

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1404

Short Title: Naturopathic Doctors Licensing Act. (Public)

Sponsors: Representatives Hill, Harrison (Primary Sponsors); and Fisher.

Referred to: Health, if favorable, Finance.

April 13, 2009

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

4 The General Assembly of North Carolina enacts:

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

7 "Article 42.

8 "Naturopathic Doctors.

9 **"§ 90-801. Short title.**

10 This Article may be cited as the 'North Carolina Naturopathic Doctors Licensure Act.'

11 **"§ 90-802. Intent; purpose.**

12 (a) Intent. – The General Assembly finds that a significant number of residents of the
13 State of North Carolina choose complementary and alternative health care and declares that
14 naturopathic treatment is a distinct health care profession that affects the public health, safety,
15 and welfare and provides for freedom of choice in health care. The General Assembly
16 concludes that licensure is in the current interest of North Carolina citizens to aid in protecting
17 them from deception, fraud, and damage to their health status. Licensure can provide a process
18 by which citizens may more confidently rely on the level of skill, education, and competency
19 possessed by licensed persons.

20 (b) Purpose. – The purpose of this act is to provide standards for the licensure of
21 naturopathic doctors desiring to practice naturopathic medicine in this State and to ensure the
22 maintenance of professional competence and acceptable standards of practice. This act
23 recognizes that many of the therapies used by naturopathic doctors, such as the use of
24 nutritional supplements, herbs, foods, homeopathic preparations, and such physical forces as
25 heat, cold, water, touch, and light, are not the exclusive privilege of naturopathic doctors.

26 **"§ 90-803. Definitions.**

27 The following definitions apply in this act:

28 (1) Approved program of naturopathic medicine. – A program that meets all of
29 the following conditions:

30 a. A program that provides graduate-level full-time didactic and
31 supervised clinical training that is accredited, or has achieved
32 candidacy status for accreditation, by the Council on Naturopathic
33 Medical Education Program or its federally recognized successor
34 agency.

35 b. A program that is offered by an institution of higher education that is
36 either accredited, or is a candidate for accreditation, by a regional or



- 1 national institutional accrediting agency recognized by the United
2 States Secretary of Education.
- 3 c. If the program is offered in the United States, it must be a program
4 that awards the degree of Doctor of Naturopathy or Doctor of
5 Naturopathic Medicine. If the program is offered in Canada, it must
6 be a program that awards the degree or diploma of Doctor of
7 Naturopathy or Doctor of Naturopathic Medicine, and the program
8 must be offered by an institution of higher education that has
9 provincial approval for participation in government-funded student
10 aid programs.
- 11 (2) Board. – The North Carolina Naturopathic Doctors Licensing Board.
- 12 (3) Criminal history. – A history of conviction of a State or federal crime,
13 whether a misdemeanor or felony.
- 14 (4) Integrative medicine. – Same as defined in G.S. 90-1.1.
- 15 (5) Natural medicines. – Any herbal, nutritional, supplemental, homeopathic, or
16 other nonprescription remedies.
- 17 (6) Naturopathic medicine. – A system of natural health care that employs
18 diagnosis and treatment using natural therapies and diagnostic techniques for
19 the promotion, maintenance, and restoration of health and the prevention of
20 disease, including the following:
- 21 a. Administering or providing any of the following for preventive and
22 therapeutic purposes: natural medicines, natural therapies, natural
23 topical medicines, counseling, hydrotherapy, dietary therapy, and
24 naturopathic physical medicine.
- 25 b. Using diagnostic procedures including physical and orificial
26 examination but excluding endoscopy, sigmoidoscopy, and
27 colonoscopy.
- 28 c. Ordering and interpreting laboratory tests and diagnostic imaging,
29 but excluding electrocardiograms, echocardiograms,
30 electroencephalograms, nuclear imagings, MRIs, CT scans, and other
31 tests that should be conducted and interpreted by an appropriate
32 medical specialist.
- 33 (7) Naturopathic physical medicine. – The manual use of massage, stretching, or
34 resistance.
- 35 (8) Naturopathic doctor. – A person licensed to practice naturopathic medicine
36 under this act.

