

MAR 13 1997

STATE GOVERNMENT

HOUSE FILE 602
BY REYNOLDS-KNIGHT

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the profession of naturopathy and making
2 penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 602

1 Section 1. Section 147.1, subsections 3 and 6, Code 1997,
2 are amended to read as follows:

3 3. "Licensed" or "certified" when applied to a physician
4 and surgeon, podiatric physician, osteopath, osteopathic
5 physician and surgeon, physician assistant, psychologist or
6 associate psychologist, chiropractor, nurse, practitioner of
7 naturopathy, dentist, dental hygienist, optometrist, speech
8 pathologist, audiologist, pharmacist, physical therapist,
9 occupational therapist, respiratory care practitioner,
10 practitioner of cosmetology arts and sciences, practitioner of
11 barbering, funeral director, dietitian, marital and family
12 therapist, mental health counselor, or social worker means a
13 person licensed under this subtitle, excluding chapters 152C
14 and 152D.

15 6. "Profession" means medicine and surgery, podiatry,
16 osteopathy, osteopathic medicine and surgery, practice as a
17 physician assistant, psychology, chiropractic, nursing,
18 naturopathy, dentistry, dental hygiene, optometry, speech
19 pathology, audiology, pharmacy, physical therapy, occupational
20 therapy, respiratory care, cosmetology arts and sciences,
21 barbering, mortuary science, marital and family therapy,
22 mental health counseling, social work, or dietetics.

23 Sec. 2. Section 147.2, Code 1997, is amended to read as
24 follows:

25 147.2 LICENSE REQUIRED.

26 A person shall not engage in the practice of medicine and
27 surgery, podiatry, osteopathy, osteopathic medicine and
28 surgery, psychology, chiropractic, physical therapy, nursing,
29 naturopathy, dentistry, dental hygiene, optometry, speech
30 pathology, audiology, occupational therapy, respiratory care,
31 pharmacy, cosmetology, barbering, social work, dietetics, or
32 mortuary science or shall not practice as a physician
33 assistant as defined in the following chapters of this
34 subtitle, unless the person has obtained from the department a
35 license for that purpose.

1 Sec. 3. Section 147.13, Code 1997, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7A. For naturopathy, board of naturopathy
4 examiners.

5 Sec. 4. Section 147.14, Code 1997, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 3A. For the board of naturopathy
8 examiners, three members who are licensed to practice
9 naturopathy and two members who are not licensed to practice
10 naturopathy who represent the general public. A majority of
11 the members of the board shall constitute a quorum.

12 Sec. 5. Section 147.16, Code 1997, is amended by adding
13 the following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. However, for the board of
15 naturopathy examiners, the initial licensed naturopath members
16 of the board beginning in July 1997 shall be persons who would
17 qualify for licensure under chapter 152E and the subsequent
18 licensed naturopath members shall be actively engaged in the
19 practice of naturopathy for the three years just preceding the
20 member's appointment.

21 Sec. 6. Section 147.74, Code 1997, is amended by adding
22 the following new subsection:

23 NEW SUBSECTION. 21. A naturopath licensed under chapter
24 152E and this chapter may use the words "licensed naturopath"
25 or "licensed doctor of naturopathic medicine" after the
26 person's name.

27 Sec. 7. Section 147.80, Code 1997, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 25A. License to practice naturopathy and
30 renewal of a license to practice naturopathy.

31 Sec. 8. NEW SECTION. 152E.1 DEFINITIONS.

32 As used in this chapter, unless the context otherwise
33 requires:

- 34 1. "Board" means the state board of naturopathy examiners.
35 2. "Common diagnostic procedures" means the use of

1 venipuncture to withdraw blood, commonly used diagnostic
2 modalities consistent with naturopathic practice, the taking
3 of a health history, physical examination, radiography,
4 examination of body orifices excluding endoscopy, and
5 laboratory medicine which obtains samples of human tissue
6 products, including superficial scrapings but excluding
7 procedures which require surgical incision.

8 3. "Department" means the Iowa department of public
9 health.

10 4. "Director" means the director of public health or the
11 director's designee.

12 5. "Educational program" means a program in which
13 individuals prepare for the practice of naturopathy.

14 6. "Homeopathy" means a system of medicine based on the
15 use of infinitesimal doses of medicines capable of producing
16 symptoms similar to those of the disease treated, as listed in
17 the homeopathic pharmacopeia of the United States.

18 7. "Hygiene and immunization" means the use of such
19 preventative techniques as personal hygiene, asepsis, public
20 health, and immunizations, to the extent allowed by rule of
21 the department.

22 8. "Manual manipulation" or "mechanotherapy" means
23 manipulation of a part or the whole of the body by hand or by
24 mechanical means.

25 9. "Medicines of mineral, animal, and botanical origin"
26 means medicines derived from animal organs, tissues, and oils,
27 minerals, and plants administered orally and topically,
28 excluding legend drugs with the following exceptions:
29 vitamins, minerals, whole gland thyroid, and substances as
30 exemplified in traditional botanical and herbal pharmacopoeia,
31 and nondrug contraceptive devices excluding interuterine
32 devices. "Medicines of mineral, animal, and botanical origin"
33 include intermuscular injections of vitamin B-12 preparations
34 and combinations when clinical laboratory evaluation has
35 indicated vitamin B-12 deficiency. "Medicines of mineral,

1 animal, and botanical origin" do not include other
2 intermuscular injections or the use of controlled substances.

