A BILL FOR

1 An Act relating to the licensure of naturopathic physicians and
2 making penalty provisions applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. Section 147.1, subsections 3 and 6, Code 2015, are amended to read as follows:

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

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

Sec. 2. Section 147.2, subsection 1, Code 2015, is amended to read as follows:

1. A person shall not engage in the practice of medicine and surgery, naturopathic medicine, podiatry, osteopathic medicine and surgery, psychology, chiropractic, physical
therapy, physical therapist assisting, nursing, dentistry,
dental hygiene, dental assisting, optometry, speech pathology,
audiology, occupational therapy, occupational therapy
assisting, orthotics, prosthetics, pedorthics, respiratory
care, pharmacy, cosmetology arts and sciences, barbering,
social work, dietetics, marital and family therapy or mental
health counseling, massage therapy, mortuary science, athletic
training, acupuncture, nursing home administration, hearing aid
dispensing, or sign language interpreting or transliterating,
or shall not practice as a physician assistant, unless the
person has obtained a license for that purpose from the board
for the profession.

Sec. 3. Section 147.13, subsection 1, Code 2015, is amended
to read as follows:
1. For medicine and surgery, osteopathic medicine and
surgery, and acupuncture, and naturopathic medicine, the board
of medicine.

Sec. 4. Section 147.74, Code 2015, is amended by adding the
following new subsection:
NEW SUBSECTION. 23A. A naturopathic physician licensed
under chapter 148G may use the words “naturopathic physician”,
“naturopathic doctor”, “doctor of naturopathy”, “naturopathic
medical doctor”, “doctor of naturopathic medicine”, or
“naturopath”, or the initials “N.D.” or “N.M.D.” after the
person’s name.

Sec. 5. Section 147.107, Code 2015, is amended by adding the
following new subsection:
NEW SUBSECTION. 8A. A licensed naturopathic physician
may prescribe all substances and devices consistent with the
level of training of the naturopathic physician unless added
to the exclusionary naturopathic formulary by the naturopathic
advisory council.

Sec. 6. Section 148E.3, subsection 1, Code 2015, is amended
to read as follows:
1. A person otherwise licensed to practice medicine and
surgery, osteopathic medicine and surgery, naturopathic medicine, chiropractic, podiatry, or dentistry who is exclusively engaged in the practice of the person’s profession.

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

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

1. "Approved naturopathic medical program" means any of the following:
   a. A naturopathic medical education program in the United States providing the degree of doctor of naturopathy or doctor of naturopathic medicine. Such program shall offer graduate-level, full-time didactic and supervised clinical training and shall be accredited or shall have achieved candidacy status for accreditation by the council on naturopathic medical education or by an equivalent federally recognized accrediting body for naturopathic medical programs also recognized by the board. Additionally, the program shall be an institution of higher education, or part thereof, that is either accredited or is a candidate for accreditation by a regional or national institutional accrediting agency recognized by the United States secretary of education.
   b. A diploma-granting, degree-equivalent college or university in Canada that offers graduate-level, full-time didactic and supervised clinical training and is accredited or has achieved candidacy status for accreditation by the council on naturopathic medical education or an equivalent federally recognized accrediting body for naturopathic medical programs also recognized by the board; and the college or university has provincial approval for participation in government-funded student aid.

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

3. "Director" means the executive director of the board of medicine.

4. "Exclusionary naturopathic formulary" means the
1 exclusionary list of medicines, nonprescription and
2 prescription, which naturopathic physicians shall not use
3 in the practice of their profession, as determined by the
4 naturopathic 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
15 use of physiological, psychological, or mechanical methods, and
16 the use of natural medicines, prescription or legend drugs,
17 foods, 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 of
22 practice that is based on the natural healing capacity of
23 individuals, and may use physiological, psychological, or
24 mechanical methods, and may use natural medicines, prescription
25 or legend drugs, foods, herbs, or other natural remedies.
26 9. "Prescription drug" means any drug described in section
27 503(b) of the federal Food, Drug, and Cosmetic Act, 21 U.S.C.
28 §353, if its label is required to bear the symbol "RX only".
29 Sec. 8. NEW SECTION. 148G.2 Licensure — naturopathic
30 medicine.
31 1. Qualifications for licensure. An applicant for a license
32 to practice naturopathic medicine shall be granted a license
33 by the board if the applicant satisfies all of the following
34 requirements:
35   a. Submits an application for licensure designed and
approved by the naturopathic advisory council.

