MISSISSIPPI LEGISLATURE

By: Senator(s) Harkins

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

REGULAR SESSION 2017

SENATE BILL NO. 2511

AN ACT TO PROVIDE FOR THE LICENSING OF PRACTITIONERS OF NATUROPATHIC MEDICINE; TO PROVIDE FOR CERTAIN DEFINITIONS; TO PROVIDE QUALIFICATIONS FOR LICENSURE; TO PROVIDE FOR THE SCOPE OF PRACTICE; TO PROVIDE CERTAIN PROHIBITIONS; TO PROVIDE CERTAIN EXEMPTIONS FROM THE LICENSE REQUIREMENT; TO PROVIDE CERTAIN DUTIES OF THE BOARD; TO CREATE THE BOARD OF NATUROPATHIC MEDICINE; TO PROVIDE CERTAIN POWERS AND DUTIES OF THE BOARD; TO PROVIDE FOR THE NATUROPATHIC FORMULARY COUNCIL; TO PROVIDE CERTAIN REGULATIONS FOR NATUROPATHIC CHILDBIRTH ATTENDANCE; TO PROVIDE DISCIPLINARY ACTIONS FOR LICENSED NATUROPATHIC PRACTITIONERS; TO PROVIDE FOR LICENSURE WITHOUT ADDITIONAL EXAMINATION; TO PROVIDE FOR LICENSE EXPIRATION AND RENEWAL; TO PROVIDE CERTAIN LICENSE FEES; TO PROVIDE CERTAIN DUTIES OF THE BOARD REGARDING INVESTIGATIONS, HEARINGS AND SUBPOENAS; AND FOR RELATED PURPOSES.

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

SECTION 1. The practice of naturopathic medicine in the State of Mississippi is declared to affect the public health, safety and welfare and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest that naturopathic physicians and the practice of naturopathic medicine as defined in this act, merit the confidence of the public, that only qualified persons be authorized to practice naturopathic medicine in the State of Mississippi and that no person shall practice naturopathic medicine without a
valid existing license to do so. The Legislature recognizes that naturopathic doctors comprise a distinct health care profession that affects the public health, safety and welfare and increases freedom of choice in health care. This act shall be liberally construed to best carry out these subjects and purposes.

SECTION 2. (1) The general objective of the Legislature in enacting this act is to protect the public health, safety and welfare, and specifically those persons who are the direct recipients of services regulated by this act and to provide for state administrative supervision, licensure, regulation and disciplinary procedures for every person providing naturopathic medical services who meets and maintains the requirements, standards of practice and code of ethics as adopted by the board.

(2) In order to protect the public health, safety, and welfare, the specific objectives of this act are:

(a) To provide and maintain minimum standards for the licensing, regulation and competency of naturopathic physicians in Mississippi;

(b) To maintain certain standards in the delivery of naturopathic medical services to the public;

(c) To ensure that the health care provided by qualified naturopathic physicians is directly accessible and broadly available to the people of Mississippi; and

(d) To provide a means of identifying qualified naturopathic physicians in Mississippi.
SECTION 3. The following words, terms and phrases, as used in this act, shall have the following meanings ascribed to them except where the context clearly indicates a different meaning.

(a) "Board" means the Board of Naturopathic Medicine created under Section 10 of this act.

(b) "Director" means the Director of the Board of Naturopathic Medicine.

(c) "Naturopathic medicine" means a system of primary health care for the prevention, diagnosis, and treatment of human health conditions, injury and disease; the promotion or restoration of health; and the support and stimulation of a patient's inherent self-healing processes through patient education and the use of naturopathic therapies and therapeutic substances.

(d) "Naturopathic physician" and all designations listed in Section 4 of this act means a practitioner of naturopathic medicine who has been properly licensed for that purpose by the board under this act.

