

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 220

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO THE NATUROPATHIC PHYSICIANS LICENSING ACT; AMENDING SECTION
2 54-5101, IDAHO CODE, TO REVISE THE LEGISLATIVE INTENT; AMENDING SECTION
3 54-5102, IDAHO CODE, TO REVISE DEFINITIONS AND TO REMOVE A DEFINITION;
4 AMENDING SECTION 54-5103, IDAHO CODE, TO REVISE PROVISIONS RELATING TO
5 LICENSE REQUIREMENTS AND TO PROVIDE FOR LICENSE RENEWAL REQUIREMENTS;
6 AMENDING CHAPTER 51, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW
7 SECTION 54-5103A, IDAHO CODE, TO PROVIDE FOR A REGISTERED NATUROPATHIC
8 PRACTITIONER, TO PROVIDE APPLICATION AND RENEWAL REQUIREMENTS FOR A
9 REGISTERED NATUROPATHIC PRACTITIONER AND TO PROVIDE QUALIFICATIONS
10 FOR REGISTERED NATUROPATHIC PRACTITIONERS; AMENDING SECTION 54-5104,
11 IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE SCOPE OF PRACTICE OF
12 A NATUROPATHIC PHYSICIAN; AMENDING SECTION 54-5105, IDAHO CODE, TO
13 PROVIDE THAT A NATUROPATHIC PHYSICIAN SHALL NOT PERFORM CHIROPRACTIC
14 ADJUSTMENTS OR PHYSICAL THERAPY UNLESS LICENSED TO DO SO; AMENDING
15 SECTION 54-5106, IDAHO CODE, TO REVISE A CERTAIN EXEMPTION; AMENDING
16 SECTION 54-5107, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN
17 DISCLOSURE REQUIREMENTS; REPEALING SECTION 54-5108, IDAHO CODE, RELAT-
18 ING TO THE BOARD OF NATUROPATHIC MEDICAL EXAMINERS; AMENDING CHAPTER
19 51, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-5108, IDAHO
20 CODE, TO PROVIDE FOR THE BOARD OF NATUROPATHIC MEDICAL EXAMINERS AND
21 THE APPOINTMENT OF THE MEMBERS OF SUCH BOARD; AMENDING SECTION 54-5109,
22 IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE POWERS AND DUTIES OF
23 THE BOARD OF NATUROPATHIC MEDICAL EXAMINERS; AMENDING SECTION 54-5110,
24 IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE NATUROPATHIC MEDICAL
25 FORMULARY COUNCIL AND THE FORMULARY LIST; AMENDING SECTION 54-5111,
26 IDAHO CODE, TO REVISE AND TO PROVIDE ADDITIONAL PROVISIONS RELATING TO
27 CERTAIN FEES; AMENDING SECTION 54-5112, IDAHO CODE, TO REVISE AND TO
28 PROVIDE ADDITIONAL PROVISIONS RELATING TO QUALIFICATIONS FOR LICENSURE
29 AS A NATUROPATHIC PHYSICIAN; AMENDING SECTION 54-5114, IDAHO CODE, TO
30 PROVIDE THAT THE BOARD OF NATUROPATHIC MEDICAL EXAMINERS MAY CONDUCT
31 CERTAIN HEARINGS TO DETERMINE WHETHER GROUNDS EXIST FOR SUSPENSION,
32 REVOCATION OR DENIAL OF A REGISTRATION; AMENDING SECTION 54-5115, IDAHO
33 CODE, TO PROVIDE ADDITIONAL PROVISIONS RELATING TO DISCIPLINARY AC-
34 TION; AMENDING SECTION 54-5116, IDAHO CODE, TO PROVIDE THAT WHEN THE
35 BOARD OF NATUROPATHIC MEDICAL EXAMINERS PROPOSES TO TAKE CERTAIN ACTION
36 RELATING TO A REGISTRATION, THERE SHALL BE OPPORTUNITY FOR A CERTAIN
37 HEARING; AMENDING SECTION 54-5117, IDAHO CODE, TO REVISE PROVISIONS
38 RELATING TO CERTAIN PENALTIES; REPEALING SECTION 54-5118, IDAHO CODE,
39 RELATING TO SEVERABILITY; AMENDING CHAPTER 51, TITLE 54, IDAHO CODE,
40 BY THE ADDITION OF A NEW SECTION 54-5118, IDAHO CODE, TO PROVIDE FOR THE
41 EXCLUSIVE JURISDICTION FOR LICENSING AND REGISTRATION; AMENDING CHAP-
42 TER 51, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-5119,
43 IDAHO CODE, TO PROVIDE FOR SEVERABILITY; TO PROVIDE CERTAIN REPORTING
44 REQUIREMENTS OF THE BOARD OF NATUROPATHIC MEDICAL EXAMINERS; AND RE-
45

1 PEALING CHAPTER 51, TITLE 54, IDAHO CODE, RELATING TO THE NATUROPATHIC
 2 PHYSICIANS LICENSING ACT; DECLARING AN EMERGENCY AND PROVIDING AN EF-
 3 FECTIVE DATE.

