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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - NATUROPATHIC MEDICINE

Introduced By: Senator Roger Picard

Date Introduced: February 26, 2009

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 5 of the General Laws entitled "BUSINESSES AND PROFESSIONS"

2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 82

4 NATUROPATHIC MEDICINE

5 **5-82-1. Legislative findings.** -- (a) The practice of naturopathic medicine in the state of
6 Rhode Island is declared to affect the public health, safety and welfare and to be subject to
7 regulation and control in the public interest.

8 (b) It is further declared to be a matter of public interest that naturopathic physicians and
9 the practice of naturopathic medicine as defined in this chapter, merit the confidence of the
10 public, that only qualified persons be authorized to practice naturopathic medicine in the state of
11 Rhode Island and that no person shall practice naturopathic medicine without a valid existing
12 license to do so.

13 (c) The legislature recognizes that naturopathic doctors comprise a distinct health care
14 profession that affects the public health, safety and welfare and increases freedom of choice in
15 health care.

16 (d) Rhode Island must protect the public health, safety and welfare, and specifically those
17 persons who are the direct recipients of services regulated by this chapter and to provide for state
18 administrative supervision, licensure, regulation and disciplinary procedures for every person
19 providing naturopathic medical services who meets and maintains the requirements, standards of

1 practice and code of ethics as adopted by the board.

2 (e) In order to protect the public health, safety, and welfare, the specific objectives of this
3 chapter are:

4 (1) To provide and maintain minimum standards for the licensing, regulation, and
5 competency of naturopathic physicians in Rhode Island;

6 (2) To maintain certain standards in the delivery of naturopathic medical services to the
7 public;

8 (3) To ensure that the health care provided by qualified naturopathic physicians is
9 directly accessible and broadly available to the people of Rhode Island; and

10 (4) To provide a means of identifying qualified naturopathic physicians in Rhode Island.

11 **5-82-2. Scope of practice.** -- (a) A naturopathic physician may order and perform
12 physical and laboratory examinations consistent with naturopathic education and training, for
13 diagnostic purposes, including, but not limited to, phlebotomy, clinical laboratory tests, official
14 examinations, and physiological function tests.

15 (b) A naturopathic physician may order diagnostic imaging studies consistent with
16 naturopathic training.

17 (c) A naturopathic physician may dispense, administer, order, and prescribe or perform
18 the following:

19 (1) Food, extracts of food, nutraceuticals, vitamins, amino acids, minerals, enzymes,
20 botanicals and their extracts, botanical medicines, homeopathic medicines, all dietary
21 supplements and nonprescription drugs as defined by the federal food, drug and cosmetic act.

22 (2) Prescription substances as determined by the naturopathic formulary council.

23 (3) Hot or cold hydrotherapy; naturopathic physical medicine; electromagnetic energy;
24 colon hydrotherapy; and therapeutic exercise.

25 (4) Devices, including, but not limited to, therapeutic devices, barrier contraception, and
26 durable medical equipment.

27 (5) Health education and health counseling.

28 (6) Repair and care incidental to superficial lacerations and abrasions.

29 (7) Removal of foreign bodies located in the superficial tissues.

30 (8) Musculoskeletal manipulation consistent with naturopathic education and training.

31 (d) A naturopathic physician may utilize routes of administration that include oral, nasal,
32 auricular, ocular, rectal, vaginal, transdermal, intradermal, subcutaneous, intravenous, and
33 intramuscular consistent with the education and training of a naturopathic physician.

34 (e) A naturopathic physician may perform those therapies as trained and educated, and

1 approved by the board.

2 **5-82-3. Definitions.** -- As used in this chapter, unless the context requires otherwise, the
3 following terms are construed as follows:

4 (1) "Approved naturopathic medical college" means a college which grants a degree of
5 doctor of naturopathic medicine or doctor of naturopathy:

6 (i) Is accredited by the council of naturopathic medical education, its successor or other
7 accrediting agency recognized by the United States department of education;

8 (ii) A naturopathic medical education program in the United States providing the degree
9 of doctor of naturopathy or doctor of naturopathic medicine. Such program shall offer graduate-
10 level full-time didactic and supervised clinical training and shall be accredited, or has achieved
11 candidacy status for accreditation by the council of naturopathic medical education (CNME) or
12 an equivalent federally recognized accrediting body for naturopathic medical programs also
13 recognized by the board. Additionally, the program shall be an institution, or part of an institution
14 of higher education that is either accredited or is a candidate for accreditation by a regional or
15 national institutional accredited or is a candidate for accreditation by a regional or national
16 institutional accrediting agency recognized by the United States secretary of education; or

17 (iii) A degree granting college or university that, prior to the existence of the CNME,
18 offered a full-time structured curriculum in basic sciences and supervised patient care comprising
19 a doctoral naturopathic medical education; such course, as a prerequisite to graduation therefrom,
20 having been not less than one hundred thirty-two (132) weeks in duration and which required
21 completion within a period of not less than thirty-five (35) months; such college of naturopathic
22 medicine shall have been reputable and in good standing in the judgment of the board; and if still
23 in existence has current programmatic accreditation by the CNME of federally recognized
24 equivalent accrediting agency.

