

By: Senator(s) Harkins

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

SENATE BILL NO. 2511

1 AN ACT TO PROVIDE FOR THE LICENSING OF PRACTITIONERS OF
 2 NATUROPATHIC MEDICINE; TO PROVIDE FOR CERTAIN DEFINITIONS; TO
 3 PROVIDE QUALIFICATIONS FOR LICENSURE; TO PROVIDE FOR THE SCOPE OF
 4 PRACTICE; TO PROVIDE CERTAIN PROHIBITIONS; TO PROVIDE CERTAIN
 5 EXEMPTIONS FROM THE LICENSE REQUIREMENT; TO PROVIDE CERTAIN DUTIES
 6 OF THE BOARD; TO CREATE THE BOARD OF NATUROPATHIC MEDICINE; TO
 7 PROVIDE CERTAIN POWERS AND DUTIES OF THE BOARD; TO PROVIDE FOR THE
 8 NATUROPATHIC FORMULARY COUNCIL; TO PROVIDE CERTAIN REGULATIONS FOR
 9 NATUROPATHIC CHILDBIRTH ATTENDANCE; TO PROVIDE DISCIPLINARY
 10 ACTIONS FOR LICENSED NATUROPATHIC PRACTITIONERS; TO PROVIDE FOR
 11 LICENSURE WITHOUT ADDITIONAL EXAMINATION; TO PROVIDE FOR LICENSE
 12 EXPIRATION AND RENEWAL; TO PROVIDE CERTAIN LICENSE FEES; TO
 13 PROVIDE CERTAIN DUTIES OF THE BOARD REGARDING INVESTIGATIONS,
 14 HEARINGS AND SUBPOENAS; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** The practice of naturopathic medicine in the
 17 State of Mississippi is declared to affect the public health,
 18 safety and welfare and to be subject to regulation and control in
 19 the public interest. It is further declared to be a matter of
 20 public interest that naturopathic physicians and the practice of
 21 naturopathic medicine as defined in this act, merit the confidence
 22 of the public, that only qualified persons be authorized to
 23 practice naturopathic medicine in the State of Mississippi and
 24 that no person shall practice naturopathic medicine without a



25 valid existing license to do so. The Legislature recognizes that
26 naturopathic doctors comprise a distinct health care profession
27 that affects the public health, safety and welfare and increases
28 freedom of choice in health care. This act shall be liberally
29 construed to best carry out these subjects and purposes.

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

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

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

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

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

48 (d) To provide a means of identifying qualified
49 naturopathic physicians in Mississippi.



50 **SECTION 3.** The following words, terms and phrases, as used
51 in this act, shall have the following meanings ascribed to them
52 except where the context clearly indicates a different meaning.

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

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

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

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

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

69 (i) A naturopathic medical education program in
70 the United States providing the degree of Doctor of Naturopathy or
71 Doctor of Naturopathic Medicine. Such program shall offer
72 graduate-level full-time didactic and supervised clinical training
73 and shall be accredited, or has achieved candidacy status for
74 accreditation by the Council on Naturopathic Medical Education



75 (CNME) or an equivalent federally recognized accrediting body for
76 naturopathic medical programs also recognized by the board.
77 Additionally, the program shall be an institution, or part of an
78 institution of higher education that is either accredited or is a
79 candidate for accreditation by a regional or national
80 institutional accrediting agency recognized by the United States
81 Secretary of Education;

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

93 (iii) A diploma-granting, degree-equivalent
94 college or university that, if in Canada and prior to
95 accreditation by the CNME, had provincial approval for
96 participation in government funded student aid programs, and that
97 offered a full-time structured curriculum in basic sciences and
98 supervised patient care comprising a doctoral naturopathic medical
99 education. The course, as a prerequisite to graduation therefrom,



100 must have been not less than one hundred thirty-two (132) weeks in
101 duration and required completion within a period of not less than
102 thirty-five (35) months. The college of liberal arts and
103 naturopathic medicine must have been reputable and in good
104 standing in the judgment of the board and, if still in existence,
105 has current programmatic accreditation by the CNME or a federally
106 recognized equivalent accrediting agency. Additionally, this
107 college or university currently has provincial approval for
108 participation in government funded student aid programs; or

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

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

120 (g) "Naturopathic childbirth attendance" means the
121 specialty practice of natural childbirth by a naturopathic
122 physician that includes the management of normal pregnancy, normal
123 labor and delivery, and the normal postpartum period, including
124 normal newborn care.



