

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE DRS85143-RBfqq-3C (12/19)

Short Title: Naturopathic Doctors Licensing Act.

(Public)

Sponsors: Senator Kinnaird.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE NORTH CAROLINA NATUROPATHIC DOCTORS  
LICENSURE ACT AND TO CHANGE THE OFFENSE CLASSIFICATION FOR  
PRACTICING MEDICINE WITHOUT A LICENSE FROM A CLASS 1  
MISDEMEANOR TO A CLASS I FELONY.

The General Assembly of North Carolina enacts:

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

"Article 42.

"Naturopathic Doctors.

**"§ 90-801. Short title.**

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

**"§ 90-802. Intent; purpose.**

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

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

**"§ 90-803. Definitions.**

The following definitions apply in this act:

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

a. A program that provides graduate-level full-time didactic and supervised clinical training that is accredited, or has achieved candidacy status for accreditation, by the Council on Naturopathic



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

41       **"§ 90-804. Practice of naturopathic medicine; scope of practice.**

- 42                  (a)       Practice of Naturopathic Medicine. – A naturopathic doctor is a licensed health care  
43                  provider having the same responsibilities as other licensed doctors regarding public health  
44                  laws, reportable diseases and conditions, communicable disease control and prevention, and  
45                  recording vital statistics. In diagnosing and treating an individual, a naturopathic doctor may  
46                  employ the following naturopathic therapies, modalities, procedures, and remedies consistent  
47                  with naturopathic education and training:
- 48                   (1)       Dispense, administer, and advise the use of natural remedies derived from or  
49                   substantially similar in molecular structure or function to natural sources for  
50                   preventive and therapeutic purposes, including food, extracts of food,  
51                   nutraceuticals, vitamins, minerals, enzymes, botanicals and their extracts,

1 homeopathic remedies prepared according to the Homeopathic  
2 Pharmacopoeia of the United States, and all dietary supplements and  
3 nonprescription drugs as defined by the Federal Food, Drug, and Cosmetic  
4 Act, 21 U.S.C.A. § 301, et seq.

5 (2) Order and perform physical examinations.

6 (3) Order, perform, and interpret laboratory examinations and diagnostic  
7 imaging studies, provided the naturopathic doctor has a supervision  
8 agreement with a licensed physician as provided in subsection (b) of this  
9 section.

10 (4) Perform hot or cold hydrotherapy, colon hydrotherapy, naturopathic physical  
11 treatment, electromagnetic energy, and therapeutic exercise.

12 (5) Perform health education and health counseling.

13 (6) Perform musculoskeletal manipulation.

14 (7) Perform utilization routes of administration that include oral, nasal,  
15 auricular, ocular, rectal, vaginal, and transdermal.

16 (8) Perform repair and care incidental to superficial lacerations and abrasions  
17 and apply topical and local anesthetics and antimicrobials.

18 (9) Remove foreign bodies located in the superficial tissues.

19 (10) Other Board-approved therapies, modalities, procedures, and remedies for  
20 which the licensee has been trained and educated.

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

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

28 (1) Prescribe, dispense, or administer a prescription drug or any controlled  
29 substance or device identified in the Controlled Substance Act, 21 U.S.C.A.  
30 § 801, et seq., except as authorized by this Article.

31 (2) Practice or attempt to practice as a medical physician, osteopath,  
32 acupuncturist, dentist, podiatrist, optometrist, chiropractor, dietitian or  
33 nutritionist, psychologist, advanced practice professional nurse, physician  
34 assistant, physical therapist, or any other health care professional not  
35 authorized by this Article unless licensed by this State to do so.

36 (3) Use general or spinal anesthetics unless licensed by the State to do so.

37 (4) Perform surgical procedures using a laser device.

38 (5) Perform surgical procedures.

39 (6) Administer ionizing radioactive substances for therapeutic purposes.

40 (7) Perform chiropractic adjustments unless licensed by this State to do so.

41 (8) Perform acupuncture unless licensed by this State to do so.

42 **"§ 90-805. License required; exemptions.**

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

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

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

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

26          **"§ 90-806. North Carolina Naturopathic Doctors Licensing Board.**

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

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

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

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

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

5       (d) General Administration. – A Board member may not receive compensation but may  
6 receive reimbursement as provided in G.S. 93B-5. The officers of the Board include a chair, a  
7 secretary, and any other officer deemed necessary by the Board to carry out the purposes of this  
8 act. All officers shall be elected annually by the Board at its first meeting held after  
9 appointments to the Board are made. The Board must hold a meeting within 45 days of the  
10 appointment of new Board members. All officers serve one-year terms and shall serve until  
11 their successors are elected and qualified. No person shall chair the Board for more than five  
12 consecutive years. The Board may adopt rules governing the calling, holding, and conducting  
13 of regular and special meetings. A majority of Board members constitutes a quorum.