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

5 SECTION 1. That Section 54-5101, Idaho Code, be, and the same is hereby
 6 amended to read as follows:

7 54-5101. LEGISLATIVE PURPOSE AND INTENT. It is the intent of the
 8 Idaho legislature ~~that to regulate the practice of naturopathic medicine.~~
 9 Nothing in this chapter will limit the decision in State v. Smith except
 10 to the extent that certain modalities of treatment shall require a license
 11 pursuant to this chapter. To that end it is not the intent of the legislature
 12 to regulate the practice of natural health care services as it is defined in
 13 this chapter, except as expressly provided herein.

14 SECTION 2. That Section 54-5102, Idaho Code, be, and the same is hereby
 15 amended to read as follows:

16 54-5102. DEFINITIONS. As used in this chapter, the following terms
 17 have the meanings as stated:

18 (1) ~~"Approved naturopathic medical program" means a doctoral-level~~
 19 ~~program of supervised resident study in naturopathic medicine approved by~~
 20 ~~the board naturopathic medical education program in the United States or~~
 21 ~~Canada that provides the degree of doctor of naturopathy or doctor of natur-~~
 22 ~~opathic medicine, that offers graduate level full-time didactic and super-~~
 23 ~~vised clinical training and is either accredited or has achieved candidacy~~
 24 ~~status for accreditation by the council on naturopathic medical education~~
 25 ~~(CNME) or an equivalent federally recognized accrediting body for naturo-~~
 26 ~~pathic medical programs. Additionally, the program shall be an institution,~~
 27 ~~or part of an institution, of higher education that is either accredited or~~
 28 ~~is a candidate for accreditation by a regional accrediting agency recognized~~
 29 ~~by the United States department of education.~~

30 (2) "Board" means the board of naturopathic medical examiners created
 31 pursuant to section 54-5108, Idaho Code.

32 (3) "Minor office procedures" means the methods for the repair and care
 33 incidental to superficial lacerations and abrasions, superficial lesions
 34 and the removal of foreign bodies located in the superficial tissues.

35 (4) "Naturopathic medical formulary" means the list of prescription
 36 medicines which naturopathic physicians may use in the practice of their
 37 profession, ~~as determined by the formulary council and reviewed by the~~
 38 ~~board.~~

39 (5) ~~"Naturopathic medical formulary council" means that council com-~~
 40 ~~prised of members appointed pursuant to this chapter to determine and autho-~~
 41 ~~rize the formulary list.~~

42 ~~(6) "Naturopathic medicine" means a distinct and comprehensive system~~
 43 ~~of primary health care practiced by naturopathic physicians. For the pur-~~
 44 ~~pose of this chapter, naturopathic medicine does not include natural health~~
 45 ~~care services as defined herein, however, nothing contained herein is in-~~
 46 ~~tended to prohibit a naturopathic physician from providing natural health~~

~~care services~~ The practice of naturopathic medicine is separate and distinct from the providing of natural health care services.

(76) "Naturopathic physician" and all titles defined in section 54-5103(2), Idaho Code, means a person authorized and licensed to practice naturopathic medicine under this chapter.

(87) "Natural health care services" means the broad domain of health care services and procedures, including diagnosis and treatment, where treatment or advice regarding the human body and its functions is administered by a person who:

(a) Does not use legend drugs or prescription drugs in such practice;

(b) Uses only natural elements including, without limitation, air, heat, water and light;

(c) Only uses class I or class II nonprescription, approved medical devices as defined in section 513 of the federal food, drug and cosmetic act;

(d) Only uses vitamins, minerals, herbs, natural food products and their extracts, nutritional supplements and homeopathic preparations and remedies not otherwise prohibited by law; and who

(e) Does not perform surgery.

SECTION 3. That Section 54-5103, Idaho Code, be, and the same is hereby amended to read as follows:

54-5103. LICENSE AND LICENSE RENEWAL REQUIRED. (1) No person shall hold himself or herself out to others as a naturopathic physician or practice naturopathic medicine ~~as defined herein~~ without first applying for and receiving a license. Persons who are not licensed pursuant to this chapter may provide natural health care services ~~as defined herein~~ pursuant to sections 54-5107 and 54-1804, Idaho Code.

(2) A person holds himself or herself out to others as a naturopathic physician when the person adopts or uses any or all of the following designations: "naturopathic physician," "physician of naturopathic medicine," "physician of natural medicine," "doctor of naturopathic medicine," or its abbreviation "N.M.D." On and after July 1, 2013, a person holds himself or herself out to others as a naturopathic physician when the person adopts or uses the designations "doctor of naturopathy" or "naturopathic doctor" or its abbreviation "ND" and, on and after such date, such designations shall be restricted to describing and identifying licensed practitioners.