125 (h) "Minor office procedures" means the methods for the
126 repair and care incidental to superficial lacerations and
127 abrasions, superficial lesions and the removal of foreign bodies
128 located in the superficial tissues.

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

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

136 **SECTION 4.** (1) Persons represent themselves as
137 practitioners of naturopathic medicine when they use or adopt any
138 of the following designations: "doctors of naturopathic medicine"
139 or "doctors of naturopathy." Licensees shall use the title
140 "naturopathic physician" and the recognized abbreviation "N.D."
141 Naturopathic physicians shall have the exclusive right to use the
142 terms "naturopathic physician," "naturopathic doctor,"
143 "naturopath," "doctor of naturopathic medicine," "doctor of
144 naturopathy," "naturopathic medicine," "naturopathic health care,"
145 "naturopathy," "N.D.," "ND," "NMD" and "N.M.D."

146 (2) No person shall represent himself or herself to the
147 public as a naturopathic physician, a doctor of naturopathic
148 medicine, a doctor of naturopathy, or as being otherwise
149 authorized to practice naturopathic medicine in this state without



150 first obtaining from the board a license to practice naturopathic
151 medicine pursuant to the provisions of this act.

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

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

158 (a) Submission to the board the following:

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

161 (ii) An application fee established by the board;

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

171 (iv) For graduates of approved naturopathic
172 schools as defined in subparagraphs (ii) and (iii) of paragraph
173 (e) of Section 3 of this act, eligibility for licensure may be



174 granted with evidence of successful passage of a board approved
175 state competency examination or Canadian provincial examination.

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

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

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

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

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

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

197 (a) Food, extracts of food, nutraceuticals, vitamins,
198 amino acids, minerals, enzymes, botanicals and their extracts,



199 botanical medicines, homeopathic medicines, all dietary
200 supplements and nonprescription drugs as defined by the federal
201 Food, Drug, and Cosmetic Act;

202 (b) Prescription substances as determined by the
203 Naturopathic Formulary Council;

204 (c) Hot or cold hydrotherapy, naturopathic physical
205 medicine, electromagnetic energy, colon hydrotherapy, therapeutic
206 exercise;

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

209 (e) Health education and health counseling;

210 (f) Repair and care incidental to superficial
211 lacerations and abrasions;

212 (g) Removal of foreign bodies located in the
213 superficial tissues; and

214 (h) Musculoskeletal manipulation consistent with
215 naturopathic education and training.

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

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



223 SECTION 7. A naturopathic physician licensed under this act
224 shall not:

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

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

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

237 (d) Use general or spinal anesthetics;

238 (e) Administer ionizing radioactive substances for
239 therapeutic purposes;

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

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

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



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

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

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

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

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

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

269 (e) Anyone who sells vitamins and herbs from providing
270 information about their products;



271 (f) Any person or practitioner from advising in the use
272 of a therapy, including, but not limited to, herbal medicine,
273 homeopathy, nutrition or other nondrug or nonsurgical therapy that
274 are within the scope of practice of naturopathic physicians as
275 outlined in this act as long as such therapy is within that
276 individual's lawful rights or, if a licensed health care provider,
277 within that legally defined scope of practice as granted by the
278 existing laws of the state, and such person is not using a title
279 protected pursuant to this act or holding themselves out to be a
280 naturopathic doctor.

