

Senate File 2312 - Introduced

SENATE FILE 2312
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 2262)

A BILL FOR

1 An Act relating to the licensing of naturopathic physicians.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.1, subsections 3 and 6, Code
2 Supplement 2009, are amended to read as follows:

3 3. "*Licensed*" or "*certified*", when applied to a physician
4 and surgeon, podiatric physician, osteopathic physician
5 and surgeon, naturopathic physician, physician assistant,
6 psychologist, chiropractor, nurse, dentist, dental hygienist,
7 dental assistant, optometrist, speech pathologist, audiologist,
8 pharmacist, physical therapist, physical therapist assistant,
9 occupational therapist, occupational therapy assistant,
10 respiratory care practitioner, practitioner of cosmetology
11 arts and sciences, practitioner of barbering, funeral
12 director, dietitian, marital and family therapist, mental
13 health counselor, social worker, massage therapist, athletic
14 trainer, acupuncturist, nursing home administrator, hearing aid
15 dispenser, or sign language interpreter or transliterator means
16 a person licensed under this subtitle.

17 6. "*Profession*" means medicine and surgery,
18 podiatry, osteopathic medicine and surgery, naturopathic
19 medicine, practice as a physician assistant, psychology,
20 chiropractic, nursing, dentistry, dental hygiene, dental
21 assisting, optometry, speech pathology, audiology, pharmacy,
22 physical therapy, physical therapist assisting, occupational
23 therapy, occupational therapy assisting, respiratory care,
24 cosmetology arts and sciences, barbering, mortuary science,
25 marital and family therapy, mental health counseling,
26 social work, dietetics, massage therapy, athletic training,
27 acupuncture, nursing home administration, hearing aid
28 dispensing, or sign language interpreting or transliterating.

29 Sec. 2. Section 147.2, subsection 1, Code 2009, is amended
30 to read as follows:

31 1. A person shall not engage in the practice of medicine
32 and surgery, podiatry, osteopathic medicine and surgery,
33 naturopathic medicine, psychology, chiropractic, physical
34 therapy, physical therapist assisting, nursing, dentistry,
35 dental hygiene, dental assisting, optometry, speech pathology,

1 audiology, occupational therapy, occupational therapy
2 assisting, respiratory care, pharmacy, cosmetology arts and
3 sciences, barbering, social work, dietetics, marital and
4 family therapy or mental health counseling, massage therapy,
5 mortuary science, athletic training, acupuncture, nursing
6 home administration, hearing aid dispensing, or sign language
7 interpreting or transliterating, or shall not practice as a
8 physician assistant, unless the person has obtained a license
9 for that purpose from the board for the profession.

10 Sec. 3. Section 147.13, Code Supplement 2009, is amended by
11 adding the following new subsection:

12 NEW SUBSECTION. 24. For naturopathic medicine, the board of
13 naturopathic medicine.

14 Sec. 4. Section 147.14, subsection 1, Code Supplement 2009,
15 is amended by adding the following new paragraph:

16 NEW PARAGRAPH. x. For naturopathic medicine, three
17 members licensed as naturopathic physicians, one member who is
18 licensed under chapter 148 or 152, and one member who is not a
19 naturopathic physician or licensed health care professional,
20 who shall represent the general public.

21 Sec. 5. Section 147.74, Code 2009, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 22A. A naturopathic physician licensed
24 under chapter 154G may use the words "naturopathic physician"
25 or the initials "N.D." or "N.M.D." after the person's name.

26 Sec. 6. NEW SECTION. 154G.1 **Definitions.**

27 As used in this chapter, unless the context otherwise
28 requires:

29 1. "*Board*" means the board of naturopathic medicine
30 established in section 147.13.

31 2. "*Department*" means the department of public health.

32 3. "*Naturopathic medicine*" means a system of primary
33 health care for the prevention, diagnosis, and treatment of
34 human health conditions, injury, and disease; the promotion
35 or restoration of health; and the support and stimulation of

1 a patient's inherent self-healing processes through patient
2 education and the use of naturopathic therapies and therapeutic
3 substances.

