

# SENATE BILL No. 508

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-22.7.

**Synopsis:** Regulation of naturopathic physicians. Provides for licensure of practitioners of naturopathic medicine.

**Effective:** July 1, 2017.

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## Niezgodski

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January 17, 2017, read first time and referred to Committee on Commerce and Technology.

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First Regular Session of the 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

# SENATE BILL No. 508

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 25-22.7 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
3 2017]:  
4 **ARTICLE 22.7. NATUROPATHIC PHYSICIANS**  
5 **Chapter 0.5. Applicability**  
6 **Sec. 1. This article does not apply to an individual:**  
7 (1) who is employed by the United States to practice  
8 naturopathic medicine while practicing within the scope of  
9 that employment;  
10 (2) whose:  
11 (A) license to practice naturopathic medicine was issued in  
12 another state; and  
13 (B) practice of naturopathic medicine is limited to  
14 examinations, recommendations, or expert testimony; or  
15 (3) who is a student enrolled in an approved naturopathic  
16 medical program while studying under the supervision of a  
17 licensed:



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- (i) naturopathic physician; or
- (ii) professional in the field of study.

**Sec. 2. This article does not apply to:**

- (1) an individual who practices a health occupation that the individual is authorized to practice under this article, including:
  - (A) wellness coaching; or
  - (B) counseling;
- (2) an individual who treats the individual or individual's family based on the individual's religious or health beliefs; or
- (3) a person that sells and provides information about vitamins or herbs that the person offers for sale.

**Chapter 1. Definitions**

**Sec. 1. "Approved naturopathic medical program" means a naturopathic medical education program:**

- (1) in the United States that:
  - (A) provides a doctorate degree in naturopathy or naturopathic medicine;
  - (B) offers graduate level, full-time didactic and supervised clinical training;
  - (C) is accredited by or a candidate for accreditation before the Council on Naturopathic Medical Education or an equivalent accrediting body for naturopathic medical programs; and
  - (D) is part of an institution of higher education that is either accredited by or a candidate for accreditation before an accrediting agency that is recognized by the United States Secretary of Education;
- (2) in a college or university in Canada that:
  - (A) grants a diploma for a degree equivalent to a degree described in subdivision (1);
  - (B) offers graduate level, full-time didactic and supervised clinical training;
  - (C) is accredited or is a candidate for accreditation before the Council on Naturopathic Medical Education or an equivalent federal and board recognized accrediting body for naturopathic medical programs; and
  - (D) has provincial approval for participation in government funded student aid programs; or
- (3) in a degree granting college or university that:
  - (A) before the existence of the Council on Naturopathic Medical Education:



- 1 (i) offered a full-time structured curriculum in basic  
 2 sciences and supervised patient care comprising a  
 3 doctoral naturopathic medical education;  
 4 (ii) required at least three (3) years of study as a  
 5 prerequisite for graduation; and  
 6 (iii) if in Canada, had provincial approval for  
 7 participation in government funded student aid  
 8 programs;  
 9 (B) is approved by the board; and  
 10 (C) if the program exists when the applicant applies for a  
 11 license:  
 12 (i) is accredited by the Council on Naturopathic Medical  
 13 Education or an equivalent accrediting agency; and  
 14 (ii) if in Canada, has provincial approval for  
 15 participation in government funded student aid  
 16 programs.
- 17 **Sec. 2. "Licensed naturopathic doctor" means a naturopathic**  
 18 **doctor who is licensed to practice naturopathic medicine.**
- 19 **Sec. 3. "Minor office procedures" means the methods for the**  
 20 **repair and treatment of superficial lacerations and abrasions,**  
 21 **superficial lesions, and the removal of foreign bodies located in the**  
 22 **superficial tissues.**
- 23 **Sec. 4. "Naturopathic doctor" or "naturopathic physician"**  
 24 **means an individual who practices naturopathic medicine.**
- 25 **Sec. 5. (a) "Naturopathic medicine" means the:**  
 26 (1) prevention;  
 27 (2) diagnosis; and  
 28 (3) treatment;  
 29 of human health conditions, injury, and disease using patient  
 30 education and naturopathic therapies and therapeutic substances  
 31 recognized by the Council on Naturopathic Medical Education and  
 32 approved by the medical licensing board.
- 33 (b) The term includes:  
 34 (1) counseling;  
 35 (2) the practice of the mechanical sciences of healing,  
 36 including:  
 37 (A) mechanotherapy;  
 38 (B) articular manipulation;  
 39 (C) corrective and orthopedic gymnastics;  
 40 (D) hydrotherapy;  
 41 (E) electrotherapy; and  
 42 (F) phototherapy; and



