

HOUSE BILL NO. HB0100

Naturopathy licensing.

Sponsored by: Representative(s) Hunt and Barlow and
Senator(s) Baldwin

A BILL

for

1 AN ACT relating to professions and occupations;
2 establishing a naturopathy licensing board; providing for
3 naturopathy licensing; providing procedures for licensure
4 suspension and revocation; creating an account; providing
5 an appropriation; and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 33-50-101 through 33-50-116 are
10 created to read:

11

CHAPTER 50

12

NATUROPATHY LICENSING ACT

13

14

15 **33-50-101. Short title.**

1

2 This chapter shall be known and may be cited as the
3 "Naturopathy Licensing Act."

4

5 **33-50-102. Definitions.**

6

7 (a) As used in this chapter:

8

9 (i) "Approved naturopathic medical program"

10 means a naturopathic medical education program:

11

12 (A) That is CNME accredited;

13

14 (B) That has achieved candidacy status for
15 CNME accreditation; or

16

17 (C) That existed before CNME accreditation
18 that the board approves.

19

20 (ii) "Board" means the Wyoming board of
21 naturopathy created under this chapter;

22

1 (iii) "CNME" means the council on naturopathic
2 medical education or its successor organization;

3

4 (iv) "License" means a license to practice
5 naturopathy in Wyoming that the board issues under this
6 chapter;

7

8 (v) "NABNE" means the North American board of
9 naturopathic examiners or its successor organization;

10

11 (vi) "Naturopathic practice" means a practice of
12 health care that may include the following diagnostic and
13 therapeutic modalities: clinical and laboratory diagnostic
14 testing, nutritional medicine, botanical medicine, public
15 health measures, hygiene, counseling, minor surgery,
16 homeopathy, acupuncture, prescription medication,
17 intravenous and injection therapy, naturopathic obstetrics
18 and naturopathic physical medicine including naturopathic
19 manipulative therapy;

20

21 (vii) "Naturopathic practitioner," "naturopathic
22 doctor" or "naturopath" means a person who is licensed
23 under this chapter to practice naturopathy in Wyoming;

1

2 (viii) "Naturopathy" means a distinct primary
3 health care profession, emphasizing prevention, treatment,
4 and optimal health through therapeutic methods and
5 substances that encourage an individual's inherent
6 self-healing process. The practice of naturopathic medicine
7 includes modern and traditional, scientific and empirical
8 methods.

9

10 **33-50-103. Board created; members; appointment;**
11 **terms; qualification; removal; vacancies.**

12

13 (a) The Wyoming board of naturopathy is created. The
14 board shall consist of five (5) members who are legal
15 residents of Wyoming. The board shall consist of one (1)
16 member of the public, one (1) member who is a graduate of a
17 CNME accredited program and who has passed a NABNE
18 naturopathic licensing examination, two (2) members who
19 have practiced naturopathy for a period of not less than
20 five (5) years and one (1) member who is a health care
21 provider licensed pursuant to title 33 of the Wyoming
22 statutes, other than this chapter.

23

1 (b) The governor shall appoint the members of the
2 board. Of the initial members the governor appoints, two
3 (2) members shall be appointed for a term of two (2) years
4 and three (3) members shall be appointed for a term of four
5 (4) years. Thereafter, terms of office shall be four (4)
6 years. Each member shall serve until the member's successor
7 is appointed and qualified. No member shall serve more than
8 two (2) consecutive full terms.

9

10 (c) The governor shall fill any vacancy on the board
11 for the balance of the unexpired term.

12

13 (d) The governor may remove any member from the board
14 pursuant to W.S. 9-1-202.

15

16 **33-50-104. Board meetings; elections; quorum.**

17

18 The board shall meet at least once each year and elect a
19 chairperson at the first meeting each year. The board may
20 convene at the chairperson's request or as the board
21 determines necessary to transact its business. A meeting
22 may be carried out via telecommunications. Three (3) board
23 members constitute a quorum.

1

2 **33-50-105. Reimbursement of expenses and immunity.**

3

4 (a) Members of the board shall not receive
5 compensation for their services but shall receive mileage
6 and per diem as provided in W.S. 33-1-302(a)(vii) while
7 discharging their official duties.