(3) ~~The titles and terms in subsection (2) of this section identify naturopathic physicians and are restricted to describing and identifying licensed practitioners. Nothing herein contained shall prohibit or restrict the right to use or employ the titles "doctor of naturopathy," "naturopathic doctor," or the designation "N.D." by a person who has:~~

~~(a) Received a doctor of naturopathy degree from a school, college or institution that is licensed, or exempt from licensure as a religious school, college or institution, by the appropriate state educational licensing agency in which its principal operations or offices are located;~~

~~(b) Completed a doctoral level course of study that includes coursework and practical experience, which may include apprenticeship, of at least~~

1 ~~eight hundred (800) hours, upon completion of which a doctor of natur-~~
 2 ~~opathy degree is conferred;~~

3 ~~-(c) Practiced as a doctor of naturopathy for twenty (20) years prior to~~
 4 ~~the effective date of this chapter;~~

5 ~~-(d) Practiced as a doctor of naturopathy for at least five (5) years and~~
 6 ~~received a doctor of naturopathy degree prior to the effective date of~~
 7 ~~this chapter; or~~

8 ~~-(e) Received a license pursuant to this chapter.~~

9 ~~-(4) No person who does not meet the criteria set forth in this section~~
 10 ~~may use the titles and terms contained in subsection (3) of this section~~
 11 Licenses issued prior to July 1, 2009, shall terminate by law unless renewed
 12 before January 1, 2012. All licenses issued under this chapter shall be for
 13 a term of one (1) year and shall expire on the birthday of the licensee unless
 14 renewed in a manner prescribed by the rules of the board.

15 SECTION 4. That Chapter 51, Title 54, Idaho Code, be, and the same is
 16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 17 ignated as Section 54-5103A, Idaho Code, and to read as follows:

18 54-5103A. REGISTERED NATUROPATHIC PRACTITIONER -- RENEWAL -- QUALI-
 19 FICATIONS -- LIMITATIONS. (1) A person wishing to become a registered natur-
 20 opathic practitioner must make application and pay the required registra-
 21 tion fees before September 1, 2011. Registrations that are not renewed in a
 22 timely manner will be terminated without further notice to the registrant.
 23 All registrations issued under this chapter shall be for a term of one (1)
 24 year and shall expire on the birthday of the registrant unless renewed in a
 25 manner prescribed by the rules of the board.

26 (2) To become a registered naturopathic practitioner, the applicant
 27 must have:

28 (a) Received a doctor of naturopathy degree from a school, college or
 29 institution that is licensed, or exempt from licensure as a religious
 30 school, college or institution, by the appropriate state educational
 31 licensing agency in which its principal operations or offices are lo-
 32 cated; or

33 (b) Completed a doctoral level course of study that includes coursework
 34 and practical experience, which may include apprenticeship, of at least
 35 eight hundred (800) hours, upon completion of which a doctor of natur-
 36 opathy degree is conferred; or

37 (c) Practiced as a doctor of naturopathy for twenty (20) years prior to
 38 July 1, 2005; or

39 (d) Practiced as a doctor of naturopathy for at least five (5) years and
 40 received a doctor of naturopathy degree before July 1, 2005; and

41 (e) Been a full-time resident, as such term is defined in section
 42 63-3013, Idaho Code, before January 1, 2011.

43 (3) Registration under this section is required only of those individ-
 44 uals who desire to utilize the title or hold themselves out as being regis-
 45 tered naturopathic practitioners.

46 SECTION 5. That Section 54-5104, Idaho Code, be, and the same is hereby
 47 amended to read as follows:

1 54-5104. SCOPE OF PRACTICE. (1) Diagnostic procedures. A naturo-
 2 pathic physician may use physical and laboratory examinations consistent
 3 with naturopathic medical education and training for diagnostic purposes.
 4 A naturopathic physician may order and perform diagnostic and imaging tests
 5 consistent with naturopathic medical education and training. All diagnos-
 6 tic and imaging tests not consistent with naturopathic medical education and
 7 training, must be referred for performance and interpretation by an appro-
 8 priately licensed health care professional.

9 (2) Naturopathic physicians are authorized to dispense, administer and
 10 prescribe prescription drugs and medical devices determined by the naturo-
 11 pathic medical formulary council, and authorized by the board.

12 (3) A naturopathic physician may perform minor office procedures pur-
 13 suant to privileges authorized by the board.

14 (4) A naturopathic physician may perform those therapies as for which
 15 he or she has been trained and educated and authorized by the board which are
 16 not inconsistent with the provisions of this chapter.

