

IN THE SENATE

SENATE BILL NO. 1330

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO NATUROPATHIC DOCTOR LICENSING AND NATUROPATH REGISTRATION;
2 AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 59, TI-
3 TLE 54, IDAHO CODE, TO DECLARE POLICY, TO DEFINE TERMS, TO PROVIDE FOR
4 THE CREATION OF A BOARD OF NATUROPATHIC HEALTH CARE, TO PROVIDE FOR
5 BOARD DUTIES AND POWERS, TO PROVIDE FOR VOLUNTARY NATUROPATHIC DOCTOR
6 LICENSURE, TO ESTABLISH A SCOPE OF PRACTICE, TO PROVIDE FOR CERTAIN PRE-
7 SCRIPTIVE RIGHTS, TO PROVIDE FOR REGISTRATION, TO PROVIDE FOR ISSUANCE
8 AND REVOCATION OF LICENSES AND REGISTRATIONS, TO PROVIDE CERTAIN IMMUN-
9 NITY, TO PROVIDE FOR PUBLIC HEALTH LAWS, AND TO ESTABLISH A FORMULARY
10 COMMITTEE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
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 59, Title 54, Idaho Code, and to read as follows:

16 CHAPTER 59

17 NATUROPATHIC DOCTOR LICENSING AND NATUROPATH REGISTRATION

18 54-5901. DECLARATION OF POLICY. (1) The legislature finds and de-
19 clares that the licensing of naturopathic doctors and the registration of
20 lay naturopaths will improve access to natural health care for Idahoans and
21 promote the health of all Idahoans, including the underserved population.
22 The licensing of naturopathic doctors and registration of lay naturopaths
23 will promote the public health interest by aiding in the delivery of naturo-
24 pathic medical services of high quality to the people of Idaho. To fulfill
25 these purposes, this chapter provides for the optional licensure of naturo-
26 pathic doctors as well as for the optional registration of laypersons who are
27 naturopaths.

28 (2) This chapter shall not restrict unlicensed practice lawfully pro-
29 vided pursuant to section 54-1804(1), Idaho Code.

30 54-5902. DEFINITIONS. As used in this chapter:

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

32 (2) "License" means a license to practice as a licensed naturopathic
33 doctor.

34 (3) "Licensed naturopathic doctor" means an individual licensed as a
35 medical doctor, doctor of osteopathy, doctor of podiatric medicine, natur-
36 opathic medical doctor, doctor of chiropractic, doctor of dental medicine,
37 or doctor of nursing practice who has obtained an approved naturopathic doc-
38 toral degree, as set forth in rule, and who voluntarily elects to seek and re-
39 ceives licensure under this chapter to practice naturopathic health care in
40 Idaho.

1 (4) "Minor procedure" means the use of operative, electrical, or other
2 methods for repair and care incidental to superficial lacerations, abra-
3 sions, superficial lesions, the removal of foreign bodies located in the
4 superficial tissues, and the use of antiseptics and local topical anesthet-
5 ics in connection with such methods.

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

10 54-5903. BOARD OF NATUROPATHIC HEALTH CARE CREATED -- MEMBER APPOINT-
11 MENT -- TERMS. (1) The Idaho board of naturopathic health care is hereby cre-
12 ated in the division of occupational and professional licenses. The board
13 shall consist of five (5) members. For the initial board, one (1) member
14 shall be a public member, one (1) member shall be either a doctor of osteopa-
15 thy or a doctor of medicine, two (2) members shall be license-eligible natur-
16 opathic doctors, and one (1) member shall be a registered naturopath pur-
17 suant to section 54-5908, Idaho Code.

18 (2) The governor shall appoint the initial members of the board. Of the
19 initial members, two (2) shall be appointed for four (4) year terms and three
20 (3) shall be appointed for three (3) year terms. After the initial appoint-
21 ments, all terms of appointment shall be four (4) years. Each member shall
22 serve until a successor is appointed and qualified. No member shall serve
23 more than two (2) consecutive full terms.