25 (iv) A diploma granting, degree-equivalent college or university, that if in Canada prior
26 to accreditation by the CNME, had provincial approval for participation in government funded
27 student aid programs, and that offered a full-time structured curriculum in basic sciences and
28 supervised patient care comprising a doctoral naturopathic medical education; such course, as a
29 prerequisite to graduation therefrom, having not been less than one hundred thirty-two (132)
30 weeks in duration and shall require completion within a period of not less than thirty-five (35)
31 months; such college of liberal arts and naturopathic medicine having been reputable and in good
32 standing in the judgment of the board; and if still in existence has current programmatic
33 accreditation by the CNME or federally recognized equivalent accrediting agency. Additionally,
34 this college or university currently has provincial approval for participation in government funded

1 student aid programs.

2 (v) A diploma granting, degree-equivalent college or university in Canada that offers
3 graduate-level full-time didactic and supervised clinical training and shall be accredited, or has
4 achieved candidacy status for accreditation by the CNME or an equivalent federally recognized
5 accrediting body for naturopathic medical programs also recognized by the board. Additionally,
6 this college or university has provincial approval for participation in government funded student
7 aid programs.

8 (2) "Disciplinary action" means any action taken by an administrative law officer
9 established against a licensee or applicant on a finding of unprofessional conduct by the licensee
10 or applicant. "Disciplinary action" includes issuance of warnings and all sanctions including
11 denial, suspension, revocation, limitation or restriction of licenses and other similar limitations.

12 (3) "Natural" means present in, produced by, or derived from nature.

13 (4) "Naturopathic medicine" or "the practice of naturopathic medicine" means a system
14 of health care that utilizes education, natural medicines and natural therapies to support and
15 stimulate a patient's intrinsic self-healing processes and to prevent, diagnose and treat human
16 health conditions and injuries. In connection with such system of health care, an individual
17 licensed under this chapter may:

18 (i) Administer or provide for preventative and therapeutic purposes nonprescription
19 medicines, topical medicines, botanical medicines, homeopathic medicines, counseling,
20 hypnotherapy, nutritional and dietary therapy, naturopathic physical medicine, therapeutic
21 devices, barrier devices for contraception, and prescription medicines authorized by this chapter
22 or by the formulary established under this chapter.

23 (ii) Use diagnostic procedures commonly used by physicians in general practice,
24 including physical and orificial examinations, electrocardiograms, diagnostic imaging techniques,
25 phlebotomy, clinical laboratory tests and examination, and physiological function tests.

26 (5) "Naturopathic physical medicine" means the use of the physical agents of air, water,
27 heat, cold, sound and light, and the physical modalities of naturopathic manipulation and
28 mobilization therapy, electrotherapy, biofeedback, acupuncture, diathermy, ultraviolet light,
29 ultrasound, hydrotherapy and exercise. Naturopathic medicine does not include the practice of
30 physical therapy, physical rehabilitation or chiropractic.

31 (6) "Naturopathic physician" is a person who practices naturopathic medicine and is
32 licensed under this chapter.

33 (7) "Prescription medicine" means any human drug, including finished dosage forms and
34 active ingredients subject to the federal food, drug, and cosmetic act, required by federal law or

1 regulation to be dispensed only by prescription.

2 (8) "Topical medicines" mean topical analgesics, anesthetics, antiseptics, scabicides,
3 antifungals, antibacterials, and cryo-agents.

4 **5-82-4. Prohibitions and penalties.** -- (a) No person shall perform any of the following
5 acts:

6 (1) Practice naturopathic medicine in this state without a valid license issued in
7 accordance with this chapter except as provided in section 3 titled "Exemptions" of the Rhode
8 Island Statutes of Professions and Occupations: Naturopathic Physicians.

9 (2) Use, in connection with the person's name any letters, words or insignia indicating or
10 implying that the person is a naturopathic physician unless the person is licensed in accordance
11 with this chapter. A person licensed under this chapter may use the designations "N.D.
12 (naturopathic doctor)," "N.M.D. (naturopathic medical doctor)," "doctor of naturopathic
13 medicine," "naturopathic doctor," "doctor of naturopathy" or "naturopathic physician."

14 (b) A person licensed under this chapter shall not perform any of the following acts:

15 (1) Prescribe, dispense, or administer any prescription medicines except those medicines
16 authorized by this chapter.

