

IN THE SENATE

SENATE BILL NO. 1330, As Amended

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO NATUROPATHIC DOCTOR LICENSING AND NATUROPATH REGISTRATION;
2 AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 59, TI-
3 TLE 54, IDAHO CODE, TO DECLARE POLICY, TO DEFINE TERMS, TO PROVIDE FOR
4 THE CREATION OF A BOARD OF NATUROPATHIC HEALTH CARE, TO PROVIDE FOR
5 BOARD DUTIES AND POWERS, TO PROVIDE FOR VOLUNTARY NATUROPATHIC DOCTOR
6 LICENSURE, TO ESTABLISH A SCOPE OF PRACTICE, TO PROVIDE FOR CERTAIN PRE-
7 SCRIPTIVE RIGHTS, TO PROVIDE FOR REGISTRATION, TO PROVIDE FOR ISSUANCE
8 AND REVOCATION OF LICENSES AND REGISTRATIONS, TO PROVIDE CERTAIN IMMU-
9 NITY, TO PROVIDE FOR PUBLIC HEALTH LAWS, AND TO ESTABLISH A FORMULARY
10 COMMITTEE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
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12 Be It Enacted by the Legislature of the State of Idaho:

13 SECTION 1. That Title 54, Idaho Code, be, and the same is hereby amended
14 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
15 ter 59, Title 54, Idaho Code, and to read as follows:

16 CHAPTER 59

17 NATUROPATHIC DOCTOR LICENSING AND NATUROPATH REGISTRATION

18 54-5901. DECLARATION OF POLICY. (1) The legislature finds and de-
19 clares that the licensing of naturopathic doctors and the registration of
20 lay naturopaths will improve access to natural health care for Idahoans and
21 promote the health of all Idahoans, including the underserved population.
22 The licensing of naturopathic doctors and registration of lay naturopaths
23 will promote the public health interest by aiding in the delivery of naturo-
24 pathic medical services of high quality to the people of Idaho. To fulfill
25 these purposes, this chapter provides for the optional licensure of naturo-
26 pathic doctors as well as for the optional registration of laypersons who are
27 naturopaths.

28 (2) This chapter shall not restrict unlicensed practice lawfully pro-
29 vided pursuant to section 54-1804(1) (1), Idaho Code.

30 54-5902. DEFINITIONS. As used in this chapter:

31 (1) "Board" means the Idaho board of naturopathic health care.

32 (2) "License" means a license to practice as a licensed naturopathic
33 doctor.

34 (3) "Licensed naturopathic doctor" means an individual licensed as a
35 medical doctor, doctor of osteopathy, doctor of podiatric medicine, doctor
36 of chiropractic, doctor of dental medicine, or doctor of nursing practice
37 who has obtained an approved naturopathic doctoral degree, as set forth in
38 rule, and who voluntarily elects to seek and receives licensure under this
39 chapter to practice naturopathic health care in Idaho.

1 (4) "Minor procedure" means the use of operative, electrical, or other
 2 methods for repair and care incidental to superficial lacerations, abra-
 3 sions, superficial lesions, the removal of foreign bodies located in the
 4 superficial tissues, and the use of antiseptics and local topical anesthet-
 5 ics in connection with such methods.

6 (5) "Naturopathic health care" means the delivery of a distinct pri-
 7 mary health care emphasizing prevention, treatment, and optimal health us-
 8 ing therapeutic methods and substances that encourage an individual's in-
 9 herent self-healing process by a naturopathic practitioner.

10 54-5903. BOARD OF NATUROPATHIC HEALTH CARE CREATED -- MEMBER APPOINT-
 11 MENT -- TERMS. (1) The Idaho board of naturopathic health care is hereby cre-
 12 ated in the division of occupational and professional licenses. The board
 13 shall consist of five (5) members.

14 (a) For the initial board:

15 (i) One (1) member shall be a public member;

16 (ii) One (1) member shall be either a doctor of osteopathy or a
 17 doctor of medicine who is not licensed under this chapter but who
 18 is licensed pursuant to chapter 18, title 54, Idaho Code;

19 (iii) Two (2) members shall be eligible for licensure under this
 20 chapter; and

21 (iv) One (1) member shall be eligible for registration as a natur-
 22 opath under this chapter.

