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SENATE BILL DRS45167-MGfqq-48 (02/08)

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

Sponsors: Senators Krawiec, Tillman, and Tucker (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH CERTIFICATION AND EDUCATION STANDARDS FOR THE PRACTICE OF NATUROPATHIC MEDICINE.

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 43.

"Naturopathic Doctors.

"§ 90-730. Short title.

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

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

(b) Purpose. – The purpose of this Article is to provide standards for the certification of naturopathic doctors desiring to practice naturopathic medicine in this State and to ensure the maintenance of professional competence and acceptable standards of practice.

"§ 90-732. Definitions.

The following definitions apply in this Article:

(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 in naturopathic medicine that is accredited, or has achieved candidacy status for accreditation, by the Council on Naturopathic Medical Education or an equivalent federally recognized accrediting body for the naturopathic medical profession recognized by the North Carolina Naturopathic Doctors Certification Board; or if the program existed prior to the existence of the Council on Naturopathic Medical Education, the program must (i) have provided graduate-level, full-time didactic and supervised clinical training in naturopathic medicine for a duration of not less than 132 weeks and required completion within a period of not less than 35 months; (ii) be



- 1 recognized as a reputable program by, and in good standing with, the
2 North Carolina Naturopathic Doctors Certification Board; and (iii) if the
3 program is still in existence, be currently accredited, or have achieved
4 candidacy status for accreditation, by the Council on Naturopathic
5 Medical Education or an equivalent federally recognized accrediting
6 body for the naturopathic medical profession recognized by the North
7 Carolina Naturopathic Doctors Certification Board.
- 8 b. A program that is offered by an institution of higher education that is
9 accredited by a regional or national institutional accrediting body
10 recognized by the United States Secretary of Education.
- 11 c. If the program is offered in the United States, a program that awards the
12 degree of Doctor of Naturopathy or Doctor of Naturopathic Medicine. If
13 the program is offered in Canada, a program that awards the degree or
14 diploma of Doctor of Naturopathy or Doctor of Naturopathic Medicine
15 and is offered by an institution of higher education that has provincial
16 approval for participation in government-funded student aid programs.
- 17 d. A program that has been approved by the North Carolina Naturopathic
18 Doctors Certification Board to meet the standards established by its
19 rules.
- 20 (2) Board. – The North Carolina Naturopathic Doctors Certification Board.
- 21 (3) Criminal history. – A history of conviction, or of having pled guilty or no
22 contest to a State or federal crime, whether a misdemeanor or felony.
- 23 (4) Integrative medicine. – As defined in G.S. 90-1.1.
- 24 (5) Natural medicines. – Any herbal, nutritional, supplemental, homeopathic, or
25 other nonprescription remedies.
- 26 (6) Naturopathic doctor. – A person certified to practice naturopathic medicine
27 under this Article.
- 28 (7) Naturopathic medicine. – A system of natural health care that employs
29 diagnosis and treatment using diagnostic techniques and natural therapies for
30 the promotion, maintenance, and restoration of health and the prevention of
31 disease, including all of the following:
- 32 a. The administration or provision of any of the following for preventive
33 and therapeutic purposes: natural medicines, natural therapies, natural
34 topical medicines, hydrotherapy, dietary therapy, and naturopathic
35 physical medicine.
- 36 b. The use of diagnostic procedures, including physical and orificial
37 examination, but excluding endoscopy, sigmoidoscopy, and
38 colonoscopy.
- 39 c. The ordering, performing, and interpretation of laboratory tests and
40 diagnostic imaging.
- 41 (8) Naturopathic physical medicine. – The manual use of massage, stretching,
42 resistance, or naturopathic manipulation.

