

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 566

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO NATUROPATHIC PHYSICIANS; REPEALING CHAPTER 51, TITLE 54, IDAHO
2 CODE, RELATING TO THE NATUROPATHIC PHYSICIANS LICENSING ACT; AMENDING
3 TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 51, TITLE 54,
4 IDAHO CODE, TO PROVIDE LEGISLATIVE PURPOSE AND INTENT, TO DEFINE TERMS,
5 TO PROVIDE SCOPE OF PRACTICE, TO PROVIDE FOR REGISTRATION, QUALIFICA-
6 TIONS AND LIMITATIONS FOR NATURAL HEALTH CARE PRACTITIONERS, TO PROVIDE
7 EXEMPTIONS FOR LICENSURE, TO REQUIRE LICENSURE OF NATUROPATHIC PHYSI-
8 CIANS, TO ESTABLISH THE BOARD OF NATUROPATHIC MEDICINE, TO PROVIDE POW-
9 ERS AND DUTIES OF THE BOARD, TO PROVIDE QUALIFICATIONS FOR LICENSURE,
10 TO PROVIDE FOR LICENSURE OF THOSE LICENSED IN ANOTHER JURISDICTION, TO
11 PROVIDE FOR LICENSE RENEWAL, TO AUTHORIZE COLLECTION OF FEES, TO PRO-
12 VIDE FOR DENIAL OF A LICENSE AND DISCIPLINARY PROCEEDINGS, TO PROVIDE
13 FOR DENIAL OF REGISTRATION FOR NATURAL HEALTH CARE PRACTITIONERS AND
14 DISCIPLINARY PROCEDURES, TO PROVIDE DISCLOSURES BY THOSE PROVIDING
15 NATURAL HEALTH CARE SERVICES, TO PROHIBIT CERTAIN ACTS, TO PROVIDE FOR
16 PREEMPTION OF LOCAL REGULATIONS AND TO PROVIDE SEVERABILITY; AMENDING
17 SECTION 67-2601, IDAHO CODE, TO PROVIDE REFERENCE TO THE BOARD OF NATUR-
18 OPATHIC MEDICINE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION
19 67-2602, IDAHO CODE, TO PROVIDE REFERENCE TO THE BOARD OF NATUROPATHIC
20 MEDICINE; TO PROVIDE BOARD OF NATUROPATHIC MEDICINE REPORTING REQUIRE-
21 MENTS; TO AUTHORIZE THE BOARD TO PAY PRIOR DEBT; PROVIDING EFFECTIVE
22 DATES AND PROVIDING A SUNSET DATE.
23

24 Be It Enacted by the Legislature of the State of Idaho:

25 SECTION 1. That Chapter 51, Title 54, Idaho Code, be, and the same is
26 hereby repealed.

27 SECTION 2. That Title 54, Idaho Code, be, and the same is hereby amended
28 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
29 ter 51, Title 54, Idaho Code, and to read as follows:

30 CHAPTER 51
31 NATUROPATHIC MEDICINE LICENSING ACT

32 54-5101. LEGISLATIVE PURPOSE AND INTENT. It is the intent of the Idaho
33 legislature to regulate the practice of naturopathic medicine. Nothing in
34 this chapter will limit the decision in State v. Smith except to the ex-
35 tent that certain modalities of treatment shall require a license pursuant
36 to this chapter. To that end it is not the intent of the legislature to reg-
37 ulate the practice of natural health care services as it is defined in this
38 chapter, except as expressly provided herein.

39 54-5102. DEFINITIONS. As used in this chapter, the following terms
40 have the meanings as stated:

1 (1) "Approved naturopathic medical program" means a naturopathic medi-
2 cal education program in the United States or Canada that provides the degree
3 of doctor of naturopathy or doctor of naturopathic medicine, that includes
4 graduate level full-time didactic and supervised clinical training and is
5 either accredited or has achieved candidacy status for accreditation by the
6 council on naturopathic medical education (CNME) or an equivalent federally
7 recognized accrediting body for naturopathic medical programs. Addition-
8 ally, the program shall be an institution, or part of an institution, of
9 higher education that is either accredited or is a candidate for accred-
10 itation by a regional accrediting agency recognized by the United States
11 department of education.

12 (2) "Board" means the board of naturopathic medicine created pursuant
13 to section 54-5106, Idaho Code.

14 (3) "Minor office procedures" means the methods for the repair and care
15 incidental to superficial lacerations and abrasions, superficial lesions
16 and the removal of foreign bodies located in the superficial tissues.

17 (4) "Naturopathic medical formulary" means the list of prescription
18 medicines that naturopathic physicians may use in the practice of their pro-
19 fession.

