

# JOINT SELECT STUDY COMMITTEE ON NATUROPATHIC LICENSING



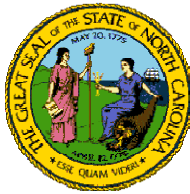
REPORT TO THE 2005 SESSION OF THE  
GENERAL ASSEMBLY OF NORTH CAROLINA

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## *Joint Select Study Committee on Naturopathic Licensing*

February 1, 2005

### **TO THE MEMBERS OF THE 2005 GENERAL ASSEMBLY:**

Attached for your consideration is the report of the Joint Select Study Committee on Naturopathic Licensing, established as an interim committee pursuant to G.S. 120-19.6(a1) by the President Pro Tempore of the Senate and the Speakers of the House of Representatives.

Respectfully submitted,

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Senator Ellie Kinnaird, Co-Chair

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Representative Dewey Hill, Co-Chair

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Representative Louis Pate, Co-Chair

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# PREFACE

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Naturopathic medicine is a system of natural health care that employs diagnosis and treatment using natural therapies and diagnostic techniques for the promotion, maintenance, and restoration of health and the prevention of disease. In contrast, traditional medicine employs conventional therapies, such as prescription drugs and medical procedures. Under current law, it is a Class 1 misdemeanor to practice medicine without a license.<sup>1</sup> Any person who diagnoses or treats any human ailment is considered to be practicing medicine. Although naturopathic medicine is not legally recognized in this State, many practitioners with varying levels of training and education offer it and many of the State's citizens utilize it.

To ensure that the health and safety of the citizens of North Carolina are protected while under the treatment of a naturopathic physician, the Speakers of the House of Representatives and the President Pro Tempore of the Senate established the Joint Select Study Committee on Naturopathic Licensing. The appointing authorities charged the Committee with determining the feasibility of licensing naturopathic physicians, creating a naturopathic licensing board, and recommending requirements for licensure. A copy of the declaration establishing this Committee is contained in Appendix A. The Committee consists of 16 members: eight appointed by the President Pro Tempore of the Senate and eight appointed by the Speakers of the House of Representatives. The appointing authorities designated Senator Ellie Kinnaird, Representative Dewey Hill, and Representative Louis Pate to serve as co-chairs. A membership list may be found in Appendix B.

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<sup>1</sup> G.S. 90-18.

## COMMITTEE PROCEEDINGS

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The Joint Select Study Committee on Naturopathic Licensure met three times prior to the convening of the 2005 Regular Session of the 2005 General Assembly. The Committee received an overview of naturopathic medicine and learned that naturopathic medicine views health from a different perspective than conventional medicine. Conventional medicine often teaches its understanding of health from an 'ill health' perspective while naturopathic medicine begins with a philosophy of disease prevention through diet, exercise, nutritional support, and botanical therapies. The overwhelming testimony given to the Committee recognized the benefits to be offered by both traditional medicine and naturopathic medicine and the health advantage to be gained by collaboration between the two different types of practitioners. Opinion differed, however, on the need for licensure.

The following is a brief summary of the Committee's proceedings. Detailed minutes and information from each Committee meeting are available in the Legislative Library.

*The Joint Select Study Committee on Naturopathic Licensing met on Tuesday, November 9, 2004, at 1:00 pm in Room 1124 of the Legislative Building.*

Susan Delaney, ND, gave the Committee insight into the nature of a naturopathic physician. Naturopathic physicians view their role as one of disease prevention as opposed to disease management. Naturopathic physicians assist patients in understanding their responsibility to achieving a healthy lifestyle through diet and clinical nutrition, behavioral changes, exercise, and the correct use of vitamin, mineral, and botanical supplements. The use of naturopathic medicine would result in cost savings to the individual as well as to the health care system.

Dr. Delaney supports licensure of naturopathic physicians because of the importance licensure could bring to the educational standards of naturopathic medicine. Since North Carolina does not legally recognize naturopathic medicine, it does not place any minimum educational level on those who practice naturopathy. She believes minimal educational requirements for

naturopathic medicine are essential for thorough patient evaluation, appropriate application of natural remedies, knowledgeable referrals to traditional medical physicians, and effective collaboration with other health care providers.

