

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 516 Session of 2015

INTRODUCED BY MUSTIO, READSHAW, MAHER, KILLION, CHRISTIANA, D. COSTA, CUTLER, MARSHALL, MENTZER, HACKETT, GINGRICH, MILLARD, GERGELY, SACCONI, SONNEY, KOTIK, V. BROWN, R. BROWN, COX, HARPER, KORTZ, RAVENSTAHL, SANTARSIERO, NEUMAN AND GIBBONS, FEBRUARY 23, 2015

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 1, 2015

AN ACT

1 Relating to the practice of naturopathic medicine; providing for
2 the issuance of licenses and the suspension and revocation of
3 licenses; and providing for penalties.

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14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 CHAPTER 1

17 PRELIMINARY PROVISIONS

18 Section 101. Short title.

19 This act shall be known and may be cited as the Naturopathic
20 Doctor Practice Act.

21 Section 102. Declaration of policy.

22 The General Assembly finds and declares as follows:

23 (1) The practice of naturopathic medicine in this
24 Commonwealth is declared to affect the public health, safety
25 and welfare and to be subject to regulation and control in
26 the public interest.

27 (2) It is a matter of public interest that naturopathic
28 doctors and the practice of naturopathic medicine merit the
29 confidence of the public, that only qualified persons be
30 authorized to practice naturopathic medicine in this

1 Commonwealth and that no person may practice as a
2 naturopathic doctor without a valid existing license to do
3 so.

4 (3) The General Assembly recognizes that naturopathic
5 doctors comprise a distinct health care profession that
6 affects the public health, safety and welfare and increases
7 freedom of choice in health care.

8 (4) This act shall be liberally construed to best carry
9 out these subjects and purposes.

10 Section 103. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Behavioral medicine." Techniques including biofeedback,
15 relaxation training, hypnosis, mindfulness-based stress
16 reduction and cognitive therapy.

17 "Board." The State Board of Medicine.

18 "Botanical medicine." A system of medicine employing
19 naturally occurring substances derived from plants in the
20 prevention and treatment of disease.

21 "Bureau." The Bureau of Professional and Occupational
22 Affairs of the Commonwealth.

23 "Commissioner." The Commissioner of Professional and
24 Occupational Affairs of the Commonwealth.

25 "Common diagnostic procedures." The use of venipuncture and <--
26 ~~commonly used diagnostic imaging modalities consistent with~~
27 ~~naturopathic practice~~, health history taking, physical
28 examination, radiography, laboratory medicine and examination of <--
29 body orifices excluding endoscopy.

30 "Department." The Department of State of the Commonwealth.

1 ~~"Diagnostic imaging modalities." Includes all x ray and~~
2 ~~ultrasound goods and services.~~

3 "Homeopathic medicine." A system of medicine employing
4 substances of animal, vegetable or mineral origin which are
5 given in microdosage in the prevention and treatment of disease.

6 "Legend drug." A drug:

7 (1) limited by the Federal Food, Drug, and Cosmetic Act
8 (52 Stat. 1040, 21 U.S.C. § 301 et seq.) to being dispensed
9 by prescription; and

10 (2) the product label of which is required to contain
11 the following statement: "CAUTION: FEDERAL LAW PROHIBITS
12 DISPENSING WITHOUT A PRESCRIPTION."

13 "Naturopathic doctor." An individual who holds an active
14 license issued under this act.

15 "Naturopathic medicine." A system of primary health care
16 practiced by doctors of naturopathic medicine for the
17 prevention, diagnosis and treatment of human health conditions,
18 injuries and diseases and that uses education, natural medicines
19 and therapies to support and stimulate the individual's
20 intrinsic self-healing processes.

21 "Naturopathic musculoskeletal therapy." The treatment by
22 manual and other mechanical means of all body tissues and
23 structures, including, but not limited to, bones, fascia,
24 muscles, tendons, ligaments, entheses, joint capsules, bursae,
25 tendon sheaths, scar tissue and visceral organs by naturopathic
26 doctors. These may be located anywhere in the human body,
27 including, but not limited to, the spine, cranium,
28 thoracoabdominal cavity and extremities. These manual and
29 mechanical techniques involve the use of oscillation, pressure
30 and sustained tension, including traction, mobilization through

1 physiologic and extra-physiologic ranges of motion, including
2 passive intrinsic mobility of all body joints, and repositioning
3 of displaced body tissues and organs.