17 (2) Use for therapeutic purposes, any device regulated by the United States Food and
18 Drug Administration (FDA) that has not been approved by the FDA.

19 (c) A person who violates any of the provisions of this section shall be subject to the
20 penalties provided in subsection 11, titled "Unprofessional Conduct".

21 **5-82-5. Exemptions.** -- (a) Nothing in this chapter shall be construed to prohibit any of
22 the following:

23 (1) The practice of a profession by a person who is licensed, certified or registered under
24 other laws of this state and is performing services within the authorized scope of practice of that
25 profession.

26 (2) The practice of naturopathic medicine by a person duly licensed to engage in the
27 practice of naturopathic medicine in another state, territory or the District of Columbia who is
28 called into this state for consultation with a naturopathic physician licensed under this chapter.

29 (3) The practice of naturopathic medicine by a student enrolled in an approved
30 naturopathic medical college. The performance of services shall be pursuant to a course of
31 instruction and under the supervision of an instructor, who shall be a naturopathic physician
32 licensed in accordance with this chapter.

33 (4) The use or administration of over-the-counter medicines or other nonprescription
34 agents, regardless of whether the over-the-counter medicine or agent is on the naturopathic

1 formulary.

2 (b) Any provision of this chapter, relating to the practice of naturopathic medicine, shall
3 not be construed to limit or restrict in any manner the right of a practitioner of another health care
4 profession from carrying on in the usual manner any of the functions related to that profession.

5 **5-82-6. Reporting contagious and infectious diseases; death certificates. --**
6 Naturopathic physicians are subject to the provisions of the law relating to contagious and
7 infectious diseases and to the issuance of birth and death certificates.

8 **5-82-7. Director; duties. --** (a) The director, with the advice of the advisor appointees,
9 shall:

10 (1) Provide general information to applicants for licensure as naturopathic physicians.

11 (2) Administer fees collected under this chapter.

12 (3) Administer examinations.

13 (4) Explain appeal procedures to naturopathic physicians and applicants for licensure and
14 complaint procedures to the public.

15 (5) Receive applications for licensure under this chapter, issue and renew licenses and
16 revoke, suspend, reinstate or condition licenses as ordered by an administrative law officer.

17 (6) Refer all disciplinary matters to an administrative law officer.

18 (b) The naturopathic childbirth attendance advisory committee shall be composed of
19 representation from each of the following: one medical doctor with clinical specialty and/or board
20 certification in obstetrics, one certified nurse midwife, and two (2) naturopathic physicians with
21 clinical experience in natural childbirth. The naturopathic childbirth attendance advisory
22 committee shall review naturopathic education and training and make specific recommendations
23 to the board regarding the qualifications to practice naturopathic childbirth attendance.

24 Graduation from a naturopathic midwifery or naturopathic obstetrics program that is offered by
25 an approved naturopathic medical program (as defined in this act) will be required. Passage of the
26 North American Registry of Midwives (NARM) examination, American College of Naturopathic
27 Obstetricians examination (ACNO), or examination that is determined by the naturopathic
28 childbirth attendance advisory committee to be equivalent, will be required to practice
29 naturopathic childbirth attendance. The committee shall make recommendations to the board
30 concerning the practice of naturopathic childbirth attendance. The board shall adopt these
31 recommendations as rule for use in reviewing all naturopathic physician applicants seeking
32 privileges to perform natural childbirth attendance.

33 (c) Rules for naturopathic prescription medicine endorsement shall specifically address
34 and define scope and practice standards, including education requirements and maintaining

1 practice data and records, and shall require every licensed naturopathic physician seeking a
2 prescription medicine license endorsement to pass a test provided by the director and
3 administered in consultation with the Rhode Island department of health.

4 (d) At least annually, the director, with the advice of the advisor appointees, shall review
5 and update the formulary of prescription medicines naturopathic physicians may use in a manner
6 consistent with their scope of practice and training, subject to the approval of the commissioner of
7 health. Non-natural substances found to be substantially safer in treatment or without which a
8 patient's primary care would be compromised may be added to the formulary. The formulary shall
9 include prescription medicines necessary for naturopathic practice.

10 **5-82-8. Advisor appointees.** -- (a) The secretary of state shall appoint two (2)
11 naturopathic physicians licensed under this chapter to serve as advisors to the director in matters
12 relating to naturopathic physicians. They shall be appointed as set forth herein and serve at the
13 pleasure of the secretary. One of the initial appointments shall be for less than a full term.

14 (b) Appointees shall have at least three (3) years of experience as a naturopathic
15 physician during the period immediately preceding appointment and shall be actively practicing
16 naturopathic medicine in Rhode Island and remain in good standing during incumbency.