20 (5) "Naturopathic medicine" means a distinct and comprehensive system
21 of primary health care practiced by naturopathic physicians. The practice
22 of naturopathic medicine is separate and distinct from natural health care
23 services.

24 (6) "Naturopathic physician" means a person authorized and licensed to
25 practice naturopathic medicine under this chapter.

26 (7) "Natural health care services" means the broad domain of health
27 care services, including diagnosis and treatment, where treatment or advice
28 regarding the human body and its functions is administered by a person who:

29 (a) Does not use legend drugs or prescription drugs in such practice;

30 (b) Uses only natural elements including, without limitation, air,
31 heat, water and light;

32 (c) Uses only class I or class II nonprescription, approved medical de-
33 vices as defined in section 513 of the federal food, drug and cosmetic
34 act;

35 (d) Uses only non-injectable vitamins, minerals, herbs, natural food
36 products and their extracts, nutritional supplements and homeopathic
37 preparations and remedies not otherwise prohibited by law; and

38 (e) Does not perform surgery.

39 54-5103. SCOPE OF PRACTICE. (1) Naturopathic physicians may use phys-
40 ical and laboratory examinations consistent with naturopathic medical ed-
41 42 ucation and training for diagnostic purposes. Naturopathic physicians may
42 order and perform diagnostic and imaging tests consistent with naturopathic
43 medical education and training. All diagnostic and imaging tests not con-
44 sistent with naturopathic medical education and training must be referred
45 for performance and interpretation by an appropriately licensed health care
46 professional.

47 (2) Naturopathic physicians are authorized to dispense, administer and
48 prescribe prescription drugs and medical devices as determined by the natur-
49 opathic medical formulary and authorized by board rule.

1 (3) Naturopathic physicians may perform minor office procedures pur-
2 suant to privileges authorized by board rule.

3 (4) A naturopathic physician may perform those therapies for which he
4 has been trained and educated and that are not inconsistent with the provi-
5 sions of this chapter that are authorized by board rule.

6 54-5103A. REGISTERED NATURAL HEALTH CARE -- QUALIFICATIONS -- LIMITA-
7 TIONS. (1) Registration under this section is required only of those indi-
8 viduals who desire to utilize the title or hold themselves out as being a reg-
9 istered natural health care practitioner or who are using the term "doctor"
10 or the designation "Dr." in their title, practice or advertising.

11 (2) No person who is not licensed or registered pursuant to this chapter
12 shall use the term "physician" or "doctor" or its abbreviation "Dr." without
13 being licensed or registered hereunder.

14 (3) Registered natural health practitioners are those who perform nat-
15 ural health care services as defined in section 54-5102(7), Idaho Code. A
16 person wishing to become a registered natural health practitioner must make
17 application, meet qualifications and pay the required registration fees be-
18 fore July 1, 2015. All registered natural health practitioners shall renew
19 their registration pursuant to section 67-2614, Idaho Code.

20 (4) To become a registered natural health care practitioner, the appli-
21 cant must have done one (1) of the following:

22 (a) Received a doctor of naturopathy degree from a school, college or
23 institution that is licensed or registered, or exempt from licensure or
24 registration as a religious school, college or institution, by the ap-
25 propriate state educational licensing agency in which its principal op-
26 erations or offices are located;

27 (b) Completed a doctoral level course of study that includes course
28 work and practical experience which may include apprenticeship of at
29 least eight hundred (800) hours, upon completion of which a doctor of
30 naturopathy degree is conferred;

31 (c) Practiced as a doctor of naturopathy for the twenty (20) years imme-
32 diately preceding July 1, 2005; or

33 (d) Practiced as a doctor of naturopathy in this state and received a
34 doctor of naturopathy degree on or before July 1, 2005.

35 54-5104. EXEMPTIONS FOR LICENSURE. This chapter is not intended to and
36 does not prohibit, restrict or apply to:

37 (1) The practice of a profession by individuals who are licensed, cer-
38 tified or registered under other laws of this state and are performing ser-
39 vices within the authorized scope of practice; or

40 (2) The practice of naturopathic medicine by an individual employed by
41 the federal government while the individual is engaged in the performance of
42 duties prescribed by the laws and regulations of the United States; or

43 (3) An individual rendering aid to a family member or in an emergency,
44 when no fee or other consideration for the service is charged, received, ex-
45 pected or contemplated; or

46 (4) A person engaged in the sale of vitamins, health foods, over-the-
47 counter homeopathic products, dietary supplements, herbs or other products

1 of nature, the sale of which is not otherwise prohibited under state or fed-
2 eral law; or

3 (5) The practice by a naturopathic physician duly licensed in another
4 state, territory or the District of Columbia when that naturopathic physi-
5 cian is incidentally called into this state for consultation with a physi-
6 cian licensed pursuant to this chapter or chapter 18, title 54, Idaho Code;
7 or

8 (6) The practice of naturopathic medicine by students enrolled in an
9 approved naturopathic medical program. Services shall be performed pur-
10 suant to a course of instruction or assignments from an instructor and under
11 the supervision and observation of the instructor; or

12 (7) The practice and providing of natural health care services as de-
13 fined in this chapter and not in violation of this chapter by a person who
14 is not licensed or registered in this state as a health care professional or
15 practitioner.

