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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - THE NATUROPATHIC PHYSICIANS
ACT OF 2017

Introduced By: Representatives Keable, and Blazejewski

Date Introduced: February 15, 2017

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 5 of the General Laws entitled "BUSINESSES AND PROFESSIONS"
2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 36.1

4 THE NATUROPATHIC PHYSICIANS ACT OF 2017

5 **5-36.1-1. Short title.**

6 This chapter shall be known and may be cited as "The Naturopathic Physicians Act of
7 2017."

8 **5-36.1-2. Definitions.**

9 The following words and phrases as used in this chapter shall have the following
10 meanings:

11 (1) "Approved naturopathic medical college" means a college which grants a degree of
12 doctor of naturopathic medicine or doctor of naturopathy; and

13 (i) Is accredited by the Council on Naturopathic Medical Education (CNME), its
14 successor or other accrediting agency recognized by the United States Department of Education;
15 or

16 (ii) Is a naturopathic medical education program in the United States providing the degree
17 of doctor of naturopathy or doctor of naturopathic medicine. The program shall offer graduate-
18 level full-time didactic and supervised clinical training and shall be accredited, or has achieved

1 candidacy status for accreditation by the CNME or an equivalent federally recognized accrediting
2 body for naturopathic medical programs also recognized by the board. Additionally, the program
3 shall be an institution, or part of an institution of higher education that is either accredited or is a
4 candidate for accreditation by a regional or national institutional accrediting agency recognized
5 by the United States Secretary of Education; or

6 (iii) Is a degree granting college or university that, prior to the existence of the CNME,
7 offered a full-time structured curriculum in basic sciences and supervised patient care comprising
8 a doctoral naturopathic medical education; such course, as a prerequisite to graduation therefrom,
9 having been not less than one hundred thirty-two (132) weeks in duration and which required
10 completion within a period of not less than thirty-five (35) months; such college of naturopathic
11 medicine shall have been reputable and in good standing in the judgment of the board; and if still
12 in existence has current programmatic accreditation by the CNME or federally-recognized
13 equivalent accrediting agency; or

14 (iv) Is a diploma granting, degree-equivalent college or university, that, if in Canada, and
15 prior to accreditation by the CNME, had provincial approval for participation in government-
16 funded student aid programs that offered a full-time structured curriculum in basic sciences, and
17 supervised patient care comprising a doctoral naturopathic medical education; such course, as a
18 prerequisite to graduation therefrom, having been not less than one hundred thirty-two (132)
19 weeks in duration, and shall require completion within a period of not less than thirty-five (35)
20 months; the college of liberal arts and naturopathic medicine having been reputable and in good
21 standing in the judgment of the board; and, if still in existence, has current programmatic
22 accreditation by the CNME or federally recognized equivalent accrediting agency. Additionally,
23 the college or university currently has provincial approval for participation in government-funded
24 student aid programs; or

25 (v) Is a diploma granting, degree-equivalent college or university in Canada that offers
26 graduate-level full-time didactic and supervised clinical training, and shall be accredited, or has
27 achieved candidacy status for accreditation by the CNME or an equivalent federally-recognized
28 accrediting body for naturopathic medical programs also recognized by the board. Additionally,
29 the college or university has provincial approval for participation in government-funded student
30 aid programs.

31 (2) "Board" means the North American Board of Naturopathic Examiners.

32 (3) "CNME" or "Council" means the Council on Naturopathic Medical Education.

33 (4) "Department" means the Rhode Island department of health.

34 (5) "Disciplinary action" means any action taken by an administrative law officer

1 established against a licensee or applicant on a finding of unprofessional conduct by the licensee
2 or applicant. "Disciplinary action" includes issuance of warnings and all sanctions including
3 denial, suspension, revocation, limitation or restriction of licenses and other similar limitations.

4 (6) "Director" means the director of the Rhode Island department of health.

5 (7) "Natural" means present in, produced by, or derived from nature.

6 (8) "Naturopathic medicine" or "the practice of naturopathic medicine" means a system
7 of health care that utilizes education, natural medicines and natural therapies to support and
8 stimulate a patient's intrinsic self-healing processes, and to prevent, diagnose and treat human
9 health conditions and injuries.

10 (9) "Naturopathic physical medicine" means the use of the physical agents of air, water,
11 heat, cold, sound and light, and the physical modalities of naturopathic manipulation and
12 mobilization therapy, electrotherapy, biofeedback, diathermy, ultraviolet light, ultrasound,
13 hydrotherapy, and exercise. Naturopathic medicine does not include the practice of physical
14 therapy, physical rehabilitation, or chiropractic.

