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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 1138

02/13/2017 Authored by Franson, Flanagan and Zerwas
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to health professions; requiring licensure of naturopathic doctors; modifying
1.3 scope of practice; amending Minnesota Statutes 2016, sections 147E.01; 147E.05;
1.4 147E.06; 147E.10; 147E.15; 147E.20; 147E.25; 147E.30; 147E.35; 147E.40;
1.5 151.01, subdivision 23.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2016, section 147E.01, is amended to read:

1.8 147E.01 DEFINITIONS.

1.9 Subdivision 1. Applicability. The definitions in this section apply to this chapter.

1.10 Subd. 2. Advisory council. "Advisory council" means the Registered Naturopathic
1.11 Doctor Advisory Council established under section 147E.35.

1.12 Subd. 3. Approved naturopathic medical education program. "Approved naturopathic
1.13 medical education program" means a naturopathic medical education program in the United
1.14 States or Canada and meets the requirements for accreditation by the Council on Naturopathic
1.15 Medical Education (CNME) or an equivalent federally recognized accrediting body for the
1.16 naturopathic medical profession recognized by the board. This program must offer
1.17 graduate-level full-time didactic and supervised clinical training leading to the degree of
1.18 Doctor of Naturopathy or Doctor of Naturopathic Medicine. The program must be an
1.19 institution, or part of an institution, of higher education that at the time the student completes
1.20 the program is:

1.21 (1) either accredited or is a candidate for accreditation by a regional institution accrediting
1.22 agency recognized by the United States Secretary of Education; or

2.1 (2) a degree granting college or university that prior to the existence of CNME offered
 2.2 a full-time structured curriculum in basic sciences and supervised patient care comprising
 2.3 a doctoral naturopathic medical education that is at least 132 weeks in duration, must be
 2.4 completed in at least 35 months, and is reputable and in good standing in the judgment of
 2.5 the board.

2.6 Subd. 4. **Board.** "Board" means the Board of Medical Practice or its designee.

2.7 Subd. 5. **Contact hour.** "Contact hour" means an instructional session of 50 consecutive
 2.8 minutes, excluding coffee breaks, registration, meals without a speaker, and social activities.

2.9 Subd. 6. **Homeopathic preparations.** "Homeopathic preparations" means medicines
 2.10 prepared according to the Homeopathic Pharmacopoeia of the United States.

2.11 Subd. 7. ~~Registered Naturopathic doctor.~~ "~~Registered Naturopathic doctor~~"
 2.12 "Naturopathic doctor" means an individual ~~registered~~ licensed under this chapter.

2.13 Subd. 8. **Minor office procedures.** "Minor office procedures" means the use of operative,
 2.14 electrical, or other methods for the repair and care incidental to superficial lacerations and
 2.15 abrasions, superficial lesions, and the removal of foreign bodies located in the superficial
 2.16 tissues and the use of antiseptics and local topical or injectable anesthetics in connection
 2.17 with such methods.

2.18 Subd. 9. **Naturopathic licensing examination.** "Naturopathic licensing examination"
 2.19 means the Naturopathic Physicians Licensing Examination or its successor administered
 2.20 by the North American Board of Naturopathic Examiners or its successor as recognized by
 2.21 the board.

2.22 Subd. 10. **Naturopathic medicine.** "Naturopathic medicine" means a system of primary
 2.23 health care for the prevention, assessment, and treatment of human health conditions, injuries,
 2.24 and diseases that uses:

2.25 (1) services, procedures, and treatments as described in section 147E.05; ~~and~~

2.26 (2) ~~natural health procedures and treatments in section 146A.01, subdivision 4.~~

2.27 Subd. 11. **Naturopathic physical medicine.** "Naturopathic physical medicine" includes,
 2.28 but is not limited to, the therapeutic use of the physical agents of air, water, heat, cold,
 2.29 sound, light, and electromagnetic nonionizing radiation and the physical modalities of
 2.30 electrotherapy, diathermy, ultraviolet light, hydrotherapy, massage, stretching, colon
 2.31 hydrotherapy, frequency specific microcurrent, electrical muscle stimulation, transcutaneous
 2.32 electrical nerve stimulation, naturopathic musculoskeletal mobilization, and therapeutic
 2.33 exercise.