24 (3) All appointments after July 1, 2028, shall maintain the following
25 criteria: one (1) public member, one (1) member who is either a doctor of
26 osteopathy or a medical doctor, two (2) members who are license-eligible
27 naturopathic doctors as set forth in section 54-5902(3), Idaho Code, and one
28 (1) member who is a registration-eligible naturopath as set forth in section
29 54-5908, Idaho Code. All appointments to the board after July 1, 2028, shall
30 be appointed by the governor.

31 (4) The board shall, within thirty (30) days after its appointment, and
32 at least annually thereafter, hold a meeting and elect a chair and a vice
33 chair and may hold additional meetings at the call of the chair or at the
34 written request of any two (2) members of the board. A majority of the board
35 shall constitute a quorum. The vote of a majority of members present at a
36 meeting wherein a quorum is present shall determine the action of the board.
37 The chair and vice chair shall each serve for a two (2) year term. No chair or
38 vice chair may serve more than two (2) consecutive terms.

39 (5) In the event of the death, resignation, or removal of any board mem-
40 ber before the expiration of the term to which he is appointed, the vacancy
41 shall be filled for the unexpired portion of the term in the same manner as
42 the original appointment.

43 (6) Board members shall serve at the pleasure of the governor.

44 (7) Each member of the board shall be compensated as provided in section
45 59-509(p), Idaho Code.

46 54-5904. BOARD DUTIES AND POWERS. The board shall have the authority
47 and the responsibility to:

1 (1) By July 1, 2023, and in accordance with the American naturopathic
2 medical certification board as the primary resource, determine the qualifi-
3 cations needed by each person applying for licensure pursuant to this chap-
4 ter and, in addition to the requirements of this chapter, define by rule the
5 appropriate scope of practice for each individual seeking licensure; pro-
6 vided, however, the board may only authorize a scope of practice on an indi-
7 vidual basis for each individual seeking licensure. The board shall modify
8 the authorized scope of practice based on an individual's prior and current
9 education, training, and experience.

10 (2) Consult with the American naturopathic medical certification board
11 to define and set by rule any additional qualifications for licensure. Any
12 such qualifications shall be in addition to those required by this chapter on
13 July 1, 2022.

14 (3) Authorize prescriptive rights or surgical authority only for an
15 applicant who demonstrates sufficient education and training in accordance
16 with an active license pursuant to section 54-5905(1), Idaho Code. Notwith-
17 standing this subsection, all licensees shall be permitted by the board to
18 practice according to the scope of practice pursuant to section 54-5906,
19 Idaho Code.

20 (4) Establish, pursuant to chapter 52, title 67, Idaho Code, any such
21 rules as are necessary for the administration of this chapter, including but
22 not limited to rules pertaining to discipline, continuing education, and
23 standards for professional conduct that reflect current practice standards
24 and promote inclusion of evidence-based innovations and advances in naturo-
25 pathic health care.

26 (5) Conduct investigations and examinations and hold hearings.

27 (6) Collect fees and other funds as authorized by this chapter. All
28 fees received under the provisions of this chapter shall be paid to the di-
29 vision of occupational and professional licenses and deposited in the state
30 treasury to the credit of the occupational licenses fund, and all costs and
31 expenses incurred under the provisions of this chapter shall be a charge
32 against and paid from said fund.

33 (7) Be responsible for legal proceedings, including those regarding
34 contracts and litigation.

35 (8) Provide such other services and perform such other functions as are
36 necessary and desirable to fulfill its purposes.

37 (9) Establish rules that provide for naturopaths to legally practice in
38 Idaho through registration rather than licensure. In order to protect pub-
39 lic health, the scope of practice for a registered naturopath shall be as
40 provided for in section 54-1804(1), Idaho Code.

41 (a) The board shall establish a method of registration and a reasonable
42 fee for registration and collect such fee for registration.

43 (b) No registration shall be granted until the board has approved a rea-
44 sonable fee and a method of collecting such fee for registration.

