

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H.B. 692  
Apr 10, 2017  
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH50082-MGfqq-48B (02/08)

Short Title: Enact Naturopathic Doctors Certification Act. (Public)

Sponsors: Representatives Collins, Fisher, Lambeth, and Dollar (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH CERTIFICATION AND EDUCATION STANDARDS FOR THE  
3 PRACTICE OF NATUROPATHIC MEDICINE.

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 43.

8 "Naturopathic Doctors.

9 **"§ 90-730. Short title.**

10 This Article may be cited as the "North Carolina Naturopathic Doctors Certification Act."

11 **"§ 90-731. 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 medicine is a distinct health care profession that affects the public health, safety,  
15 and welfare and provides for choices in health care. The General Assembly concludes that  
16 certification is in the current interest of North Carolina citizens to aid in protecting citizens  
17 from deception, fraud, and damage to their health status. Certification can provide a process in  
18 which citizens may more confidently rely on the level of skill, education, and competency  
19 possessed by certified persons.

20 (b) Purpose. – The purpose of this Article is to provide standards for the certification 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.

23 **"§ 90-732. Definitions.**

24 The following definitions apply in this Article:

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

27 a. A program that provides graduate-level, full-time didactic and  
28 supervised clinical training in naturopathic medicine that is  
29 accredited, or has achieved candidacy status for accreditation, by the  
30 Council on Naturopathic Medical Education or an equivalent  
31 federally recognized accrediting body for the naturopathic medical  
32 profession recognized by the North Carolina Naturopathic Doctors  
33 Certification Board; or if the program existed prior to the existence  
34 of the Council on Naturopathic Medical Education, the program must  
35 (i) have provided graduate-level, full-time didactic and supervised  
36 clinical training in naturopathic medicine for a duration of not less



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1 than 132 weeks and required completion within a period of not less  
 2 than 35 months; (ii) be recognized as a reputable program by, and in  
 3 good standing with, the North Carolina Naturopathic Doctors  
 4 Certification Board; and (iii) if the program is still in existence, be  
 5 currently accredited, or have achieved candidacy status for  
 6 accreditation, by the Council on Naturopathic Medical Education or  
 7 an equivalent federally recognized accrediting body for the  
 8 naturopathic medical profession recognized by the North Carolina  
 9 Naturopathic Doctors Certification Board.

10 b. A program that is offered by an institution of higher education that is  
 11 accredited by a regional or national institutional accrediting body  
 12 recognized by the United States Secretary of Education.

13 c. If the program is offered in the United States, a program that awards  
 14 the degree of Doctor of Naturopathy or Doctor of Naturopathic  
 15 Medicine. If the program is offered in Canada, a program that awards  
 16 the degree or diploma of Doctor of Naturopathy or Doctor of  
 17 Naturopathic Medicine and is offered by an institution of higher  
 18 education that has provincial approval for participation in  
 19 government-funded student aid programs.

20 d. A program that has been approved by the North Carolina  
 21 Naturopathic Doctors Certification Board to meet the standards  
 22 established by its rules.

23 (2) Board. – The North Carolina Naturopathic Doctors Certification Board.

24 (3) Criminal history. – A history of conviction, or of having pled guilty or no  
 25 contest to a State or federal crime, whether a misdemeanor or felony.

26 (4) Integrative medicine. – As defined in G.S. 90-1.1.

27 (5) Natural medicines. – Any herbal, nutritional, supplemental, homeopathic, or  
 28 other nonprescription remedies.

29 (6) Naturopathic doctor. – A person certified to practice naturopathic medicine  
 30 under this Article.

31 (7) Naturopathic medicine. – A system of natural health care that employs  
 32 diagnosis and treatment using diagnostic techniques and natural therapies for  
 33 the promotion, maintenance, and restoration of health and the prevention of  
 34 disease, including all of the following:

35 a. The administration or provision of any of the following for  
 36 preventive and therapeutic purposes: natural medicines, natural  
 37 therapies, natural topical medicines, hydrotherapy, dietary therapy,  
 38 and naturopathic physical medicine.