4 "Naturopathic physical medicine." The methods of treating
5 the body by means of electromagnetic energy, colon hydrotherapy,
6 therapeutic exercise and therapeutic use by naturopathic doctors
7 of the physical agents of air, water, heat, cold, sound, light
8 and the physical modalities and procedures, including, but not
9 limited to, hydrotherapy, electrotherapy, magnetic therapy,
10 diathermy, ultrasound, ultraviolet, infrared and low-level laser
11 light, therapeutic exercise, neural therapy and myofascial
12 trigger point therapy.

13 "Naturopathic therapies." Methods used in the treatment of
14 an individual which include, but are not limited to,
15 hydrotherapy, topical medicines, foods, food extracts, vitamins,
16 amino acids, minerals, enzymes, dietary supplements, over-the-
17 counter medications and nonprescription drugs as defined by the
18 Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. §
19 301 et seq.), homeopathic remedies and plant substances that are
20 not designated as prescription drugs or controlled substances.

21 "Topical medicines." Topical analgesics, anesthetics,
22 antiseptics, scabicides, antifungals and antibacterials.

23 CHAPTER 2

24 STATE BOARD OF MEDICINE

25 Section 201. Declaration of purpose.

26 The board shall enforce and administer the provisions of this
27 act and shall adopt rules that are consistent with the intent of
28 this act.

29 Section 202. Naturopathic medical education.

30 The board shall approve a naturopathic medical education

1 program accredited by the Council on Naturopathic Medical
2 Education or an equivalent federally recognized accrediting body
3 for the naturopathic medical profession that has the following
4 minimum requirements:

5 (1) Admission requirements that include a minimum of
6 three-quarters of the credits required for a bachelor's
7 degree from a regionally accredited or preaccredited college
8 or university or the equivalency, as determined by the
9 council.

10 (2) Program requirements for its degree or diploma of a
11 minimum of 4,100 total hours in basic and clinical sciences,
12 naturopathic philosophy, naturopathic modalities and
13 naturopathic medicine. Of the total requisite hours, not less
14 than 2,500 hours shall consist of academic instruction, and
15 not less than 1,200 hours shall consist of supervised
16 clinical training approved by the naturopathic medical
17 school.

18 (3) A naturopathic medical education program in the
19 United States shall offer graduate-level, full-time studies
20 and training leading to the degree of Doctor of Naturopathy
21 or Doctor of Naturopathic Medicine. The program shall be an
22 institution or part of an institution of higher education
23 that is either accredited or is a candidate for accreditation
24 by a regional institutional accrediting agency recognized by
25 the United States Secretary of Education and the Council on
26 Naturopathic Medical Education, or an equivalent federally
27 recognized accrediting body for naturopathic doctor
28 education.

29 (4) To qualify as an approved naturopathic medical
30 school, a naturopathic medical program located in Canada or

1 the United States shall offer a full-time, doctoral-level,
2 naturopathic medical education program with its graduates
3 being eligible to apply to the board for licensure and to the
4 North American Board of Naturopathic Examiners that
5 administers the national naturopathic licensing examination.

6 CHAPTER 3

7 LICENSURE

8 Section 301. Qualifications for licensure.

9 (a) Applicants.--An applicant shall be considered to be
10 qualified for a license if the applicant submits proof
11 satisfactory to the board of all of the following:

12 (1) The applicant is of good moral character.

13 (2) The applicant has completed a doctorate-level
14 naturopathic medical program approved by the board.

15 (3) The applicant has passed a competency-based national
16 naturopathic licensing examination administered by the North
17 American Board of Naturopathic Examiners or successor agency
18 that has been nationally recognized to administer a
19 naturopathic examination that represents Federal standards of
20 education and training, or has graduated prior to 1986 and
21 has passed a state naturopathic licensing examination.

22 (4) The application is accompanied by the application
23 fee as established by the board by regulation.

24 (5) The applicant is not addicted to the habitual use of
25 alcohol, narcotics or other habit-forming drugs.

