AN ACT

Relating to the practice of naturopathic medicine; providing for the issuance of licenses and the suspension and revocation of licenses; and providing for penalties.

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

CHAPTER 1

PRELIMINARY PROVISIONS

Section 101. Short title.

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

Section 102. Declaration of policy.

The General Assembly finds and declares as follows:

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

(2) It is a matter of public interest that naturopathic doctors and the practice of naturopathic medicine merit the confidence of the public, that only qualified persons be authorized to practice naturopathic medicine in this Commonwealth.
Commonwealth and that no person may practice as a
naturopathic doctor without a valid existing license to do
so.

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

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

Section 103. Definitions.

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

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

"Board." The State Board of Medicine.

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

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

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

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

"Department." The Department of State of the Commonwealth.
"Diagnostic imaging modalities." Includes all x-ray and ultrasound goods and services.

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

"Legend drug." A drug:

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

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

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

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

"Naturopathic musculoskeletal therapy." The treatment by manual and other mechanical means of all body tissues and structures, including, but not limited to, bones, fascia, muscles, tendons, ligaments, entheses, joint capsules, bursae, tendon sheaths, scar tissue and visceral organs by naturopathic doctors. These may be located anywhere in the human body, including, but not limited to, the spine, cranium, thoracoabdominal cavity and extremities. These manual and mechanical techniques involve the use of oscillation, pressure and sustained tension, including traction, mobilization through
physiologic and extra-physiologic ranges of motion, including
passive intrinsic mobility of all body joints, and repositioning
of displaced body tissues and organs.

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

"Naturopathic therapies." Methods used in the treatment of
an individual which include, but are not limited to,
hydrotherapy, topical medicines, foods, food extracts, vitamins,
amino acids, minerals, enzymes, dietary supplements, over-the-
counter medications and nonprescription drugs as defined by the
301 et seq.), homeopathic remedies and plant substances that are
not designated as prescription drugs or controlled substances.

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

CHAPTER 2

STATE BOARD OF MEDICINE

Section 201. Declaration of purpose.

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

Section 202. Naturopathic medical education.

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

(1) Admission requirements that include a minimum of
three-quarters of the credits required for a bachelor's
degree from a regionally accredited or preaccredited college
or university or the equivalency, as determined by the
council.

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

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

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

CHAPTER 3

LICENSURE

Section 301. Qualifications for licensure.

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

(1) The applicant is of good moral character.

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

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

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

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

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

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

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

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

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

(7) The applicant has not been convicted of an offense under the laws of this Commonwealth or any other state or foreign jurisdiction which, if committed in this Commonwealth, would constitute a sexual offense or a felony. Compliance with this paragraph must be documented by a report of criminal history record information from the Pennsylvania State Police or by a statement from the Pennsylvania State Police that its central repository contains no information relating to the applicant. The costs associated with the report or statement shall be paid by the applicant.

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

Section 302. License status and continuing education.

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

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

(1) File a renewal application with the board.

(2) Maintain current certification to administer cardiopulmonary resuscitation.

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

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

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

(iii) Continuing education must be provided by one of the following:

(A) A professional health care licensing agency, hospital or institution accredited by the Accreditation Council of Continuing Medical Education (ACCME).

(B) A program sponsored by the American Council of Pharmaceutical Education (ACPE).

(C) An accredited college or university.
(D) A professional association or organization representing a licensed profession whose program objectives are related to naturopathic training.

(E) Any other provider providing a program related to naturopathic education, if the provider has submitted an application to and received approval from the Pennsylvania Association of Naturopathic Physicians or American Association of Naturopathic Physicians.

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

(c) Inactive status.--A licensee may request an application for inactive status. The application form must be completed and returned to the board. Upon receipt of an application, the individual shall be maintained on inactive status without fee and shall be entitled to apply for licensure renewal at any time. An individual who requests the board to activate the individual's license and who has been on inactive status for a period of five consecutive years must, prior to receiving an active license, satisfy the requirements of the board's regulations for ensuring continued education, including holding current certification to administer cardiopulmonary resuscitation and remitting the required fee. The board shall promulgate regulations to carry into effect the provisions of this subsection.

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

Section 303. Liability insurance.

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

   (1) Self-insurance.

   (2) Personally purchased medical professional liability
       insurance.