39 b. The use of diagnostic procedures, including physical and orificial  
 40 examination, but excluding endoscopy, sigmoidoscopy, and  
 41 colonoscopy.

42 c. The ordering, performing, and interpretation of laboratory tests and  
 43 diagnostic imaging.

44 (8) Naturopathic physical medicine. – The manual use of massage, stretching,  
 45 resistance, or naturopathic manipulation.

46 **"§ 90-733. Practice of naturopathic medicine; scope of practice.**

47 (a) Practice of Naturopathic Medicine. – A naturopathic doctor is a certified health care  
 48 provider having the same responsibilities as other licensed, certified, or registered health care  
 49 providers regarding public health laws, reportable diseases and conditions, communicable  
 50 disease control and prevention, and the recording of vital statistics. In diagnosing and treating

1 an individual, a naturopathic doctor may employ the following therapies, modalities,  
2 procedures, or remedies consistent with naturopathic education and training:

- 3 (1) Dispense, administer, order, and advise the use of natural remedies derived  
4 from or substantially similar in molecular structure or function to natural  
5 sources for preventive and therapeutic purposes, including food, extracts of  
6 food, nutraceuticals, vitamins, minerals, amino acids, enzymes, botanicals  
7 and their extracts, homeopathic remedies prepared according to the  
8 Homeopathic Pharmacopoeia of the United States, and all dietary  
9 supplements and nonprescription drugs as defined by the federal Food, Drug,  
10 and Cosmetic Act, 21 U.S.C. § 301, et seq.
- 11 (2) Order and perform physical examinations and physiological function tests.
- 12 (3) Order, perform, and interpret laboratory tests, including performing waived  
13 tests as defined by the United States Food and Drug Administration Clinical  
14 Laboratory Improvement Amendments of 1998 (CLIA), including obtaining  
15 specimens to assess and treat disease.
- 16 (4) Order diagnostic imaging, including X-ray, MRI, CT scan, ultrasound,  
17 mammogram, and bone densitometry to be conducted and interpreted by an  
18 appropriately licensed, registered, or certified health care professional. This  
19 excludes electrocardiograms, echocardiograms, electroencephalograms, and  
20 nuclear imaging which should be ordered, conducted, and interpreted by a  
21 physician licensed under Article 1 of this Chapter.
- 22 (5) Perform hot or cold hydrotherapy, naturopathic physical medicine,  
23 electromagnetic therapy, and therapeutic exercise.
- 24 (6) Perform health education and health counseling, including dietary and  
25 lifestyle counseling.
- 26 (7) Utilize routes of administration for substances, including oral, nasal,  
27 auricular, ocular, rectal, vaginal, and transdermal.
- 28 (8) Perform care incidental to superficial lacerations and abrasions, including  
29 the application of topical and local anesthetics and antimicrobials.
- 30 (9) Remove foreign bodies located in the superficial tissues.

31 (b) Prohibitions. – A naturopathic doctor may practice only within the scope of practice  
32 authorized in subsection (a) of this section. A naturopathic doctor may not practice as any other  
33 health care professional licensed, certified, or registered under another Article of this Chapter  
34 unless otherwise licensed, certified, or registered by this State to do so. A naturopathic doctor  
35 may not perform any of the following functions unless otherwise licensed by this State to do so:

- 36 (1) Prescribe, dispense, or administer any legend drug, except as authorized by  
37 this Article.
- 38 (2) Use general or spinal anesthetics.
- 39 (3) Perform surgical procedures using a laser device.
- 40 (4) Perform surgical procedures beyond superficial tissue.
- 41 (5) Administer ionizing radioactive substances for therapeutic purposes.

42 **"§ 90-734. Certification required; exemptions.**

43 (a) Certification Required. – No person shall practice, attempt to practice, or claim to  
44 practice naturopathic medicine unless the person has been certified under the provisions of this  
45 Article.

