) weeks in duration and required
52 completion within a period of not less than thirty-five (35)
53 months. The college of naturopathic medicine must have been
54 reputable and in good standing in the judgment of the board and,
55 if still in existence, has current programmatic accreditation by
56 the CNME or a federally recognized equivalent accrediting agency;

57 (iii) A diploma-granting, degree-equivalent
58 college or university that, if in Canada and prior to
59 accreditation by the CNME, had provincial approval for
60 participation in government funded student aid programs, and that
61 offered a full-time structured curriculum in basic sciences and
62 supervised patient care comprising a doctoral naturopathic medical
63 education. The course, as a prerequisite to graduation therefrom,
64 must have been not less than one hundred thirty-two (132) weeks in
65 duration and required completion within a period of not less than
66 thirty-five (35) months. The college of liberal arts and
67 naturopathic medicine must have been reputable and in good
68 standing in the judgment of the board and, if still in existence,
69 has current programmatic accreditation by the CNME or a federally
70 recognized equivalent accrediting agency. Additionally, this
71 college or university currently has provincial approval for
72 participation in government funded student aid programs; or



73 (iv) A diploma-granting, degree-equivalent college
74 or university in Canada that offers graduate-level full-time
75 didactic and supervised clinical training and is accredited, or
76 has achieved candidacy status for accreditation by the CNME or an
77 equivalent federally recognized accrediting body for naturopathic
78 medical programs also recognized by the board. Additionally, this
79 college or university must currently have provincial approval for
80 participation in government funded student aid programs.

81 (f) "Prescription drug" means any drug defined by
82 Section 21 USCS 503(b) of the federal Food, Drug and Cosmetic Act
83 if its label is required to bear the statement "RX only."

84 (g) "Naturopathic childbirth attendance" means the
85 specialty practice of natural childbirth by a naturopathic
86 physician that includes the management of normal pregnancy, normal
87 labor and delivery, and the normal postpartum period, including
88 normal newborn care.

89 (h) "Minor office procedures" means the methods for the
90 repair and care incidental to superficial lacerations and
91 abrasions, superficial lesions and the removal of foreign bodies
92 located in the superficial tissues.

93 (i) "Naturopathic formulary" means the list of
94 medicines, nonprescription and prescription, which naturopathic
95 physicians use in the practice of their profession, as determined
96 by the formulary council and reviewed by the board.



97 (j) "Naturopathic formulary council" means that council
98 comprised of members appointed pursuant to this act to determine
99 and authorize the formulary list.

100 **SECTION 2.** (1) Persons represent themselves as
101 practitioners of naturopathic medicine when they use or adopt any
102 of the following designations: "doctors of naturopathic medicine"
103 or "doctors of naturopathy." Licensees shall use the title
104 "naturopathic physician" and the recognized abbreviation "N.D."
105 Naturopathic physicians shall have the exclusive right to use the
106 terms "naturopathic physician," "naturopathic doctor,"
107 "naturopath," "doctor of naturopathic medicine," "doctor of
108 naturopathy," "naturopathic medicine," "naturopathic health care,"
109 "naturopathy," "N.D.," "ND," "NMD" and "N.M.D."

110 (2) No person shall represent himself or herself to the
111 public as a naturopathic physician, a doctor of naturopathic
112 medicine, a doctor of naturopathy, or as being otherwise
113 authorized to practice naturopathic medicine in this state without
114 first obtaining from the board a license to practice naturopathic
115 medicine pursuant to the provisions of this act.

116 (3) The titles and terms in subsection (2) of this section
117 identify naturopathic physicians and are restricted to describing
118 and identifying licensed practitioners.