45 54-5905. VOLUNTARY NATUROPATHIC DOCTOR LICENSURE -- REQUIREMENTS --
46 LIMITATIONS. (1) An applicant shall be qualified for voluntary licensure as
47 a naturopathic doctor pursuant to this chapter if such applicant:

1 (a) Possesses current, valid, and unrestricted licensure in another
2 state, district, or territory of the United States in at least one (1) of
3 the following medical professions:

4 (i) Medical doctor or doctor of osteopathy;

5 (ii) Podiatrist;

6 (iii) Doctor of naturopathic medicine;

7 (iv) Dentist;

8 (v) Chiropractor, if such applicant possesses an accredited
9 doctoral degree in chiropractic medicine as required pursuant to
10 chapter 7, title 54, Idaho Code; or

11 (vi) Nurse, if such applicant possess a level of training and ed-
12 ucation equivalent to an advanced practice registered nurse pur-
13 suant to chapter 14, title 54, Idaho Code, and has achieved an ac-
14 credited doctorate degree in nursing;

15 (b) Has a valid doctoral degree in naturopathy as approved by the board
16 from an institution accredited by the United States department of edu-
17 cation;

18 (c) Has not pled guilty to or been convicted of a crime that is deemed
19 relevant in accordance with section 67-9411(1), Idaho Code, unless such
20 applicant demonstrates that he has been sufficiently rehabilitated to
21 warrant the public trust; and

22 (d) Completes any one (1) of the following:

23 (i) Two (2) years of experience acceptable to the board, one (1)
24 year of which may include predoctoral practicum or internship and
25 one (1) year of which must be postdoctoral;

26 (ii) Passage of an Idaho state examination proving minimum com-
27 petency and skills, to be developed and approved by the board and
28 the American naturopathic medical certification board pursuant to
29 this chapter; or

30 (iii) Passage of any accredited national board examination that
31 certifies the individual has achieved minimum competency and
32 skills in the practice of naturopathic healthcare.

33 (2) A license issued under this chapter shall:

34 (a) Be issued in the name of the licensed naturopathic doctor;

35 (b) State the issue and expiration date; and

36 (c) Always be displayed in a conspicuous manner in the place of business
37 or employment of the licensee.

38 (3) A licensed naturopathic doctor may use the title "licensed doctor
39 of natural health" or "licensed naturopathic practitioner." A provisional
40 license shall be issued by the board until the board has finalized and ap-
41 proved licensure requirements as provided by this chapter and by rule.

42 (4) All applications for licensing shall be reviewed and approved by
43 the board on an individual basis.

44 (5) A person who is not licensed pursuant to this chapter shall not:

45 (a) Hold himself out as a naturopathic doctor licensed under this chap-
46 ter;

47 (b) Use or advertise using the title of licensed naturopathic doc-
48 tor (LND), licensed naturopathic practitioner (LNP), or any variant
49 thereof; 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 naturopathic doctor licensed in the state of Idaho.

4 54-5906. LICENSED NATUROPATHIC DOCTORS -- SCOPE OF PRACTICE. (1) Any
5 naturopathic doctor licensed pursuant to this chapter who does not possess a
6 current, valid, and unrestricted license to practice as a physician pursuant
7 to chapter 18, title 54, Idaho Code, may engage only in the scope of practice
8 provided for in this section.

9 (2) Unless otherwise provided for in this chapter, a licensed naturo-
10 pathic doctor shall not be authorized to incorporate any rights or scope of
11 practice pursuant to licensure held in another state, district, or territory
12 of the United States into Idaho practice as a licensed naturopathic doctor
13 pursuant to this chapter.

14 (3) If a licensed naturopathic doctor receives licensure in Idaho to
15 practice any profession outlined in section 54-5905, Idaho Code, then the
16 board may allow the licensed naturopathic doctor to incorporate any addi-
17 tional scope of practice provided for in this section or prescriptive rights
18 as provided for in section 54-5907, Idaho Code. However, the board shall not
19 approve an expanded scope of practice pursuant to this subsection if such ad-
20 ditional licensure does not authorize such scope of practice.

