

# SENATE BILL NO. 322

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOSLEY.

0036S.01I

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapter 334, RSMo, by adding thereto eight new sections relating to the regulation and licensing of the practice of naturopathic medicine.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 334, RSMo, is amended by adding thereto  
2 eight new sections, to be known as sections 334.1051, 334.1053,  
3 334.1056, 334.1059, 334.1062, 334.1065, 334.1068, and 334.1071,  
4 to read as follows:

334.1051. 1. As used in sections 334.1051 to  
2 334.1071, the following terms shall mean:

3 (1) "Approved medical educational program", an  
4 education program that the board has approved as meeting the  
5 requirements of section 334.1059 and that prepares  
6 naturopathic physicians for the practice of naturopathic  
7 medicine;

8 (2) "Board", the state board of registration for the  
9 healing arts;

10 (3) "Clinical laboratory procedure", the use of  
11 venipuncture consistent with naturopathic medical practice;  
12 commonly used diagnostic modalities consistent with  
13 naturopathic practice; the recording of a patient's health  
14 history; physical examination; and ordering and interpreting  
15 radiographic diagnostics and other standard imaging and  
16 examining body orifices, excluding endoscopy and colonoscopy;

17 (4) "Committee", the naturopathic physicians advisory  
18 committee of the board established in section 334.1056;

19 (5) "Dangerous drugs", narcotics or controlled  
20 substances described in chapter 195;

21 (6) "Homeopathic medicine", a system of medicine based  
22 on the use of infinitesimal doses of substances capable of  
23 producing symptoms similar to those of the disease treated,  
24 as listed in the Homeopathic Pharmacopeia of the United  
25 States;

26 (7) "Hygiene", the use of preventative techniques,  
27 including, but not limited to, personal hygiene, asepsis,  
28 public health, and safety;

29 (8) "Laboratory examination", phlebotomy, a clinical  
30 laboratory procedure, an orifice examination, a  
31 physiological function test, or a screening or test that is  
32 consistent with naturopathic education and training;

33 (9) "Legend drug", the same meaning as in section  
34 338.330;

35 (10) "Minor office procedure", minor surgical care and  
36 procedures, including, but not limited to, the following:

37 (a) Surgical care incidental to superficial  
38 laceration, lesion, or abrasion, excluding surgical care to  
39 treat a lesion suspected of malignancy;

40 (b) The removal of foreign bodies located in  
41 superficial structures, excluding the globe of the eye;

42 (c) Trigger point therapy;

43 (d) Dermal stimulation;

44 (e) Allergy testing and treatment; and

45 (f) The use of antiseptics and topical or local  
46 anesthetics;

47 (11) "NABNE", the North American Board of Naturopathic  
48 Examiners;

49 (12) "Naturopathic medicine", includes the following:

50 (a) A system of health care for the prevention,  
51 diagnosis, and treatment of human health conditions, injury,  
52 and disease;

53 (b) The promotion or restoration of health; and

54 (c) The support and stimulation of a patient's  
55 inherent self-healing processes through patient education  
56 and the use of naturopathic therapies and therapeutic  
57 substances;

58 (13) "Naturopathic physical medicine", the use of one  
59 or more of the following physical agents in a manner  
60 consistent with naturopathic medical practice on a part or  
61 the whole of the body, by hand or by mechanical means, in  
62 the resolution of a human ailment or condition: air, water,  
63 heat, cold, sound, light, electromagnetism, colon  
64 hydrotherapy, soft tissue therapy, joint mobilization,  
65 therapeutic exercise, or naturopathic manipulation. The  
66 term shall not include the practice of physical therapy,  
67 acupuncture, or application of chiropractic adjustments and  
68 the principles or techniques of chiropractic science;

69 (14) "Naturopathic therapy", the use of naturopathic  
70 physical medicine, suggestion, hygiene, a therapeutic  
71 substance, a dangerous drug, nutrition and food science,  
72 homeopathic medicine, a clinical laboratory procedure, or a  
73 minor office procedure;

74 (15) "Nutrition and food science", the prevention and  
75 treatment of disease or other human conditions through the  
76 use of food, water, herbs, roots, bark, or natural food  
77 elements;

78 (16) "Professional examination", a competency-based  
79 national naturopathic physician licensing examination  
80 administered by NABNE, or its successor agency, which board

81 has been nationally recognized to administer a naturopathic  
82 examination that represents federal standards of education  
83 and training;

84 (17) "Suggestion", a technique using biofeedback,  
85 hypnosis, health education, or health counseling;

86 (18) "Therapeutic substance", any of the following  
87 exemplified in a standard naturopathic medical text,  
88 journal, or pharmacopeia: a vitamin, mineral,  
89 nutraceutical, botanical medicine, oxygen, homeopathic  
90 medicine, hormone, hormonal or pharmaceutical contraceptive  
91 device, or other physiological substance.

