

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 244

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO NATUROPATHIC MEDICINE LICENSING; AMENDING TITLE 54, IDAHO CODE,
2 BY THE ADDITION OF A NEW CHAPTER 51, TITLE 54, IDAHO CODE, TO DEFINE
3 TERMS, TO PROVIDE FOR SCOPE OF PRACTICE, TO PROVIDE EXEMPTIONS FROM
4 LICENSURE, TO ESTABLISH A NATUROPATHIC MEDICAL BOARD, TO PROVIDE FOR
5 THE POWERS AND DUTIES OF THE NATUROPATHIC MEDICAL BOARD, TO ESTABLISH
6 PROVISIONS REGARDING QUALIFICATIONS FOR LICENSURE, TO PROVIDE FOR LI-
7 CENSURE BY ENDORSEMENT, TO PROVIDE FOR LICENSE EXPIRATION AND RENEWAL,
8 TO PROVIDE GROUNDS FOR DISCIPLINE OR DENIAL OF A LICENSE, TO SPECIFY
9 CERTAIN PROHIBITED ACTS, AND TO PROVIDE FOR PREEMPTION OF LOCAL REGULA-
10 TIONS.
11

12 Be It Enacted by the Legislature of the State of Idaho:

13 SECTION 1. That Title 54, Idaho Code, be, and the same is hereby amended
14 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
15 ter 51, Title 54, Idaho Code, and to read as follows:

16 CHAPTER 51

17 NATUROPATHIC MEDICINE LICENSING

18 54-5101. DEFINITIONS. As used in this chapter:

19 (1) "Approved naturopathic medical program" means a naturopathic med-
20 ical education program in the United States or Canada that provides the de-
21 gree of doctor of naturopathy or doctor of naturopathic medicine, that in-
22 cludes graduate level, full-time, didactic, and supervised clinical train-
23 ing, and is either accredited or has achieved candidacy status for accredi-
24 tation by the nationally recognized accrediting body for naturopathic medi-
25 cal programs.

26 (2) "Board" means the Idaho board of medicine.

27 (3) "Minor office procedures" means the use of operative, electrical,
28 or other methods for the repair and care incidental to superficial lacera-
29 tions and abrasions, superficial lesions, and the removal of foreign bodies
30 located in the superficial tissues and the use of antiseptics and local topi-
31 cal anesthetics in connection with such methods.

32 (4) "Naturopathic medical board" means an advisory naturopathic li-
33 censure board established by this chapter to accept applications under this
34 chapter, to make recommendations and consult with the board, and to perform
35 such other duties as may be required or authorized in this chapter or by the
36 board.

37 (5) "Naturopathic medical doctor" means a person authorized and li-
38 censed to practice naturopathic medicine under this chapter.

39 (6) "Naturopathic medical formulary" means the prescription medicines
40 used by naturopathic medical doctors, as set forth in rule, which may in-

1 clude legend medications excluding scheduled controlled substances except
2 for testosterone.

3 (7) "Naturopathic medicine" means a distinct and comprehensive system
4 of primary health care practiced by a naturopathic medical doctor.

5 54-5102. SCOPE OF PRACTICE. (1) Naturopathic medical doctors provide
6 primary care, including but not limited to the following services:

7 (a) Naturopathic medical doctors may use physical and laboratory exam-
8 inations consistent with naturopathic medical education and training
9 for diagnostic purposes. Naturopathic medical doctors may order and
10 perform diagnostic and imaging tests consistent with naturopathic
11 medical education and training. All diagnostic and imaging tests not
12 consistent with naturopathic medical education and training must be
13 referred to an appropriately licensed health care professional for
14 treatment and interpretation.

15 (b) Naturopathic medical doctors are authorized to dispense, adminis-
16 ter, and prescribe prescription drugs and medical devices as authorized
17 by the naturopathic medical formulary as set forth in rule.

18 (c) Naturopathic medical doctors may perform minor office procedures.

19 (d) Naturopathic medical doctors may perform those therapies for which
20 they are trained and educated, consistent with the provisions of this
21 chapter.