23 (b) After the initial board:

24 (i) One (1) member shall be a public member;

25 (ii) One (1) member shall be either a doctor of osteopathy or a
 26 doctor of medicine who is not licensed under this chapter but who
 27 is licensed pursuant to chapter 18, title 54, Idaho Code;

28 (iii) Two (2) members shall be licensed under this chapter; and

29 (iv) One (1) member shall be registered under this chapter.

30 (2) The governor shall appoint all members of the board. Of the ini-
 31 tial members, two (2) shall be appointed for four (4) year terms and three (3)
 32 shall be appointed for three (3) year terms. After the initial appointments,
 33 all terms of appointment shall be for four (4) years. Each member shall serve
 34 until a successor is appointed and qualified. No member shall serve more
 35 than two (2) consecutive full terms.

36 (3) The board shall, within thirty (30) days after its appointment, and
 37 at least annually thereafter, hold a meeting and elect a chair and a vice
 38 chair and may hold additional meetings at the call of the chair or at the
 39 written request of any two (2) members of the board. A majority of the board
 40 shall constitute a quorum. The vote of a majority of members present at a
 41 meeting wherein a quorum is present shall determine the action of the board.
 42 The chair and vice chair shall each serve for a two (2) year term. No chair or
 43 vice chair may serve more than two (2) consecutive terms.

44 (4) In the event of the death, resignation, or removal of any board mem-
 45 ber before the expiration of the term to which the member is appointed, the
 46 vacancy shall be filled for the unexpired portion of the term in the same man-
 47 ner as the original appointment.

48 (5) Board members shall serve at the pleasure of the governor.

1 (6) Each member of the board shall be compensated as provided in section
2 59-509(p), Idaho Code.

3 54-5904. BOARD DUTIES AND POWERS. The board shall have the authority
4 and the responsibility to:

5 (1) By July 1, 2023, in accordance with this chapter and by using the
6 American naturopathic medical certification board as the primary resource,
7 determine the qualifications needed by each person applying for licensure
8 pursuant to this chapter and, in addition to the requirements of this chap-
9 ter, define by rule the criteria for determining the appropriate scope of
10 practice for each individual seeking licensure; provided, however, the
11 board may authorize a scope of practice only on an individual basis for each
12 individual seeking licensure. The board may modify the authorized scope of
13 practice based on its assessment of an individual's education, training, and
14 experience;

15 (2) Consult with the American naturopathic medical certification board
16 to define and set by rule any additional qualifications for licensure that
17 are consistent with this chapter. Any such qualifications shall be in addi-
18 tion to those required by this chapter;

19 (3) Authorize prescriptive rights or surgical authority only for an
20 applicant who demonstrates sufficient education and training in accor-
21 dance with an active Idaho license in good standing pursuant to section
22 54-5905(1), Idaho Code. Notwithstanding the provisions of this subsection,
23 all licensees shall be permitted by the board to practice according to the
24 scope of practice pursuant to section 54-5906, Idaho Code;

25 (4) Establish, pursuant to chapter 52, title 67, Idaho Code, any such
26 rules consistent with this chapter as are necessary for the administration
27 of this chapter, including but not limited to rules pertaining to disci-
28 pline, continuing education, and standards for professional conduct that
29 reflect current practice standards and promote inclusion of evidence-based
30 innovations and advances in naturopathic health care;

31 (5) Conduct investigations and examinations and hold hearings;

32 (6) Collect fees and other funds only to the extent necessary to carry
33 out the provisions of this chapter. All fees received under the provisions
34 of this chapter shall be paid to the division of occupational and profes-
35 sional licenses and deposited in the state treasury to the credit of the oc-
36 cupational licenses fund, and all costs and expenses incurred under the pro-
37 visions of this chapter shall be a charge against and paid from said fund;

38 (7) Conduct legal proceedings, including those regarding contracts and
39 litigation;

40 (8) Provide such other services and perform such other functions as are
41 necessary and desirable to fulfill its purposes; and

42 (9) Establish rules that provide for naturopaths to practice in Idaho
43 through registration rather than licensure. In order to protect public
44 health, the scope of practice for a registered naturopath shall be no broader
45 than as provided for in section 54-1804(1)(1), Idaho Code.

