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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1808 Session of 1999

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INTRODUCED BY WILT, M. COHEN, EACHUS, GEIST, HENNESSEY,  
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YOUNGBLOOD, AUGUST 30, 1999

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, AUGUST 30, 1999

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AN ACT

1 Regulating the practice of naturopathic medicine and the right  
2 to practice medically related acts; establishing the State  
3 Board of Naturopathic Medicine and providing for its  
4 composition, powers and duties; providing for the issuing of  
5 licenses and certificates and the suspension and revocation  
6 of licenses and certificates; and prescribing penalties.

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1 The General Assembly of the Commonwealth of Pennsylvania  
2 hereby enacts as follows:

3 Section 1. Short title.

4 This act shall be known and may be cited as the Naturopathic  
5 Medical Practice Act.

6 Section 2. Definitions.

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

10 "Accredited naturopathic medical college." An institution of  
11 higher learning that:

12 (1) Is fully accredited by the Council of Naturopathic  
13 Medical Education or any other accrediting body recognized by  
14 the State Board of Naturopathic Medicine or has candidates  
15 for accreditation status with such agency.

16 (2) Provides courses in the arts and sciences of  
17 naturopathic medicine and related subjects.

18 (3) Has at least a four-year full-time resident program  
19 of academic and clinical study.

20 (4) Has been empowered by the state in which it is  
21 located to grant academic degrees in naturopathic medicine.

22 (5) Has as its major mission the education of  
23 naturopathic physicians and their preparation for licensing.

24 "Affiliate." A member of a group of two or more approved  
25 hospitals or health care facilities under an agreement of  
26 affiliation approved by the board to enhance the potential of  
27 all participants in the provision of health care and  
28 naturopathic or osteopathic or medical education.

29 "Applicant." An applicant for a license or certificate  
30 issued by the State Board of Naturopathic Medicine.

1 "Approved hospital or health care facility." A hospital or  
2 health care facility that has been approved by the State Board  
3 of Naturopathic Medicine for providing naturopathic training.

4 "Approved naturopathic medical college." An accredited or  
5 unaccredited naturopathic medical college that has been approved  
6 by the State Board of Naturopathic Medicine.

7 "Board." The State Board of Naturopathic Medicine of the  
8 Commonwealth.

9 "Board-regulated practitioner." A naturopathic physician or  
10 an applicant for a license or certificate issued by the State  
11 Board of Naturopathic Medicine.

12 "Clinical clerk." An undergraduate student in good standing  
13 in an approved naturopathic medical college and who is assigned  
14 to provide naturopathic services in an approved hospital or  
15 health care facility by the naturopathic medical college and the  
16 hospital or health care facility.

17 "Conviction." A judgment of guilt, an admission of guilt or  
18 a plea of nolo contendere.

19 "Graduate naturopathic medical training." Training approved  
20 or recognized by the State Board of Naturopathic Medicine that  
21 may be:

22 (1) accredited as graduate naturopathic medical  
23 education by any accrediting body recognized by the State  
24 Board of Naturopathic Medicine for the purpose of accrediting  
25 graduate naturopathic medical education; or

26 (2) provided by a hospital or health care facility  
27 accredited acceptable to an American specialty board toward  
28 the training it requires for the certification it issues in a  
29 naturopathic medical specialty or subspecialty.

30 "Healing art." The science and skill of diagnosis and

1 treatment in any manner whatsoever of disease or any ailment of  
2 the human body.

3 "Health care practitioner." An individual who is authorized  
4 to practice some component of the healing arts by a license,  
5 permit, certificate or registration issued by a Commonwealth  
6 licensing agency or board.

7 "Health care facility." Any of the following:

8 (1) A general, tuberculosis, mental, chronic disease or  
9 other type of hospital, an ambulatory clinic or center, a  
10 health maintenance organization, institution and corporation  
11 medical department or center, student health center, a  
12 physical rehabilitation facility, a skilled or intermediate  
13 care nursing facility, a radiology laboratory, a renal  
14 dialysis center, a diagnostic center, a home health care  
15 agency or a clinical laboratory, regardless of whether such  
16 medical care facility is for profit, nonprofit or  
17 governmental.

18 (2) A program affiliated with a medical care facility  
19 which renders treatment or care for drug or alcohol abuse or  
20 dependence.

21 (3) Other setting where medical care and services are  
22 rendered.

23 "Hospital." An institution licensed or regulated as a  
24 hospital by the Department of Health or the Department of Public  
25 Welfare or a facility owned or operated by the Federal  
26 Government and accredited by the Joint Commission on  
27 Accreditation of Hospitals as a hospital.

28 "Intern." A naturopathic physician who receives graduate  
29 naturopathic medical training at an approved hospital or its  
30 affiliate or an approved health care facility.

1 "Medical doctor." An individual licensed to practice  
2 medicine by the State Board of Medicine.

3 "Naturopathic doctor." An individual who has acquired a  
4 license to practice naturopathic medicine issued by the State  
5 Board of Naturopathic Medicine.

6 "Naturopathic medical service." An activity that lies within  
7 the scope of the practice of naturopathic medicine.

8 "Naturopathic medical training facility." An approved  
9 hospital or hospital affiliate or health care facility offering  
10 naturopathic medical training that has been approved by the  
11 State Board of Naturopathic Medicine.

12 "Naturopathic medicine." The art and science having for its  
13 object the diagnosis and treatment of any disease or ailment of  
14 the human body and the preservation of the health of a man in  
15 any manner whatsoever, including the practice of the healing  
16 arts with and without medicine. The term does not include the  
17 practice of healing by spiritual means or prayer.

18 "Osteopathic doctor." An individual licensed to practice  
19 osteopathic medicine by the State Board of Osteopathic Medical  
20 Examiners.

21 "Physician." A naturopathic doctor or an osteopathic doctor  
22 or a medical doctor.

23 "Resident." A naturopathic physician who receives graduate  
24 naturopathic medical training at an approved hospital or its  
25 affiliate or an approved health care facility.

26 "Technician." A person, other than a health care  
27 practitioner or physician assistant, who through training,  
28 education or experience has achieved expertise in the technical  
29 details of a subject or occupation that is a component of a  
30 healing art.

1 "Unaccredited naturopathic medical college." An institution  
2 of higher education that:

3 (1) Provides courses in the arts and sciences of  
4 naturopathic medicine and related subjects.

5 (2) Has at least a four-year full-time resident program  
6 of academic and clinical study.

7 (3) Is located outside the United States.

8 (4) Has been empowered by the country in which it is  
9 located to grant academic degrees in naturopathic medicine.

10 (5) Is listed by the World Health Organization or is  
11 otherwise recognized as a naturopathic medical college by the  
12 country in which it is situated.

13 (6) Has as its major mission the education of  
14 naturopathic physicians and their preparation for licensing.

15 (7) Is not accredited by an accrediting body recognized  
16 by the State Board of Naturopathic Medicine.

17 "Unapproved naturopathic medical college." A program that  
18 the State Board of Naturopathic Medicine has not approved or  
19 that the board has removed from the approved list of accredited  
20 naturopathic medical colleges or the approved list of  
21 unaccredited naturopathic medical colleges.

22 Section 3. State Board of Naturopathic Medicine.

23 (a) Establishment.--The State Board of Naturopathic Medicine  
24 is hereby established and shall consist of the following:

25 (1) The Commissioner of Professional and Occupational  
26 Affairs, or his designee.

27 (2) The Secretary of Health, or his designee.

28 (3) Two members appointed by the Governor who shall be  
29 persons representing the public at large.

30 (4) Six members appointed by the Governor who, subject

1 to subsection (b), shall be graduates of a legally  
2 incorporated and reputable college of naturopathic medicine,  
3 shall be licensed to practice naturopathic medicine under the  
4 laws of this Commonwealth and shall have been engaged in the  
5 practice of naturopathic medicine in this Commonwealth for a  
6 period of at least five years.

