
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **834** Session of
2017

INTRODUCED BY RAFFERTY, COSTA, WHITE AND RESCHENTHALER,
JULY 31, 2017

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
JULY 31, 2017

AN ACT

1 Relating to the practice of naturopathic medicine; providing for
2 the issuance of licenses and the suspension and revocation of
3 licenses; providing for penalties; and making a related
4 repeal.

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14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 CHAPTER 1

17 PRELIMINARY PROVISIONS

18 Section 101. Short title.

19 This act shall be known and may be cited as the Naturopathic
20 Doctor Practice Act.

21 Section 102. Declaration of policy.

22 The General Assembly finds and declares as follows:

23 (1) The practice of naturopathic medicine in this
24 Commonwealth is declared to affect the public health, safety
25 and welfare and to be subject to regulation and control in
26 the public interest.

27 (2) It is a matter of public interest that naturopathic
28 doctors and the practice of naturopathic medicine merit the
29 confidence of the public, that only qualified persons be
30 authorized to practice naturopathic medicine in this

1 Commonwealth and that no person may practice as a
2 naturopathic doctor without a valid existing license to do
3 so.

4 (3) The General Assembly recognizes that naturopathic
5 doctors comprise a distinct health care profession that
6 affects the public health, safety and welfare and increases
7 freedom of choice in health care.

8 (4) This act shall be liberally construed to best carry
9 out these subjects and purposes.

10 Section 103. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Behavioral medicine." Techniques including biofeedback,
15 relaxation training, hypnosis, mindfulness-based stress
16 reduction and cognitive therapy.

17 "Board." The State Board of Medicine.

18 "Botanical medicine." A system of medicine employing
19 naturally occurring substances derived from plants in the
20 prevention and treatment of disease.

21 "Bureau." The Bureau of Professional and Occupational
22 Affairs of the Commonwealth.

23 "Commissioner." The Commissioner of Professional and
24 Occupational Affairs of the Commonwealth.

25 "Common diagnostic procedures." The use of venipuncture and
26 commonly used diagnostic imaging modalities consistent with
27 naturopathic practice, health history taking, physical
28 examination, radiography, laboratory medicine and examination of
29 body orifices excluding endoscopy.

30 "Contradiction to naturopathic medicine." A medical

1 condition in which a patient is in emergent need of conventional
2 medical or surgical intervention or if a patient presents a
3 danger to himself or others.

4 "Department." The Department of State of the Commonwealth.

5 "Diagnostic imaging modalities." Includes all x-ray and
6 ultrasound goods and services.

7 "Homeopathic medicine." A system of medicine employing
8 substances of animal, vegetable or mineral origin which are
9 given in microdosage in the prevention and treatment of disease.

10 "Legend drug." A drug:

11 (1) limited by the Federal Food, Drug, and Cosmetic Act
12 (52 Stat. 1040, 21 U.S.C. § 301 et seq.) to being dispensed
13 by prescription; and

14 (2) the product label of which is required to contain
15 the following statement: "CAUTION: FEDERAL LAW PROHIBITS
16 DISPENSING WITHOUT A PRESCRIPTION."

17 "Naturopathic doctor." An individual who holds an active
18 license issued under this act.

19 "Naturopathic medicine." A system of health care practiced
20 by doctors of naturopathic medicine for the prevention,
21 diagnosis and treatment of human health conditions, injuries and
22 diseases and that uses education, natural medicines and
23 therapies to support and stimulate the individual's intrinsic
24 self-healing processes.

25 "Naturopathic musculoskeletal therapy." The treatment by
26 manual and other mechanical means of all body tissues and
27 structures, including, but not limited to, bones, fascia,
28 muscles, tendons, ligaments, entheses, joint capsules, bursae,
29 tendon sheaths, scar tissue and visceral organs by naturopathic
30 doctors. These may be located anywhere in the human body,

1 including, but not limited to, the spine, cranium,
2 thoracoabdominal cavity and extremities. These manual and
3 mechanical techniques involve the use of oscillation, pressure
4 and sustained tension, including traction, mobilization through
5 physiologic and extra-physiologic ranges of motion, including
6 passive intrinsic mobility of all body joints, and repositioning
7 of displaced body tissues and organs.