3 10. "Minor office procedures" means care incident to the
4 care of superficial lacerations and abrasions, and the removal
5 of foreign bodies located in superficial structures, not
6 including the eye, and the use of antiseptics and topical
7 local anesthetics in connection with such care.

8 11. "Naturopath" means an individual licensed under this
9 chapter to practice naturopathy.

10 12. "Naturopathy" or "naturopathic medicine" means the
11 practice of the art and science of the diagnosis, prevention,
12 and treatment of disorders of the body by stimulation or
13 support, or both, of the natural processes of the human body.
14 "Naturopathy" includes manual manipulation or mechanotherapy,
15 the prescription, administration, dispensing, and use, except
16 for the treatment of malignancies or neoplastic disease, of
17 nutrition and food science, physical modalities, homeopathy,
18 certain medicines of mineral, animal, and botanical origin,
19 hygiene and immunization, common diagnostic procedures, and
20 suggestion.

21 13. "Nutrition and food science" means the prevention and
22 treatment of disease or other human conditions through the use
23 of foods, water, herbs, roots, bark, or natural food elements.

24 14. "Physical modalities" means use of physical, chemical,
25 electrical, and other noninvasive modalities including, but
26 not limited to, heat, cold, air, light, water in any of its
27 forms, sound, massage, and therapeutic exercise.

28 15. "Radiography" means the ordering but not the
29 interpretation of radiographic diagnostic studies and the
30 taking and interpretation of standard radiographs.

31 16. "Suggestion" means techniques including but not
32 limited to counseling, biofeedback, and hypnosis.

33 Sec. 9. NEW SECTION. 152E.2 LICENSE REQUIRED.

34 1. A person shall not practice naturopathy or represent
35 the person as a naturopath without applying for and receiving

1 a license to practice naturopathy.

2 2. A person is deemed to represent the person as a
3 naturopath when that person adopts or uses any title or any
4 description of services that incorporates the term
5 "naturopath", "naturopathy", or doctor of naturopathic
6 medicine".

7 Sec. 10. NEW SECTION. 152E.3 SCOPE OF PRACTICE.

8 1. A naturopath is responsible and accountable to the
9 consumer for the quality of naturopathic care rendered.

10 2. A person licensed under this chapter shall not employ
11 the term "chiropractic" to describe any services provided by a
12 naturopath under this chapter.

13 Sec. 11. NEW SECTION. 152E.4 APPLICATION OF CHAPTER --
14 EXEMPTIONS.

15 Nothing in this chapter shall be construed to prohibit or
16 restrict:

17 1. The practice of a profession by individuals who are
18 licensed, certified, or registered under other laws of this
19 state who are performing services within their authorized
20 scope of practice.

21 2. The practice of naturopathic medicine by an individual
22 employed by the government of the United States while the
23 individual is engaged in the performance of duties prescribed
24 for the person by the laws and regulations of the United
25 States.

26 3. The practice of naturopathic medicine by students
27 enrolled in an educational program approved by the director.
28 The performance of services shall be pursuant to a course of
29 instruction or assignments from an instructor and under the
30 supervision of the instructor. The instructor shall be a
31 naturopath licensed pursuant to this chapter.

32 4. The practice of oriental medicine or oriental
33 herbology, or the rendering of other dietary or nutritional
34 advice.

35 Sec. 12. NEW SECTION. 152E.5 BOARD OF NATUROPATHY

1 EXAMINERS.

2 The board of naturopathy examiners shall do any of the
3 following:

4 1. Adopt rules regarding the qualifications of naturopaths
5 including the minimum educational standards comparable to the
6 educational requirements of other health professions, and
7 verification of qualifications by examination of applicants
8 for naturopathic licensure.

9 2. Employ clerical, administrative, and investigative
10 staff necessary to implement and administer this chapter.

11 3. Determine whether alternative methods of training are
12 equivalent to formal education, and establish forms,
13 procedures, and criteria for evaluation of an applicant's
14 equivalent alternative training to determine the applicant's
15 eligibility to take the examination.

16 4. Adopt rules to implement a continuing competency
17 program.

18 Sec. 13. BOARD OF NATUROPATHY EXAMINERS -- INITIAL TERMS.

19 The initial board of naturopathy examiners shall be composed
20 of three members who would qualify for licensure under chapter
21 154E and two members who represent the general public.

22 EXPLANATION

23 This bill requires licensure in order to practice
24 naturopathy. The bill provides definitions relating to
25 naturopathy, establishes a board of naturopathy examiners,
26 provides when a license is required and exceptions to
27 application of the chapter, and makes existing requirements
28 for other health-related professions applicable to
29 naturopaths. The bill makes penalties for violators of the
30 licensing provisions, including the use of an injunction and
31 the penalty of a serious misdemeanor, applicable to
32 naturopathy.

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