
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1998 Session of
2007

INTRODUCED BY WANSACZ, KOTIK, BENNINGTON, PASHINSKI, GERGELY,
EACHUS, STABACK, SHIMKUS, SIPTROTH, SHAPIRO, PETRARCA,
READSHAW, MYERS, MURT, MUNDY, WAGNER, WATSON, YOUNGBLOOD AND
CURRY, OCTOBER 30, 2007

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
OCTOBER 30, 2007

AN ACT

1 Licensing and regulating the practice of naturopathic medicine;
2 imposing penalties; and making an appropriation.

3 TABLE OF CONTENTS

4 Chapter 1. Preliminary Provisions

5 Section 101. Short title.

6 Section 102. Declaration of policy.

7 Section 103. Definitions.

8 Chapter 3. State Board of Naturopathic Medicine

9 Section 301. Board.

10 Section 302. Powers and duties of board.

11 Chapter 5. Licensure

12 Section 501. Qualifications for licensure.

13 Section 502. License status and continuing education.

14 Section 503. Examinations.

15 Section 504. Reciprocity.

16 Chapter 7. Practice of Naturopathic Medicine

1 Section 701. Scope of practice.
2 Chapter 9. Administration and Enforcement
3 Section 901. Refusal, suspension and revocation of licenses.
4 Section 902. Reinstatement of license.
5 Section 903. License renewal; records and fees.
6 Section 904. Duty of licensee.
7 Section 905. Other professions.
8 Section 906. Unlawful practice.
9 Section 907. Violation of act.

10 Chapter 21. Miscellaneous Provisions

11 Section 2101. Appropriation and repayment.
12 Section 2102. Regulations.
13 Section 2103. Effective date.

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

16 CHAPTER 1

17 PRELIMINARY PROVISIONS

18 Section 101. Short title.

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

21 Section 102. Declaration of policy.

22 The General Assembly finds and declares as follows:

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

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

1 authorized to practice naturopathic medicine in this
2 Commonwealth and that no person shall practice naturopathic
3 medicine without a valid existing license to do so.

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

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

10 Section 103. Definitions.

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

14 "Board." The State Board of Naturopathic Medicine.

15 "Bureau." The Bureau of Professional and Occupational
16 Affairs.

17 "Commissioner." The Commissioner of Professional and
18 Occupational Affairs.

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

20 "Minor office procedures." The methods for the repair and
21 care incidental to superficial lacerations and abrasions,
22 superficial lesions and the removal of foreign bodies located in
23 the superficial tissues.

24 "Naturopathic doctor." A practitioner of naturopathic
25 medicine who has been properly licensed for that purpose by the
26 State Board of Naturopathic Medicine.

27 "Naturopathic medicine." A system of primary health care for
28 the prevention, diagnosis and treatment of human health
29 conditions, injury and disease; the promotion or restoration of
30 health; and the support and stimulation of a patient's inherent

1 self-healing process through patient education and the use of
2 naturopathic therapies and therapeutic substances.

3 CHAPTER 3

4 STATE BOARD OF NATUROPATHIC MEDICINE

5 Section 301. Board.

6 (a) Establishment.--There is established the State Board of
7 Naturopathic Medicine, an administrative board within the
8 department. The board shall consist of the following members:

9 (1) The Physician General or a designee.

10 (2) The commissioner or a designee.

11 (3) Two public members.

12 (4) Five members who meet the educational and experience
13 qualifications for licensure under section 501.

14 (b) Term of office and qualifications.--Except as provided
15 in subsection (c), the members of the board shall serve for
16 four-year terms and shall be appointed by the Governor by and
17 with the advice and consent of a majority of the members elected
18 to the Senate. Members appointed must be citizens of the United
19 States and must have been residents of this Commonwealth for at
20 least a two-year period.

21 (c) Initial appointments.--Within 90 days of the effective
22 date of this section, the Governor shall nominate two
23 professional members to serve four-year terms, one public member
24 and one professional member to serve three-year terms, one
25 public member and one professional member to serve two-year
26 terms and one professional member to serve a one-year term. For
27 the initial appointment of professional members, appointees must
28 have practiced naturopathic medicine for at least five
29 consecutive years immediately preceding the appointments and
30 must have passed an examination under section 503.