Jessica Stadtmauer, ND, discussed the educational rigors of obtaining a Doctor of Naturopathy degree from one of the four accredited naturopathic medical schools in the United States.<sup>2</sup> The admission requirements are similar to those required for medical and osteopathic medical school including more than 90 credit hours in premedical college education such as biology, chemistry, mathematics, and physics.

To graduate from a naturopathic medical school, a student must successfully complete four years of residential, post-graduate medical and clinical training. Students study basic medical sciences and clinical sciences. They also spend a considerable amount of time studying and training in clinical therapeutics, such as nutrition and botanical medicine with an emphasis on drug-herb interactions and herb-herb interactions. For example, a traditional medical school may require a few hours of nutrition education; a naturopathic medical school requires 130 hours or more of nutrition education. Graduation from a school requires at least 1,400 hours of clinical training in naturopathic clinics, integrative clinics, hospitals, or other outpatient treatment facilities. Some graduates elect to undergo a residency position through a post-doctorate program.<sup>3</sup>

To be accredited as a licensed naturopathic physician by the Counsel on Naturopathic Medical Education, a person must graduate from an accredited school and pass two sets of Naturopathic Licensing Examinations, one on basic sciences and one on clinical sciences. To maintain licensure, a person must complete at least 20 hours of continuing education each year.

Dr. Stadtmauer supports licensure of naturopathic physicians because licensure would ensure minimal educational requirements. Currently in North Carolina, a person may obtain a degree in naturopathy through a non-accredited school. Many of the non-accredited schools offer correspondence courses that do not require a comparable number of course hours or any clinical training. Many of

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<sup>2</sup> Bastyr University in Seattle, WA; National College of Naturopathic Medicine in Portland, OR; Southwest College of Naturopathic Medicine in Tempe, AZ; and the University of Connecticut at Bridgeport School of Naturopathic Medicine in Bridgeport, CT.

<sup>3</sup> Utah is the only state that requires residency as a prerequisite to licensure.

these schools also do not require prior under-graduate degrees with premedical coursework.

Susan Delaney, ND, spoke to the Committee about the current status of the practice of naturopathy in North Carolina. North Carolina does not license or regulate naturopathic physicians. Two groups in North Carolina call themselves naturopathic physicians and use the title "N.D." The first group supports licensure and are graduates of a four-year accredited Naturopathic Medical School with academic and clinical training. The second group does not support licensure. Many of the people in this second group received their naturopathic training through mail order or correspondence schools that required a high school degree and completion of 12 to 14 correspondence courses that take six to nine months to complete at a cost of \$3,000 to \$6,000.

There is a "North Carolina Board of Naturopathic Examiners" registered with the Secretary of State that claims to be the official licensing board of naturopathic doctors in North Carolina. It represents approximately 65 practitioners with correspondence degrees in North Carolina. It does not support licensure.

There is also a "North Carolina Association of Naturopathic Physicians". It is an affiliate of the American Association of naturopathic Physicians and it represents approximately 22 people in North Carolina who have degrees from one of the four accredited naturopathic medical schools and about 15 students from North Carolina who attend one of these four schools. It support licensure because such legislation will set standards of education and practice guidelines for doctors calling themselves "N.D.".

In 2000, Blue Cross Blue Shield of North Carolina offered a discount program for their clients to use "alternative therapies". Naturopathic doctors were invited to join this service provided they graduated from a four-year accredited naturopathic medical school, passed a State or national board exam, and carried medical malpractice insurance.

The UNC Department of Integrative Medicine received a \$1.5 million grant from the National Institute of Health to educate its faculty, medical residents, and students about the use of complementary and alternative medicine. Three naturopathic physicians participate as consultants on this grant. They lecture, teach, and provide on-site training. Duke Medical School and Bowman Gray



Medical Center also provide lectures in their programs on the use of complementary and alternative medicine.