7 All professional and public members of the board shall be  
8 appointed by the Governor with the advice and consent of a  
9 majority of the members elected to the Senate.

10 (b) Naturopathic physician appointments.--

11 (1) During the year immediately following the effective  
12 date of this act, naturopathic physician appointments:

13 (i) Shall be graduates of a legally incorporated and  
14 reputable college of naturopathic medicine.

15 (ii) Shall have been residents of this Commonwealth  
16 for at least one year immediately prior to the date of  
17 their appointment.

18 (iii) Shall meet the qualifications for unrestricted  
19 licenses.

20 (iv) Shall timely apply for such unrestricted  
21 licenses as a condition of their appointment.

22 (2) During the second, third and fourth years  
23 immediately following the effective date of this act,  
24 naturopathic physician appointments:

25 (i) Shall be graduates of a legally incorporated and  
26 reputable college of naturopathic medicine.

27 (ii) Shall be licensed to practice naturopathic  
28 medicine under the laws of this Commonwealth.

29 (iii) Shall have been engaged in the practice of  
30 naturopathic medicine in this Commonwealth for a period



1 of a least one year immediately prior to the date of  
2 their appointment.

3 (3) During the fifth and sixth years immediately  
4 following the effective date of this act, naturopathic  
5 physician appointments:

6 (i) Shall be graduates of a legally incorporated and  
7 reputable college of naturopathic medicine.

8 (ii) Shall be licensed to practice naturopathic  
9 medicine under the laws of this Commonwealth.

10 (iii) Shall have been engaged in the practice of  
11 naturopathic medicine in this Commonwealth for a period  
12 of at least two years immediately prior to the date of  
13 their appointment.

14 (4) During the seventh and eighth years immediately  
15 following the effective date of this act, naturopathic  
16 physician appointments:

17 (i) Shall be graduates of a legally incorporated and  
18 reputable college of naturopathic medicine.

19 (ii) Shall be licensed to practice naturopathic  
20 medicine under the laws of this Commonwealth.

21 (iii) Shall have been engaged in the practice of  
22 naturopathic medicine in this Commonwealth for a period  
23 of at least three years immediately prior to the date of  
24 their appointment.

25 (5) During the ninth year immediately following the  
26 effective date of this act, naturopathic physician  
27 appointments:

28 (i) Shall be graduates of a legally incorporated and  
29 reputable college of naturopathic medicine.

30 (ii) Shall be licensed to practice naturopathic

1 medicine under the laws of this Commonwealth.

2 (iii) Shall have been engaged in the practice of  
3 naturopathic medicine in this Commonwealth for a period  
4 of at least four years.

5 (c) Terms of office.--The terms of each professional and  
6 public member of the board shall be four years or until that  
7 member's successor has been appointed and qualified but not  
8 longer than six months beyond the four-year period. In the event  
9 that any member dies or resigns or otherwise becomes  
10 disqualified during that member's term, a successor shall be  
11 appointed in the same way and with the same qualifications and  
12 shall hold office for the unexpired term. No member shall be  
13 eligible for appointment to serve more than two consecutive  
14 terms.

15 (d) Quorum.--A majority of the members of the board serving  
16 in accordance with law shall constitute a quorum for purposes of  
17 conducting the business of the board. Temporary and automatic  
18 suspensions under section 24 may not be included as members of  
19 the board. A member may not be counted as part of a quorum or  
20 vote on any issue unless that member physically attends the  
21 meeting.

22 (e) Chairperson.--The board shall select annually a  
23 chairperson from among its members.

24 (f) Compensation.--Each member of the board, except the  
25 Commissioner of Professional and Occupational Affairs and the  
26 Secretary of Health, shall receive \$60 per diem when actually  
27 attending to work of the board. Members shall also receive the  
28 amount of reasonable travel, lodging and other necessary  
29 expenses incurred in the performance of their duties in  
30 accordance with Commonwealth regulations.

1 (g) Attendance at meetings.--A member of the board who fails  
2 to attend three consecutive meetings shall forfeit that member's  
3 seat unless the Commissioner of Professional and Occupational  
4 Affairs, upon written request from the member, finds that the  
5 member should be excused from a meeting because of illness of  
6 the member or the death of a family member.

7 (h) Attendance at training seminars.--A public member who  
8 fails to attend two consecutive statutorily mandated training  
9 seminars in accordance with section 813(e) of the act of April  
10 9, 1929 (P.L.177, No.175), known as The Administrative Code of  
11 1929, shall forfeit that member's seat unless the Commissioner  
12 of Professional and Occupational Affairs, upon written request  
13 from the public member, finds that public member should be  
14 excused from a meeting because of illness of the member or the  
15 death of a family member.

16 (i) Meetings.--The board shall meet at least once every two  
17 months and at such additional times as may be necessary to  
18 conduct the business of the board.

19 (j) Executive secretary.--The board, with the approval of  
20 the Commissioner of Professional and Occupational Affairs, shall  
21 appoint and fix the compensation of an executive secretary who  
22 shall be responsible for the daily operation of the board and  
23 administration of board activities.

24 (k) Consultants.--The board, with the approval of the  
25 Commissioner of Professional and Occupational Affairs, may use  
26 consultants, as it deems appropriate, to assist in carrying out  
27 its responsibilities. The board may not delegate any of its  
28 final decision-making responsibilities to a consultant or parcel  
29 of consultants.

30 (l) Accrediting bodies.--Any accrediting body recognized by

1 the board shall continue to serve in that capacity unless and  
2 until the board recognizes a successor.

3 Section 4. Unauthorized practice of naturopathic medicine.

4 No person other than a naturopathic physician shall engage in  
5 any of the following conduct except as authorized or exempted in  
6 this act:

7 (1) Practice naturopathic medicine.

8 (2) Purport to practice naturopathic medicine.

9 (3) Hold forth as authorized to practice naturopathic  
10 medicine through the use of a title, including, but not  
11 limited to, naturopathic doctor, doctor of naturopathy,  
12 naturopathic doctor of medicine, naturopathic doctor of a  
13 designated disease, naturopathic physician, naturopathic  
14 physician of a designated disease or any abbreviation for the  
15 these titles.

16 (4) Otherwise hold forth as authorized to practice  
17 naturopathic medicine.

18 Section 5. Power to license.

19 The board may grant the following licenses and certificates:

20 (1) Unrestricted license.

21 (2) Graduate license.

22 (3) Nonresident practitioner license.

23 (4) Temporary license.

24 (5) Institutional license.

25 Section 6. Standards for naturopathic medical colleges and  
26 naturopathic medical training facilities.

27 (a) General rule.--The educational qualifications for  
28 acceptance as a matriculant in a naturopathic medical college or  
29 other naturopathic medical training facility incorporated in  
30 this Commonwealth and the facilities, curricula and training to

1 be offered by such naturopathic medical college or naturopathic  
2 training facility shall meet the requirements set by the board  
3 and any accrediting body that may be recognized by the board.

4 (b) Duties of the board.--

5 (1) The board, in its discretion, shall periodically  
6 ascertain the character of the facilities, curricula and  
7 training of the naturopathic medical colleges and  
8 naturopathic medical training facilities in this Commonwealth  
9 that offer or desire to offer naturopathic medical training  
10 in accordance with this act.

11 (2) The board, by inspection or otherwise, shall  
12 identify the facilities, curricula and training of  
13 naturopathic medical colleges and naturopathic medical  
14 training facilities outside this Commonwealth, whose  
15 graduates or trainees desire to obtain licensure,  
16 certification, registration or graduate naturopathic medical  
17 training in this Commonwealth.

18 (c) Refusal to license, certify or register.--The board may  
19 refuse to license, certify or register graduates of any  
20 naturopathic medical colleges and naturopathic medical training  
21 facilities outside this Commonwealth which, in its judgment, do  
22 not meet standards for facilities, curricula and training as are  
23 required of naturopathic medical colleges and naturopathic  
24 medical training facilities in this Commonwealth.

