
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1717 Session of
2011

INTRODUCED BY MUSTIO, MAHER, BEAR, KILLION, CUTLER, DENLINGER,
FLECK, FREEMAN, GEIST, MARSHALL, MUNDY, NEUMAN AND WHITE,
JUNE 23, 2011

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JUNE 23, 2011

AN ACT

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

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

17 CHAPTER 1

18 PRELIMINARY PROVISIONS

19 Section 101. Short title.

20 This act shall be known and may be cited as the Naturopathic
21 Physician Practice Act.

22 Section 102. Declaration of policy.

23 The General Assembly finds and declares as follows:

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

28 (2) It is a matter of public interest that naturopathic
29 physicians and the practice of naturopathic medicine merit
30 the 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 physicians comprise a distinct health care profession that
6 affects the public health, safety and welfare and increases
7 freedom of choice in health care.

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

10 Section 103. Definitions.

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

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

17 "Board." The State Board of Medicine.

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

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

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

25 "Committee." The Naturopathic Formulary Committee within the
26 Pennsylvania State Board of Medicine.

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

1 laboratory medicine and obtaining samples of human tissues, but
2 excluding incision or excision beyond that which is authorized
3 as a minor office procedure.

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

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

8 "Minor office procedures." Methods for the repair and care
9 incidental to superficial lacerations and abrasions. The use of
10 antiseptics and local anesthetics in connection with these
11 methods is permitted.

12 "Naturopathic doctor." A person who holds an active license
13 issued under this chapter.

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

20 "Naturopathic musculoskeletal therapy." The treatment by
21 manual and other mechanical means of all body tissues and
22 structures, including, but not limited to, bones, fascia,
23 muscles, tendons, ligaments, entheses, joint capsules, bursae,
24 tendon sheaths, scar tissue and visceral organs by naturopathic
25 doctors. These may be located anywhere in the human body,
26 including, but not limited to, the spine, cranium,
27 thoracoabdominal cavity and extremities. These manual and
28 mechanical techniques involve the use of oscillation, thrust,
29 pressure and sustained tension, including traction, mobilization
30 through physiologic and extra-physiologic ranges of motion,

1 including passive intrinsic mobility of all body joints, and
2 repositioning of displaced body tissues and organs.

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

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

21 (1) the prescription of which is consistent with the
22 competent practice of naturopathic medicine; and

23 (2) the prescription of which is limited to
24 antimicrobials and bio-identical hormones.

25 "Superficial." Refers to lacerations, abrasions, benign
26 lesions, foreign bodies and wounds which involve the skin,
27 mucosa and subcutaneous tissue to a depth of the deep
28 superficial fascia, and which do not involve vital deep
29 structure such as major nerves, major tendons, major blood
30 vessels and bone or viscera.

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

3 CHAPTER 2

4 STATE BOARD OF MEDICINE

5 Section 201. Declaration of purpose.

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

9 Section 202. Naturopathic medical education.

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

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

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

28 (3) A naturopathic medical education program in the
29 United States shall offer graduate-level, full-time studies
30 and training leading to the degree of Doctor of Naturopathy

1 or Doctor of Naturopathic Medicine. The program shall be an
2 institution or part of an institution of higher education
3 that is either accredited or is a candidate for accreditation
4 by a regional institutional accrediting agency recognized by
5 the United States Secretary of Education and the Council on
6 Naturopathic Medical Education, or an equivalent federally
7 recognized accrediting body for naturopathic doctor
8 education.

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

16 Section 203. Naturopathic Formulary Committee.

17 The board shall establish the Naturopathic Formulary
18 Committee to determine a naturopathic formulary based upon a
19 review of naturopathic medical education and training:

20 (1) The committee shall be composed of the following
21 members:

22 (i) Two naturopathic doctors, licensed by this act,
23 to be appointed by the board.

24 (ii) One member of the board of medicine, to be
25 appointed by the board of medicine.

26 (iii) The Secretary of Health or a physician
27 appointed by the Secretary of Health.

28 (iv) One pharmacist licensed by the State Pharmacy
29 Board, to be appointed by the State Pharmacy Board.

30 (v) One additional member, who holds an advanced

1 degree in either pharmacology or pharmacognosy, appointed
2 by the board.

3 (2) The chair of the council shall be elected by a
4 majority of the council members.