- 1           (3) the practice of the material sciences of healing, including  
2           nutrition, phytotherapy, treatment by natural substances, and  
3           external applications.
- 4           **Sec. 6. "Prescription drug" means any drug defined in the**  
5           **Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.) if the**  
6           **drug's label is required to bear the statement "Rx Only".**
- 7           **Chapter 2. State Board of Naturopathic Medicine**
- 8           **Sec. 1. The state board of naturopathic medicine is established.**
- 9           **Sec. 2. (a) The board consists of five (5) members. The board**  
10          **must include the following:**
- 11           (1) Three (3) licensed naturopathic doctors.  
12           (2) Two (2) consumer members.
- 13           (b) The governor shall appoint the naturopathic doctor  
14          members:
- 15           (1) with the advice of the state health commissioner; and  
16           (2) from a list of names submitted by the Indiana Association  
17           of Naturopathic Physicians.
- 18           (c) The governor shall appoint the consumer members with the  
19          advice of the state health commissioner.
- 20          **Sec. 3. Each naturopathic doctor member of the board must be:**
- 21           (1) in good standing with the board; and  
22           (2) an Indiana resident who:
- 23           (A) has practiced;  
24           (B) researched; or  
25           (C) taught;
- 26          naturopathic medicine in Indiana for at least five (5) years  
27          immediately before appointment.
- 28          **Sec. 4. Each consumer member of the board:**
- 29           (1) must be a resident of Indiana;  
30           (2) must be a member of the general public;  
31           (3) may not be or ever have been licensed to practice a health  
32           occupation under this title; and  
33           (4) may not have a substantial connection with naturopathic  
34           education, business, or practice.
- 35          **Sec. 5. The term of a board member appointed under this**  
36          **chapter is four (4) years.**
- 37          **Sec. 6. A member may not serve more than two (2) consecutive**  
38          **full terms.**
- 39          **Sec. 7. The terms of board members appointed under this**  
40          **section are staggered.**
- 41          **Sec. 8. At the end of a term, a member continues to serve until**  
42          **a successor is appointed and qualified.**