25 (d) Refusal of recognition.--In the event that the board  
26 determines that a naturopathic medical college or naturopathic  
27 training facility has failed to provide adequate facilities,  
28 curricula or training, the board may not recognize the education  
29 or degrees obtained from the naturopathic college or  
30 naturopathic medical training facility during the period of

1 inadequacy.

2 (e) Due notice.--In enforcing this section, the board shall  
3 give due notice to any naturopathic medical college or  
4 naturopathic medical training facility upon which it has  
5 rendered a decision that its facilities, curricula or training  
6 do not meet the standards required by the board.

7 Section 7. Qualifications for license.

8 (a) General rule.--No individual shall be qualified for a  
9 license to practice naturopathic medicine unless the individual  
10 has received an academic degree in naturopathic medicine from an  
11 approved naturopathic medical college and the individual  
12 satisfies the other qualifications for the license contained in  
13 or authorized by this act.

14 (b) Qualifications.--

15 (1) The board may not issue a license or certificate to  
16 an applicant unless the applicant establishes with evidence,  
17 verified by an affidavit or affirmation of the applicant,  
18 that the applicant:

19 (i) Is of legal age.

20 (ii) Is of good moral character.

21 (iii) Is not addicted to the intemperate use of  
22 alcohol or the habitual use of narcotics or other habit-  
23 forming drugs.

24 (iv) Has completed the educational requirements  
25 prescribed the board.

26 (v) Otherwise satisfies the qualifications for the  
27 license or certificate contained in or authorized by this  
28 act.

29 (2) The board may not issue a license or certificate to  
30 an applicant who has been convicted of a felony under the act

1 of April 14, 1972 (P.L.233, No.64), known as The Controlled  
2 Substance, Drug, Device and Cosmetic Act, or of an offense  
3 under the laws of another jurisdiction which if committed in  
4 this Commonwealth would be a felony under The Controlled  
5 Substance, Drug, Device and Cosmetic Act unless all of the  
6 following conditions are satisfied:

7 (i) At least ten years have elapsed from the date of  
8 the conviction.

9 (ii) The applicant satisfactorily demonstrates to  
10 the board that he has made significant progress in  
11 personal rehabilitation since the conviction such that  
12 licensure of the applicant should not be expected to  
13 create a substantial risk of harm to the health and  
14 safety of patients or the public or a substantial risk of  
15 further criminal violation.

16 (iii) The applicant otherwise satisfies the  
17 qualifications contained in or authorized by this act.

18 (c) Refusal.--The board may refuse to issue a license or  
19 certificate to an applicant based upon a ground for such action  
20 contained in section 27.

21 (d) Limitation.--The board may not refuse to issue a license  
22 or certificate to an applicant unless the applicant has been  
23 afforded the procedural protections required by this act.

24 Section 8. Reporting to multiple licensure.

25 (a) Duty to report.--A licensed naturopathic physician of  
26 this Commonwealth who is also licensed to practice naturopathic  
27 medicine or surgery in any other state, territory, possession or  
28 country and any other board-regulated practitioner who is also  
29 licensed or certified to practice in any other state, territory  
30 or country shall report this information to the board on the

1 biennial registration application. Such physician shall also  
2 report any disciplinary action taken in such other jurisdiction  
3 to the board on the biennial registration application or within  
4 90 days of final disposition, whichever is sooner.

5 (b) Notation and notification.--The board shall note  
6 multiple licensures on the board-regulated practitioner's record  
7 and shall notify such state, territory, possession or country of  
8 any disciplinary actions taken against the board-regulated  
9 practitioner in this Commonwealth.

10 Section 9. Certification of license.

11 The status of a license issued by the board shall be  
12 certified by the board to other jurisdictions or persons upon  
13 formal application and the payment of a reasonable fee  
14 established by the board.

15 Section 10. Examinations.

16 (a) General rule.--The board may require an applicant to  
17 take and pass an examination to the satisfaction of the board.

18 (b) Proficiency in English language.--Examinations conducted  
19 by the board shall be in the English language. In addition to  
20 any other examination required by this act or by regulation of  
21 the board, applicants for a license or certificate whose  
22 principal language is other than English may also be required to  
23 demonstrate by examination proficiency in the English language  
24 to any agency considered competent by the board.

25 (c) Third-party testing.--All written, oral and practical  
26 examinations shall be prepared and administered by a qualified  
27 and approved professional testing organization in the manner  
28 prescribed for written examinations by the provisions of section  
29 812.1 of the act of April 9, 1929 (P.L.177, No.175), known as  
30 The Administrative Code of 1929.



(d) Examining agency.--

(1) When the board accepts an examination given by an examining agency, the board may establish the criteria for passing or it may accept the criteria for passing established by the examining agency.

(2) If the examination is offered in parts, the board may establish, by regulation, a time period in which the entire examination must be successfully completed.

(3) The board may establish, by regulation, a maximum number of examination attempts it will recognize for the purpose of receiving a passing score on an examination recognized but not given by the board.

(e) Frequency of examination.--The board shall conduct at least two examinations for applicants for licensure each year. Special examinations may be designated and held at the times and places designated by the board.

(f) Endorsement.--The board may accept by endorsement currently licensed naturopathic physicians qualified by any national, state or territorial examination acceptable to the board for the purpose of licensure.

(g) Reexamination.--Whenever an applicant fails an examination, that applicant shall have, after the expiration of six months and within two years, the privilege of taking a second examination by the board. If that applicant fails the second examination, that applicant shall apply de novo after a year of graduate study approved by the board and qualify for a license under the conditions existing at the time of the person's application.

(h) Effect of prior examination failure.--An applicant for a license to practice naturopathic medicine who has been

1 successfully examined by an agency considered competent by the  
2 board and who presents to the board satisfactory evidence of  
3 having fulfilled all the requirements of this act and the  
4 regulations of the board may, without further examination,  
5 receive from the board a license conferring all the rights  
6 accorded by this act provided that:

7 (1) The applicant has paid a fee.

8 (2) The applicant has not previously failed a licensing  
9 examination given by the board.

10 Section 11. Reciprocity or endorsement.

11 (a) General rule.--Reciprocity or endorsement may be  
12 established at the discretion of the board.

13 (b) Definitions.--The following words and phrases when used  
14 in this section shall have the meanings given to them in this  
15 subsection unless the context clearly indicates otherwise:

16 "Reciprocity." The act of the board and a licensing  
17 authority in another jurisdiction, each recognizing that the  
18 requirements for a license or certificate in this Commonwealth  
19 and in the other jurisdiction are equivalent, issuing a license  
20 or certificate to an applicant who possesses a similar license  
21 or certificate in the other jurisdiction.

22 "Endorsement." The issuance of a license or certificate by  
23 the board to an applicant who does not meet standard  
24 requirements if the applicant has achieved cumulative  
25 qualifications which are accepted by the board as being  
26 equivalent to the standard requirements for the license or  
27 certificate.

28 Section 12. Matters relating to licenses.

29 (a) Issuance of licenses and certificates.--

30 (1) All applicants who have complied with the

1 requirements of the board, have passed a final examination  
2 and have otherwise complied with the provisions of this act  
3 shall receive from the Commissioner of Professional and  
4 Occupational Affairs in the Department of State, or whoever  
5 exercises equivalent authority acting for the board, a  
6 license or certificate entitling them to right to practice in  
7 this Commonwealth.

8 (2) Each such license or certificate shall be duly  
9 recorded in the office of the board, in a record to be  
10 properly kept for that purpose which shall be open to public  
11 inspection, and a certified copy of said record shall be  
12 received as evidence in all courts in this Commonwealth in  
13 the trial of any case.

14 (b) Exemptions from licensing.--The following persons shall  
15 be exempt from licensing under this act:

16 (1) Naturopathic physicians who are medical officers in  
17 the medical service of the armed forces of the United States,  
18 the United States Public Health Service, the Veterans'  
19 Administration or naturopathic physicians employed within  
20 Federal services while in discharge of their official duties.