21 (4) The scope of practice for a licensed naturopathic doctor shall be
22 established by rule of the board and shall include the following:

23 (a) Diagnosis and treatment of conditions affecting the human body, in-
24 cluding vitamins, minerals, or other natural methods;

25 (b) Diagnosis and care of patients using a system of practice that bases
26 treatment of physiological functions and abnormal conditions on natu-
27 ral laws governing the human body, including utilizing physiological,
28 psychological, and mechanical methods, electromagnetism, therapeutic
29 exercise, homeopathic medicine, decompression, traction, biofeedback,
30 electrotherapy, physiotherapy, mechanotherapy, naturopathic correc-
31 tions, neurofeedback, natural methods and substances that support hor-
32 monal and cellular health, phytotherapy, and food and herb therapies;

33 (c) Physical examination procedures and laboratory procedures, in-
34 cluding ordering imaging and diagnostic tests for purposes of diagno-
35 sis; and

36 (d) Other practices that may be allowed pursuant to the rules of the
37 board.

38 (5) Minor procedures using local anesthetics may be performed only if a
39 licensed naturopathic doctor has had postgraduate surgical training in res-
40 idency, possesses relevant board certification, and is expressly authorized
41 by the board to perform minor procedures.

42 (6) No licensed naturopathic doctor shall perform minor procedures,
43 prescribe legend drugs, or perform any other action unless otherwise ex-
44 pressly authorized by this chapter or pursuant to the rules of the board.

45 54-5907. PRESCRIPTIVE RIGHTS. (1) Licensed naturopathic doctors may
46 be granted certain prescriptive rights as part of their scope of practice.
47 However, prescriptive rights for licensed naturopathic doctors shall be
48 granted and maintained only if the licensed naturopathic doctor:

1 (a) Currently possesses and maintains a full federal drug enforcement
2 agency (DEA) registration that is in good standing prior to seeking pre-
3 scriptive rights under this license; and

4 (b) Has completed at least forty-five (45) credit hours of pharmacology
5 from an institution accredited by the United States department of edu-
6 cation.

7 (2) Licensed naturopathic doctors' individual prescriptive rights
8 pursuant to this section shall be limited to all medications, treatments, or
9 any other item to be prescribed that are outlined and approved by the board.
10 However, the board shall not approve any medication, treatment, or any other
11 similar item that is not approved by the formulary committee.

12 (3) This section shall not and is not intended to authorize group licen-
13 sure for all individuals licensed under this chapter. Each licensed naturo-
14 pathic doctor must, on an individual basis, receive approval from the board
15 to prescribe as a licensed naturopathic doctor.

16 (4) The board, by rule, shall ensure that any approval of a licensed
17 naturopathic doctor's request to prescribe as a licensed naturopathic doc-
18 tor does not exceed the prescriptive scope the licensed naturopathic doctor
19 previously possessed prior to licensure under this chapter.

20 54-5908. REGISTERED NATUROPATHS. (1) Naturopaths who are not licensed
21 naturopathic doctors may, but shall not be required to, obtain registration
22 under the provisions of this chapter and pursuant to the rules of the board.

23 (2) The scope of practice for a registered naturopath under this chap-
24 ter shall be limited to practices permitted pursuant to section 54-1804(1),
25 Idaho Code.

26 54-5909. LICENSE AND REGISTRATION ISSUANCE, REVOCATION, AND RE-
27 NEWAL. (1) The board shall issue and renew licenses or issue and renew
28 registrations to persons who have qualified therefor in accordance with the
29 provisions of this chapter.