26 (6) (i) The applicant has not been convicted of a
27 felony under the act of April 14, 1972 (P.L.233, No.64),
28 known as The Controlled Substance, Drug, Device and
29 Cosmetic Act, or of an offense under the laws of another
30 jurisdiction which, if committed in this Commonwealth,

1 would be a felony under The Controlled Substance, Drug,
2 Device and Cosmetic Act, unless the following apply:

3 (A) At least 10 years have elapsed from the date
4 of conviction.

5 (B) The applicant satisfactorily demonstrates to
6 the board that the applicant has made significant
7 progress in personal rehabilitation since the
8 conviction and that licensure of the applicant should
9 not be expected to create a substantial risk of harm
10 to the public or a substantial risk of further
11 criminal violations.

12 (C) The applicant otherwise satisfies the
13 qualifications required under this act.

14 (ii) As used in this paragraph, the term "convicted"
15 includes a judgment, admission of guilt or a plea of nolo
16 contendere or receiving probation without verdict,
17 disposition in lieu of trial or an accelerated
18 rehabilitative disposition of the disposition of felony
19 charges.

20 (7) The applicant has not been convicted of an offense
21 under the laws of this Commonwealth or any other state or
22 foreign jurisdiction which, if committed in this
23 Commonwealth, would constitute a sexual offense or a felony.
24 Compliance with this paragraph must be documented by a report
25 of criminal history record information from the Pennsylvania
26 State Police or by a statement from the Pennsylvania State
27 Police that its central repository contains no information
28 relating to the applicant. The costs associated with the
29 report or statement shall be paid by the applicant.

30 (b) Transferability.--A license and a temporary practice

1 permit are not transferable.

2 Section 302. License status and continuing education.

3 (a) Duration of license.--A license shall be renewable on a
4 biennial basis. The biennial expiration date shall be
5 established by regulation of the board. Application for renewal
6 of a license shall biennially be forwarded to an individual
7 holding a current license prior to the expiration date of the
8 current renewal biennium.

9 (b) Procedure.--To renew a license, a licensee must do all
10 of the following:

11 (1) File a renewal application with the board.

12 (2) Maintain current certification to administer
13 cardiopulmonary resuscitation.

14 (3) Successfully complete a minimum of 50 hours of
15 continuing education biennially. The continuing education
16 shall meet the following requirements:

17 (i) At least 10 hours shall be in pharmacology.

18 (ii) The program shall consist of study covering
19 new, review, experimental, research and specialty
20 subjects within the scope of practice of naturopathic
21 medicine in this Commonwealth.

22 (iii) Continuing education must be provided by one
23 of the following:

24 (A) A professional health care licensing agency,
25 hospital or institution accredited by the
26 Accreditation Council of Continuing Medical Education
27 (ACCME).

28 (B) A program sponsored by the American Council
29 of Pharmaceutical Education (ACPE).

30 (C) An accredited college or university.

1 (D) A professional association or organization
2 representing a licensed profession whose program
3 objectives are related to naturopathic training.

4 (E) Any other provider providing a program
5 related to naturopathic education, if the provider
6 has submitted an application to and received approval
7 from the Pennsylvania Association of Naturopathic
8 Physicians or American Association of Naturopathic
9 Physicians.

10 (4) Pay a fee established by regulation of the board.

11 (c) Inactive status.--A licensee may request an application
12 for inactive status. The application form must be completed and
13 returned to the board. Upon receipt of an application, the
14 individual shall be maintained on inactive status without fee
15 and shall be entitled to apply for licensure renewal at any
16 time. An individual who requests the board to activate the
17 individual's license and who has been on inactive status for a
18 period of five consecutive years must, prior to receiving an
19 active license, satisfy the requirements of the board's
20 regulations for ensuring continued education, including holding
21 current certification to administer cardiopulmonary
22 resuscitation and remitting the required fee. The board shall
23 promulgate regulations to carry into effect the provisions of
24 this subsection.

25 (d) Reporting of multiple licensure.--A licensee who is also
26 licensed to practice naturopathic medicine in another
27 jurisdiction shall report this information to the board on the
28 biennial registration application. Any disciplinary action taken
29 in another jurisdiction shall be reported to the board on the
30 biennial registration application or within 90 days of final

1 disposition, whichever is sooner. Multiple licensures shall be
2 noted by the board on the licensee's record, and the other
3 licensing jurisdiction shall be notified by the board of any
4 disciplinary actions taken against the licensee in this
5 Commonwealth.