119 **SECTION 3.** To be eligible for a license to practice
120 naturopathic medicine in the State of Mississippi, the following
121 shall be required of the applicant:



122 (a) Submission to the board the following:
123 (i) An application for licensure designed and
124 approved by the board;
125 (ii) An application fee established by the board;
126 (iii) Evidence that the applicant is a graduate of
127 an approved naturopathic medical program in accordance with the
128 requirements specified in Section 1(e) of this act and that they
129 have successfully passed a competency-based national naturopathic
130 licensing examination administered by the North American Board of
131 Naturopathic Examiners, or a successor agency that has been
132 nationally recognized to administer a naturopathic examination
133 that represents federal standards of education and training.
134 (iv) For graduates of approved naturopathic
135 schools as defined in Section 1(e)(ii) and (iii) of this act,
136 eligibility for licensure may be granted with evidence of
137 successful passage of a board approved state competency
138 examination or Canadian provincial examination.
139 (b) An applicant must be able to provide documentation
140 that attests to their good, ethical and professional reputation.
141 (c) An applicant must be physically and mentally
142 capable of safely practicing naturopathic medicine with or without
143 reasonable accommodation.
144 (d) An applicant must not have had a license to
145 practice naturopathic medicine or other health care license,
146 registration or certificate refused, revoked or suspended by any



147 other jurisdiction for reasons that relate to the applicant's
148 ability to skillfully and safely practice naturopathic medicine
149 unless that license, registration or certification has been
150 restored to good standing by that jurisdiction.

151 **SECTION 4.** (1) A naturopathic physician, under the general
152 supervision of a physician licensed in Mississippi, may order and
153 perform physical and laboratory examinations consistent with
154 naturopathic education and training, for diagnostic purposes,
155 including, but not limited to, phlebotomy, clinical laboratory
156 tests, orificial examinations and physiological function tests.

157 (2) A naturopathic physician may order diagnostic imaging
158 studies consistent with naturopathic training.

159 (3) A naturopathic physician may dispense, administer,
160 order, and prescribe or perform the following:

161 (a) Food, extracts of food, nutraceuticals, vitamins,
162 amino acids, minerals, enzymes, botanicals and their extracts,
163 botanical medicines, homeopathic medicines, all dietary
164 supplements and nonprescription drugs as defined by the federal
165 Food, Drug, and Cosmetic Act;

166 (b) Prescription substances as determined by the
167 Naturopathic Formulary Council;

168 (c) Hot or cold hydrotherapy, naturopathic physical
169 medicine, electromagnetic energy, colon hydrotherapy, therapeutic
170 exercise;



171 (d) Devices, including, but not limited to, therapeutic
172 devices, barrier contraception, and durable medical equipment;

173 (e) Health education and health counseling;

174 (f) Repair and care incidental to superficial
175 lacerations and abrasions; and

176 (g) Musculoskeletal manipulation consistent with
177 naturopathic education and training.

178 (4) A naturopathic physician may utilize routes of
179 administration that include oral, nasal, auricular, ocular,
180 rectal, vaginal, transdermal, intradermal, subcutaneous,
181 intravenous, and intramuscular consistent with the education and
182 training of a naturopathic physician.

183 (5) A naturopathic physician may perform those therapies as
184 trained and educated, and approved by the board.

185 **SECTION 5.** A naturopathic physician licensed under this act
186 shall not:

187 (a) Prescribe, dispense or administer any controlled
188 substances or device identified in the federal Controlled
189 Substances Act, 21 USCS Sections 801 through 971, except as
190 authorized by this act;

191 (b) Perform surgical procedures except those minor
192 office procedures authorized by this act;

193 (c) Practice or claim to practice as a medical doctor,
194 osteopath, dentist, podiatrist, optometrist, psychologist,
195 advanced practice registered nurse, physician assistant,



196 chiropractor, physical therapist, acupuncturist, or any other
197 health care professional not authorized in this act unless
198 licensed by the State of Mississippi to do so;

199 (d) Use general or spinal anesthetics;

200 (e) Administer ionizing radioactive substances for
201 therapeutic purposes;

202 (f) Perform surgical procedures using a laser device;

203 (g) Perform surgical procedures involving the eye, ear,
204 tendons, nerves, veins or arteries extending beyond superficial
205 tissue;

206 (h) Perform chiropractic adjustments or musculoskeletal
207 manipulation that fall within the practice of chiropractic as
208 defined under Section 73-6-1.

