

2021 -- H 5900

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LC001742  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- LICENSE OF NATUROPATHY ACT  
OF 2017

Introduced By: Representatives Shanley, Tanzi, Morales, Vella-Wilkinson, Craven,  
Barros, Casimiro, and Amore

Date Introduced: February 24, 2021

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 5-36.1-5, 5-36.1-10, 5-36.1-12, 5-36.1-15 and 5-36.1-18 of the  
2 General Laws in Chapter 5-36.1 entitled "License of Naturopathy Act of 2017" are hereby amended  
3 to read as follows:

4 **5-36.1-5. Prohibited acts.**

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

- 6 (1) Prescribe, dispense, or administer any legend medications or substances controlled  
7 pursuant to the federal Controlled Substances Act, 21 U.S.C. § 812, and chapter 28 of title 21;
- 8 (2) Use, for therapeutic purposes, any device regulated by the United States Food and Drug  
9 Administration (FDA) that has not been approved by the FDA;
- 10 (3) Perform surgical procedures;
- 11 (4) Practice, or claim to practice, as a medical doctor or physician, a doctor of osteopathic  
12 medicine, a primary-care doctor, a primary-care practitioner, a primary-care provider, a primary-  
13 care naturopath, a dentist, a podiatrist, an optometrist, a psychologist, an advanced practice  
14 registered nurse, a physician assistant, a chiropractor, a physical therapist, an acupuncturist, or any  
15 other healthcare professional unless licensed under this title;
- 16 (5) Use general regional or spinal anesthetics or procedural sedation;
- 17 (6) Administer ionizing radioactive substances for therapeutic or diagnostic purposes;
- 18 (7) Perform chiropractic adjustments or manipulations that include high-velocity thrusts at

1 or beyond the end range of normal joint motion unless the licensee is also a licensed chiropractor;

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

3 ~~(9) Advise patients regarding prescription drugs beyond possible dietary supplement/herb~~

4 ~~—prescription drug interactions;~~

5 ~~(10)~~(9) Practice naturopathy in this state without a valid license issued in accordance with  
6 this chapter; or

7 ~~(11)~~(10) Use, in connection with the person's name, any letters, words, or insignia  
8 indicating or implying that the person is a naturopathic doctor ~~of naturopathy~~ , under this chapter,  
9 unless the person is licensed in accordance with this chapter. ~~A person licensed under this chapter~~  
10 ~~may use the designation "DN" for doctor of naturopathy.~~

11 **5-36.1-10. Board of licensure -- Powers and duties.**

12 (a) The board shall administer and coordinate the provisions of this chapter; evaluate the  
13 qualifications of applicants; supervise any examination of applicants deemed necessary;  
14 recommend to the director the commencement of disciplinary hearings in accordance with chapter  
15 35 of title 42 and the provisions of this chapter; and investigate persons engaging in practices that  
16 violate the provisions of this chapter. The board shall investigate all persons and agencies engaging  
17 in practices that violate the provisions in this chapter.

18 (b) The board shall conduct hearings of a nondisciplinary nature and shall keep the records  
19 and minutes that are necessary to an orderly dispatch of business.

20 (c) The board, with the approval of the director of the department of health, shall adopt  
21 rules and regulations necessary to carry into effect the provisions of this chapter and may amend  
22 or repeal them. Said rules and regulations shall refer to the persons licensed under this chapter as  
23 naturopathic doctors and shall not require a written collaboration and consultation agreement with  
24 a physician licensed under chapter 37 of title 5.

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

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

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

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

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

2 **5-36.1-12. Qualifications for licensure.**

3 To be eligible for licensure as a naturopathic doctor ~~of naturopathy, under this chapter~~, an  
4 applicant shall satisfy all the following:

5 (1) Have been granted a degree of naturopathic doctor ~~of naturopathy, under this chapter~~,  
6 from an approved naturopathic ~~naturopathy~~ college or university;

7 (2) Be physically and mentally fit to practice ~~naturopathy~~ naturopathic medicine with or  
8 without reasonable accommodation;

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

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

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

15 ~~(ii) A statement that the applicant will refer patients to and consult with physicians and~~  
16 ~~other licensed healthcare providers; and~~

17 ~~(iii) A statement that the applicant will require patients to sign a consent form that states~~  
18 ~~that the applicant's practice of naturopathy is limited to the scope of practice identified in § 5-36.1-~~  
19 ~~3.~~

20 **5-36.1-15. Unprofessional conduct.**

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

23 (1) Failing to use a complete or accurate title in professional activity;

24 (2) ~~Failure to conform to the provisions of the collaboration and consultation agreement;~~

25 (3) Acts of gross misconduct in the practice of their profession or gross or repeated  
26 malpractice or the failure to practice naturopathy with the level of care, skill, and treatment that is  
27 recognized by a reasonably prudent similar naturopathic doctor ~~of naturopathy~~ as being acceptable  
28 under similar conditions and circumstances;

29 (4) Harassing, intimidating, or abusing a patient;

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

34 (6) Abandonment of a patient;

- 1 (7) Gross overcharging for professional services on repeated occasions, including filing of  
2 false statements for collection of fees for which services were not rendered;
- 3 (8) Sexual harassment of a patient;
- 4 (9) Engaging in an inappropriate sexual act with a patient;
- 5 (10) Willful misrepresentation in treatments;
- 6 (11) Practicing ~~naturopathy~~ naturopathic medicine in an area or areas of specialty in which  
7 the licensee is not trained to practice.

8 **5-36.1-18. Informed consent and disclosure.**

9 Prior to initiating treatment by a naturopathic doctor ~~of naturopathy, under this chapter,~~  
10 each patient must read and sign a disclosure statement containing the following information:

11 (1) Rhode Island does not recognize naturopathic doctors ~~of naturopathy, under this~~  
12 chapter, as primary-care providers and a naturopathic doctor ~~of naturopathy, under this chapter,~~ is  
13 not responsible for the overall medical care of any patient.

14 (2) Naturopathic care is intended only as an adjunct to, and not a substitute for, medical  
15 care from a physician, physician assistant (PA), or advanced practice registered nurse (APRN), and  
16 naturopathic doctors ~~of naturopathy~~ shall coordinate patient care with physicians and other  
17 healthcare providers.

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

20 (4) ~~Doctors of naturopathy~~ Naturopathic doctors are not licensed to prescribe drugs ~~or to~~  
21 ~~advise patients regarding prescription drugs beyond possible dietary supplement/herb~~  
22 ~~prescription drug interactions.~~ All questions and changes to regarding prescription medications  
23 should be directed to the prescriber or to the patient's primary-care provider or licensed registered  
24 pharmacist.

25 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 -- LICENSE OF NATUROPATHY ACT  
OF 2017

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- 1           This act would amend the statute that provides for the licensing of naturopaths to reflect
- 2           current practice and terminology and would eliminate collaboration and consultation agreements.
- 3           This act would take effect upon passage.

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