6 Section 303. Liability insurance.

7 (a) General rule.--A licensed naturopathic doctor practicing
8 in this Commonwealth shall maintain a level of medical
9 professional liability insurance coverage in the minimum amount
10 of \$1,000,000 per occurrence or claim made. Failure to maintain
11 insurance coverage as required shall subject the licensee to
12 disciplinary proceedings. The board shall accept as satisfactory
13 evidence of insurance coverage any of the following:

14 (1) Self-insurance.

15 (2) Personally purchased medical professional liability
16 insurance.

17 (3) Medical professional liability insurance coverage
18 provided by the naturopathic doctor's employer or similar
19 insurance coverage acceptable to the board.

20 (b) Proof.--A license applicant shall provide proof that the
21 applicant has obtained medical professional liability insurance
22 in accordance with subsection (a). It is sufficient if the
23 applicant files with the application a copy of a letter from the
24 applicant's professional liability insurance carrier indicating
25 that the applicant will be covered against professional
26 liability in the required amounts effective upon the issuance of
27 the applicant's license to practice in this Commonwealth. Upon
28 issuance of the license, the licensee has 30 days to submit to
29 the board the certificate of insurance or a copy of the policy
30 declaration page.

1 Section 304. Reciprocity.

2 The board has the power to grant a reciprocal license to an
3 applicant who is licensed or certified as a naturopathic doctor
4 or similar practice in another state and has demonstrated
5 qualifications which equal or exceed those required under this
6 act in the determination of the board. No license may be granted
7 under this section to an applicant unless the state in which the
8 applicant is licensed affords reciprocal treatment to
9 individuals who are residents of this Commonwealth and who are
10 licensed under this act.

11 CHAPTER 4

12 PRACTICE OF NATUROPATHIC MEDICINE

13 Section 401. Scope of practice.

14 (a) Scope.--The following are deemed to be within the scope
15 of practice for a naturopathic doctor:

16 (1) Order and perform physical and laboratory
17 examinations consistent with naturopathic education and
18 training, for diagnostic purposes, utilizing common
19 diagnostic procedures.

20 ~~(2) Order diagnostic imaging studies consistent with~~ <--
21 ~~naturopathic training.~~

22 ~~(3)~~ (2) Dispense, administer, order, prescribe or <--
23 perform consistent with naturopathic education and training
24 the following:

25 (i) Naturopathic therapies.

26 (ii) Naturopathic physical medicine.

27 (iii) Devices, including therapeutic devices,
28 durable medical equipment and barrier contraception,
29 except those that require surgical intervention.

30 (iv) Health education and health counseling.

- 1 (v) Behavioral medicine.
- 2 (vi) Botanical medicine.
- 3 (vii) Naturopathic musculoskeletal therapy.
- 4 (viii) Homeopathic medicine.

5 ~~(4)~~ (3) Utilize routes of administration that include <--
6 oral, nasal, auricular, ocular, rectal, vaginal, transdermal,
7 intradermal, subcutaneous and intramuscular.

8 (b) Prescriptions.--All prescriptions must be hand-printed,
9 typewritten or generated electronically.

10 (c) Prohibitions.--A naturopathic doctor licensed under this
11 act shall not:

12 (1) Prescribe, dispense or administer any legend drug.

13 (2) Perform surgical procedures.

14 (3) Practice or claim to practice as any other licensed
15 health care professional not authorized in this act unless
16 licensed as such.

17 (4) Use general or spinal anesthetics.

18 (5) Administer ionizing radioactive substances for
19 therapeutic purposes.

20 (6) Perform chiropractic adjustments, including grade
21 five mobilization and manipulation, unless licensed as a
22 chiropractor by the Commonwealth.

23 (7) Perform acupuncture, unless licensed as an
24 acupuncturist by the Commonwealth.

25 (8) Perform physical therapy, as defined in the act of
26 October 10, 1975 (P.L.383, No.110), known as the Physical
27 Therapy Practice Act, unless licensed as a physical therapist
28 by the Commonwealth.