21 (2) Persons with an unrestricted license to practice  
22 naturopathic medicine or osteopathic medicine or medicine by  
23 any other state. These persons may, upon request by a  
24 naturopathic physician licensed in this Commonwealth, provide  
25 consultation to the naturopathic physician regarding the  
26 treatment of a patient under the care of the naturopathic  
27 physician in this Commonwealth.

28 (c) Continuing naturopathic medical education.--

29 (1) The board shall adopt, promulgate and enforce rules  
30 and regulations establishing requirements for continuing

1 naturopathic medical education to be met by persons with  
2 unrestricted licenses to practice naturopathic medicine in  
3 this Commonwealth.

4 (2) Each person with an unrestricted license to practice  
5 naturopathic medicine during the two-year period immediately  
6 preceding a biennial date for reregistering with the board  
7 must complete a program of continuing medical education, as  
8 defined by and acceptable to the board. The number of hours  
9 of continuing education to be met by licensees shall be set  
10 by the board by regulation. No credit shall be given for any  
11 course in office management or practice building.

12 (3) In issuing rules and regulations and individual  
13 orders in respect of requirements for continuing medical  
14 education, the board, in its discretion:

15 (i) May use and rely upon guidelines and  
16 pronouncements of recognized educational and professional  
17 organizations.

18 (ii) May prescribe for content, duration and  
19 organization of courses.

20 (iii) Shall take into account the accessibility of  
21 such continuing education.

22 (iv) May waive the requirements of this subsection  
23 in instances of individual hardship where good cause is  
24 shown and the board finds that the public's safety and  
25 welfare are not jeopardized by the waiver of such  
26 requirements.

27 (v) Shall waive the requirements of this subsection  
28 with respect to retired naturopathic physicians not  
29 engaged in the active practice of naturopathic medicine.

30 (d) Renewals.--Each person who is now or hereafter licensed

1 or certified to be registered with the board and thereafter  
2 shall register in like manner at such intervals and by such  
3 methods as the board shall determine by regulations, but in no  
4 case shall such renewal period be longer than two years. The  
5 form and method of such registration shall be determined by the  
6 board.

7 (e) Fees.--Each person registering renewal with the board  
8 shall pay, for each biennial registration, a reasonable fee, if  
9 any, which shall accompany the application for renewal  
10 registration.

11 (f) Evidence of registration.--Upon receiving a proper  
12 application for renewal registration accompanied by the fee, if  
13 any, provided for in this section and evidence satisfactory to  
14 the board of compliance with the continuing medical education  
15 requirements of subsection (c), the board shall issue a  
16 certificate of registration to the applicant. The certificate  
17 and its renewals shall be good and sufficient evidence of  
18 registration under the provisions of this act.

19 Section 13. Unrestricted license.

20 (a) General rule.--An unrestricted license empowers the  
21 licensee to practice naturopathic medicine without any  
22 restrictions or limitations.

23 (b) Graduates of approved accredited naturopathic medical  
24 colleges.--No unrestricted license may be issued unless the  
25 applicant is a graduate of an approved accredited naturopathic  
26 medical college.

27 (c) Graduates of approved unaccredited naturopathic medical  
28 colleges.--No unrestricted license may be issued to a graduate  
29 of an approved unaccredited naturopathic medical college until  
30 the applicant successfully completes all educational

1 requirements which may be prescribed by the board.

2 (d) Examinations.

3 (1) The board shall hold at least two examinations for  
4 applicants for an unrestricted license each year. Special  
5 examinations may be designated by the board. The examinations  
6 shall be held at such times and places as designated by the  
7 board.

8 (2) In case of failure at any such examination, the  
9 applicant shall have, after the expiration of six months and  
10 within two years, the privilege of a second examination by  
11 the board.

12 (3) In case of failure in a second examination, or after  
13 the expiration of two years, the applicant must thereafter  
14 apply de novo and qualify under the conditions in existence  
15 at the time of application and may be required to complete,  
16 at the discretion of the board, an approved educational  
17 program of not more than one year.

18 Section 14. Graduate license.

19 (a) General rule.--A graduate license empowers the licensee  
20 to participate for a period of up to 12 consecutive months in  
21 graduate naturopathic medical training within the complex of a  
22 naturopathic medical training facility to which the licensee is  
23 assigned and any satellite facility or other training location  
24 utilized in the graduate naturopathic medical training program.  
25 It shall become null and void after 12 months and shall then be  
26 surrendered to the board.

27 (b) Requirements.--

28 (1) No graduate license may be issued unless the  
29 applicant is a graduate of an approved accredited  
30 naturopathic medical college or an approved unaccredited

1 naturopathic medical college and has received a naturopathic  
2 medical degree.

3 (2) A graduate license may be issued to an applicant who  
4 holds the equivalent of an unrestricted license granted by  
5 this Commonwealth or another state, territory or possession  
6 of the United States or the Dominion of Canada and who  
7 applies for training and certification in special departments  
8 of naturopathic medicine in institutions in this Commonwealth  
9 recognized by the board with advice and consultation with the  
10 various examining boards in naturopathic medical specialties  
11 approved by the board. This training experience may not be  
12 converted into a staff service.

13 (c) Extensions and waivers.--

14 (1) The board may extend the validity of a graduate  
15 license upon application when such action is warranted. A  
16 person who has been certified in a specialty discipline  
17 recognized by the board and makes an application for  
18 licensure to practice naturopathic medicine without  
19 restriction in this Commonwealth, upon the payment of a fee,  
20 may be given a qualifying examination.

21 (2) The examination may emphasize the subject matter of  
22 the specialty discipline for which the applicant has been  
23 trained. It may include material from the general field of  
24 naturopathic medical science.

25 (3) In the event a graduate license holder is issued an  
26 unrestricted license and wishes to continue graduate  
27 naturopathic medical training, the graduate license holder  
28 must complete and keep current a form satisfactory to the  
29 board containing information desired by the board about the  
30 graduate naturopathic medical training.

1           (4) A graduate of an approved unaccredited naturopathic  
2 medical college who does not possess all of the  
3 qualifications for the issuance of a graduate license but  
4 desires to train in a naturopathic medical training facility  
5 within this Commonwealth in an area of advanced naturopathic  
6 medical training may have the unmet qualifications waived by  
7 the board if the board determines that:

8           (i) The applicant possesses the technical skills and  
9 educational background to participate in such training.

10           (ii) Its issuance is beneficial to the health,  
11 safety and welfare of the general public of this  
12 Commonwealth.

13 Section 15. Nonresident practitioner license.

14       (a) General rule.--A nonresident practitioner license  
15 empowers the licensee residing in or maintaining the office of  
16 practice in any adjoining state near the boundary line between  
17 such state and this Commonwealth, whose naturopathic medical  
18 practice extends into this Commonwealth, to practice  
19 naturopathic medicine with or without restriction in this  
20 Commonwealth on such patients.

21       (b) Requirements.--No nonresident practitioner license may  
22 be issued unless the applicant holds the equivalent of an  
23 unrestricted license granted by a state adjoining this  
24 Commonwealth.

25       (c) Additional conditions.--

26           (1) A nonresident practitioner license may be granted by  
27 the board if the board is provided with:

28           (i) An application for the license, which shall  
29 include information on malpractice insurance coverage  
30 compliance.



1 (ii) A certification by the authorizing licensing  
2 body of such state of the current license in the state of  
3 residence and primary practice.

4 (2) In exercising its discretion to grant licenses under  
5 this section, the board shall consider:

6 (i) the needs of patient in this Commonwealth;

7 (ii) the availability of naturopathic medical care  
8 in the specific area involved; and

9 (iii) whether the adjoining state of licensure  
10 reciprocates by extending similar privileges to  
11 naturopathic physicians who reside and have their offices  
12 of practice in this Commonwealth.

