

2015 -- S 0094

=====
LC000221
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO HEALTH AND SAFETY - THE NATUROPATHIC PHYSICIANS ACT OF
2015

Introduced By: Senator Roger Picard

Date Introduced: January 22, 2015

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 94

4 THE NATUROPATHIC PHYSICIANS ACT OF 2015

5 **23-94-1. Short title.** -- This chapter shall be known and may be cited as "The
6 Naturopathic Physicians Act of 2015."

7 **23-94-2. Definitions.** -- The following words and phrases as used in this chapter shall
8 have the following meanings:

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

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

14 (ii) Is a naturopathic medical education program in the United States providing the degree
15 of doctor of naturopathy or doctor of naturopathic medicine. Such program shall offer graduate-
16 level full-time didactic and supervised clinical training and shall be accredited, or has achieved
17 candidacy status for accreditation by the CNME or an equivalent federally recognized accrediting
18 body for naturopathic medical programs also recognized by the board. Additionally, the program

1 shall be an institution, or part of an institution of higher education that is either accredited or is a
2 candidate for accreditation by a regional or national institutional accrediting agency recognized
3 by the United States Secretary of Education; or

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

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

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

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

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

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

32 (5) "Disciplinary action" means any action taken by an administrative law officer
33 established against a licensee or applicant on a finding of unprofessional conduct by the licensee
34 or applicant. "Disciplinary action" includes issuance of warnings and all sanctions including

1 denial, suspension, revocation, limitation or restriction of licenses and other similar limitations.

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

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

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

9 (i) Administer or provide for preventative and therapeutic purposes nonprescription
10 medicines, topical medicines, botanical medicines, homeopathic medicines, counseling,
11 nutritional and dietary therapy, and naturopathic physical medicine authorized by this chapter;

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

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

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

22 **23-94-3. Prohibitions and penalties.** -- (a) No person shall perform the following acts:

23 (1) Practice naturopathic medicine in this state without a valid license issued in
24 accordance with this chapter except as provided in § 23-94-4.

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

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

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

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

1 (3) A person who violates any of the provisions of this section shall be subject to the
2 penalties provided in § 23-94-13.

3 **23-94-4. Exemptions. --** (a) Nothing in this chapter shall be construed to prohibit any of
4 the following:

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

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

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

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

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

21 **23-94-5. Reporting contagious and infectious diseases – Death certificates. --**
22 Naturopathic physicians are subject to the provisions of the law relating to contagious and
23 infectious diseases and to the issuance of birth and death certificates.

24 **23-94-6. Oversight and duties by director of health. --** The director of health, with the
25 advice of the advisory appointees, shall:

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

27 (2) Administer fees collected under this chapter;

28 (3) Administer examinations;

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

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

33 (6) Refer all disciplinary matters to an appropriate administrative law hearing officer.

34 **23-94-7. Advisory appointees. --** (a) The secretary of state shall appoint two (2)

1 naturopathic physicians licensed under this chapter to serve as advisors to the director in matters
2 relating to naturopathic physicians. They shall be appointed as set forth in this section and serve
3 at the pleasure of the secretary. One of the initial appointments shall be for a term of three (3)
4 years and one of the initial appointments shall be for a term of two (2) years.

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

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

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

16 **23-94-8. Eligibility for licensure. --** (a) To be eligible for licensure as a naturopathic
17 physician, an applicant shall satisfy all the following:

18 (1) Have been granted a degree of doctor of naturopathic medicine, from a CNME-
19 approved naturopathic medical college;

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

22 (3) Pass an examination approved by the director, such examination being a competency-
23 based national naturopathic licensing examination administered by the North American Board of
24 Naturopathic Examiners, or successor agency that has been nationally recognized to administer a
25 naturopathic examination that represents federal standards of education and training. For
26 graduates of approved naturopathic schools, eligibility for licensure may be granted with
27 evidence of successful passage of a board-approved state competency examination or Canadian
28 provincial examination.

29 **23-94-9. Application for licensure. --** A person shall apply for a license under this
30 chapter by filing with the director an application provided by the director accompanied by the
31 required fees and evidence of eligibility.

32 **23-94-10. Examination – Waiver of examination. --** The director, or designee, shall
33 administer any examination required to obtain licensure in the state of Rhode Island to applicants
34 for licensure at least two (2) times each year if applications are pending. Examinations

1 administered by the director and the procedures of administration shall be fair and reasonable and
2 shall be designed and implemented to ensure that all applicants are granted a license if they
3 demonstrate that they possess minimal professional qualifications that are consistent with the
4 public health, safety, and welfare. The examinations shall not be designed or implemented for the
5 purpose of limiting the number of licenses issued.

6 **23-94-11. Biennial license renewal – Continuing education.** -- (a) The license to
7 practice naturopathic medicine shall be renewed every two (2) years by filing a renewal
8 application on a form provided by the director. The application shall be accompanied by the
9 required fee and evidence of compliance with subsection (b) of this section.

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

13 **23-94-12. Refusal or revocation of licensure - Complaints.** -- The following conduct,
14 and conduct set forth by the department of health, by a person licensed under this chapter or an
15 applicant for licensure constitutes unprofessional conduct:

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

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

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

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

26 (5) Abandonment of a patient.

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

29 (7) Sexual harassment of a patient.

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

31 (9) Willful misrepresentation in treatments.

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

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

1 **23-94-13. Refusal or revocation of a license - Process.** -- (a) The division of
2 professional regulation of the department of health may, after notice and hearings, in its discretion
3 refuse to grant the license provided for in this chapter to any naturopathic physician who has
4 violated any of the laws of the state involving moral turpitude or affecting the ability of any
5 naturopathic physician to practice naturopathic medicine, or who had been guilty of
6 unprofessional conduct or conduct of a character likely to deceive or defraud the public, and may,
7 after notice and hearing, revoke or suspend any license issued or granted by it for like causes or
8 for any fraud or deception committed in obtaining the license.

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

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

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

19 **23-94-14. Complaints.** -- (a) Any person may report to the division of professional
20 regulation in writing any information the person has reason to believe indicates that a
21 naturopathic physician is or may be medically or legally incompetent, engaged in the
22 unauthorized practice of naturopathic medicine, guilty of unprofessional conduct, or mentally or
23 physically unable to engage safely in the practice of naturopathic medicine.

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

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

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

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

=====
LC000221
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HEALTH AND SAFETY - THE NATUROPATHIC PHYSICIANS ACT OF
2015

1 This act would establish procedures for the licensing of naturopathic physicians, and
2 defines the practice of naturopathic medicine. This practice includes 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.

=====
LC000221
=====