16 54-5105. NATUROPATHIC PHYSICIAN LICENSE REQUIRED. (1) A license shall
17 be required to engage in the practice of naturopathic medicine.

18 (2) No person shall assume or use the title or designation: "natur-
19 opathic physician," "physician of naturopathic medicine," "physician of
20 natural medicine," "doctor of naturopathic medicine" or its abbreviation
21 "NMD," "doctor of naturopathy" or "naturopathic doctor" or its abbreviation
22 "ND" or any other title, designation, words, letters, abbreviations, sign,
23 card or device to indicate to the public that such person is licensed to prac-
24 tice naturopathic medicine pursuant to this chapter unless such person is so
25 licensed.

26 (3) Nothing in this chapter shall prohibit the use of the term "doctor"
27 or "physician" by a person licensed as such pursuant to title 54, Idaho Code.

28 54-5106. BOARD OF NATUROPATHIC MEDICINE -- ORGANIZATION AND MEET-
29 INGS. (1) There is hereby established in the department of self-governing
30 agencies, bureau of occupational licenses, the board of naturopathic
31 medicine.

32 (2) The board shall consist of five (5) members appointed by the gover-
33 nor, three (3) of whom shall be licensed pursuant to this chapter, one (1) of
34 whom shall be a physician licensed pursuant to chapter 18, title 54, Idaho
35 Code, and one (1) of whom shall be a pharmacist licensed pursuant to chapter
36 17, title 54, Idaho Code.

37 (3) One (1) member of the initial board shall be appointed for a one (1)
38 year term of office; one (1) member of the initial board shall be appointed
39 for a two (2) year term of office; one (1) member of the initial board shall
40 be appointed for a three (3) year term of office; one (1) member of the ini-
41 tial board shall be appointed for a four (4) year term of office; and one (1)
42 member of the initial board shall be appointed for a five (5) year term of of-
43 fice. Thereafter, the term of office for each board member shall be five (5)
44 years.

45 (4) The initial three (3) licensed naturopathic board members shall
46 have at least two (2) years of experience in the practice of naturopathic
47 medicine and shall be eligible to become licensed pursuant to this chapter.

1 (5) After initial board members are appointed, the three (3) board
2 members who are naturopathic physicians shall be licensed pursuant to this
3 chapter, shall actively practice naturopathic medicine in the state of Idaho
4 for the duration of their appointment and shall have been practicing naturo-
5 pathic medicine in the state of Idaho for at least two (2) years immediately
6 preceding their appointment.

7 (6) Upon initial appointment of the board and thereafter, whenever a
8 term of a member of the board who is licensed pursuant to chapter 18, ti-
9 tle 54, Idaho Code, expires or becomes vacant, the Idaho medical association
10 shall nominate three (3) persons licensed pursuant to chapter 18, title 54,
11 Idaho Code, for such vacancy and shall forward the nominations to the gover-
12 nor who shall appoint from among the nominees.

13 (7) In the event of the death, resignation or removal of any board mem-
14 ber before the expiration of the term to which they are appointed, the va-
15 cancy shall be filled for the unexpired portion of the term in the same manner
16 as the original appointment.

17 (8) Board members shall serve at the pleasure of the governor.

18 (9) Within thirty (30) days after its appointment, the initial board
19 shall hold a meeting and elect a chairperson. The board shall meet at least
20 annually thereafter, and may hold additional meetings at the call of the
21 chairperson or at the written request of any two (2) members of the board. A
22 majority of the board shall constitute a quorum. The vote of a majority of
23 members present at a meeting wherein a quorum is present shall determine the
24 action of the board.

25 (10) Each member of the board shall be compensated as provided by sec-
26 tion 59-509(k), Idaho Code.

