

House Study Bill 577 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON VANDER LINDEN)

A BILL FOR

1 An Act relating to the licensure 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 2014,
2 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 orthotist, prosthetist, pedorthist, respiratory care
11 practitioner, practitioner of cosmetology arts and sciences,
12 practitioner of barbering, funeral director, dietitian, marital
13 and family therapist, mental health counselor, social worker,
14 massage therapist, athletic trainer, acupuncturist, nursing
15 home administrator, hearing aid dispenser, or sign language
16 interpreter or transliterator means a person licensed under
17 this subtitle.

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

31 Sec. 2. Section 147.2, subsection 1, Code 2014, is amended
32 to read as follows:

33 1. A person shall not engage in the practice of medicine
34 and surgery, naturopathic medicine, podiatry, osteopathic
35 medicine and surgery, psychology, chiropractic, physical

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

13 Sec. 3. Section 147.13, subsection 1, Code 2014, is amended
14 to read as follows:

15 1. For medicine and surgery, osteopathic medicine and
16 surgery, ~~and~~ acupuncture, and naturopathic medicine, the board
17 of medicine.

18 Sec. 4. Section 147.74, Code 2014, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 23A. A naturopathic physician licensed
21 under chapter 148G may use the words "*naturopathic physician*",
22 "*naturopathic doctor*", "*doctor of naturopathy*", "*naturopathic*
23 *medical doctor*", "*doctor of naturopathic medicine*", "*naturopath*"
24 or the initials "*N.D.*" or "*N.M.D.*" after the person's name.

25 Sec. 5. Section 147.107, Code 2014, is amended by adding the
26 following new subsection:

27 NEW SUBSECTION. 8A. A licensed naturopathic physician
28 may prescribe all substances and devices consistent with the
29 level of training of the naturopathic physician unless added
30 to the exclusionary naturopathic formulary by the naturopathic
31 advisory council.

32 Sec. 6. Section 148E.3, subsection 1, Code 2014, is amended
33 to read as follows:

34 1. A person otherwise licensed to practice medicine and
35 surgery, osteopathic medicine and surgery, naturopathic

1 medicine, chiropractic, podiatry, or dentistry who is
2 exclusively engaged in the practice of the person's profession.

3 Sec. 7. NEW SECTION. 148G.1 Definitions.

4 As used in this chapter, unless the context otherwise
5 requires:

6 1. "*Approved naturopathic medical program*" means any of the
7 following:

8 a. A naturopathic medical education program in the
9 United States providing the degree of doctor of naturopathy
10 or doctor of naturopathic medicine. Such program shall
11 offer graduate-level, full-time didactic and supervised
12 clinical training and shall be accredited, or shall have
13 achieved candidacy status for accreditation by the council
14 on naturopathic medical education or by an equivalent
15 federally recognized accrediting body for naturopathic medical
16 programs also recognized by the board. Additionally, the
17 program shall be an institution, or part of an institution of
18 higher education that is either accredited or is a candidate
19 for accreditation by a regional or national institutional
20 accrediting agency recognized by the United States secretary
21 of education.

22 b. A diploma-granting, degree-equivalent college or
23 university in Canada that offers graduate-level, full-time
24 didactic and supervised clinical training and is accredited, or
25 has achieved candidacy status for accreditation by the council
26 on naturopathic medical education or an equivalent federally
27 recognized accrediting body for naturopathic medical programs
28 also recognized by the board; and the college or university
29 has provincial approval for participation in government-funded
30 student aid.

31 2. "*Board*" means the board of medicine established in
32 section 147.13.

33 3. "*Director*" means the executive director of the board of
34 medicine.

35 4. "*Exclusionary naturopathic formulary*" means the

1 exclusionary list of medicines, nonprescription and
2 prescription, which naturopathic physicians may not use in the
3 practice of their profession, as determined by the naturopathic
4 advisory council.

5 5. "*Minor office procedures*" means methods for the repair
6 and care incidental to superficial lacerations and abrasions,
7 superficial lesions, and the removal of foreign bodies located
8 in the superficial tissues.

9 6. "*Naturopathic advisory council*" means the naturopathic
10 advisory council established under this chapter.

