

**House Study Bill 51 - 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 and  
2 making penalty provisions applicable.

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

1 Section 1. Section 147.1, subsections 3 and 6, Code 2015,  
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 2015, 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 2015, 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 2015, 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", or  
24 "naturopath", or the initials "N.D." or "N.M.D." after the  
25 person's name.

26 Sec. 5. Section 147.107, Code 2015, is amended by adding the  
27 following new subsection:

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

33 Sec. 6. Section 148E.3, subsection 1, Code 2015, is amended  
34 to read as follows:

35 1. A person otherwise licensed to practice medicine and

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

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

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

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

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

1 approved by the naturopathic advisory council.

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

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

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

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

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

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

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

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

1 without first obtaining from the board a license to practice  
2 naturopathic medicine pursuant to the provisions of this  
3 chapter.

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

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

16 Sec. 10. NEW SECTION. 148G.4 **Duties of board.**

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

21 Sec. 11. NEW SECTION. 148G.5 **Naturopathic advisory council.**

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

24 a. Prior to July 1, 2017, four members who are naturopathic  
25 physicians who are residents of the state of Iowa and who are  
26 currently licensed in good standing in another state. On  
27 and after July 1, 2017, such members shall be naturopathic  
28 physicians licensed under this chapter.

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

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

32 d. One member representing the general public.

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

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

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

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

4 The naturopathic advisory council shall do all of the  
5 following:

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

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

10 3. Advise the board on enforcement issues.

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

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

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

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

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

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

25 A naturopathic physician may do any of the following:

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

31 2. Order diagnostic imaging studies consistent with  
32 naturopathic training. All diagnostic tests not consistent  
33 with naturopathic medical education and training must be  
34 referred for performance and interpretation to an appropriately  
35 licensed health care professional.



1 3. Dispense, administer, order, prescribe, provide, or  
2 perform the following, as applicable:

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

8 b. Prescription or legend drugs and hormone replacement  
9 therapy.

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

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

14 e. Health education and health counseling.

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

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

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

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

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

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

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

31 1. Perform or induce abortions.

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

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

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

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

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

22 EXPLANATION

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

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