8 "Naturopathic physical medicine." The methods of treating
9 the body by means of electromagnetic energy, colon hydrotherapy,
10 therapeutic exercise and therapeutic use by naturopathic doctors
11 of the physical agents of air, water, heat, cold, sound, light
12 and the physical modalities and procedures, including, but not
13 limited to, hydrotherapy, electrotherapy, magnetic therapy,
14 diathermy, ultrasound, ultraviolet, infrared and low-level laser
15 light, therapeutic exercise, neural therapy and myofascial
16 trigger point therapy.

17 "Naturopathic therapies." Methods used in the treatment of
18 an individual which include, but are not limited to,
19 hydrotherapy, topical medicines, foods, food extracts, vitamins,
20 amino acids, minerals, enzymes, dietary supplements, health care
21 counseling, nutritional counseling and dietary therapy, over-
22 the-counter medications and nonprescription drugs as defined by
23 the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 21
24 U.S.C. § 301 et seq.), homeopathic remedies and plant substances
25 that are not designated as prescription drugs or controlled
26 substances.

27 "Topical medicines." Topical analgesics, anesthetics,
28 antiseptics, scabicides, antifungals and antibacterials.

29 CHAPTER 2

30 STATE BOARD OF MEDICINE

1 Section 201. Declaration of purpose.

2 The board shall enforce and administer the provisions of this
3 act and shall adopt rules that are consistent with the intent of
4 this act.

5 Section 202. Naturopathic medical education.

6 The board shall approve a naturopathic medical education
7 program accredited by the Council on Naturopathic Medical
8 Education or an equivalent federally recognized accrediting body
9 for the naturopathic medical profession that has the following
10 minimum requirements:

11 (1) Admission requirements that include a bachelor's
12 degree from a regionally accredited or preaccredited college
13 or university or the equivalency, as determined by the
14 council.

15 (2) Program requirements for its degree or diploma of a
16 minimum of 4,100 total hours in basic and clinical sciences,
17 naturopathic philosophy, naturopathic modalities and
18 naturopathic medicine. Of the total requisite hours, not less
19 than 2,500 hours shall consist of academic instruction, and
20 not less than 1,200 hours shall consist of supervised
21 clinical training approved by the naturopathic medical
22 school.

23 (3) A naturopathic medical education program in the
24 United States shall offer graduate-level, full-time studies
25 and training leading to the degree of Doctor of Naturopathy
26 or Doctor of Naturopathic Medicine. The program shall be an
27 institution or part of an institution of higher education
28 that is either accredited or is a candidate for accreditation
29 by a regional institutional accrediting agency recognized by
30 the United States Secretary of Education and the Council on

1 Naturopathic Medical Education, or an equivalent federally
2 recognized accrediting body for naturopathic doctor
3 education.

4 (4) To qualify as an approved naturopathic medical
5 school, a naturopathic medical program located in Canada or
6 the United States shall offer a full-time, doctoral-level,
7 naturopathic medical education program with its graduates
8 being eligible to apply to the board for licensure and to the
9 North American Board of Naturopathic Examiners that
10 administers the national naturopathic licensing examination.

11 CHAPTER 3

12 LICENSURE

13 Section 301. Qualifications for licensure.

14 (a) Applicants.--An applicant shall be considered to be
15 qualified for a license if the applicant submits proof
16 satisfactory to the board of all of the following:

17 (1) The applicant is of good moral character.

18 (2) The applicant has completed a doctorate-level
19 naturopathic medical program approved by the board.

20 (3) The applicant has passed a competency-based national
21 naturopathic licensing examination administered by the North
22 American Board of Naturopathic Examiners or successor agency
23 that has been nationally recognized to administer a
24 naturopathic examination that represents Federal standards of
25 education and training, or has graduated prior to 1986 and
26 has passed a state naturopathic licensing examination.

27 (4) The application is accompanied by the application
28 fee as established by the board by regulation.

29 (5) The applicant is not addicted to the habitual use of
30 alcohol, narcotics or other habit-forming drugs.