- 1           **Sec. 9. If a vacancy occurs on the board, the governor shall:**  
 2           (1) appoint a new member to serve the remainder of the  
 3           vacant term and until a successor member is appointed and  
 4           qualified; and  
 5           (2) fill any vacancy on the board not later than sixty (60) days  
 6           after the date of vacancy.
- 7           **Sec. 10. The governor may remove any member of the board for**  
 8           **cause before expiration of the member's term.**
- 9           **Sec. 11. Board members shall elect a chair and other officers.**  
 10          **The board shall determine the:**  
 11          (1) manner of election of officers;  
 12          (2) term of office for each officer; and  
 13          (3) duties of each officer.
- 14          **Sec. 12. Board meetings must operate as follows:**  
 15          (1) A quorum of the board consists of at least a majority of the  
 16          board members.  
 17          (2) The board shall determine the time and place for meetings.  
 18          (3) Each member of the board is entitled to the following:  
 19                  (A) The salary per diem provided under IC 4-10-11-2.1(b).  
 20                  (B) Reimbursement for traveling expenses as provided  
 21                  under IC 4-13-1-4.  
 22                  (C) Other expenses actually incurred in connection with  
 23                  the member's duties as provided in the state policies and  
 24                  procedures established by the Indiana department of  
 25                  administration and approved by the budget agency.
- 26          **Sec. 13. The board may:**  
 27          (1) adopt rules under IC 4-22-2;  
 28          (2) appoint committees as necessary to perform its duties; and  
 29          (3) employ a staff in accordance with the board's budget.
- 30          **Sec. 14. The board shall:**  
 31          (1) establish licensing procedures for applicants who qualify  
 32          by reciprocity;  
 33          (2) evaluate the content for any clinical, practical, or  
 34          residency requirement for a license;  
 35          (3) establish an approved program of continuing education in  
 36          naturopathic medicine, including:  
 37                  (A) criteria;  
 38                  (B) categories; and  
 39                  (C) minimum hours required to be completed by licensed  
 40                  persons in the calendar year preceding the date of license  
 41                  renewal;  
 42          (4) adopt a code of ethics for licensed naturopathic doctors;



1 (5) establish examination standards for licensing and time  
2 frames for exam administration; and

3 (6) perform any function that is necessary to fulfill its  
4 purpose.

5 **Sec. 15. (a) The board may fix reasonable fees for:**

6 (1) the issuance of licenses;

7 (2) renewal of licenses; and

8 (3) other services.

9 (b) The fees fixed by the board must approximate the cost of  
10 maintaining the board.

11 (c) The compensation and expenses of board members must be  
12 paid from fees.

13 (d) The board shall pay all fees collected to the treasurer of  
14 state.

15 (e) The treasurer of state shall deposit the fees in the state board  
16 of naturopathic medicine fund established by section 16 of this  
17 chapter.

18 **Sec. 16. (a) The state board of naturopathic medicine fund is**  
19 **established.**

20 (b) The expenses of administering the fund shall be paid from  
21 money in the fund.

22 (c) The sources of money for the fund are as follows:

23 (1) Accrued interest and other investment earnings of the  
24 fund.

25 (2) Appropriations made by the general assembly.

26 (3) Gifts and donations from any person to the fund.

27 (d) The treasurer of state shall invest the money in the fund not  
28 currently needed to meet the obligations of the fund in the same  
29 manner as other public funds may be invested.

30 (e) Money in the fund at the end of a state fiscal year does not  
31 revert to the state general fund.

32 (f) Money in the fund must be used to pay the costs of the board.

33 **Sec. 17. The board shall designate a person to administer the**  
34 **fund.**

35 **Sec. 18. The fund is subject to audit by the state board of**  
36 **accounts. All costs of the audit shall be paid from money in the**  
37 **fund.**

38 **Chapter 3. License and Qualifications**

39 **Sec. 1. After December 31, 2017, except as otherwise provided**  
40 **in this article, an individual must be licensed by the board before**  
41 **the individual may practice naturopathic medicine.**

42 **Sec. 2. The board may not discriminate against any applicant or**



1 licensed individual on the basis of sex, age, race, color, creed,  
2 sexual orientation, gender identity, or national origin.

3 **Sec. 3. An applicant for a license to practice naturopathic**  
4 **medicine must:**

- 5 (1) meet the requirements of this chapter;  
6 (2) be of good moral character;  
7 (3) be at least eighteen (18) years of age; and  
8 (4) be physically and mentally capable of practicing  
9 naturopathic medicine.

10 **Sec. 4. Except as provided in this chapter, an applicant for a**  
11 **license to practice naturopathic medicine must:**

- 12 (1) have a doctorate in naturopathic medicine from an  
13 approved naturopathic medical program; and  
14 (2) either:  
15 (A) pass a competency based national naturopathic  
16 licensing examination administered by the North American  
17 Board of Naturopathic Examiners, or its successor agency,  
18 that has been nationally recognized to administer a  
19 naturopathic examination that represents federal  
20 standards of education and training; or  
21 (B) for graduates of an approved naturopathic medical  
22 program, pass a board approved state competency  
23 examination or Canadian Provincial examination.