37 **"§ 90-804. Practice of naturopathic medicine; scope of practice.**

38 (a) Practice of Naturopathic Medicine. – A naturopathic doctor is a licensed health care
39 provider having the same responsibilities as other licensed doctors regarding public health
40 laws, reportable diseases and conditions, communicable disease control and prevention, and
41 recording vital statistics. In diagnosing and treating an individual, a naturopathic doctor may
42 employ the following naturopathic therapies, modalities, procedures, and remedies consistent
43 with naturopathic education and training:

- 44 (1) Dispense, administer, and advise the use of natural remedies derived from or
45 substantially similar in molecular structure or function to natural sources for
46 preventive and therapeutic purposes, including food, extracts of food,
47 nutraceuticals, vitamins, minerals, enzymes, botanicals and their extracts,
48 homeopathic remedies prepared according to the Homeopathic
49 Pharmacopoeia of the United States, and all dietary supplements and
50 nonprescription drugs as defined by the Federal Food, Drug, and Cosmetic
51 Act, 21 U.S.C.A. § 301, et seq.

- 1 (2) Order and perform physical examinations.
- 2 (3) Order, perform, and interpret laboratory examinations and diagnostic
3 imaging studies, provided the naturopathic doctor has a supervision
4 agreement with a licensed physician as provided in subsection (b) of this
5 section.
- 6 (4) Perform hot or cold hydrotherapy, colon hydrotherapy, naturopathic physical
7 treatment, electromagnetic energy, and therapeutic exercise.
- 8 (5) Perform health education and health counseling.
- 9 (6) Perform musculoskeletal manipulation.
- 10 (7) Perform utilization routes of administration that include oral, nasal,
11 auricular, ocular, rectal, vaginal, and transdermal.
- 12 (8) Perform repair and care incidental to superficial lacerations and abrasions
13 and apply topical and local anesthetics and antimicrobials.
- 14 (9) Remove foreign bodies located in the superficial tissues.
- 15 (10) Other Board-approved therapies, modalities, procedures, and remedies for
16 which the licensee has been trained and educated.

17 (b) Supervision Agreement. – A naturopathic doctor must designate a physician
18 licensed to practice medicine to supervise the naturopathic doctor's ordering and interpretation
19 of laboratory tests and diagnostic imaging studies. The designation must be on a form provided
20 by the North Carolina Medical Board and the North Carolina Naturopathic Board. The
21 designation will remain in effect until one of the parties to the designation revokes the
22 agreement.

23 (c) Prohibitions. – A naturopathic doctor shall not:

- 24 (1) Prescribe, dispense, or administer any legend drug, except as authorized by
25 this Article.
- 26 (2) Practice or attempt to practice as a medical physician, osteopath,
27 acupuncturist, dentist, podiatrist, optometrist, chiropractor, dietitian or
28 nutritionist, psychologist, advanced practice professional nurse, physician
29 assistant, physical therapist, or any other health care professional not
30 authorized by this Article unless licensed by this State to do so.
- 31 (3) Use general or spinal anesthetics unless licensed by the State to do so.
- 32 (4) Perform surgical procedures using a laser device.
- 33 (5) Perform surgical procedures.
- 34 (6) Administer ionizing radioactive substances for therapeutic purposes.
- 35 (7) Perform chiropractic adjustments unless licensed by this State to do so.
- 36 (8) Perform acupuncture unless licensed by this State to do so.

37 **"§ 90-805. License required; exemptions.**

38 (a) License Required. – On or after May 1, 2010, no person shall practice or offer to
39 practice as a naturopathic doctor, perform naturopathic medicine, or use any card, title, or
40 abbreviation to indicate that the person is a naturopathic doctor unless the person has been
41 licensed under the provisions of this act. Persons licensed under this act have the exclusive
42 right to use the terms: 'naturopathic doctor,' 'doctor of naturopathic medicine,' 'doctor of
43 naturopathy,' 'naturopathic medicine,' 'naturopath,' 'D.N.,' 'N.D.,' 'ND,' and 'N.M.D.'

44 (b) Exemptions. – Nothing in this act shall be construed to prohibit or affect:

- 45 (1) The practice of a profession by an individual who is licensed, certified, or
46 registered under other laws of this State and is performing services within
47 the authorized scope of practice.
- 48 (2) The practice of naturopathic medicine by a person employed by the federal
49 government while the person is engaged in the performance of duties
50 prescribed by laws and regulations of the United States.