3.1 Sec. 2. Minnesota Statutes 2016, section 147E.05, is amended to read:

3.2 **147E.05 SCOPE OF PRACTICE.**

3.3 Subdivision 1. **Practice parameters.** (a) The practice of naturopathic medicine includes,
3.4 but is not limited to, the following services:

3.5 (1) ordering, administering, prescribing, or dispensing for preventive and therapeutic
3.6 purposes: food, extracts of food, nutraceuticals, vitamins, minerals, amino acids, enzymes,
3.7 botanicals and their extracts, botanical medicines, herbal remedies, homeopathic medicines,
3.8 dietary supplements and nonprescription drugs as defined by the Federal Food, Drug, and
3.9 Cosmetic Act, glandulars, protomorphogens, lifestyle counseling, hypnotherapy, biofeedback,
3.10 dietary therapy, electrotherapy, galvanic therapy, oxygen, therapeutic devices, and barrier
3.11 devices for contraception, and minor office procedures, including obtaining specimens to
3.12 assess and treat disease;

3.13 (2) minor office procedures, including obtaining specimens to assess, diagnose, and treat
3.14 disease;

3.15 ~~(2)~~ (3) performing or ordering physical examinations and, including but not limited to
3.16 physiological function tests, speculum examinations, orificial examinations, and phlebotomy;

3.17 ~~(3)~~ (4) ordering clinical laboratory tests and performing waived tests as defined by the
3.18 United States Food and Drug Administration Clinical Laboratory Improvement Amendments
3.19 of 1988 (CLIA);

3.20 ~~(4)~~ (5) referring a patient for diagnostic imaging including x-ray, CT scan, MRI,
3.21 ultrasound, mammogram, and bone densitometry to an appropriately licensed health care
3.22 professional to conduct the test and interpret the results;

3.23 ~~(5)~~ (6) prescribing nonprescription medications and therapeutic devices or ordering
3.24 noninvasive diagnostic procedures commonly used by physicians in general practice; and

3.25 (7) prescribing, dispensing, and administering pharmacological therapies including
3.26 legend drugs; and

3.27 ~~(6)~~ (8) prescribing or performing naturopathic physical medicine.

3.28 (b) A ~~registered~~ naturopathic doctor may admit patients to a hospital if the naturopathic
3.29 doctor meets the hospital's governing body requirements regarding credentialing and
3.30 privileging process.

3.31 Subd. 2. **Prohibitions on practice.** (a) The practice of naturopathic medicine does not
3.32 include:

- 4.1 (1) administering therapeutic ionizing radiation or radioactive substances;
- 4.2 (2) administering general or spinal anesthesia;
- 4.3 (3) prescribing, dispensing, or administering ~~legend drugs or~~ controlled substances
- 4.4 including chemotherapeutic substances; or
- 4.5 (4) performing or inducing abortions.

4.6 (b) A naturopathic doctor ~~registered~~ licensed under this chapter shall not perform surgical

4.7 procedures using a laser device or perform surgical procedures beyond ~~superficial tissue~~

4.8 the repair of superficial lacerations and abrasions, superficial lesions, and the removal of

4.9 foreign bodies located in superficial tissues.

4.10 (c) A naturopathic doctor shall not practice or claim to practice as a medical doctor,

4.11 surgeon, osteopathic physician, dentist, podiatrist, optometrist, psychologist, advanced

4.12 practice professional nurse, physician assistant, chiropractor, physical therapist, acupuncturist,

4.13 ~~dietician~~ dietitian, nutritionist, or any other health care professional, unless the naturopathic

4.14 ~~physician~~ doctor also holds the appropriate license or registration for the health care practice

4.15 profession.

4.16 Sec. 3. Minnesota Statutes 2016, section 147E.06, is amended to read:

4.17 **147E.06 PROFESSIONAL CONDUCT.**

4.18 Subdivision 1. **Informed consent.** (a) The naturopathic doctor shall present treatment

4.19 facts and options accurately to the patient or to the individual responsible for the patient's

4.20 care and make treatment recommendations according to standards of good naturopathic

4.21 medical practice. ~~The registered naturopathic doctor shall obtain a signed informed consent~~

4.22 ~~from the patient prior to initiating treatment and after advising the patient of the naturopathic~~

4.23 ~~doctor's qualifications including education and registration information; and outlining of~~

4.24 ~~the scope of practice of registered naturopathic doctors in Minnesota. This information must~~

4.25 ~~be supplied to the patient in writing before or at the time of the initial visit. The registrant~~

4.26 ~~shall present treatment facts and options accurately to the patient or to the individual~~

4.27 ~~responsible for the patient's care and make treatment recommendations according to standards~~

4.28 ~~of good naturopathic medical practice.~~

4.29 (b) Upon request, the ~~registered~~ naturopathic doctor must provide a copy of the informed

4.30 consent form to the board.