(e) "Approved naturopathic medical program" means:

1. A naturopathic medical education program in the United States providing the degree of Doctor of Naturopathy or Doctor of Naturopathic Medicine. Such program shall offer graduate-level full-time didactic and supervised clinical training and shall be accredited, or has achieved candidacy status for accreditation by the Council on Naturopathic Medical Education.
(CNME) or an equivalent federally recognized accrediting body for naturopathic medical programs also recognized by the board. Additionally, the program shall be an institution, or part of an institution of higher education that is either accredited or is a candidate for accreditation by a regional or national institutional accrediting agency recognized by the United States Secretary of Education;

(ii) A degree-granting college or university that, prior to the existence of the CNME, offered a full-time structured curriculum in basic sciences and supervised patient care comprising a doctoral naturopathic medical education. The course, as a prerequisite to graduation therefrom, must have been not less than one hundred thirty-two (132) weeks in duration and required completion within a period of not less than thirty-five (35) months. The college of naturopathic medicine must have been reputable and in good standing in the judgment of the board and, if still in existence, has current programmatic accreditation by the CNME or a federally recognized equivalent accrediting agency;

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

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

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

(g) "Naturopathic childbirth attendance" means the
specialty practice of natural childbirth by a naturopathic
physician that includes the management of normal pregnancy, normal
labor and delivery, and the normal postpartum period, including
normal newborn care.
(h) "Minor office procedures" means the methods for the repair and care incidental to superficial lacerations and abrasions, superficial lesions and the removal of foreign bodies located in the superficial tissues.

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

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

SECTION 4. (1) Persons represent themselves as practitioners of naturopathic medicine when they use or adopt any of the following designations: "doctors of naturopathic medicine" or "doctors of naturopathy." Licensees shall use the title "naturopathic physician" and the recognized abbreviation "N.D."

Naturopathic physicians shall have the exclusive right to use the terms "naturopathic physician," "naturopathic doctor," "naturopath," "doctor of naturopathic medicine," "doctor of naturopathy," "naturopathic medicine," "naturopathic health care," "naturopathy," "N.D.," "ND," "NMD" and "N.M.D."

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

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

SECTION 5. To be eligible for a license to practice naturopathic medicine in the State of Mississippi, the following shall be required of the applicant:

(a) Submission to the board the following:

(i) An application for licensure designed and approved by the board;

(ii) An application fee established by the board;

(iii) Evidence that the applicant is a graduate of an approved naturopathic medical program in accordance with the requirements specified in paragraph (e) of Section 3 of this act and that they have successfully passed a competency-based national naturopathic licensing examination administered by the North American Board of Naturopathic Examiners, or (a) successor agency that has been nationally recognized to administer a naturopathic examination that represents federal standards of education and training

(iv) For graduates of approved naturopathic schools as defined in subparagraphs (ii) and (iii) of paragraph (e) of Section 3 of this act, eligibility for licensure may be
granted with evidence of successful passage of a board approved
state competency examination or Canadian provincial examination.

(b) An applicant must be able to provide documentation
that attests to their good, ethical and professional reputation.

(c) An applicant must be physically and mentally
capable of safely practicing naturopathic medicine with or without
reasonable accommodation.

(d) An applicant must not have had a license to
practice naturopathic medicine or other health care license,
registration or certificate refused, revoked or suspended by any
other jurisdiction for reasons that relate to the applicant's
ability to skillfully and safely practice naturopathic medicine
unless that license, registration or certification has been
restored to good standing by that jurisdiction.

SECTION 6. (1) A naturopathic physician may order and
perform physical and laboratory examinations consistent with
naturopathic education and training, for diagnostic purposes,
including, but not limited to, phlebotomy, clinical laboratory
tests, orificial examinations and physiological function tests.

