

IN THE SENATE

SENATE BILL NO. 1128

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO NATUROPATHIC PRACTITIONER LICENSING; AMENDING TITLE 54, IDAHO
2 CODE, BY THE ADDITION OF A NEW CHAPTER 59, TITLE 54, IDAHO CODE, TO PRO-
3 VIDE A DECLARATION OF POLICY, TO DEFINE TERMS, TO ESTABLISH A BOARD OF
4 NATUROPATHIC HEALTH CARE, TO PROVIDE FOR BOARD DUTIES AND POWERS, TO
5 PROVIDE FOR CERTAIN FEES, TO ESTABLISH LICENSE REQUIREMENTS, TO PROVIDE
6 FOR CERTAIN EXEMPTIONS FROM LICENSURE, TO PROVIDE FOR LICENSE RENEWAL
7 AND REINSTATEMENT, TO ESTABLISH VIOLATIONS, TO PROVIDE FOR SUSPENSION
8 AND REVOCATION, TO ESTABLISH CERTAIN IMMUNITY, TO PROVIDE FOR COMPLI-
9 ANCE WITH PUBLIC HEALTH LAW, AND TO ESTABLISH A FORMULARY COMMITTEE.
10

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

12 SECTION 1. That Title 54, Idaho Code, be, and the same is hereby amended
13 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
14 ter 59, Title 54, Idaho Code, and to read as follows:

15 CHAPTER 59
16 NATUROPATHIC PRACTITIONER LICENSING

17 54-5901. DECLARATION OF POLICY. The legislature finds and declares
18 that the licensing of naturopathic practitioners will improve access to
19 natural health care for Idahoans and promote the health of all Idahoans,
20 including the underserved population. The licensing of naturopathic prac-
21 titioners will promote the public health interest by aiding in the delivery
22 of naturopathic medical services of high quality to the people of Idaho. To
23 fulfill these purposes, this chapter provides for the licensure and reg-
24 ulation of licensed naturopathic doctors, doctors of natural health, and
25 naturopathic practitioners.

26 54-5902. DEFINITIONS. As used in this chapter:

27 (1) "Board" means the Idaho board of naturopathic health care.

28 (2) "Doctor of natural health" means an individual who has obtained an
29 approved naturopathic doctoral degree and has documented a total of four
30 thousand (4,000) clock hours of education, training, and experience in the
31 practice of naturopathy and natural health care. The board shall use the na-
32 tional naturopathic board of examiners, as the resource for accreditation.

33 (3) "License" means a license to practice as a licensed naturopathic
34 doctor or as a doctor of natural health under this chapter.

35 (4) "Licensed naturopathic doctor" means an individual who has gradu-
36 ated from an accredited doctoral program in the medical sciences, including
37 but not limited to MD, DO, DPM, ND, DC, DMD, PA, NP, DNP, and PharmD and who
38 has obtained an approved naturopathic doctoral degree, as set forth in rule.
39 Such individual shall have a minimum of forty-five (45) hours of pharmacol-
40 ogy and pharmacognosy. Those with a full federal drug enforcement registra-

1 tion shall be deemed to have fulfilled this requirement and have prescrip-
2 tive rights. The board shall use the national naturopathic board of examin-
3 ers as the resource for accreditation.

4 (5) "Naturopathic health care" means the delivery of a distinct pri-
5 mary health care emphasizing prevention, treatment, and optimal health us-
6 ing therapeutic methods and substances that encourage an individual's in-
7 herent self-healing process by a naturopathic practitioner.

8 (6) "Naturopathic practitioner" means a licensed naturopathic doctor
9 as defined in this section or a doctor of natural health as defined in this
10 section.

11 (7) "Scope of practice for a doctor of natural health" means the diagno-
12 sis and treatment of conditions affecting the human body including vitamins,
13 minerals, and natural methods by any and all means. Persons licensed under
14 this section may order necessary lab tests and imaging studies necessary to
15 make a diagnosis. The board is authorized to restrict the scope of practice
16 of any license holder under this chapter based on education, experience, or
17 core competencies.

18 (8) "Scope of practice for a licensed naturopathic doctor" means the
19 diagnosis and care of patients using a system of practice that bases treat-
20 ment of physiological functions and abnormal conditions on natural laws
21 governing the human body, including utilizing physiological, psychologi-
22 cal, and mechanical methods, electromagnetism, therapeutic exercise, home-
23 opathic medicine, decompression, traction, biofeedback, electrotherapy,
24 physiotherapy, mechanotherapy, naturopathic corrections, naturopathic
25 manipulations, neurofeedback, natural methods and substances that support
26 hormonal and cellular health by any and all means, phytotherapy, and food and
27 herb therapies. This shall also include performing minor procedures using
28 local anesthetics and using natural processed foods, natural medicines,
29 herbs, and nature's remedies and methods by all means. The scope of practice
30 for a licensed naturopathic doctor shall also include physical examina-
31 tion procedures and laboratory procedures to make a diagnosis and ordering
32 imaging and diagnostic tests for purposes of diagnosis. An individual who
33 practices under this chapter shall be permitted to do so based on education,
34 experience, and demonstrated core competencies to the board at the time of
35 application for licensure and shall be granted privileges and rights as
36 given by the board. The board is authorized to restrict the scope of practice
37 of any license holder under this chapter based on education, experience, or
38 core competencies.

