
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 612 Session of
2013

INTRODUCED BY MUSTIO, CHRISTIANA, READSHAW, MAHER, KILLION,
KORTZ, SONNEY, QUINN, GERGELY, GIBBONS, GINGRICH, KOTIK,
MARSHALL, SWANGER, FLECK, AUMENT, ROAE, DENLINGER, COHEN, D.
COSTA, NEUMAN, WHITE, V. BROWN, FREEMAN, SANTARSIERO AND
WHEATLEY, FEBRUARY 8, 2013

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, FEBRUARY 8, 2013

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.

5 TABLE OF CONTENTS

6 Chapter 1. Preliminary Provisions
7 Section 101. Short title.
8 Section 102. Declaration of policy.
9 Section 103. Definitions.
10 Chapter 2. State Board of Medicine
11 Section 201. Declaration of purpose.
12 Section 202. Naturopathic medical education.
13 Chapter 3. Licensure
14 Section 301. Qualifications for licensure.
15 Section 302. License status and continuing education.
16 Section 303. Liability insurance.
17 Section 304. Reciprocity.

1 Chapter 4. Practice of Naturopathic Medicine
2 Section 401. Scope of practice.
3 Chapter 5. Administration and Enforcement
4 Section 501. Refusal, suspension and revocation of licenses.
5 Section 502. Reinstatement of license.
6 Section 503. License renewal; records and fees.
7 Section 504. Duty of licensee.
8 Section 505. Other professions.
9 Section 506. Unlawful practice.
10 Section 507. Violation of act.
11 Chapter 6. Miscellaneous Provisions
12 Section 601. Regulations.
13 Section 602. 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 Doctor Practice Act.

21 Section 102. Declaration of policy.

22 The General Assembly finds and declares as follows:

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

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

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

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

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

10 Section 103. Definitions.

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

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

17 "Board." The State Board of Medicine.

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

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

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

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

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

1 "Diagnostic imaging modalities." Includes all X-ray,
2 mammography and ultrasound goods and services.

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

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

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

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

27 "Naturopathic physical medicine." The methods of treating
28 the body by means of electromagnetic energy, colon hydrotherapy,
29 therapeutic exercise and therapeutic use by naturopathic doctors
30 of the physical agents of air, water, heat, cold, sound, light

1 and the physical modalities and procedures, including, but not
2 limited to, hydrotherapy, electrotherapy, magnetic therapy,
3 diathermy, ultrasound, ultraviolet, infrared and low-level laser
4 light, therapeutic exercise, neural therapy and myofascial
5 trigger point therapy.

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

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

16 CHAPTER 2

17 STATE BOARD OF MEDICINE

18 Section 201. Declaration of purpose.

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

22 Section 202. Naturopathic medical education.

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

28 (1) Admission requirements that include a minimum of
29 three-quarters of the credits required for a bachelor's
30 degree from a regionally accredited or preaccredited college

1 or university or the equivalency, as determined by the
2 council.

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

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

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

29 CHAPTER 3

30 LICENSURE

1 Section 301. Qualifications for licensure.

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

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

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

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

17 (4) The applicant provides the board with a list of at
18 least two physicians licensed to practice medicine in this
19 State who have agreed to be available for consultation and
20 accept referrals from the applicant. The applicant shall also
21 provide the board with letters of verification from the
22 listed physicians.

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

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

27 (7) (i) The applicant has not been convicted of a
28 felony under the act of April 14, 1972 (P.L.233, No.64),
29 known as The Controlled Substance, Drug, Device and
30 Cosmetic Act, or of an offense under the laws of another

1 jurisdiction which, if committed in this Commonwealth,
2 would be a felony under The Controlled Substance, Drug,
3 Device and Cosmetic Act, unless the following apply:

4 (A) At least ten years have elapsed from the
5 date of conviction.

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

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

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

21 (8) The applicant has not been convicted of an offense
22 under the laws of another jurisdiction which, if committed in
23 this Commonwealth, would constitute a sexual offense or a
24 felony. Compliance with this paragraph must be documented by
25 a report of criminal history record information from the
26 Pennsylvania State Police or by a statement from the
27 Pennsylvania State Police that its central repository
28 contains no information relating to the applicant. The costs
29 associated with the report or statement shall be paid by the
30 applicant.

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

3 Section 302. License status and continuing education.

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

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

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

13 (2) Maintain current certification to administer
14 cardiopulmonary resuscitation.

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

18 (i) At least ten hours shall be in pharmacology.

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

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

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

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

1 (C) An accredited college or university.

2 (D) A professional association or organization
3 representing a licensed profession whose program
4 objectives are related to naturopathic training.