13 (3) A license granted under this section shall be  
14 automatically revoked if the naturopathic physician relocates  
15 the office of practice or residence.

16 (4) A naturopathic physician granted a license under  
17 this section shall inform the board of any changes in  
18 practice which may in any way affect the maintenance of the  
19 license.

20 Section 16. Temporary license.

21 (a) General rule.--A temporary license empowers the licensee  
22 to:

23 (1) teach naturopathic medicine or participate in a  
24 naturopathic medical procedure necessary for the well-being  
25 of a specified patient within this Commonwealth; or

26 (2) practice naturopathic medicine at a camp or resort  
27 for no more than three months.

28 (b) Requirements.--No temporary license may be issued unless  
29 the applicant holds the equivalent of an unrestricted license  
30 granted by another state, territory, possession or country.

1 (c) Additional conditions.--The board may impose any  
2 appropriate limitation in scope, duration or site of practice on  
3 a temporary licensee.

4 (d) Deemed health care providers.--Temporary licensees shall  
5 be deemed health care providers who conduct 50% or less of their  
6 health care business or practice within this Commonwealth for  
7 the purpose of the act of October 15, 1975 (P.L.390, No.111),  
8 known as the Health Care Services Malpractice Act.

9 Section 17. Institutional license.

10 (a) General rule.--An institutional license empowers the  
11 licensee to teach or practice medicine in one of the approved  
12 naturopathic medical colleges, affiliates or naturopathic  
13 medical training facilities within this Commonwealth.

14 (b) Requirements.--No institutional license may be issued  
15 unless the applicant:

16 (1) is a graduate of an approved unaccredited  
17 naturopathic medical college who has attained through  
18 professional growth and teaching experience the status of a  
19 teacher; or

20 (2) is not otherwise licensed to practice naturopathic  
21 medicine in this Commonwealth but has achieved outstanding  
22 naturopathic medical skills in a particular area of medicine  
23 and wishes to practice, demonstrate or teach those  
24 outstanding medical skills.

25 (c) Determination by board.--The board shall issue an  
26 institutional license valid for no more than three years, as the  
27 board shall determine and only when it determines that its  
28 issuance is beneficial to the health, safety and welfare of the  
29 general public of this Commonwealth. A person granted an  
30 institutional license who subsequently desires to obtain an

1 unrestricted license shall be required to meet all of the  
2 requirements of such license as set forth in this act.

3 Section 18. Clinical clerk.

4 (a) Authorized naturopathic medical services.--A clinical  
5 clerk may perform the following naturopathic medical services in  
6 a hospital or health care facility to which the clerk is  
7 assigned, provided the services are performed within the  
8 restrictions contained in or authorized by this section:

9 (1) Make notes on a patient's chart.

10 (2) Conduct a physical examination.

11 (3) Perform a naturopathic medical procedure or  
12 laboratory test.

13 (b) Regulations.--No clinical clerk may perform a  
14 naturopathic medical service unless the performance of such by  
15 the clinical clerk under the circumstances is consistent with  
16 the regulations promulgated by the board and the standards of  
17 acceptable naturopathic medical practice embraced by the  
18 naturopathic physician community in this Commonwealth. The board  
19 shall promulgate regulations defining which naturopathic medical  
20 services those standards permit a clinical clerk to perform and  
21 the circumstances under which those standards permit a clinical  
22 clerk to perform that naturopathic medical service.

23 (c) Supervision.--No clinical clerk may perform a  
24 naturopathic medical service without the direct and immediate  
25 supervision of a member of the hospital staff or health care  
26 facility licensed pursuant to this act. The board shall  
27 promulgate regulations which define the supervision required by  
28 those standards.

29 (d) Drugs.--No clinical clerk may prescribe or dispense  
30 drugs.

(e) Notes on patient's charts.--Notes made on a patient's chart by a clinical clerk shall become official only when countersigned by a member of the hospital staff or health care facility licensed pursuant to this act.

(f) Other licenses or certificates.--Nothing in this section or the regulations authorized by this section shall be construed to prohibit a clinical clerk who is licensed or certified to practice a profession by a Commonwealth agency or board from practicing within the scope of that license or certificate or as otherwise authorized by law.

Section 19. Delegation of duties to health care practitioner or technician.

(a) General rule.--A naturopathic physician may delegate to a health care practitioner or technician the performance of a naturopathic medical service if:

(1) The delegation is consistent with the standards of acceptable naturopathic medical practice embraced by the naturopathic physician community in this Commonwealth.

(2) The delegation is not prohibited by regulations promulgated by the board.

(3) The delegation is not prohibited by statutes or regulations relating to other licensed health care practitioners.

(b) Regulations.--The board may promulgate regulations which:

(1) establish criteria pursuant to which a naturopathic physician may delegate the performance of naturopathic medical services;

(2) preclude a naturopathic physician from delegating the performance of certain types of naturopathic medical

1 services; or

2 (3) otherwise limit the ability of a naturopathic  
3 physician to delegate naturopathic medical services.

4 (c) Responsibility.--A naturopathic physician shall be  
5 responsible for the naturopathic medical services delegated to  
6 the health care practitioner or technician in accordance with  
7 subsections (a) and (b). A naturopathic physician's  
8 responsibility for the naturopathic medical service delegated to  
9 the health care practitioner or technician is not limited by any  
10 provisions of this section.

11 Section 20. Acts outside nonphysician authorization.

12 (a) Naturopathic physician involvement.--In the event this  
13 act or other provision of law conditions a person's  
14 authorization to perform one or more naturopathic medical  
15 services upon naturopathic physician involvement and the person  
16 performs a covered service without the required involvement, the  
17 person shall be deemed to have acted outside the scope of the  
18 person's license or certificate or authorization under this act  
19 as a technician.

20 (b) Included involvements.--The naturopathic physician  
21 involvement referred to in subsection (a) shall include, but  
22 shall not be limited to, any of the following:

23 (1) An order.

24 (2) Direction or supervision.

25 (3) Presence.

26 (4) Immediate availability.

27 (5) Referral.

28 (6) Consultation.

29 (c) Limitation on providing services.--Nothing in this  
30 section shall be construed as authorizing a health care

1 practitioner or technician to perform any naturopathic medical  
2 service which is not within the scope of that person's practice,  
3 as defined by the practitioner's licensing act under which that  
4 person is licensed, certificated or registered or, if not, as  
5 defined in this act.

6 Section 21. Penalties.

7 (a) General rule.--Any person or the responsible officer or  
8 employee of any corporation or partnership, institution or  
9 association who violates any provision of this act or any rule  
10 or regulation of the board commits a misdemeanor of the third  
11 degree and shall, upon conviction, be sentenced to pay a fine of  
12 not more than \$1,000 or undergo imprisonment for not more than  
13 six months, or both, for the first violation. On the second and  
14 each subsequent conviction, that person shall be sentenced to  
15 pay a fine of not more than \$2,000 or to imprisonment for not  
16 less than six months or more than one year, or both.

17 (b) Civil penalties.--

18 (1) In addition to any other civil remedy or criminal  
19 penalty provided for in this act, the board, by a vote of the  
20 majority of the maximum number of its authorized membership  
21 as provided by law or by a vote of the majority of the duly  
22 qualified and confirmed membership or a minimum of five  
23 members, whichever is greater, may levy a civil penalty of up  
24 to \$1,000 on any current licensee who violates any provision  
25 of this act or on any person who practices naturopathic  
26 medicine or other area of practice requiring a license,  
27 certificate or registration from the board without being  
28 properly licensed, certificated or registered to do so under  
29 this act.

30 (2) The board may impose a penalty under this subsection

1       only after affording the accused party the opportunity for a  
2       hearing as provided in 2 Pa.C.S. (relating to administrative  
3       law and procedure).