4 4. "*Naturopathic physician*" means a person who is licensed
5 to practice naturopathic medicine under chapter 147 and this
6 chapter.

7 5. "*Therapeutic substances*" includes food, extracts of
8 food, nutraceuticals, vitamins, amino acids, minerals, enzymes,
9 botanicals and their extracts, botanical medicines, homeopathic
10 medicines, all dietary supplements, nonprescription drugs
11 as defined by the federal Food, Drug, and Cosmetic Act and
12 prescription drugs consistent with naturopathic education that
13 naturopathic physicians use in the practice of the profession,
14 as determined by the board.

15 Sec. 7. NEW SECTION. 154G.2 Licensure — naturopathic
16 medicine.

17 An applicant for a license to practice naturopathic medicine
18 shall be granted a license by the board if the applicant
19 satisfies all of the following requirements:

20 1. At least two years' satisfactory liberal arts or
21 sciences study in a college or university accredited by either
22 the northwest association of schools and colleges or a like
23 regional association approved by the board.

24 2. Graduation from a naturopathic school or college as
25 approved by the board and meeting one or more of the following
26 requirements:

27 a. A naturopathic medical education program in the
28 United States providing the degree of doctor of naturopathy
29 or doctor of naturopathic medicine. Such program shall
30 offer graduate-level, full-time didactic and supervised
31 clinical training and shall be accredited, or shall have
32 achieved candidacy status for accreditation by the council
33 on naturopathic medical education or by an equivalent
34 federally recognized accrediting body for naturopathic medical
35 programs also recognized by the board. Additionally, the

1 program shall be an institution, or part of an institution of
2 higher education that is either accredited or is a candidate
3 for accreditation by a regional or national institutional
4 accrediting agency recognized by the United States secretary
5 of education.

6 *b.* A degree granting college or university that, prior
7 to the existence of the council on naturopathic medicinal
8 education, offered a full-time, structured curriculum in
9 basic sciences and supervised patient care comprising a
10 doctoral naturopathic medical education; such curriculum, as
11 a prerequisite to graduation, consisted of not less than one
12 hundred thirty-two weeks of study and required completion
13 within a period of not less than thirty-five months; such
14 college or university of naturopathic medicine shall have been
15 reputable and in good standing in the judgment of the board,
16 and if still in existence, shall have current programmatic
17 accreditation by the council on naturopathic medical education
18 or an equivalent federally recognized accrediting agency.

19 *c.* A diploma granting, degree-equivalent college or
20 university in Canada, that prior to accreditation by the
21 council on naturopathic medical education, had provincial
22 approval for participation in government-funded student aid
23 programs, and that offered a full-time, structured curriculum
24 in basic sciences and supervised patient care comprising a
25 doctoral naturopathic medical education; such curriculum, as
26 a prerequisite to graduation, consisted of not less than one
27 hundred thirty-two weeks of study and required completion
28 within a period of not less than thirty-five months; such
29 college or university of liberal arts and naturopathic medicine
30 shall have been reputable and in good standing in the judgment
31 of the board, and if still in existence shall have current
32 programmatic accreditation by the council of naturopathic
33 medical education or an equivalent federally recognized
34 accrediting agency. Additionally, the college or university
35 currently shall have provincial approval for participation in

1 government-funded student aid programs.

2 *d.* A diploma granting, degree-equivalent college or
3 university in Canada that offers graduate-level, full-time
4 didactic and supervised clinical training and is accredited, or
5 has achieved candidacy status for accreditation by the council
6 on naturopathic medical education or an equivalent federally
7 recognized accrediting body for naturopathic medical programs
8 also recognized by the board; and the college or university
9 has provincial approval for participation in government-funded
10 student aid.

11 3. Has passed a competency-based national naturopathic
12 licensing examination administered by the north American board
13 of naturopathic examiners or successor agency, that has been
14 nationally recognized to administer a naturopathic examination
15 representing federal standards of education and training. For
16 an approved program described in section 154G.2, subsection 2,
17 paragraph "c" or "d", eligibility for licensure may be granted
18 with evidence of successful passage of a board-approved state
19 or Canadian provincial competency examination.