5 (3) The committee shall review naturopathic education,
6 training and practice and make specific recommendations
7 regarding the prescribing, ordering and furnishing authority
8 of a naturopathic doctor.

9 (4) The board shall make recommendations to the General
10 Assembly no later than January 1, 2014, regarding the
11 prescribing and furnishing authority of a naturopathic
12 doctor. The committee and the board shall consult with
13 physicians, surgeons, pharmacists and licensed naturopathic
14 doctors in developing the findings and recommendations
15 submitted to the General Assembly.

16 CHAPTER 3

17 LICENSURE

18 Section 301. Qualifications for licensure.

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

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

23 (2) The applicant has completed a doctorate-level
24 naturopathic medical program which is accredited or from an
25 accredited college recognized by the United States Department
26 of Education.

27 (3) The applicant has passed a competency-based national
28 naturopathic licensing examination administered by the North
29 American Board of Naturopathic Examiners or successor agency
30 that has been nationally recognized to administer a

1 naturopathic examination that represents Federal standards of
2 education and training, or has graduated prior to 1986, and
3 yet has passed a State naturopathic licensing examination.

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

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

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

15 (A) At least ten years have elapsed from the
16 date of conviction.

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

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

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

1 charges.

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

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

14 Section 302. License status and continuing education.

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

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

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

25 (i) Current certification to administer
26 cardiopulmonary resuscitation.

27 (ii) Successful completion of a minimum of 40 hours
28 of continuing education in the field of naturopathic
29 medicine during the immediately preceding two years as
30 approved by the board.

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

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

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

27 Section 303. Liability insurance.

28 (a) General rule.--A licensed naturopathic doctor practicing
29 in this Commonwealth shall maintain a level of professional
30 liability insurance coverage in the minimum amount of \$1,000,000

1 per occurrence or claims made. Failure to maintain insurance
2 coverage as required shall subject the licensee to disciplinary
3 proceedings. The board shall accept from a naturopathic doctor
4 as satisfactory evidence of insurance coverage of any of the
5 following:

- 6 (1) self-insurance;
- 7 (2) personally purchased liability insurance; or
- 8 (3) professional liability insurance coverage provided
9 by the naturopathic doctor's employer or similar insurance
10 coverage acceptable to the board.

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

22 Section 304. Reciprocity.

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

1 licensed under this act.

2 CHAPTER 4

3 PRACTICE OF NATUROPATHIC MEDICINE

4 Section 401. Scope of practice.

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

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

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

13 (3) Dispense, administer, order, prescribe or perform
14 the following:

15 (i) Naturopathic therapies.

16 (ii) Naturopathic physical medicine.

17 (iii) Devices, including therapeutic devices,
18 barrier contraception and durable medical equipment.

19 (iv) Health education and health counseling.

20 (vi) Behavioral medicine.

21 (vii) Naturopathic musculoskeletal therapy.

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

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

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

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

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

6 (4) Use general or spinal anesthetics.

7 (5) Administer ionizing radioactive substances for
8 therapeutic purposes.

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

10 (7) Perform surgical procedures involving the eye, ear,
11 tendons, nerves, veins or arteries extending beyond
12 superficial tissue.

13 (8) Perform chiropractic adjustments or musculoskeletal
14 manipulation, unless licensed as a chiropractor by the
15 Commonwealth.

16 (9) Perform acupuncture, unless licensed as an
17 acupuncturist by the Commonwealth.

18 Section 402. Authority to use, prescribe, dispense and order.

19 (a) General rule.--Naturopathic medical practice includes
20 the prescription, administration, dispensing and use of any of
21 the following:

22 (1) nutrition and food science, physical modalities,
23 minor office procedures, homeopathy and hygiene;

24 (2) nondrug contraceptive devices;

25 (3) nonprescription medicines including vitamins,
26 minerals, botanical medicines, homeopathic medicines and
27 hormones; or

28 (4) prescription drugs to include antimicrobials and
29 bio-identical hormones.

30 (b) Prescriptions.--All prescriptions must be hand-printed,

1 typewritten or generated electronically.

2 CHAPTER 5

3 ADMINISTRATION AND ENFORCEMENT

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

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

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

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

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

25 (ii) sexual exploitation of a patient.