1 (d) Continuation in office.--Each board member shall
2 continue in office until a successor is appointed and qualified
3 but no longer than six months after the expiration of the term.
4 If a board member dies, resigns or otherwise becomes
5 disqualified during the term of office, a successor shall be
6 appointed in the same way and with the same qualifications as
7 set forth in this section and shall hold office for the
8 unexpired portion of the term.

9 (e) Limit on terms.--No board member shall be eligible for
10 reappointment to serve more than two consecutive four-year
11 terms.

12 (f) Forfeiture of membership.--A board member who fails to
13 attend three consecutive meetings without permission of the
14 commissioner shall forfeit the member's seat unless the
15 commissioner, upon written request from the member, finds that
16 the member should be excused from a meeting because of illness
17 or the death of a family member.

18 (g) Compensation.--A member of the board, except the
19 Physician General and the commissioner, shall receive per diem
20 compensation at the rate of \$60 when actually attending to the
21 work of the board. Members shall also receive reasonable travel,
22 hotel and other necessary expenses incurred in the performance
23 of their duties in accordance with regulations.

24 (h) Forfeiture for nonattendance.--A public member who fails
25 to attend two consecutive statutorily mandated training seminars
26 in accordance with section 813(e) of the act of April 9, 1929
27 (P.L.177, No.175), known as The Administrative Code of 1929,
28 shall forfeit the public member's seat unless the commissioner,
29 upon written request from the public member, finds that the
30 public member should be excused from a meeting because of

1 illness or the death of a family member.

2 (i) Quorum.--A majority of the members of the board shall
3 constitute a quorum for the purposes of conducting the business
4 of the board. Except for automatic suspensions under section
5 901(e) and temporary suspensions under section 901(d), a member
6 may not be counted as part of a quorum or vote on any issue
7 unless the member is physically in attendance at the meeting.

8 (j) Chairperson.--The board shall annually select a
9 chairperson from among its members.

10 (k) Meetings.--The board shall meet at least four times a
11 year in Harrisburg and at other times and places as the board
12 shall determine is necessary to conduct board business.

13 (l) Notice.--Reasonable notice of all meetings shall be
14 given in conformity with 65 Pa.C.S. Ch. 7 (relating to open
15 meetings).

16 (m) Operating procedures.--The board shall meet within 30
17 days after the appointment of its initial members and shall
18 institute operating procedures and an application form for
19 licensing naturopathic doctors. The board shall educate the
20 public as to the requirements of licensing in order to hold
21 oneself out or to practice as a licensed naturopathic doctor
22 within this Commonwealth.

23 Section 302. Powers and duties of board.

24 The board has the following powers and duties:

25 (1) To pass upon the qualifications and fitness of
26 applicants for licenses and reciprocal licenses and to
27 promulgate regulations requiring applicants to pass
28 examinations relating to qualifications as a prerequisite to
29 the issuance of a license.

30 (2) To promulgate regulations not inconsistent with this

1 act and only as necessary to carry out this act.

2 (3) To examine, deny, approve, issue, revoke, suspend or
3 renew licenses of naturopathic doctors under this act and to
4 conduct hearings in connection with those powers and duties.

5 (4) To conduct hearings upon complaints concerning
6 violations of this act and the regulations promulgated under
7 this act and to seek the prosecution and enjoinder of
8 violations.

9 (5) To promulgate regulations establishing requirements
10 for continuing education under this act.

11 (6) To expend money necessary to the proper carrying out
12 of its assigned duties.

13 (7) To submit annually to the Consumer Protection and
14 Professional Licensure Committee of the Senate and the
15 Professional Licensure Committee of the House of
16 Representatives a report containing a description of the
17 types of complaints received, status of the cases, board
18 action which has been taken and length of time from the
19 initial complaint to final board resolution.