4.31 Subd. 2. **Patient records.** (a) A ~~registered~~ naturopathic doctor shall maintain a record

4.32 for seven years for each patient treated, including:

- 5.1 (1) a copy of the signed informed consent;
- 5.2 (2) evidence of a patient interview concerning the patient's medical history and current
- 5.3 physical condition;
- 5.4 (3) evidence of an examination and assessment;
- 5.5 (4) record of the treatment provided to the patient; and
- 5.6 (5) evidence of evaluation and instructions given to the patient, including acknowledgment
- 5.7 by the patient in writing that, if deemed necessary by the ~~registered~~ naturopathic doctor,
- 5.8 the patient has been advised to consult with another health care provider.

5.9 (b) A ~~registered~~ naturopathic doctor shall maintain the records of minor patients for

5.10 seven years or until the minor's 19th birthday, whichever is longer.

5.11 Subd. 3. **Data practices.** All records maintained on a naturopathic patient by a ~~registered~~

5.12 naturopathic doctor are subject to sections 144.291 to 144.298.

5.13 Subd. 4. **State and municipal public health regulations.** A ~~registered~~ naturopathic

5.14 doctor shall comply with all applicable state and municipal requirements regarding public

5.15 health.

5.16 Sec. 4. Minnesota Statutes 2016, section 147E.10, is amended to read:

5.17 **147E.10 UNAUTHORIZED PRACTICE; PROTECTED TITLES;**

5.18 **RESTRICTIONS.**

5.19 Subdivision 1. **Designation.** (a) No individual may use the title "~~registered naturopathic~~

5.20 ~~doctor,~~" "naturopathic doctor," "doctor of naturopathic medicine," "naturopathic medical

5.21 doctor," "naturopathic physician," or use, in connection with the individual's name, the

5.22 letters "~~R.N.D.~~" "N.D.," or "N.M.D.," or any other titles, words, letters, abbreviations, or

5.23 insignia indicating or implying that the individual is a ~~registered~~ licensed naturopathic doctor

5.24 unless the individual has been ~~registered~~ licensed as a ~~registered~~ naturopathic doctor

5.25 according to this chapter.

5.26 (b) After ~~July 1, 2009~~ January 1, 2018, individuals who are ~~registered~~ licensed under

5.27 this chapter and who represent themselves as practicing naturopathic medicine by use of a

5.28 term in paragraph (a) shall conspicuously display the ~~registration~~ license in the place of

5.29 practice.

5.30 Subd. 1a. **Unlicensed practice prohibited.** Effective January 1, 2018, no person shall

5.31 engage in the practice of naturopathic medicine as defined under section 147E.05, subdivision

6.1 1, paragraph (a), clauses (1) to (8), unless the person is licensed as a naturopathic doctor
 6.2 according to this chapter.

6.3 Subd. 2. **Other health care practitioners.** Nothing in this chapter may be construed to
 6.4 prohibit or to restrict:

6.5 (1) the practice of a profession by individuals who are licensed, certified, or registered
 6.6 under other laws of this state and are performing services within their authorized scope of
 6.7 practice;

6.8 ~~(2) the provision of the complementary and alternative healing methods and treatments,~~
 6.9 ~~including naturopathy, as described in chapter 146A~~ the provision of complementary and
 6.10 alternative healing methods and treatments as described in chapter 146A, including
 6.11 naturopathy, natural remedies, ayurvedic medicine, herbal remedies, food and dietary
 6.12 supplements, nutritional advice, homeopathy and homeopathic remedies, hydrotherapy and
 6.13 therapeutic exercises, or any other complementary and alternative healing methods and
 6.14 treatments that may be components of naturopathic medicine, except that an individual may
 6.15 not represent that the individual is a naturopathic doctor or a provider of naturopathic
 6.16 medicine unless the individual is licensed under this chapter;