17 SECTION 6. That Section 54-5105, Idaho Code, be, and the same is hereby
 18 amended to read as follows:

19 54-5105. PROHIBITIONS. A naturopathic physician shall not:

20 (1) Prescribe, dispense or administer any controlled substance or de-
 21 vice identified under the controlled substance act, chapter 27, title 37,
 22 Idaho Code, or identified in the federal controlled substance act, 21 U.S.C.
 23 sections 801 through 971 (1988), as amended, except as authorized by this
 24 chapter;

25 (2) Perform surgical procedures except those minor office procedures
 26 authorized by this chapter;

27 (3) Practice or claim to practice as a medical doctor, osteopath,
 28 dentist, podiatrist, optometrist, psychologist, advanced practice pro-
 29 fessional nurse, physician assistant, chiropractor, physical therapist,
 30 acupuncturist, or any other health care professional not authorized in this
 31 chapter unless licensed by the state of Idaho to do so;

32 (4) Use general or spinal anesthetics;

33 (5) Administer ionizing radioactive substances for therapeutic pur-
 34 poses;

35 (6) Perform surgical procedures using a laser device;

36 (7) Induce or perform an abortion;

37 (8) Perform surgical procedures involving the eye, ear, tendons,
 38 nerves, veins or arteries extending beyond superficial tissue;

39 (9) Treat any lesion suspicious of malignancy or requiring surgical re-
 40 moval. Lesions suspicious of malignancy or requiring surgical removal shall
 41 be referred to an appropriately licensed health care professional. Nothing
 42 in this chapter shall prohibit treatment of a person with suspicious or ma-
 43 lignant lesions in conjunction with a physician licensed pursuant to chapter
 44 18, title 54, Idaho Code.

45 (10) Perform chiropractic adjustments as defined in section 54-704,
 46 Idaho Code, unless licensed to do so.

47 (11) Perform physical therapy as defined in section 54-2203, Idaho
 48 Code, unless licensed to do so.

1 SECTION 7. That Section 54-5106, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 54-5106. EXEMPTIONS. This chapter is not intended to and does not pro-
4 hibit, restrict or apply to:

5 (1) The practice of a profession by individuals who are licensed, cer-
6 tified or registered under other laws of this state and are performing ser-
7 vices within the authorized scope of practice; or

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

11 (3) An individual rendering aid to a family member or in an emergency,
12 when no fee or other consideration for the service is charged, received, ex-
13 pected or contemplated; or

14 (4) A person engaged in the sale of vitamins, health foods, over the
15 counter homeopathic products, dietary supplements, herbs, or other products
16 of nature, the sale of which is not otherwise prohibited under state or fed-
17 eral law; or

18 (5) A person engaged in good faith for religious reasons as a matter of
19 conscience who does not receive a fee for such service; or

20 (6) The practice by a naturopathic physician duly licensed in another
21 state, territory or the District of Columbia when that naturopathic physi-
22 cian is incidentally called into this state for consultation with a licensed
23 physician; or

24 (7) The practice of naturopathic medicine by students enrolled in an
25 approved naturopathic medical program. Services shall be performed pur-
26 suant to a course of instruction or assignments from an instructor and under
27 the supervision and observation of the instructor; or

28 (8) Those who practice massage therapy; or

29 (9) The practice and providing of natural health care services as de-
30 fined herein in compliance with sections 54-5107 and 54-1804, Idaho Code,
31 by a person who is not licensed, certified or registered in this state as a
32 health care professional or practitioner.

33 SECTION 8. That Section 54-5107, Idaho Code, be, and the same is hereby
34 amended to read as follows:

35 54-5107. DISCLOSURE BY THOSE PROVIDING NATURAL HEALTH CARE SER-
36 VICES. (1) Any person providing natural health care services who is not a
37 naturopathic physician or a registered naturopathic practitioner and who is
38 advertising or charging a fee for those services, shall, prior to providing
39 such services, disclose to the client in a clearly worded statement:

40 (a) The practitioner's name, business address and telephone number;

41 (b) The nature of the natural health care services to be provided;

42 (c) That the practitioner is not an "M.D.," "D.O.," ~~or~~ "N.M.D.,"
43 "naturopathic physician," "naturopathic doctor" or "N.D."

44 (2) Before a practitioner provides natural health care services to a
45 client for the first time, such practitioner must obtain a written acknowl-
46 edgment from the client stating that he or she has been provided with the in-
47 formation described in this section and that he or she recognizes that the
48 practitioner is not licensed to practice medicine, surgery or naturopathic

1 medicine. The client shall be provided with a copy of this written acknowl-
2 edgment which must be maintained for two (2) years by the person providing
3 the services. If the disclosure information changes, then the practitioner
4 ~~has a duty to shall~~ repeat the disclosure if before a client obtains services
5 after the change.