20 (8) To submit annually to the Appropriations Committee
21 of the Senate and the Appropriations Committee of the House
22 of Representatives, within 15 days after the Governor has
23 submitted a budget to the General Assembly, a copy of the
24 budget request for the upcoming fiscal year which the board
25 previously submitted to the department.

26 CHAPTER 5

27 LICENSURE

28 Section 501. Qualifications for licensure.

29 (a) Applicants.--An applicant shall be considered to be
30 qualified for a license if the applicant submits proof

1 satisfactory to the board of all of the following:

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

3 (2) The applicant has completed a doctorate level
4 naturopathic medical program which is accredited or from an
5 accredited college recognized by the United States Department
6 of Education.

7 (3) The applicant has passed a competency-based national
8 naturopathic licensing examination administered by the North
9 American Board of Naturopathic Examiners or successor agency
10 that has been nationally recognized to administer a
11 naturopathic examination that represents Federal standards of
12 education and training.

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

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

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

24 (A) At least ten years have elapsed from the
25 date of conviction.

26 (B) The applicant satisfactorily demonstrates to
27 the board that the applicant has made significant
28 progress in personal rehabilitation since the
29 conviction and that licensure of the applicant should
30 not be expected to create a substantial risk of harm

1 to the public or a substantial risk of further
2 criminal violations.

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

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

11 (7) The applicant has not been convicted of an offense
12 under the law of another jurisdiction which, if committed in
13 this Commonwealth, would constitute a sexual offense or a
14 felony. Compliance with this paragraph must be documented by
15 a report of criminal history record information from the
16 Pennsylvania State Police or by a statement from the
17 Pennsylvania State Police that its central repository
18 contains no information relating to the applicant. The costs
19 associated with the report or statement shall be paid by the
20 applicant.

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

23 Section 502. License status and continuing education.

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

30 (b) Procedure.--To renew a license, a licensee must do all

1 of the following:

2 (1) File a renewal application with the board. The
3 license must provide all of the following:

4 (i) Current certification to administer
5 cardiopulmonary resuscitation.

6 (ii) Successful completion of a minimum of 24 hours
7 of continuing education in the field of naturopathic
8 medicine during the immediately preceding two years as
9 approved by the board.

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

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

25 (d) Reporting of multiple licensure.--A licensee who is also
26 licensed to practice naturopathic medicine in another
27 jurisdiction shall report this information to the board on the
28 biennial registration application. Any disciplinary action taken
29 in another jurisdiction shall be reported to the board on the
30 biennial registration application or within 90 days of final

1 disposition, whichever is sooner. Multiple licensures shall be
2 noted by the board on the licensee's record, and the other
3 licensing jurisdiction shall be notified by the board of any
4 disciplinary actions taken against the licensee in this
5 Commonwealth.

6 Section 503. Examinations.

7 The board shall contract with a professional testing
8 organization for the examination of qualified applicants for
9 licensure. The board must approve the examination before it is
10 administered. All written, oral and practical examinations shall
11 be prepared and administered by a qualified and approved
12 professional testing organization in the manner prescribed for
13 written examinations by section 812.1 of the act of April 9,
14 1929 (P.L.177, No.175), known as The Administrative Code of
15 1929.

16 Section 504. Reciprocity.

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

26 CHAPTER 7

27 PRACTICE OF NATUROPATHIC MEDICINE

28 Section 701. Scope of practice.

29 (a) Scope.--If consistent with the education and training of
30 a naturopathic doctor, the following are deemed to be within the

1 scope of practice for a naturopathic doctor:

2 (1) Order and perform physical and laboratory
3 examinations consistent with naturopathic education and
4 training, for diagnostic purposes, including phlebotomy,
5 clinical laboratory tests, orificial examinations and
6 physiological function tests.

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

9 (3) Dispense, administer, order, prescribe or perform
10 the following:

11 (i) Foods, extracts of food, nutraceuticals,
12 vitamins, amino acids, minerals, enzymes, botanicals and
13 their extracts, botanical medicines, homeopathic
14 medicines, dietary supplements and nonprescription drugs
15 as defined by the Federal Food, Drug, and Cosmetic Act
16 (52 Stat. 1040, 21 U.S.C. § 301 et seq.).

