

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1091

Short Title: Naturopathic Physicians. (Public)

Sponsors: Representatives Hill; Carpenter, Insko, Luebke, Sherrill, Shubert,
Wainwright, and Weiss.

Referred to: Health.

April 11, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE NORTH CAROLINA NATUROPATHIC
3 PHYSICIANS LICENSING ACT.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 90 of the General Statutes is amended by adding a
6 new Article to read:

7 "Article 40.
8 "Naturopathic Physicians.

9 "**§ 90-680. Short title.**

10 This act may be cited as the 'North Carolina Naturopathic Physicians Licensing Act'.

11 "**§ 90-681. Intent; purpose.**

12 (a) The General Assembly finds that a significant number of residents of the
13 State of North Carolina choose natural health care and declares that naturopathy is a
14 distinct health care profession that affects the public health, safety, and welfare and
15 provides for freedom of choice in health care.

16 (b) The purpose of this act is to provide standards for the licensure and regulation
17 of naturopathic physicians desiring to practice naturopathy in this State.

18 "**§ 90-682. Definitions.**

19 The following definitions apply in this Article:

- 20 (1) Approved naturopathic program. – A program of naturopathy
21 approved by the Board as described in G.S.90-687(a)(3).
22 (2) Board. – The State Board of Naturopathy Examiners.
23 (3) License. – A certificate issued by the Board recognizing the person
24 named therein as having met the qualifications to provide naturopathic
25 remedies as defined in this Article.
26 (4) Naturopathic physician. – A person licensed to practice naturopathic
27 remedies pursuant to this Article.

1 (5) Naturopathic remedies. – A comprehensive system of health care
2 practiced by a naturopathic physician for the prevention and treatment
3 of human health conditions that uses education and natural remedies
4 and therapies to support and stimulate an individual's intrinsic self-
5 healing processes.

6 **"§ 90-683. License required; exemptions.**

7 (a) No person shall practice or offer to practice as a naturopathic physician,
8 perform activities of a naturopathic physician, or use any card, title, or abbreviation,
9 including 'Naturopathic Physician', 'Doctor of Naturopathy', or 'N.D.', to indicate that
10 the person is a naturopathic physician unless the person has been licensed under the
11 provisions of this Article.

12 (b) Nothing in this Article shall be construed to prohibit or affect:

13 (1) The practice of a profession by an individual who is licensed, certified,
14 or registered under other laws of this State and is performing services
15 within the authorized scope of practice.

16 (2) The practice of naturopathy by a person employed by the federal
17 government while the person is engaged in the performance of duties
18 prescribed by laws and regulations of the United States.

19 (3) An individual rendering aid in an emergency situation, when no fee or
20 other compensation for the service is received.

21 (4) A person engaged in the sale of vitamins, health foods, dietary
22 supplements, herbs, or other products of nature, if the sale of these
23 products is not otherwise prohibited by State or federal law and the
24 person offering the products provides truthful and nonmisleading
25 information about the products. However, this subdivision does not
26 allow a person to diagnose any human disease, ailment, injury,
27 infirmity, deformity, pain, or other condition.

28 (5) A person, who in good faith, offers naturopathic services for religious
29 reasons.

30 (6) The practice of naturopathy by a naturopathic physician duly licensed
31 in another state, territory, or the District of Columbia when
32 incidentally called into this State to consult with a licensed physician.

33 (7) The practice of naturopathy by students enrolled in an approved
34 naturopathic program as described in G.S. 90-687(a)(3) while
35 completing a clinical requirement for graduation that is performed
36 under the supervision of an instructor.

37 **"§ 90-684. Practice of naturopathy; responsibilities; prohibitions.**

38 (a) A naturopathic physician is a licensed health care provider having the same
39 responsibilities as other licensed doctors regarding public health laws, reportable
40 diseases and conditions, communicable disease control and prevention, and recording
41 vital statistics. In treating an individual using naturopathic remedies, a naturopathic
42 physician may:

- 1 (1) Use physical assessment and laboratory reports, including phlebotomy,
2 clinical laboratory tests, speculum examinations, and physiological
3 function tests.
- 4 (2) Order imaging tests consistent with naturopathic training, including
5 ultrasound, Xray, and electrocardiogram reports.
- 6 (3) Administer natural remedies derived from or substantially similar in
7 molecular structure or function to natural sources for preventive and
8 therapeutic purposes, including food, extracts of food, nutraceuticals,
9 vitamins, minerals, enzymes, botanicals and their extracts,
10 homeopathic remedies prepared according to the Homeopathic
11 Pharmacopoeia of the United States, and all dietary supplements and
12 nonprescription drugs as defined by the Federal Food, Drug, and
13 Cosmetic Act, 21 U.S.C.A. § 301, et seq.
- 14 (4) Administer natural remedies and therapies consistent with training
15 provided by a Board-approved naturopathic college.
- 16 (5) Administer for preventive or therapeutic purposes, lifestyle counseling,
17 biofeedback, dietary therapy, nutritional counseling, natural remedies
18 and therapies consistent with training provided by a Board-approved
19 naturopathic college for the purpose of restoring normal physiological
20 function by normalizing and balancing the body.
- 21 (b) A naturopathic physician shall not:
 - 22 (1) Prescribe, dispense, or administer any controlled substance or device
23 identified in the Controlled Substance Act, 21 U.S.C.A. § 801, et seq.,
24 except as authorized by this Article.
 - 25 (2) Perform surgical procedures, including procedures using a laser
26 device.
 - 27 (3) Practice or attempt to practice as a medical physician, osteopath,
28 dentist, podiatrist, optometrist, chiropractor, or any other system or
29 method of treatment not authorized by this Article unless licensed by
30 this State to do so.
 - 31 (4) Use anesthetics unless licensed by this State to do so.

32 **"§ 90-685. North Carolina Board of Naturopathy Examiners.**

33 (a) The State Board of Naturopathy Examiners is created. The Board shall
34 consist of seven members who shall serve staggered terms. The Governor shall appoint
35 all members of the Board and each member shall have been a resident of this State for
36 the three years immediately preceding the appointment. The initial Board members shall
37 be appointed on or before January 1, 2002, as follows:

- 38 (1) Four members shall be naturopathic physicians who have been
39 licensed under this Article, two of whom shall serve terms of four
40 years and two of whom shall serve terms of two years.
- 41 (2) One member shall be a physician licensed pursuant to Article 1 of
42 Chapter 90 of the General Statutes, who shall serve a term of four
43 years.

1 (3) One member shall be a pharmacist licensed pursuant to Article 4A of
2 Chapter 90 of the General Statutes, who shall serve a term of four
3 years.

4 (4) One member shall be a member of the general public who shall not be
5 licensed under Chapter 90 of the General Statutes or the spouse of a
6 person who is so licensed and shall serve a term of four years.

7 Upon the expiration of the terms of the initial Board members, each member shall be
8 appointed for a term of four years and shall serve until a successor is appointed. No
9 member may serve more than two consecutive terms.

10 (b) A vacancy shall be filled in the same manner as the original appointment.
11 Appointees to fill vacancies shall serve the remainder of the unexpired term and until
12 their successors have been duly appointed and qualified.

13 (c) The Board may remove any of its members for neglect of duty,
14 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings
15 as a licensee shall be disqualified from participating in the official business of the Board
16 until the charges have been resolved.

17 (d) Each member of the Board shall receive per diem and reimbursement for
18 travel and subsistence as provided in G.S. 93B-5.

19 (e) The officers of the Board shall be a chair, a vice-chair, and other officers
20 deemed necessary by the Board to carry out the purposes of this Article. All officers
21 shall be elected annually by the Board for one-year terms and shall serve until their
22 successors are elected and qualified.

23 (f) The Board shall hold at least two meetings each year to conduct business and
24 to review the standards and rules for issuing licenses under this Article. The Board shall
25 adopt rules governing the calling, holding, and conducting of regular and special
26 meetings. A majority of Board members shall constitute a quorum.

27 **"§ 90-686. Powers of the Board.**

28 The Board shall have the power and duty to:

29 (1) Administer and enforce the provisions of this Article.

30 (2) Adopt rules as may be necessary to carry out the provisions of this
31 Article.

32 (3) Examine and determine the qualifications and fitness of applicants for
33 licensure and renewal of licensure.

34 (4) Issue, renew, deny, suspend, or revoke licenses and conduct any
35 disciplinary actions authorized by this Article.

36 (5) Set fees for licensure, licensure renewal, and other services deemed
37 necessary to carry out the provisions of this Article.

38 (6) Establish and approve continuing education requirements for persons
39 licensed under this Article.

40 (7) Receive and investigate complaints from members of the public.

41 (8) Conduct investigations for the purpose of determining whether
42 violations of this Article or grounds for disciplining licensees exist.