209 (i) Perform acupuncture, unless licensed as an
210 acupuncturist under the Acupuncture Practice Act, Section 73-71-1
211 et seq.

212 **SECTION 6.** Nothing in this act shall be construed to
213 prohibit or to restrict the practice of a profession by
214 individuals who are licensed, certified, or registered under other
215 laws of this state who are performing services within their
216 authorized scope of practice.

217 **SECTION 7.** (1) The board may issue a license without
218 additional examination to any applicant who submits an application
219 for licensure together with the appropriate fee, proof acceptable
220 to the board of current naturopathic medicine licensure in good



221 standing in another state, the District of Columbia or territory
222 of the United States, whose standards for licensure are at least
223 equivalent to those of this state.

224 (2) Any applicant seeking a license without additional
225 examination pursuant to this section shall provide proof of
226 licensure in good standing in all states in which he or she is or
227 has been licensed.

228 **SECTION 8.** (1) Each license issued pursuant to this act, or
229 renewed pursuant to this section, shall expire two (2) years
230 following its issuance or last renewal.

231 (2) The director may renew the license of any licensee who,
232 upon the expiration of his or her license:

233 (a) Has submitted an application for renewal;

234 (b) Has paid a renewal fee established by the board;

235 (c) Meets the qualifications for licensure set forth in
236 this act; and

237 (d) Meets the continuing education requirements
238 established by the board.

239 (3) Any person who practices naturopathic medicine or
240 naturopathy after their license has been revoked and registration
241 annulled shall be deemed to have practiced naturopathic medicine
242 or naturopathy without a license. However, at any time after six
243 (6) months after the date of the conviction, the board may grant a
244 license to the person affected, restoring to them all the rights
245 and privileges of and pertaining to the practice of naturopathic



246 medicine or naturopathy as defined and regulated by this act. The
247 fee shall be set by the board.

248 (4) Where the board proposes to refuse to issue or renew a
249 license, or proposes to revoke or suspend a license, the licensee
250 shall be afforded notice and an opportunity for a hearing in
251 accordance with due process.

252 **SECTION 9.** The amount to be charged for any fee imposed
253 under this act shall approximate and reasonably reflect all costs
254 necessary to defray the expenses of the board. A separate fee may
255 be charged for each service or activity, but no fee shall be
256 charged for an activity not specified in this act. An application
257 fee shall not be combined with any other fee or charge, except as
258 specifically set forth herein. At the beginning of each fiscal
259 year the board shall compute, for each separate service or
260 activity, the appropriate fee for the fiscal year.

261 **SECTION 10.** (1) Any person may report to the board in
262 writing any information the person has reason to believe indicates
263 that a naturopathic physician is or may be medically or legally
264 incompetent, engaged in the unauthorized practice of naturopathic
265 medicine, guilty of unprofessional conduct, or mentally or
266 physically unable to engage safely in the practice of naturopathic
267 medicine.

268 (2) The following persons shall report to the board in
269 writing any information the person has reason to believe indicates
270 that a naturopathic physician is or may be medically or legally



271 incompetent, engaged in the unauthorized practice of naturopathic
272 medicine, guilty of unprofessional conduct, or mentally or
273 physically unable to engage safely in the practice of naturopathic
274 medicine, within thirty (30) days of becoming aware of such
275 information:

276 (a) All naturopathic physicians licensed under this
277 act;

278 (b) All licensed health care providers;

279 (c) All health care institutions in the state;

280 (d) All state agencies; and

281 (e) All law enforcement agencies in the state.

282 (3) A naturopathic physician's voluntary resignation from
283 the staff of a health care institution, voluntary limitation of
284 staff privileges, failure to reapply for hospital privileges at
285 such an institution, shall be promptly reported to the board by
286 the institution and the licensee if that action occurs while the
287 licensee is under formal or informal investigation by the
288 institution or a committee thereof for any reason related to
289 possible medical incompetence, unprofessional conduct, or mental
290 or physical impairment.

