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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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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 LICENSURE OF NATUROPATHY ACT OF 2017

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

6 This chapter shall be known and may be cited as "License of Naturopathy Act of 2017."

7 **5-36.1-2. Definitions.**

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

10 (1) "Approved naturopathic college" means a college which grants a degree of doctor of
11 naturopathy; and:

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

14 or

15 (ii) Is accredited by any other organization approved by the board of licensure of
16 naturopathy;

17 (2) "Board" means the board of licensure of naturopathy.

18 (3) "CNME" or "Council" is the Council on Naturopathic Medical Education.

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

2 (5) "Disciplinary action" means any action taken by an administrative law officer
3 established against a licensee or applicant on a finding of unprofessional conduct by the licensee
4 or applicant. "Disciplinary action" includes issuance of warnings and all sanctions including
5 denial, suspension, revocation, limitation or restriction of licenses and other similar limitations.

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

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

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

12 (9) "Doctor of naturopathy" means a person who practices naturopathic health care and is
13 licensed pursuant to the provisions of this chapter.

14 **5-36.1-3. Scope of practice.**

15 (a) A license authorizes a licensee, consistent with naturopathic education and training
16 and competence demonstrated by passing the doctor of naturopathy licensing examination, to:

17 (1) Order and perform physical and laboratory examinations for diagnostic purposes;

18 (2) Dispense or order natural substances of mineral, animal, or botanical origin, including
19 food, extracts of food, nutraceuticals, vitamins, amino acids, minerals, enzymes, botanicals and
20 their extracts, botanical substances, homeopathic substances, and all dietary supplements and
21 nonprescription drugs as defined by the Federal Food, Drug, and Cosmetic Act that use various
22 routes of administration, including oral, nasal, auricular, ocular, rectal, vaginal, transdermal;

23 (3) Administer natural substances of mineral, animal, or botanical origin, including food,
24 extracts of food, nutraceuticals, vitamins, amino acids, minerals, enzymes, botanicals and their
25 extracts, botanical substances, homeopathic substances, and all dietary supplements and
26 nonprescription drugs as defined by the Federal Food, Drug, and Cosmetic Act using transdermal
27 routes of administration;

28 (4) Administer or perform hot or cold hydrotherapy, electromagnetic energy, and
29 therapeutic exercise for the purpose of providing basic therapeutic care services, except that if a
30 referral to another licensed provider is appropriate for ongoing rehabilitation or habilitation
31 services, the doctor of naturopathy shall make the referral;

32 (5) Provide health education and health counseling; and

33 (6) Perform naturopathic musculoskeletal mobilization.

34 (b) If a doctor of naturopathy is engaged in the private practice of naturopathy in the

1 state, the doctor of naturopathy shall display the license obtained pursuant to this section
2 conspicuously in each office where the doctor of naturopathy is engaged in practice.

3 **5-36.1-4. Penalty for misrepresentation.**

4 No person who is not licensed as a doctor of naturopathy may use the title of "doctor of
5 naturopathy" or hold themselves out as a doctor of naturopathy. Any person who violates the
6 provisions of this section shall be punished by a fine of not less than two hundred dollars (\$200)
7 nor more than five hundred dollars (\$500), nor more than one year imprisonment, or by both the
8 fine and imprisonment.

9 **5-36.1-5. Prohibited acts.**

10 A person licensed under this chapter shall not perform any of the following acts:

11 (1) Prescribe, dispense, or administer any legend medications or substances controlled
12 pursuant to the federal Controlled Substances Act 21 U.S.C. §812 and chapter 28 of title 21;

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

15 (3) Perform surgical procedures;

16 (4) Practice or claim to practice as a medical doctor or physician, a doctor of osteopathic
17 medicine, a primary care doctor, a primary care practitioner, a primary care provider, a primary
18 care naturopath, a dentist, a podiatrist, an optometrist, a psychologist, an advanced practice
19 registered nurse, a physician assistant, a chiropractor, a physical therapist, an acupuncturist, or
20 any other health care professional unless licensed under this title;

21 (5) Use general regional or spinal anesthetics or procedural sedation;

22 (6) Administer ionizing radioactive substances for therapeutic or diagnostic purposes;

23 (7) Perform chiropractic adjustments or manipulations that include high-velocity thrusts
24 at or beyond the end range of normal joint motion unless the licensee is also a licensed
25 chiropractor;

26 (8) Perform acupuncture unless the licensee is also a licensed acupuncturist;

27 (9) Advise patients regarding prescription drugs beyond possible dietary supplement/herb
28 - prescription drug interactions;

29 (10) Practice naturopathy in this state without a valid license issued in accordance with
30 this chapter; or

31 (11) Use in connection with the person's name any letters, words, or insignia indicating
32 or implying that the person is a doctor of naturopathy unless the person is licensed in accordance
33 with this chapter. A person licensed under this chapter may use the designations "DN" for doctor
34 of naturopathy.