4   Section 22.   Fees, fines and penalties.

5       (a)   Setting of fees.--All fees imposed under this act shall  
6       be fixed by the board by regulation and shall be subject to the  
7       act of June 25, 1982 (P.L.633, No.181), known as the Regulatory  
8       Review Act. If the revenues raised by fees, fines and civil  
9       penalties imposed under this act are insufficient to meet  
10      expenditures over a two-year period, the board shall increase  
11      those fees by regulation so that the projected revenues will  
12      meet or exceed projected expenditures.

13      (b)   Inadequate fees.--If the Bureau of Professional and  
14      Occupational Affairs determines that the fees established by the  
15      board under subsection (a) are inadequate to meet the minimum  
16      enforcement efforts required by this act, then the bureau, after  
17      consultation with the board and subject to the Regulatory Review  
18      Act, shall increase the fees by an amount that raises adequate  
19      revenues to meet the required enforcement effort.

20      (c)   Disposition.--All fees, fines and penalties imposed in  
21      accordance with this act and collected in accordance with  
22      section 907(b) of the act of October 15, 1975 (P.L.390, No.111),  
23      known as the Health Care Services Malpractice Act, shall be for  
24      the exclusive use by the board in carrying out the provisions of  
25      this act and shall be annually appropriated for that purpose.

26      (d)   Charging of fees.--The board may charge a reasonable  
27      fee, as set by the board by regulation, for all examinations,  
28      registrations, renewals, certifications, licenses or  
29      applications permitted by this act or the regulations  
30      promulgated under this act.

1 Section 23. Reports of board.

2 (a) Reports to Department of State.--The board shall submit  
3 annually to the Department of State an estimate of the financial  
4 requirements of the board for its administrative, investigative,  
5 legal and miscellaneous expenses.

6 (b) Reports to Senate and House Appropriations Committees.--  
7 The board shall submit annually to the Appropriations Committee  
8 of the Senate and the Appropriations Committee of the House of  
9 Representatives, 15 days after the Governor has submitted his  
10 budget to the General Assembly, a copy of the budget request for  
11 the upcoming fiscal year that the board previously submitted to  
12 the Department of State.

13 (c) Reports to other Senate and House committees.--The board  
14 shall submit annually a report containing a description of the  
15 types of complaints received, status of cases, board action  
16 taken and the length of time from the initial complaint to the  
17 final board resolution to the Consumer Protection and  
18 Professional Licensure Committee of the Senate and to the  
19 Professional Licensure Committee of the House of  
20 Representatives.

21 Section 24. Temporary and automatic suspension.

22 (a) Temporary suspension.--

23 (1) A license or certificate issued under this act may  
24 be temporarily suspended if the board determines that there  
25 is an immediate and clear danger to the public health and  
26 safety. The board shall issue an order to that effect without  
27 a hearing, but upon due notice to the licensee or certificate  
28 holder concerned at his last known address, which notice  
29 shall include a written statement of all allegations against  
30 the licensee or certificate holder. The provisions of section



1 30(a), (b) and (c) shall not apply to temporary suspension.

2 (2) The board shall thereupon commence formal action to  
3 suspend, revoke or restrict the license or certificate of the  
4 person concerned as otherwise provided for in this act. All  
5 actions shall be taken promptly and without delay.

6 (3) Within 30 days following the issuance of an order  
7 temporarily suspending a license or certificate, the board  
8 shall conduct or cause to be conducted a preliminary hearing  
9 to determine that there is a prima facie case supporting the  
10 suspension. The licensee or certificate holder whose license  
11 or certificate has been temporarily suspended may be present  
12 at the preliminary hearing and may be represented by counsel,  
13 cross-examine witnesses, inspect physical evidence, call  
14 witnesses, offer evidence and testimony and make a record of  
15 the proceedings.

16 (4) If it is determined that a prima facie case does not  
17 exist, the suspended license or certificate shall be  
18 immediately restored. The temporary suspension shall remain  
19 in effect until vacated by the board, but in no event longer  
20 than 180 days.

21 (b) Automatic suspensions.--

22 (1) A license or certificate issued under this act shall  
23 automatically be suspended upon the legal commitment to an  
24 institution of a licensee or certificate holder because of  
25 mental incompetency from any cause upon filing with the board  
26 a certified copy of such commitment, conviction of a felony  
27 under the act of April 14, 1972 (P.L.233, No.64), known as  
28 The Controlled Substance, Drug, Device and Cosmetic Act, or  
29 conviction under the laws of another jurisdiction, which if  
30 committed in this Commonwealth would be a felony under The

1 Controlled Substance, Drug, Device and Cosmetic Act.

2 (2) Automatic suspension under this subsection may not  
3 be stayed pending an appeal of a conviction. Restoration of  
4 the license or certificate shall be made as provided in this  
5 act in the case of revocation or suspension of license or  
6 certificate.

7 Section 25. Reinstatement of license, certificate or  
8 registration.

9 (a) In general.--

10 (1) Unless ordered to do so by Commonwealth Court or on  
11 appeal therefrom, the board may not reinstate a revoked  
12 license, certificate or registration of a person to practice  
13 naturopathic medicine or other areas of practice requiring a  
14 license, certificate or registration from the board pursuant  
15 to this act.

16 (2) Except as provided in subsection (b), any person  
17 whose license, certificate or registration has been revoked  
18 may apply for reinstatement after a period of at least five  
19 years but must meet all of the licensing qualifications of  
20 this act for the license applied for, including the  
21 examination requirement, if that person desires to practice  
22 at any time after such revocation.

23 (b) Reinstatement after felony conviction.--

24 (1) A person whose license, certificate or registration  
25 has been suspended or revoked because of a felony conviction  
26 under the act of April 14, 1972 (P.L.233, No.64), known as  
27 The Controlled Substance, Drug, Device and Cosmetic Act, or  
28 similar law of another jurisdiction may apply for  
29 reinstatement after a period of at least ten years has  
30 elapsed from the date of conviction.

1 (2) The board may reinstate the license if:

2 (i) The board is satisfied that the person has made  
3 significant progress in personal rehabilitation since the  
4 conviction such that reinstatement is not expected to  
5 create a substantial risk of harm to the health and  
6 safety of the person's patients or the public or a  
7 substantial risk of further criminal violations.

8 (ii) The person meets all other licensing  
9 qualifications of this act, including the examination  
10 requirement.

11 Section 26. Surrender of suspended or revoked license or  
12 certificate.

13 (a) General rule.--The board shall require a person whose  
14 license, certificate or registration has been suspended or  
15 revoked to return the license, certificate or registration in  
16 such manner as the board directs.

17 (b) Offense.--A person who violates this section commits a  
18 misdemeanor of the third degree.

19 Section 27. Reasons for refusal, revocation, suspension or  
20 other corrective actions.

21 (a) General rule.--The board shall impose disciplinary or  
22 corrective measures on a board-regulated practitioner for any or  
23 all of the following reasons:

24 (1) Failing to demonstrate the qualifications or  
25 standards for a license, certification or registration  
26 contained in this act or regulations of the board.

27 (2) Making misleading, deceptive, untrue or fraudulent  
28 representations in the practice of the profession or  
29 practicing fraud or deceit, either alone or as a conspirator,  
30 in obtaining a license, certification or registration or in

1 obtaining admission to a naturopathic medical college.

2 (3) Being convicted of a felony or a misdemeanor  
3 relating to a health profession or receiving probation  
4 without verdict, disposition in lieu of trial or an  
5 accelerated rehabilitative disposition in the disposition of  
6 felony charges in the courts of this Commonwealth, a Federal  
7 court or a court of any other state, territory or country.

8 (4) Having a license or other authorization to practice  
9 the profession revoked or suspended or having other  
10 disciplinary action taken or an application for a license to  
11 practice the profession or other authorization related to the  
12 profession refused, revoked or suspended by a proper  
13 licensing authority of another state, territory, possession  
14 or country or a branch of the Federal Government.