27 54-5107. POWERS AND DUTIES OF THE BOARD. The board shall have the au-
28 thority and responsibility to:

29 (1) Receive applications of persons applying for licensure or regis-
30 tration, determine the qualifications of persons applying for licensure or
31 registration, provide licenses and registration to applicants qualified un-
32 der this chapter;

33 (2) Establish by rule and collect fees from applicants for licensure
34 and registration and for renewal of licensure and registration;

35 (3) Establish by rule the minimum amount and type of continuing educa-
36 tion to be required for each licensee seeking renewal;

37 (4) Investigate complaints against persons who are licensed under this
38 chapter or practicing naturopathic medicine without a license;

39 (5) Undertake, when appropriate, disciplinary proceedings and disci-
40 plinary action against persons licensed under this chapter;

41 (6) Provide such other services and perform such other functions as are
42 consistent with this chapter as are necessary and desirable to fulfill its
43 purposes;

44 (7) Recover the costs and fees, including attorney's fees, incurred in
45 the investigation and prosecution of any person who is found in violation of
46 this chapter or the board's rules;

47 (8) Promulgate and adopt rules, pursuant to chapter 52, title 67, Idaho
48 Code, necessary to administer the provisions of this chapter; and

1 (9) Establish special competency certification requirements for li-
2 censees as deemed necessary by action of the board including, but not lim-
3 ited to, certification for minor office procedures, certification for in-
4 travenous procedures and certification for chelation therapy.

5 (10) The board shall establish by rule a formulary. The formulary list
6 shall be based upon naturopathic medical education, training and continuing
7 education, but may not go beyond the scope of prescription medicines and med-
8 ical devices covered by approved naturopathic medical education and train-
9 ing or board-approved continuing education. The naturopathic medical for-
10 mulary shall not include medicines and devices that are inconsistent with
11 the training provided by approved naturopathic medical programs and contin-
12 uing education. The formulary shall be approved by a unanimous vote of the
13 full board duly called pursuant to section 54-2106, Idaho Code.

14 54-5108. QUALIFICATIONS FOR LICENSURE. To be eligible for a license to
15 practice as a naturopathic physician in the state of Idaho, the applicant
16 shall submit an application, pay the fee and fulfill the following require-
17 ments:

18 (1) Education.

19 (a) The applicant must be a graduate of an approved naturopathic medi-
20 cal program as defined in section 54-5102(1), Idaho Code; or

21 (b) The applicant must be a graduate of a college or university in the
22 United States or Canada, prior to September 1, 1991, that is still in
23 existence and that offered a full-time structured curriculum in basic
24 sciences and supervised patient care comprising a doctoral naturo-
25 pathic medical education as a prerequisite to graduation, having been
26 not less than one hundred thirty-two (132) weeks in duration and that
27 required completion within a period of not less than thirty-five (35)
28 months and have been continually practicing for five (5) years immedi-
29 ately preceding licensure.

30 (2) Examination. Applicants who meet the qualifications of subsection
31 (1) (a) of this section and all applicants after July 1, 2015, shall provide
32 proof of having received a passing grade on the naturopathic physicians li-
33 censing examinations (NPLEX), administered by the North American board of
34 naturopathic examiners (NABNE). The passing grade for each specific exami-
35 nation administration shall be as determined by the NABNE.

36 (3) Interview. Applicants may be required to sit for a personal in-
37 terview by the board to specifically review the applicant's qualifications,
38 professional credentials, knowledge and skills pertaining to the practice
39 of naturopathic medicine.

40 54-5109. LICENSE STANDARDS -- ENDORSEMENT. The board shall establish
41 by rule the standards for licensure of applicants licensed in another juris-
42 diction. However, the standards for endorsement of licensure shall not be
43 less than those required by section 54-5108, Idaho Code.

44 54-5110. LICENSE RENEWAL. All licenses issued under this chapter
45 shall be for a term of one (1) year and shall expire on the birthday of the
46 licensee unless renewed in the manner prescribed by rule. Except as set
47 forth in this chapter, rules governing procedures and conditions for license

1 renewal and reinstatement shall be in accordance with section 67-2614, Idaho
2 Code.

3 54-5111. FEES. (1) The board shall establish by rule fees for licen-
4 sure and registration pursuant to the provisions of this chapter as follows:

5 (a) An application fee for licensure or registration not to exceed two
6 hundred fifty dollars (\$250);

7 (b) The fee for the initial naturopathic physician license not to ex-
8 ceed one thousand dollars (\$1,000);

9 (c) The fee for the initial registration not to exceed five hundred dol-
10 lars (\$500);

11 (d) The fee for the renewal of a naturopathic physician license not to
12 exceed one thousand dollars (\$1,000);

13 (e) The fee for the renewal of a registration not to exceed (\$500); and

14 (f) The fees charged pursuant to paragraphs (b) through (e) of this sub-
15 section shall be in addition to the application fee.

16 (2) All fees received under the provisions of this section shall be non-
17 refundable and shall be deposited in the state treasury to the credit of the
18 occupational license account in the dedicated fund, and all costs and ex-
19 penses incurred by the board under the provisions of this chapter shall be a
20 charge against and paid from the account for such purposes. Notwithstand-
21 ing any other provisions of law, the funds collected pursuant to this section
22 shall be immediately available for the administration of this chapter.