17 (c) The director shall seek the advice of the advisor appointees under this section in
18 carrying out the provisions of this chapter. The advisor appointees shall be entitled to
19 compensation and necessary expenses for attendance at any meetings called by the director for
20 this purpose.

21 (d) When an advisor appointee is unable to serve as an administrative law officer by
22 reason of disqualification or necessary absence, the secretary of state may appoint a suitable
23 person to serve as the administrative law officer in lieu of the advisor appointee.

24 (e) The initial advisors appointed after passage of this chapter shall be naturopathic
25 physicians, in good standing, who are licensed as such in a state with at least equivalent standards
26 for licensure, and who have been engaged in the practice and/or instruction of naturopathic
27 medicine for at least three (3) years in the state of Rhode Island.

28 **5-82-9. Eligibility for licensure.** -- (a) To be eligible for licensure as a naturopathic
29 physician, an applicant shall satisfy all the following:

30 (1) Have been granted a degree of doctor of naturopathic medicine, from a CNME
31 approved naturopathic medical college.

32 (2) Be physically and mentally fit to practice naturopathic medicine.

33 (3) Pass an examination approved by the director, such examination being a competency-
34 based national naturopathic licensing examination administered by the North American Board of

1 Naturopathic Examiners, or successor agency that has been nationally recognized to administer a
2 naturopathic examination that represents federal standards of education and training. For
3 graduates of approved naturopathic schools as defined in this act, eligibility for licensure may be
4 granted with evidence of successful passage of a board approved state competency examination
5 or Canadian provincial examination.

6 (4) Pass the naturopathic formulary examination administered by the director or the
7 director's designee.

8 **5-82-10. Application for licensure.** -- A person shall apply for a license under this
9 chapter by filing with the director an application provided by the director accompanied by the
10 required fees and evidence of eligibility.

11 **5-82-11. Examination; waiver of examination.** -- The director, or designee, shall
12 administer an examination to applicants for licensure at least twice each year if applications are
13 pending. Examinations administered by the director and the procedures of administration shall be
14 fair and reasonable and shall be designed and implemented to ensure that all applicants are
15 granted a license if they demonstrate that they possess minimal professional qualifications which
16 are consistent with the public health, safety and welfare. The examination shall not be designed or
17 implemented for the purpose of limiting the number of licenses issued.

18 **5-82-12. Biennial license renewal; continuing education.** -- (a) The license to practice
19 naturopathic medicine shall be renewed every two (2) years by filing a renewal application on a
20 form provided by the director. The application shall be accompanied by the required fee and
21 evidence of compliance with subsection (b) of this section.

22 (b) As a condition of renewal, a naturopathic physician shall complete a program of
23 continuing education, approved by the director, during the preceding two (2) years. The director
24 shall not require more than thirty (30) hours of continuing education biennially.

25 **5-82-13. Unprofessional conduct.** -- (a) The following conduct, and conduct set forth by
26 the department of health, by a person licensed under this chapter or an applicant for licensure
27 constitutes unprofessional conduct:

28 (1) Failing to use a complete or accurate title in professional activity.

29 (2) Conduct which evidences moral unfitness to practice naturopathic medicine.

30 (3) Harassing, intimidating or abusing a patient.

31 (4) Agreeing with any other person or organization, or subscribing to any code of ethics
32 or organizational bylaws, when the intent or primary effect of that agreement, code or bylaw is to
33 restrict or limit the flow of information concerning alleged or suspected unprofessional conduct to
34 the board.

- 1 (5) Abandonment of a patient.
- 2 (6) Gross overcharging for professional services on repeated occasions, including filing
3 of false statements for collection of fees for which services were not rendered.
- 4 (7) Sexual harassment of a patient.
- 5 (8) Engaging in an inappropriate sexual act with a patient.
- 6 (9) Willful misrepresentation in treatments.
- 7 (10) Practicing naturopathic medicine in an area or areas of specialty in which the
8 licensee is not trained to practice.
- 9 (b) The director may refuse to accept the return of a license tendered by the subject of a
10 disciplinary investigation and may notify relevant state, federal and local agencies and
11 appropriate bodies in other states of the status of any pending or completed disciplinary case
12 against the licensee, provided that notice of charges against the licensee has been served or
13 disciplinary action against that person has been taken.
- 14 (c) The burden of proof in a disciplinary action shall be on the state to show by a
15 preponderance of the evidence that the person has engaged in unprofessional conduct.
- 16 (d) After hearing, and upon a finding of unprofessional conduct, an administrative law
17 officer may take disciplinary action against a licensee or applicant.

18 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO BUSINESSES AND PROFESSIONS - NATUROPATHIC MEDICINE

- 1 This act would create the Naturopathic Medicine Act and would regulate the practice and
- 2 licensure of naturopathic practitioners.
- 3 This act would take effect upon passage.

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