43 (9) Conduct administrative hearings in accordance with Article 3A of
44 Chapter 150B of the General Statutes.

- 1 (10) Maintain a record of all proceedings conducted by the Board and make
2 available to licensees and other concerned parties an annual report of
3 all Board action.
- 4 (11) Maintain a list of the names and addresses of all persons licensed by
5 the Board.
- 6 (12) Employ and fix the compensation of personnel that the Board
7 determines is necessary to carry out the provisions of this Article and
8 incur other expenses necessary to perform the duties of the Board.
- 9 (13) Adopt a seal containing the name of the Board for use on all licenses
10 and official reports issued by the Board.

11 **"§ 90-687. Qualifications for licensure; examinations; issuance.**

12 (a) Upon application to the Board and the payment of the required fees, an
13 applicant may be licensed under this Article as a naturopathic physician if the applicant
14 meets all of the following qualifications:

- 15 (1) Is of good moral and ethical character.
- 16 (2) Is at least 18 years of age.
- 17 (3) Has graduated from an approved naturopathic program. For purposes
18 of this section, an 'approved naturopathic program' means:
- 19 a. A college or university granting the degree of Doctor of
20 Naturopathy and that is accredited by an accrediting agency
21 recognized by the State or federal government.
- 22 b. A college or university granting the degree of Doctor of
23 Naturopathy that is a candidate for accreditation with an
24 accrediting agency recognized by the State or federal
25 government.
- 26 c. A postgraduate program granting a degree of healing arts
27 approved by the Board and a State or federal accrediting
28 agency. The college or university offering the postgraduate
29 degree shall require a minimum of 60 semester units for
30 admission and provide a minimum of 4,000 credit hours in
31 basic and clinical sciences, naturopathic philosophy,
32 naturopathic modalities, and naturopathic remedies of which
33 not less than 2,000 hours shall be in academic instruction and
34 2,000 hours in college-approved supervised clinical training.
- 35 (4) Submits any other documentation the Board deems necessary to
36 determine the applicant's fitness for licensure under this Article.

37 (b) If the application is satisfactory to the Board, the applicant may be required to
38 pass an examination administered by the Board or a national organization. For
39 examinations offered by the Board, the Board shall establish the scope and subject
40 matter of the examination, and examinations shall be offered at least twice a year at a
41 time and place to be determined by the Board. An applicant who fails an examination
42 shall be reexamined pursuant to rules adopted by the Board.

1 (c) When the Board determines that the applicant has met all the qualifications
2 for licensure and has submitted the required fee, the Board shall issue a license to the
3 applicant.

4 **"§ 90-688. Reciprocity; licensure of nonresident.**

5 (a) The Board may grant, upon application and payment of proper fees, a license
6 to a person who resides in this State and has been licensed to practice as a naturopathic
7 physician in another state whose standards of competency are substantially equivalent to
8 those provided in this Article.

9 (b) The Board may grant, upon application and payment of proper fees, a license
10 to a nonresident if the person meets the requirements of this Article or the person
11 resides in a state that recognizes licenses issued by the Board.

12 **"§ 90-689. Fees.**

13 The Board shall establish fees not exceeding the following amounts:

14 (1)	<u>Issuance of a license</u>	<u>\$600.00</u>
15 (2)	<u>License renewal</u>	<u>\$400.00</u>
16 (3)	<u>Late renewal fees</u>	<u>\$200.00</u>
17 (4)	<u>Reasonable charges for duplication services and material.</u>	

18 **"§ 90-690. Renewal.**

19 All licenses shall expire one year after the date they were issued unless renewed. All
20 applications for renewal shall be filed with the Board and shall be accompanied by the
21 renewal fee as required by G.S. 90-689. A license that has expired for failure to renew
22 may be reinstated after the applicant pays the late and renewal fees as required by G.S.
23 90-689, and complies with any other requirements established in rules adopted by the
24 Board.

25 **"§ 90-691. Continuing education; exemption; approval of programs.**

26 (a) As a condition of license renewal, a licensee shall complete at least 20 credits
27 of continuing education within the 12 months immediately preceding license renewal.
28 At least five of the 20 continuing education credits shall be in naturopathic
29 pharmacology for naturopathic physicians qualified to prescribe treatment pursuant to
30 the naturopathic formulary.