43 **"§ 90-733. Practice of naturopathic medicine; scope of practice.**

44 (a) Practice of Naturopathic Medicine. – A naturopathic doctor is a certified health care
45 provider having the same responsibilities as other licensed, certified, or registered health care
46 providers regarding public health laws, reportable diseases and conditions, communicable disease
47 control and prevention, and the recording of vital statistics. In diagnosing and treating an
48 individual, a naturopathic doctor may employ the following therapies, modalities, procedures, or
49 remedies consistent with naturopathic education and training:

- 50 (1) Dispense, administer, order, and advise the use of natural remedies derived
51 from or substantially similar in molecular structure or function to natural

1 sources for preventive and therapeutic purposes, including food, extracts of
2 food, nutraceuticals, vitamins, minerals, amino acids, enzymes, botanicals and
3 their extracts, homeopathic remedies prepared according to the Homeopathic
4 Pharmacopoeia of the United States, and all dietary supplements and
5 nonprescription drugs as defined by the federal Food, Drug, and Cosmetic Act,
6 21 U.S.C. § 301, et seq.

7 (2) Order and perform physical examinations and physiological function tests.

8 (3) Order, perform, and interpret laboratory tests, including performing waived
9 tests as defined by the United States Food and Drug Administration Clinical
10 Laboratory Improvement Amendments of 1998 (CLIA), including obtaining
11 specimens to assess and treat disease.

12 (4) Order diagnostic imaging, including X-ray, MRI, CT scan, ultrasound,
13 mammogram, and bone densitometry to be conducted and interpreted by an
14 appropriately licensed, registered, or certified health care professional. This
15 excludes electrocardiograms, echocardiograms, electroencephalograms, and
16 nuclear imaging which should be ordered, conducted, and interpreted by a
17 physician licensed under Article 1 of this Chapter.

18 (5) Perform hot or cold hydrotherapy, naturopathic physical medicine,
19 electromagnetic therapy, and therapeutic exercise.

20 (6) Perform health education and health counseling, including dietary and lifestyle
21 counseling.

22 (7) Utilize routes of administration for substances, including oral, nasal, auricular,
23 ocular, rectal, vaginal, and transdermal.

24 (8) Perform care incidental to superficial lacerations and abrasions, including the
25 application of topical and local anesthetics and antimicrobials.

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

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

32 (1) Prescribe, dispense, or administer any legend drug, except as authorized by this
33 Article.

34 (2) Use general or spinal anesthetics.

35 (3) Perform surgical procedures using a laser device.

36 (4) Perform surgical procedures beyond superficial tissue.

37 (5) Administer ionizing radioactive substances for therapeutic purposes.

38 **§ 90-734. Certification required; exemptions.**

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

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

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

- 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 the
3 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 prescribed
6 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 certified, or registered in another state, territory, or the District of Columbia
11 when called into this State to consult with a licensed, certified, or registered
12 health care provider for a period not to exceed six months.
- 13 (5) The practice of naturopathic medicine by students completing a clinical
14 requirement for graduation from an approved program of naturopathic
15 medicine, so long as the practice is performed under the supervision of a
16 physician licensed under Article 1 of this Chapter or a naturopathic doctor
17 certified under this Article and the clinical requirement does not exceed one
18 year.
- 19 (6) A person who does not hold himself or herself out to be a naturopathic doctor
20 as described in subsection (b) of this section when furnishing information to
21 customers or selling, administering, or utilizing nutritional supplements, herbs,
22 food, homeopathic preparations, and such physical forces as heat, cold, water,
23 touch, and light at the person's retail, health spa, or health consulting
24 establishment.