17 (ii) Hot and cold hydrotherapy, naturopathic
18 physical medicine, electromagnetic energy, colon
19 hydrotherapy and therapeutic exercise.

20 (iii) Devices, including therapeutic devices,
21 barrier contraception and durable medical equipment.

22 (iv) Health education and health counseling.

23 (v) Repair and care incidental to superficial
24 lacerations and abrasions.

25 (vi) Removal of foreign bodies located in the
26 superficial tissues.

27 (vii) Musculoskeletal manipulation.

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

1 (b) Prohibitions.--A naturopathic doctor licensed under this
2 act shall not:

3 (1) Prescribe, dispense or administer any controlled
4 substance or device identified in the Controlled Substances
5 Act (Public Law 91-513, 84 Stat. 1236), except as authorized
6 by this act.

7 (2) Perform surgical procedures except those minor
8 office procedures authorized by this act.

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

12 (4) Use general or spinal anesthetics.

13 (5) Administer ionizing radioactive substances for
14 therapeutic purposes.

15 (6) Perform surgical procedures using a laser device.

16 (7) Perform surgical procedures involving the eye, ear,
17 tendons, nerves, veins or arteries extending beyond
18 superficial tissue.

19 (8) Perform chiropractic adjustments or musculoskeletal
20 manipulation.

21 (9) Perform acupuncture, unless licensed as an
22 acupuncturist by the Commonwealth.

23 CHAPTER 9

24 ADMINISTRATION AND ENFORCEMENT

25 Section 901. Refusal, suspension and revocation of licenses.

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

29 (1) Being convicted under Federal law, under the law of
30 any state or under the law of any foreign jurisdiction of an

1 offense of moral turpitude or of an offense which, if
2 committed in this Commonwealth, would constitute a sexual
3 offense or a felony. As used in this paragraph, the term
4 "convicted" includes a finding or verdict of guilt, an
5 admission of guilt or a plea of nolo contendere or receiving
6 probation without verdict, disposition in lieu of trial or an
7 accelerated rehabilitative disposition in the disposition of
8 felony charges.

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

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

16 (ii) sexual exploitation of a patient.

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

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

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

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

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

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

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

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

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

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

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

1 (1) Deny the application for license.

2 (2) Administer a public reprimand.

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

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

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

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

15 (d) Temporary suspension.--The board shall temporarily
16 suspend a license under circumstances as determined by the board
17 to be an immediate and clear danger to the public health and
18 safety. The board shall issue an order to that effect without a
19 hearing, but upon notice to the licensee concerned at the
20 licensee's last known address, which must include a written
21 statement of all allegations against the licensee. Subsection
22 (c) shall not apply to temporary suspension. Upon issuance of an
23 order under this subsection, the board shall commence formal
24 action to suspend, revoke or restrict the license as otherwise
25 provided for in this act. All actions shall be taken promptly.
26 Within 30 days following the issuance of an order temporarily
27 suspending a license, the board shall conduct a preliminary
28 hearing to determine that there is a prima facie case supporting
29 the suspension. The licensee whose license has been temporarily
30 suspended may be present at the preliminary hearing and may be

1 represented by counsel, cross-examine witnesses, inspect
2 physical evidence, call witnesses, offer evidence and testimony
3 and make a record of the proceedings. If it is determined that
4 there is not a prima facie case, the suspended license shall be
5 immediately restored. The temporary suspension shall remain in
6 effect until vacated by the board, but in no event longer than
7 180 days.

8 (e) Automatic suspension.--

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

13 (2) A license shall automatically be suspended upon
14 conviction of a felony under the act of April 14, 1972 (P.L.
15 233, No. 64), known as The Controlled Substance, Drug, Device
16 and Cosmetic Act, or conviction of an offense under the laws
17 of another jurisdiction, which, if committed in this
18 Commonwealth, would be a felony under The Controlled
19 Substance, Drug, Device and Cosmetic Act. As used in this
20 paragraph, the term "conviction" includes a judgment, an
21 admission of guilt or a plea of nolo contendere.