24 **Sec. 5. If an applicant for a license to practice naturopathic**  
25 **medicine is licensed, certified, or registered to practice**  
26 **naturopathic medicine or any other health occupation in another**  
27 **state, the applicant must be in good standing with the applicable**  
28 **state licensing, certification, or registration authority.**

29 **Sec. 6. In accordance with this article, the board may waive any**  
30 **examination requirement for an individual who is licensed as a**  
31 **naturopathic physician in another state.**

32 **Sec. 7. The board may grant a waiver under section 6 of this**  
33 **chapter only if the applicant:**

- 34 (1) pays the application fee required by the board; and  
35 (2) provides evidence required by the board that the  
36 applicant:  
37 (A) otherwise meets the qualifications required by this  
38 article; and  
39 (B) is licensed under requirements substantially equivalent  
40 to the licensing requirements of this article.

41 **Sec. 8. An applicant for a license to practice naturopathic**  
42 **medicine shall:**





- 1           (1) submit an application to the board; and  
 2           (2) pay the application fee.
- 3           **Sec. 9. An applicant who seeks to be licensed under this article**  
 4 **without passing an examination under section 4(2) of this chapter:**  
 5           (1) must provide proof of licensure in good standing in each  
 6           state in which the applicant is licensed; and  
 7           (2) if the applicant has been licensed, certified, or registered  
 8           to practice naturopathic medicine in another state, shall  
 9           submit all evidence relating to:
- 10           (A) disciplinary action or any administrative penalties  
 11           against the applicant by another state; and  
 12           (B) any agreements the applicant entered into that limit  
 13           the applicant's professional conduct and practice,  
 14           including voluntary surrender of a license.
- 15           **Sec. 10. The board shall issue a license to an applicant for a**  
 16 **license to practice naturopathic medicine who meets the**  
 17 **requirements of this chapter.**
- 18           **Sec. 11. A licensed naturopathic doctor may:**
- 19           (1) order and perform physical and laboratory examinations  
 20           for diagnostic purposes, including:
- 21           (A) phlebotomy;  
 22           (B) clinical laboratory tests;  
 23           (C) orificial examinations;  
 24           (D) electrocardiograms; and  
 25           (E) physiological function tests;
- 26           (2) order diagnostic imaging studies;  
 27           (3) interpret the reports of diagnostic imaging studies;  
 28           (4) dispense, order, or administer natural medicines of  
 29           mineral, animal, or botanical origin, including:
- 30           (A) food and extracts of food;  
 31           (B) nutraceuticals;  
 32           (C) vitamins;  
 33           (D) amino acids;  
 34           (E) minerals;  
 35           (F) enzymes;  
 36           (G) botanicals and their extracts;  
 37           (H) botanical medicines;  
 38           (I) homeopathic medicines; and  
 39           (J) all dietary supplements and nonprescription drugs as  
 40           defined by the federal Food, Drug and Cosmetic Act (21  
 41           U.S.C. 301 et seq.) using routes of administration,  
 42           including:



- 1 (i) oral;  
 2 (ii) nasal;  
 3 (iii) auricular;  
 4 (iv) ocular;  
 5 (v) rectal;  
 6 (vi) vaginal;  
 7 (vii) transdermal;  
 8 (viii) intramuscular;  
 9 (ix) intradermal; and  
 10 (x) intravenous (consistent with naturopathic education  
 11 and training as required by the board);  
 12 (5) administer or perform:  
 13 (A) hot or cold hydrotherapy;  
 14 (B) naturopathic physical medicine;  
 15 (C) electromagnetic energy;  
 16 (D) colon hydrotherapy; and  
 17 (E) therapeutic exercise for the purpose of providing basic  
 18 therapeutic care services;  
 19 except that if a referral to another licensed provider is  
 20 appropriate for ongoing rehabilitation or habilitation  
 21 services, the naturopathic doctor shall make the referral;  
 22 (6) dispense, administer, or order devices, including:  
 23 (A) therapeutic devices for the purpose of providing  
 24 barrier contraception; and  
 25 (B) durable medical equipment;  
 26 except for therapeutic devices if referral to another licensed  
 27 provider to dispense, administer, or order the device for  
 28 ongoing rehabilitative or habilitative services is appropriate;  
 29 (7) provide health education and health counseling; and  
 30 (8) perform naturopathic musculoskeletal mobilization.  
 31 **Sec. 12. A license to practice naturopathic medicine authorizes**  
 32 **a licensed naturopathic doctor, consistent with naturopathic**  
 33 **education and training as determined by the board, to:**  
 34 (1) administer, dispense, or write prescriptions for drugs, as  
 35 approved by the board;  
 36 (2) recommend the use of specific and appropriate  
 37 over-the-counter pharmaceuticals;  
 38 (3) perform minor office procedures if the licensed  
 39 naturopathic doctor is authorized by the board to do so,  
 40 including the use of anesthetics or antiseptics in connection  
 41 with minor surgery; and  
 42 (4) use routes of administration, including intradermal,



1           subcutaneous, and intravenous.

2           **Sec. 13. Except as provided in section 14 of this chapter, a**  
 3 **license to practice naturopathic medicine does not authorize a**  
 4 **licensed naturopathic doctor to:**

5           (1) **prescribe or administer any controlled substance or device**  
 6 **identified in the federal Controlled Substances Act (21 U.S.C.**  
 7 **801 et seq.), except as authorized by the board;**

8           (2) **perform surgical procedures other than minor office**  
 9 **procedures, including procedures using a laser device or that**  
 10 **involve the eye, ear, tendons, nerves, veins, or arteries**  
 11 **extending beyond superficial tissues;**

12           (3) **practice or claim to practice as a medical doctor, a**  
 13 **osteopath, a dentist, a podiatrist, an optometrist, a**  
 14 **psychologist, a nurse practitioner, a physician assistant, a**  
 15 **chiropractor, a physical therapist, an acupuncturist, or any**  
 16 **other health care professional unless licensed under this title;**

17           (4) **use general or spinal anesthetics;**

18           (5) **administer ionizing radioactive substances for therapeutic**  
 19 **purposes;**

20           (6) **perform acupuncture, unless the licensed naturopathic**  
 21 **doctor is approved by the board to do so or is a licensed**  
 22 **acupuncturist;**

23           (7) **perform minor office procedures, unless the licensed**  
 24 **naturopathic doctor is approved by the board to do so; or**

25           (8) **prescribe prescription drugs, unless the licensed**  
 26 **naturopathic doctor is approved by the board to do so.**

27           **Sec. 14. The board may approve a licensed naturopathic doctor**  
 28 **to perform minor office procedures only if the licensed**  
 29 **naturopathic doctor:**

30           (1) **graduated from an approved naturopathic medical**  
 31 **program that included minor office procedures as part of its**  
 32 **curriculum; or**

33           (2) **meets the training requirements regarding minor office**  
 34 **procedures adopted by the board.**

35           **Sec. 15. The board may approve a licensed naturopathic doctor**  
 36 **to perform acupuncture only if the licensed naturopathic doctor:**

37           (1) **graduated from an approved naturopathic medical**  
 38 **program that included acupuncture as part of its curriculum;**  
 39 **or**

40           (2) **meets the training requirements regarding acupuncture**  
 41 **adopted by the board.**

42           **Sec. 16. The term of a license to practice naturopathic medicine**



1 is one (1) year.