Maurice Werness, N.D. addressed the future of medicine as the necessary collaboration and integration of traditional medicine and naturopathic medicine. He cited many examples of such integration: multiple research studies funded through the National Institute of Health as well as through private research companies, curriculum development at medical and nursing schools, and the integration of naturopathic physicians at hospitals and clinics. Dr. Werness supports licensure of naturopathic physicians because he believes the standards licensing will ensure will lend greater credibility to naturopathic medicine and thus greater collaboration and integration with traditional medicine.

Steven Coward, N.D. discussed the scientific evidence that supports naturopathic therapies such as nutrition, exercise, and stress reduction. Evidence shows that lifestyles with low-fat, low-salt diets, regular exercise, and healthy weights have a more significant effect on the primary prevention of heart disease than cholesterol-lowering drugs. It is recognized that medical nutrition therapy and lifestyle counseling is an integral component of the medical treatment of diseases such as diabetes and high blood pressure. Studies show that antioxidants reduce the side effects of chemotherapy and radiation and increase their effectiveness. Other studies show that exercise alone is more effective than pain-relieving drugs for many Americans with arthritis.

Dr. Coward stressed that accredited naturopathic medical schools devote multiple classroom and clinical hours to nutrition, exercise, and stress reduction. Traditional medical schools do not have the time to devote a comparable amount of time to these naturopathic therapies.

Dr. Coward supports licensure of naturopathic physicians. There is a definite demand for complementary and alternative medical therapies and consumers of these therapies need a means for assessing the qualification and training of a person from whom they seek these therapies. Licensure could set the educational standards for naturopathic physicians and establish a scope of practice for naturopathic physicians that would prevent the performance of dangerous procedures. Licensure could also provide a regulatory board through which to enforce a code of ethics among naturopathic physicians and apply disciplinary measures when necessary.

Gardner Payne with the Coalition for Natural Health, a Coalition of 300-400 members practicing naturopathy in North Carolina, does not support creating legislation that requires licensure for naturopathic physicians. Members of the Coalition refer to themselves as practitioners not physicians. Many of these practitioners do not have the educational requirements that would be necessary to be licensed and as such could not continue to practice naturopathy in this State if a licensure requirement is enacted.

Over the past 10 years at least 20 states have rejected licensing naturopathic practitioners as physicians. The Coalition sees no demonstrated need for the licensing requirement in North Carolina: there appears to be no consumer-driven demand for licensure and no documented evidence of a substantial risk from not licensing naturopathic physicians. It opposes the creation of a licensing board that would give people a false sense of security that naturopathic physicians are medical doctors.

*The Joint Select Study Committee on Naturopathic Licensing met on Tuesday, December 7, 2004, at 1:00 pm in Room 1124 of the Legislative Building.*

The Joint Select Committee on Naturopathic Licensing heard from several different interested constituencies at its meeting in December.

Peter Curtis, MD, a former professor in the UNC-CH Department of Family Medicine, supports licensure of naturopathic physicians. Naturopathic medicine can play an important role in a comprehensive health care system. Medical physicians generally do not have time to address issues of lifestyle, nutrition, and prevention. Naturopathic physicians can and do meet this healthcare need in our society today.

The question to ask is whether naturopathic medicine is safe and effective. Dr. Curtis believes this question cannot be adequately researched and answered unless there are accepted standards of practice and training associated with naturopathic medicine. Licensure could provide those standards and consequently facilitate authoritative research on the safety and effectiveness of naturopathic medicine.

Dr. Michael Sharp, physician and member of the North Carolina Acupuncture Licensing Board, supports licensure of naturopathic physicians and the creation of a naturopathic licensing board. Licensure would encourage the continuing advancement of naturopathic standards of care and assure that licensees get appropriate continuing education. Dr. Sharp would like to see the creation of a naturopathic medical school in the state North Carolina.