20 Sec. 8. NEW SECTION. 154G.3 **Board organization and**
21 **authority.**

22 In addition to duties and responsibilities provided in
23 chapters 147 and 272C, the board and the department shall adopt
24 rules relating to:

25 1. Standards required for persons engaging in the practice
26 of naturopathic medicine.

27 2. Standards for professional conduct of persons licensed
28 under this chapter.

29 3. The administration of this chapter.

30 4. Procedures for the issuance, renewal, and removal of
31 persons licensed under this chapter based on qualifications,
32 standards, and scope of practice established by the board.

33 5. The maintenance of a registry of licensed naturopathic
34 physicians.

35 6. A naturopathic formulary enumerating the substances

1 that may be prescribed by a naturopathic physician. This
2 chapter does not allow a naturopathic physician to dispense,
3 administer, or prescribe any legend drug or device as defined
4 in chapter 124, unless such prescription or drug or device is
5 specifically included in the naturopathic formulary determined
6 by the board.

7 Sec. 9. NEW SECTION. 154G.4 **Exceptions.**

8 1. The practice of naturopathic medicine by a naturopathic
9 physician licensed pursuant to this chapter does not constitute
10 the practice of medicine and surgery under chapter 148 or the
11 practice of nursing under chapter 152.

12 2. This chapter and chapter 147 do not prevent qualified
13 members of other professions including but not limited to
14 individuals licensed under chapter 148 or 152 from providing
15 services consistent with the nature of naturopathic medicine,
16 but these persons shall not use a title or description denoting
17 that they are licensed naturopathic physicians.

18 Sec. 10. NEW SECTION. 154G.5 **Transition provisions.**

19 To be granted a license by the board, an applicant for
20 a license to practice naturopathic medicine applying prior
21 to July 1, 2011, shall meet the education, graduation, and
22 curriculum requirements contained in section 154G.2. The
23 applicant shall not be required to pass the national, state, or
24 provincial licensing examination referred to in section 154G.2.

25 Sec. 11. Section 272C.1, subsection 6, Code Supplement
26 2009, is amended by adding the following new paragraph:

27 NEW PARAGRAPH. *ag.* The board of naturopathic medicine
28 created pursuant to chapter 147.

29 Sec. 12. **INITIAL BOARD.**

30 1. Notwithstanding section 147.14, initial professional
31 appointees to the board of naturopathic medicine shall either
32 hold a license in another state or have been engaged in the
33 practice or instruction of naturopathic medicine for at least
34 five years.

35 2. Notwithstanding section 147.14, of the initial

1 appointments to the board, one member shall be appointed for
2 a one-year term, one member shall be appointed for a two-year
3 term, and one member shall be appointed for a three-year term.
4 The member who is licensed under chapter 148 or 152 shall be
5 appointed for a two-year term and the member representing the
6 general public shall be appointed for a three-year term.

7

EXPLANATION

8 This bill requires the licensing of naturopathic physicians.
9 The bill provides that the practice of naturopathic medicine
10 means the provision of naturopathic medical services including
11 physiotherapy, natural healing processes, and minor surgery
12 and has as its objective the maintaining of the body in,
13 or of restoring it to, a state of normal health. The bill
14 establishes educational and testing requirements as a condition
15 of licensure.

16 The bill provides for the establishment of a board of
17 naturopathic medicine responsible for establishing rules
18 regarding the licensing and practice of naturopathic medicine,
19 and makes changes in Code chapter 147 consistent with the
20 establishment of the new board.

21 The bill provides that qualified members of other
22 professions, including physicians and nurses, are not prevented
23 from providing services consistent with naturopathic medicine,
24 but these persons shall not use a title or description denoting
25 that they are naturopathic physicians.

26 The bill provides for the appointment of the initial board
27 and a transitional licensing provision for persons seeking
28 licensure prior to July 1, 2011.