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

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

(a) Food, extracts of food, nutraceuticals, vitamins,
amino acids, minerals, enzymes, botanicals and their extracts,
botanical medicines, homeopathic medicines, all dietary
supplements and nonprescription drugs as defined by the federal
Food, Drug, and Cosmetic Act;
(b) Prescription substances as determined by the
Naturopathic Formulary Council;
(c) Hot or cold hydrotherapy, naturopathic physical
medicine, electromagnetic energy, colon hydrotherapy, therapeutic
exercise;
(d) Devices, including, but not limited to, therapeutic
devices, barrier contraception, and durable medical equipment;
(e) Health education and health counseling;
(f) Repair and care incidental to superficial
lacerations and abrasions;
(g) Removal of foreign bodies located in the
superficial tissues; and
(h) Musculoskeletal manipulation consistent with
naturopathic education and training.

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

(5) A naturopathic physician may perform those therapies as
trained and educated, and approved by the board.
SECTION 7. A naturopathic physician licensed under this act shall not:

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

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

(c) Practice or claim to practice as a medical doctor, osteopath, dentist, podiatrist, optometrist, psychologist, advanced practice registered nurse, physician assistant, chiropractor, physical therapist, acupuncturist, or any other health care professional not authorized in this act unless licensed by the State of Mississippi to do so;

(d) Use general or spinal anesthetics;

(e) Administer ionizing radioactive substances for therapeutic purposes;

(f) Perform surgical procedures using a laser device;

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

(h) Perform chiropractic adjustments or musculoskeletal manipulation that fall within the practice of chiropractic as defined under Section 73-6-1.
(i) Perform acupuncture, unless licensed as an
acupuncturist under the Acupuncture Practice Act, Section 73-71-1
et seq.

SECTION 8. (1) Nothing in this act shall be construed to
prohibit or to restrict:

(a) The practice of a profession by individuals who are
licensed, certified, or registered under other laws of this state
who are performing services within their authorized scope of
practice;

(b) The practice of naturopathic medicine by an
individual employed by the government of the United States while
the individual is engaged in the performance of duties prescribed
by the laws and regulations of the United States;

(c) The practice of naturopathic medicine by students
enrolled in an approved naturopathic medical college. The
performance of services shall be pursuant to a course of
instruction or assignments from an instructor and under the
supervision of the instructor. The instructor shall be a
naturopathic physician licensed pursuant to this act, or a duly
licensed professional in the instructed field;

(d) Anyone from treating themselves and their families
based on religious or health beliefs;

(e) Anyone who sells vitamins and herbs from providing
information about their products;
(f) Any person or practitioner from advising in the use of a therapy, including, but not limited to, herbal medicine, homeopathy, nutrition or other nondrug or nonsurgical therapy that are within the scope of practice of naturopathic physicians as outlined in this act as long as such therapy is within that individual's lawful rights or, if a licensed health care provider, within that legally defined scope of practice as granted by the existing laws of the state, and such person is not using a title protected pursuant to this act or holding themselves out to be a naturopathic doctor.

(2) This act shall not be construed to prohibit the practice of naturopathic medicine by persons who are licensed to practice in any other state or district in the United States as practicing naturopathic physicians, who enter this state to consult with a naturopathic physician of this state, provided that the consultation is to be limited to examination, recommendation, or testimony in litigation.

SECTION 9. (1) The board shall have the following powers and duties:

(a) Appoint a director of the board;

(b) Promulgate all rules, and conduct all hearings, required by this act;

(c) Adopt the competency-based national examination consistent with the requirements outlined in paragraphs (a) (ii)
and (iii) of Section 5 of this act and approved by the board as
the naturopathic licensing examination;

(d) Formulate rules and regulations with appropriate
notice to those affected where such notice can reasonably be
given;

(e) Designate the application form to be used by
applicants, and to process all applications;

(f) Issue licenses, and renewals thereof, to all
persons who meet the qualifications for licensure as described in
Section 5 of this act;

(g) Charge a reasonable fee for the issuance of a
license, or for the renewal of a license, to offset the board's
administrative expenses;

(h) Establish procedures for the issuance of licenses,
and renewals thereof, to those applicants who qualify for
licensure by reciprocity to be licensed in this state, in lieu of
taking the written examination taken by all other persons applying
for licensure in Mississippi, provided that the educational and
examination requirements for the state issuing the original
license are equivalent to those described herein;