29 CHAPTER 5

30 ADMINISTRATION AND ENFORCEMENT

1 Section 501. Refusal, suspension and revocation of licenses.

2 (a) Grounds.--The board may refuse, suspend, revoke, limit
3 or restrict a license or reprimand a licensee for any of the
4 following:

5 (1) Being convicted under Federal law, under the law of
6 any state or under the law of any foreign jurisdiction of an
7 offense of moral turpitude or of an offense which, if
8 committed in this Commonwealth, would constitute a sexual
9 offense or a felony. As used in this paragraph, the term
10 "convicted" includes a finding or verdict of guilt, an
11 admission of guilt or a plea of nolo contendere or receiving
12 probation without verdict, disposition in lieu of trial or an
13 accelerated rehabilitative disposition in the disposition of
14 felony charges.

15 (2) Being found to have engaged in immoral or
16 unprofessional conduct. In proceedings based on this
17 paragraph, actual injury to the patient need not be
18 established. As used in this paragraph, the term
19 "unprofessional conduct" includes:

20 (i) a departure from or failure to conform to the
21 standards of acceptable and prevailing practice; and
22 (ii) sexual exploitation of a patient.

23 (3) Violating standards of professional practice or
24 conduct adopted by the board.

25 (4) Presenting false credentials or documents or making
26 a false statement of fact in support of the applicant's
27 application for a license.

28 (5) Submitting a false or deceptive biennial renewal to
29 the board.

30 (6) Having a license suspended, revoked or refused or

1 receiving other disciplinary action by the proper licensing
2 authority of any other jurisdiction.

3 (7) Violating a regulation promulgated by the board,
4 including standards of professional practice and conduct or
5 violating an order of the board previously entered in a
6 disciplinary proceeding.

7 (8) Failing to refer a patient to a physician when the
8 patient is presenting a contradiction to naturopathic
9 medicine.

10 (9) Incompetence, negligence or misconduct in carrying
11 out the practice of naturopathic medicine.

12 (10) Practicing beyond the licensee's defined scope of
13 practice.

14 (11) Knowingly aiding, assisting, hiring or advising
15 someone in the unlawful practice of naturopathic medicine.

16 (12) Being unable to practice with reasonable skill and
17 safety by reason of illness, drunkenness, excessive use of
18 drugs, narcotics, chemicals or any other type of material, or
19 as a result of any mental or physical condition. In enforcing
20 this paragraph, the board, upon probable cause, has authority
21 to compel a licensee to submit to a mental or physical
22 examination by a physician approved by the board. Failure of
23 a licensee to submit to an examination when directed by the
24 board, unless the failure is due to circumstances beyond the
25 licensee's control, shall constitute an admission of the
26 allegations against the licensee, consequent upon which a
27 default and final order may be entered without the taking of
28 testimony or presentation of evidence. A licensee affected
29 under this paragraph shall, at reasonable intervals as
30 determined by the board, be afforded an opportunity to

1 demonstrate that the licensee can resume competent practice
2 with reasonable skill and safety.

3 (b) Board action.--If the board finds that the license or
4 application for license may be refused, revoked, restricted or
5 suspended under the terms of subsection (a), the board may do
6 any of the following:

7 (1) Deny the application for license.

8 (2) Administer a public reprimand.

9 (3) Revoke, suspend, limit or otherwise restrict a
10 license.

11 (4) Require a licensee to submit to the care, counseling
12 or treatment of a physician designated by the board.

13 (5) Restore a suspended license and impose any
14 disciplinary or corrective measure which it might originally
15 have imposed.

16 (c) Administrative Agency Law.--Actions of the board under
17 subsections (a) and (b) are subject to 2 Pa.C.S. Chs. 5 Subch. A
18 (relating to practice and procedure of Commonwealth agencies)
19 and 7 Subch. A (relating to judicial review of Commonwealth
20 agency action).