46 (b) Use of Titles. – Only persons certified under this Article may use the titles  
47 "Naturopathic Doctor," "Doctor of Naturopathic Medicine," "Doctor of Naturopathy,"  
48 "Naturopathic Medicine," "Naturopath," "Certified Naturopathic Doctor," or the abbreviations  
49 "N.D.," "ND," or any other titles, words, letters, abbreviations, or insignia indicating or  
50 implying that the individual is a certified naturopathic doctor unless the individual has been  
51 certified as a naturopathic doctor under this Article.

1 (c) Exemptions. – Nothing in this Article shall be construed to prohibit or affect any of  
2 the following:

- 3 (1) The practice of a profession by an individual who is licensed, certified, or  
4 registered under other laws of this State and is performing services within  
5 the authorized scope of practice.
- 6 (2) The practice of naturopathic medicine by a person employed by the federal  
7 government while the person is engaged in the performance of duties  
8 prescribed by laws and regulations of the United States.
- 9 (3) A person rendering aid in an emergency situation when no fee or other  
10 compensation for the service is received.
- 11 (4) The practice of naturopathic medicine by a naturopathic doctor duly  
12 licensed, certified, or registered in another state, territory, or the District of  
13 Columbia when called into this State to consult with a licensed, certified, or  
14 registered health care provider for a period not to exceed six months.
- 15 (5) The practice of naturopathic medicine by students completing a clinical  
16 requirement for graduation from an approved program of naturopathic  
17 medicine, so long as the practice is performed under the supervision of a  
18 physician licensed under Article 1 of this Chapter or a naturopathic doctor  
19 certified under this Article and the clinical requirement does not exceed one  
20 year.
- 21 (6) A person who does not hold himself or herself out to be a naturopathic  
22 doctor as described in subsection (b) of this section when furnishing  
23 information to customers or selling, administering, or utilizing nutritional  
24 supplements, herbs, food, homeopathic preparations, and such physical  
25 forces as heat, cold, water, touch, and light at the person's retail, health spa,  
26 or health consulting establishment.

27 (d) Unlawful Act. – A person who violates this section is guilty of a Class 1  
28 misdemeanor. The Board may investigate violations of this section and any rules adopted to  
29 implement this section and notify persons of (i) possible violations, (ii) possible civil actions  
30 that may be taken against the person, or (iii) possible criminal penalties that may be imposed by  
31 a court as a result of any violations. The Board may make application to superior court for an  
32 order enjoining a violation of this section. Upon a showing by the Board that a person has  
33 violated or is about to violate this section, the court may grant an injunction, restraining order,  
34 or take other appropriate action.

35 **§ 90-735. North Carolina Naturopathic Doctors Certification Board.**

36 (a) Board. – The North Carolina Naturopathic Doctors Certification Board is created.  
37 The Board consists of seven members serving for staggered terms. The initial Board members  
38 shall be appointed on or before January 1, 2018, as follows:

- 39 (1) The General Assembly, upon the recommendation of the President Pro  
40 Tempore of the Senate, shall appoint two naturopathic doctors who are  
41 certified under this Article. One member shall serve a term of one year, and  
42 one member shall serve a term of three years.
- 43 (2) The General Assembly, upon the recommendation of the Speaker of the  
44 House of Representatives, shall appoint two naturopathic doctors who are  
45 certified under this Article. One member shall serve a term of one year, and  
46 one member shall serve a term of three years.
- 47 (3) The Governor shall appoint two physicians licensed under Article 1 of  
48 Chapter 90 of the General Statutes, at least one of whom is involved in the  
49 practice of integrative medicine or teaches integrative medicine at a medical  
50 school. Both of these members shall serve a term of three years.

1           (4) The Governor shall appoint for a two-year term a public member who is not  
2           a licensed, certified, or registered health care professional and is not  
3           employed in a health care profession.

4           Upon the expiration of the terms of the initial Board members, each subsequent member  
5 shall be appointed for a term of three years. The term of a member shall begin on January 1 of  
6 each year. A member shall serve until the member's successor is appointed. No member shall  
7 serve on the Board for more than two consecutive terms.

8           (b) Vacancies. – A vacancy shall be filled in the same manner as the original  
9           appointment. An appointee to fill a vacancy shall serve the remainder of the unexpired term and  
10           until the appointee's successor has been duly appointed.