15 (10) "Naturopathic physician" means a person who practices naturopathic medicine and
16 is licensed pursuant to the provisions of this chapter.

17 **5-36.1-3. Licensed naturopathic physicians - Allowable practices.**

18 (a) A naturopathic doctor, in connection with such system of health care and licensed
19 under this chapter, may:

20 (1) Administer or provide for preventative and therapeutic purposes nonprescription
21 medicines, topical medicines, botanical medicines, homeopathic medicines, counseling,
22 nutritional and dietary therapy, and naturopathic physical medicine authorized by this chapter.

23 (2) Order and perform physical and laboratory examinations consistent with naturopathic
24 education and training, for diagnostic purposes, including, but not limited to, phlebotomy, clinical
25 laboratory tests, orifical examinations, and physiological function tests.

26 (3) Order diagnostic imaging studies consistent with naturopathic training.

27 (4) Dispense, administer, order, and prescribe or perform the following:

28 (i) Food, extracts of food, nutraceuticals, vitamins, amino acids, minerals, enzymes,
29 botanicals and their extracts, botanical medicines, homeopathic medicines, all dietary
30 supplements and nonprescription drugs as defined by the Federal Food, Drug, and Cosmetic Act.

31 (ii) Prescription substances as determined by the naturopathic formulary council.

32 (iii) Hot or cold hydrotherapy; naturopathic physical medicine; electromagnetic energy;
33 colon hydrotherapy; and therapeutic exercise.

34 (iv) Devices, including but not limited to, therapeutic devices, barrier contraception, and

1 durable medical equipment.

2 (v) Health education and health counseling.

3 (vi) Repair and care incidental to superficial lacerations and abrasions.

4 (vii) Removal of foreign bodies located in the superficial tissues.

5 (viii) Musculoskeletal manipulation consistent with naturopathic education and training.

6 (5) Utilize the routes of administration that include oral, nasal, auricular, ocular, rectal,
7 vaginal, transdermal, intradermal, subcutaneous, intravenous, and intramuscular consistent with
8 the education and training of a naturopathic doctor.

9 (6) Perform those therapies as trained and educated, and approved by the board.

10 **5-36.1-4. Licensed naturopathic physicians. Non-allowable practices.**

11 (a) A naturopathic doctor licensed under this chapter, shall not:

12 (1) Prescribe, dispense or administer any controlled substance or device identified in the
13 Federal Controlled Substance Act, 21 U.S.C. sections 801 through 971(1988), as amended, except
14 as authorized by this chapter;

15 (2) Perform surgical procedures except those minor office procedures authorized by this
16 chapter;

17 (3) Practice or claim to practice as a medical doctor, osteopath, dentist, podiatrist,
18 optometrist, psychologist, advanced practice professional nurse, physician assistant, chiropractor,
19 physical therapist, acupuncturist, or any other health care professional not authorized by this
20 chapter unless licensed as such;

21 (4) Use general or spinal anesthetics;

22 (5) Administer ionizing radioactive substances for therapeutic purposes;

23 (6) Perform surgical procedures using a laser device;

24 (7) Perform surgical procedures involving the eye, ear, tendons, nerves, veins or arteries
25 extending beyond superficial tissue;

26 (8) Perform chiropractic adjustments or musculoskeletal manipulation;

27 (9) Perform acupuncture, unless licensed as an acupuncturist; or

28 (10) Practice naturopathic medicine in this state without a valid license.

29 **5-36.1-5. Prohibitions and penalties.**

30 (a) No person shall perform the following:

31 (1) Practice naturopathic medicine in this state without a valid license issued in
32 accordance with this chapter.

33 (2) Use, in connection with the person's name any letters, words or insignia indicating or
34 implying that the person is a naturopathic physician unless the person is licensed in accordance

1 with this chapter. A person licensed under this chapter may use the designations "N.D."
2 (naturopathic doctor), "N.M.D." (naturopathic medical doctor), "doctor of naturopathic
3 medicine," "naturopathic doctor," or "doctor of naturopathy."

4 (b) A person licensed under this chapter shall not perform any of the following acts:

5 (1) Prescribe, dispense, or administer any prescription medicines except those medicines
6 authorized by this chapter.

7 (2) Use for therapeutic purposes, any device regulated by the United States Food and
8 Drug Administration (FDA) that has not been approved by the FDA.

9 (3) A person who violates any of the provisions of this section shall be subject to the
10 penalties provided in §5-36.1-14.

11 **5-36.1-6. Exemptions.**

12 (a) Nothing in this chapter shall be construed to prohibit any of the following:

13 (1) The practice of a profession by a person who is licensed, certified, or registered under
14 other laws of this state, and is performing services within the authorized scope of practice of that
15 profession.