21 (d) Temporary suspension.--The board shall temporarily
22 suspend a license under circumstances as determined by the board
23 to be an immediate and clear danger to the public health and
24 safety. The board shall issue an order to that effect without a
25 hearing, but upon notice to the licensee concerned at the
26 licensee's last known address, which must include a written
27 statement of all allegations against the licensee. Subsection
28 (c) shall not apply to temporary suspension. Upon issuance of an
29 order under this subsection, the board shall commence formal
30 action to suspend, revoke or restrict the license as otherwise

1 provided for in this act. All actions shall be taken promptly.
2 Within 30 days following the issuance of an order temporarily
3 suspending a license, the board shall conduct a preliminary
4 hearing to determine that there is a prima facie case supporting
5 the suspension. The licensee whose license has been temporarily
6 suspended may be present at the preliminary hearing and may be
7 represented by counsel, cross-examine witnesses, inspect
8 physical evidence, call witnesses, offer evidence and testimony
9 and make a record of the proceedings. If it is determined that
10 there is not a prima facie case, the suspended license shall be
11 immediately restored. The temporary suspension shall remain in
12 effect until vacated by the board, but in no event longer than
13 180 days.

14 (e) Automatic suspension.--

15 (1) A license shall automatically be suspended upon the
16 legal commitment of a licensee to an institution because of
17 mental incompetence from any cause upon filing with the board
18 a certified copy of the commitment.

19 (2) A license shall automatically be suspended upon
20 conviction of a felony under the act of April 14, 1972 (P.L.
21 233, No. 64), known as The Controlled Substance, Drug, Device
22 and Cosmetic Act, or conviction of an offense under the laws
23 of another jurisdiction, which, if committed in this
24 Commonwealth, would be a felony under The Controlled
25 Substance, Drug, Device and Cosmetic Act. As used in this
26 paragraph, the term "conviction" includes a judgment, an
27 admission of guilt or a plea of nolo contendere.

28 (3) Automatic suspension under this section shall not be
29 stayed pending an appeal.

30 (4) Reinstatement of a license shall be made under

1 section 502.

2 (5) Subsection (c) shall not apply to automatic
3 suspension.

4 Section 502. Reinstatement of license.

5 Unless ordered to do so by a court of competent jurisdiction,
6 the board shall not reinstate the license of an individual which
7 has been revoked. An individual whose license has been revoked
8 may reapply for a license after a period of at least five years
9 but must meet all of the licensing requirements of this act.

10 Section 503. License renewal, records and fees.

11 (a) Records.--A record of all licensees shall be kept in the
12 office of the board and shall be open to public inspection and
13 copying upon payment of a reasonable fee for copying the record.

14 (b) Fees.--

15 (1) All fees required under this act shall be fixed by
16 the board by regulation. If the revenue raised by fees, fines
17 and civil penalties imposed under this act are not sufficient
18 to meet expenditures over a two-year period, the board shall
19 increase those fees by regulation so that the projected
20 revenues will meet or exceed projected expenditures.

21 (2) If the bureau determines that the fees established
22 by the board under paragraph (1) are inadequate to meet the
23 minimum enforcement efforts required by this act, the bureau,
24 after consultation with the board, shall increase the fees by
25 regulation in an amount so that adequate revenues are raised
26 to meet the required enforcement effort.

27 Section 504. Duty of licensee.

28 A licensee shall refer a patient to a physician when the
29 patient is presenting a contraindication to the practice of
30 naturopathic medicine.

1 Section 505. Other professions.

2 Nothing in this act shall be construed as preventing,
3 restricting or requiring licensure of any of the following
4 activities:

5 (1) The practice of a profession by an individual who is
6 licensed, certified or registered by a Commonwealth agency
7 under other law and who is performing services or advertising
8 within the authorized scope of practice.

9 (2) The practice of naturopathic medicine by an
10 individual employed by the Federal Government while the
11 individual is engaged in the performance of duties under
12 Federal law.

13 (3) The practice of naturopathic medicine by an
14 individual licensed, registered or certified in another
15 jurisdiction when incidentally called into this Commonwealth
16 to teach a course related to the practice of naturopathic
17 medicine or to consult with a licensee.

18 (4) The use, recommendation or practice by an individual
19 not licensed by the board as a naturopathic doctor, of
20 traditional naturopathy, naturopathic therapies, naturopathic
21 health care, naturopathic services, natural remedies,
22 ayurvedic medicine, herbal remedies, food and dietary
23 supplements, nutritional advice, homeopathy and homeopathic
24 remedies, hydrotherapy and therapeutic exercises or any other
25 complementary and alternative healing methods and treatments
26 that may be components of naturopathic medicine, provided the
27 individual does not hold himself out as a naturopathic doctor
28 or as a provider of naturopathic medicine.