31 (b) The Board may exempt from the requirements of subsection (a) of this
32 section any person holding a license under this Article if the person presents evidence
33 satisfactory to the Board that he or she is unable to comply with the continuing
34 education requirements. However, no person shall be exempted from the requirements
35 of subsection (a) of this section more than once in a five-year period unless the person
36 shows proof to the Board that he or she is engaged in prolonged religious, military, or
37 humanitarian service.

38 (c) The Board shall approve programs offering continuing education in
39 naturopathic remedies. Any person seeking approval of a program of continuing
40 education in naturopathic remedies shall submit to the Board copies of the courses of
41 study to be offered and proof of any other qualifications the Board deems necessary in
42 approving the program. Courses offered in continuing education programs shall consist
43 of new, review, experimental, research, and specialty subjects in the field of
44 naturopathic remedies. Approval granted to any program of continuing education shall

1 be reviewed periodically and may be withdrawn from any program failing to meet
2 requirements established by the Board.

3 **"§ 90-692. Disciplinary authority.**

4 (a) The Board may deny, suspend, revoke, or refuse to issue or renew a license if
5 the licensee or applicant:

- 6 (1) Engages in any act or practice in violation of any of the provisions of
7 this Article or of any of the rules adopted by the Board, or aids, abets,
8 or assists any other person in the violation of these provisions or rules.
- 9 (2) Gives false information to or withholds information from the Board in
10 procuring or attempting to procure a license.
- 11 (3) Has been convicted of or pled guilty or no contest to a crime that
12 indicates that the person is unfit or incompetent to practice as a
13 naturopathic physician or that indicates the person has deceived or
14 defrauded the public.
- 15 (4) Has been declared mentally incompetent by a court of competent
16 jurisdiction.
- 17 (5) Habitually uses or is addicted to drugs or intoxicating liquors to an
18 extent that affects his or her professional competency.
- 19 (6) Has demonstrated gross negligence, incompetency, or misconduct in
20 the performance of naturopathic treatment.
- 21 (7) Fails to maintain his or her professional premises in a sanitary
22 condition.
- 23 (8) Has willfully violated any of the provisions of this Article.

24 (b) The Board shall not refuse to grant a license or find a licensee professionally
25 incompetent solely on the basis that the licensee's practice is unconventional or
26 experimental absent a showing of harm to a patient, if prior to treatment the licensee
27 obtains a signed waiver from the patient acknowledging that the treatment is
28 unconventional or experimental.

29 **"§ 90-693. Enforcement; injunctive relief.**

30 (a) It is unlawful for a person not licensed or exempted under this Article to
31 engage in any of the following:

- 32 (1) Practice of naturopathic remedies.
- 33 (2) Advertise, represent, or hold out himself or herself to others to be a
34 naturopathic physician.
- 35 (3) Use any title descriptive of any branch of naturopathy, as provided in
36 G.S. 90-683(a), to describe his or her practice.

37 (b) A person who violates subsection (a) of this section shall be guilty of a Class
38 1 misdemeanor.

39 (c) The Board may make application to superior court for an order enjoining a
40 violation of this Article. Upon a showing by the Board that a person has violated or is
41 about to violate this Article, the court may grant an injunction, restraining order, or take
42 other appropriate action.

43 **"§ 90-694. Reports; immunity from suit.**

1 A person who has reasonable cause to suspect misconduct or incapacity of a
2 licensee, or who has reasonable cause to suspect that a person is in violation of this
3 Article, shall report the relevant facts to the Board. Upon receipt of a charge, or upon its
4 own initiative, the Board may give notice of an administrative hearing or may, after
5 diligent investigation, dismiss unfounded charges. A person who, in good faith, makes a
6 report pursuant to this section shall be immune from any criminal prosecution or civil
7 liability resulting therefrom."

8 **SECTION 2.** Any person who submits proof to the Board that he or she has
9 been a resident in this State for three consecutive years prior to the effective date of this
10 act, has graduated from an approved naturopathic program as described in G.S.
11 90-687(a)(3), enacted by Section 1 of this act, and pays the required fee for issuance of
12 a license under G.S. 90-689, enacted by Section 1 of this act, shall be licensed without
13 having to satisfy the requirements of G.S. 90-687, enacted by Section 1 of this act. All
14 persons who do not make application to the Board within one year of the effective date
15 of this act shall be required to complete all requirements prescribed by the Board and to
16 otherwise comply with provisions of Article 40 of Chapter 90, enacted by Section 1 of
17 this act.

18 **SECTION 3.** This act becomes effective October 1, 2001.