11           (c) Removal. – The Board may remove any of its members for neglect of duty,  
12           incompetence, or unprofessional conduct. A member subject to disciplinary proceedings as a  
13           licensed, certified, or registered health care professional shall be disqualified from participating  
14           in the official business of the Board until the charges have been resolved.

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

25 **"§ 90-736. Powers of the Board.**

26           The Board shall have the following powers and duties:

- 27           (1) Administer and enforce the provisions of this Article.
- 28           (2) Adopt, amend, or repeal rules in the manner prescribed under Chapter 150B  
29           of the General Statutes, as may be necessary to carry out the provisions of  
30           this Article.
- 31           (3) Establish, examine, and determine the qualifications and fitness of applicants  
32           for certification and renewal of certification.
- 33           (4) Issue, renew, deny, suspend, or revoke certification and conduct any  
34           disciplinary actions authorized by this Article.
- 35           (5) Collect fees for certification, certification renewal, and other services  
36           deemed necessary to carry out the provisions of this Article.
- 37           (6) Establish and approve continuing education requirements for persons  
38           certified under this Article.
- 39           (7) Employ and fix the compensation of personnel that the Board determines is  
40           necessary to carry out the provisions of this Article and incur other expenses  
41           necessary to perform the duties of the Board.
- 42           (8) Adopt a seal containing the name of the Board for use on all certifications  
43           and official reports issued by the Board.
- 44           (9) Institute corrective measures, as necessary and as permitted by Chapter 93 of  
45           the General Statutes, to rehabilitate naturopathic doctors or limit their  
46           practice.
- 47           (10) Receive complaints and investigate persons engaging in practices that  
48           violate the provisions of this Article.

49 **"§ 90-737. Qualifications for certification; renewal; reinstatement.**

1       (a)     Certification. – Upon application to the Board and payment of the required fees, an  
2 applicant may be certified under this Article as a naturopathic doctor if the applicant meets all  
3 of the following qualifications and conditions:

4           (1)     Is of good moral and ethical character.

5           (2)     Is a graduate of an approved program of naturopathic medicine as defined in  
6 G.S. 90-732.

7           (3)     Meets one, or both, of the following two conditions:

8           a.     Has successfully passed the Naturopathic Physicians Licensing  
9 Examination (NPLEX), a competency-based national naturopathic  
10 licensing examination administered by the North American Board of  
11 Naturopathic Examiners or an equivalent successor agency  
12 recognized by the Board.

13           b.     Has successfully passed a competency-based state or Canadian  
14 province naturopathic licensing examination administered prior to  
15 the existence of NPLEX and approved by the Board.

16           (4)     Provides the Board with a list of physicians licensed to practice medicine in  
17 this State who have agreed to consult with the applicant and accept referrals  
18 from the applicant. The applicant shall also provide the Board with letters of  
19 verification from the listed physicians. The list must include physicians with  
20 specialties in at least four of the following areas: allergy and immunology,  
21 cancer and oncology, cardiology, endocrinology and metabolism, family  
22 medicine, gastroenterology, internal medicine, obstetrics and gynecology,  
23 pediatrics, psychiatry, and urology.

24           (5)     Submits any other documentation the Board deems necessary to determine  
25 the applicant's fitness for certification under this Article. This documentation  
26 may include successful completion of a Board-approved jurisprudence  
27 examination on State laws and rules related to naturopathic medicine.

28       (b)     Renewal. – A certification expires two years after the date it is issued unless it is  
29 renewed. To renew a certification, a licensee shall meet all of the following conditions:

30           (1)     Submit an application for certification renewal.

31           (2)     Pay the required fees.

32           (3)     Complete at least 40 hours of continuing education approved by the Board  
33 within the two-year period immediately prior to the renewal date.

34 Failure to renew a certification within six months of the date the certification expires shall  
35 result in automatic forfeiture of the right to practice naturopathic medicine in this State until the  
36 certification is reinstated.