11 7. "*Naturopathic medicine*" means a system of primary health
12 care for the prevention, diagnosis, and treatment of human
13 health conditions, injury, and disease, and the promotion or
14 restoration of health. "*Naturopathic medicine*" includes the use
15 of physiological, psychological, or mechanical methods, and the
16 use of natural medicines, prescription or legend drugs, foods,
17 herbs, or other natural remedies.

18 8. "*Naturopathic physician*" means a practitioner of
19 naturopathic medicine who has been properly licensed for that
20 purpose by the board of medicine under this chapter, who may
21 diagnose, treat, and help prevent diseases using a system
22 of practice that is based on the natural healing capacity
23 of individuals, and may use physiological, psychological,
24 or mechanical methods, and may use natural medicines,
25 prescription, or legend drugs, foods, herbs, or other natural
26 remedies.

27 9. "*Prescription drug*" means any drug described in section
28 503(b) of the federal Food, Drug and Cosmetic Act, 21 U.S.C.
29 §353, if its label is required to bear the symbol "RX only".

30 Sec. 8. NEW SECTION. 148G.2 Licensure — naturopathic
31 medicine.

32 1. *Qualifications for licensure.* An applicant for a license
33 to practice naturopathic medicine shall be granted a license
34 by the board if the applicant satisfies all of the following
35 requirements:

1 *a.* Submits an application for licensure designed and
2 approved by the naturopathic advisory council.

3 *b.* Pays an application fee established by the board.

4 *c.* Has graduated from an approved naturopathic medical
5 program.

6 *d.* Has passed a competency-based national naturopathic
7 licensing examination administered by the north American board
8 of naturopathic examiners or successor agency, that has been
9 nationally recognized to administer a naturopathic examination
10 representing federal standards of education and training. For
11 applicants who completed an approved naturopathic medical
12 program located in Canada, eligibility for licensure may be
13 granted with evidence of successful passage of a Canadian
14 provincial competency examination.

15 *e.* Provides evidence that the applicant is of good ethical
16 and professional reputation. An applicant shall not have had
17 a license to practice naturopathic medicine or other health
18 care license, registration, or certificate refused, revoked,
19 or suspended by this state or any other jurisdiction for
20 reasons that relate to the applicant's ability to skillfully
21 and safely practice naturopathic medicine unless that license,
22 registration, or certification has been restored to good
23 standing.

24 *f.* Provides evidence that the applicant is physically and
25 mentally capable of safely practicing naturopathic medicine
26 with or without reasonable accommodation.

27 2. *Term of license.* A license granted pursuant to this
28 section shall be renewed every two years.

29 Sec. 9. NEW SECTION. 148G.3 Use of title — exceptions.

30 1. A person shall not represent that the person is a
31 naturopathic physician, a doctor of naturopathic medicine, a
32 doctor of naturopathy, a naturopath, or as being otherwise
33 authorized to practice naturopathic medicine in this state, or
34 use the titles "N.D." or "N.M.D." or any other titles, words,
35 letters, abbreviations, or insignia indicating or implying that

1 the individual is a licensed naturopathic physician unless
2 the individual has been licensed as a naturopathic physician
3 pursuant to this chapter without first obtaining from the board
4 a license to practice naturopathic medicine pursuant to the
5 provisions of this chapter.

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

11 3. This chapter and chapter 147 do not prevent qualified
12 members of other professions including but not limited
13 to individuals licensed under chapter 148, 150, 150A, or
14 152 from providing services consistent with the nature of
15 naturopathic medicine, but these persons shall not use a title
16 or description denoting that they are licensed naturopathic
17 physicians.

18 Sec. 10. NEW SECTION. 148G.4 Duties of board.

19 The board shall adopt rules consistent with this chapter,
20 chapter 147, and as recommended by the naturopathic advisory
21 council which are necessary for the performance of the board's
22 duties.

23 Sec. 11. NEW SECTION. 148G.5 Naturopathic advisory council.

24 1. A naturopathic advisory council is established,
25 consisting of the following members, appointed by the governor:

26 a. Prior to July 1, 2016, four members who are naturopathic
27 physicians who are residents of the state of Iowa and who are
28 currently licensed in good standing in another state. On
29 and after July 1, 2016, such members shall be naturopathic
30 physicians licensed under this chapter.

