

No. 2016-128

AN ACT

HB 516

Relating to the practice of naturopathic medicine; providing for the issuance of licenses and the suspension and revocation of licenses; and providing for penalties.

TABLE OF CONTENTS

- Chapter 1. Preliminary Provisions
  - Section 101. Short title.
  - Section 102. Definitions.
- Chapter 2. Registration
  - Section 201. Registration.
  - Section 202. Qualifications for registration.
  - Section 203. Registration and renewal.
  - Section 204. Disciplinary or corrective action.
  - Section 205. Reinstatement of registration.
  - Section 206. Violation of act.
  - Section 207. Powers and duties of State Board of Medicine.
- Chapter 3. Miscellaneous Provisions
  - Section 301. Effective date.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

CHAPTER 1  
PRELIMINARY PROVISIONS

- Section 101. Short title.
 

This act shall be known and may be cited as the Naturopathic Doctor Registration Act.
- Section 102. Definitions.
 

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

  - "Board." The State Board of Medicine.
  - "Commissioner." The Commissioner of Professional and Occupational Affairs of the Commonwealth.
  - "Naturopathic doctor." An individual who holds an active registration issued under this act.

CHAPTER 2  
REGISTRATION

Section 201. Registration.

It shall be unlawful for an individual to use the title of "naturopathic doctor" or "doctor of naturopathic medicine" unless that person is registered as a naturopathic doctor with the board.

**Section 202. Qualifications for registration.**

An applicant who may register for registration as a naturopathic doctor must meet all of the following requirements:

(1) Have a bachelor's degree from a regionally accredited or preaccredited college or university or the equivalent.

(2) Complete a minimum of 4,100 total credit hours in basic and clinical sciences, naturopathic philosophy, naturopathic modalities and naturopathic medicine. Of the total requisite hours, not less than 2,500 hours shall consist of academic instruction and not less than 1,200 hours shall consist of supervised clinical training approved by a naturopathic medical school.

(3) Pass a competency-based national naturopathic licensing examination administered by the North American Board of Naturopathic Examiners or a successor agency that has been nationally recognized to administer a naturopathic examination that represents Federal standards of education and training, or has graduated prior to 1986 and has passed a state naturopathic licensing examination.

(4) Be certified to administer cardiopulmonary resuscitation.

(5) Be of good moral character.

(6) Complete an application form provided by the board and pay the application fee as established by the board.

**Section 203. Registration and renewal.**

(a) Issuance of registration.—An applicant who meets the requirements under section 202 shall receive from the commissioner, or whomever exercises equivalent authority acting for the board, a registration entitling the applicant to practice naturopathic medicine in this Commonwealth. Each registration shall be recorded in the office of the board.

(b) Renewals.—A person registered under this act shall renew the registration in a manner and at such intervals as the board shall determine by regulation, but in no case may the renewal period be longer than two years.

(c) Fees.—A person registering with the board shall pay, for each registration and renewal, a reasonable fee as set by the board.

(d) Evidence of registration.—The board shall issue a certificate of registration to the applicant which shall be evidence of registration under this act.

**Section 204. Disciplinary or corrective action.**

The board may impose disciplinary or corrective action on a naturopathic doctor for any of the following reasons:

(1) Failing to demonstrate the qualifications or standards for a registration contained in this act.

(2) Making misleading, deceptive, untrue or fraudulent representations in the practice of naturopathic medicine or practicing fraud or deceit, either alone or as a conspirator, in obtaining a registration or in obtaining admission to a medical college.

(3) Being convicted of a felony or being convicted of a misdemeanor relating to naturopathic medicine or receiving probation without verdict,

disposition in lieu of trial or an accelerated rehabilitative disposition in the disposition of felony charges, in the courts of this Commonwealth, a Federal court or a court of any other state, territory or country.

(4) Having a registration or other authorization to practice naturopathic medicine revoked or suspended or having other disciplinary action taken or an application for a registration or other authorization refused, revoked or suspended by a proper licensing authority of another state, territory, possession or country or a branch of the Federal Government.