2       **Sec. 17.** At least one (1) month before a license expires, the  
3 board shall send to the licensed naturopathic doctor a renewal  
4 notice that states:

- 5           (1) the date on which the current license expires;  
6           (2) the date by which the renewal application must be  
7           received by the board for the renewal to be issued and mailed  
8           before the license expires; and  
9           (3) the amount of the renewal fee.

10       **Sec. 18.** The board shall renew the license of a licensed  
11 naturopathic doctor who:

- 12           (1) submits a renewal application on the form that the board  
13           requires;  
14           (2) pays a renewal fee set by the board;  
15           (3) is otherwise entitled to be licensed; and  
16           (4) meets the continuing education requirements adopted by  
17           the board.

18       **Sec. 19.** The board may place a licensed naturopathic doctor on  
19 inactive status if the licensed naturopathic doctor submits to the  
20 board:

- 21           (1) an application for inactive status on the form required by  
22           the board; and  
23           (2) the inactive status fee set by the board.

24       **Sec. 20.** The board shall issue a license to a naturopathic doctor  
25 who is on inactive status if the naturopathic doctor is otherwise  
26 entitled to be licensed under this article and submits to the board:

- 27           (1) satisfactory evidence of compliance with the continuing  
28           education requirements the board adopts for this purpose;  
29           and  
30           (2) a reinstatement fee set by the board.

31       **Sec. 21.** The board shall reinstate the license of a naturopathic  
32 doctor who has failed to renew the license for any reason if the  
33 naturopathic doctor:

- 34           (1) meets the renewal requirements established by the board;  
35           (2) pays the reinstatement fee set by the board; and  
36           (3) submits satisfactory evidence of compliance with the  
37           qualifications and requirements adopted by the board for  
38           license reinstatements.

39       **Sec. 22.** Unless the board agrees to accept the surrender of a  
40 license, a licensed naturopathic doctor may not surrender the  
41 license nor may the license lapse by operation of law while the  
42 licensed naturopathic doctor is under investigation or while



1 charges are pending against the licensed naturopathic doctor.

2 **Sec. 23.** The board may set conditions on the board's agreement  
3 with the licensed naturopathic doctor under investigation or  
4 against whom charges are pending to accept surrender of the  
5 license.

6 **Chapter 4. Supervision**

7 **Sec. 1.** Subject to the hearing provisions of this chapter, the  
8 board, on the affirmative vote of a majority of its members, may  
9 deny a license to any applicant, reprimand any licensed  
10 naturopathic doctor, place any licensed naturopathic doctor on  
11 probation, or suspend or revoke the license of any licensed  
12 naturopathic doctor if that applicant or licensed naturopathic  
13 doctor:

14 (1) is convicted of or pleads guilty or no contest to a felony or  
15 crime relating to an offense, the circumstances of which  
16 substantially relate to the practice of naturopathic medicine,  
17 whether or not any appeal or other proceeding is pending to  
18 have the conviction or plea set aside;

19 (2) has an impairment related to drugs or alcohol that would  
20 limit the applicant's or licensed naturopathic doctor's ability  
21 to undertake the practice of naturopathic medicine in a  
22 manner consistent with the safety of the public;

23 (3) has been found to be mentally incompetent by a physician  
24 if the mental incompetence impairs the ability of the applicant  
25 or licensed naturopathic doctor to undertake the practice of  
26 naturopathic medicine in a manner consistent with the safety  
27 of the public;

28 (4) has entered into a consent agreement with or has been  
29 assessed an administrative penalty by a licensing authority in  
30 another state;

31 (5) fraudulently or deceptively obtains or attempts to obtain  
32 a license;

33 (6) has a license revoked or suspended, or was otherwise acted  
34 against, including the denial of licensure, by the licensing  
35 authority of another state;

36 (7) uses false, deceptive, or misleading advertising;