- 1 (3) A person rendering aid in an emergency situation when no fee or other
2 compensation for the service is received.
- 3 (4) The practice of naturopathic medicine by a naturopathic doctor duly licensed
4 in another state, territory, or the District of Columbia when called into this
5 State to consult with a licensed physician for a period not to exceed six
6 months.
- 7 (5) The practice of naturopathic medicine by students completing a clinical
8 requirement for graduation from a naturopathic training program approved
9 by the Board, so long as the practice is performed under the supervision of a
10 licensed physician and the clinical requirement does not exceed one year.
- 11 (6) A person who does not hold himself out to be a naturopathic doctor when
12 that person furnishes nutrition information to customers on food, food
13 materials, dietary supplements, and other goods sold at the person's retail
14 establishment in connection with the marketing and distribution of those
15 goods at the retail establishment.

16 (c) Unlawful Act. – A person who violates this section is guilty of a Class I felony. The
17 Board may make application to superior court for an order enjoining a violation of this section.
18 Upon a showing by the Board that a person has violated or is about to violate this section, the
19 court may grant an injunction, restraining order, or take other appropriate action.

20 **"§ 90-806. North Carolina Naturopathic Doctors Licensing Board.**

21 (a) Board. – The North Carolina Naturopathic Doctors Licensing Board is created. The
22 Board consists of seven members serving for staggered terms. Upon the expiration of the terms
23 of the initial Board members, each member is appointed for a term of three years, beginning on
24 January 1 of each year. A member serves until the member's successor is appointed. No
25 member may serve more than two consecutive full terms.

26 The initial Board members shall be appointed on or before January 1, 2010, as follows:

- 27 (1) The General Assembly, upon the recommendation of the President Pro
28 Tempore of the Senate, shall appoint two naturopathic doctors who are
29 licensed under this act. One member shall serve a term of one year and one
30 member shall serve a term of three years.
- 31 (2) The General Assembly, upon the recommendation of the Speaker of the
32 House of Representatives, shall appoint two naturopathic doctors who are
33 licensed under this act. One member shall serve a term of one year and one
34 member shall serve a term of two years.
- 35 (3) The Governor shall appoint two physicians licensed under Article 1 of
36 Chapter 90 of the General Statutes, at least one of whom must be involved in
37 the practice of integrative medicine or who teaches integrative medicine at a
38 medical school. Both of these members shall serve a term of three years.
- 39 (4) The Governor shall appoint for a two-year term a public member who is not
40 a licensed health care professional and is not employed in a health care
41 profession.

42 (b) Vacancies. – A member of the Board serves at the pleasure of the authority that
43 appointed it. A vacancy must be filled in the same manner as the original appointment. An
44 appointee to fill a vacancy shall serve the remainder of the unexpired term and until its
45 successor has been duly appointed.

46 (c) Removal. – The Board may remove any of its members for neglect of duty,
47 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings as a
48 licensee is disqualified from participating in the official business of the Board until the charges
49 have been resolved.

50 (d) General Administration. – A Board member may not receive compensation but may
51 receive reimbursement as provided in G.S. 93B-5. The officers of the Board include a chair, a

1 secretary, and any other officer deemed necessary by the Board to carry out the purposes of this
2 act. All officers shall be elected annually by the Board at its first meeting held after
3 appointments to the Board are made. The Board must hold a meeting within 45 days of the
4 appointment of new Board members. All officers serve one-year terms and shall serve until
5 their successors are elected and qualified. No person shall chair the Board for more than five
6 consecutive years. The Board may adopt rules governing the calling, holding, and conducting
7 of regular and special meetings. A majority of Board members constitutes a quorum.

8 **"§ 90-807. Powers of the Board.**

9 The Board shall have the power and duty to:

- 10 (1) Administer and enforce the provisions of this act.
- 11 (2) Adopt rules as may be necessary to carry out the provisions of this act.
- 12 (3) Establish, examine, and determine the qualifications and fitness of applicants
13 for licensure and renewal of licensure.
- 14 (4) Issue, renew, deny, suspend, or revoke licenses and conduct any disciplinary
15 actions authorized by this act.
- 16 (5) Collect fees for licensure, licensure renewal, and other services deemed
17 necessary to carry out the provisions of this act.
- 18 (6) Recommend and advocate for the establishment of one or more approved
19 programs of naturopathic medicine in this State.
- 20 (7) Establish and approve continuing education requirements for persons
21 licensed under this act.
- 22 (8) Develop and implement a plan for instituting a naturopathic doctor residency
23 program as a condition for licensure no later than July 1, 2011.
- 24 (9) Employ and fix the compensation of personnel that the Board determines is
25 necessary to carry out the provisions of this act and incur other expenses
26 necessary to perform the duties of the Board.
- 27 (10) Adopt a seal containing the name of the Board for use on all licenses and
28 official reports issued by the Board.
- 29 (11) Institute corrective measures, as necessary, to rehabilitate naturopathic
30 doctors or limit their practice.