22 (e) Naturopathic medical doctors may admit patients to a hospital at
23 which they are credentialed and privileged to do so.

24 (2) The practice of naturopathic medicine does not include the practice
25 of obstetrics.

26 (3) This section shall take effect on July 1, 2020.

27 54-5103. EXEMPTIONS FROM LICENSURE. This chapter is not intended to
28 and does not prohibit, restrict, or apply to:

29 (1) The practice of a profession by individuals who are licensed, cer-
30 tified, registered, or otherwise authorized under other laws of this state
31 and are performing services within the authorized scope of practice;

32 (2) The practice of naturopathic medicine by an individual employed by
33 the federal government while the individual is engaged in the performance of
34 duties prescribed by the laws and regulations of the United States;

35 (3) An individual rendering aid in an emergency, when no fee or other
36 consideration for the service is charged, received, expected, or contem-
37 plated;

38 (4) An individual engaged in the sale of vitamins, health foods,
39 over-the-counter homeopathic products, dietary supplements, herbs, or
40 other products of nature, the sale of which is not otherwise prohibited under
41 state or federal law;

42 (5) The practice by a licensed naturopathic physician duly licensed
43 in another state, territory, or the District of Columbia when that licensed
44 naturopathic physician is called into this state for consultation with a
45 physician licensed pursuant to this chapter or chapter 18, title 54, Idaho
46 Code;

47 (6) The practice of naturopathic medicine by a student enrolled in an
48 approved naturopathic medical program. Services shall be performed pur-

1 suant to a course of instruction or assignments from an instructor and under
2 the supervision and observation of the instructor or a naturopathic medical
3 doctor; or

4 (7) The practice of the complementary and alternative healing methods
5 and treatments as described in section 54-1804(1)(j), Idaho Code.

6 (8) This section shall take effect on July 1, 2020.

7 54-5104. NATUROPATHIC MEDICAL BOARD. (1) There is hereby established
8 a naturopathic medical board.

9 (2) The naturopathic medical board shall consist of five (5) members
10 appointed by the board, all of whom shall be residents of Idaho, three (3)
11 of whom shall be licensed pursuant to this chapter, one (1) of whom shall be
12 a physician licensed pursuant to chapter 18, title 54, Idaho Code, and one
13 (1) of whom shall be a public member. The initial naturopathic medical board
14 shall be appointed for staggered terms, the longer of which will not exceed
15 four (4) years. After the initial appointments, all terms shall be for three
16 (3) years, and no member of the naturopathic medical board shall serve more
17 than three (3) terms.

18 (3) The initial three (3) naturopathic medical doctor members shall
19 have at least two (2) years of experience in the practice of naturopathic
20 medicine and shall be eligible to become licensed pursuant to this chapter.

21 (4) After initial naturopathic medical board members are appointed,
22 the three (3) naturopathic medical board members who are naturopathic med-
23 ical doctors shall be licensed pursuant to this chapter and shall actively
24 practice naturopathic medicine in the state of Idaho for the duration of
25 their appointment.

26 (5) In the event of death, resignation, or removal of any naturopathic
27 medical board member before the expiration of the term to which he is ap-
28 pointed, the vacancy shall be filled for the unexpired portion of the term in
29 the same manner as the original appointment.

30 (6) The board may, upon recommendation of the naturopathic medical
31 board, or upon its own motion, remove any member of the naturopathic medical
32 board for cause prior to the expiration of the member's term.

33 (7) The naturopathic medical board shall, within thirty (30) days after
34 its appointment, and at least semiannually thereafter, hold a meeting and
35 elect a chairperson. The naturopathic medical board may hold additional
36 meetings on the call of the chairperson or at the written request of any two
37 (2) members of the naturopathic medical board. The naturopathic medical
38 board may appoint such committees as it considers necessary to carry out its
39 duties. A majority of the members of the naturopathic medical board shall
40 constitute a quorum.

41 (8) Each member of the naturopathic medical board shall be compensated
42 as provided in section 59-509(n), Idaho Code.