15 (5) (i) Being unable to practice the profession with  
16 reasonable skill and safety to patients by reason of  
17 illness, addiction to drugs or alcohol, having been  
18 convicted of a felonious act prohibited by the act of  
19 April 14, 1972 (P.L.233, No.64), known as The Controlled  
20 Substance, Drug, Device and Cosmetic Act, or convicted of  
21 a felony relating to a controlled substance in a court of  
22 law of the United States or any other state, territory,  
23 possession or country, or if the practitioner is or  
24 becomes mentally incompetent.

25 (ii) An applicant's statement on the application  
26 declaring the absence of a conviction shall be deemed  
27 satisfactory evidence of the absence of a conviction  
28 unless the board has some evidence to the contrary.

29 (iii) In enforcing this paragraph, the board shall,  
30 upon probable cause, have authority to compel a

1 practitioner to submit to a mental or physical  
2 examination by a physician or a psychologist approved by  
3 the board.

4 (iv) Failure of a practitioner to submit to such  
5 examination when directed by the board, unless such  
6 failure is due to circumstances beyond the practitioner's  
7 control, shall constitute an admission of the allegations  
8 against the practitioner, and a default and final order  
9 may be entered without the taking of testimony or  
10 presentation of evidence.

11 (v) A practitioner affected under this paragraph  
12 shall at reasonable intervals be afforded an opportunity  
13 to demonstrate that the practitioner can resume a  
14 competent practice of the profession with reasonable  
15 skill and safety to patients.

16 (6) Violating a lawful regulation promulgated by the  
17 board or violating a lawful order of the board previously  
18 entered by the board in a disciplinary proceeding.

19 (7) Knowingly maintaining a professional connection or  
20 association with any person who is in violation of this act  
21 or regulations of the board or knowingly aiding, assisting,  
22 procuring or advising any unlicensed person to practice a  
23 profession contrary to this act or regulations of the board.

24 (8) (i) Being found guilty of immoral or unprofessional  
25 conduct.

26 (ii) For purposes of this paragraph:

27 (A) Unprofessional conduct shall include, but  
28 not be limited to, departure from or failure to  
29 conform to an ethical or quality standard of the  
30 profession, actual injury to a patient need not be

1 established.

2 (B) The ethical standards of the profession are  
3 those ethical tenets which are embraced by the  
4 naturopathic professional community in this  
5 Commonwealth.

6 (C) A practitioner departs from or fails to  
7 conform to a quality standard of the profession when  
8 the practitioner provides a naturopathic medical  
9 service at a level beneath the accepted standard of  
10 care.

11 (9) Acting in such manner as to present an immediate and  
12 clear danger to public health or safety.

13 (10) Acting outside the scope of a license or  
14 certificate.

15 (11) Making a false or deceptive biennial registration  
16 with the board.

17 (b) Regulations.--The board may promulgate regulations which  
18 define the accepted standard of care for purposes of subsection  
19 (a)(8). In the event the board has not promulgated an applicable  
20 regulation, the accepted standard of care for a practitioner is  
21 that which would be normally exercised by the average  
22 professional of the same kind in this Commonwealth under the  
23 circumstances, including the locality and whether the  
24 practitioner is or purports to be a specialist in the area.

25 Section 28. Types of corrective action.

26 (a) Authorized actions.--When the board takes disciplinary  
27 or corrective action against a board-regulated practitioner  
28 under the provisions of this act or pursuant to other statutory  
29 authority, the board may:

30 (1) Deny the application for a license, certificate or

1 other privilege granted by the board.

2 (2) Administer a public or private reprimand with or  
3 without probation.

4 (3) Revoke, suspend, limit or otherwise restrict a  
5 license or certificate.

6 (4) Require the board-regulated practitioner to submit  
7 to the care, counseling or treatment of a physician or a  
8 psychologist designated by the board.

9 (5) Require the board-regulated practitioner to take  
10 refresher educational courses.

11 (6) Stay enforcement of any suspension, other than that  
12 imposed by section 24, and place a board-regulated  
13 practitioner on probation with the right to vacate the  
14 probationary order for noncompliance.

15 (7) Impose a monetary penalty in accordance with this  
16 act.

17 (b) Failure to comply with conditions.--Failure of a board-  
18 regulated practitioner to comply with conditions set forth by  
19 the board shall be grounds for reconsideration of the matter and  
20 institution of formal charges against the board-regulated  
21 practitioner.

22 Section 29. Regulatory powers of the board.

23 Except as otherwise provided in this act, the board shall  
24 promulgate such regulations as are reasonably necessary to carry  
25 out this act. Regulations shall be adopted in conformity with  
26 the provisions of the act of July 31, 1968 (P.L.769, No.240),  
27 referred to as the Commonwealth Documents Law, and the act of  
28 June 25, 1982 (P.L.633, No.181), known as the Regulatory Review  
29 Act.

30 Section 30. Procedures, oaths and subpoenas.

1 (a) All actions of the board.--All actions of the board  
2 shall be taken subject to the right of notice, hearing and  
3 adjudication and the right of appeal therefrom, in accordance  
4 with the provisions of 2 Pa.C.S. (relating to administrative law  
5 and procedure).

6 (b) Disciplinary proceedings.--All disciplinary proceedings  
7 conducted by hearing examiners shall be conducted in accordance  
8 with sections 901 through 905 of the act of October 15, 1975  
9 (P.L.390, No.111), known as the Health Care Services Malpractice  
10 Act.

11 (c) Subpoena power.--

12 (1) The board may issue subpoenas upon application of an  
13 attorney responsible for representing the Commonwealth in  
14 disciplinary matters before the board for the purpose of  
15 investigating alleged violations of the disciplinary  
16 provision administered by the board.

17 (2) The board may subpoena witnesses, administer oaths,  
18 examine witnesses and take such testimony or compel the  
19 production of such books, records, papers and documents as it  
20 may deem necessary or proper in and pertinent to any  
21 proceeding, investigation or hearing held by it.

22 (3) Medical records may not be subpoenaed without  
23 consent of the patient or without order of a court of  
24 competent jurisdiction on a showing that the records are  
25 reasonably necessary for the conduct of the investigation.

26 (4) A court may impose such limitations on the scope of  
27 the subpoena as are necessary to prevent unnecessary  
28 intrusion into patient confidential information.

29 (5) The board may apply to Commonwealth Court for  
30 enforcement of its subpoenas.



1 (d) Reports to the board.--An attorney responsible for  
2 representing the Commonwealth in disciplinary matters before the  
3 board shall notify the board immediately upon receiving  
4 notification of an alleged violation of this act. The board  
5 shall maintain current records of all reports of alleged  
6 violations and periodically review the records for the purpose  
7 of determining that each alleged violation has been resolved in  
8 a timely manner.

9 Section 31. Injunction or other process.

10 (a) General rule.--It shall be unlawful for any person to  
11 practice, or attempt to offer to practice, naturopathic medicine  
12 or other areas of practice requiring a license, certificate or  
13 registration by the board without having at the time of so doing  
14 a valid, unexpired, unrevoked and unsuspended license,  
15 certificate or registration issued under this act. The unlawful  
16 practice of naturopathic medicine or other areas of practice  
17 requiring a license, certificate or registration from the board  
18 may be enjoined by a court on petition of the board or the  
19 Commissioner of Professional and Occupational Affairs.

20 (b) Injury not required.--In any such proceeding, it shall  
21 not be necessary to show that any person is individually injured  
22 by the actions complained of.

23 (c) Injunction.--If it is determined the respondent has  
24 engaged in the unlawful practice of naturopathic medicine or  
25 other areas of practice requiring a license, certificate or  
26 registration from the board, the court shall enjoin the  
27 respondent from so practicing unless and until the practitioner  
28 has been duly licensed, certificated or registered. Procedure in  
29 such cases shall be the same as in any other injunction suit.  
30 The remedy by injunction hereby given is in addition to any

1 other civil or criminal prosecution and punishment.