30 (2) The board shall refuse licensure or registration to, revoke the li-
31 cense or registration of, or place restrictions on the licensee or regis-
32 trant if such person:

33 (a) Is a current health care professional whose licensure is or pre-
34 viously has been revoked, suspended, placed on probation, reprimanded,
35 limited, restricted, or conditioned, or if such person has been or is
36 currently subject to disciplinary action with respect to professional
37 licensure;

38 (b) Engages in conduct prohibited by this chapter;

39 (c) Obtains or attempts to obtain the issuance or renewal of a license
40 or registration pursuant to this chapter by means of fraud, misrepre-
41 sentation, or concealment of material facts;

42 (d) Has at any time failed to maintain the confidentiality of records or
43 other information pertaining to an identifiable client, except as re-
44 quired or authorized by law;

45 (e) Engages in any conduct that constitutes an abuse or exploitation of
46 a client arising out of the trust and confidence placed in the licensed
47 naturopathic doctor or registered naturopath by the client;

- 1 (f) Fails to, or has previously failed to, adhere to generally accepted
2 standards pursuant to section 54-1804, Idaho Code;
- 3 (g) Is convicted of, or in the past was convicted of, a crime deemed rel-
4 evant in accordance with section 67-9411 (1), Idaho Code;
- 5 (h) Engages in conduct that violates the provisions of this chapter,
6 the rules of the board, or the terms of any license or registration is-
7 sued by the board; or
- 8 (i) Fails to comply with a board order entered in any disciplinary mat-
9 ter.
- 10 (3) In making a determination under subsection (2) of this section, the
11 board shall take into consideration the rehabilitation of the applicant and
12 other mitigating circumstances.
- 13 (4) An applicant for a license or registration under this chapter shall
14 submit any fee established pursuant to board rules.
- 15 (5) All licenses issued under the provisions of this chapter shall be
16 subject to annual or biennial renewal and shall expire unless renewed in the
17 manner prescribed by the board. License renewal and reinstatement shall be
18 in accordance with section 67-2614, Idaho Code.

19 54-5910. IMMUNITY OF BOARD MEMBERS AND PERSONS REPORTING INFORMATION
20 TO BOARD. Any member or agent of the board, any member who has served on the
21 board, or any person under oath shall not be subject to a civil action for
22 damages as a result of reporting information in good faith, without fraud
23 or malice, relating to alleged violations or vindictive violations of this
24 chapter or board rules.

25 54-5911. OBSERVATION OF PUBLIC HEALTH LAW. Each individual licensed
26 or registered under this chapter shall observe and be subject to all state,
27 federal, and municipal regulations relating to the control of contagious and
28 infectious diseases, reporting and certifying deaths, and all matters per-
29 taining to public health. Failure to comply with these requirements shall
30 constitute grounds for disciplinary action pursuant to the provisions of
31 this chapter and the laws of the state of Idaho.

32 54-5912. FORMULARY COMMITTEE. (1) The board shall appoint a formulary
33 committee consisting of one (1) member who is licensed to practice in Idaho
34 as a pharmacist (PharmD), one (1) member who is either a doctor of osteopa-
35 thy or a doctor of medicine, and three (3) members who are either eligible to
36 receive licensure and possess full federal drug enforcement registration in
37 good standing under this chapter or have received licensure under this chap-
38 ter and possess full federal drug enforcement registration and prescriptive
39 rights.

40 (2) All members of the formulary committee shall possess a valid and ac-
41 tive federal drug enforcement agency number and be authorized to prescribe
42 within the United States.

43 (3) Initially, three (3) members shall serve for three (3) years and two
44 (2) members shall serve for two (2) years. After the initial appointments,
45 all terms of appointment shall be three (3) years. No member may serve for
46 more than two (2) consecutive terms.

1 (4) The formulary committee shall act in an advisory role in evaluating
2 prescriptive authority for applicants or other similar issues as called upon
3 by the board. However, the formulary committee shall first approve the scope
4 of prescriptive rights that individuals licensed under this chapter may use
5 before the board approves the scope of prescriptive rights.

6 SECTION 2. An emergency existing therefor, which emergency is hereby
7 declared to exist, this act shall be in full force and effect on and after
8 July 1, 2022.