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

24 (4) Reinstatement of a license shall be made under
25 section 902.

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

28 Section 902. Reinstatement of license.

29 Unless ordered to do so by a court of competent jurisdiction,
30 the board shall not reinstate the license of an individual which

1 has been revoked. An individual whose license has been revoked
2 may reapply for a license after a period of at least five years
3 but must meet all of the licensing requirements of this act.

4 Section 903. License renewal; records and fees.

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

8 (b) Fees.--

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

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

21 Section 904. Duty of licensee.

22 A licensee shall refer a patient to a physician when the
23 patient is presenting a contraindication to the practice of
24 naturopathic medicine.

25 Section 905. Other professions.

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

29 (1) The practice of a profession by an individual who is
30 licensed, certified or registered by a Commonwealth agency

1 under other law and who is performing services or advertising
2 within the authorized scope of practice.

3 (2) The practice of naturopathic medicine by an
4 individual employed by the Federal Government while the
5 individual is engaged in the performance of duties under
6 Federal law.

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

12 Section 906. Unlawful practice.

13 (a) General rule.--An individual may not practice
14 naturopathic medicine or hold himself out as a naturopathic
15 doctor unless licensed by the board.

16 (b) Title.--An individual who holds a license or is
17 maintained on inactive status may use the title "Licensed
18 Naturopathic Doctor" and the abbreviation " N.D." No other
19 individual may use the title "Licensed Naturopathic Doctor" or
20 hold himself out to others as a naturopathic doctor. This
21 subsection includes advertising as a naturopathic doctor and
22 adopting or using any title or description, including
23 naturopathic doctor, naturopath, doctor of naturopathic
24 medicine, naturopathic health care, naturopathic medicine or a
25 derivative of those terms and their related abbreviations, which
26 implies directly or indirectly that naturopathic services are
27 being provided.

28 (c) Employment.--An individual, corporation, partnership,
29 firm or other entity may not employ an individual in
30 naturopathic medicine unless the individual is licensed by the

1 board.

2 (d) Terminology.--A business entity may not utilize in
3 connection with a business name or activity the words
4 naturopathic doctor, naturopath, doctor of naturopathic
5 medicine, naturopathic health care, naturopathic medicine or a
6 derivative of those terms and their related abbreviations, which
7 imply directly or indirectly that naturopathic services are
8 being provided, unless the services of the business are provided
9 by licensees.

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

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

21 Section 907. Violation of act.

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

29 (b) Civil penalty.--In addition to any other civil remedy or
30 criminal penalty provided for in this act, the board, by a vote

1 of the majority of the maximum number of the authorized
2 membership of the board or by a vote of the majority of the
3 qualified and confirmed membership or a minimum of five members,
4 whichever is greater, may levy a civil penalty of up to \$1,000
5 on any of the following:

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

8 (2) A person that employs a naturopathic doctor in
9 violation of this act.

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

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

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

19 CHAPTER 21

20 MISCELLANEOUS PROVISIONS

21 Section 2101. Appropriation and repayment.

22 (a) Appropriation.--The sum of \$85,000, or as much thereof
23 as may be necessary, is hereby appropriated from the
24 Professional Licensure Augmentation Account to the department
25 for the payment of costs associated with processing licenses and
26 renewing licenses, for the operation of the board and for other
27 costs associated with this act.

28 (b) Repayment.--The appropriation shall be repaid by the
29 board to the Professional Licensure Augmentation Account within
30 three years of the beginning of issuance of licenses by the

1 board.

2 Section 2102. Regulations.

3 The board shall promulgate regulations to carry out this act.

4 Publication of the final-form regulations under this section

5 shall take place within 18 months of the effective date of this

6 section. The board shall report, within 60 days of the effective

7 date of this section, and every 30 days thereafter, on the

8 status of the regulations to the Consumer Protection and

9 Professional Licensure Committee of the Senate and the

10 Professional Licensure Committee of the House of

11 Representatives.

12 Section 2103. Effective date.

13 This act shall take effect as follows:

14 (1) Chapter 3 and this chapter shall take effect

15 immediately.

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

17 years.