8

9 (b) Members of the board have the same immunities
10 from personal liability as state employees for actions
11 taken in the performance of their duties under this
12 chapter, as provided in W.S. 1-39-104.

13

14 **33-50-106. Board duties and powers; fees.**

15

16 (a) The board shall:

17

18 (i) Administer this chapter;

19

20 (ii) Determine standards for licensees
21 including:

22

23 (A) Scope of practice;

1

2

(B) Practice standards;

3

4

(C) Continuing education requirements;

5

6

(D) Professional conduct standards;

7

8

(E) Ethical standards of practice.

9

10

(iii) Approve or disapprove applications for licensure and issue licenses, renewals and reinstatements consistent with the scope of practice a person is qualified to perform as a result of the person's post graduate education, NABNE examination, experience, continuing competence or as the board otherwise authorizes;

16

17

(iv) Censure, suspend, revoke or impose conditions on licenses as provided in this chapter and the Wyoming Administrative Procedure Act;

20

21

(v) Initiate and conduct investigations, hearings and proceedings concerning alleged violations of this chapter and board rules;

23

1

2 (vi) Keep a record of all proceedings and make
3 available to licensees and other concerned parties an
4 annual report of all board actions;

5

6 (vii) Establish application and licensure fees
7 according to W.S. 33-1-201;

8

9 (viii) Promulgate rules as necessary to carry
10 out this chapter.

11

12 (b) The board may employ or contract with individuals
13 who are necessary to administer its affairs and provide
14 support services.

15

16 (c) There is created a Wyoming board of naturopathy
17 account that shall be under the direction of the board. All
18 fees collected by the board shall be deposited by the state
19 treasurer to the credit of the Wyoming board of naturopathy
20 account. Disbursements from the account shall not exceed
21 the monies credited to it. The account shall be used by the
22 board to defray costs incurred in the administration of
23 this chapter.

1

2 **33-50-107. Licensure required; components;**
3 **exemptions; other licensed health care professionals.**

4

5 (a) Beginning January 1, 2021, unless the person is
6 licensed to practice naturopathy under this chapter, no
7 person shall:

8

9 (i) Practice naturopathy or hold himself out to
10 be a naturopathic doctor, naturopathic practitioner,
11 naturopath or as being able to practice naturopathy in
12 Wyoming;

13

14 (ii) Use the title of naturopathic doctor,
15 naturopathic practitioner or naturopath or any variant
16 thereof; or

17

18 (iii) Use any words, abbreviations, figures,
19 configuration of letters, including "N.D.", titles, signs,
20 cards or devices tending to imply that the person is a
21 licensed naturopathic practitioner unless the person is
22 duly licensed.

23

1 (b) Any license issued under this chapter shall:

2

3 (i) Be issued in the name of the licensed
4 naturopathic practitioner;

5

6 (ii) State the issue and expiration dates; and

7

8 (iii) Be displayed at all times in a conspicuous
9 manner in the place of business or employment of the
10 licensee.

11

12 (c) The following persons are exempt from this
13 chapter's licensure requirements:

14

15 (i) A naturopathic practitioner licensed to
16 practice naturopathy in another jurisdiction while
17 teaching, demonstrating or providing naturopathy in
18 connection with teaching or participating in an educational
19 seminar in Wyoming. Any exemption under this paragraph
20 shall not exceed sixty (60) days cumulatively in a calendar
21 year;

22

1 (ii) A naturopathic practitioner licensed in
2 another jurisdiction who enters this state to provide
3 naturopathy during a natural disaster or a public health
4 emergency, as declared by the governor under W.S.
5 35-4-115(a)(i);

6

7 (iii) With board approval, a person in training
8 may practice naturopathy provided all services are
9 performed under the direct supervision of a naturopathic
10 practitioner licensed in this state.

11

12 (d) Nothing in this chapter shall be construed to
13 prohibit or restrict any other licensed health care
14 provider in this state from practicing naturopathy within
15 the provider's scope of practice. However, no person may
16 represent himself or herself to the public as a
17 naturopathic practitioner unless licensed under this
18 chapter.