43 54-5105. BOARD OF MEDICINE AND NATUROPATHIC MEDICAL BOARD -- POWERS
44 AND DUTIES -- FUNDS. (1) The board of medicine shall administer, coordinate,
45 and enforce the provisions of this chapter and, for that purpose, may hire
46 such employees as may be necessary. The naturopathic medical board shall
47 make recommendations to, and consult with, the board concerning qualifica-

1 tion of applicants for licensure, issuance of licenses, renewal of licenses,
2 discipline of licensees, and rules to be promulgated under this chapter.

3 (2) The board of medicine may, upon recommendation of the naturopathic
4 medical board, or by its own motion, adopt rules pursuant to chapter 52, ti-
5 tle 67, Idaho Code, necessary to implement the provisions of this chapter,
6 including but not limited to rules relating to professional licensure exam-
7 ination, the establishment of ethical standards of practice, disciplinary
8 proceedings, and license suspension, revocation, or restriction for persons
9 holding a license to practice naturopathic medicine in this state.

10 (3) The naturopathic medical board shall hold meetings, conduct hear-
11 ings, and keep records and minutes as are necessary to carry out its func-
12 tions.

13 (4) All fees received under the provisions of this chapter shall be de-
14 posited in the state treasury to the credit of the state board of medicine
15 fund created in section 54-1809, Idaho Code, and all costs and expenses in-
16 curred by the board and naturopathic medical board under the provisions of
17 this chapter shall be a charge against and paid from said fund for such pur-
18 poses, and the funds collected hereunder shall be immediately available for
19 the administration of this chapter. In no instance shall the state board of
20 medicine fund be obligated to pay any claims which, in aggregate with claims
21 already allowed, exceed the income to the state board of medicine fund that
22 has been derived from the application of this chapter. Money paid into the
23 state board of medicine fund pursuant to this chapter is hereby continuously
24 appropriated to the board for expenditure in the manner prescribed in this
25 section to defray the expenses of the board and naturopathic medical board in
26 carrying out and enforcing the provisions of this chapter.

27 54-5106. QUALIFICATIONS FOR LICENSURE. To be eligible for a license to
28 practice as a naturopathic medical doctor in the state of Idaho, the appli-
29 cant shall submit an application, pay the fee, and fulfill the following re-
30 quirements:

31 (1) The applicant must be a graduate of an approved naturopathic medi-
32 cal program as defined in this chapter.

33 (2) The applicant must provide proof of having received a passing grade
34 on the naturopathic physicians licensing examinations administered by the
35 approved national board of naturopathic examiners.

36 (3) The board may require an applicant to be personally interviewed by
37 the board, the naturopathic medical board, or by a designated committee of
38 the board. Such an interview shall be limited to a review of the applicant's
39 qualifications and professional credentials.

40 (4) The application shall require a fingerprint-based criminal history
41 check of the Idaho central criminal database and the federal bureau of inves-
42 tigation criminal history database. Each applicant must submit a full set of
43 the applicant's fingerprints on forms supplied by the board, which shall be
44 forwarded to the Idaho state police and the federal bureau of investigation
45 identification division for this purpose. The board shall not disseminate
46 data acquired from a fingerprint-based criminal history check except as al-
47 lowed by law.

48 (5) This section shall take effect on July 1, 2020.

1 54-5107. ENDORSEMENT. The naturopathic medical board may waive the
2 examination, education, or experience requirements and grant a license by
3 endorsement to any applicant who:

4 (1) Presents proof of a current license in good standing to engage in
5 the practice of naturopathic medicine in another state or the District of Co-
6 lumbia that requires standards for licensure considered by the board to be
7 equivalent to the requirements for licensure pursuant to this chapter; and

8 (2) Does not have any disciplinary action, whether past, pending, pub-
9 lic or confidential, by any licensing board, licensing authority, profes-
10 sional association, hospital, or institution in any state or district. The
11 standards for licensure of applicants who are licensed in another jurisdic-
12 tion shall not be less than the qualifications for licensure in this chapter.

13 (3) This section shall take effect on July 1, 2020.

14 54-5108. LICENSE EXPIRATION AND RENEWAL. (1) A license issued under
15 the provisions of this chapter shall be subject to annual or biennial renewal
16 and shall expire unless renewed in the manner prescribed by the rules of the
17 naturopathic medical board, upon payment of a renewal fee.