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

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

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

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

1 biennial registration application or within 90 days of final
2 disposition, whichever is sooner. Multiple licensures shall be
3 noted by the board on the licensee's record, and the other
4 licensing jurisdiction shall be notified by the board of any
5 disciplinary actions taken against the licensee in this
6 Commonwealth.

7 Section 303. Liability insurance.

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

15 (1) Self-insurance.

16 (2) Personally purchased medical professional liability
17 insurance.

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

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

1 declaration page.

2 Section 304. Reciprocity.

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

12 CHAPTER 4

13 PRACTICE OF NATUROPATHIC MEDICINE

14 Section 401. Scope of practice.

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

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

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

23 (3) Dispense, administer, order, prescribe or perform
24 the following:

25 (i) Naturopathic therapies.

26 (ii) Naturopathic physical medicine.

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

30 (iv) Health education and health counseling.

- 1 (v) Behavioral medicine.
- 2 (vi) Botanical medicine.
- 3 (vii) Naturopathic musculoskeletal therapy.
- 4 (viii) Homeopathic medicine.

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

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

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

12 (1) Prescribe, dispense or administer any controlled
13 substance or device identified in the Controlled Substances
14 Act (Public Law 91-513, 84 Stat. 1236).

15 (2) Perform surgical procedures.

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

19 (4) Use general or spinal anesthetics.

20 (5) Administer ionizing radioactive substances for
21 therapeutic purposes.

22 (6) Perform chiropractic adjustments, unless licensed as
23 a chiropractor by the Commonwealth.

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

26 CHAPTER 5

27 ADMINISTRATION AND ENFORCEMENT

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

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

1 following:

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

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

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

19 (ii) sexual exploitation of a patient.

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

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

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

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

30 (7) Violating a regulation promulgated by the board,

1 including standards of professional practice and conduct or
2 violating an order of the board previously entered in a
3 disciplinary proceeding.

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

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

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

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

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

30 (b) Board action.--If the board finds that the license or

1 application for license may be refused, revoked, restricted or
2 suspended under the terms of subsection (a), the board may do
3 any of the following:

4 (1) Deny the application for license.

5 (2) Administer a public reprimand.

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

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

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

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

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

1 hearing to determine that there is a prima facie case supporting
2 the suspension. The licensee whose license has been temporarily
3 suspended may be present at the preliminary hearing and may be
4 represented by counsel, cross-examine witnesses, inspect
5 physical evidence, call witnesses, offer evidence and testimony
6 and make a record of the proceedings. If it is determined that
7 there is not a prima facie case, the suspended license shall be
8 immediately restored. The temporary suspension shall remain in
9 effect until vacated by the board, but in no event longer than
10 180 days.

11 (e) Automatic suspension.--

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

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

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

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

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

1 Section 502. Reinstatement of license.

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

7 Section 503. License renewal, records and fees.

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

11 (b) Fees.--

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

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

24 Section 504. Duty of licensee.

25 A licensee shall refer a patient to a physician when the
26 patient is presenting a contraindication to the practice of
27 naturopathic medicine.

28 Section 505. Other professions.

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

1 activities:

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

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

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

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

26 Section 506. Unlawful practice.

27 (a) General rule.--An individual may not practice
28 naturopathic medicine or hold himself out as a naturopathic
29 doctor unless licensed by the board. An individual represents
30 himself as a naturopathic doctor when that person adopts or uses

1 any title or any description of services that incorporates one
2 or more of the following terms or designations:

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

4 (2) doctor of naturopathic medicine, naturopathic
5 medical doctor or N.M.D.

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

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

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

25 (e) Injunction.--Unlawful practice may be enjoined by the
26 courts upon petition of the commissioner or the board. In a
27 proceeding under this section, it shall not be necessary to show
28 that an individual has been injured. If the court finds that the
29 respondent has violated this section, it shall enjoin the
30 respondent from practicing until the respondent has been

1 licensed. Procedure in such cases shall be the same as in any
2 other injunction suit.

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

6 Section 507. Violation of act.

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

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

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

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

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

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

30 (c) Administrative Agency Law.--Action of the board under

1 subsection (b) is subject to 2 Pa.C.S. Chs. 5 Subch. A (relating
2 to practice and procedure of Commonwealth agencies) and 7 Subch.
3 A (relating to judicial review of Commonwealth agency action).

4 CHAPTER 6

5 MISCELLANEOUS PROVISIONS

6 Section 601. Regulations.

7 The board shall promulgate regulations to carry out this act.
8 Publication of the final-form regulations under this section
9 shall take place within 18 months of the effective date of this
10 section. The board shall report, within 60 days of the effective
11 date of this section, and every 30 days thereafter, on the
12 status of the regulations to the Consumer Protection and
13 Professional Licensure Committee of the Senate and the
14 Professional Licensure Committee of the House of
15 Representatives.

16 Section 602. Effective date.

17 This act shall take effect as follows:

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

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