1 **5-36.1-6. Exemptions.**

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

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

6 (2) The practice of naturopathy by a student enrolled in approved naturopathic training.
7 The performance of services shall be pursuant to a course of instruction and under the supervision
8 of an instructor, who shall be a doctor of naturopathy licensed in accordance with this chapter.

9 (3) The use or administration of over-the-counter medicines or other nonprescription
10 agents.

11 **5-36.1-7. Reporting contagious and infectious diseases.**

12 Doctors of naturopathy are subject to the provisions of the law relating to contagious and
13 infectious diseases.

14 **5-36.1-8. Board of licensure -- Creation.**

15 Within the division of professional regulation established in the department of health
16 pursuant to chapter 26 of this title there shall be created a board of licensure for doctor of
17 naturopathy.

18 **5-36.1-9. Board of licensure.**

19 (a) The director of the department of health, with the approval of the governor, shall
20 appoint a board consisting of five (5) persons, all residents of the state, to constitute a board of
21 licensure for naturopathy with the duties, powers, and authority as stated in this chapter, and that
22 board shall be composed of the following:

23 (1) Two (2) members who shall be licensed physicians under chapter 37 of title 5 who
24 have been actively engaged in the practice of medicine;

25 (2) One member who is a representative of the general public not employed in any
26 health-related field; and

27 (3) Two (2) members who shall be doctors of naturopathy meeting the qualifications for
28 licensure under this chapter.

29 (b) Members shall be appointed for terms of three (3) years each with no member serving
30 more than two (2) consecutive terms.

31 (c) In their initial appointment, the director shall designate the members of the board of
32 licensure as follows: three (3) members to serve for terms of three (3) years; and two (2) members
33 to serve for a term of two (2) years.

34 (d) The director of the department of health may remove any member of the board for

1 cause.

2 (e) Vacancies shall be filled for the unexpired portion of any term in the same manner as
3 the original appointment.

4 **5-36.1-10. Board of licensure – Powers and duties.**

5 (a) The board shall administer and coordinate the provisions of this chapter, evaluate the
6 qualifications of applicants, supervise any examination of applicants deemed necessary,
7 recommend to the director the commencement of disciplinary hearings in accordance with
8 chapter 35 of title 42 and the provisions of this chapter, and investigate persons engaging in
9 practices which violate the provisions of this chapter. The board shall investigate all persons and
10 agencies engaging in practices which violate the provisions in this chapter.

11 (b) The board shall conduct hearings of a non-disciplinary nature and shall keep the
12 records and minutes that are necessary to an orderly dispatch of business.

13 (c) The board, with the approval of the director of the department of health, shall adopt
14 rules and regulations necessary to carry into effect the provisions of this chapter and may amend
15 or repeal them.

16 (d) Regular meetings of the board shall be held at any time and places that the board
17 prescribes and special meetings shall be held upon the call of the chairperson; provided, that at
18 least one regular meeting is held each year.

19 (e) The conferral or enumeration of specific powers in this chapter shall not be construed
20 as a limitation of the general powers conferred by this section.

21 (f) The board shall recommend to the director for registration those persons meeting the
22 criteria stated by this chapter.

23 (g) The board shall recommend to the director the revocation or suspension of the
24 registration of any doctor of naturopathy who does not conform to the requirements of this
25 chapter or regulations adopted under this chapter.

26 (h) The board shall approve programs for continuing naturopathic education.

27 **5-36.1-11. Board of licensure – Organization and meetings – Compensation of**
28 **members.**

29 The board shall elect its own chairperson annually and shall meet at the call of the
30 administrator, the chairperson or upon the request of two (2) or more members of the board. A
31 quorum shall consist of at least three (3) members present, one of whom must be a doctor of
32 naturopathy. The board shall approve programs for continuing naturopathic education. Board
33 members shall serve without compensation.