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

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

290 (a) Appoint a director of the board;

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

293 (c) Adopt the competency-based national examination
294 consistent with the requirements outlined in paragraphs (a) (ii)



295 and (iii) of Section 5 of this act and approved by the board as
296 the naturopathic licensing examination;

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

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

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

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

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

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

317 (j) Investigate complaints of unprofessional conduct by
318 a licensee;



319 (k) Require by subpoena the attendance and testimony of
320 witnesses or the production of any paper, record, or other
321 information at any public disciplinary hearing or investigation
322 conducted by the board;

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

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

327 (n) Provide for the rules for continuing education;

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

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

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

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

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

342 (2) Three (3) members of the board must be licensed doctors
343 of naturopathic medicine or licensed naturopathic physicians who



344 are in good standing in this state (or for the initial board, in
345 the state in which they are licensed as such), who are residents
346 of the state, and who have been engaged in the practice or
347 instruction of naturopathic medicine for at least five (5) years;
348 and

349 (3) The remaining two (2) members of the board must be
350 residents of the state who are not, and never have been, licensed
351 health care practitioners and who do not have an interest in
352 naturopathic education, business or practice.

353 (4) The names of naturopathic physicians eligible to serve
354 on the board shall be forwarded to the Governor by the state
355 naturopathic association.

356 (5) For the purpose of staggering terms, the Governor shall
357 initially appoint to the board three (3) members for terms of four
358 (4) years each, one (1) member for a term of three (3) years, and
359 one (1) member for a term of one (1) year. As the terms of board
360 members expire, the Governor shall appoint successors for terms of
361 four (4) years, and such members shall serve until their
362 successors are appointed.

363 (6) The Governor may remove any member of the board for
364 cause prior to the expiration of the member's term.

365 (7) The board, within thirty (30) days after its appointment
366 and at least annually thereafter, shall hold a meeting and elect a
367 chairman. The board may hold additional meetings on the call of
368 the chair or at the written request of any two (2) members of the



369 board. The board may appoint such committees as it considers
370 necessary to carry out its duties. A majority of the board shall
371 constitute a quorum.

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

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

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

379 (a) Determine the qualifications of persons applying
380 for licensure pursuant to this act and define, by rule, the
381 appropriate scope of naturopathic medicine in this state, provided
382 that the scope of practice may not exceed that defined in Section
383 6 of this act;

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

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

391 (d) Contract, sue and be sued, and pursue other matters
392 lawful in this state relating to naturopathic medicine;



393 (e) Provide such other services and perform such other
394 functions as are necessary and desirable to fulfill its purposes;

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

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

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

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

415 (j) Investigate all credible complaints from
416 naturopathic physicians and the public; and



417 (k) Establish guidelines for the disposition of
418 disciplinary cases involving specific types of violations. Such
419 guidelines may include minimum and maximum fines, periods of
420 supervision or probation, or conditions of probation or reissuance
421 of a license.

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

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

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

439 (4) The formulary list may not go beyond the scope of
440 natural medicines or prescription drugs and devices covered by



441 approved naturopathic education and training or board approved
442 continuing education.

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

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

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

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

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

464 (4) Graduation from a naturopathic midwifery or naturopathic
465 obstetrics program that is offered by an approved naturopathic



466 medical program as defined in paragraph (e) of Section 3 of this
467 act will be required to practice naturopathic childbirth
468 attendance.

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

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

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

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

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

487 (b) The board shall not issue a license to any person
488 who has an impairment related to drugs or alcohol that would limit
489 the applicant's ability to undertake the practice of naturopathic
490 medicine in a manner consistent with the safety of the public;



491 (c) The board shall not issue a license to any person
492 who has been found to be mentally incompetent by a physician and
493 such mental incompetence impairs the applicant's ability to
494 undertake the practice of naturopathic medicine in a manner
495 consistent with the safety of the public; and

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

511 (2) Doctors of naturopathic medicine or naturopathic
512 physicians shall observe and be subject to all state, county and
513 municipal regulations in regard to the control of contagious and
514 infectious diseases, the reporting of births and deaths, and to
515 any and all other matters pertaining to the public health in the



516 same manner as is required of other practitioners of the healing
517 arts.