(i) Determine the malpractice liability coverage
requirements for licensees;

(j) Investigate complaints of unprofessional conduct by
a licensee;
(k) Require by subpoena the attendance and testimony of witnesses or the production of any paper, record, or other information at any public disciplinary hearing or investigation conducted by the board;

(1) Determine whether or not a naturopathic physician shall be the subject of a disciplinary hearing;

(m) Designate and impose the sanction and penalties for violation of this act or the board's regulations;

(n) Provide for the rules for continuing education;

(o) Bring proceedings in the courts for the enforcement of this act;

(p) Establish procedures to govern matters directly or indirectly involving any person related to the director in any way by blood or marriage; and

(q) Perform any administrative, nondisciplinary and nonrulemaking functions assigned to the director by this act.

(2) The board or the director shall not, in any manner whatsoever, discriminate against any applicant or person holding or applying for a license to practice naturopathic medicine by reason of sex, age, race, color, creed or national origin.

SECTION 10. (1) There is created the Board of Naturopathic Medicine, composed of five (5) members appointed by the Governor, with the advice and consent of the Senate.

(2) Three (3) members of the board must be licensed doctors of naturopathic medicine or licensed naturopathic physicians who
are in good standing in this state (or for the initial board, in
the state in which they are licensed as such), who are residents
of the state, and who have been engaged in the practice or
instruction of naturopathic medicine for at least five (5) years;
and
(3) The remaining two (2) members of the board must be
residents of the state who are not, and never have been, licensed
health care practitioners and who do not have an interest in
naturopathic education, business or practice.
(4) The names of naturopathic physicians eligible to serve
on the board shall be forwarded to the Governor by the state
naturopathic association.
(5) For the purpose of staggering terms, the Governor shall
initially appoint to the board three (3) members for terms of four
(4) years each, one (1) member for a term of three (3) years, and
one (1) member for a term of one (1) year. As the terms of board
members expire, the Governor shall appoint successors for terms of
four (4) years, and such members shall serve until their
successors are appointed.
(6) The Governor may remove any member of the board for
cause prior to the expiration of the member's term.
(7) The board, within thirty (30) days after its appointment
and at least annually thereafter, shall hold a meeting and elect a
chairman. The board may hold additional meetings on the call of
the chair or at the written request of any two (2) members of the
board. The board may appoint such committees as it considers necessary to carry out its duties. A majority of the board shall constitute a quorum.

(8) The board positions shall remain uncompensated positions unless and until deemed appropriate by the board.

(9) All provisions of Section 11 of this act relating to activities of the board are applicable.

SECTION 11.  (1) The board may adopt such rules as are necessary to carry out the purposes of this act, may recommend disciplinary action as provided by this act and shall:

(a) Determine the qualifications of persons applying for licensure pursuant to this act and define, by rule, the appropriate scope of naturopathic medicine in this state, provided that the scope of practice may not exceed that defined in Section 6 of this act;

(b) Evaluate the content of any clinical, practical, or residency requirement;

(c) Grant approval for naturopathic childbirth attendance privileges to those licensees who apply, provided that such applicant can document training and experience equal to or greater than that required by the Childbirth Attendance Advisory Committee pursuant to Section 13 of this act;

(d) Contract, sue and be sued, and pursue other matters lawful in this state relating to naturopathic medicine;
(e) Provide such other services and perform such other functions as are necessary and desirable to fulfill its purposes;

(f) Establish examination standards, consistent with the standards enumerated in this act, for licensure and when those examinations will be provided;

(g) Establish a minimum amount and kind of continuing education to be required annually for each naturopathic physician seeking licensure renewal;

(h) Limit the performance of minor office procedures to naturopathic physicians who have graduated from an approved naturopathic medical program that included minor office procedures as part of its curriculum or to graduates who have up-to-date certification of equivalent training if they graduated from an approved naturopathic medical program that did not include minor offices procedures as part of the curriculum;