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

33 **"§ 90-735. North Carolina Naturopathic Doctors Certification Board.**

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

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

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

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

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

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

21 **"§ 90-736. Powers of the Board.**

22 The Board shall have the following powers and duties:

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

44 **"§ 90-737. Qualifications for certification; renewal; reinstatement.**

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

- 48 (1) Is of good moral and ethical character.
- 49 (2) Is a graduate of an approved program of naturopathic medicine as defined in
50 G.S. 90-732.
- 51 (3) Meets one, or both, of the following two conditions:

- 1 a. Has successfully passed the Naturopathic Physicians Licensing
2 Examination (NPLEX), a competency-based national naturopathic
3 licensing examination administered by the North American Board of
4 Naturopathic Examiners or an equivalent successor agency recognized
5 by the Board.
- 6 b. Has successfully passed a competency-based state or Canadian province
7 naturopathic licensing examination administered prior to the existence
8 of NPLEX and approved by the Board.
- 9 (4) Provides the Board with a list of physicians licensed to practice medicine in this
10 State who have agreed to consult with the applicant and accept referrals from
11 the applicant. The applicant shall also provide the Board with letters of
12 verification from the listed physicians. The list must include physicians with
13 specialties in at least four of the following areas: allergy and immunology,
14 cancer and oncology, cardiology, endocrinology and metabolism, family
15 medicine, gastroenterology, internal medicine, obstetrics and gynecology,
16 pediatrics, psychiatry, and urology.
- 17 (5) Submits any other documentation the Board deems necessary to determine the
18 applicant's fitness for certification under this Article. This documentation may
19 include successful completion of a Board-approved jurisprudence examination
20 on State laws and rules related to naturopathic medicine.
- 21 (b) Renewal. – A certification expires two years after the date it is issued unless it is
22 renewed. To renew a certification, a licensee shall meet all of the following conditions:
- 23 (1) Submit an application for certification renewal.
24 (2) Pay the required fees.
25 (3) Complete at least 40 hours of continuing education approved by the Board
26 within the two-year period immediately prior to the renewal date.
- 27 Failure to renew a certification within six months of the date the certification expires shall result in
28 automatic forfeiture of the right to practice naturopathic medicine in this State until the
29 certification is reinstated.
- 30 (c) Reinstatement. – A certified naturopathic doctor who has allowed the certification to
31 lapse by failure to renew within the time allowed under subsection (b) of this section may apply
32 for reinstatement. The Board may reinstate the applicant's certification if the applicant pays the
33 required fees, furnishes a statement of the reason for failure to apply for renewal before the
34 deadline, and complies with any other requirements established in rules adopted by the Board. If
35 the certification has lapsed for five years or longer, the Board may require the applicant to
36 satisfactorily complete one or more skills assessment or remediation courses approved by the
37 Board or to provide proof of active licensure, certification, or registration within the past five
38 years in another state, district, territory, or Canadian province.
- 39 **§ 90-738. Reciprocity.**
- 40 The Board may grant, upon application and payment of fees, a certification to a person who
41 resides in this State and has been licensed, certified, or registered to practice as a naturopathic
42 doctor in another state, district, territory, or Canadian province if both of the following conditions
43 are met:
- 44 (1) The standards for licensure, certification, or registration in the state, district,
45 territory, or province in which the naturopathic doctor is licensed, certified, or
46 registered are substantially equivalent to those provided in this Article.
- 47 (2) The applicant provides proof of licensure, certification, or registration in good
48 standing in all states, districts, territories, and provinces in which the applicant
49 has been licensed, certified, or registered.

50 **§ 90-739. Fees.**

51 The Board may impose the following fees:

1	(1)	<u>Application and examination</u>	<u>\$200.00</u>
2	(2)	<u>Certification.....</u>	<u>\$600.00</u>
3	(3)	<u>Certification renewal.....</u>	<u>\$400.00</u>
4	(4)	<u>Late renewal</u>	<u>\$200.00</u>
5	(5)	<u>Reinstatement.....</u>	<u>\$1,000.00</u>
6	(6)	<u>Reasonable charges for duplication services and material.</u>	
7	(7)	<u>Criminal history record check fee equal to the amount imposed by the</u>	
8		<u>Department of Justice to conduct the criminal history record check requested by</u>	
9		<u>the Board.</u>	