(5) Being unable to practice naturopathic medicine with reasonable skill and safety to patients by reason of any of the following:

(i) Illness.

(ii) Addiction to drugs or alcohol.

(iii) Having been convicted of a felonious act prohibited by the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or convicted of a felony relating to a controlled substance in a court of law of the United States or any other state, territory, possession or country.

(iv) Becoming mentally incapacitated.

An applicant's statement on the application declaring the absence of a conviction shall be deemed satisfactory evidence of the absence of a conviction unless the board has some evidence to the contrary. In enforcing this paragraph, the board shall, upon probable cause, have authority to compel a practitioner to submit to a mental or physical examination by a physician or a psychologist approved by the board. Failure of a practitioner to submit to an examination when directed by the board, unless the failure is due to circumstances beyond the control of the naturopathic doctor, shall constitute an admission of the allegations against the naturopathic doctor, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A naturopathic doctor affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume a competent practice of his profession with reasonable skill and safety to patients.

(6) Violating a lawful regulation promulgated by the board or violating a lawful order of the board previously entered by the board in a disciplinary proceeding.

(7) Knowingly maintaining a professional connection or association with a person who is in violation of this act or regulations of the board or knowingly aiding, assisting, procuring or advising any unregistered person to practice naturopathic medicine contrary to this act or regulations of the board.

(8) Being guilty of immoral or unprofessional conduct. Unprofessional conduct shall include departure from or failing to conform to an ethical or quality standard of the profession. In proceedings under this paragraph, actual injury to a patient need not be established.

(i) The ethical standards of a profession are those ethical tenets that are embraced by the professional naturopathic medicine community in this Commonwealth.

(ii) A naturopathic doctor departs from, or fails to conform to, a quality standard of the profession when the naturopathic doctor provides a medical service at a level beneath the accepted standard of care. The board may promulgate regulations that define the accepted standard of care. In the event the board has not promulgated an applicable regulation, the accepted standard of care for a naturopathic doctor is that which would be normally exercised by the average professional of the same kind in this Commonwealth under the circumstances, including locality and whether the naturopathic doctor is or purports to be a specialist in the area.

(9) Acting in such manner as to present an immediate and clear danger to public health or safety.

(10) Acting outside the scope of a registration.

(11) Making a false or deceptive registration with the board.

#### Section 205. Reinstatement of registration.

(a) General rule.—Except as provided under subsections (b) and (c), the board shall not reinstate a registration that has been revoked.

(b) Reinstatement after five years.—A person whose registration has been revoked may apply for reinstatement, after a period of at least five years, but must meet all of the qualifications under section 202, including the examination requirement.

(c) Reinstatement after felony conviction.—A person whose registration has been revoked because of a felony conviction under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or similar law of another jurisdiction, may apply for reinstatement after a period of at least 10 years has elapsed from the date of conviction. The board may reinstate the registration if the board is satisfied that:

(1) the person has made significant progress in personal rehabilitation since the conviction such that his reinstatement should not be expected to create a substantial risk of harm to the health and safety of his patients or the public or a substantial risk of further criminal violations; and

(2) the person meets all other qualifications under section 202, including the examination requirement.

#### Section 206. Violation of act.

(a) Civil penalty.—In addition to any other civil remedy or criminal penalty provided for in this act, the board may levy a civil penalty of up to \$1,000 on any of the following:

(1) A naturopathic doctor who violates a provision of this act.

(2) A person who employs a naturopathic doctor in violation of this act.

(3) An individual who holds himself out as a registrant without being properly registered as provided in this act.

(4) The responsible officers or employees of a corporation, partnership, firm or other entity that violates a provision of this act.

(b) Administrative agency law.—Action of the board under this subsection is subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

Section 207. Powers and duties of State Board of Medicine.

The board shall enforce and administer the provisions of this act and shall promulgate regulations that are consistent with the intent of this act.

CHAPTER 3  
MISCELLANEOUS PROVISIONS

Section 301. Effective date.

This act shall take effect January 1, 2018.

APPROVED—The 3rd day of November, A.D. 2016

TOM WOLF