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

(b) Proof.--A license applicant shall provide proof that the
applicant has obtained medical professional liability insurance
in accordance with subsection (a). It is sufficient if the
applicant files with the application a copy of a letter from the
applicant's professional liability insurance carrier indicating
that the applicant will be covered against professional
liability in the required amounts effective upon the issuance of
the applicant's license to practice in this Commonwealth. Upon
issuance of the license, the licensee has 30 days to submit to
the board the certificate of insurance or a copy of the policy
declaration page.
Section 304. Reciprocity.

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

CHAPTER 4

PRACTICE OF NATUROPATHIC MEDICINE

Section 401. Scope of practice.

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

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

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

(2) Dispense, administer, order, prescribe or perform consistent with naturopathic education and training the following:

(i) Naturopathic therapies.

(ii) Naturopathic physical medicine.

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

(iv) Health education and health counseling.
(v) Behavioral medicine.

(vi) Botanical medicine.

(vii) Naturopathic musculoskeletal therapy.

(viii) Homeopathic medicine.

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

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

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

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

(2) Perform surgical procedures.

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

(4) Use general or spinal anesthetics.

(5) Administer ionizing radioactive substances for therapeutic purposes.

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

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

(8) Perform physical therapy, as defined in the act of October 10, 1975 (P.L.383, No.110), known as the Physical Therapy Practice Act, unless licensed as a physical therapist by the Commonwealth.
Section 501. Refusal, suspension and revocation of licenses.

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

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

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

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

   (ii) sexual exploitation of a patient.

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

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

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

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

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

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

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

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

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

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

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

(1) Deny the application for license.

(2) Administer a public reprimand.

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

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

(5) Restore a suspended license and impose any disciplinary or corrective measure which it might originally have imposed.

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

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

(e) Automatic suspension.--

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

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

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

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

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

Section 502. Reinstatement of license.

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

Section 503. License renewal, records and fees.

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

(b) Fees.--

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

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

Section 504. Duty of licensee.

A licensee shall refer a patient to a physician when the patient is presenting a contraindication to the practice of naturopathic medicine.
Section 505. Other professions.

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

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

2. The practice of naturopathic medicine by an individual employed by the Federal Government while the individual is engaged in the performance of duties under Federal law.

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

4. The use, recommendation or practice by an individual not licensed by the board as a naturopathic doctor, of traditional naturopathy, naturopathic therapies, naturopathic health care, naturopathic services, natural remedies, ayurvedic medicine, herbal remedies, food and dietary supplements, nutritional advice, homeopathy and homeopathic remedies, hydrotherapy and therapeutic exercises or any other complementary and alternative healing methods and treatments that may be components of naturopathic medicine, provided the individual does not hold himself out as a naturopathic doctor or as a provider of naturopathic medicine.

Section 506. Unlawful practice.

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

(1) naturopathic doctor or N.D.; or
(2) doctor of naturopathic medicine, naturopathic
    medical doctor or N.M.D.

(b) Title.--An individual who holds a license or is
maintained on inactive status may use the title "Naturopathic
Doctor" and the abbreviation "N.D." or "N.M.D." No other
individual may use the title "Naturopathic Doctor" or hold
himself out to others as a naturopathic doctor. This subsection
includes advertising as a naturopathic doctor and adopting or
using any title or description, including naturopathic doctor,
doctor of naturopathic medicine, naturopathic medicine or a
derivative of those terms and their related abbreviations.

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

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

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

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

Section 507. Violation of act.

(a) General rule.--A person that violates a provision of
this act or a regulation of the board commits a misdemeanor of
the third degree and shall, upon conviction, be sentenced to pay
a fine of not more than $1,000 or to imprisonment for not more
than six months for the first violation and to pay a fine of not
more than $2,000 or to imprisonment for not less than six months
or more than one year, or both, for each subsequent violation.

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

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

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

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

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

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

CHAPTER 6
MISCELLANEOUS PROVISIONS

Section 601. Regulations.
The board shall promulgate regulations to carry out this act. Publication of the final-form regulations under this section shall take place within 18 months of the effective date of this section. The board shall report, within 60 days of the effective date of this section, and every 30 days thereafter, on the status of the regulations to the Consumer Protection and Professional Licensure Committee of the Senate and the Professional Licensure Committee of the House of Representatives.

Section 602. Effective date.
This act shall take effect as follows:

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

(2) The remainder of this act shall take effect in two years.