37 (8) advertises, practices, or attempts to practice under a name  
38 other than the applicant's or licensed naturopathic doctor's  
39 own name;

40 (9) aids, assists, employs, or advises any unlicensed individual  
41 to practice naturopathic medicine in violation of this article;

42 (10) willfully makes or files a false report or record in the



- 1 practice of naturopathic medicine;  
 2 (11) willfully or negligently fails to file a report or record as  
 3 required by law, willfully impedes or obstructs the filing or  
 4 recording of a report, or induces another to fail to file or  
 5 record a report;  
 6 (12) pays or receives any commission, bonus, kickback, or  
 7 rebate or engages in any split fee arrangement in any form  
 8 with a licensed physician, organization, agency, or other  
 9 person, either directly or indirectly, for patients referred to  
 10 health care providers;  
 11 (13) exercises influence within a patient-physician relationship  
 12 for purposes of engaging a patient in sexual activity;  
 13 (14) engages in sexual misconduct with a patient;  
 14 (15) fails to keep written medical records justifying the course  
 15 of treatment of a patient;  
 16 (16) grossly or repeatedly commits malpractice or fails to  
 17 practice naturopathic medicine with the level of care, skill,  
 18 and treatment that is recognized by a reasonably prudent  
 19 licensed naturopathic doctor as being acceptable under  
 20 similar conditions and circumstances;  
 21 (17) delegates professional responsibilities to an individual  
 22 when the licensed naturopathic doctor delegating the  
 23 responsibilities knows or has reason to know that the  
 24 individual is not qualified by training, experience, or licensure  
 25 to perform the responsibility; or  
 26 (18) violates any provision of this article or any rule adopted  
 27 by the board.
- 28 **Sec. 2. This chapter applies to a:**  
 29 (1) licensed naturopathic doctor;  
 30 (2) licensed health care practitioner;  
 31 (3) health care facility, as defined in IC 16-18-2-161;  
 32 (4) state agency; and  
 33 (5) state or local law enforcement agency.
- 34 **Sec. 3. A person listed in section 2 of this chapter shall file a**  
 35 **written report with the board if the person has information that**  
 36 **gives the person reason to believe that a licensed naturopathic**  
 37 **doctor is or may be:**  
 38 (1) medically or legally incompetent;  
 39 (2) engaged in the unauthorized practice of naturopathic  
 40 medicine;  
 41 (3) guilty of unprofessional conduct; or  
 42 (4) mentally or physically unable to engage safely in the



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practice of naturopathic medicine.

**Sec. 4.** A person required to file a report under section 3 of this chapter shall file the report not later than thirty (30) days after learning the information.

**Sec. 5.** A health care facility shall report promptly to the board if:

- (1) a licensed naturopathic doctor voluntarily resigns from the staff of the health care facility;
- (2) a licensed naturopathic doctor voluntarily limits the licensed naturopathic doctor's staff privileges; or
- (3) a licensed naturopathic doctor fails to reapply for hospital privileges at the health care facility;

while the licensed naturopathic doctor is under formal or informal investigation by the health care facility for possible medical incompetence, unprofessional conduct, or mental or physical impairment.

**Sec. 6.** The board shall investigate any complaint that alleges a violation under this title.

**Sec. 7.** After investigating, the board, on the affirmative vote of a majority of its members then serving, may commence action on any of the grounds set forth in this chapter.

**Sec. 8.** Except as otherwise provided in this chapter, until the board enters an order, each related investigation, report, and recommendation is confidential.

**Sec. 9.** On request of a person who has made a complaint to the board, the board shall provide the person with information of the status of the complaint.

**Sec. 10.** Except as otherwise provided in IC 4-21.5, before the board takes any action under this chapter, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the board.

**Sec. 11.** The board shall give notice and hold the hearing in accordance with IC 4-21.5.

**Sec. 12.** An individual may be represented at the hearing under section 10 of this chapter by an attorney.

**Sec. 13.** The board may, over the signature of an officer or the administrator of the board:

- (1) issue subpoenas; and
- (2) administer oaths;

in connection with any investigation, hearing, or proceedings before the board.