(i) Limit the prescribing authority for prescription drugs to naturopathic physicians who have graduated from an approved naturopathic medical program that included pharmacology as part of its curriculum or to graduates who have up-to-date certification of equivalent training, as determined by the board, if they graduated from an approved naturopathic medical program that did not include pharmacology as part of the curriculum;

(j) Investigate all credible complaints from naturopathic physicians and the public; and
(k) Establish guidelines for the disposition of disciplinary cases involving specific types of violations. Such guidelines may include minimum and maximum fines, periods of supervision or probation, or conditions of probation or reissuance of a license.

SECTION 12. (1) There is established a Naturopathic Formulary Council, which is separate and distinct from the board, to be composed of five (5) members. Two (2) members shall be naturopathic physicians licensed under this act, appointed by the board. Two (2) members shall be pharmacists licensed under the Pharmacy Practice Act, Section 73-21-71 et seq., appointed by the board from a list of nominees provided by the Mississippi Board of Pharmacy. One (1) member shall be a physician licensed under Section 73-25-1 et seq., appointed by the board from a list of nominees provided by the State Board of Medical Licensure.

(2) It shall be the duty of the Naturopathic Formulary Council to establish a formulary for use by naturopathic physicians, and immediately upon adoption or revision of the formulary, the council shall transmit the approved formulary to the board, which shall adopt the formulary by temporary rule.

(3) The formulary will be reviewed annually by the council, or at any time at the request of the board.

(4) The formulary list may not go beyond the scope of natural medicines or prescription drugs and devices covered by
approved naturopathic education and training or board approved continuing education.

(5) The naturopathic formulary shall not include medicines or devices that are inconsistent with the training provided by approved naturopathic medical programs.

(6) Nothing in this section shall allow a naturopathic physician to dispense, administer or prescribe any prescription drug or device as defined in Section 73-21-73, unless such prescription drug or legend device is specifically included in the naturopathic formulary.

SECTION 13. (1) The board shall establish a Naturopathic Childbirth Attendance Advisory Committee to issue recommendations concerning the practice of naturopathic childbirth attendance based upon a review of naturopathic medical education and training.

(2) The committee shall be composed of representation from each of the following: one (1) medical doctor with clinical specialty or board certification in obstetrics, one (1) certified nurse midwife or certified midwife, and two (2) naturopathic physicians with clinical experience in natural childbirth.

(3) The committee shall review naturopathic education and training and make specific recommendations to the board regarding the qualifications to practice naturopathic childbirth attendance.

(4) Graduation from a naturopathic midwifery or naturopathic obstetrics program that is offered by an approved naturopathic
medical program as defined in paragraph (e) of Section 3 of this act will be required to practice naturopathic childbirth attendance.

(5) Passage of the North American Registry of Midwives (NARM) examination, American College of Naturopathic Obstetricians examination (ACNO) or examination that is determined by the naturopathic childbirth attendance advisory committee to be equivalent, will be required to practice naturopathic childbirth attendance.

(6) The committee shall make recommendations to the board concerning the practice of naturopathic childbirth attendance.

(7) The board shall adopt these recommendations as rules for use in reviewing all naturopathic physician applicants seeking privileges to perform natural childbirth attendance.