31 **"§ 90-808. Qualifications for licensure; renewal; reinstatement.**

32 (a) Licensure. – Upon application to the Board and payment of the required fees, an
33 applicant may be licensed under this act as a naturopathic doctor if the applicant meets all of
34 the following qualifications and conditions:

- 35 (1) Is of good moral and ethical character.
- 36 (2) Is a graduate of an approved program of naturopathic medicine.
- 37 (3) Meets one of the following two conditions:
 - 38 a. Has successfully passed a competency-based national naturopathic
39 licensing examination administered by the North American Board of
40 Naturopathic Examiners, or equivalent agency as recognized by the
41 Board.
 - 42 b. Has successfully passed a competency-based examination approved
43 by the Board and by the North American Board of Naturopathic
44 Medical Education or its successor agency.
- 45 (4) Provides the Board with a list of physicians licensed to practice medicine in
46 this State who have agreed to work with the applicant and accept referrals
47 from the applicant. The applicant must also provide the Board with letters of
48 verification from the listed physicians. The list must include physicians with
49 specialties in at least four of the following areas: allergy and immunology,
50 cancer and oncology, cardiology, endocrinology and metabolism, family

1 medicine, gastroenterology, internal medicine, obstetrics and gynecology,
2 pediatrics, psychiatry, and urology.

3 (5) Submits any other documentation the Board deems necessary to determine
4 the applicant's fitness for licensure under this act. This documentation may
5 include successful completion of a Board-approved examination on State
6 laws and rules related to naturopathic medicine.

7 (b) Renewal. – A license expires two years after the date it is issued unless it is
8 renewed. Failure to renew a license within six months of the date the license expires shall result
9 in automatic forfeiture of the right to practice naturopathic medicine in this State until such
10 time that the license has been reinstated. To renew a license, a licensee must meet all of the
11 following conditions:

12 (1) Submit an application for license renewal.

13 (2) Pay the required fees.

14 (3) Complete at least 40 hours of continuing education approved by the Board.

15 (c) Reinstatement. – A licensed naturopathic doctor who has allowed the license to
16 lapse by failure to renew within the time allowed under subsection (b) of this section may apply
17 for reinstatement. The Board may reinstate the applicant's license if the applicant pays the
18 required fees, furnishes a statement of the reason for failure to apply for renewal prior to the
19 deadline, and complies with any other requirements established in rules adopted by the Board.
20 If the license has lapsed for five years or longer, the Board may require the applicant to
21 complete satisfactorily a refresher course approved by the Board or to provide proof of active
22 licensure within the past five years in another jurisdiction.

23 **"§ 90-809. Reciprocity.**

24 The Board may grant, upon application and payment of fees, a license to a person who
25 resides in this State and has been licensed to practice as a naturopathic doctor in another state
26 or a Canadian province if both of the following conditions are met:

27 (1) The standards for licensure in the state or province in which the naturopathic
28 doctor is licensed are substantially equivalent to those provided in this act.

29 (2) The applicant provides proof of licensure in good standing in all states and
30 provinces in which the applicant has been licensed.

31 **"§ 90-810. Fees.**

32 The Board may impose the following fees:

33 (1) Application and examination \$400.00

34 (2) License \$600.00

35 (3) License renewal \$400.00

36 (4) Late renewal \$200.00

37 (5) Reinstatement \$1,000

38 (6) Reasonable charges for duplication services and material.

39 (7) Criminal history record check fee equal to the amount imposed by the
40 Department of Justice to conduct the criminal history record check requested
41 by the Board.

42 **"§ 90-811. Disciplinary authority.**

43 (a) Authority. – The Board may impose probationary conditions upon a licensee, or it
44 may deny, suspend, revoke, or refuse to issue or renew a license, if the licensee or applicant:

45 (1) Engages in any act or practice in violation of any of the provisions of this act
46 or of any of the rules adopted by the Board or aids, abets, or assists any other
47 person in the violation of these provisions or rules.

48 (2) Gives false information to or withholds information from the Board in
49 procuring or attempting to procure a license.