1 (6) (i) The applicant has not been convicted of a
2 felony under the act of April 14, 1972 (P.L.233, No.64),
3 known as The Controlled Substance, Drug, Device and
4 Cosmetic Act, or of an offense under the laws of another
5 jurisdiction which, if committed in this Commonwealth,
6 would be a felony under The Controlled Substance, Drug,
7 Device and Cosmetic Act, unless the following apply:

8 (A) At least 10 years have elapsed from the date
9 of conviction.

10 (B) The applicant satisfactorily demonstrates to
11 the board that the applicant has made significant
12 progress in personal rehabilitation since the
13 conviction and that licensure of the applicant should
14 not be expected to create a substantial risk of harm
15 to the public or a substantial risk of further
16 criminal violations.

17 (C) The applicant otherwise satisfies the
18 qualifications required under this act.

19 (ii) As used in this paragraph, the term "convicted"
20 includes a judgment, admission of guilt or a plea of nolo
21 contendere or receiving probation without verdict,
22 disposition in lieu of trial or an accelerated
23 rehabilitative disposition of the disposition of felony
24 charges.

25 (7) The applicant has not been convicted of an offense
26 under the laws of this Commonwealth or any other state or
27 foreign jurisdiction which, if committed in this
28 Commonwealth, would constitute a sexual offense or a felony.
29 Compliance with this paragraph must be documented by a report
30 of criminal history record information from the Pennsylvania

1 State Police or by a statement from the Pennsylvania State
2 Police that its central repository contains no information
3 relating to the applicant. The costs associated with the
4 report or statement shall be paid by the applicant.

5 (b) Transferability.--A license and a temporary practice
6 permit are not transferable.

7 Section 302. License status and continuing education.

8 (a) Duration of license.--A license shall be renewable on a
9 biennial basis. The biennial expiration date shall be
10 established by regulation of the board. Application for renewal
11 of a license shall biennially be forwarded to an individual
12 holding a current license prior to the expiration date of the
13 current renewal biennium.

14 (b) Procedure.--To renew a license, a licensee must do all
15 of the following:

16 (1) File a renewal application with the board.

17 (2) Maintain current certification to administer
18 cardiopulmonary resuscitation.

19 (3) Successfully complete a minimum of 50 hours of
20 continuing education biennially. The continuing education
21 shall meet the following requirements:

22 (i) At least 10 hours shall be in pharmacology.

23 (ii) The program shall consist of study covering
24 new, review, experimental, research and specialty
25 subjects within the scope of practice of naturopathic
26 medicine in this Commonwealth.

27 (4) Pay a fee established by regulation of the board.

28 (c) Inactive status.--A licensee may request an application
29 for inactive status. The application form must be completed and
30 returned to the board. Upon receipt of an application, the

1 individual shall be maintained on inactive status without fee
2 and shall be entitled to apply for licensure renewal at any
3 time. An individual who requests the board to activate the
4 individual's license and who has been on inactive status for a
5 period of five consecutive years must, prior to receiving an
6 active license, satisfy the requirements of the board's
7 regulations for ensuring continued education, including holding
8 current certification to administer cardiopulmonary
9 resuscitation and remitting the required fee. The board shall
10 promulgate regulations to carry into effect the provisions of
11 this subsection.

12 (d) Reporting of multiple licensure.--A licensee who is also
13 licensed to practice naturopathic medicine in another
14 jurisdiction shall report this information to the board on the
15 biennial registration application. Any disciplinary action taken
16 in another jurisdiction shall be reported to the board on the
17 biennial registration application or within 90 days of final
18 disposition, whichever is sooner. Multiple licensures shall be
19 noted by the board on the licensee's record, and the other
20 licensing jurisdiction shall be notified by the board of any
21 disciplinary actions taken against the licensee in this
22 Commonwealth.

23 Section 303. Liability insurance.

24 (a) General rule.--A licensed naturopathic doctor practicing
25 in this Commonwealth shall maintain a level of medical
26 professional liability insurance coverage in the minimum amount
27 of \$1,000,000 per occurrence or claim made. Failure to maintain
28 insurance coverage as required shall subject the licensee to
29 disciplinary proceedings. The board shall accept as satisfactory
30 evidence of insurance coverage any of the following:

1 (1) Self-insurance.