334.1053. The board shall license an applicant who:

- 2 (1) Is of good moral character;
- 3 (2) Submits the following items to the board:
  - 4 (a) An application for license;
  - 5 (b) Evidence that the applicant has graduated from an  
6 approved naturopathic medical educational program;
  - 7 (c) Evidence that the applicant successfully completed  
8 a competency-based national naturopathic medicine licensing  
9 examination;
  - 10 (d) Evidence that the applicant has passed a pharmacy  
11 examination authorized by the board and administered by  
12 NABNE;
  - 13 (e) Evidence that the applicant has passed a state  
14 jurisprudence examination that meets standards authorized by  
15 the board;
  - 16 (f) Evidence of professional liability insurance with  
17 policy limits not less than prescribed by the board in rule;
  - 18 (g) Be at least twenty-one years of age;
  - 19 (h) Be a United States citizen or an alien lawfully  
20 admitted for permanent residence in the United States; and

21 (i) Pay all application and examination fees required  
22 by the board;

23 (3) Is determined by the board, upon recommendation by  
24 the committee, to be physically and mentally capable of  
25 safely practicing naturopathic medicine with or without  
26 reasonable accommodation; and

27 (4) Has not had a license to practice naturopathic  
28 medicine or other health care license, registration, or  
29 certification refused, revoked, or suspended by any other  
30 jurisdiction for reasons that related to the applicant's  
31 ability to skillfully and safely practice naturopathic  
32 medicine, unless that license, registration, or  
33 certification has been restored to good standing by the  
34 jurisdiction.

334.1056. 1. There is hereby established a  
2 "Naturopathic Physicians Advisory Committee" for the purpose  
3 of providing advice for the board regarding licensure of  
4 naturopathic physicians and matters relating to the training  
5 of naturopathic physicians.

6 2. The governor shall appoint, with the advice and  
7 consent of the senate, an initial committee consisting of  
8 one member for a term of four years and two members for  
9 terms of three years each. As the terms of the initial  
10 committee members expire, the board shall appoint successors  
11 for terms of four years each. No more than two members  
12 shall be affiliated with the same political party. All  
13 members shall be citizens of the United States. The  
14 committee shall consist of three voting members as follows:

15 (1) Two licensed naturopathic physicians, except that  
16 the first such members shall become licensed within six  
17 months of August 28, 2023; and

18           (2) One member who is a resident of the state who is  
19 not, and never has been, a licensed health care practitioner  
20 and who does not have an interest in naturopathic education,  
21 naturopathic medicine, or naturopathic business or practice.

22           3. At the first meeting of the committee, the members  
23 shall elect a chair. The committee shall meet at least once  
24 during each calendar quarter. The committee may hold  
25 additional meetings at the call of the chair or upon the  
26 written request of any two members of the committee.

27           4. Each member shall receive compensation in an amount  
28 set by the commission not to exceed seventy dollars for each  
29 day devoted to the duties of the commission, and shall be  
30 entitled to reimbursement for the member's expenses  
31 necessarily incurred in the discharge of his or her official  
32 duties.

33           5. The committee shall develop guidelines for the  
34 board to consider for rulemaking, including, but not limited  
35 to:

36           (1) Regulating the licensure of naturopathic  
37 physicians and determining the hours of continuing education  
38 units required for maintaining licensure as a naturopathic  
39 physician;

40           (2) Prescribing the manner in which records of  
41 examinations and treatments shall be kept and maintained;

42           (3) Establishing standards for professional  
43 responsibility and conduct;

44           (4) Identifying disciplinary actions and circumstances  
45 that require disciplinary action;

46           (5) Developing a means to provide information to all  
47 licensees in the state;

48           (6) Providing for the investigation of complaints  
49 against licensees or persons holding themselves out as  
50 naturopathic physicians in the state;

51           (7) Providing for the publication of information for  
52 the public about licensees and the practice of naturopathic  
53 medicine in the state;

54           (8) Providing for an orderly process for reinstatement  
55 of a license; and

56           (9) Establishing criteria for advertising or  
57 promotional materials.