50 (3) Has been convicted of or pled guilty or no contest to a crime that indicates
51 that the person is unfit or incompetent to practice as a naturopathic doctor or

1 that indicates the person has deceived or defrauded the public. A felony
2 conviction shall result in the automatic revocation of a license issued by the
3 Board unless the Board determines otherwise pursuant to rules adopted by
4 the Board.

5 (4) Has been declared mentally incompetent by a court of competent
6 jurisdiction.

7 (5) Habitually uses or is addicted to drugs or intoxicating liquors to an extent
8 that affects his or her professional competency. If a licensee violates this
9 subdivision, the Board may require the licensee to undergo a mental or
10 physical examination by physicians designated by the Board before or after
11 the licensee has been charged. The results of the examination shall be
12 admissible as evidence in a hearing before the Board.

13 (6) Has demonstrated gross negligence, incompetency, or misconduct in the
14 performance of naturopathic medical treatment.

15 (7) Has had a health care provider license denied, restricted, revoked, or
16 suspended by another state or jurisdiction.

17 (8) Fails to consent to a criminal history record check.

18 (9) Fails to respond, within a reasonable time, to inquiries from the Board
19 concerning any matter affecting the individual's license to practice
20 naturopathic medicine.

21 (10) Fails to complete continuing education requirements within the time
22 prescribed.

23 (b) Hearing. – Denial, refusal to renew, suspension, or revocation of a license or
24 imposition of probationary conditions upon a licensee may be ordered by the Board after a
25 hearing held in accordance with Article 3A of Chapter 150B of the General Statutes and rules
26 adopted pursuant to this act. An application may be made to the Board for reinstatement of a
27 revoked license if the revocation has been in effect for not less than two years.

28 (c) Records. – The Board must keep a record of its proceedings. The Board may in a
29 closed session receive evidence regarding the treatment of a patient who has not expressly or
30 impliedly consented to the public disclosure of the treatment as may be necessary for the
31 protection of the rights of the patient or of the accused naturopathic doctor and the full
32 presentation of relevant evidence. All records, papers, investigative files, investigative reports,
33 and other documents containing information gathered or received by the Board as a result of
34 investigations, inquiries, or interviews conducted in connection with an application for
35 licensure, a complaint, or a disciplinary matter are not considered public documents within the
36 meaning of Chapter 132 of the General Statutes. If a record, paper, or other document
37 containing information collected and compiled by the Board is admitted into evidence in a
38 hearing held by the Board, it shall then be a public record within the meaning of Chapter 132 of
39 the General Statutes.

40 (d) Confidential Information. – The Board may release confidential or nonpublic
41 information about a licensee to any health care licensure board in this State or another state
42 relating to the issuance, denial, suspension, revocation, or voluntary surrender of the license,
43 including the reasons for the action or any investigative report prepared by the Board. The
44 Board shall notify the naturopathic doctor within 60 days after the information is released. The
45 Board shall furnish to the naturopathic doctor a summary of the information being released.
46 However, if the naturopathic doctor requests, in writing, within 30 days from the date of notice,
47 a copy of the information being released, the Board shall give to the naturopathic doctor a copy
48 of all the information being released. Notice or copies shall not be provided by the Board if the
49 information relates to an ongoing criminal investigation by a law enforcement agency or any
50 Department of Health and Human Services personnel with enforcement or investigative
51 responsibilities.

"§ 90-812. Criminal history record check of applicants and licensees.

(a) Criminal History Record Check. – The Board may require a criminal history record check for a person who is either licensed under this act or applying for licensure under this act. The Board is responsible for providing to the North Carolina Department of Justice the fingerprints of the person to be checked, a form signed by the person consenting to the criminal record check and the use of fingerprints and other identifying information required by the State or National Repositories, and any additional information required by the Department of Justice. The Board shall keep all information obtained pursuant to this section confidential.

(b) Conviction. – If a criminal history record check reveals one or more convictions, the conviction does not automatically bar licensure. The Board must consider all of the following factors regarding the conviction:

(1) The level of seriousness of the crime.

(2) The date of the crime.

(3) The age of the person at the time of the conviction.

(4) The circumstances surrounding the commission of the crime, if known.

(5) The nexus between the criminal conduct of the person and the job duties of the position to be filled.

(6) The person's prison, jail, probation, parole, rehabilitation, and employment records since the date the crime was committed.

(7) The subsequent commission by the person of a crime.