6 SECTION 9. That Section 54-5108, Idaho Code, be, and the same is hereby
7 repealed.

8 SECTION 10. That Chapter 51, Title 54, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 54-5108, Idaho Code, and to read as follows:

11 54-5108. BOARD OF NATUROPATHIC MEDICAL EXAMINERS. (1) There is hereby
12 established in the department of self-governing agencies the board of natur-
13 opathic medical examiners. The bureau of occupational licenses may contract
14 with the board of naturopathic medical examiners to provide services to the
15 board.

16 (2) The board shall consist of three (3) members, two (2) of whom shall
17 be licensed pursuant to this chapter and one (1) of whom shall be a physician
18 licensed pursuant to chapter 18, title 54, Idaho Code. If this chapter is
19 renewed by the legislature, then the board shall consist of three (3) members
20 who shall each be licensed pursuant to this chapter on and after July 1, 2016.

21 (3) One (1) member of the initial board shall be appointed for a one (1)
22 year term of office, one (1) member of the initial board shall be appointed
23 for a two (2) year term of office and one (1) member of the initial board shall
24 be appointed for a three (3) year term of office. Thereafter, the term of
25 office for each member shall be three (3) years. Members shall serve at the
26 pleasure of the governor.

27 (4) Appointments to the board shall be made by the governor. In the
28 event of death, resignation or removal of any member before the expiration
29 of the term to which appointed, the vacancy shall be filled for the unexpired
30 portion of the term in the same manner as the original appointment. The ap-
31 pointment of a physician licensed under chapter 18, title 54, Idaho Code,
32 shall be made from a list of at least three (3) nominees submitted to the gov-
33 ernor by the Idaho medical association.

34 (5) The members of the board who are naturopathic physicians shall be
35 licensed pursuant to this chapter, shall practice within the state of Idaho
36 for the duration of their appointment and shall have been practitioners
37 within the state of Idaho for a minimum of two (2) years immediately preced-
38 ing appointment.

39 (6) The initial naturopathic physician members of the board shall be
40 persons with at least two (2) years of experience in the practice of natur-
41 opathic medicine who are eligible to become licensed pursuant to this chap-
42 ter.

43 (7) The board, within thirty (30) days after its appointment, and at
44 least annually thereafter, shall hold a meeting and elect a chairman. The
45 board may hold additional meetings at the call of the chairman or at the writ-
46 ten request of any two (2) members of the board. The board may appoint such
47 committees as it considers necessary to carry out its duties. A majority of
48 the board shall constitute a quorum.

1 SECTION 11. That Section 54-5109, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 54-5109. POWERS AND DUTIES OF THE BOARD. The board shall have the au-
4 thority to:

5 ~~(1) Determine the qualifications of persons applying for licensure~~
6 ~~pursuant to this chapter and define, by rule, the appropriate scope of natur-~~
7 ~~opathic medicine in this state, provided however, that the scope of practice~~
8 ~~may not exceed that defined in section 54-5104, Idaho Code~~ Receive applica-
9 tions of persons applying for licensure or registration, issue licenses and
10 registrations to those applicants who qualify under this chapter and renew,
11 suspend, revoke and reinstate licenses and registrations;

12 ~~(2) Grant a special competency certificate for naturopathic childbirth~~
13 ~~attendance to those licensees who apply, provided that such applicant can~~
14 ~~document training and experience equal to or greater than that required by~~
15 ~~the rules of the Idaho board of nursing, pursuant to section 54-1404, Idaho~~
16 ~~Code. The applicant shall hold hospital privileges and perform such proced-~~
17 ~~ures under the supervision of a physician licensed pursuant to chapter 18,~~
18 ~~title 54, Idaho Code;~~

19 ~~(3) Establish special competency certification requirements for li-~~
20 ~~cencees as deemed necessary by action of the board;~~

21 ~~(43) Adopt~~ Promulgate rules for the defined scope of practice for li-
22 cencees;

23 ~~(54) Hire and appoint employees, including an executive director, in-~~
24 ~~vestigators, attorneys, consultants and independent hearing examiners;~~

25 ~~(65) Adopt~~ Promulgate such rules as are necessary for the administra-
26 tion of this chapter, including standards of professional conduct;

27 ~~(76) Investigate complaints, c~~Conduct investigations and examinations
28 and hold hearings when appropriate;

29 ~~(87) Collect fees and other funds as prescribed by this chapter;~~

30 ~~(9) Provide a uniform, independently proctored and psychometrically~~
31 ~~valid examination for use in licensing naturopathic physicians, which will~~
32 ~~adequately test the applicant's knowledge of naturopathic medicine, includ-~~
33 ~~ing the basic medical sciences and the diagnostic and therapeutic skill of~~
34 ~~license applicants.~~

35 ~~(108) Provide such other services and perform such other functions as~~
36 ~~are necessary and desirable to fulfill its purposes;~~

37 ~~(11) Establish by rule examination standards for licensure and when~~
38 ~~those examinations will be provided;~~

39 ~~(129) Establish a minimum amount and kind of continuing education to~~
40 ~~be required annually for each naturopathic physician seeking licensure re-~~
41 ~~newal.~~

42 (10) Undertake, when appropriate, disciplinary proceedings and disci-
43 plinary action against persons licensed or registered under this chapter.