6.17 (3) the practice of naturopathic medicine by an individual licensed, registered, or certified
 6.18 in another state and employed by the government of the United States while the individual
 6.19 is engaged in the performance of duties prescribed by the laws and regulations of the United
 6.20 States; or

6.21 (4) the practice by a naturopathic doctor duly licensed, registered, or certified in another
 6.22 state, territory, or the District of Columbia when incidentally called into this state for
 6.23 consultation with a Minnesota licensed physician or Minnesota ~~registered~~ licensed
 6.24 naturopathic doctor; ~~or.~~

6.25 ~~(5) individuals not registered by this chapter from the use of individual modalities which~~
 6.26 ~~comprise the practice of naturopathic medicine.~~

6.27 Subd. 3. **Penalty.** A person violating subdivision 1 or 2 is guilty of a misdemeanor.

6.28 Sec. 5. Minnesota Statutes 2016, section 147E.15, is amended to read:

6.29 **147E.15 REGISTRATION LICENSURE REQUIREMENTS.**

6.30 Subdivision 1. **General requirements for registration for licensure.** To be eligible
 6.31 for registration licensure as a naturopathic doctor, an applicant must:

7.1 (1) submit a completed application on forms provided by the board along with all fees
7.2 required under section 147E.40 that includes:

7.3 (i) the applicant's name, Social Security number, home address and telephone number,
7.4 and business address and telephone number;

7.5 (ii) the name and location of the naturopathic medical program the applicant completed;

7.6 (iii) a list of degrees received from other educational institutions;

7.7 (iv) a description of the applicant's professional training;

7.8 (v) a list of registrations, certifications, and licenses held in other jurisdictions;

7.9 (vi) a description of any other jurisdiction's refusal to credential the applicant;

7.10 (vii) a description of all professional disciplinary actions initiated against the applicant
7.11 in any jurisdiction; and

7.12 (viii) any history of drug or alcohol abuse, and any misdemeanor or felony conviction;

7.13 (2) submit a copy of a diploma from an approved naturopathic medical education
7.14 program;

7.15 (3) have successfully passed the Naturopathic Physicians Licensing Examination, a
7.16 competency-based national naturopathic licensing examination administered by the North
7.17 American Board of Naturopathic Examiners or successor agency as recognized by the board;
7.18 passing scores are determined by the Naturopathic Physicians Licensing Examination;

7.19 (4) submit additional information as requested by the board, including providing any
7.20 additional information necessary to ensure that the applicant is able to practice with
7.21 reasonable skill and safety to the public;

7.22 (5) sign a statement that the information in the application is true and correct to the best
7.23 of the applicant's knowledge and belief; and

7.24 (6) sign a waiver authorizing the board to obtain access to the applicant's records in this
7.25 or any other state in which the applicant has completed an approved naturopathic medical
7.26 program or engaged in the practice of naturopathic medicine.

7.27 **Subd. 1a. Transition from registration to licensure.** (a) An individual registered as a
7.28 naturopathic doctor by the board may be granted a license as a naturopathic doctor if the
7.29 individual:

7.30 (1) holds a current, valid registration as a naturopathic doctor that has been issued by
7.31 the board; and

8.1 (2) is in good standing with the board.

8.2 (b) For purposes of this subdivision, "good standing" means that the registered
 8.3 naturopathic doctor is not currently under investigation by the board or advisory council as
 8.4 the result of a complaint, or subject to disciplinary proceedings by the board.

8.5 Subd. 2. **Registration Licensure by endorsement; reciprocity.** ~~(a)~~ To be eligible for
 8.6 ~~registration~~ licensure by endorsement or reciprocity, the applicant must hold a current
 8.7 naturopathic license, registration, or certification in another state, Canadian province, the
 8.8 District of Columbia, or territory of the United States, whose standards for licensure,
 8.9 registration, or certification are at least equivalent to those of Minnesota, and must:

8.10 (1) submit the application materials and fees as required by subdivision 1, clauses (1),
 8.11 (2), and (4) to (6);

8.12 (2) have successfully passed either:

8.13 (i) the Naturopathic Physicians Licensing Examination; or

8.14 (ii) if prior to 1986, the state or provincial naturopathic board licensing examination
 8.15 required by that regulating state or province;

8.16 (3) provide a verified copy from the appropriate government body of a current license,
 8.17 registration, or certification for the practice of naturopathic medicine in another jurisdiction
 8.18 that has initial licensing, registration, or certification requirements equivalent to or higher
 8.19 than the requirements in subdivision 1; and

8.20 (4) provide letters of verification from the appropriate government body in each
 8.21 jurisdiction in which the applicant holds a license, registration, or certification. Each letter
 8.22 must state the applicant's name, date of birth, license, registration, or certification number,
 8.23 date of issuance, a statement regarding disciplinary actions, if any, taken against the applicant,
 8.24 and the terms under which the license, registration, or certification was issued.