(c) Denial of Licensure. – If the Board denies, revokes, or suspends a license based on information obtained in a criminal history record check, the Board must disclose to the person the information contained in the criminal history record check that is relevant to the Board's actions. The Board may not provide a copy of the criminal history record check to the person. A person has the right to appear before the Board to appeal the Board's decision. An appearance before the Board shall constitute an exhaustion of administrative remedies in accordance with Chapter 150B of the General Statutes.

(d) Limited Immunity. – The Board, its officers and employees, acting in good faith and in compliance with this section, shall be immune from civil liability for its actions based on information provided in a person's criminal history record check.

"§ 90-813. Reports; immunity from suit.

(a) Report. – A person who has reasonable cause to suspect misconduct or incapacity of a licensee, or who has reasonable cause to suspect that a person is in violation of this act, may report the relevant facts to the Board. Upon receipt of a charge, or upon its own initiative, the Board may give notice of an administrative hearing or may, after diligent investigation, dismiss unfounded charges. A person who, in good faith, makes a report pursuant to this section is immune from any criminal prosecution or civil liability resulting from making the report.

(b) Immunity. – The Board and its staff are immune from any criminal prosecution or civil liability for exercising, in good faith, the powers and duties given to the Board under this act.

"§ 90-814. Third-party reimbursement.

Nothing in this act shall be construed to require direct third-party reimbursement to persons licensed under this act.

"§ 90-815. Advisory Council.

(a) Created. – An Advisory Council is created to advise the Board and to develop recommendations to foster coordination and collaboration between naturopathic doctors, medical doctors, and other health professionals for the purpose of providing appropriate care for patients. The Council must meet periodically and report its recommendations to the Board and to the boards of directors for the North Carolina Medical Society and the North Carolina Association of Naturopathic Physicians.

(b) Membership. – The Advisory Council consists of the following six members:

- 1 (1) Two licensed physicians appointed by the North Carolina Medical Society.
- 2 (2) Two licensed naturopathic doctors appointed by the North Carolina
- 3 Association of Naturopathic Physicians.
- 4 (3) One licensed pharmacist or pharmacologist appointed by the North Carolina
- 5 Association of Pharmacists.
- 6 (4) One licensed advanced practice registered nurse appointed by the North
- 7 Carolina Nursing Association.

8 (b) General Administration. – Each member is appointed for a term of two years
9 beginning January 1. A member serves until a successor is appointed. The members of the
10 Advisory Council may elect a chairperson by a majority vote. Advisory Council members may
11 not receive compensation for their services but may receive reimbursement as provided in
12 G.S. 93B-5."

13 **SECTION 2.** G.S. 90-18(c) is amended by adding a new subdivision to read:

14 (c) The following shall not constitute practicing medicine or surgery as defined in
15 subsection (b) of this section:

16 ...

- 17 (20) The practice of naturopathic medicine by a licensed naturopathic doctor
18 under the provisions of Article 42 of this Chapter."

19 **SECTION 3.** Part 2 of Article 4 of Chapter 114 of the General Statutes is amended
20 by adding a new section to read:

21 "**§ 114-19.20. Criminal record checks for naturopathic doctors.**

22 (a) The Department of Justice may provide to the North Carolina Naturopathic Doctors
23 Licensing Board from the State and National Repositories of Criminal Histories the criminal
24 history of an applicant for licensure by the Board or a licensee of the Board. The Judicial
25 Department shall provide to the Department of Justice, along with the request, the fingerprints
26 of the applicant or licensee, a form signed by the applicant or licensee consenting to the
27 criminal record check and use of fingerprints and other identifying information required by the
28 State and National Repositories, and any additional information required by the Department of
29 Justice. The fingerprints of the applicant or licensee shall be forwarded to the State Bureau of
30 Investigation for a search of the State's criminal history record file, and the State Bureau of
31 Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a
32 national criminal history record check. The Judicial Department shall keep all information
33 obtained pursuant to this section confidential.

34 (b) The Department of Justice may charge a fee to offset the cost incurred by it to
35 conduct a criminal record check under this section. The fee shall not exceed the actual cost of
36 locating, editing, researching, and retrieving the information."

37 **SECTION 4.** Notwithstanding the provisions of G.S. 90-806, the initial
38 naturopathic doctors appointed to the North Carolina Naturopathic Doctors Licensing Board
39 must be North Carolina residents, must be licensed as a naturopathic doctor in a state that
40 licenses this profession, and must be eligible for licensure under G.S. 90-808. Upon
41 appointment, the appointee must immediately apply for a license under this act.

42 **SECTION 5.** This act is effective when it becomes law.