44 SECTION 12. That Section 54-5110, Idaho Code, be, and the same is hereby
45 amended to read as follows:

46 54-5110. NATUROPATHIC MEDICAL FORMULARY COUNCIL ESTABLISHED. There
47 is hereby established a naturopathic medical formulary council, which is
48 separate and distinct from the board, to be composed of seven (7) members.

1 Two (2) members shall be naturopathic physicians licensed under this chap-
 2 ter, appointed by the board of naturopathic medical examiners. ~~Three~~ Two
 3 ~~(3)~~ members shall be pharmacists licensed under chapter 17, title 54, Idaho
 4 Code, appointed by the board of naturopathic medical examiners from a list
 5 of nominees provided by the Idaho state board of pharmacy. ~~Two~~ Three ~~(2)~~
 6 members shall be physicians licensed under chapter 18, title 54, Idaho Code,
 7 appointed by the board of naturopathic medical examiners from a list of
 8 nominees provided by the Idaho ~~state board of medicine~~ medical association.
 9 The initial council shall be appointed as follows: One (1) naturopathic
 10 physician licensed under this act shall be appointed for a one (1) year
 11 term; one (1) physician licensed under chapter 18, title 54, Idaho Code,
 12 and one (1) pharmacist shall be appointed for a two (2) year term; and ~~two~~
 13 one ~~(2)~~ (1) pharmacists, one (1) naturopathic physician licensed under this
 14 act and ~~one~~ two ~~(1)~~ (2) physicians licensed under chapter 18, title 54, Idaho
 15 Code, shall be appointed for a three (3) year term. Thereafter, the term of
 16 office shall be three (3) years. A quorum shall consist of five (5) members
 17 and shall be required for any vote to be taken. It shall be the duty of the
 18 naturopathic medical formulary council to establish a formulary for use by
 19 naturopathic physicians. ~~7~~ and ~~1~~ Immediately upon adoption or revision of the
 20 formulary, the council shall transmit the approved formulary to the board,
 21 which shall adopt the formulary by temporary rule. The formulary adopted by
 22 the formulary council may condition the use of certain medicines and devices
 23 upon the satisfaction of requirements for certification as adopted by the
 24 board. The formulary will shall be reviewed annually by the council, or at
 25 any time at the request of the board. The formulary list shall be based upon
 26 naturopathic medical education, training and continuing education, but may
 27 not go beyond the scope of prescription medicines and medical devices cov-
 28 ered by approved naturopathic medical education and training and existing
 29 naturopathic medical formularies, or board-approved continuing education.
 30 The naturopathic medical formulary shall not include medicines and devices
 31 that are inconsistent with the training provided by approved naturopathic
 32 medical ~~colleges~~ programs and continuing education. Nothing ~~herein~~ in this
 33 section shall allow a naturopathic physician to dispense, administer or
 34 prescribe any prescription drug as defined in section 54-1705(30), Idaho
 35 Code, or medical device unless such prescription drug or medical device is
 36 specifically included in the naturopathic medical formulary.

37 SECTION 13. That Section 54-5111, Idaho Code, be, and the same is hereby
 38 amended to read as follows:

39 54-5111. FEES. (1) Pursuant to a written agreement between the bureau
 40 of occupational licenses and the board, a ~~All~~ fees received under the pro-
 41 visions of this chapter shall be paid to the department of self-governing
 42 agencies, bureau of occupational licenses, and deposited in the state trea-
 43 sury to the credit of the occupational licenses fund. All costs and expenses
 44 incurred under the provisions of this chapter shall be a charge against and
 45 paid from said fund as provided for in a written agreement between the bureau
 46 of occupational licenses and the board. In no case shall any salary, expense
 47 or other obligation of the board be charged against the general fund.

1 (2) The licensure fee for licensure naturopathic physicians shall not
 2 exceed five hundred be one thousand dollars (\$51,000). The annual renewal
 3 fee for such licensure shall be seven hundred fifty dollars (\$750).

4 (3) The registration fee for registered naturopathic practitioners
 5 shall be two hundred fifty dollars (\$250). The annual renewal fee for such
 6 registration shall be two hundred dollars (\$200).

7 (4) If an applicant has paid an application and/or licensing fee as re-
 8 quired by law, and no action has been taken on such application, then such ap-
 9 plicant may reapply for licensure or registration under this chapter without
 10 charge of an initial fee.