8.25 ~~(b) An applicant applying for license, registration, or certification by endorsement must~~
 8.26 ~~be licensed, registered, or certified in another state or Canadian province prior to January~~
 8.27 ~~1, 2005, and have completed a 60-hour course and examination in pharmacotherapeutics.~~

8.28 Subd. 3. **Temporary registration licensure.** The board may issue a temporary
 8.29 ~~registration~~ licensure to practice as a ~~registered~~ naturopathic doctor to an applicant who is
 8.30 ~~licensed, registered, or certified:~~

8.31 (1) holds a current naturopathic license, registration, or certification in another state or
 8.32 Canadian province and, the District of Columbia, or territory of the United States, whose

9.1 standards for licensure, registration, or certification are at least equivalent to those of
 9.2 Minnesota;

9.3 (2) is eligible for registration licensure under this section; if the application for registration
 9.4 is complete;

9.5 (3) meets all applicable requirements in this section have been met, and a nonrefundable
 9.6 fee has been paid;

9.7 (4) completes an application for licensure; and

9.8 (5) pays the nonrefundable licensure fee.

9.9 The temporary registration license remains valid only until the meeting of the board at which
 9.10 time a decision is made on the registered naturopathic doctor's application for registration
 9.11 licensure.

9.12 Subd. 4. **Registration License expiration.** Registrations Licenses issued under this
 9.13 chapter expire annually.

9.14 Subd. 5. **Renewal.** To be eligible for registration license renewal a registrant licensee
 9.15 must:

9.16 (1) annually, or as determined by the board, complete a renewal application on a form
 9.17 provided by the board;

9.18 (2) submit the renewal fee;

9.19 (3) provide evidence of a total of ~~25~~ 30 hours of continuing education approved by the
 9.20 board as described in section 147E.25; and

9.21 (4) submit any additional information requested by the board to clarify information
 9.22 presented in the renewal application. The information must be submitted within 30 days
 9.23 after the board's request, or the renewal request is nullified.

9.24 Subd. 6. **Change of address.** A registrant licensee who changes addresses must inform
 9.25 the board within 30 days, in writing, of the change of address. All notices or other
 9.26 correspondence mailed to or served on a registrant licensee by the board are considered as
 9.27 having been received by the registrant licensee.

9.28 Subd. 7. **Registration License renewal notice.** At least 45 days before the registration
 9.29 license renewal date, the board shall send out a renewal notice to the last known address of
 9.30 the registrant licensee on file. The notice must include a renewal application and a notice
 9.31 of fees required for renewal or instructions for online renewal. It must also inform the
 9.32 registrant licensee that registration the license will expire without further action by the board

10.1 if an application for registration license renewal is not received before the deadline for
 10.2 renewal. The registrant's licensee's failure to receive this notice does not relieve the registrant
 10.3 licensee of the obligation to meet the deadline and other requirements for registration license
 10.4 renewal. Failure to receive this notice is not grounds for challenging expiration of registration
 10.5 licensure status.

10.6 Subd. 8. **Renewal deadline.** The renewal application and fee must be postmarked on or
 10.7 before ~~December 31 of the year of renewal~~ the deadline established by the board. If the
 10.8 postmark is illegible, the application is considered timely if received by the third working
 10.9 day after the deadline.

10.10 Subd. 9. **Inactive status and return to active status.** (a) A registrant licensee may be
 10.11 placed in inactive status upon application to the board by the registrant licensee and upon
 10.12 payment of an inactive status fee.

10.13 (b) Registrants Licensees seeking restoration to active from inactive status must pay the
 10.14 current renewal fees and all unpaid back inactive fees. They must meet the criteria for
 10.15 renewal specified in subdivision 5, including continuing education hours.