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

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

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

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

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

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

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

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

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

19 (12) Being unable to practice with reasonable skill and
20 safety by reason of illness, drunkenness, excessive use of
21 drugs, narcotics, chemicals or any other type of material, or
22 as a result of any mental or physical condition. In enforcing
23 this paragraph, the board, upon probable cause, has authority
24 to compel a licensee to submit to a mental or physical
25 examination by a physician approved by the board. Failure of
26 a licensee to submit to an examination when directed by the
27 board, unless the failure is due to circumstances beyond the
28 licensee's control, shall constitute an admission of the
29 allegations against the licensee, consequent upon which a
30 default and final order may be entered without the taking of

1 testimony or presentation of evidence. A licensee affected
2 under this paragraph shall, at reasonable intervals as
3 determined by the board, be afforded an opportunity to
4 demonstrate that the licensee can resume competent practice
5 with reasonable skill and safety.

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

10 (1) Deny the application for license.

11 (2) Administer a public reprimand.

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

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

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

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

24 (d) Temporary suspension.--The board shall temporarily
25 suspend a license under circumstances as determined by the board
26 to be an immediate and clear danger to the public health and
27 safety. The board shall issue an order to that effect without a
28 hearing, but upon notice to the licensee concerned at the
29 licensee's last known address, which must include a written
30 statement of all allegations against the licensee. Subsection

1 (c) shall not apply to temporary suspension. Upon issuance of an
2 order under this subsection, the board shall commence formal
3 action to suspend, revoke or restrict the license as otherwise
4 provided for in this act. All actions shall be taken promptly.
5 Within 30 days following the issuance of an order temporarily
6 suspending a license, the board shall conduct a preliminary
7 hearing to determine that there is a prima facie case supporting
8 the suspension. The licensee whose license has been temporarily
9 suspended may be present at the preliminary hearing and may be
10 represented by counsel, cross-examine witnesses, inspect
11 physical evidence, call witnesses, offer evidence and testimony
12 and make a record of the proceedings. If it is determined that
13 there is not a prima facie case, the suspended license shall be
14 immediately restored. The temporary suspension shall remain in
15 effect until vacated by the board, but in no event longer than
16 180 days.

17 (e) Automatic suspension.--

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

22 (2) A license shall automatically be suspended upon
23 conviction of a felony under the act of April 14, 1972 (P.L.
24 233, No. 64), known as The Controlled Substance, Drug, Device
25 and Cosmetic Act, or conviction of an offense under the laws
26 of another jurisdiction, which, if committed in this
27 Commonwealth, would be a felony under The Controlled
28 Substance, Drug, Device and Cosmetic Act. As used in this
29 paragraph, the term "conviction" includes a judgment, an
30 admission of guilt or a plea of nolo contendere.

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

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

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

7 Section 502. Reinstatement of license.

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

13 Section 503. License renewal, records and fees.

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

17 (b) Fees.--

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

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

30 Section 504. Duty of licensee.

1 A licensee shall refer a patient to a physician when the
2 patient is presenting a contraindication to the practice of
3 naturopathic medicine.

4 Section 505. Other professions.

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

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

12 (2) The practice of naturopathic medicine by an
13 individual employed by the Federal Government while the
14 individual is engaged in the performance of duties under
15 Federal law.

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

21 Section 506. Unlawful practice.

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

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

1 naturopathic doctor. This subsection includes advertising as a
2 naturopathic doctor and adopting or using any title or
3 description, including naturopathic doctor, naturopathic
4 physician, naturopath, doctor of naturopathic medicine,
5 naturopathic health care, naturopathic medicine or a derivative
6 of those terms and their related abbreviations, which implies
7 directly or indirectly that naturopathic services are being
8 provided.

9 (c) Employment.--An individual, corporation, partnership,
10 firm or other entity may not employ an individual in
11 naturopathic medicine unless the individual is licensed by the
12 board.

13 (d) Terminology.--A business entity may not utilize in
14 connection with a business name or activity the words
15 naturopathic doctor, naturopath, doctor of naturopathic
16 medicine, naturopathic health care, naturopathic medicine or a
17 derivative of those terms and their related abbreviations, which
18 imply directly or indirectly that naturopathic services are
19 being provided, unless the services of the business are provided
20 by licensees.

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

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

1 prosecution and punishment.

2 Section 507. Violation of act.

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

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

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

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

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

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

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

30 CHAPTER 6

MISCELLANEOUS PROVISIONS

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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.