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

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

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

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

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

538 (d) False, deceptive, or misleading advertising;

539 (e) Advertising, practicing, or attempting to practice
540 under a name other than one's own;



541 (f) Aiding, assisting, procuring, or advising any
542 unlicensed person to practice naturopathic medicine contrary to
543 this chapter or to a rule of the board;

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

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

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

564 (j) Exercising influence within a patient-physician
565 relationship for purposes of engaging a patient in sexual



566 activity. A patient shall be presumed to be incapable of giving
567 free, full, and informed consent to sexual activity with her or
568 his naturopathic physician;

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

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

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

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

585 (5) The board shall not reinstate the license of a doctor of
586 naturopathic medicine or naturopathic physician until such time as
587 the board is satisfied that such person has complied with all the
588 terms and conditions set forth in the final order and that such
589 person is capable of safely engaging in the practice of
590 naturopathic medicine.



591 (6) Any person who is determined to have committed any of
592 the following acts shall be guilty of a felony, and upon
593 conviction, shall be punished by commitment to the custody of the
594 Department of Corrections for a period of not more than one (1)
595 year or by a fine of not more than Five Thousand Dollars
596 (\$5,000.00), or both. These acts include:

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

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

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

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

609 (e) Practicing or advertising to practice naturopathic
610 medicine or naturopathy or use in connection with her or his name
611 any designation tending to imply or to designate the person as a
612 practitioner of naturopathic medicine naturopathy without then
613 being lawfully licensed and authorized to practice naturopathic
614 medicine or naturopathy in this state; and



615 (f) Practicing naturopathic medicine during the time
616 their license is suspended or revoked.

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

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

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

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

633 (a) Has submitted an application for renewal;

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

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

637 (d) Meets the continuing education requirements
638 established by the board.



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

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

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

661 **SECTION 18.** (1) Any person may report to the board in
662 writing any information the person has reason to believe indicates
663 that a naturopathic physician is or may be medically or legally



664 incompetent, engaged in the unauthorized practice of naturopathic
665 medicine, guilty of unprofessional conduct, or mentally or
666 physically unable to engage safely in the practice of naturopathic
667 medicine.

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

676 (a) All naturopathic physicians licensed under this
677 act;

678 (b) All licensed health care providers;

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

680 (d) All state agencies; and

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

682 (3) A naturopathic physician's voluntary resignation from
683 the staff of a health care institution, voluntary limitation of
684 staff privileges, failure to reapply for hospital privileges at
685 such an institution, shall be promptly reported to the board by
686 the institution and the licensee if that action occurs while the
687 licensee is under formal or informal investigation by the
688 institution or a committee thereof for any reason related to



689 possible medical incompetence, unprofessional conduct, or mental
690 or physical impairment.

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

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

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

706 (7) Any person or entity who fails to make a report required
707 by this section may be assessed a reasonable administrative
708 penalty by the board. Assessment of an administrative penalty
709 pursuant to this subsection shall be supported by substantial
710 evidence and may be appealed to a court of competent jurisdiction
711 of this state. On appeal, the court may receive any relevant
712 evidence supporting or opposing the assessment and may affirm or
713 reverse the board's decision.



714 (8) (a) Except as provided in the exemptions of Section 8
715 of this act, it is unlawful for persons to practice naturopathic
716 medicine as defined in this act without a license to do so.

717 (b) It shall constitute a felony for any person to
718 practice naturopathic medicine without a license and, upon
719 conviction thereof, the person shall be committed to the custody
720 of the Department of Corrections for a period not to exceed five
721 (5) years, or fined not more than Ten Thousand Dollars
722 (\$10,000.00), or both.

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

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

