

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 196

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 LICENSURE BOARD, TO PROVIDE FOR
5 THE POWERS AND DUTIES OF THE NATUROPATHIC LICENSURE 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) "Licensed naturopathic physician" means a person authorized and
28 licensed to practice naturopathic medicine under this chapter.

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

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

39 (6) "Naturopathic medical formulary" means the prescription medicines
40 used by licensed naturopathic physicians, 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 licensed naturopathic physician.

5 54-5102. SCOPE OF PRACTICE. (1) Licensed naturopathic physicians pro-
6 vide primary care, including but not limited to the following services:

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

15 (b) Licensed naturopathic physicians are authorized to dispense, ad-
16 minister, and prescribe prescription drugs and medical devices as au-
17 thorized by the naturopathic medical formulary as set forth in rule.

18 (c) Licensed naturopathic physicians may perform minor office proce-
19 dures.

20 (d) Licensed naturopathic physicians may perform those therapies for
21 which they are trained and educated, consistent with the provisions of
22 this chapter.

23 (e) Licensed naturopathic physicians may admit patients to a hospital
24 at which they are credentialed and privileged to do so.

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

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, over-
39 the-counter homeopathic products, dietary supplements, herbs or other prod-
40 ucts of nature, the sale of which is not otherwise prohibited under state or
41 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 licensed naturopathic
3 physicians; 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 54-5104. NATUROPATHIC LICENSURE BOARD. (1) There is hereby estab-
7 lished a naturopathic licensure board.

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

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

20 (4) After initial naturopathic licensure board members are appointed,
21 the three (3) naturopathic licensure board members who are licensed natur-
22 opathic physicians shall be licensed pursuant to this chapter and shall ac-
23 tively practice naturopathic medicine in the state of Idaho for the duration
24 of their appointment.

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

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

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

40 (8) Each member of the naturopathic licensure board shall be compen-
41 sated as provided in section 59-509(n), Idaho Code.

42 54-5105. BOARD OF MEDICINE AND NATUROPATHIC LICENSURE BOARD -- POWERS
43 AND DUTIES -- FUNDS. (1) The board of medicine shall administer, coordinate,
44 and enforce the provisions of this chapter, and, for that purpose, may hire
45 such employees as may be necessary. The naturopathic licensure board shall
46 make recommendations to, and consult with, the board concerning qualifica-
47 tion of applicants for licensure, issuance of licenses, renewal of licenses,
48 discipline of licensees, and rules to be promulgated under this chapter.

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

8 (3) The naturopathic licensure board shall hold meetings, conduct
9 hearings, and keep records and minutes as are necessary to carry out its
10 functions.

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

25 54-5106. QUALIFICATIONS FOR LICENSURE. To be eligible for a license to
26 practice as a licensed naturopathic physician in the state of Idaho, the ap-
27 plicant shall submit an application, pay the fee, and fulfill the following
28 requirements:

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

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

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

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

46 54-5107. ENDORSEMENT. The naturopathic licensure board may waive the
47 examination, education, or experience requirements and grant a license by
48 endorsement to any applicant who:

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

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

10 54-5108. LICENSE EXPIRATION AND RENEWAL. (1) A license issued under
11 the provisions of this chapter shall be subject to annual or biennial renewal
12 and shall expire unless renewed in the manner prescribed by the rules of the
13 naturopathic licensure board, upon payment of a renewal fee.

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

17 (a) Initial license and examination fee;

18 (b) Renewal of license fee;

19 (c) Inactive license fee; and

20 (d) Late renewal fees.

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

24 54-5109. GROUNDS FOR DISCIPLINE OR DENIAL OF A LICENSE. (1) The board,
25 upon recommendation of the naturopathic licensing board, or on its own mo-
26 tion, may refuse to issue or renew a license or may revoke, suspend, or other-
27 wise discipline a license holder for any of the following grounds:

28 (a) The use of fraud or deceit in obtaining a license under this chap-
29 ter or in connection with services rendered as a licensed naturopathic
30 physician;

31 (b) A legal finding of mental incompetence;

32 (c) Aiding or abetting a person, not duly licensed under this chapter,
33 in claiming to be a licensed naturopathic physician or in practicing
34 naturopathic medicine;

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

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

39 (f) Providing health care that fails to meet the standard of health care
40 provided by other qualified naturopathic physicians in the same commu-
41 nity or similar communities, taking into account their training, expe-
42 rience, and the degree of expertise to which they hold themselves out to
43 the public;

44 (g) Violating any law or rule pursuant to this chapter;

45 (h) Engaging in any conduct that constitutes an abuse or exploitation
46 of a patient arising out of the trust and confidence placed in the natur-
47 opathic physician by the patient;

- 1 (i) Having a license to practice naturopathic medicine or other health
2 care license or certificate refused, revoked, suspended, or otherwise
3 disciplined by any state, territory, district of the United States, or
4 Canada;
- 5 (j) Prescribing, dispensing, or administering any controlled sub-
6 stance or device except as authorized by this chapter, or as authorized
7 by the medical practice act in section 1804 (1) (g), Idaho Code;
- 8 (k) Performing surgical procedures, except those minor office proce-
9 dures authorized by this chapter;
- 10 (l) Administering ionizing radioactive substances for therapeutic
11 purposes;
- 12 (m) Performing surgical procedures using a laser device;
- 13 (n) Inducing or performing an abortion;
- 14 (o) Failure to comply with a board order; or
- 15 (p) Committing an act that constitutes a felony.
- 16 (2) The board may reinstate any revoked or suspended license on such
17 terms as it may determine upon recommendation of the naturopathic licensing
18 board or upon its own motion.

19 54-5110. CERTAIN ACTS PROHIBITED. It shall be unlawful and a misde-
20 meanor for any person to engage in any of the following acts:

21 (1) To practice, attempt, or offer to practice naturopathic medicine
22 as defined in this chapter without a valid, unexpired, unrevoked, and unsus-
23 pended license issued under this chapter; or

24 (2) To represent oneself as licensed to practice naturopathic medicine
25 under this chapter, or use the title or designation "licensed naturopathic
26 physician," "licensed physician of naturopathic medicine," or "L-ND" unless
27 such person is so licensed. The use of the term "naturopath," "naturopathic
28 doctor," or "ND" by persons not licensed under this chapter shall not be re-
29 stricted.

30 54-5111. PREEMPTION OF LOCAL REGULATION. Beginning July 1, 2019, li-
31 censure of naturopathic physicians shall occur pursuant only to this chap-
32 ter.