19

20 **33-50-108. Application for license; qualifications;**
21 **renewal; fees; reporting.**

22

1 (a) An applicant for licensure under this chapter
2 shall:

3

4 (i) Submit a written application verified by
5 oath in a form the board prescribes;

6

7 (ii) Submit proof that the applicant:

8

9 (A) Is a graduate of an approved
10 naturopathic medical program and has successfully passed a
11 competency based national naturopathic physician licensing
12 examination administered by the NABNE or other organization
13 the board approves that is nationally recognized to
14 administer a naturopathic practitioner licensing
15 examination that represents federal standards of education
16 and training;

17

18 (B) Has completed other practical
19 experience, education, examination or apprenticeship
20 processes as the board determines to be substantively
21 comparable to standards in subparagraph (A) of this
22 paragraph; or

23

1 (C) Was previously licensed or certified,
2 provided that when the applicant secured initial licensure
3 or certification, the requirements for licensure or
4 certification met standards that the board determines are
5 substantively comparable to existing standards and that the
6 license or certificate was not suspended, revoked or
7 otherwise restricted for any reason.

8
9 (iii) Have committed no acts that are grounds
10 for disciplinary action as set forth in W.S. 33-50-113, or
11 if an act has been committed, the board has, at its
12 discretion and after investigation, determined that
13 sufficient restitution has been made;

14
15 (iv) Remit fees as the board specifies;

16
17 (v) If required by board rule, have completed to
18 the satisfaction of a majority of board members a personal
19 interview consisting of inquiry and oral response to
20 naturopathic knowledge, personal and professional history
21 and intentions for practicing naturopathy in this state;
22 and

23

1 (vi) Meet any additional requirements that the
2 board may impose by rule.

3

4 (b) An applicant for licensure under this chapter
5 shall provide the board fingerprints and other information
6 necessary for a criminal history record background check as
7 provided under W.S. 7-19-201.

8

9 (c) Licenses shall be renewed according to a schedule
10 the board establishes. If a licensee fails to renew a
11 license according to the schedule the board establishes,
12 the license shall expire and the licensee shall not
13 practice naturopathy in Wyoming.

14

15 (d) Upon application for licensure, renewal or
16 reinstatement, or not later than thirty (30) days after the
17 licensee becomes aware of proceedings, an applicant for
18 licensure or licensee shall report any pending or final
19 administrative or disciplinary action, or other judgment,
20 as well as the terms of any settlement or other disposition
21 of an action or judgment, against the applicant or licensee
22 involving malpractice or improper practice of naturopathy,
23 whether occurring in Wyoming or in any other jurisdiction.

1

2 **33-50-109. Licensure by endorsement; fees.**

3

4 (a) The board may issue a license by endorsement to
5 practice naturopathy in Wyoming to an applicant who is
6 licensed to practice naturopathy in another state, subject
7 to the following:

8

9 (i) The applicant shall complete an application
10 for licensure by endorsement in a form the board
11 prescribes;

12

13 (ii) The other state shall have substantially
14 equivalent naturopathy licensure requirements as Wyoming,
15 including similar licensure by endorsement provisions for
16 licensees of this state;

17

18 (iii) The applicant shall not have any
19 disciplinary actions pending at the time of application;

20

21 (iv) The applicant shall not have had a license
22 to practice naturopathy suspended or revoked in any state;

23

1 (v) The person shall adhere to all requirements
2 of continuing education and ethical standards the board
3 establishes;

4

5 (vi) The applicant shall remit fees as the board
6 specifies;

7

8 (vii) The applicant shall not have committed any
9 acts that are grounds for disciplinary action as set forth
10 in W.S. 33-50-113, or if an act has been committed, the
11 board may, at its discretion and after investigation,
12 determine that sufficient restitution has been made;

13

14 (viii) If required by board rule, the applicant
15 shall have completed to the satisfaction of a majority of
16 board members a personal interview consisting of inquiry
17 and oral response to naturopathic knowledge, personal and
18 professional history and intentions for practicing
19 naturopathy in this state; and

20

21 (ix) The applicant shall meet any additional
22 requirements that the board may impose by rule.