23 54-5112. DENIAL OF LICENSE AND DISCIPLINARY PROCEEDINGS. (1) The
24 board may refuse to issue or renew a license or may revoke, suspend or other-
25 wise discipline a license holder for any of the following grounds:

26 (a) The use of fraud or deceit in obtaining a license under this chapter
27 or in connection with services rendered as a naturopathic physician;

28 (b) A legal finding of mental incompetence;

29 (c) Aiding or abetting a person, not duly licensed under this chapter,
30 in claiming to be a naturopathic physician or in practicing naturo-
31 pathic medicine;

32 (d) Any gross negligence, incompetence or misconduct in the perfor-
33 mance of naturopathic medicine or natural health care services;

34 (e) Conviction of a felony, or a crime involving moral turpitude, or the
35 entering of a plea of guilty or the finding of guilt by a jury or court of
36 commission of a felony or a crime involving moral turpitude;

37 (f) Practicing as a naturopathic physician when physical or mental
38 abilities are impaired by the use of controlled substances or other
39 drugs, chemicals or alcohol;

40 (g) Failure of the individual practitioner to maintain his profes-
41 sional premises in a clean and sanitary condition;

42 (h) Any other good cause, relevant to qualifications to practice as a
43 naturopathic physician. The board may not suspend, revoke or refuse to
44 issue or renew a license based on the findings that a licensee's prac-
45 tice is unconventional in the absence of demonstrable harm to a patient
46 and the patient has signed a waiver to the effect that the treatment or
47 device is considered unconventional;

- 1 (i) Failure to demonstrate compliance with continuing education re-
 2 quirements as determined by the board;
- 3 (j) Violating any law or rule pursuant to this chapter;
- 4 (k) Having been convicted of any crime that reflects adversely on the
 5 person's fitness to be licensed or registered pursuant this chapter;
- 6 (l) Having a license to practice naturopathic medicine or other health
 7 care license, registration or certificate refused, revoked or sus-
 8 pended or otherwise disciplined by any state, territory, district of
 9 the United States or Canada for reasons that relate to the applicant's
 10 ability to skillfully and safely practice naturopathic medicine, or
 11 other health care profession unless that license, registration or cer-
 12 tification has been restored to good standing by that jurisdiction;
- 13 (m) Prescribing, dispensing or administering any controlled substance
 14 or device identified under the uniform controlled substance act, chap-
 15 ter 27, title 37, Idaho Code, or identified in the federal controlled
 16 substance act, 21 U.S.C. sections 801 through 971 (1988), as amended,
 17 except as authorized by this chapter;
- 18 (n) Performing surgical procedures, except those minor office proce-
 19 dures authorized by this chapter;
- 20 (o) Practicing or claiming to practice as a medical doctor, osteopath,
 21 dentist, podiatrist, optometrist, psychologist, advanced practice
 22 professional nurse, physician assistant, chiropractor, physical ther-
 23 apist, acupuncturist or any other health care professional not autho-
 24 rized in this chapter unless licensed by the state of Idaho to do so;
- 25 (p) Using general or spinal anesthetics;
- 26 (q) Administering ionizing radioactive substances for therapeutic
 27 purposes;
- 28 (r) Performing surgical procedures using a laser device;
- 29 (s) Inducing or performing an abortion;
- 30 (t) Performing surgical procedures involving the eye, ear, tendons,
 31 nerves, veins or arteries extending beyond superficial tissue;
- 32 (u) Treating any lesion suspicious of malignancy or requiring surgi-
 33 cal removal. Lesions suspicious of malignancy or requiring surgical
 34 removal shall be referred to or co-managed with a physician licensed
 35 pursuant to chapter 18, title 54, Idaho Code;
- 36 (v) Performing chiropractic adjustments as defined in section 54-704,
 37 Idaho Code;
- 38 (w) Performing physical therapy as defined in section 54-2203, Idaho
 39 Code; or
- 40 (x) Failure to comply with a board order.
- 41 (2) The board may reinstate any revoked or suspended license upon such
 42 terms as it may determine.
- 43 (3) The board may by rule provide a procedure for an applicant to re-
 44 quest an exemption review for a felony or lesser crime conviction. The ap-
 45 plicant shall bear the burden and financial responsibility of providing all
 46 evidence, documentation and proof of suitability for licensure required by
 47 the board for exemption review.

