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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- NATUROPATHIC PHYSICIANS

Introduced By: Senator Roger Picard

Date Introduced: May 02, 2013

Referred To: Senate Health & Human Services

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 40.2

4 NATUROPATHIC PHYSICIANS

5 **5-40.2-1. Definitions. -- (a) As used in this chapter:**

6 (1) "Approved naturopathic medical college" means a college which grants a degree of  
7 doctor of naturopathic medicine or doctor of naturopathy:

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

10 (ii) A naturopathic medical education program in the United States providing the degree  
11 of Doctor of Naturopathy or Doctor of Naturopathic Medicine. Such program shall offer  
12 graduate-level full-time didactic and supervised clinical training and shall be accredited, or has  
13 achieved candidacy status for accreditation by the Council on Naturopathic Medical Education  
14 ("CNME") or an equivalent federally recognized accrediting body for naturopathic medical  
15 programs also recognized by the North American Board of Naturopathic Examiners ("Board").  
16 Additionally, the program shall be an institution, or part of an institution of higher education that  
17 is either accredited or is a candidate for accreditation by a regional or national institutional  
18 accrediting agency recognized by the United States Secretary of Education; or

19 (iii) A degree granting college or university that, prior to the existence of the CNME,

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

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

18 (v) A diploma granting, degree-equivalent college or university in Canada that offers  
19 graduate-level full-time didactic and supervised clinical training and shall be accredited, or has  
20 achieved candidacy status for accreditation by the CNME or an equivalent federally recognized  
21 accrediting body for naturopathic medical programs also recognized by the board. Additionally,  
22 this college or university has provincial approval for participation in government funded student  
23 aid programs.

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

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

29 (4) "Naturopathic medicine" or "the practice of naturopathic medicine" means a system  
30 of health care that utilizes education, natural medicines and natural therapies to support and  
31 stimulate a patient's intrinsic self-healing processes and to prevent, diagnose and treat human  
32 health conditions and injuries. In connection with such system of health care, an individual  
33 licensed under this chapter may:

34 (i) Administer or provide for preventative and therapeutic purposes nonprescription

1 medicines, topical medicines, botanical medicines, homeopathic medicines, counseling,  
2 hypnotherapy, nutritional and dietary therapy, naturopathic physical medicine, therapeutic  
3 devices, barrier devices for contraception, and prescription medicines authorized by this chapter  
4 or by the formulary established under subsection 5-40.2-5(c) of this title.

5 (ii) Use diagnostic procedures commonly used by physicians in general practice,  
6 including physical and orificial examinations, electrocardiograms, diagnostic imaging techniques,  
7 phlebotomy, clinical laboratory tests and examinations, and physiological function tests.

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

13 (6) "Naturopathic physician" means a person who practices naturopathic medicine and is  
14 licensed under this chapter.

15 (7) "Prescription medicine" means any human drug, including finished dosage forms and  
16 active ingredients, required by federal law or regulation to be dispensed only by prescription.

17 (8) "Topical medicines" mean topical analgesics, anesthetics, antiseptics, scabicides,  
18 antifungals, antibacterials, and cryo-agents.

19 **5-40.2-2. Prohibitions and penalties. -- (a) No person shall perform any of the following**  
20 **acts:**

21 (1) Practice naturopathic medicine in this state without a valid license issued in  
22 accordance with this chapter except as provided in section 5-40.2-3;

23 (2) Use, in connection with the person's name, any letters, words or insignia indicating or  
24 implying that the person is a naturopathic physician unless the person is licensed in accordance  
25 with this chapter. A person licensed under this chapter may use the designations "N.D.  
26 (naturopathic doctor)," "NMD (naturopathic medical doctor)," "doctor of naturopathic medicine,"  
27 "naturopathic doctor," "doctor of naturopathy" or "naturopathic physician."

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

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

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

33 (c) A person who violates any of the provisions of this section shall be subject to the  
34 penalties provided in section 5-40.2-11.

1           **5-40.2-3. Exemptions.** -- (a) Nothing in this chapter shall be construed to prohibit any of  
2 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 naturopathic medicine by a person duly licensed to engage in the  
7 practice of naturopathic medicine in another state, territory or the District of Columbia who is  
8 called into this state for consultation with a naturopathic physician licensed under this chapter.

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

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

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

19           **5-40.2-4. Reporting contagious and infectious diseases; Death certificates.** --  
20 Naturopathic physicians are subject to the provisions of the general laws relating to contagious  
21 and infectious diseases and the issuance of birth and death certificates.

22           **5-40.2-5. Director, Duties.** -- (a) The director of the department of health ("director"),  
23 with the advice of the advisor appointees, shall:

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

25           (2) Administer fees collected under this chapter;

26           (3) Administer examinations;

27           (4) Explain appeal procedures to naturopathic physicians and applicants for licensure and  
28 complaint procedures to the public;

29           (5) Receive applications for licensure under this chapter, issue and renew licenses and  
30 revoke, suspend, reinstate or condition licenses as ordered by an administrative law officer; and

31           (6) Refer all disciplinary matters to an administrative law officer.