b. Pays an application fee established by the board.

c. Has graduated from an approved naturopathic medical program.

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

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

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

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

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

1. A person shall not represent that the person is a naturopathic physician, a doctor of naturopathic medicine, a doctor of naturopathy, a naturopath, or as being otherwise authorized to practice naturopathic medicine in this state, or use the initials “N.D.” or “N.M.D.” or any other titles, words, letters, abbreviations, or insignia indicating or implying that the individual is a licensed naturopathic physician.
without first obtaining from the board a license to practice
naturopathic medicine pursuant to the provisions of this
chapter.

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

3. This chapter and chapter 147 shall not prevent a
qualified member of another profession, including but not
limited to an individual licensed under chapter 148, 150, 150A,
or 152, from providing services consistent with the nature of
naturopathic medicine, but such person shall not use a title or
description denoting that the person is a licensed naturopathic
physician.

Sec. 10. NEW SECTION. 148G.4 Duties of board.
The board shall adopt rules consistent with this chapter and
chapter 147, and as recommended by the naturopathic advisory
council, which are necessary for the performance of the board’s
duties.

Sec. 11. NEW SECTION. 148G.5 Naturopathic advisory council.
1. A naturopathic advisory council is established,
consisting of the following members, appointed by the governor:
   a. Prior to July 1, 2017, four members who are naturopathic
      physicians who are residents of the state of Iowa and who are
      currently licensed in good standing in another state. On
      and after July 1, 2017, such members shall be naturopathic
      physicians licensed under this chapter.
   b. One member who is a pharmacist licensed in Iowa.
   c. One member who is a medical or osteopathic physician
      licensed in Iowa, who has expertise in integrative medicine.
   d. One member representing the general public.

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

3. Members shall serve two-year terms, and shall serve until
their successors have been appointed.
S.F. _____

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

Sec. 12. NEW SECTION. 148G.6 Council duties.

The naturopathic advisory council shall do all of the following:

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

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

3. Advise the board on enforcement issues.

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

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

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

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

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

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

A naturopathic physician may do any of the following:

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

2. Order diagnostic imaging studies consistent with naturopathic training. All diagnostic tests not consistent with naturopathic medical education and training must be referred for performance and interpretation to an appropriately licensed health care professional.
3. Dispense, administer, order, prescribe, provide, or perform the following, as applicable:
   b. Prescription or legend drugs and hormone replacement therapy.
   c. Hot or cold hydrotherapy, naturopathic physical medicine, and therapeutic exercise.
   d. Devices, including but not limited to therapeutic devices, barrier contraception, and durable medical equipment.
   e. Health education and health counseling.
   f. Repair and care incidental to superficial lacerations and abrasions.
   g. Removal of foreign bodies located in the superficial tissues.
   h. Musculoskeletal manipulation consistent with naturopathic education and training.