10.16 (c) Registrants Licensees whose inactive status period has been five years or longer must
 10.17 additionally have a period of no less than eight weeks of advisory council-approved
 10.18 supervision by another registered licensed naturopathic doctor.

10.19 Subd. 10. **~~Registration Licensure following lapse of registration licensure status for~~**
 10.20 **two years or less.** For any individual whose registration licensure status has lapsed for two
 10.21 years or less, to regain registration status a license, the individual must:

10.22 (1) apply for registration license renewal according to subdivision 5;

10.23 (2) document compliance with the continuing education requirements of section 147E.25
 10.24 since the registrant's licensee's initial registration licensure or last renewal; and

10.25 (3) submit the fees required under section 147E.40 for the period not registered licensed,
 10.26 including the fee for late renewal.

10.27 Subd. 11. **Cancellation due to nonrenewal.** The board shall not renew, reissue, reinstate,
 10.28 or restore a registration license that has lapsed and has not been renewed within two annual
 10.29 registration renewal cycles starting January 2009. A registrant licensee whose registration
 10.30 license is canceled for nonrenewal must obtain a new registration license by applying for
 10.31 registration licensure and fulfilling all requirements then in existence for initial registration
 10.32 licensure as a registered naturopathic doctor.

11.1 Subd. 12. **Cancellation of ~~registration~~ licensure in good standing.** (a) A ~~registrant~~
 11.2 ~~licensee~~ holding an active ~~registration~~ license as a ~~registered~~ naturopathic doctor in the state
 11.3 may, upon approval of the board, be granted ~~registration~~ license cancellation if the board
 11.4 is not investigating the person as a result of a complaint or information received or if the
 11.5 board has not begun disciplinary proceedings against the ~~registrant~~ licensee. Such action
 11.6 by the board must be reported as a cancellation of ~~registration~~ licensure in good standing.

11.7 (b) A ~~registrant~~ licensee who receives board approval for ~~registration~~ licensure
 11.8 cancellation is not entitled to a refund of any ~~registration~~ fees paid for the ~~registration~~
 11.9 licensure year in which cancellation of the ~~registration~~ occurred.

11.10 (c) To obtain ~~registration~~ licensure after cancellation, a ~~registrant~~ licensee must obtain
 11.11 a new ~~registration~~ license by ~~applying for registration~~ submitting an application and fulfilling
 11.12 the requirements then in existence for obtaining initial ~~registration~~ licensure as a ~~registered~~
 11.13 naturopathic doctor.

11.14 Subd. 13. **Emeritus status of ~~registration~~.** A ~~registrant~~ licensee may change the status
 11.15 of the ~~registration~~ license to "emeritus" by filing the appropriate forms and paying the
 11.16 onetime fee of \$50 to the board. This status allows the ~~registrant~~ licensee to retain the title
 11.17 of ~~registered~~ naturopathic doctor but restricts the ~~registrant~~ licensee from actively seeing
 11.18 patients.

11.19 Sec. 6. Minnesota Statutes 2016, section 147E.20, is amended to read:

11.20 **147E.20 BOARD ACTION ON APPLICATIONS FOR ~~REGISTRATION~~**
 11.21 **LICENSURE.**

11.22 (a) The board shall act on each application for ~~registration~~ licensure according to
 11.23 paragraphs (b) to (d).

11.24 (b) The board shall determine if the applicant meets the requirements for ~~registration~~
 11.25 licensure under section 147E.15. The board or advisory council may investigate information
 11.26 provided by an applicant to determine whether the information is accurate and complete.

11.27 (c) The board shall notify each applicant in writing of action taken on the application,
 11.28 the grounds for denying ~~registration~~ licensure if ~~registration~~ licensure is denied, and the
 11.29 applicant's right to review under paragraph (d).

11.30 (d) Applicants denied ~~registration~~ licensure may make a written request to the board,
 11.31 within 30 days of the board's notice, to appear before the advisory council or the board and
 11.32 for the advisory council to review the board's decision to deny the applicant's ~~registration~~
 11.33 licensure. After reviewing the denial, the advisory council shall make a recommendation

12.1 to the board as to whether the denial shall be affirmed. Each applicant is allowed only one
12.2 request for review each yearly ~~registration~~ licensure period.