Dr. George Dodds, an internist and pediatrician in Carrboro, supports naturopathic licensure as a matter of public safety. Currently there are a number of individuals who give advice about natural products without appropriate training and education. Licensure would reduce the number of such people by about two-thirds, limiting the practice of naturopathy to naturopaths who are educated at a four-year naturopathic college.

William Peck and Linda Wehner, patients of Dr. Susan Delaney, testified in support of naturopathic licensure. Each cited from their personal experiences the benefit of proper and appropriate naturopathic care.

Kristina Taylor, a third year student of naturopathic medicine at Southwest College of Naturopathic Medicine in Arizona, supports licensure and distinguishes accredited programs as providing scientific, research and reality-based education. Licensure would allow students like herself to return to North Carolina and provide naturopathic health care services.

Dr. Wes Robinson, Legislative Chairman of the North Carolina Medical Society, supports the use of complementary medicines, but opposes naturopathic licensure. Dr. Robinson expressed concerns with the difficulties of creating a licensing board citing the lack of the economic feasibility and the relatively few number of states that have licensure. Dr. Robinson also raised concerns over licensing naturopaths as physicians. The term generally applies to an individual with more medical training and may be confusing to members of the public.

Boyd Landry, representing the Coalition for Natural Health, spoke against licensure of naturopathic physicians because it includes both title and scope of practice protection. Many people who practice naturopathy in this State do not have the degree of educational training necessary to be licensed. These people would find themselves without a practice if the General Assembly enacts licensure requirements. Mr. Landry also contended that third party reimbursement is one of the factors motivating proponents of licensure to seek it.

*The Joint Select Study Committee on Naturopathic Licensing met on Tuesday, January 11, 2005, at 10:00 am in Room 1124 of the Legislative Building.*

Dr. Alan Spanos, University of North Carolina Medical School, presented a perceived contrasting view of complimentary or alternative medicine between the academic medical community and community medical leaders. He cited an article written by Dr. Ralph Snyderman, Emeritus Chancellor for Health Affairs and President/CEO of Duke University Health Systems. The article notes the limits of traditional medicine and extols the benefits of fostering collaboration with alternative medicines. Dr. Spanos also cited the number of university sponsored national conferences on alternative medicines as another example of the acceptance of complementary and alternative medicine in higher education. He supports State licensure for naturopathic physicians because it would establish recognized credentials for naturopathic physicians and he believes this establishment would positively impact the collaboration between medical doctors and non-physician health providers.

Dr. William Keppler, President-National College of Naturopathic Medicine, Portland Oregon, spoke in favor of licensing naturopathic physicians in North Carolina. Dr. Keppler provided a historical comparison of similar legislation in California. He recommended that any licensing legislation include a strong continuing education component for licensure renewal.

Cindy Avrette, Staff Attorney, presented the draft bill to the Committee for consideration. Ms. Avrette noted the definition of "naturopathic medicine", the qualifications for licensure, and the effective date of July 1, 2006, beyond which a person could not practice naturopathic medicine without a license. She highlighted the scope of practice, as well as the prohibitions of practice, and the persons who would be excluded from the bill's licensure requirement.

The Committee invited members of the audience to comment on the draft proposal. The first speaker, Julie Insley, did not oppose licensing in general, but felt the bill would exclude therapies other than naturopathy. Ms. Insley feels that the proposed legislation is an attempt by a small group of naturopaths to "control and dominate" other natural healing practices in North Carolina. The second speaker, Sharon Ryan, supports a former bill sponsored by

Representative Luebke in the 2003 Session. That bill, House Bill 923 from the 2003 Session, would have ensured that consumers had the freedom to access alternative health care practitioners. It provided that alternative health care practitioners had to register with the Secretary of State and disclose to their prospective clients their professional training and qualifications. The third speaker, Dr. Kevin Ayvazyan, is a medical doctor. However, he told the Committee he preferred to practice "natural medicine" and desired to offer his skills of alternative medical care gained while practicing overseas to North Carolinians upon passage of a licensure requirement. The final speaker, Larry Green, supports naturopathic licensure. He cautioned the Committee to provide an accurate and precise definition of the term naturopathic medicine, thus not excluding those whose current field of alternative medicine overlaps the scope of naturopathic medicine.