16 (2) The practice of naturopathic medicine by a person duly licensed to engage in the
17 practice of naturopathic medicine in another state, territory or the District of Columbia who is
18 called into this state for consultation with a naturopathic physician licensed under this chapter.

19 (3) The practice of naturopathic medicine by a student enrolled in an approved
20 naturopathic medical college. The performance of services shall be pursuant to a course of
21 instruction, and under the supervision of an instructor, who shall be a naturopathic physician
22 licensed in accordance with this chapter.

23 (4) The use or administration of over-the-counter medicines or other nonprescription
24 agents, regardless of whether the over-the-counter medicine or agent is on the naturopathic
25 formulary.

26 (b) The provisions of this chapter relating to the practice of naturopathic medicine, shall
27 not be construed to limit or restrict in any manner the right of a practitioner of another health care
28 profession from carrying on in the usual manner any of the functions related to that profession.

29 **5-36.1-7. Reporting contagious and infectious diseases – Death certificates.**

30 Naturopathic physicians are subject to the provisions of the law relating to contagious
31 and infectious diseases, and to the issuance of birth and death certificates.

32 **5-36.1-8. Oversight and duties by director of health.**

33 The director of health, with the advice of the advisory appointees, shall:

34 (1) Provide general information to applicants for licensure as naturopathic physicians;

- 1 (2) Administer fees collected under this chapter;
2 (3) Administer examinations;
3 (4) Explain appeal procedures to naturopathic physicians and applicants for licensure and
4 complaint procedures to the public;
5 (5) Receive applications for licensure under this chapter, issue and renew licenses and
6 revoke, suspend, reinstate or condition licenses as ordered by an administrative law officer; and
7 (6) Refer all disciplinary matters to an appropriate administrative law-hearing officer.

8 **5-36.1-9. Advisory appointees.**

9 (a) The director shall appoint two (2) naturopathic physicians licensed under this chapter
10 to serve as advisors to the director in matters relating to naturopathic physicians. They shall be
11 appointed as set forth in this section and serve at the pleasure of the director. One of the initial
12 appointments shall be for a term of three (3) years, and one of the initial appointments shall be for
13 a term of two (2) years.

14 (b) The persons appointed pursuant to subsection (a) of this section shall have at least
15 three (3) years of experience as a naturopathic physician during the period immediately preceding
16 the appointment, and shall be actively practicing naturopathic medicine and remain in good
17 standing during their period as advisors.

18 (c) The director shall seek the advice of the advisor appointees under this section in
19 carrying out the provisions of this chapter. The advisor appointees shall be entitled to
20 compensation and necessary expenses for attendance at any meetings called by the director for
21 this purpose.

22 (d) When an advisor appointee is unable to serve as an administrative law officer by
23 reason of disqualification or necessary absence, the director may appoint a suitable person to
24 serve as the administrative law officer in lieu of the advisor appointee.

25 **5-36.1-10. Eligibility for licensure.**

26 (a) To be eligible for licensure as a naturopathic physician, an applicant shall satisfy all
27 the following:

28 (1) Has been granted a degree of doctor of naturopathic medicine, from a CNME-
29 approved naturopathic medical college;

30 (2) Be physically and mentally fit to practice naturopathic medicine with or without
31 reasonable accommodation; and

32 (3) Pass an examination approved by the director, such examination being a competency-
33 based national naturopathic licensing examination administered by the North American Board of
34 Naturopathic Examiners, or successor agency that has been nationally recognized to administer a

1 naturopathic examination that represents federal standards of education and training. For
2 graduates of approved naturopathic schools, eligibility for licensure may be granted with
3 evidence of successful passage of a board-approved state competency examination or Canadian
4 provincial examination.

5 **5-36.1-11. Application for licensure.**

6 A person shall apply for a license under this chapter by filing with the director an
7 application provided by the director accompanied by the required fees and evidence of eligibility.

8 **5-36.1-12. Examination – Waiver of examination.**

9 The director, or designee, shall administer an examination required to obtain licensure in
10 the state of Rhode Island to applicants for licensure at least two (2) times each year if applications
11 are pending. Examinations administered by the director and the procedures of administration shall
12 be fair and reasonable and shall be designed and implemented to ensure that all applicants are
13 granted a license if they demonstrate that they possess minimal professional qualifications that
14 are consistent with the public health, safety, and welfare. The examinations shall not be designed
15 or implemented for the purpose of limiting the number of licenses issued.

16 **5-36.1-13. Biennial license renewal–Continuing education.**

17 (a) The license to practice naturopathic medicine shall be renewed every two (2) years by
18 filing a renewal application on a form provided by the director. The application shall be
19 accompanied by the required fee and evidence of compliance with subsection (b) of this section.