29 Section 506. Unlawful practice.

30 (a) General rule.--An individual may not practice

1 naturopathic medicine or hold himself out as a naturopathic
2 doctor unless licensed by the board. An individual represents
3 himself as a naturopathic doctor when that person adopts or uses
4 any title or any description of services that incorporates one
5 or more of the following terms or designations:

6 (1) naturopathic doctor or N.D.; or

7 (2) doctor of naturopathic medicine, naturopathic
8 medical doctor or N.M.D.

9 (b) Title.--An individual who holds a license or is
10 maintained on inactive status may use the title "Naturopathic
11 Doctor" and the abbreviation "N.D." or "N.M.D." No other
12 individual may use the title "Naturopathic Doctor" or hold
13 himself out to others as a naturopathic doctor. This subsection
14 includes advertising as a naturopathic doctor and adopting or
15 using any title or description, including naturopathic doctor,
16 doctor of naturopathic medicine, naturopathic medicine or a
17 derivative of those terms and their related abbreviations.

18 (c) Employment.--An individual, corporation, partnership,
19 firm or other entity may not employ an individual as a
20 naturopathic doctor unless the individual is licensed by the
21 board.

22 (d) Terminology.--A business entity may not utilize in
23 connection with a business name or activity the words
24 naturopathic doctor, doctor of naturopathic medicine,
25 naturopathic medicine or a derivative of those terms and their
26 related abbreviations unless the services of the business are
27 provided by licensees.

28 (e) Injunction.--Unlawful practice may be enjoined by the
29 courts upon petition of the commissioner or the board. In a
30 proceeding under this section, it shall not be necessary to show

1 that an individual has been injured. If the court finds that the
2 respondent has violated this section, it shall enjoin the
3 respondent from practicing until the respondent has been
4 licensed. Procedure in such cases shall be the same as in any
5 other injunction suit.

6 (f) Remedy cumulative.--The injunctive remedy provided in
7 this section shall be in addition to any other civil or criminal
8 prosecution and punishment.

9 Section 507. Violation of act.

10 (a) General rule.--A person that violates a provision of
11 this act or a regulation of the board commits a misdemeanor of
12 the third degree and shall, upon conviction, be sentenced to pay
13 a fine of not more than \$1,000 or to imprisonment for not more
14 than six months for the first violation and to pay a fine of not
15 more than \$2,000 or to imprisonment for not less than six months
16 or more than one year, or both, for each subsequent violation.

17 (b) Civil penalty.--In addition to any other civil remedy or
18 criminal penalty provided for in this act, the board, by a vote
19 of the majority of the maximum number of the authorized
20 membership of the board or by a vote of the majority of the
21 qualified and confirmed membership or a minimum of five members,
22 whichever is greater, may levy a civil penalty of up to \$1,000
23 on any of the following:

24 (1) A naturopathic doctor who violates a provision of
25 this act.

26 (2) A person who employs a naturopathic doctor in
27 violation of this act.

28 (3) An individual who holds himself out as a licensee
29 without being properly licensed as provided in this act.

30 (4) The responsible officers or employees of a

1 corporation, partnership, firm or other entity that violates
2 a provision of this act.

3 (c) Administrative Agency Law.--Action of the board under
4 subsection (b) is subject to 2 Pa.C.S. Chs. 5 Subch. A (relating
5 to practice and procedure of Commonwealth agencies) and 7 Subch.
6 A (relating to judicial review of Commonwealth agency action).

7 CHAPTER 6

8 MISCELLANEOUS PROVISIONS

9 Section 601. Regulations.

10 The board shall promulgate regulations to carry out this act.
11 Publication of the final-form regulations under this section
12 shall take place within 18 months of the effective date of this
13 section. The board shall report, within 60 days of the effective
14 date of this section, and every 30 days thereafter, on the
15 status of the regulations to the Consumer Protection and
16 Professional Licensure Committee of the Senate and the
17 Professional Licensure Committee of the House of
18 Representatives.

19 Section 602. Effective date.

20 This act shall take effect as follows:

21 (1) Chapter 2 and this chapter shall take effect
22 immediately.

23 (2) The remainder of this act shall take effect in two
24 years.