11 SECTION 14. That Section 54-5112, Idaho Code, be, and the same is hereby
 12 amended to read as follows:

13 54-5112. QUALIFICATIONS FOR LICENSURE. (1) The board may issue li-
 14 censes to eligible applicants. To be eligible for to receive or to renew a
 15 license to practice as a naturopathic physician in the state of Idaho, the
 16 applicant shall:

17 (1a) Provide proof, on a form provided by the board, of completion of an
 18 approved naturopathic medical program approved by the board, except as
 19 provided in subsection (2) of this section;

20 (2b) Have Provide proof of having passed a competency-based examina-
 21 tion approved by the board covering basic medical sciences and the di-
 22 agnostic and clinical sciences consistent with the education, train-
 23 ing and practice of naturopathic medicine. Such examination shall in-
 24 clude, but not be limited to, exams in anatomy, biochemistry, microbi-
 25 ology, immunology, pathology, physiology, naturopathic philosophy and
 26 principles, physical and clinical diagnosis, lab diagnosis, diagnostic
 27 imaging, botanical medicine, naturopathic physical medicine, and nu-
 28 trition the naturopathic physicians licensing examination (NPLEX) ad-
 29 ministered by the North American board of naturopathic examiners, ex-
 30 cept as provided in subsection (2) of this section;

31 (3c) Applicants may be required to sit for a personal interview by the
 32 board, if requested to do so by the board, to specifically review the
 33 applicant's qualifications, professional credentials, knowledge, and
 34 skills pertaining to the practice of naturopathic medicine;

35 (4d) Possess a good, ethical and professional reputation;

36 (5e) Be physically and mentally capable of safely practicing naturo-
 37 pathic medicine with or without reasonable accommodation;

38 (6f) Have never had a license to practice naturopathic medicine or
 39 other health care license, registration or certificate refused, re-
 40 voked or suspended by any other state or country for reasons that relate
 41 to the applicant's ability to skillfully and safely practice naturo-
 42 pathic medicine, or other health care profession unless that license,
 43 registration or certification has been restored to good standing by
 44 that state or country;

45 (7g) All licensed naturopathic physicians shall have on file with the
 46 board a board-approved disclosure form stating the degrees, training,
 47 experience, credentials and the health care services they are the ap-
 48 plicant is board approved to provide; and

49 (8h) File a board-approved application and pay the licensing fees.

1 (2) Notwithstanding the provisions of paragraphs (a) and (b) of sub-
 2 section (1) of this section, an applicant shall be deemed to be eligible for
 3 a license to practice as a naturopathic physician in the state of Idaho if
 4 the application documents, and the applicant provides proof that, the appli-
 5 cant:

6 (a) Graduated before 1990 from a college or university in the United
 7 States or Canada that offered a full-time structured curriculum in ba-
 8 sic sciences and supervised patient care comprising a doctoral natur-
 9 opathic medical education as a prerequisite to graduation therefrom,
 10 having been not less than one hundred thirty-two (132) weeks in duration
 11 and that required completion within a period of not less than thirty-
 12 five (35) months and, if still in existence, has current programmatic
 13 accreditation by the CNME or a federally recognized successor accredi-
 14 ting agency; and

15 (b) Successfully passed a board-approved state naturopathic licensure
 16 examination or Canadian provincial examination; or

17 (c) Meets the residency requirements set forth in section 63-3013,
 18 Idaho Code, and maintained a naturopathic practice in Idaho before Jan-
 19 uary 1, 2011.

20 SECTION 15. That Section 54-5114, Idaho Code, be, and the same is hereby
 21 amended to read as follows:

22 54-5114. INVESTIGATION -- HEARING -- SUBPOENA. (1) The board shall be
 23 empowered to investigate, or cause to be investigated, all complaints re-
 24 garding any conduct prohibited by this chapter.

25 (2) The board may conduct hearings to assist with investigations, to
 26 determine whether grounds exist for suspension, revocation or denial of a
 27 license or registration or to fulfill its responsibilities under this chap-
 28 ter as the board determines necessary.

29 (3) The board may subpoena witnesses, administer oaths in any hearing
 30 or disciplinary proceeding and compel, by subpoena duces tecum, the produc-
 31 tion of papers and records.

32 SECTION 16. That Section 54-5115, Idaho Code, be, and the same is hereby
 33 amended to read as follows:

34 54-5115. DISCIPLINARY ACTION. The board may suspend, revoke or refuse
 35 to issue or renew a license or registration on any of the following grounds:

36 (1) The employment of fraud or deceit in obtaining a license or reg-
 37 istration under this chapter or in connection with services rendered as a
 38 naturopathic physician;

39 (2) A legal finding of mental incompetence;

40 (3) Aiding or abetting a person, not duly licensed under this chapter,
 41 in claiming to be a naturopathic physician or in practicing naturopathic
 42 medicine;

43 (4) Any negligence, incompetence or misconduct in the performance of
 44 naturopathic medicine or natural health care services;