23

1 **33-50-110. Temporary license; application;**
2 **qualifications; fee.**

3

4 (a) The board may issue a temporary license for a
5 term that expires at 8:00 a.m. on the first day of the next
6 regularly scheduled board meeting to a person who:

7

8 (i) Completes an application for temporary
9 licensure in a form the board prescribes;

10

11 (ii) Meets all licensing requirements of W.S.
12 33-50-108 except the interview under W.S. 33-50-108(a)(v)
13 or other requirements that the board may defer until no
14 later than the next regularly scheduled board meeting;

15

16 (iii) Pays a temporary license fee in an amount
17 the board specifies.

18

19 **33-50-111. Duties and authority of practitioners.**

20

21 Naturopathic practitioners shall observe and be subject to
22 all state and municipal regulations relating to the control
23 of contagious and infectious diseases and shall, as to any

1 matters pertaining to public health, report to the proper
2 health officers the same as other practitioners.

3

4 **33-50-112. Violations; penalty; injunctive relief.**

5

6 (a) No person shall:

7

8 (i) Practice naturopathy without a valid
9 license;

10

11 (ii) Practice naturopathy under cover of any
12 diploma, license, certificate or record illegally or
13 fraudulently obtained or signed or issued unlawfully or
14 under fraudulent representation;

15

16 (iii) Use any words, abbreviations, figures,
17 letters, titles, signs, cards or devices tending to imply
18 that the person is a naturopathic practitioner, unless the
19 person is licensed as a naturopathic practitioner under
20 this chapter or holds a license in another state and is
21 practicing as allowed in this chapter;

22

1 (iv) Knowingly employ persons to practice
2 naturopathy who are unlicensed in naturopathic practice;

3

4 (v) Knowingly conceal information relating to
5 violations of this chapter; or

6

7 (vi) Otherwise violate or aid or abet another
8 person to violate any provision of this chapter.

9

10 (b) Violation of any provision of this chapter
11 constitutes a misdemeanor and upon conviction, the person
12 is subject to a fine of not more than one thousand dollars
13 (\$1,000.00), imprisonment for not more than one (1) year,
14 or both.

15

16 (c) The board or any citizen of this state may bring
17 an action to enjoin any person from practicing naturopathy
18 without a current valid license or temporary permit. If the
19 court finds that the person is violating or is threatening
20 to violate this act, it shall enter an injunction
21 restraining him from such unlawful acts.

22

1 (d) Nothing in this section shall limit any
2 additional civil or criminal liability under the laws of
3 this state.

4

5 **33-50-113. Disciplining licensees; grounds.**

6

7 (a) The board may refuse to issue, renew or reinstate
8 a license, may suspend or revoke a license, may impose
9 probationary conditions on a license or may otherwise
10 discipline a licensee, upon proof that the person:

11

12 (i) Has engaged in any act inconsistent with
13 reasonable standards of naturopathic practice as defined by
14 board rules;

15

16 (ii) Is unfit or incompetent to practice
17 naturopathy by reason of negligence, habits, practice
18 standards, physical or mental disability or abuse of drugs,
19 narcotics, chemicals or any other mind altering material;

20

21 (iii) Has been found guilty by a court or has
22 entered a plea of nolo contendere to a felony that relates

1 adversely to naturopathic practice or to the ability to
2 practice naturopathy;

3

4 (iv) Has used fraud, deceit, misrepresentation
5 or concealment of material facts:

6

7 (A) In procuring or attempting to procure a
8 license to practice naturopathy;

9

10 (B) In filing or reporting any health care
11 information, client documentation, agency record or other
12 essential health document; or

13

14 (C) In submitting any information or record
15 to the board.

16

17 (v) Has had a license to practice naturopathy or
18 to practice in another health care discipline in another
19 jurisdiction, territory or possession of the United States
20 denied, revoked, suspended or otherwise restricted;

21

1 (vi) Has practiced naturopathy within this state
2 without a valid license or as otherwise permitted under
3 this chapter;

4

5 (vii) Has knowingly and willfully failed to
6 report to the board any violation of this chapter or of
7 board rules;

8

9 (viii) Has violated any of the provisions of
10 this chapter or any lawful order or rule the board has
11 issued or promulgated;

12

13 (ix) Has knowingly performed an act that the
14 licensee knew before performing was beyond the scope of the
15 individual's naturopathic practice, or performed acts
16 without sufficient education, knowledge or ability to apply
17 naturopathic principles and skills;

18

19 (x) Has failed to submit to a mental, physical
20 or medical competency examination following a proper
21 request by the board made pursuant to board rules and the
22 Wyoming Administrative Procedure Act.