2 Section 32. Impaired professional.

3 (a) Consultants.--

4 (1) The board, with the approval of the Commissioner of  
5 Professional and Occupational Affairs, shall appoint and fix  
6 the compensation of a professional consultant with education  
7 and experience in the identification, treatment and  
8 rehabilitation of persons with physical or mental impairments  
9 who shall be a licensee of the board or such other  
10 professional as the board may determine.

11 (2) The consultant shall be accountable to the board and  
12 shall act as a liaison between the board and treatment  
13 programs, such as alcohol and drug treatment programs  
14 licensed by the Department of Health, psychological  
15 counseling and impaired professional support groups that are  
16 approved by the board and that provide services to licensees  
17 under this act.

18 (b) Eligibility and disclosure.--

19 (1) The board may defer and ultimately dismiss any of  
20 the types of corrective action set forth in this act for an  
21 impaired professional so long as the professional progresses  
22 satisfactorily in an approved treatment program.

23 (2) The provisions of this subsection shall not apply to  
24 a professional convicted of a felonious act prohibited by the  
25 act of April 14, 1972 (P.L.233, No.64), known as The  
26 Controlled Substance, Drug, Device and Cosmetic Act, or  
27 convicted of a felony relating to a controlled substance in a  
28 court of law of this Commonwealth or any other state,  
29 territory or country.

30 (3) An approved program provider shall, upon request,

1 disclose to the consultant such information in its possession  
2 regarding an impaired professional in treatment that the  
3 program provider is not prohibited from disclosing by an act  
4 of this Commonwealth, another state or the United States.

5 (4) The disclosure required by this subsection by an  
6 approved program provider shall apply in the case of impaired  
7 professionals who:

8 (i) Enter an agreement in accordance with this  
9 section.

10 (ii) Are the subject of a board investigation or  
11 disciplinary proceeding.

12 (iii) Voluntarily enter a treatment program other  
13 than under the provisions of this section but who fails  
14 to complete the program successfully or to adhere to an  
15 after-care plan developed by the program provider.

16 (c) Agreement with board.--

17 (1) An impaired professional who enrolls in an approved  
18 treatment program shall enter into an agreement with the  
19 board under which the professional's license shall be  
20 suspended or revoked, but enforcement of that suspension or  
21 revocation may be stayed for the length of time the  
22 professional remains in the program and makes satisfactory  
23 progress, complies with the terms of the agreement and  
24 adheres to any limitations on his practice imposed by the  
25 board to protect the public.

26 (2) Failure to enter into such an agreement shall  
27 disqualify the professional from the impaired professional  
28 program and shall activate an immediate investigation and  
29 disciplinary proceeding by the board.

30 (d) Disciplinary action.--If in the opinion of the

1 consultant after consultation with the provider an impaired  
2 professional who is enrolled in an approved treatment program  
3 has not progressed satisfactorily, the consultant shall disclose  
4 to the board all information in his possession regarding the  
5 professional, and the board shall institute proceedings to  
6 determine if the stay of the enforcement of the suspension or  
7 revocation of the impaired professional's license should be  
8 vacated.

9 (e) Immunity.--No approved program provider who makes a  
10 disclosure under this section shall be subject to civil  
11 liability for the disclosure or its consequences.

12 (f) Reports to the board.--

13 (1) A hospital or health care facility, peer or  
14 colleague who has substantial evidence that a professional  
15 has an active addictive disease for which the professional is  
16 not receiving treatment, is diverting a controlled substance  
17 or is mentally or physically incompetent to carry out the  
18 duties of the professional's license shall make or cause to  
19 be made a report to the board.

20 (2) A person or facility that acts in a treatment  
21 capacity to an impaired naturopathic physician in an approved  
22 treatment program shall be exempt from the mandatory  
23 reporting requirements of this subsection.

24 (3) A person or facility who reports under this section  
25 in good faith and without malice shall be immune from any  
26 civil or criminal liability arising from the report.

27 (4) Failure to provide the report within a reasonable  
28 time from receipt of knowledge of impairment shall subject  
29 the person or facility to a fine of not more than \$1,000. The  
30 board shall levy this penalty only after affording the

1 accused party the opportunity for a hearing, as provided in 2  
2 Pa.C.S. (relating to administrative law and procedure).

3 Section 33. Radiologic procedures.

4 (a) Supervision.--No auxiliary personnel shall perform  
5 radiologic procedures on the premises of a naturopathic  
6 physician unless such person:

7 (1) Is under the direct supervision of a naturopathic  
8 physician who is on the premises at the time the X-ray is  
9 taken.

10 (2) Has passed an examination approved by the board and  
11 administered in accordance with section 812.1 of the act of  
12 April 9, 1929 (P.L.177, No.175), known as The Administrative  
13 Code of 1929.

14 (b) Exclusion.--The board shall, by regulation, provide for  
15 the exclusion of auxiliary personnel from performing radiologic  
16 procedures if the continued performance of radiologic procedures  
17 by the auxiliary personnel is determined by the board to pose a  
18 threat to the health, safety or welfare of the public.

19 (c) Education and testing.--No auxiliary personnel who has  
20 or obtains a license, a certificate or registration issued by or  
21 on behalf of a board within the Bureau of Professional and  
22 Occupational Affairs shall be required to undergo any additional  
23 education or testing pursuant to this section if radiologic  
24 procedures were included in the education or the examination  
25 which he or she was required to complete successfully in order  
26 to be eligible for such license, certificate or registration.

27 (d) Penalty.--It shall be unlawful under this act to  
28 knowingly permit radiologic procedures to be performed in  
29 violation of this section or in violation of the regulations  
30 promulgated or orders issued in accordance with this section.

1 Section 34. Applicability of act.

2 (a) Other practices.--The provisions of this act shall not  
3 apply directly or indirectly, by intent or purpose, to affect  
4 the practice of:

5 (1) Dentistry, as authorized by the act of May 1, 1933  
6 (P.L.216, No.76), known as The Dental Law.

7 (2) Pharmacy, as authorized by the act of April 14, 1972  
8 (P.L.233, No.64), known as The Controlled Substance, Drug,  
9 Device and Cosmetic Act or the act of September 27, 1961  
10 (P.L.1700, No.699), known as the Pharmacy Act.

11 (3) Professional nursing, as authorized by the act of  
12 May 22, 1951 (P.L.317, No.69), known as The Professional  
13 Nursing Law.

14 (4) Podiatry, as authorized by the act of March 2, 1956  
15 (1955 P.L.1206, No.375), known as the Podiatry Practice Act.

16 (5) Psychology, as authorized by the act of March 23,  
17 1972 (P.L.136, No.52), known as the Professional  
18 Psychologists Practice Act.

19 (6) Osteopathic medicine, as authorized by the act of  
20 October 5, 1978 (P.L.1109, No.261), known as the Osteopathic  
21 Medical Practice Act.

22 (7) Optometry, as authorized by the act of June 6, 1980  
23 (P.L.197, No.57), known as the Optometric Practice and  
24 Licensure Act.

25 (8) Medicine, as authorized by the act of December 20,  
26 1985 (P.L.457, No.112), known as the Medical Practice Act of  
27 1985.

28 (9) Chiropractic, as authorized by the act of December  
29 16, 1986 (P.L.1646, No.188), known as the Chiropractic  
30 Practice Act.

1       (b) Schools and colleges.--This act shall not be construed  
2 to give the Board of Naturopathic Examiners jurisdiction over  
3 any of the schools or colleges of the practices set forth in  
4 subsection (a).

5       (c) Hypnosis.--This act shall not apply to the practice of  
6 hypnosis.

7 Section 35. Severability.

8       The provisions of this act are severable. If any provision of  
9 this act or its application to any person or circumstance is  
10 held invalid, the invalidity shall not affect other provisions  
11 of application of this act which can be given effect without the  
12 invalid provision or application.

13 Section 36. Repeals.

14       All other acts and parts of acts are repealed insofar as they  
15 are inconsistent with this act.

16 Section 37. Effective date.

17       This act shall take effect in 180 days.