14 **"§ 90-807. Powers of the Board.**

15       The Board shall have the power and duty to:

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

37 **"§ 90-808. Qualifications for licensure; renewal; reinstatement.**

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

- 41       (1) Is of good moral and ethical character.
- 42       (2) Is a graduate of an approved program of naturopathic medicine.
- 43       (3) Meets one of the following two conditions:
  - 44       a. Has successfully passed a competency-based national naturopathic  
45 licensing examination administered by the North American Board of  
46 Naturopathic Examiners, or equivalent agency as recognized by the  
47 Board.
  - 48       b. Has successfully passed a competency-based examination approved  
49 by the Board and by the North American Board of Naturopathic  
50 Medical Education or its successor agency.



- 1           (1) Engages in any act or practice in violation of any of the provisions of this act  
2 or of any of the rules adopted by the Board or aids, abets, or assists any other  
3 person in the violation of these provisions or rules.
- 4           (2) Gives false information to or withholds information from the Board in  
5 procuring or attempting to procure a license.
- 6           (3) Has been convicted of or pled guilty or no contest to a crime that indicates  
7 that the person is unfit or incompetent to practice as a naturopathic doctor or  
8 that indicates the person has deceived or defrauded the public. A felony  
9 conviction shall result in the automatic revocation of a license issued by the  
10 Board unless the Board determines otherwise pursuant to rules adopted by  
11 the Board.
- 12           (4) Has been declared mentally incompetent by a court of competent  
13 jurisdiction.
- 14           (5) Habitually uses or is addicted to drugs or intoxicating liquors to an extent  
15 that affects his or her professional competency. If a licensee violates this  
16 subdivision, the Board may require the licensee to undergo a mental or  
17 physical examination by physicians designated by the Board before or after  
18 the licensee has been charged. The results of the examination shall be  
19 admissible as evidence in a hearing before the Board.
- 20           (6) Has demonstrated gross negligence, incompetency, or misconduct in the  
21 performance of naturopathic medical treatment.
- 22           (7) Has had a health care provider license denied, restricted, revoked, or  
23 suspended by another state or jurisdiction.
- 24           (8) Fails to consent to a criminal history record check.
- 25           (9) Fails to respond, within a reasonable time, to inquiries from the Board  
26 concerning any matter affecting the individual's license to practice  
27 naturopathic medicine.
- 28           (10) Fails to complete continuing education requirements within the time  
29 prescribed.

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

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

47           (d) Confidential Information. – The Board may release confidential or nonpublic  
48 information about a licensee to any health care licensure board in this State or another state  
49 relating to the issuance, denial, suspension, revocation, or voluntary surrender of the license,  
50 including the reasons for the action or any investigative report prepared by the Board. The  
51 Board shall notify the naturopathic doctor within 60 days after the information is released. The

1 Board shall furnish to the naturopathic doctor a summary of the information being released.  
2 However, if the naturopathic doctor requests, in writing, within 30 days from the date of notice,  
3 a copy of the information being released, the Board shall give to the naturopathic doctor a copy  
4 of all the information being released. Notice or copies shall not be provided by the Board if the  
5 information relates to an ongoing criminal investigation by a law enforcement agency or any  
6 Department of Health and Human Services personnel with enforcement or investigative  
7 responsibilities.

8 **"§ 90-812. Criminal history record check of applicants and licensees.**

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

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

19 (1) The level of seriousness of the crime.

20 (2) The date of the crime.

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

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

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

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

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

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

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

38 **"§ 90-813. Reports; immunity from suit.**

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

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

48 **"§ 90-814. Third-party reimbursement.**

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

51 **"§ 90-815. Advisory Council.**



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

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

8           (1)     Two licensed physicians appointed by the North Carolina Medical Society.

9           (2)     Two licensed naturopathic doctors appointed by the North Carolina  
10 Association of Naturopathic Physicians.

11          (3)     One licensed pharmacist or pharmacologist appointed by the North Carolina  
12 Association of Pharmacists.

13          (4)     One licensed advanced practice registered nurse appointed by the North  
14 Carolina Nursing Association.

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

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

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

23       ...

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

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

28       "**§ 114-19.20. Criminal record checks for naturopathic doctors.**

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

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

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

49       **SECTION 5.** G.S. 90-18(a) reads as rewritten:

50       "(a)     No person shall perform any act constituting the practice of medicine or surgery, as  
51 defined in this Article, or any of the branches thereof, unless the person shall have been first

1 licensed and registered so to do in the manner provided in this Article, and if any person shall  
2 practice medicine or surgery without being duly licensed and registered, as provided in this  
3 Article, the person shall not be allowed to maintain any action to collect any fee for such  
4 services. The person so practicing without license shall be guilty of a ~~Class 1 misdemeanor,~~  
5 ~~except that if the person so practicing without a license is an out-of-state practitioner who has~~  
6 ~~not been licensed and registered to practice medicine or surgery in this State, the person shall~~  
7 ~~be guilty of a Class I felony."~~

8           **SECTION 6.** This act is effective when it becomes law.