46 (a) The board shall establish a method of registration and a reasonable
47 fee for registration and collect such fee for registration.

48 (b) No registration shall be granted until the board has approved a rea-
49 sonable fee and a method of collecting such fee for registration.

1 54-5905. VOLUNTARY NATUROPATHIC DOCTOR LICENSURE -- REQUIREMENTS --
2 LIMITATIONS. (1) An applicant shall be qualified for voluntary licensure as
3 a naturopathic doctor pursuant to this chapter if such applicant:

4 (a) Possesses current, valid, and unrestricted licensure in any state,
5 district, or territory of the United States in at least one (1) of the
6 following medical professions:

7 (i) Medical doctor or doctor of osteopathy;

8 (ii) Podiatrist;

9 (iii) Dentist;

10 (iv) Chiropractor, if such applicant possesses an accredited
11 doctoral degree in chiropractic medicine as required pursuant to
12 chapter 7, title 54, Idaho Code; or

13 (v) Nurse, if such applicant possesses a level of training and ed-
14 ucation equivalent to an advanced practice registered nurse pur-
15 suant to chapter 14, title 54, Idaho Code, and has achieved an ac-
16 credited doctorate degree in nursing;

17 (b) Has a valid doctoral degree in naturopathy as approved by the board
18 from an institution accredited by the United States department of edu-
19 cation;

20 (c) Has not pled guilty to or been convicted of a crime that is deemed
21 relevant in accordance with section 67-9411(1), Idaho Code, unless such
22 applicant demonstrates that he has been sufficiently rehabilitated to
23 warrant the public trust; and

24 (d) Completes any one (1) of the following:

25 (i) Two (2) years of experience in the practice of naturopathic
26 health care acceptable to the board, one (1) year of which may
27 include predoctoral practicum or internship and one (1) year of
28 which must be postdoctoral;

29 (ii) Passage of an Idaho state examination proving minimum com-
30 petency and skills, to be developed and approved by the board by
31 rule and the American naturopathic medical certification board
32 pursuant to this chapter; or

33 (iii) Passage of any accredited national board examination that
34 certifies the individual has achieved minimum competency and
35 skills in the practice of naturopathic health care as approved by
36 the board by rule.

37 (2) A license issued under this chapter shall:

38 (a) Be issued in the name of the licensed naturopathic doctor;

39 (b) State the issue and expiration date; and

40 (c) Always be displayed in a conspicuous manner in the place of business
41 or employment of the licensee.

42 (3) A licensed naturopathic doctor may also use the title "licensed
43 doctor of natural health" or "licensed naturopathic practitioner."

44 (4) All applications for licensing shall be reviewed and approved by
45 the board on an individual basis.

46 (5) A person who is not licensed pursuant to this chapter shall not:

47 (a) Hold himself out as a naturopathic doctor licensed under this chap-
48 ter;

1 (b) Use or advertise using the title of licensed naturopathic doc-
2 tor (LND), licensed naturopathic practitioner (LNP), or any variant
3 thereof; or

4 (c) Use any words, abbreviations, figures, configuration of letters,
5 titles, signs, cards, or devices tending to imply that the person is a
6 naturopathic doctor licensed in the state of Idaho.

7 (6) Notwithstanding the provisions of subsection (5) of this section, a
8 person who is a licensed naturopathic medical doctor pursuant to chapter 51,
9 title 54, Idaho Code, may use the title "licensed naturopathic doctor."

10 (7) No license shall be issued by the board until the board has final-
11 ized and approved licensure requirements by rule as provided by this chapter
12 and the legislature has approved all rules governing licensure adopted by
13 the board.

14 54-5906. LICENSED NATUROPATHIC DOCTORS -- SCOPE OF PRACTICE. (1) A
15 naturopathic doctor licensed pursuant to this chapter may engage only in the
16 scope of practice provided for in this section.

17 (2) A person who does not possess a current, valid, and unrestricted li-
18 cense pursuant to title 54, Idaho Code, that permits such person to prescribe
19 legend drugs or to perform minor procedures shall not be authorized to do so
20 under a license issued pursuant to this chapter.