2 (2) Personally purchased medical professional liability
3 insurance.

4 (3) Medical professional liability insurance coverage
5 provided by the naturopathic doctor's employer or similar
6 insurance coverage acceptable to the board.

7 (b) Proof.--A license applicant shall provide proof that the
8 applicant has obtained medical professional liability insurance
9 in accordance with subsection (a). It is sufficient if the
10 applicant files with the application a copy of a letter from the
11 applicant's professional liability insurance carrier indicating
12 that the applicant will be covered against professional
13 liability in the required amounts effective upon the issuance of
14 the applicant's license to practice in this Commonwealth. Upon
15 issuance of the license, the licensee has 30 days to submit to
16 the board the certificate of insurance or a copy of the policy
17 declaration page.

18 Section 304. Reciprocity.

19 The board has the power to grant a reciprocal license to an
20 applicant who is licensed or certified as a naturopathic doctor
21 or similar practice in another state and has demonstrated
22 qualifications which equal or exceed those required under this
23 act in the determination of the board. No license may be granted
24 under this section to an applicant unless the state in which the
25 applicant is licensed affords reciprocal treatment to
26 individuals who are residents of this Commonwealth and who are
27 licensed under this act.

28 CHAPTER 4

29 PRACTICE OF NATUROPATHIC MEDICINE

30 Section 401. Scope of practice.

1 (a) Scope.--The following are deemed to be within the scope
2 of practice for a naturopathic doctor:

3 (1) Order and perform physical and laboratory
4 examinations consistent with naturopathic education and
5 training, for diagnostic and treatment purposes, utilizing
6 common diagnostic procedures.

7 (2) Order diagnostic imaging studies consistent with
8 naturopathic training.

9 (3) Dispense, administer, order, prescribe or perform
10 consistent with naturopathic education and training the
11 following:

12 (i) Naturopathic therapies.

13 (ii) Naturopathic physical medicine.

14 (iii) Devices, including therapeutic devices,
15 durable medical equipment and barrier contraception,
16 except those that require surgical intervention.

17 (iv) Health education and health counseling.

18 (v) Behavioral medicine.

19 (vi) Botanical medicine.

20 (vii) Naturopathic musculoskeletal therapy.

21 (viii) Homeopathic medicine.

22 (4) Utilize routes of administration that include oral,
23 nasal, auricular, ocular, rectal, vaginal, transdermal,
24 intradermal, subcutaneous and intramuscular.

25 (b) Prescriptions.--All prescriptions must be hand-printed,
26 typewritten or generated electronically.

27 (c) Prohibitions.--A naturopathic doctor licensed under this
28 act shall not:

29 (1) Prescribe, dispense or administer any legend drug.

30 (2) Perform surgical procedures.

1 (3) Practice or claim to practice as any other licensed
2 health care professional not authorized in this act unless
3 licensed as such.

4 (4) Use general or spinal anesthetics.

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

7 (6) Perform chiropractic adjustments, including grade
8 five mobilization and manipulation, unless licensed as a
9 chiropractor by the Commonwealth.

10 (7) Perform acupuncture, unless licensed as an
11 acupuncturist by the Commonwealth.

12 (8) Perform physical therapy, as defined in the act of
13 October 10, 1975 (P.L.383, No.110), known as the Physical
14 Therapy Practice Act, unless licensed as a physical therapist
15 by the Commonwealth.

16 CHAPTER 5

17 ADMINISTRATION AND ENFORCEMENT

18 Section 501. Refusal, suspension and revocation of licenses.

19 (a) Grounds.--The board may refuse, suspend, revoke, limit
20 or restrict a license or reprimand a licensee for any of the
21 following:

22 (1) Being convicted under Federal law, under the law of
23 any state or under the law of any foreign jurisdiction of an
24 offense of moral turpitude or of an offense which, if
25 committed in this Commonwealth, would constitute a sexual
26 offense or a felony. As used in this paragraph, the term
27 "convicted" includes a finding or verdict of guilt, an
28 admission of guilt or a plea of nolo contendere or receiving
29 probation without verdict, disposition in lieu of trial or an
30 accelerated rehabilitative disposition in the disposition of

1 felony charges.