34 **5-36.1-12. Qualifications for licensure.**

1 (a) To be eligible for licensure as a doctor of naturopathy, an applicant shall satisfy all the
2 following:

3 (1) Have been granted a degree of doctor of naturopathy from an approved naturopathy
4 college;

5 (2) Be physically and mentally fit to practice naturopathy with or without reasonable
6 accommodation;

7 (3) Pass an examination approved by the board;

8 (4) Have in place a written collaboration and consultation agreement with a physician
9 licensed under chapter 37 of title 5. The collaboration and consultation agreement shall include
10 the following:

11 (i) The name and license number of the physician with whom the applicant has a
12 collaboration and consultation agreement;

13 (ii) A statement that the applicant will refer patients to and consult with physicians and
14 other licensed health care providers; and

15 (iii) A statement that the applicant will require patients to sign a consent form that states
16 that the applicant's practice of naturopathy is limited to the scope of practice identified in §5-
17 36.1-3.

18 **5-36.1-13. Application for licensure.**

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

21 **5-36.1-14. Biennial license renewal – Continuing education.**

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

25 (b) As a condition of renewal, a doctor of naturopathy shall complete a program of
26 continuing education, approved by the director, during the preceding two (2) years. The director
27 shall not require more than thirty (30) hours of continuing education biennially.

28 **5-36.1-15. Unprofessional conduct.**

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

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

32 (2) Failure to conform to the provisions of the collaboration and consultation agreement.

33 (3) Acts of gross misconduct in the practice of their profession or gross or repeated
34 malpractice or the failure to practice naturopathy with the level of care, skill, and treatment that is

1 recognized by a reasonably prudent similar doctor of naturopathy as being acceptable under
2 similar conditions and circumstances.

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

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

8 (6) Abandonment of a patient.

9 (7) Gross overcharging for professional services on repeated occasions, including filing
10 of false statements for collection of fees for which services were not rendered.

11 (8) Sexual harassment of a patient.

12 (9) Engaging in an inappropriate sexual act with a patient.

13 (10) Willful misrepresentation in treatments.

14 (11) Practicing naturopathy in an area or areas of specialty in which the licensee is not
15 trained to practice.

16 **5-36.1-16. Refusal or revocation of a license -- Process.**

17 (a) The division of professional regulation of the department of health may, after notice
18 and hearing, in its discretion, refuse to grant the license provided for in this chapter to any doctor
19 of naturopathy who has violated any of the laws of the state affecting the ability of any doctor of
20 naturopathy to practice naturopathy, or who had been guilty of unprofessional conduct or conduct
21 of a character likely to deceive or defraud the public, and may, after notice and hearing, revoke or
22 suspend any license issued or granted by it for like causes or for any fraud or deception
23 committed in obtaining the license.

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

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

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

33 **5-36.1-17. Complaints.**

34 (a) Any person may report to the division of professional regulation in writing any

1 information the person has reason to believe indicates that a doctor of naturopathy is, or may be,
2 medically or legally incompetent, engaged in the unauthorized practice of naturopathy, guilty of
3 unprofessional conduct, or mentally or physically unable to engage safely in the practice of
4 naturopathy

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

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

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

16 **5-36.1-18. Informed consent and disclosure.**

17 Prior to initiating treatment by a doctor of naturopathy each patient must read and sign a
18 disclosure statement containing the following information:

19 (1) Rhode Island does not recognize doctors of naturopathy as primary care providers and
20 a doctor of naturopathy is not responsible for the overall medical care of any patient.

21 (2) Naturopathic care is intended only as an adjunct to, and not a substitute for, medical
22 care from a physician, physician assistant (PA), or advanced practice registered nurse (APRN),
23 and doctors of naturopathy shall coordinate patient care with physicians and other health care
24 providers.

25 (3) Patients are urged to have a primary care provider and to have all specialty care
26 provided by a properly credentialed physician specialist.

27 (4) Doctors of naturopathy are not licensed to prescribe drugs or to advise patients
28 regarding prescription drugs beyond possible dietary supplement/herb – prescription drug
29 interactions. All questions regarding prescription medications should be directed to the prescriber
30 or to the patient’s primary care provider or licensed registered pharmacist.

31 **5-36.1-19. Severability.**

32 The provisions of this chapter are severable and if any of the provisions of this chapter
33 are held unconstitutional by any court of competent jurisdiction, the decision of that court does
34 not affect or impair any of the remaining provisions.

1 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 doctors of naturopathy, who
2 provide health care utilizing natural substance and therapies. Doctors of naturopathy would be
3 subject to oversight by the director of the Rhode Island department of health.

4 This act would take effect upon passage.

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