21 (3) If a licensed naturopathic doctor receives licensure in Idaho to
22 practice any profession identified in section 54-5905(1) (a), Idaho Code,
23 then the board may allow the licensed naturopathic doctor to incorporate any
24 additional scope of practice provided for in this section or prescriptive
25 rights as provided for in section 54-5907, Idaho Code. However, the board
26 shall not approve an expanded scope of practice pursuant to this subsection
27 if such additional licensure does not authorize such scope of practice.

28 (4) (a) The scope of practice for a licensed naturopathic doctor shall
29 be established by rule of the board and shall be limited to the follow-
30 ing:

31 (i) Diagnosis and treatment of conditions affecting the human
32 body, including vitamins, minerals, or other natural methods;

33 (ii) Diagnosis and care of patients using a system of practice
34 that bases treatment of physiological functions and abnormal
35 conditions on natural laws governing the human body, including
36 utilizing physiological, psychological, and mechanical methods,
37 electromagnetism, therapeutic exercise, homeopathic medicine,
38 decompression, traction, biofeedback, electrotherapy, physio-
39 therapy, mechanotherapy, naturopathic corrections, neurofeed-
40 back, natural methods and substances that support hormonal and
41 cellular health, phytotherapy, and food and herb therapies; and

42 (iii) Physical examination procedures and laboratory procedures,
43 including ordering imaging and diagnostic tests for purposes of
44 diagnosis.

45 (b) Other practices that are consistent with this chapter may be al-
46 lowed pursuant to the rules of the board.

47 (5) Minor procedures using local anesthetics may be performed only if a
48 licensed naturopathic doctor has had postgraduate surgical training in res-
49 idency, possesses relevant board certification, is licensed under another

1 chapter of title 54, Idaho Code, that authorizes minor procedures, and is ex-
2 pressly authorized by the board to perform minor procedures.

3 (6) No licensed naturopathic doctor shall perform minor procedures,
4 prescribe legend drugs, or perform any other action unless otherwise ex-
5 pressly authorized by this chapter and such action is pursuant to the rules
6 of the board.

7 54-5907. PRESCRIPTIVE RIGHTS. (1) Licensed naturopathic doctors may
8 be granted certain prescriptive rights as part of their scope of practice.
9 However, prescriptive rights for licensed naturopathic doctors shall be
10 granted and maintained only if the licensed naturopathic doctor:

11 (a) Currently possesses and maintains a full federal drug enforcement
12 agency (DEA) registration that is in good standing prior to seeking pre-
13 scriptive rights under his license;

14 (b) Has completed at least forty-five (45) credit hours of pharmacology
15 from an institution accredited by the United States department of edu-
16 cation; and

17 (c) Possesses a current, valid, and unrestricted license issued pur-
18 suant to title 54, Idaho Code, that permits such person to prescribe
19 legend drugs.

20 (2) Licensed naturopathic doctors' individual prescriptive rights
21 pursuant to this section shall be limited to all medications, treatments,
22 or any other item to be prescribed as outlined and approved by the board.
23 However, the board shall not approve any medication, treatment, or any other
24 similar item that is not approved by the formulary committee.

25 (3) This section shall not and is not intended to authorize group licen-
26 sure for all individuals licensed under this chapter. Each licensed naturo-
27 pathic doctor must, on an individual basis, receive approval from the board
28 to prescribe legend drugs as a licensed naturopathic doctor.

29 (4) The board, by rule, shall ensure that any approval of a licensed
30 naturopathic doctor's request to prescribe as a licensed naturopathic doc-
31 tor does not exceed the prescriptive scope the licensed naturopathic doctor
32 previously possessed prior to licensure under this chapter.

33 54-5908. REGISTERED NATUROPATHS. (1) Naturopaths who are not licensed
34 naturopathic doctors may, but shall not be required to, obtain registration
35 under the provisions of this chapter and pursuant to the rules of the board.

36 (2) The scope of practice for a registered naturopath under this
37 chapter shall be limited to practices permitted pursuant to section
38 54-1804(1)(1), Idaho Code.

39 54-5909. LICENSE AND REGISTRATION ISSUANCE, REVOCATION, AND RE-
40 NEWAL. (1) The board shall issue and renew licenses or issue and renew
41 registrations to persons who have qualified for such license or registration
42 pursuant to the provisions of this chapter.