48 54-5113. DENIAL OF REGISTRATION AND DISCIPLINARY PROCEDURE. (1) The
 49 board may refuse to issue or renew a registration or may revoke, suspend or

1 otherwise discipline a registered naturopathic health care practitioner
2 upon the following grounds:

3 (a) The use of fraud or deception in obtaining or renewing a registra-
4 tion;

5 (b) Fraud or deceit in connection with services rendered as a regis-
6 tered natural health care practitioner;

7 (c) Violation of any of the provisions of this chapter or any of the
8 rules promulgated by the board under the authority of this chapter;

9 (d) Representing oneself as a registered naturopathic health care
10 practitioner when not registered to do so;

11 (e) Holding oneself out as a registered naturopathic practitioner or
12 using the term "doctor" or "Dr." without being registered;

13 (f) Conviction of a felony, or a crime involving moral turpitude, or the
14 entering of a plea of guilty or the finding of guilt by a jury or court of
15 commission of a felony or a crime involving moral turpitude;

16 (g) Practicing as a registered natural health care practitioner when
17 physical or mental abilities are impaired by the use of controlled sub-
18 stances or other drugs, chemicals or alcohol;

19 (h) Having been convicted of a felony, or of a lesser crime that re-
20 flects adversely on the person's fitness to be registered pursuant to
21 this chapter; or

22 (i) Practicing or claiming to practice as a medical doctor, osteopath,
23 dentist, podiatrist, optometrist, psychologist, advanced practice
24 professional nurse, physician assistant, chiropractor, physical ther-
25 apist, acupuncturist or any other health care professional not autho-
26 rized in this chapter unless licensed pursuant to title 54, Idaho Code.

27 (2) The board may reinstate any revoked or suspended registration upon
28 such terms as it may determine.

29 (3) The board may by rule provide a procedure for an applicant to re-
30 quest an exemption review for a felony or lesser crime conviction. The ap-
31 plicant shall bear the burden and financial responsibility of providing all
32 evidence, documentation and proof of suitability for registration required
33 by the board for exemption review.

34 54-5114. DISCLOSURE BY THOSE PROVIDING NATURAL HEALTH CARE SER-
35 VICES. (1) Any person providing natural health care services who is not a
36 naturopathic physician and who is advertising or charging a fee for those
37 services shall, prior to providing such services, disclose to the client in a
38 clearly worded statement:

39 (a) The practitioner's name, business address and telephone number;

40 (b) The nature of the natural health care services to be provided; and

41 (c) That the practitioner is not an "M.D.," "D.O.," "N.M.D.," "natur-
42 opathic physician," "naturopathic doctor" or "N.D." nor is the practi-
43 tioner licensed to provide these services.

44 (2) Before a practitioner provides natural health care services to a
45 client for the first time, such practitioner must obtain a written acknowl-
46 edgment from the client stating that he has been provided with the informa-
47 tion described in this section and that he recognizes that the practitioner
48 is not licensed to practice medicine, surgery or naturopathic medicine or
49 any other type of medicine. The client shall be provided with a copy of this

1 written acknowledgment that must be maintained for two (2) years by the per-
2 son providing the services. If the disclosure information changes, then the
3 practitioner has a duty to repeat the disclosure if a client obtains services
4 after the change.

5 54-5115. CERTAIN ACTS PROHIBITED. It shall be unlawful and a misde-
6 meanor for any person to engage in any of the following acts:

7 (1) To violate any of the provisions of this chapter and any rules pro-
8 mulgated pursuant thereto;

9 (2) To represent himself to be a licensed naturopathic physician with-
10 out having first obtained a license in compliance with the provisions of this
11 chapter;

12 (3) To represent himself to be a registered naturopathic practitioner
13 or use of the term "doctor" or its abbreviation "Dr." or any term to represent
14 to the public that such person is registered pursuant to this chapter unless
15 the person is so registered;

16 (4) To practice, attempt or offer to practice naturopathic medicine as
17 defined in this chapter without having at the time of so doing, a valid, unex-
18 pired, unrevoked and unsuspended license issued under this chapter; or

19 (5) To use in connection with his name or place of business, the
20 title or designation: "naturopathic physician," "physician of naturo-
21 pathic medicine," "physician of natural medicine," "doctor of naturopathic
22 medicine," or its abbreviation "NMD," "doctor of naturopathy" or "natur-
23 opathic doctor" or its abbreviation "ND" or any other title, designation,
24 words, letters, abbreviations, sign, card or device to indicate to the pub-
25 lic that such person is licensed to practice naturopathic medicine pursuant
26 to this chapter unless such person is so licensed.

27 54-5116. PREEMPTION OF LOCAL REGULATIONS. Beginning July 1, 2015, a
28 local unit of government shall not establish or maintain professional li-
29 censing or registration requirements for a naturopathic physician licensed
30 pursuant to this chapter or a registered natural health care practitioner
31 registered pursuant to this chapter.