18 (2) The board shall establish the following fees relating to licensing,
19 which fees shall be established in an amount sufficient to defray all costs
20 necessary for the administration of this chapter:

21 (a) Initial license and examination fee;

22 (b) Renewal of license fee;

23 (c) Inactive license fee; and

24 (d) Late renewal fees.

25 (3) No license expired for more than twenty-four (24) months may be re-
26 newed. The applicant shall comply with the requirements of section 54-5106,
27 Idaho Code, for obtaining an initial license.

28 (4) This section shall take effect on July 1, 2020.

29 54-5109. GROUNDS FOR DISCIPLINE OR DENIAL OF A LICENSE. (1) The board,
30 upon recommendation of the naturopathic medical board, or on its own motion,
31 may refuse to issue or renew a license or may revoke, suspend, or otherwise
32 discipline a license holder for any of the following grounds:

33 (a) The use of fraud or deceit in obtaining a license under this chapter
34 or in connection with services rendered as a naturopathic medical doc-
35 tor;

36 (b) A legal finding of mental incompetence;

37 (c) Aiding or abetting a person, not duly licensed under this chapter,
38 in claiming to be a naturopathic medical doctor or in practicing naturo-
39 pathic medicine;

40 (d) Gross negligence, incompetence, or misconduct in the performance
41 of naturopathic medicine;

42 (e) Conviction of a felony or the entering of a plea of guilty or the
43 finding of guilt by a jury or court of commission of a felony;

44 (f) Providing health care that fails to meet the standard of health care
45 provided by other qualified naturopathic medical doctors in the same
46 community or similar communities, taking into account their training,
47 experience, and the degree of expertise to which they hold themselves
48 out to the public;

- 1 (g) Violating any law or rule pursuant to this chapter;
 2 (h) Engaging in any conduct that constitutes an abuse or exploitation
 3 of a patient arising out of the trust and confidence placed in the natur-
 4 opathic physician by the patient;
 5 (i) Having a license to practice naturopathic medicine or other health
 6 care license or certificate refused, revoked, suspended, or otherwise
 7 disciplined by any state, territory, district of the United States, or
 8 Canada;
 9 (j) Prescribing, dispensing, or administering any controlled sub-
 10 stance or device except as authorized by this chapter, or as authorized
 11 by the medical practice act in section 54-1804(1)(g), Idaho Code;
 12 (k) Performing surgical procedures, except those minor office proce-
 13 dures authorized by this chapter;
 14 (l) Administering ionizing radioactive substances for therapeutic
 15 purposes;
 16 (m) Performing surgical procedures using a laser device;
 17 (n) Inducing or performing an abortion;
 18 (o) Failure to comply with a board order; or
 19 (p) Committing an act that constitutes a felony.
 20 (2) The board may reinstate any revoked or suspended license on such
 21 terms as it may determine upon recommendation of the naturopathic medical
 22 board or upon its own motion.
 23 (3) This section shall take effect on July 1, 2020.

- 24 54-5110. CERTAIN ACTS PROHIBITED. It shall be unlawful and a misde-
 25 meanor for any person to engage in any of the following acts:
 26 (1) To practice, attempt, or offer to practice naturopathic medicine
 27 as defined in this chapter without a valid, unexpired, unrevoked, and unsus-
 28 pended license issued under this chapter; or
 29 (2) To represent oneself as licensed to practice naturopathic medicine
 30 under this chapter or to use the title or designation "licensed naturopathic
 31 physician," "physician of naturopathic medicine," "naturopathic medical
 32 doctor," or "NMD," unless such person is so licensed. The use of the term
 33 "naturopath," "naturopathic doctor," or "ND" by persons not licensed under
 34 this chapter shall not be restricted.
 35 (3) This section shall take effect on July 1, 2020.

- 36 54-5111. PREEMPTION OF LOCAL REGULATION. Beginning July 1, 2020, li-
 37 censure of naturopathic medical doctors shall occur pursuant only to this
 38 chapter.