SECTION 14. (1) The board may elect to refuse to issue or renew licensure on any of the following grounds:

(a) The board shall not issue a license to any person who has been convicted of a felony or who has a criminal conviction record, or pending criminal charge relating to an offense, the circumstances of which substantially relate to the practice of naturopathic medicine;

(b) The board shall not issue a license to any person who has an impairment related to drugs or alcohol that would limit the applicant's ability to undertake the practice of naturopathic medicine in a manner consistent with the safety of the public;
(c) The board shall not issue a license to any person who has been found to be mentally incompetent by a physician and such mental incompetence impairs the applicant's ability to undertake the practice of naturopathic medicine in a manner consistent with the safety of the public; and

(d) In addition to their application, application fee and any other evidence required by this section, each applicant shall submit any and all evidence relating to any administrative penalties they may have been assessed regarding their practice of naturopathic medicine, including, but not limited to, fines, formal reprimands, probationary limitations and license suspensions or revocations for reasons other than nonpayment of license renewal fees, and any "consent agreements" into which they may have entered that contain conditions placed by an administrative agency on his or her professional conduct and practice, including any voluntary surrender of a license. The board in its sole discretion may determine, after a hearing, whether a consent agreement into which an applicant has entered, or an administrative penalty that they have received, is grounds to deny licensure.

(2) Doctors of naturopathic medicine or naturopathic physicians shall observe and be subject to all state, county and municipal regulations in regard to the control of contagious and infectious diseases, the reporting of births and deaths, and to any and all other matters pertaining to the public health in the
same manner as is required of other practitioners of the healing arts.

(3) A license is "in good standing" within a jurisdiction if it is active, is not subject to a suspension or revocation, is not subject to any form of probationary or provisional period, is not the subject of any administrative or criminal investigation arising from acts of the holder thereof in association with the practice of naturopathic medicine.

(4) The following acts constitute grounds for denial of a license or disciplinary action:

(a) Attempting to obtain, obtaining, or renewing a license to practice naturopathic medicine by bribery, or by fraudulent misrepresentation;

(b) Having a license to practice naturopathic medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country;

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of naturopathic medicine or to the ability to practice naturopathic medicine. Any plea of nolo contendere shall be considered a conviction for purposes of this act;

(d) False, deceptive, or misleading advertising;

(e) Advertising, practicing, or attempting to practice under a name other than one's own;
(f) Aiding, assisting, procuring, or advising any unlicensed person to practice naturopathic medicine contrary to this chapter or to a rule of the board;

(g) Failing to perform any statutory or legal obligation placed upon a licensed doctor of naturopathic medicine or naturopathic physician;

(h) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a licensed doctor of naturopathic medicine or naturopathic physician;

(i) Paying or receiving any commission, bonus, kickback, or rebate, or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers or pharmacies. The provisions of this paragraph (i) shall not be construed to prevent a doctor of naturopathic medicine or naturopathic physician from receiving a fee for professional consultation services;

(j) Exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual
activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with her or his naturopathic physician;

(k) Failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, test results, imaging results, and records of the prescribing, dispensing, and administering of drugs;

(l) Gross or repeated malpractice or the failure to practice naturopathic medicine with that level of care, skill, and treatment that is recognized by a reasonably prudent similar naturopathic physician as being acceptable under similar conditions and circumstances;

(m) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience or licensure to perform them; or

(n) Violating any provision of this act or any rules adopted pursuant to this act.

(5) The board shall not reinstate the license of a doctor of naturopathic medicine or naturopathic physician until such time as the board is satisfied that such person has complied with all the terms and conditions set forth in the final order and that such person is capable of safely engaging in the practice of naturopathic medicine.
(6) Any person who is determined to have committed any of the following acts shall be guilty of a felony, and upon conviction, shall be punished by commitment to the custody of the Department of Corrections for a period of not more than one (1) year or by a fine of not more than Five Thousand Dollars ($5,000.00), or both. These acts include:

(a) Selling, fraudulently obtaining, or furnishing any naturopathic diploma, license, record, or registration or aiding or abetting in the same;

(b) Practicing naturopathic medicine naturopathy under the cover of any diploma, license, record, or registration illegally or fraudulently obtained or secured or issued unlawfully or upon fraudulent representations;

(c) Advertising to practice naturopathic medicine or naturopathy under a name other than her or his own or under an assumed name;

(d) Falsely impersonating another practitioner of a like or different name;

(e) Practicing or advertising to practice naturopathic medicine or naturopathy or use in connection with her or his name any designation tending to imply or to designate the person as a practitioner of naturopathic medicine naturopathy without then being lawfully licensed and authorized to practice naturopathic medicine or naturopathy in this state; and
(f) Practicing naturopathic medicine during the time their license is suspended or revoked.