32           (b) Rules for naturopathic prescription medicine endorsement shall specifically address  
33 and define scope and practice standards, including education requirements and maintaining  
34 practice data and records, and shall require every licensed naturopathic physician seeking a

1 prescription medicine license endorsement to pass a test provided by the director and  
2 administered in consultation with the department of health.

3 (c) At least annually, the director, with the advice of the advisor appointees, shall review  
4 and update the formulary of prescription medicines naturopathic physicians may use in a manner  
5 consistent with their scope of practice and training, subject to the approval of the commissioner of  
6 health. Non-natural substances found to be substantially safer in treatment or without which a  
7 patient's primary care would be compromised may be added to the formulary. The formulary shall  
8 include prescription medicines necessary for naturopathic practice.

9 **5-40.2-6. Advisor appointees.** -- (a) The secretary of state shall appoint two (2)  
10 naturopathic physicians licensed under this chapter to serve as advisors to the director in matters  
11 relating to naturopathic physicians. They shall be appointed as set forth in this section and serve  
12 at the pleasure of the secretary.

13 (b) Appointees shall have at least three (3) years of experience as a naturopathic  
14 physician during the period immediately preceding appointment and shall be actively practicing  
15 naturopathic medicine and remain in good standing during incumbency.

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

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

23 (e) The initial advisors appointed under this chapter shall be naturopathic physicians, in  
24 good standing, who are licensed as such in a state with at least equivalent standard for licensure,  
25 and who have been engaged in the practice and/or instruction of naturopathic medicine for at least  
26 three (3) years in this state.

27 **5-40.2-7. Eligibility for licensure.** -- (a) To be eligible for licensure as a naturopathic  
28 physician, an applicant shall satisfy all the following:

29 (1) Have been granted a degree of doctor of naturopathic medicine, from a CNME  
30 approved naturopathic medical college;

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

33 (3) Pass an examination approved by the director, such examination being a competency-  
34 based national naturopathic licensing examination administered by the North American Board of

1 Naturopathic Examiners, or successor agency that has been nationally recognized to administer a  
2 naturopathic examination and that represents federal standards of education and training. For  
3 graduates of approved naturopathic schools as defined in subdivision 5-40.2-1(a)(1) eligibility for  
4 licensure may be granted with evidence of successful passage of a board-approved state  
5 competency examination or a Canadian provincial examination; and

6 (4) Pass the naturopathic formulary examination administered by the director or the  
7 director's designee.

8 **5-40.2-8. Application for licensure. --** A person shall apply for a license under this  
9 chapter by filing with the director an application provided by the director accompanied by the  
10 required fees and evidence of eligibility.

11 **5-40.2-9. Examination; Waiver of examination. --** (a) The director, or designee, shall  
12 administer any examination required to obtain licensure in this state to applicants for licensure at  
13 least twice each year if applications are pending. Examinations, administered by the director, and  
14 the procedures of administration shall be fair and reasonable and shall be designed and  
15 implemented to ensure that all applicants are granted a license if they demonstrate that they  
16 possess minimal professional qualifications that are consistent with the public health, safety and  
17 welfare. The examinations shall not be designed or implemented for the purpose of limiting the  
18 number of licenses issued.

19 **5-40.2-10. Biennial license renewal; Continuing education. --** (a) The license to  
20 practice naturopathic medicine shall be renewed every two (2) years by filing a renewal  
21 application on a form provided by the director. The application shall be accompanied by the  
22 required fee and evidence of compliance with subsection (b) of this section.

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

26 **5-40.2-11. Refusal or revocation of licensure; Complaints. --** (a) The following  
27 conduct, and conduct set forth by the department of health, by a person licensed under this  
28 chapter or an applicant for licensure constitutes unprofessional conduct:

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

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

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

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

5           (5) Abandonment of a patient.

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

8           (7) Sexual harassment of a patient.

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

10          (9) Willful misrepresentation in treatments.

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

13          (11) Violation of any of the laws of the state involving moral turpitude.

14          (b) Refusal or Revocation of a License.-

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

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

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

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

32          (d) Complaints. -

33           (1) Any person may report to the division of professional regulation in writing any  
34 information the person has reason to believe indicates that a naturopathic physician is or may be

1 medically or legally incompetent, engaged in the unauthorized practice of naturopathic medicine,  
2 guilty of unprofessional conduct, or mentally or physically unable to engage safely in the practice  
3 of naturopathic medicine.

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

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

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

15 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 -- NATUROPATHIC PHYSICIANS

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- 1 This act would provide for the licensing and regulation of naturopathic physicians.
- 2 This act would take effect upon passage.

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