37       (c)     Reinstatement. – A certified naturopathic doctor who has allowed the certification to  
38 lapse by failure to renew within the time allowed under subsection (b) of this section may apply  
39 for reinstatement. The Board may reinstate the applicant's certification if the applicant pays the  
40 required fees, furnishes a statement of the reason for failure to apply for renewal before the  
41 deadline, and complies with any other requirements established in rules adopted by the Board.  
42 If the certification has lapsed for five years or longer, the Board may require the applicant to  
43 satisfactorily complete one or more skills assessment or remediation courses approved by the  
44 Board or to provide proof of active licensure, certification, or registration within the past five  
45 years in another state, district, territory, or Canadian province.

46 **"§ 90-738. Reciprocity.**

47       The Board may grant, upon application and payment of fees, a certification to a person who  
48 resides in this State and has been licensed, certified, or registered to practice as a naturopathic  
49 doctor in another state, district, territory, or Canadian province if both of the following  
50 conditions are met:

(1) The standards for licensure, certification, or registration in the state, district, territory, or province in which the naturopathic doctor is licensed, certified, or registered are substantially equivalent to those provided in this Article.

(2) The applicant provides proof of licensure, certification, or registration in good standing in all states, districts, territories, and provinces in which the applicant has been licensed, certified, or registered.

**"§ 90-739. Fees.**

The Board may impose the following fees:

(1) Application and examination ..... \$200.00

(2) Certification..... \$600.00

(3) Certification renewal..... \$400.00

(4) Late renewal..... \$200.00

(5) Reinstatement..... \$1,000.00

(6) Reasonable charges for duplication services and material.

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

**"§ 90-740. Disciplinary authority.**

(a) Authority. – The Board may impose probationary conditions upon a certified naturopathic doctor, or it may deny, suspend, revoke, or refuse to issue or renew a certification if the certified naturopathic doctor or applicant does any of the following:

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

(2) Gives false information to or withholds information from the Board in procuring or attempting to procure certification.

(3) Has been convicted of or pled guilty or no contest to a crime that indicates that the person is unfit or incompetent to practice as a naturopathic doctor or that indicates the person has deceived or defrauded the public. A felony conviction shall result in the automatic revocation of certification by the Board unless the Board determines otherwise pursuant to rules adopted by the Board.

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

(5) Habitually uses or is addicted to drugs or intoxicating liquors to the extent that it affects the certified naturopathic doctor's professional competency. If a certified naturopathic doctor violates this subdivision, the Board may require the certified naturopathic doctor to undergo a mental or physical examination by physicians designated by the Board before or after the certified naturopathic doctor has been charged. The results of the examination shall be admissible as evidence in a hearing before the Board.

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

(7) Has had a health care provider license, certification, or registration denied, restricted, revoked, or suspended by another state, district, territory, or province.

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

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

1           (10) Fails to complete continuing education requirements within the time  
2           prescribed.

3           (b) Hearing. – Denial, refusal to renew, suspension, or revocation of a certification or  
4 imposition of probationary conditions upon a certified naturopathic doctor may be ordered by  
5 the Board after a hearing held in accordance with Article 3A of Chapter 150B of the General  
6 Statutes and rules adopted pursuant to this Article. An application may be made to the Board  
7 for reinstatement of a revoked certification if the revocation has been in effect for not less than  
8 two years.

9           (c) Records. – The Board shall keep a record of its proceedings. The Board shall, in a  
10 closed session, receive evidence regarding the treatment or examination of a patient who has  
11 not expressly or impliedly consented to the public disclosure of the treatment when necessary  
12 for the protection of the rights of the patient or of the accused naturopathic doctor and the full  
13 presentation of relevant evidence. All records, papers, investigative files, investigative reports,  
14 and other documents containing information gathered or received by the Board as a result of  
15 investigations, inquiries, or interviews conducted in connection with an application for  
16 certification, a complaint, or a disciplinary matter are not considered public documents within  
17 the meaning of Chapter 132 of the General Statutes.