23

1 (b) Upon receipt from the department of family
2 services of a certified copy of an order from a court to
3 withhold, suspend or otherwise restrict a license issued by
4 the board, the board shall notify the party named in the
5 court order of the withholding, suspension or restriction
6 of the license in accordance with the terms of the court
7 order. No appeal under the Wyoming Administrative Procedure
8 Act shall be allowed for a license withheld, suspended or
9 restricted under this subsection. If a license,
10 registration or permit is suspended or restricted under
11 this subsection, the license, registration or permit may be
12 reissued without a hearing if the department of family
13 services provides notice that the person has complied with
14 the terms of the court order that resulted in the
15 suspension or restriction of the license, registration or
16 permit issued under this chapter.

17

18 **33-50-114. Disciplining licensees; proceedings.**

19

20 (a) The board may commence a proceeding for
21 discipline of a licensee or applicant when the board has
22 reasonable grounds to substantiate that a person under the
23 board's jurisdiction has committed an act in violation of

1 W.S. 33-50-113. In any proceeding the board shall afford
2 the licensee or applicant due process of law. However, the
3 board may summarily suspend a license and institute
4 proceedings concomitantly if the board finds that the
5 licensee presents a clear and immediate danger to the
6 public health, safety and welfare if allowed to continue to
7 practice.

8
9 (b) The board may issue subpoenas for the attendance
10 of witnesses and the production of necessary evidence in
11 any hearing before it. Upon request of the respondent or
12 respondent's counsel, the board shall issue subpoenas on
13 behalf of the respondent. The board may apply to a court of
14 competent jurisdiction to compel compliance with a
15 subpoena.

16
17 (c) Hearings under this section shall be held and a
18 person aggrieved by a decision of the board may appeal
19 according to the Wyoming Administrative Procedure Act.

20

21 **33-50-115. Disciplining licensees; reinstatement.**

22

1 Any person whose license has been denied, suspended,
2 revoked or upon which conditions have been imposed may
3 apply to the board for reinstatement of the license or
4 issuance of a license after fulfilling requirements the
5 board determines. The application shall be made in writing
6 and in a form the board prescribes. The board may grant or
7 deny the application or it may modify its original findings
8 to reflect any circumstances that have changed sufficiently
9 to warrant modifications.

10

11 **33-50-116. Immunity of board members and persons**
12 **reporting information to board.**

13

14 Any member or agent of the board, or any person under oath,
15 is not subject to a civil action for damages as a result of
16 reporting information in good faith, without fraud or
17 malice, relating to alleged violations of this chapter or
18 board rules.

19

20 **Section 2.** W.S. 7-19-106(a) by creating a new
21 paragraph (xxxii) and 7-19-201(a) by creating a new
22 paragraph (xxviii) are amended to read:

23

1 7-19-106. Access to, and dissemination of,
2 information.

3
4 (a) Criminal history record information shall be
5 disseminated by criminal justice agencies in this state,
6 whether directly or through any intermediary, only to:

7
8 (xxxii) The Wyoming board of naturopathy for
9 purposes of obtaining background information on applicants
10 for licensure by the board.

11
12 7-19-201. State or national criminal history record
13 information.

14
15 (a) The following persons shall be required to submit
16 to fingerprinting in order to obtain state and national
17 criminal history record information:

18
19 (xxviii) Persons applying for licensure to the
20 Wyoming board of naturopathy.

21
22 **Section 3.** There is appropriated twenty thousand
23 dollars (\$20,000.00) from the general fund to the

1 department of administration and information for purposes
2 of providing necessary support and executive secretary
3 services for the licensing board created under section 1 of
4 this act. This appropriation shall be for the period
5 beginning with the effective date of this act and ending
6 June 30, 2022. This appropriation shall not be transferred
7 or expended for any other purpose and any unexpended,
8 unobligated funds remaining from this appropriation shall
9 revert as provided by law on June 30, 2022.

10

11 **Section 4.** This act is effective immediately upon
12 completion of all acts necessary for a bill to become law
13 as provided by Article 4, Section 8 of the Wyoming
14 Constitution.

15

16

(END)