45 (5) Conviction of any crime involving moral turpitude or the entering
 46 of a plea of guilty or the finding of guilt by a jury or court of a commission
 47 of a felony or a crime involving moral turpitude;

1 (6) Practicing as a naturopathic physician or providing natural health
2 care services as a registered naturopathic practitioner when physical or
3 mental abilities are impaired by the use of controlled substances or other
4 drugs, chemicals or alcohol;

5 (7) Failure of the individual practitioner to maintain his or her pro-
6 fessional premises in a clean and sanitary condition;

7 (8) Any other good cause, relevant to qualifications to practice as a
8 naturopathic physician. The board may not suspend, revoke or refuse to issue
9 or renew a license based on the findings that a licensee's practice is uncon-
10 ventional in the absence of demonstrable harm to a patient and the patient
11 has signed a waiver to the effect that the treatment or device is considered
12 unconventional.

13 (9) Failure to demonstrate compliance with continuing education re-
14 quirements as determined by the board.

15 SECTION 17. That Section 54-5116, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 54-5116. LICENSE OR REGISTRATION DENIAL OR REVOCATION PROCEDURE. When
18 the board proposes to refuse to issue or renew a license or registration, or
19 proposes to revoke or suspend a license or registration, opportunity for a
20 hearing shall be pursuant to the provisions of chapter 52, title 67, Idaho
21 Code.

22 SECTION 18. That Section 54-5117, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 54-5117. ENFORCEMENT PENALTIES. (1) Every person who knowingly holds
25 himself or herself out as a naturopathic physician or who practices natur-
26 opathic medicine as defined herein in this state without a license, or who
27 holds himself or herself out as a naturopathic practitioner without a regis-
28 tration, is guilty of a misdemeanor. A person convicted of a second or sub-
29 sequent offense shall be guilty of a felony and shall be imprisoned in the
30 state prison for a period not to exceed five (5) years, or shall be fined
31 not more than ten thousand dollars (\$10,000) or shall be punished by both
32 such fine and imprisonment. ~~Nothing herein contained shall regulate, re-~~
33 ~~strict, or prohibit the practice of naturopathy or any naturopathic health~~
34 ~~care treatment, therapy, or modality, unregulated or permitted by law prior~~
35 ~~to July 1, 2005, except to the extent that such specific treatment, therapy,~~
36 ~~or modality, is enumerated herein and requires a license hereunder.~~

37 (2) Provided If the board determines ~~in good faith~~ that a person
38 is providing services or holding himself or herself out as a registered
39 naturopathic practitioner or practicing or holding out as a naturopathic
40 physician, ~~practicing naturopathic medicine as defined herein or using a~~
41 ~~title or term set forth in section 54-5103(3), Idaho Code,~~ in violation of
42 this chapter, or impermissibly utilizing a title or term regulated in this
43 chapter, then the board may seek an injunction, provided it has given thirty
44 (30) days' prior written notice to cease and desist against any person who
45 does not comply with such notice and who holds himself or herself out as a
46 naturopathic physician, in violation of this chapter and may, in the event a

1 permanent injunction is entered against such person be entitled to all costs
2 and fees incurred by the board in seeking the injunction.

3 SECTION 19. That Section 54-5118, Idaho Code, be, and the same is hereby
4 repealed.

5 SECTION 20. That Chapter 51, Title 54, Idaho Code, be, and the same is
6 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
7 ignated as Section 54-5118, Idaho Code, and to read as follows:

8 54-5118. EXCLUSIVE JURISDICTION FOR LICENSING AND REGISTRATION. This
9 chapter vests exclusive jurisdiction and authority in the board to license
10 persons to practice naturopathic medicine as licensed naturopathic physi-
11 cians and to register persons as registered naturopathic practitioners in
12 the state of Idaho. Counties and cities are prohibited from exercising such
13 jurisdiction.

14 SECTION 21. That Chapter 51, Title 54, Idaho Code, be, and the same is
15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
16 ignated as Section 54-5119, Idaho Code, and to read as follows:

17 54-5119. SEVERABILITY. The provisions of this chapter are hereby de-
18 clared to be severable and if any provision of this chapter or the applica-
19 tion of such provision to any person or circumstance is declared invalid for
20 any reason, such declaration shall not affect the validity of the remaining
21 portions of this chapter.

22 SECTION 22. The Board of Naturopathic Medical Examiners shall report on
23 the status of the board and the practice of naturopathic medicine in Idaho to
24 the Second Regular Session of the Sixty-fourth Idaho Legislature in 2016.

25 SECTION 23. That Chapter 51, Title 54, Idaho Code, be, and the same is
26 hereby repealed.

27 SECTION 24. An emergency existing therefor, which emergency is hereby
28 declared to exist, this act shall be in full force and effect on and after
29 passage and approval. Section 23 of this act shall be in full force and ef-
30 fect on and after July 1, 2011.