12.3 Sec. 7. Minnesota Statutes 2016, section 147E.25, is amended to read:

12.4 **147E.25 CONTINUING EDUCATION REQUIREMENT.**

12.5 Subdivision 1. **Number of required contact hours.** (a) A ~~registrant~~ licensee applying
12.6 for ~~registration~~ license renewal must complete a minimum of ~~25~~ 30 contact hours of
12.7 board-approved continuing education in the year preceding ~~registration~~ license renewal,
12.8 with the exception of the ~~registrant's~~ licensee's first incomplete year, and attest to completion
12.9 of continuing education requirements by reporting to the board.

12.10 (b) Of the ~~25~~ 30 contact hours of continuing education requirement in paragraph (a), at
12.11 least ~~five~~ ten hours of continuing education must be in pharmacotherapeutics.

12.12 Subd. 2. **Approved programs.** The board shall approve continuing education programs
12.13 that have been approved for continuing education credit by the American Association of
12.14 Naturopathic Physicians or any of its constituent state associations, the American Chiropractic
12.15 Association or any of its constituent state associations, the American Osteopathic Association
12.16 Bureau of Professional Education, the American Pharmacists Association or any of its
12.17 constituent state associations, or an organization approved by the Accreditation Council for
12.18 Continuing Medical Education.

12.19 Subd. 3. **Approval of continuing education programs.** The board shall also approve
12.20 continuing education programs that do not meet the requirements of subdivision 2 but meet
12.21 the following criteria:

12.22 (1) the program content directly relates to the practice of naturopathic medicine;

12.23 (2) each member of the program faculty is knowledgeable in the subject matter as
12.24 demonstrated by a degree from an accredited education program, verifiable experience in
12.25 the field of naturopathic medicine, special training in the subject matter, or experience
12.26 teaching in the subject area;

12.27 (3) the program lasts at least 50 minutes per contact hour;

12.28 (4) there are specific, measurable, written objectives, consistent with the program,
12.29 describing the expected outcomes for the participants; and

12.30 (5) the program sponsor has a mechanism to verify participation and maintains attendance
12.31 records for three years.

13.1 Subd. 4. **Accumulation of contact hours.** A ~~registrant~~ licensee may not apply contact
 13.2 hours acquired in one one-year reporting period to a future continuing education reporting
 13.3 period.

13.4 Subd. 5. **Verification of continuing education credits.** The board shall periodically
 13.5 select a random sample of ~~registrants~~ licensees and require those ~~registrants~~ licensees to
 13.6 supply the board with evidence of having completed the continuing education to which they
 13.7 attested. Documentation may come directly from the ~~registrants~~ licensees from state or
 13.8 national organizations that maintain continuing education records.

13.9 Subd. 6. **Continuing education topics.** Continuing education program topics may
 13.10 include, but are not limited to, naturopathic medical theory and techniques including
 13.11 diagnostic techniques, nutrition, botanical medicine, homeopathic medicine, physical
 13.12 medicine, lifestyle modification counseling, anatomy, physiology, biochemistry,
 13.13 pharmacology, pharmacognosy, microbiology, medical ethics, psychology, history of
 13.14 medicine, and medical terminology or coding.

13.15 Subd. 7. **Restriction on continuing education topics.** (a) A ~~registrant~~ licensee may
 13.16 apply no more than five hours of practice management to a one-year reporting period.

13.17 (b) A ~~registrant~~ licensee may apply no more than 15 hours to any single subject area.

13.18 Subd. 8. **Continuing education exemptions.** The board may exempt any person holding
 13.19 a ~~registration~~ license under this chapter from the requirements of subdivision 1 upon
 13.20 application showing evidence satisfactory to the board of inability to comply with the
 13.21 requirements because of physical or mental condition or because of other unusual or
 13.22 extenuating circumstances. However, no person may be exempted from the requirements
 13.23 of subdivision 1 more than once in any five-year period.

13.24 Sec. 8. Minnesota Statutes 2016, section 147E.30, is amended to read:

13.25 **147E.30 DISCIPLINE; REPORTING.**

13.26 For purposes of this chapter, ~~registered~~ naturopathic doctors and applicants are subject
 13.27 to sections 147.091 to 147.162.