43 (2) The board may deny an application for licensure or registration,
44 revoke a license or registration, or place restrictions on a license or reg-
45 istration if the holder of such license or registration or applicant for li-
46 censure or registration:

1 (a) Is a current health care professional whose licensure is or pre-
2 viously has been revoked, suspended, placed on probation, reprimanded,
3 limited, restricted, or conditioned, or if such person has been or is
4 currently subject to disciplinary action with respect to professional
5 licensure;

6 (b) Engages in conduct prohibited by this chapter;

7 (c) Obtains or attempts to obtain the issuance or renewal of a license
8 or registration pursuant to this chapter by means of fraud, misrepre-
9 sentation, or concealment of material facts;

10 (d) Has at any time failed to maintain the confidentiality of records or
11 other information pertaining to an identifiable client, except as re-
12 quired or authorized by law;

13 (e) Engages in any conduct that constitutes an abuse or exploitation of
14 a client arising out of the trust and confidence placed in the licensed
15 naturopathic doctor or registered naturopath by the client;

16 (f) Fails to, or has previously failed to, adhere to the limitations set
17 forth in section 54-1804(1) (1), Idaho Code;

18 (g) Is convicted of, or in the past was convicted of, a crime deemed rel-
19 evant in accordance with section 67-9411(1), Idaho Code;

20 (h) Engages in conduct that violates the provisions of this chapter,
21 the rules of the board, or the terms of any license or registration is-
22 sued by the board; or

23 (i) Fails to comply with a board order entered in any disciplinary mat-
24 ter.

25 (3) In making a determination under subsection (2) of this section, the
26 board shall take into consideration the rehabilitation of the applicant and
27 other mitigating circumstances.

28 (4) An applicant for a license or registration under this chapter shall
29 submit any fee established pursuant to board rules.

30 (5) All licenses issued under the provisions of this chapter shall be
31 subject to annual renewal and shall expire unless renewed in the manner pre-
32 scribed by the board. License renewal and reinstatement shall be in accor-
33 dance with section 67-2614, Idaho Code.

34 54-5910. IMMUNITY OF BOARD MEMBERS AND PERSONS REPORTING INFORMATION
35 TO BOARD. Any member or agent of the board, any member who has served on the
36 board, or any person under oath shall not be subject to a civil action for
37 damages as a result of reporting information in good faith, without fraud
38 or malice, relating to alleged violations or vindictive violations of this
39 chapter or board rules.

40 54-5911. OBSERVATION OF PUBLIC HEALTH LAW. Each individual licensed
41 or registered under this chapter shall observe and be subject to all state,
42 federal, and municipal regulations relating to the control of contagious and
43 infectious diseases and all matters pertaining to public health. Failure
44 to comply with these requirements shall constitute grounds for disciplinary
45 action pursuant to the provisions of this chapter and the laws of the state of
46 Idaho.

1 54-5912. FORMULARY COMMITTEE. (1) The board shall appoint a formulary
2 committee consisting of one (1) member who is licensed under chapter 18, ti-
3 tle 54, Idaho Code, to practice in Idaho as a pharmacist (PharmD), two (2)
4 members who are either a doctor of osteopathy or a doctor of medicine and who
5 are not licensed under this chapter but are licensed pursuant to Idaho Code,
6 and two (2) members who are licensed under this chapter and possess full fed-
7 eral drug enforcement agency (DEA) registration in good standing.

8 (2) All members of the formulary committee shall possess a valid and ac-
9 tive DEA number and be authorized to prescribe within the United States.

10 (3) Initially, three (3) members shall serve for three (3) years and two
11 (2) members shall serve for two (2) years. After the initial appointments,
12 all terms of appointment shall be for three (3) years. No member may serve
13 for more than two (2) consecutive terms.

14 (4) The formulary committee shall act in an advisory role in evaluating
15 prescriptive authority for applicants or other similar issues as called upon
16 by the board. However, the formulary committee shall first approve the scope
17 of prescriptive rights that individuals licensed under this chapter may use
18 before the board approves the scope of prescriptive rights.

19 SECTION 2. An emergency existing therefor, which emergency is hereby
20 declared to exist, this act shall be in full force and effect on and after
21 July 1, 2022.