10 **"§ 90-740. Disciplinary authority.**

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

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

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

49 (c) Records. – The Board shall keep a record of its proceedings. The Board shall, in a
 50 closed session, receive evidence regarding the treatment or examination of a patient who has not
 51 expressly or impliedly consented to the public disclosure of the treatment when necessary for the

1 protection of the rights of the patient or of the accused naturopathic doctor and the full
2 presentation of relevant evidence. All records, papers, investigative files, investigative reports, and
3 other documents containing information gathered or received by the Board as a result of
4 investigations, inquiries, or interviews conducted in connection with an application for
5 certification, a complaint, or a disciplinary matter are not considered public documents within the
6 meaning of Chapter 132 of the General Statutes.

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

19 **"§ 90-741. Criminal history record check of applicants and certified naturopathic doctors.**

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

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

- 31 (1) The level of seriousness of the crime.
- 32 (2) The date of the crime.
- 33 (3) The age of the person at the time of the conviction.
- 34 (4) The circumstances surrounding the commission of the crime, if known.
- 35 (5) The nexus between the criminal conduct of the person and the job duties of the
36 position to be filled.
- 37 (6) The person's prison, jail, probation, parole, rehabilitation, and employment
38 records since the date the crime was committed.
- 39 (7) The subsequent commission of a crime by the person.

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

47 **"§ 90-742. Reports; immunity from suit.**

48 (a) Report. – A person who has reasonable cause to suspect misconduct or incapacity of a
49 certified naturopathic doctor, or who has reasonable cause to suspect that a person is in violation
50 of this Article, may report the relevant facts to the Board. Upon receipt of a charge, or upon its
51 own initiative, the Board may give notice of an administrative hearing or may, after diligent

1 investigation, dismiss unfounded charges. A person who, in good faith, makes a report pursuant to
2 this section is immune from any criminal prosecution or civil liability resulting from making the
3 report.

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

7 **"§ 90-743. Third-party reimbursement.**

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

10 **"§ 90-744. Advisory Council.**

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

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

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

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

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

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

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

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

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

32 ...

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

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

37 **"§ 114-19.33A. Criminal history record checks for naturopathic doctors.**

38 (a) The Department of Justice shall provide to the North Carolina Naturopathic Doctors
39 Certification Board from the State and National Repositories of Criminal Histories the criminal
40 history of an applicant for certification by the Board or a certified naturopathic doctor of the
41 Board. The North Carolina Naturopathic Doctors Certification Board shall provide to the
42 Department of Justice, along with the request, the fingerprints of the applicant or certified
43 naturopathic doctor, a form signed by the applicant or certified naturopathic doctor consenting to
44 the criminal history record check and use of fingerprints and other identifying information
45 required by the State and national repositories, and any additional information required by the
46 Department of Justice. The fingerprints of the applicant or certified naturopathic doctor shall be
47 forwarded to the State Bureau of Investigation for a search of the State's criminal history record
48 file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau
49 of Investigation for a national criminal history record check. The North Carolina Naturopathic
50 Doctors Certification Board shall keep all information obtained pursuant to this section
51 confidential.

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

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

10 **SECTION 5.** If House Bill 142, 2017 Regular Session, becomes law, then G.S. 93B-
11 1(b), as amended by Section 1 of that act, reads as rewritten:

12 "(b) Occupational licensing boards include only those boards specifically identified in this
13 subsection. No additional boards or commissions shall be added to this list without first having
14 been approved by the Joint Legislative Administrative Procedure Oversight Committee of the
15 General Assembly as being necessary in that the profession subject to licensure affects the health,
16 safety, or welfare of the public and that mandatory licensure is necessary to ensure minimum
17 standards of competency so as to protect the public from unqualified persons or unprofessional
18 conduct by persons or entities practicing in the profession. Occupational licensing boards shall
19 include only the following:

- 20 (1) Acupuncture Licensing Board.
- 21 (2) Alarm Systems Licensing Board.
- 22 (3) Board of Examiners for Speech and Language Pathologists and Audiologists.
- 23 (4) Midwifery Joint Subcommittee.
- 24 (5) North Carolina Appraisal Board.
- 25 (6) North Carolina Auctioneers Commission.
- 26 (7) North Carolina Board for Licensing of Geologists.
- 27 (8) North Carolina Board for Licensing of Soil Scientists.
- 28 (9) North Carolina Board of Architecture.
- 29 (10) North Carolina Board of Athletic Trainer Examiners.
- 30 (11) North Carolina Board of Cosmetic Art Examiners.
- 31 (12) North Carolina Board of Dietetics/Nutrition.
- 32 (13) North Carolina Board of Electrolysis Examiners.
- 33 (14) North Carolina Board of Funeral Service.
- 34 (15) North Carolina Board of Landscape Architects.
- 35 (16) North Carolina Board of Licensed Professional Counselors.
- 36 (17) North Carolina Board of Massage and Bodywork Therapy.
- 37 (18) North Carolina Board of Nursing.
- 38 (19) North Carolina Board of Occupational Therapy.
- 39 (20) North Carolina Board of Pharmacy.
- 40 (21) North Carolina Board of Physical Therapy Examiners.
- 41 (22) North Carolina Board of Podiatry Examiners.
- 42 (23) North Carolina Board of Recreational Therapy Licensure.
- 43 (24) North Carolina Cemetery Commission.
- 44 (25) North Carolina Criminal Justice Education and Training Standards
45 Commission.
- 46 (26) North Carolina Home Inspector Licensure Board.
- 47 (27) North Carolina Interpreter and Transliterator Licensing Board.
- 48 (28) North Carolina Irrigation Contractors' Licensing Board.
- 49 (29) North Carolina Landscape Contractors' Licensing Board.
- 50 (30) North Carolina Locksmith Licensing Board.
- 51 (31) North Carolina Marriage and Family Therapy Licensure Board.

- 1 (32) North Carolina Medical Board.
- 2 (33) North Carolina On-Site Wastewater Contractors and Inspectors Certification
- 3 Board.
- 4 (34) North Carolina Psychology Board.
- 5 (35) North Carolina Real Estate Commission.
- 6 (36) North Carolina Respiratory Care Board.
- 7 (37) North Carolina Social Work Certification and Licensure Board.
- 8 (38) North Carolina State Board of Dental Examiners.
- 9 (39) North Carolina State Board of Examiners for Engineers and Surveyors.
- 10 (40) North Carolina State Board of Examiners for Nursing Home Administrators.
- 11 (41) North Carolina State Board of Examiners in Optometry.
- 12 (42) North Carolina State Board of Examiners of Fee-Based Practicing Pastoral
- 13 Counselors.
- 14 (43) North Carolina State Board of Opticians.
- 15 (44) North Carolina State Hearing Aid Dealers and Fitters Board.
- 16 (45) North Carolina State Licensing Board for General Contractors.
- 17 (46) North Carolina Substance Abuse Professional Practice Board.
- 18 (47) North Carolina Veterinary Medical Board.
- 19 (48) Private Protective Services Board.
- 20 (49) Public Librarian Certification Commission.
- 21 (50) Sheriffs' Education and Training Standards Commission.
- 22 (51) State Board of Barber Examiners.
- 23 (52) State Board of Certified Public Accountant Examiners.
- 24 (53) State Board of Chiropractic Examiners.
- 25 (54) State Board of Environmental Health Specialist Examiners.
- 26 (55) State Board of Examiners of Electrical Contractors.
- 27 (56) State Board of Examiners of Plumbing, Heating, and Fire Sprinkler
- 28 Contractors.
- 29 (57) State Board of Refrigeration Examiners.
- 30 (58) State Board of Registration for Foresters.
- 31 (59) North Carolina Naturopathic Doctors Certification Board."
- 32 **SECTION 6.** This act is effective when it becomes law.