2 (2) Being found to have engaged in immoral or
3 unprofessional conduct. In proceedings based on this
4 paragraph, actual injury to the patient need not be
5 established. As used in this paragraph, the term
6 "unprofessional conduct" includes:

7 (i) a departure from or failure to conform to the
8 standards of acceptable and prevailing practice; and

9 (ii) sexual exploitation of a patient.

10 (3) Violating standards of professional practice or
11 conduct adopted by the board.

12 (4) Presenting false credentials or documents or making
13 a false statement of fact in support of the applicant's
14 application for a license.

15 (5) Submitting a false or deceptive biennial renewal to
16 the board.

17 (6) Having a license suspended, revoked or refused or
18 receiving other disciplinary action by the proper licensing
19 authority of any other jurisdiction.

20 (7) Violating a regulation promulgated by the board,
21 including standards of professional practice and conduct or
22 violating an order of the board previously entered in a
23 disciplinary proceeding.

24 (8) Failing to refer a patient to a physician when the
25 patient is presenting a contradiction to naturopathic
26 medicine.

27 (9) Incompetence, negligence or misconduct in carrying
28 out the practice of naturopathic medicine.

29 (10) Practicing beyond the licensee's defined scope of
30 practice.

1 (11) Knowingly aiding, assisting, hiring or advising
2 someone in the unlawful practice of naturopathic medicine.

3 (12) Being unable to practice with reasonable skill and
4 safety by reason of illness, drunkenness, excessive use of
5 drugs, narcotics, chemicals or any other type of material, or
6 as a result of any mental or physical condition. In enforcing
7 this paragraph, the board, upon probable cause, has authority
8 to compel a licensee to submit to a mental or physical
9 examination by a physician approved by the board. Failure of
10 a licensee to submit to an examination when directed by the
11 board, unless the failure is due to circumstances beyond the
12 licensee's control, shall constitute an admission of the
13 allegations against the licensee, consequent upon which a
14 default and final order may be entered without the taking of
15 testimony or presentation of evidence. A licensee affected
16 under this paragraph shall, at reasonable intervals as
17 determined by the board, be afforded an opportunity to
18 demonstrate that the licensee can resume competent practice
19 with reasonable skill and safety.

20 (b) Board action.--If the board finds that the license or
21 application for license may be refused, revoked, restricted or
22 suspended under the terms of subsection (a), the board may do
23 any of the following:

24 (1) Deny the application for license.

25 (2) Administer a public reprimand.

26 (3) Revoke, suspend, limit or otherwise restrict a
27 license.

28 (4) Require a licensee to submit to the care, counseling
29 or treatment of a physician designated by the board.

30 (5) Restore a suspended license and impose any

1 disciplinary or corrective measure which it might originally
2 have imposed.

3 (c) Administrative Agency Law.--Actions of the board under
4 subsections (a) and (b) are subject to 2 Pa.C.S. Chs. 5 Subch. A
5 (relating to practice and procedure of Commonwealth agencies)
6 and 7 Subch. A (relating to judicial review of Commonwealth
7 agency action).

8 (d) Temporary suspension.--The board shall temporarily
9 suspend a license under circumstances as determined by the board
10 to be an immediate and clear danger to the public health and
11 safety. The board shall issue an order to that effect without a
12 hearing, but upon notice to the licensee concerned at the
13 licensee's last known address, which must include a written
14 statement of all allegations against the licensee. Subsection
15 (c) shall not apply to temporary suspension. Upon issuance of an
16 order under this subsection, the board shall commence formal
17 action to suspend, revoke or restrict the license as otherwise
18 provided for in this act. All actions shall be taken promptly.
19 Within 30 days following the issuance of an order temporarily
20 suspending a license, the board shall conduct a preliminary
21 hearing to determine that there is a prima facie case supporting
22 the suspension. The licensee whose license has been temporarily
23 suspended may be present at the preliminary hearing and may be
24 represented by counsel, cross-examine witnesses, inspect
25 physical evidence, call witnesses, offer evidence and testimony
26 and make a record of the proceedings. If it is determined that
27 there is not a prima facie case, the suspended license shall be
28 immediately restored. The temporary suspension shall remain in
29 effect until vacated by the board, but in no event longer than
30 180 days.