**SECTION 15.** (1) The board may issue a license without additional examination to any applicant who submits an application for licensure together with the appropriate fee, proof acceptable to the board of current naturopathic medicine licensure in good standing in another state, the District of Columbia or territory of the United States, whose standards for licensure are at least equivalent to those of this state.

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

**SECTION 16.** (1) Each license issued pursuant to this act, or renewed pursuant to this section, shall expire two (2) years following its issuance or last renewal.

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

(a) Has submitted an application for renewal;

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

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

(d) Meets the continuing education requirements established by the board.
(3) Any person who practices naturopathic medicine or naturopathy after their license has been revoked and registration annulled shall be deemed to have practiced naturopathic medicine or naturopathy without a license. However, at any time after six (6) months after the date of the conviction, the board may grant a license to the person affected, restoring to them all the rights and privileges of and pertaining to the practice of naturopathic medicine or naturopathy as defined and regulated by this act. The fee shall be set by the board.

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

SECTION 17. The amount to be charged for any fee imposed under this act shall approximate and reasonably reflect all costs necessary to defray the expenses of the board. A separate fee may be charged for each service or activity, but no fee shall be charged for an activity not specified in this act. An application fee shall not be combined with any other fee or charge, except as specifically set forth herein. At the beginning of each fiscal year the board shall compute, for each separate service or activity, the appropriate fee for the fiscal year.

SECTION 18. (1) Any person may report to the board in writing any information the person has reason to believe indicates that a naturopathic physician is or may be medically or legally
incompetent, engaged in the unauthorized practice of naturopathic medicine, guilty of unprofessional conduct, or mentally or physically unable to engage safely in the practice of naturopathic medicine.

(2) The following persons shall report to the board in writing any information the person has reason to believe indicates that a naturopathic physician is or may be medically or legally incompetent, engaged in the unauthorized practice of naturopathic medicine, guilty of unprofessional conduct, or mentally or physically unable to engage safely in the practice of naturopathic medicine, within thirty (30) days of becoming aware of such information:

(a) All naturopathic physicians licensed under this act;

(b) All licensed health care providers;

(c) All health care institutions in the state;

(d) All state agencies; and

(e) All law enforcement agencies in the state.

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

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

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

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

(7) Any person or entity who fails to make a report required by this section may be assessed a reasonable administrative penalty by the board. Assessment of an administrative penalty pursuant to this subsection shall be supported by substantial evidence and may be appealed to a court of competent jurisdiction of this state. On appeal, the court may receive any relevant evidence supporting or opposing the assessment and may affirm or reverse the board's decision.
(8) (a) Except as provided in the exemptions of Section 8 of this act, it is unlawful for persons to practice naturopathic medicine as defined in this act without a license to do so.

(b) It shall constitute a felony for any person to practice naturopathic medicine without a license and, upon conviction thereof, the person shall be committed to the custody of the Department of Corrections for a period not to exceed five years, or fined not more than Ten Thousand Dollars ($10,000.00), or both.

(c) Except as provided in Section 4 of this act, it is unlawful for any person to assume or use the titles "naturopathic physician," "naturopathic doctor," "physician of naturopathic medicine," "physician of natural medicine," "doctor of naturopathy," "doctor of naturopathic medicine," "naturopath," or the abbreviations "ND" or "NMD," or any other title, designation, words, letters, abbreviation, sign, card, or device to indicate to the public that such person is so licensed, and upon conviction thereof, such person shall be imprisoned in the county jail for a period not to exceed one (1) year, or fined not more than Three Thousand Dollars ($3,000.00), or both.

SECTION 19. This act shall take effect and be in force from and after July 1, 2017.