39 54-5903. BOARD OF NATUROPATHIC HEALTH CARE -- MEMBER APPOINTMENT --
40 TERMS. (1) The Idaho board of naturopathic health care is hereby created.
41 The board shall consist of five (5) members. One (1) member shall be from
42 the public sector, three (3) members shall possess a degree from one of the
43 license-eligible doctoral programs set forth in section 54-5902(4), Idaho
44 Code, and one (1) member shall be a doctor of natural health.

45 (2) The governor shall appoint the members of the board. Of the ini-
46 tial members the governor appoints, two (2) members shall be appointed for
47 four (4) year terms. Three (3) members shall be appointed for three (3) year
48 terms. After the initial appointments, all terms of appointment shall be

1 four (4) years. Each member shall serve until a successor is appointed and
2 qualified. No member shall serve more than two (2) consecutive full terms.

3 (3) The board shall, within thirty (30) days of the appointment of
4 the board by the governor, meet and elect a chairperson who will serve as
5 chairperson for a two (2) year term and who may not serve two (2) consecutive
6 terms.

7 (4) Each member of the board shall be compensated as provided in section
8 59-509(p), Idaho Code.

9 54-5904. BOARD DUTIES AND POWERS. The board shall:

10 (1) Determine the qualifications of persons applying for licensure
11 pursuant to this chapter and define, by rule, the appropriate scope of prac-
12 tice that may be rendered to the public in this state.

13 (2) Establish, pursuant to chapter 52, title 67, Idaho Code, such rules
14 as are necessary for the administration of this chapter, including standards
15 for professional conduct that reflect current practice standards and pro-
16 mote inclusion of innovations and advances in naturopathic health care.

17 (3) Conduct investigations and examinations and hold hearings.

18 (4) Collect fees and other funds as authorized by this chapter.

19 (5) Be responsible for legal proceedings, including those regarding
20 contracts and litigation.

21 (6) Provide such other services and perform such other functions as are
22 necessary and desirable to fulfill its purposes.

23 (7) Adopt rules requiring continuing education as a condition of con-
24 tinued licensure.

25 (8) Adopt rules regarding discipline of persons licensed pursuant to
26 this chapter.

27 54-5905. FEES. All fees received under the provisions of this chapter
28 shall be paid to the division of occupational and professional licenses and
29 deposited in the state treasury to the credit of the occupational licenses
30 fund, and all costs and expenses incurred under the provisions of this chap-
31 ter shall be a charge against and paid from said fund.

32 54-5906. LICENSE REQUIRED. (1) On and after July 1, 2021, it shall be
33 unlawful for any person to practice naturopathic health care in Idaho, ac-
34 cording to the full scope of practice set forth in section 54-5902(2) and
35 (5), Idaho Code, without being licensed by the board.

36 (2) No person shall:

37 (a) Except as provided by this chapter or pursuant to chapter 51, title
38 54, Idaho Code, practice naturopathic health care according to the full
39 scope of practice set forth in section 54-5902(2) and (5), Idaho Code,
40 or hold himself out to be a naturopathic practitioner or as being able to
41 practice naturopathic health care in Idaho according to the full scope
42 of practice set forth in section 54-5902(2) and (5), Idaho Code;

43 (b) Use the title under this chapter of naturopathic doctor (ND), li-
44 censed naturopathic doctor (LND), doctor of medical naturopathy (DMN),
45 doctor of integrative medicine, or any variant thereof, unless duly li-
46 censed; or

1 (c) Use any words, abbreviations, figures, configuration of letters,
2 titles, signs, cards, or devices tending to imply that the person is a
3 licensed naturopathic doctor unless the person is duly licensed.

4 (3) A license issued under this act shall:

5 (a) Be issued in the name of a naturopathic practitioner;

6 (b) State the issue and expiration dates; and

7 (c) Be displayed at all times in a conspicuous manner in the place of
8 business or employment of the licensee.

9 54-5907. EXEMPTIONS FROM LICENSURE. This chapter is not intended to
10 and does not prohibit, restrict, or apply to:

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

14 (2) The practice of naturopathic health care by an individual employed
15 by the federal government while the individual is engaged in the performance
16 of duties prescribed by the laws and regulations of the United States;

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

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

24 (5) The practice of the complementary and alternative healing methods
25 and treatments as permitted by section 54-1804, Idaho Code.