1 (e) Automatic suspension.--

2 (1) A license shall automatically be suspended upon the
3 legal commitment of a licensee to an institution because of
4 mental incompetence from any cause upon filing with the board
5 a certified copy of the commitment.

6 (2) A license shall automatically be suspended upon
7 conviction of a felony under the act of April 14, 1972 (P.L.
8 233, No.64), known as The Controlled Substance, Drug, Device
9 and Cosmetic Act, or conviction of an offense under the laws
10 of another jurisdiction, which, if committed in this
11 Commonwealth, would be a felony under The Controlled
12 Substance, Drug, Device and Cosmetic Act. As used in this
13 paragraph, the term "conviction" includes a judgment, an
14 admission of guilt or a plea of nolo contendere.

15 (3) Automatic suspension under this section shall not be
16 stayed pending an appeal.

17 (4) Reinstatement of a license shall be made under
18 section 502.

19 (5) Subsection (c) shall not apply to automatic
20 suspension.

21 Section 502. Reinstatement of license.

22 Unless ordered to do so by a court of competent jurisdiction,
23 the board shall not reinstate the license of an individual which
24 has been revoked. An individual whose license has been revoked
25 may reapply for a license after a period of at least five years
26 but must meet all of the licensing requirements of this act.

27 Section 503. License renewal, records and fees.

28 (a) Records.--A record of all licensees shall be kept in the
29 office of the board and shall be open to public inspection and
30 copying upon payment of a reasonable fee for copying the record.

1 (b) Fees.--

2 (1) All fees required under this act shall be fixed by
3 the board by regulation. If the revenue raised by fees, fines
4 and civil penalties imposed under this act are not sufficient
5 to meet expenditures over a two-year period, the board shall
6 increase those fees by regulation so that the projected
7 revenues will meet or exceed projected expenditures.

8 (2) If the bureau determines that the fees established
9 by the board under paragraph (1) are inadequate to meet the
10 minimum enforcement efforts required by this act, the bureau,
11 after consultation with the board, shall increase the fees by
12 regulation in an amount so that adequate revenues are raised
13 to meet the required enforcement effort.

14 Section 504. Duty of licensee.

15 A licensee shall refer a patient to a physician when the
16 patient is presenting a contraindication to the practice of
17 naturopathic medicine.

18 Section 505. Other professions.

19 Nothing in this act shall be construed as preventing,
20 restricting or requiring licensure of any of the following
21 activities:

22 (1) The practice of a profession by an individual who is
23 licensed, certified or registered by a Commonwealth agency
24 under other law and who is performing services or advertising
25 within the authorized scope of practice.

26 (2) The practice of naturopathic medicine by an
27 individual employed by the Federal Government while the
28 individual is engaged in the performance of duties under
29 Federal law.

30 (3) The practice of naturopathic medicine by an

1 individual licensed, registered or certified in another
2 jurisdiction when incidentally called into this Commonwealth
3 to teach a course related to the practice of naturopathic
4 medicine or to consult with a licensee.

5 (4) The use, recommendation or practice by an individual
6 not licensed by the board as a naturopathic doctor, of
7 traditional naturopathy, natural remedies, ayurvedic
8 medicine, herbal remedies, food and dietary supplements,
9 nutritional advice, homeopathy and homeopathic remedies,
10 hydrotherapy and therapeutic exercises or any other
11 complementary and alternative healing methods and treatments
12 that may be components of naturopathic medicine, provided the
13 individual does not hold himself out as a naturopathic doctor
14 or as a provider of naturopathic medicine.

15 Section 506. Unlawful practice.

16 (a) General rule.--An individual may not practice
17 naturopathic medicine or hold himself out as a naturopathic
18 doctor unless licensed by the board. An individual represents
19 himself as a naturopathic doctor when that person adopts or uses
20 any title or any description of services that incorporates one
21 or more of the following terms or designations:

22 (1) naturopathic doctor or N.D.; or

23 (2) doctor of naturopathic medicine, naturopathic
24 medical doctor or N.M.D.