          334.1059. 1. The board shall, in collaboration with  
2 the committee, establish guidelines for an approved  
3 naturopathic medical educational program and examination for  
4 an applicant for licensure, which shall, at a minimum, meet  
5 the following requirements:

6           (1) Graduation from:

7           (a) A naturopathic medical education program in the  
8 United States providing the degree of doctor of naturopathy  
9 or doctor of naturopathic medicine, which shall offer  
10 graduate-level, full-time didactic and supervised clinical  
11 training and shall be accredited or have achieved candidacy  
12 status for accreditation by the Council on Naturopathic  
13 Medical Education (CNME), or an equivalent federally-  
14 recognized accrediting body for naturopathic medical  
15 programs, and which shall be an institution of higher  
16 education or part of an institution of higher education that  
17 is either accredited or is a candidate for accreditation by  
18 a regional or national institutional accrediting agency  
19 recognized by the U.S. Secretary of Education;

20           (b) A degree-granting institution of higher education  
21 in the United States that, prior to the existence of the  
22 CNME, offered a full-time, structured curriculum in basic

23 science and supervised patient care comprising a doctoral  
24 naturopathic medical education requiring not less than one  
25 hundred thirty-two weeks of coursework to be completed  
26 within a period of not less than thirty-five months, which  
27 was reputable and in good standing in the judgment of the  
28 board and which, if still in existence, has current  
29 programmatic accreditation by the CNME or a federally-  
30 recognized equivalent accrediting agency;

31 (c) A diploma-granting, degree-equivalent institution  
32 of higher education located in Canada that, prior to the  
33 existence of the CNME, had provincial approval for  
34 participation in government-funded student aid programs,  
35 offered a full-time, structured curriculum in basic science  
36 and supervised patient care comprising a doctoral  
37 naturopathic medical education requiring not less than one  
38 hundred thirty-two weeks of coursework to be completed  
39 within a period of not less than thirty months, which was  
40 reputable and in good standing in the judgment of the board  
41 and which, if still in existence, has current programmatic  
42 accreditation by the CNME or a federally-recognized  
43 equivalent accrediting agency, and has provincial approval  
44 for participation in government-funded student aid programs;  
45 or

46 (d) A diploma-granting, degree-equivalent institution  
47 of higher education located in Canada that has provincial  
48 approval for participation in government-funded student aid  
49 programs, offers graduate-level, full-time didactic and  
50 supervised clinical training and is accredited or has  
51 achieved candidacy status for accreditation by the CNME, or  
52 an equivalent federally-recognized accrediting body for  
53 naturopathic medical programs; and



54           (2) Successful completion of a competency-based  
55 national naturopathic medicine licensing examination  
56 administered by the NABNE, or an equivalent agency  
57 recognized by the board, or, for graduates of approved  
58 naturopathic medical programs in the United States prior to  
59 the existence of the CNME, a competency-based state  
60 naturopathic medicine licensing examination for the practice  
61 of naturopathic medicine approved by the board.

          334.1062. 1. A licensee may practice naturopathic  
2 medicine to provide primary care in alignment with  
3 naturopathic medical education in the following ways:

4           (1) To perform physical examinations;

5           (2) To order laboratory examinations;

6           (3) To order diagnostic imaging studies;

7           (4) To interpret the results of laboratory  
8 examinations for diagnostic purposes;

9           (5) To order and, based on a radiologist's report,  
10 take action on diagnostic imaging studies in a manner  
11 consistent with naturopathic training;

12           (6) To prescribe, administer, dispense, and order  
13 food, extracts of food, nutraceuticals, vitamins, amino  
14 acids, minerals, enzymes, botanicals and their extracts,  
15 botanical medicine, homeopathic medicines, and dietary  
16 supplements and nonprescription drugs;

17           (7) To prescribe, administer, dispense, and order all  
18 legend drugs and all Schedule III, IV, and V controlled  
19 substances described in section 195.017;

20           (8) To administer intramuscular, intravenous,  
21 subcutaneous, intra-articular, and intradermal injections of  
22 substances appropriate to naturopathic medicine;

23           (9) To use routes of administration that include oral,  
24 nasal, auricular, ocular, rectal, vaginal, transdermal,

25 intradermal, subcutaneous, intravenous, intra-articular, and  
26 intramuscular, consistent with the education and training of  
27 a naturopathic physician;

28 (10) To perform naturopathic physical medicine;

29 (11) To employ the use of naturopathic therapy;

30 (12) To use therapeutic devices, barrier  
31 contraception, intrauterine devices, hormonal and  
32 pharmaceutical contraception and durable medical equipment;  
33 and

34 (13) To perform minor office procedures.

35 2. A licensee shall refer to a physician licensed  
36 under this chapter any patient whose medical condition  
37 should, at the time of evaluation or treatment, be  
38 determined to be beyond the scope of practice of the  
39 licensee.