13.28 Sec. 9. Minnesota Statutes 2016, section 147E.35, is amended to read:

13.29 **147E.35 REGISTERED NATUROPATHIC DOCTOR ADVISORY COUNCIL.**

13.30 Subdivision 1. **Membership.** The board shall appoint a seven-member ~~Registered~~
 13.31 Naturopathic Doctor Advisory Council consisting of one public member as defined in section

14.1 214.02, five ~~registered~~ licensed naturopathic doctors who are residents of the state, and one
 14.2 licensed physician or osteopathic physician with expertise in natural medicine.

14.3 Subd. 2. **Organization.** The advisory council shall be organized and administered under
 14.4 section 15.059. Section 15.059, subdivision 2, does not apply to this section. Members shall
 14.5 serve two-year terms, and shall serve until their successors have been appointed. The council
 14.6 shall select a chair from its membership.

14.7 Subd. 3. **Duties.** The advisory council shall:

14.8 (1) advise the board regarding standards for ~~registered~~ licensed naturopathic doctors;

14.9 (2) provide for distribution of information regarding ~~registered~~ licensed naturopathic
 14.10 doctors standards;

14.11 (3) advise the board on enforcement of sections 147.091 to 147.162;

14.12 (4) review applications and recommend granting or denying ~~registration~~ licensure or
 14.13 ~~registration~~ license renewal;

14.14 (5) advise the board on issues related to receiving and investigating complaints,
 14.15 conducting hearings, and imposing disciplinary action in relation to complaints against
 14.16 ~~registered~~ naturopathic doctors;

14.17 (6) advise the board regarding approval of continuing education programs using the
 14.18 criteria in section 147E.25, subdivision 3; and

14.19 (7) perform other duties authorized for advisory councils by chapter 214, as directed by
 14.20 the board.

14.21 Sec. 10. Minnesota Statutes 2016, section 147E.40, is amended to read:

14.22 **147E.40 FEES.**

14.23 Subdivision 1. **Fees.** Fees are as follows:

14.24 (1) ~~registration~~ license application fee, \$200;

14.25 (2) renewal fee, \$150;

14.26 (3) late fee, \$75;

14.27 (4) inactive status fee, \$50; and

14.28 (5) temporary permit fee, \$25.

14.29 Subd. 2. **Proration of fees.** The board may prorate the initial annual ~~registration~~ license
 14.30 fee. All ~~registrants~~ licensees are required to pay the full fee upon ~~registration~~ license renewal.

15.1 Subd. 3. **Penalty fee for late renewals.** An application for ~~registration~~ license renewal
15.2 submitted after the deadline must be accompanied by a late fee in addition to the required
15.3 fees.

15.4 Subd. 4. **Nonrefundable fees.** All of the fees in subdivision 1 are nonrefundable.

15.5 Sec. 11. Minnesota Statutes 2016, section 151.01, subdivision 23, is amended to read:

15.6 Subd. 23. **Practitioner.** "Practitioner" means a licensed doctor of medicine, licensed
15.7 doctor of osteopathic medicine duly licensed to practice medicine, licensed doctor of
15.8 dentistry, licensed doctor of optometry, licensed podiatrist, licensed veterinarian, ~~or~~ licensed
15.9 advanced practice registered nurse, or licensed naturopathic doctor. For purposes of sections
15.10 151.15, subdivision 4; 151.252, subdivision 3; 151.37, subdivision 2, paragraphs (b), (e),
15.11 and (f); and 151.461, "practitioner" also means a physician assistant authorized to prescribe,
15.12 dispense, and administer under chapter 147A. For purposes of sections 151.15, subdivision
15.13 4; 151.252, subdivision 3; 151.37, subdivision 2, paragraph (b); and 151.461, "practitioner"
15.14 also means a dental therapist authorized to dispense and administer under chapter 150A.

15.15 Sec. 12. **NATUROPATHIC DOCTOR ADVISORY COUNCIL.**

15.16 The five registered naturopathic doctors appointed to and serving on the Naturopathic
15.17 Doctor Advisory Council established under Minnesota Statutes, section 147E.35, must apply
15.18 for and be issued a license under Minnesota Statutes, chapter 147E, by January 1, 2018, to
15.19 remain a member of the advisory council. If any of the five members required to be licensed
15.20 is not licensed by January 1, 2018, the board shall appoint a licensed naturopathic doctor
15.21 to replace the member.