25 (b) Title.--An individual who holds a license or is
26 maintained on inactive status may use the title "Naturopathic
27 Doctor" and the abbreviation "N.D." or "N.M.D." No other
28 individual may use the title "Naturopathic Doctor" or hold
29 himself out to others as a naturopathic doctor. This subsection
30 includes advertising as a naturopathic doctor and adopting or

1 using any title or description, including naturopathic doctor,
2 doctor of naturopathic medicine, naturopathic medicine or a
3 derivative of those terms and their related abbreviations,
4 including naturopathic therapies, naturopathic services and
5 naturopathic health care.

6 (c) Employment.--An individual, corporation, partnership,
7 firm or other entity may not employ an individual as a
8 naturopathic doctor unless the individual is licensed by the
9 board.

10 (d) Terminology.--A business entity may not utilize in
11 connection with a business name or activity the words
12 naturopathic doctor, doctor of naturopathic medicine,
13 naturopathic medicine or a derivative of those terms and their
14 related abbreviations unless the services of the business are
15 provided by licensees.

16 (e) Injunction.--Unlawful practice may be enjoined by the
17 courts upon petition of the commissioner or the board. In a
18 proceeding under this section, it shall not be necessary to show
19 that an individual has been injured. If the court finds that the
20 respondent has violated this section, it shall enjoin the
21 respondent from practicing until the respondent has been
22 licensed. Procedure in such cases shall be the same as in any
23 other injunction suit.

24 (f) Remedy cumulative.--The injunctive remedy provided in
25 this section shall be in addition to any other civil or criminal
26 prosecution and punishment.

27 Section 507. Violation of act.

28 (a) General rule.--A person that violates a provision of
29 this act or a regulation of the board commits a misdemeanor of
30 the third degree and shall, upon conviction, be sentenced to pay

1 a fine of not more than \$1,000 or to imprisonment for not more
2 than six months for the first violation and to pay a fine of not
3 more than \$2,000 or to imprisonment for not less than six months
4 or more than one year, or both, for each subsequent violation.

5 (b) Civil penalty.--In addition to any other civil remedy or
6 criminal penalty provided for in this act, the board, by a vote
7 of the majority of the maximum number of the authorized
8 membership of the board or by a vote of the majority of the
9 qualified and confirmed membership or a minimum of five members,
10 whichever is greater, may levy a civil penalty of up to \$1,000
11 on any of the following:

12 (1) A naturopathic doctor who violates a provision of
13 this act.

14 (2) A person who employs a naturopathic doctor in
15 violation of this act.

16 (3) An individual who holds himself out as a licensee
17 without being properly licensed as provided in this act.

18 (4) The responsible officers or employees of a
19 corporation, partnership, firm or other entity that violates
20 a provision of this act.

21 (c) Administrative Agency Law.--Action of the board under
22 subsection (b) is subject to 2 Pa.C.S. Chs. 5 Subch. A (relating
23 to practice and procedure of Commonwealth agencies) and 7 Subch.
24 A (relating to judicial review of Commonwealth agency action).

25 CHAPTER 6

26 MISCELLANEOUS PROVISIONS

27 Section 601. Regulations.

28 The board shall promulgate regulations to carry out this act.
29 Publication of the final-form regulations under this section
30 shall take place within 18 months of the effective date of this

1 section. The board shall report, within 60 days of the effective
2 date of this section, and every 30 days thereafter, on the
3 status of the regulations to the Consumer Protection and
4 Professional Licensure Committee of the Senate and the
5 Professional Licensure Committee of the House of
6 Representatives.

7 Section 602. Repeals.

8 The act of November 3, 2016 (P.L.997, No.128), known as the
9 Naturopathic Doctor Registration Act, is repealed.

10 Section 603. Effective date.

11 This act shall take effect as follows:

12 (1) Chapter 2 and this chapter shall take effect
13 immediately.

14 (2) The remainder of this act shall take effect in 365
15 days.