26 54-5908. ISSUANCE OF LICENSES -- RENEWAL AND REINSTATEMENT. (1) The
27 board shall issue licenses to practice naturopathic health care to persons
28 who have qualified therefor in accordance with the provisions of this chap-
29 ter.

30 (2) The board may refuse licensure to or revoke the license of:

31 (a) A current health care professional who currently or previously had
32 a license revoked, suspended, placed on probation, reprimanded, lim-
33 ited, restricted, or conditioned or who has been or is currently subject
34 to disciplinary action with respect to professional licensure; or

35 (b) An applicant who has engaged in conduct prohibited by this act.

36 (3) In making a determination under subsection (2) of this section, the
37 board shall take into consideration the rehabilitation of the applicant and
38 other mitigating circumstances.

39 (4) An applicant for a license or permit under this chapter shall submit
40 the fee set by board rules.

41 (5) All licenses issued under the provisions of this chapter shall be
42 subject to annual or biennial renewal and shall expire unless renewed in the
43 manner prescribed by the board regarding applications for renewal, continu-
44 ing education, and fees. License renewal and reinstatement shall be in ac-
45 cordance with section 67-2614, Idaho Code.

46 54-5909. VIOLATIONS. No person shall:

- 1 (1) Practice naturopathic health care without a valid license, certi-
2 fication, or registration;
- 3 (2) Practice naturopathic health care under cover of any diploma, li-
4 cense, registration, certificate, or record illegally or fraudulently ob-
5 tained or signed or issued unlawfully or under fraudulent representation;
- 6 (3) Use any words, abbreviations, figures, letters, titles, signs,
7 cards, or devices tending to imply that the person is a naturopathic practi-
8 tioner, unless the person is licensed as a licensed naturopathic doctor or
9 a licensed natural health provider under this chapter or holds a license in
10 another state and is practicing as allowed by this chapter;
- 11 (4) Knowingly conceal information relating to violations of this chap-
12 ter;
- 13 (5) Otherwise violate, or aid or abet another person to violate, any
14 provision of this chapter; or
- 15 (6) Use the term "physician" in combination with a title from this
16 chapter unless such person is qualified as a physician under title 54, Idaho
17 Code.

18 54-5910. SUSPENSION AND REVOCATION. To protect the health, safety,
19 and welfare of the public, the board, in accordance with the requirements of
20 chapter 52, title 67, Idaho Code, may refuse to issue or may refuse to renew a
21 license or may suspend or revoke a license under such conditions as the board
22 may require if the applicant or holder of the license has:

- 23 (1) Been convicted of a crime deemed relevant in accordance with sec-
24 tion 67-9411(1), Idaho Code;
- 25 (2) Obtained or attempted to obtain the issuance or renewal of a license
26 pursuant to this chapter by means of fraud, misrepresentation, or conceal-
27 ment of material facts;
- 28 (3) Engaged in the practice of naturopathic health care in a manner that
29 does not meet the generally accepted standards for the practice of naturo-
30 pathic health care within the state of Idaho;
- 31 (4) Failed to maintain the confidentiality of records or other informa-
32 tion pertaining to an identifiable client, except as required or authorized
33 by law;
- 34 (5) Engaged in any conduct that constitutes an abuse or exploitation of
35 a client arising out of the trust and confidence placed in the naturopathic
36 practitioner by the client;
- 37 (6) Engaged in conduct that violates the provisions of this chapter,
38 the rules of the board, or the terms of any permit issued by the board; or
- 39 (7) Failed to comply with a board order entered in a disciplinary mat-
40 ter.

41 54-5911. IMMUNITY OF BOARD MEMBERS IN PERSONS REPORTING INFORMATION
42 TO BOARD. Any member or agent of the board, any member who has served on the
43 board, or any person under oath is not subject to a civil action for damages
44 as a result of reporting information in good faith, without fraud or malice,
45 relating to alleged violations or vindictive violations of this chapter or
46 board rules.

1 54-5912. OBSERVATION OF PUBLIC HEALTH LAW. Each individual regulated
2 under this chapter shall observe and be subject to all state, federal, and
3 municipal regulations relating to the control of contagious and infectious
4 diseases, reporting and certifying deaths, and all matters pertaining to
5 public health. Failure to comply with these requirements shall constitute
6 grounds for disciplinary action pursuant to the provisions of this chapter.

7 54-5913. FORMULARY COMMITTEE. The board shall appoint a formulary
8 committee consisting of one (1) doctor of natural health, one (1) pharmacist
9 or PharmD, three (3) members from the licensed naturopathic doctors group,
10 two (2) of whom shall have a current federal drug enforcement registration.
11 Initially, two (2) members shall serve for three (3) years and two (2) mem-
12 bers shall serve for two (2) years. After the initial appointments, all
13 terms of appointment shall be three (3) years. Each member of the formulary
14 committee may serve for two (2) consecutive terms. The formulary committee
15 shall act in an advisory role in evaluating prescriptive authority for ap-
16 plicants, but all final decisions shall be made by the board.