31 b. One member who is a pharmacist licensed in Iowa.

32 c. One member who is a medical or osteopathic physician
33 licensed in Iowa, who has expertise in integrative medicine.

34 d. One member representing the general public.

35 2. Members shall not receive per diem or expense payments.

1 3. Members shall serve two-year terms, and shall serve until
2 their successors have been appointed.

3 4. The council shall select a chairperson from its
4 membership.

5 Sec. 12. NEW SECTION. 148G.6 Council powers and duties.

6 The naturopathic advisory council shall do all of the
7 following:

8 1. Advise the board regarding standards for licensed
9 naturopathic physicians.

10 2. Provide for distribution of information regarding
11 licensed naturopathic physician standards.

12 3. Advise the board on enforcement issues.

13 4. Review applications for licensure and license renewal
14 and recommend the granting or denial thereof.

15 5. Advise the board on issues related to receiving and
16 investigating complaints, conducting hearings, and imposing
17 disciplinary action in relation to complaints against licensed
18 naturopathic physicians.

19 6. Review naturopathic education and training for and
20 make specific recommendations to the board regarding the
21 qualifications to practice naturopathic childbirth attendance.

22 7. Recommend to the board any prescription drugs which
23 should be included on the exclusionary naturopathic formulary.

24 8. Advise the board regarding approval of continuing
25 education programs specific to naturopathic practice.

26 Sec. 13. NEW SECTION. 148G.7 Scope of practice.

27 A naturopathic physician may do any of the following:

28 1. Order and perform physical and laboratory examinations
29 consistent with naturopathic education and training for
30 diagnostic purposes, including but not limited to phlebotomy,
31 clinical laboratory tests, orificial examinations, and
32 physiological function tests.

33 2. Order diagnostic imaging studies consistent with
34 naturopathic training. All diagnostic tests not consistent
35 with naturopathic medical education and training must be

1 referred for performance and interpretation to an appropriately
2 licensed health care professional.

3 3. Dispense, administer, order, and prescribe, provide, or
4 perform the following, as applicable:

5 a. Food, extracts of food, nutraceuticals, vitamins, amino
6 acids, minerals, enzymes, botanicals and their extracts,
7 botanical medicines, homeopathic medicines, and all dietary
8 supplements and nonprescription drugs as defined by the federal
9 Food, Drug, and Cosmetic Act, 21 U.S.C. §301 et seq.

10 b. Prescription or legend drugs and hormonal replacement.

11 c. Hot or cold hydrotherapy, naturopathic physical medicine,
12 and therapeutic exercise.

13 d. Devices, including but not limited to therapeutic
14 devices, barrier contraception, and durable medical equipment.

15 e. Health education and health counseling.

16 f. Repair and care incidental to superficial lacerations and
17 abrasions.

18 g. Removal of foreign bodies located in the superficial
19 tissues.

20 h. Musculoskeletal manipulation consistent with
21 naturopathic education and training.

22 4. Utilize routes of administration that include oral,
23 nasal, auricular, ocular, rectal, vaginal, transdermal,
24 intradermal, subcutaneous, intravenous, and intramuscular
25 consistent with the education and training of a naturopathic
26 physician.

27 5. Perform all therapies as trained and educated, which are
28 approved by the naturopathic advisory council.

29 Sec. 14. NEW SECTION. 148G.8 Prohibitions.

30 A naturopathic physician licensed under this chapter shall
31 not do any of the following:

32 1. Perform or induce abortions.

33 2. Perform surgical procedures except those minor office
34 procedures authorized by this chapter.

35 3. Practice or claim to practice as a medical or osteopathic

1 physician, dentist, pharmacist, podiatrist, optometrist,
2 psychologist, advanced practice registered nurse, physician
3 assistant, chiropractor, physical therapist, acupuncturist, or
4 any other health care provider not authorized in this chapter
5 unless licensed by the state of Iowa as such.

6 4. Use general or spinal anesthetics.