20 (b) As a condition of renewal, a naturopathic physician shall complete a program of
21 continuing education, approved by the director, during the preceding two (2) years. The director
22 shall not require more than thirty (30) hours of continuing education biennially.

23 **5-36.1-14. Refusal or revocation of licensure - Complaints.**

24 The following conduct, and conduct set forth by the department of health, by a person
25 licensed under this chapter or an applicant for licensure constitutes unprofessional conduct:

26 (1) Failing to use a complete or accurate title in professional activity.

27 (2) Repeated acts of immorality or repeated acts of gross misconduct in the practice of
28 their profession or gross or repeated malpractice or the failure to practice naturopathic medicine
29 with that level of care, skill, and treatment that is recognized by a reasonably prudent similar
30 naturopathic physician as being acceptable under similar conditions and circumstances.

31 (3) Harassing, intimidating, or abusing a patient.

32 (4) Agreeing with any other person or organization, or subscribing to any code of ethics
33 or organizational bylaws, when the intent or primary effect of that agreement, code or bylaw is to
34 restrict or limit the flow of information concerning alleged or suspected unprofessional conduct to

1 the board.

2 (5) Abandonment of a patient.

3 (6) Gross overcharging for professional services on repeated occasions, including filing
4 of false statements for collection of fees for which services were not rendered.

5 (7) Sexual harassment of a patient.

6 (8) Engaging in an inappropriate sexual act with a patient.

7 (9) Willful misrepresentation in treatments.

8 (10) Practicing naturopathic medicine in an area or areas of specialty in which the
9 licensee is not trained to practice.

10 (11) Violation of any law of the state involving moral turpitude.

11 **5-36.1-15. Refusal or revocation of a license - Process.**

12 (a) The division of professional regulation of the department of health may, after notice
13 and hearings, in its discretion refuse to grant a license provided in this chapter to any naturopathic
14 physician who has violated any of the laws of the state involving moral turpitude or affecting the
15 ability of any naturopathic physician to practice naturopathic medicine, or who had been guilty
16 of unprofessional conduct or conduct of a character likely to deceive or defraud the public, and
17 may, after notice and hearing, revoke or suspend any license issued or granted by it to a
18 naturopathic physician for like causes or for any fraud or deception committed in obtaining the
19 license.

20 (b) The division of professional regulation of the department of health may refuse to
21 accept the return of a license tendered by the subject of a disciplinary investigation and may
22 notify relevant state, federal and local agencies and appropriate bodies in other states of the status
23 of any pending or completed disciplinary case against the licensee, provided that notice of
24 charges against the licensee has been served or disciplinary action against that person has been
25 taken.

26 (c) The division of professional regulation of the department of health shall serve a copy
27 of its decision or ruling upon any person whose certificate has been revoked or refused.

28 (d) The burden of proof in a disciplinary action shall be on the state to show by a
29 preponderance of the evidence that the person has engaged in unprofessional conduct.

30 **5-36.1-16. Complaints.**

31 (a) Any person may report to the division of professional regulation, in writing, any
32 information the person has reason to believe indicates that a naturopathic physician is or may be
33 medically or legally incompetent, has engaged in the unauthorized practice of naturopathic
34 medicine, has been guilty of unprofessional conduct, or is mentally or physically unable to

1 engage safely in the practice of naturopathic medicine.

2 (b) Upon receiving a credible complaint or report concerning a licensee, or on its own
3 motion, the division of professional regulation may investigate any evidence that appears to show
4 that a licensee may be medically incompetent, guilty of unprofessional conduct, or mentally or
5 physically unable to engage safely in the practice of medicine.

6 (c) Within ten (10) days of receipt thereof, the division of professional regulation shall
7 acknowledge receipt of all reports required by this section and any complaint against a licensee.
8 Within ten (10) days thereafter, the division shall inform any person or entity whose report has
9 resulted in action by the division of the final disposition of the matter.

10 (d) Any person aggrieved by the decision or ruling of the department of health, or of the
11 division of professional regulation, in regard to any of the provisions of this chapter, may appeal
12 to the superior court in the manner provided for in chapter 35 of title 42 ("Administrative
13 Procedures Act").

14 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL

OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - THE NATUROPATHIC PHYSICIANS
ACT OF 2017

1 This act would establish procedures for the licensing of naturopathic physicians, and
2 define the practice of naturopathic medicine. The practice would include the use of botanical and
3 homeopathic medicines, as well as counseling and nutrition. The practice of naturopathic
4 medicine would be subject to oversight by the director of the Rhode Island department of health.

5 This act would take effect upon passage.

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