40 3. A licensee shall not:

41 (1) Perform surgery outside of the scope of minor  
42 office procedures permitted in the employment of  
43 naturopathic therapy;

44 (2) Use general or spinal anesthetics;

45 (3) Administer ionizing radioactive substances for  
46 therapeutic purposes;

47 (4) Perform a surgical procedure using a laser device;

48 (5) Perform a surgical procedure involving any of the  
49 following areas of the body that extend beyond superficial  
50 tissue: eye, ear, tendon, nerves, veins, or artery;

51 (6) Perform an abortion, as such term is defined in  
52 section 188.015;

53 (7) Treat any lesion suspected of malignancy or  
54 requiring surgical removal; or

55 (8) Perform acupuncture.

56           4. A licensee shall display the licensee's license in  
57 the licensee's place of business in a location clearly  
58 visible to the licensee's patients and shall also display  
59 evidence of the licensee having completed an approved  
60 naturopathic medical education program.

61           5. A licensee has the exclusive right to use the  
62 following terms in reference to the licensee's self:  
63 "naturopathic physician", "naturopathic doctor", "doctor of  
64 naturopathic medicine", "doctor of naturopathy", "N.D.", and  
65 "ND". An individual shall not represent himself or herself  
66 to the public as a naturopathic physician, naturopathic  
67 doctor, a doctor of naturopathic medicine, or a doctor of  
68 naturopathy, or as being otherwise authorized to practice  
69 naturopathic medicine in the state, unless he or she is a  
70 licensee.

          334.1065. The provisions of sections 334.1051 to  
2 334.1071 shall not apply to the following persons:

3           (1) A health care professional who is licensed,  
4 certified, or registered under the laws of this state and  
5 who is performing services within his or her authorized  
6 scope of practice;

7           (2) A student enrolled in an approved naturopathic  
8 medical educational program; provided, that the practice of  
9 naturopathic medicine by the student is performed pursuant  
10 to a course of instruction or an assignment from an  
11 instructor and under the supervision of the instructor who  
12 is a licensee or a duly-licensed professional in the  
13 instructed field;

14           (3) Any person selling a vitamin or herb who provides  
15 information about the vitamin or herb;

16           (4) A person licensed to practice naturopathic  
17 medicine in any other state or district in the United States

18 and who entered this state to consult with a naturopathic  
19 physician of this state; provided, that the consultation is  
20 limited to examination, recommendation, or testimony in  
21 litigation; or

22 (5) Any person or practitioner who is not licensed as  
23 a naturopathic physician and who recommends the use of  
24 ayurvedic medicine, herbal remedies, nutritional advice,  
25 homeopathy, or other therapy that is within the scope of  
26 practice of naturopathic medicine; provided, that the person  
27 shall not recommend or provide a homeopathic medicine, a  
28 hormone, a hormonal or pharmaceutical contraceptive device,  
29 or any other physiologic substance.

334.1068. 1. A license issued or renewed under  
2 sections 334.1051 to 334.1071 shall expire two years  
3 following its issuance or renewal. The board may renew the  
4 license of any licensee who, upon the expiration of his or  
5 her license:

6 (1) Has submitted an application for renewal;

7 (2) Has paid the renewal fee established by rules of  
8 the board;

9 (3) Meets the qualifications for licensure set forth  
10 in the sections 334.1051 to 334.1071 and rules promulgated  
11 thereunder; and

12 (4) Meets the continuing education requirements  
13 established by the board.

14 2. The board may refuse to issue or renew a license  
15 for failure to meet the requirements of sections 334.1051 to  
16 334.1071, or the rules promulgated thereunder. The board  
17 shall notify the applicant in writing of the reasons for  
18 refusal and shall advise the applicant of his or her right  
19 to file a complaint with the administrative hearing  
20 commission as provided by chapter 621.

334.1071. The board shall promulgate rules and  
2 regulations to implement the provisions of sections 334.1051  
3 to 334.1071. Any rule or portion of a rule, as that term is  
4 defined in section 536.010, that is created under the  
5 authority delegated in sections 334.1051 to 334.1071 shall  
6 become effective only if it complies with and is subject to  
7 all of the provisions of chapter 536 and, if applicable,  
8 section 536.028. This section and chapter 536 are  
9 nonseverable and if any of the powers vested with the  
10 general assembly pursuant to chapter 536 to review, to delay  
11 the effective date, or to disapprove and annul a rule are  
12 subsequently held unconstitutional, then the grant of  
13 rulemaking authority and any rule proposed or adopted after  
14 August 28, 2023, shall be invalid and void.

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