32 54-5117. SEVERABILITY. The provisions of this chapter are hereby de-
33 clared to be severable, and if any provision of this chapter or the applica-
34 tion of such provision to any person or circumstance is declared invalid for
35 any reason, such declaration shall not affect the validity of the remaining
36 portions of this chapter.

37 SECTION 3. That Section 67-2601, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 67-2601. DEPARTMENT CREATED -- ORGANIZATION -- DIRECTOR -- BUREAU OF
40 OCCUPATIONAL LICENSES CREATED. (1) There is hereby created the department of
41 self-governing agencies. The department shall, for the purposes of section
42 20, article IV, of the constitution of the state of Idaho, be an executive
43 department of the state government.

44 (2) The department shall consist of the following:

45 (a) Agricultural commodity commissions: Idaho apple commission, as
46 provided by chapter 36, title 22, Idaho Code; Idaho bean commission,

1 as provided by chapter 29, title 22, Idaho Code; Idaho beef council, as
2 provided by chapter 29, title 25, Idaho Code; Idaho cherry commission,
3 as provided by chapter 37, title 22, Idaho Code; Idaho dairy products
4 commission, as provided by chapter 31, title 25, Idaho Code; Idaho pea
5 and lentil commission, as provided by chapter 35, title 22, Idaho Code;
6 Idaho potato commission, as provided by chapter 12, title 22, Idaho
7 Code; the Idaho wheat commission, as provided by chapter 33, title 22,
8 Idaho Code; the Idaho aquaculture commission, as provided by chapter
9 44, title 22, Idaho Code; and the Idaho alfalfa and clover seed commis-
10 sion, as provided in chapter 42, title 22, Idaho Code.

11 (b) Professional and occupational licensing boards: Idaho state board
12 of certified public accountancy, as provided by chapter 2, title 54,
13 Idaho Code; board of acupuncture, as provided by chapter 47, title 54,
14 Idaho Code; board of architectural examiners, as provided by chapter
15 3, title 54, Idaho Code; office of the state athletic director, as pro-
16 vided by chapter 4, title 54, Idaho Code; board of barber examiners, as
17 provided by chapter 5, title 54, Idaho Code; board of commissioners of
18 the Idaho state bar, as provided by chapter 4, title 3, Idaho Code; board
19 of chiropractic physicians, as provided by chapter 7, title 54, Idaho
20 Code; Idaho board of cosmetology, as provided by chapter 8, title 54,
21 Idaho Code; Idaho counselor licensing board, as provided by chapter 34,
22 title 54, Idaho Code; state board of dentistry, as provided by chapter
23 9, title 54, Idaho Code; state board of denturistry, as provided by chap-
24 ter 33, title 54, Idaho Code; Idaho board of licensure of professional
25 engineers and professional land surveyors, as provided by chapter 12,
26 title 54, Idaho Code; state board for registration of professional
27 geologists, as provided by chapter 28, title 54, Idaho Code; speech
28 and hearing services licensure board, as provided by chapter 29, title
29 54, Idaho Code; Idaho physical therapy licensure board, as provided by
30 chapter 22, title 54, Idaho Code; Idaho state board of landscape ar-
31 chitects, as provided by chapter 30, title 54, Idaho Code; liquefied
32 petroleum gas safety board, as provided by chapter 53, title 54, Idaho
33 Code; state board of medicine, as provided by chapter 18, title 54,
34 Idaho Code; state board of morticians, as provided by chapter 11, title
35 54, Idaho Code; board of naturopathic ~~medical examiners~~ medicine, as
36 provided by chapter 51, title 54, Idaho Code; board of nurses, as pro-
37 vided by chapter 14, title 54, Idaho Code; board of examiners of nursing
38 home administrators, as provided by chapter 16, title 54, Idaho Code;
39 state board of optometry, as provided by chapter 15, title 54, Idaho
40 Code; Idaho outfitters and guides board, as provided by chapter 21, ti-
41 tle 36, Idaho Code; board of pharmacy, as provided by chapter 17, title
42 54, Idaho Code; state board of podiatry, as provided by chapter 6, title
43 54, Idaho Code; Idaho state board of psychologist examiners, as pro-
44 vided by chapter 23, title 54, Idaho Code; Idaho real estate commission,
45 as provided by chapter 20, title 54, Idaho Code; real estate appraiser
46 board, as provided by chapter 41, title 54, Idaho Code; board of social
47 work examiners, as provided by chapter 32, title 54, Idaho Code; the
48 board of veterinary medicine, as provided by chapter 21, title 54, Idaho
49 Code; the board of examiners of residential care facility administra-
50 tors, as provided by chapter 42, title 54, Idaho Code; the certified

1 shorthand reporters board, as provided by chapter 31, title 54, Idaho
2 Code; the driving businesses licensure board, as provided by chapter
3 54, title 54, Idaho Code; the board of drinking water and wastewater
4 professionals, as provided by chapter 24, title 54, Idaho Code; and the
5 board of midwifery, as provided by chapter 55, title 54, Idaho Code.