18           (d) Confidential Information. – The Board may release confidential or nonpublic  
19 information about a certified naturopathic doctor to any health care licensure, certification, or  
20 registration board in this State or another state relating to the issuance, denial, suspension,  
21 revocation, or voluntary surrender of the license, certification, or registration including the  
22 reasons for the action or any investigative report prepared by the Board. The Board shall notify  
23 the naturopathic doctor within 60 days after the information is released. The Board shall furnish  
24 to the naturopathic doctor a summary of the information being released. However, if the  
25 naturopathic doctor requests, in writing, within 30 days after the date of notice, a copy of the  
26 information being released, the Board shall give to the naturopathic doctor a copy of all the  
27 information being released. Notice or copies shall not be provided by the Board if the  
28 information relates to an ongoing criminal investigation by a law enforcement agency or any  
29 Department of Health and Human Services personnel with enforcement or investigative  
30 responsibilities.

31 **"§ 90-741. Criminal history record check of applicants and certified naturopathic**  
32 **doctors.**

33           (a) Criminal History Record Check. – The Board shall require a criminal history record  
34 check for a person who is either certified as a naturopathic doctor under this Article or applying  
35 for certification as a naturopathic doctor under this Article. The Board is responsible for  
36 providing to the North Carolina Department of Justice the fingerprints of the person to be  
37 checked, a form signed by the person consenting to the criminal record check and the use of  
38 fingerprints and other identifying information required by the State or national repositories, and  
39 any additional information required by the Department of Justice. The Board shall keep all  
40 information obtained pursuant to this section confidential.

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

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

45           (2) The date of the crime.

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

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

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

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



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

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

9 **"§ 90-742. Reports; immunity from suit.**

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

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

20 **"§ 90-743. Third-party reimbursement.**

21           Nothing in this Article shall be construed to require direct third-party reimbursement to  
22 persons certified under this Article.

23 **"§ 90-744. Advisory Council.**

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

30           (b) Membership. – The Advisory Council shall consist of the following six members:

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

32           (2) Two certified naturopathic doctors appointed by the North Carolina  
33 Association of Naturopathic Physicians.

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

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

38           (c) General Administration. – Each member is appointed for a term of two years  
39 beginning July 1, 2018. A member serves until a successor is appointed. The members of the  
40 Advisory Council may elect a chairperson by a majority vote. Advisory Council members may  
41 not receive compensation for their services but may receive reimbursement as provided in  
42 G.S. 93B-5."

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

44           "(c) The following shall not constitute practicing medicine or surgery as defined in this  
45 Article:

46           ...

47           (21) The practice of naturopathic medicine by a naturopathic doctor certified  
48 under the provisions of Article 43 of this Chapter."

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

51 **"§ 114-19.33A. Criminal history record checks for naturopathic doctors.**

1       (a)     The Department of Justice shall provide to the North Carolina Naturopathic Doctors  
2 Certification Board from the State and National Repositories of Criminal Histories the criminal  
3 history of an applicant for certification by the Board or a certified naturopathic doctor of the  
4 Board. The North Carolina Naturopathic Doctors Certification Board shall provide to the  
5 Department of Justice, along with the request, the fingerprints of the applicant or certified  
6 naturopathic doctor, a form signed by the applicant or certified naturopathic doctor consenting  
7 to the criminal history record check and use of fingerprints and other identifying information  
8 required by the State and national repositories, and any additional information required by the  
9 Department of Justice. The fingerprints of the applicant or certified naturopathic doctor shall be  
10 forwarded to the State Bureau of Investigation for a search of the State's criminal history record  
11 file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal  
12 Bureau of Investigation for a national criminal history record check. The North Carolina  
13 Naturopathic Doctors Certification Board shall keep all information obtained pursuant to this  
14 section confidential.

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

18               **SECTION 4.** Notwithstanding the provisions of G.S. 90-735, as enacted by Section  
19 1 of this act, the initial naturopathic doctors appointed to the North Carolina Naturopathic  
20 Doctors Certification Board must be North Carolina residents, must be licensed as a  
21 naturopathic doctor in a state, district, territory, or province that licenses this profession, and  
22 must be eligible for certification under G.S. 90-737, as enacted by Section 1 of this act. Upon  
23 appointment, the appointee must immediately seek to become certified under this act.

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