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

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

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

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

1. Perform or induce abortions.
2. Perform surgical procedures except those minor office procedures authorized by this chapter.
3. Practice or claim to practice as a medical or osteopathic physician, dentist, pharmacist, podiatrist, optometrist,
1 psychologist, advanced practice registered nurse, physician
2 assistant, chiropractor, physical therapist, acupuncturist, or
3 any other health care provider not authorized in this chapter
4 unless licensed by the state of Iowa as such.
5 4. Use general or spinal anesthetics.
6 5. Administer ionizing radioactive substances for
7 therapeutic purposes.
8 6. Administer or prescribe chemotherapeutic medications for
9 the purpose of cancer treatment.
10 7. Perform surgical procedures of the eye, ear, nerves,
11 veins, or arteries extending beyond superficial tissue.
12 Sec. 15. NEW SECTION. 148G.9 Exemptions.
13 This chapter shall not be construed to prohibit or restrict
14 any of the following:
15 1. The practice of a profession by an individual who is
16 licensed, certified, or registered under another law of this
17 state who is performing services within the individual’s
18 authorized scope of practice.
19 2. The practice of naturopathic medicine by an individual
20 employed by the government of the United States while the
21 individual is engaged in the performance of duties prescribed
22 by the laws and regulations of the United States.
23 3. The practice of naturopathic medicine by students
24 enrolled in an approved naturopathic medical program. The
25 performance of services shall be pursuant to a course of
26 instruction or assignments from an instructor and under the
27 supervision of the instructor. The instructor shall be a
28 naturopathic physician licensed pursuant to this chapter or a
29 duly licensed professional in the instructed field.
30 4. Persons from treating themselves and family members
31 based on religious or health beliefs.
32 5. Persons who sell vitamins and herbs from providing
33 information about their products.
34 6. Persons or practitioners from advising in the use
35 of a therapy including but not limited to herbal medicine,
homeopathy, nutrition, or other nondrug or nonsurgical therapy  
that is within the scope of practice of naturopathic physicians  
as provided in this chapter as long as such therapy is lawful,  
or, if a licensed health care provider, within the scope of  
practice of the profession; and provided that such person is  
not using a title protected pursuant to this chapter or holding  
theirself out to be a naturopathic physician.

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

Sec. 16. FUNDING. The board of medicine shall apply to  
the office of the chief information officer to request an  
allocation of moneys from the IowAccess revolving fund to fund  
the estimated costs for expansion of the advanced Maryland  
automatic network disk archiver (AMANDA) system to allow  
licensure of naturopathic physicians in the AMANDA system.  
The board shall not implement a fee increase to make this  
adjustment to the AMANDA system for naturopathic physicians.

EXPLANATION

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

This bill requires the licensing of naturopathic physicians  
and makes the provisions of Code chapter 147, including  
penalty and other regulatory provisions, applicable to other  
health professions applicable to the practice of naturopathic  
medicine. The bill provides that the practice of naturopathic  
medicine means the provision of naturopathic services defined  
as a system of primary health care for the prevention,  
diagnosis, and treatment of human health conditions, injury,  
and disease, and the promotion or restoration of health.  
Naturopathic medicine includes the use of physiological,  
psychological, or mechanical methods, and the use of natural
1 medicines, prescription or legend drugs, foods, herbs, or
2 other natural remedies. The bill specifies qualifications
3 for licensure and the scope of practice for a naturopathic
4 physician, and details functions that a naturopathic physician
5 may not perform.
6 The practice of naturopathic medicine is regulated by the
7 board of medicine, with the advice of a naturopathic advisory
8 council. The council consists of seven members, four of
9 whom are naturopathic physicians, one medical or osteopathic
10 physician, a pharmacist, and one member representing the
11 general public. The council does not receive a per diem or
12 expenses.
13 The bill provides that qualified members of other
14 professions, including physicians and nurses, are not prevented
15 from providing services consistent with naturopathic medicine,
16 but these persons shall not use a title or description denoting
17 that they are naturopathic physicians. The bill sets out these
18 titles.
19 The bill provides for inclusion of licensed naturopathic
20 physicians in the AMANDA system. This system is a network
21 disk archiver system currently used by the boards of nursing,
22 dentistry, and medicine.
23 Code section 422.7(27) provides an income tax exemption for
24 payments received by an individual providing unskilled in-home
25 health-related care services to a member of the individual
26 caregiver's family. This exemption is not available to health
27 care professionals licensed by the board of medicine. Under
28 the bill, naturopathic physicians are to be licensed by the
29 board of medicine, making them ineligible for this exemption.