291 (4) Upon receiving a credible complaint or report concerning
292 a licensee, or on its own motion, the board may investigate any
293 evidence that appears to show a licensee is or may be medically
294 incompetent, guilty of unprofessional conduct, or mentally or
295 physically unable to engage safely in the practice of medicine.



296 (5) Any person, institution, agency, or organization
297 required to report under this section who does so in good faith
298 shall not be subject to civil damages or criminal prosecution for
299 so reporting.

300 (6) Within ten (10) days of receipt thereof, the director
301 shall acknowledge receipt of all reports required by this section
302 and any complaint against a licensee submitted to the board.
303 Within ten (10) days thereafter, the director shall inform any
304 person or entity whose report or complaint has resulted in action
305 by the board, of the final disposition of the matter.

306 (7) Any person or entity who fails to make a report required
307 by this section may be assessed a reasonable administrative
308 penalty by the board. Assessment of an administrative penalty
309 pursuant to this subsection shall be supported by substantial
310 evidence and may be appealed to a court of competent jurisdiction
311 of this state. On appeal, the court may receive any relevant
312 evidence supporting or opposing the assessment and may affirm or
313 reverse the board's decision.

314 **SECTION 11.** (1) The board shall establish a Naturopathic
315 Advisory Committee to issue recommendations concerning the
316 practice of naturopathic medicine in Mississippi based upon a
317 review of naturopathic medical education and training in other
318 states, and the proposed scope of practice of naturopathic
319 medicine in Mississippi.



320 (2) The committee shall be composed of representation from
321 each of the following to be appointed by the State Board of
322 Medical Licensure not later than July 1, 2017: one (1) physician
323 licensed in Mississippi; one (1) certified nurse midwife; one (1)
324 licensed naturopathic physician; the Chairman of the Senate
325 Committee on Public Health and Welfare, or his designee, and the
326 Chairman of the House Committee on Public Health and Human
327 Services, or his designee.

328 (3) The committee shall meet upon the call of the board and
329 shall make its recommendations to the 2018 Regular Session of the
330 Legislature.

331 (4) The board shall provide administrative support for the
332 committee. The members shall receive no compensation for
333 attending committee meetings except legislative members may
334 receive expense reimbursement in the same manner as attending
335 out-of-session committee meetings.

336 **SECTION 12.** Section 73-43-11, Mississippi Code of 1972, is
337 amended as follows:

338 73-43-11. The State Board of Medical Licensure shall have
339 the following powers and responsibilities:

340 (a) Setting policies and professional standards
341 regarding the medical practice of physicians, osteopaths,
342 podiatrists and physician assistants practicing with physician
343 supervision;

344 (b) Considering applications for licensure;



- 345 (c) Conducting examinations for licensure;
- 346 (d) Investigating alleged violations of the Medical
347 Practice Act;
- 348 (e) Conducting hearings on disciplinary matters
349 involving violations of state and federal law, probation,
350 suspension and revocation of licenses;
- 351 (f) Considering petitions for termination of
352 probationary and suspension periods, and restoration of revoked
353 licenses;
- 354 (g) To promulgate and publish reasonable rules and
355 regulations necessary to enable it to discharge its functions and
356 to enforce the provisions of law regulating the practice of
357 medicine; however, the board shall not adopt any rule or
358 regulation or impose any requirement regarding the licensing of
359 physicians or osteopaths that conflicts with the prohibitions in
360 Section 73-49-3;
- 361 (h) To enter into contracts with any other state or
362 federal agency, or with any private person, organization or group
363 capable of contracting, if it finds such action to be in the
364 public interest and in the furtherance of its responsibilities;
- 365 (i) Perform the duties prescribed by Sections 73-26-1
366 through 73-26-5; * * *
- 367 (j) Perform the duties prescribed by the Interstate
368 Medical Licensure Compact, Section 73-25-101 * * *; and



369 (k) Perform the duties prescribed by this act relating
370 to the licensure of individuals to practice naturopathic medicine
371 in Mississippi.

372 **SECTION 13.** This act shall take effect and be in force from
373 and after July 1, 2017, and shall repealed from and after June 30,
374 2017.