**Sec. 14.** If, without legal justification, a person disobeys:



1 (1) a subpoena from the board; or

2 (2) an order by the board to take an oath or to testify or  
3 answer a question;

4 on petition of the board, a court with jurisdiction may find the  
5 person in contempt of court.

6 Sec. 15. If, after notice, the individual against whom an action  
7 is contemplated fails or refuses to appear, the board may hear and  
8 determine the matter.

9 Sec. 16. If, after a hearing, an individual is found in violation of  
10 this chapter, the individual shall pay the costs of the hearing as  
11 specified in a regulation adopted by the board.

12 Sec. 17. (a) If the board finds that there are grounds for action,  
13 the board shall pass an order in accordance with IC 4-21.5.

14 (b) If the board:

15 (1) dismisses all charges, the board shall expunge all record of  
16 the charges three (3) years after the charges are dismissed; or

17 (2) issues an advisory opinion, the board, at the request of the  
18 licensed naturopathic doctor, shall expunge all record of the  
19 matter five (5) years after the advisory opinion is issued.

20 Sec. 18. If the license of a licensed naturopathic doctor is  
21 revoked or suspended, the naturopathic doctor shall surrender the  
22 naturopathic doctor's license to the board on demand.

23 Sec. 19. At the end of a suspension period, the board shall return  
24 to a naturopathic doctor any license surrendered under section 18  
25 of this chapter.

26 Sec. 20. (a) Except as provided in subsection (b), a person  
27 aggrieved by a final decision of the board may:

28 (1) take any further appeal allowed by IC 4-21.5; and

29 (2) once administrative remedies are exhausted, take a direct  
30 judicial appeal.

31 (b) An appeal must be taken in accordance with judicial review  
32 of final decisions under IC 4-21.5.

33 Sec. 21. If the board has revoked or suspended the license of a  
34 naturopathic doctor, the board may not reinstate the license until  
35 the board is satisfied that the naturopathic doctor:

36 (1) has complied with all the terms and conditions in the final  
37 order; and

38 (2) is safely engaged in the practice of naturopathic medicine.

39 Sec. 22. The board may not reinstate the license of a  
40 naturopathic doctor whose license was revoked by the board within  
41 six (6) months after the date of the revocation.

42 Chapter 5. Miscellaneous Provisions





1           **Sec. 1. A licensed naturopathic doctor shall follow any federal,**  
2 **state, or local law that governs:**  
3           **(1) the control of contagious and infectious diseases; and**  
4           **(2) the reporting of births and deaths.**  
5           **Sec. 2. A licensed naturopathic doctor may receive a fee for**  
6 **professional consultation services.**  
7           **Sec. 3. A licensed naturopathic doctor engaged in the private**  
8 **practice of naturopathic medicine in Indiana shall conspicuously**  
9 **display the naturopathic doctor's license in each office where the**  
10 **naturopathic doctor practices.**  
11           **Chapter 6. Unlawful Practice and Discipline**  
12           **Sec. 1. Except as otherwise provided in this article, only licensed**  
13 **naturopathic doctors may practice naturopathic medicine.**  
14           **Sec. 2. An individual without a license to practice naturopathic**  
15 **medicine may not:**  
16           **(1) represent to the public by title, description of services,**  
17 **methods, procedures, or otherwise that the individual is**  
18 **licensed by the board to practice naturopathic medicine;**  
19           **(2) use the title "doctor of naturopathic medicine", "doctor of**  
20 **naturopathy", "naturopathic doctor", "naturopathic**  
21 **physician", or "naturopath"; or**  
22           **(3) use the initials "N.D.", "ND", "N.M.D.", or "NMD" after**  
23 **the name of the individual.**