6 (c) The board of examiners, pursuant to section 67-2001, Idaho Code.

7 (d) The division of building safety: building code board, chapter 41,
8 title 39, Idaho Code; manufactured housing board, chapter 21, title
9 44, Idaho Code; electrical board, chapter 10, title 54, Idaho Code;
10 public works contractors license board, chapter 19, title 54, Idaho
11 Code; plumbing board, chapter 26, title 54, Idaho Code; public works
12 construction management, chapter 45, title 54, Idaho Code; the heating,
13 ventilation and air conditioning board, chapter 50, title 54, Idaho
14 Code; and modular building advisory board, chapter 43, title 39, Idaho
15 Code.

16 (e) The division of veterans services to be headed by a division ad-
17 ministrator who shall be a nonclassified employee exempt from the pro-
18 visions of chapter 53, title 67, Idaho Code. The administrator of the
19 division shall administer the provisions of chapter 2, title 65, Idaho
20 Code, and chapter 9, title 66, Idaho Code, with the advice of the vet-
21 erans affairs commission established under chapter 2, title 65, Idaho
22 Code, and shall perform such additional duties as are imposed upon him
23 by law.

24 (f) The board of library commissioners, pursuant to section 33-2502,
25 Idaho Code.

26 (g) The Idaho state historical society, pursuant to section 67-4123,
27 Idaho Code.

28 (3) The bureau of occupational licenses is hereby created within the
29 department of self-governing agencies.

30 SECTION 4. That Section 67-2602, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 67-2602. BUREAU OF OCCUPATIONAL LICENSES. (1) The bureau of occupa-
33 tional licenses created in the department of self-governing agencies by
34 section 67-2601, Idaho Code, shall be empowered, by written agreement be-
35 tween the bureau and each agency for which it provides administrative or
36 other services as provided by law, to provide such services for the board
37 of acupuncture, board of architectural examiners, board of barber exam-
38 iners, board of chiropractic physicians, board of cosmetology, counselor
39 licensing board, state board of dentistry, speech and hearing services
40 licensure board, physical therapy licensure board, board of landscape ar-
41 chitects, liquefied petroleum gas safety board, board of morticians, board
42 of naturopathic ~~medical examiners~~ medicine, board of examiners of nursing
43 home administrators, board of optometry, board of podiatrists, board of
44 psychologist examiners, real estate appraiser board, board of examiners of
45 residential care facility administrators, board of social work examiners,
46 board of midwifery and such other professional and occupational licensing
47 boards or commodity commissions as may request such services. The bureau may
48 charge a reasonable fee for such services provided any agency not otherwise

1 provided for by law and shall maintain proper accounting methods for all
2 funds under its jurisdiction.

3 (2) Notwithstanding the statutes governing specific boards, for any
4 board that contracts with the bureau of occupational licenses, each board
5 member shall hold office until a successor has been duly appointed and qual-
6 ified.

7 (3) The department of self-governing agencies, by and through the bu-
8 reau of occupational licenses, shall be empowered to provide administrative
9 or other services for the administration of chapter 48, title 54, Idaho Code,
10 to issue, suspend, revoke or refuse to renew licenses and certificates, to
11 issue subpoenas, to prescribe and impose fees and to assess administrative
12 penalties pursuant to the provisions of chapter 48, title 54, Idaho Code.

13 SECTION 5. The Board of Naturopathic Medicine shall report on the sta-
14 tus of the board and the practice of naturopathic medicine in Idaho to the
15 Second Regular Session of the Sixty-fifth Idaho Legislature in 2020.

16 SECTION 6. The Board of Naturopathic Medicine shall have the authority
17 and responsibility to pay the outstanding debts of any previous board that
18 regulated naturopathic physicians and was administered by the Department of
19 Self-Governing Agencies, Bureau of Occupational Licenses. The repayment of
20 such debt shall be deposited in the State Treasury to the credit of the Occu-
21 pational Licenses Account.

22 SECTION 7. This act shall be in full force and effect on and after July
23 1, 2014, except that the provisions of Sections 54-5105 and 54-5116, Idaho
24 Code, shall not take effect until July 1, 2015. All licenses issued pursuant
25 to the chapter repealed by Section 1 of this act and all actions taken by the
26 board created pursuant to the chapter repealed by Section 1 of this act shall
27 be null, void and of no force and effect on and after July 1, 2014. The provi-
28 sions of Section 2 of this act shall be null, void and of no force and effect
29 on and after July 1, 2020.