7 5. Administer ionizing radioactive substances for
8 therapeutic purposes.

9 6. Administer or prescribe chemotherapeutic medications for
10 the purpose of cancer treatment.

11 7. Perform surgical procedures of the eye, ear, nerves,
12 veins, or arteries extending beyond superficial tissue.

13 Sec. 15. NEW SECTION. 148G.9 Exemptions.

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

16 1. The practice of a profession by an individual who is
17 licensed, certified, or registered under another law of this
18 state who is performing services within the individual's
19 authorized scope of practice.

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

24 3. The practice of naturopathic medicine by students
25 enrolled in an approved naturopathic medical program. The
26 performance of services shall be pursuant to a course of
27 instruction or assignments from an instructor and under the
28 supervision of the instructor. The instructor shall be a
29 naturopathic physician licensed pursuant to this chapter or a
30 duly licensed professional in the instructed field.

31 4. Persons from treating themselves and family members
32 based on religious or health beliefs.

33 5. Persons who sell vitamins and herbs from providing
34 information about their products.

35 6. Persons or practitioners from advising in the use

1 of a therapy including but not limited to herbal medicine,
2 homeopathy, nutrition, or other nondrug or nonsurgical therapy
3 that is within the scope of practice of naturopathic physicians
4 as provided in this chapter as long as such therapy is lawful,
5 or, if a licensed health care provider, within the scope of
6 practice of the profession; and provided that such person is
7 not using a title protected pursuant to this chapter or holding
8 themselves out to be a naturopathic physician.

9 7. The practice of naturopathic medicine by persons who
10 are licensed to practice in any other state as practicing
11 naturopathic physicians, who enter this state to consult with
12 a licensed naturopathic physician in this state; provided,
13 however, that the consultation is to be limited to examination,
14 recommendation, or testimony in litigation.

15 Sec. 16. FUNDING. The board of medicine shall apply
16 to the department of administrative services to request an
17 allocation of moneys from the IowAccess revolving fund to fund
18 the estimated costs for expansion of the advanced Maryland
19 automatic network disk archiver (AMANDA) system to allow
20 licensure of naturopathic physicians in the AMANDA system.
21 The board shall not implement a fee increase to make this
22 adjustment to the AMANDA system for naturopathic physicians.

23

EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill requires the licensing of naturopathic physicians
27 and makes the provisions of Code chapter 147, including
28 penalty and other regulatory provisions, applicable to other
29 health professions applicable to the practice of naturopathic
30 medicine. The bill provides that the practice of naturopathic
31 medicine means the provision of naturopathic services defined
32 as a system of primary health care for the prevention,
33 diagnosis, and treatment of human health conditions, injury,
34 and disease, and the promotion or restoration of health.
35 Naturopathic medicine includes the use of physiological,

1 psychological, or mechanical methods, and the use of natural
2 medicines, prescription or legend drugs, foods, herbs, or
3 other natural remedies. The bill specifies qualifications
4 for licensure and the scope of practice for a naturopathic
5 physician, and details functions that a naturopathic physician
6 may not perform.

7 The practice of naturopathic medicine is regulated by the
8 board of medicine, with the advice of a naturopathic advisory
9 council. The council consists of seven members, four of
10 whom are naturopathic physicians, one medical or osteopathic
11 physician, a pharmacist, and one member representing the
12 general public. The council does not receive a per diem or
13 expenses.

14 The bill provides that qualified members of other
15 professions, including physicians and nurses, are not prevented
16 from providing services consistent with naturopathic medicine,
17 but these persons shall not use a title or description denoting
18 that they are naturopathic physicians. The bill sets out these
19 titles.

20 The bill provides for inclusion of licensed naturopathic
21 physicians in the AMANDA system. This system is a network
22 disk archiver system currently used by the boards of nursing,
23 dentistry, and medicine.

24 Code section 422.7(27) provides an income tax exemption for
25 payments received by an individual providing unskilled in-home
26 health-related care services to a member of the individual
27 caregiver's family. This exemption is not available to health
28 care professionals licensed by the board of medicine. Under
29 the bill, naturopathic physicians are to be licensed by the
30 board of medicine, making them ineligible for this exemption.