After a lengthy discussion on the draft bill, the Committee decided it needed an additional meeting to address the concerns brought to it.

*The Joint Select Study Committee on Naturopathic Licensing met on Tuesday, February 1, 2005, at 3:00 pm in Room 1124 of the Legislative Building.*

The authorization for the Joint Select Study Committee on Naturopathic Licensing ended upon the convening of the 2005 Session of the North Carolina General Assembly; however, the chairs of the Committee requested, and received, permission from the Speaker of the House of Representatives and the President Pro Tempore of the Senate to meet on this date. The Committee met to consider a draft proposal that it initially discussed at its meeting on January 11, 2005. It solicited input from the interested parties at the January meeting.

The Committee received some comments and suggestions on a draft proposal shortly after its meeting on January 11, 2005. It also received comments and suggestions on the draft proposal the day of this meeting, February 1, 2005. The Committee spent a considerable amount of time discussing and amending a proposal that would require the licensure of naturopathic physicians. However, it was unable to address all of the

questions and concerns raised by both Committee members and interested parties.

The Committee recognized that the rules of both houses do not restrict the subject matter of the bills that may be introduced during the 2005 Session. Therefore, rather than recommend a proposal that did not address the questions and concerns brought to it, the Committee chose to offer its report to the 2005 General Assembly without recommending a legislative proposal. Appendix C contains a copy of the draft bill considered by the Committee at this meeting and Appendix D contains a summary of the legislation considered.

# APPENDIX A

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## Committee Authorization



## North Carolina General Assembly

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**Marc Basnight**  
President Pro Tem

**James B. Black**  
Speaker

**Richard T. Morgan**  
Speaker

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### JOINT SELECT STUDY COMMITTEE ON NATUROPATHIC LICENSING

**Section 1.** The **Joint Select Study Committee on Naturopathic Licensing** is established by the President Pro Tempore of the Senate and the Speakers of the House of Representatives pursuant to G.S. 120-19.6, Rule 31 of the Rules of the Senate of the 2003 General Assembly, and Rule 26(a) of the Rules of the House of Representatives of the 2003 General Assembly.

**Section 2.** The Committee consists of the sixteen members listed below, eight of whom are appointed by the President Pro Tempore of the Senate and eight of whom are appointed by the Speakers of the House of Representatives. Members serve at the pleasure of the appointing officer.

Sen. Eillie Kinnaird, Co-chair	Rep. Dewey Hill, Co-Chair
Sen. Stan Bingham	Rep. Louis Pate, Co-Chair
Sen. Daniel Clodfelter	Rep. Lucy Allen
Sen. Fletcher Hartsell	Rep. Cary Allred
Sen. Martin Nesbitt	Rep. Earl Jones
Sen. William Purcell	Rep. Carolyn Justus
Sen. Eric Reeves	Rep. Paul Luebke
Sen. A.B. Swindell	Rep. Wilma Sherrill

**Section 3.** The Committee shall study the feasibility of licensing naturopathic physicians. If the Committee decides to recommend the licensing of these physicians, it shall recommend requirements for licensure and for the establishment of a naturopathic licensing board. The Committee's recommendations shall ensure that the health and safety of the citizens of the State of North Carolina are protected while under the treatment of a naturopathic physician.



**Section 4.** The Committee shall report on the results of its study, including any proposed legislation, to the members of the Senate and the House of Representatives, on or before the convening of the 2005 General Assembly, by filing a copy of the report with the President Pro Tempore's office, the Speakers' offices, and the Legislative Library. The Committee terminates upon the convening of the 2005 General Assembly, or upon the filing of its final report, whichever occurs first.

**Section 5.** The Committee may meet during the interim period between regular sessions upon the call of the House and Senate co-chairs.

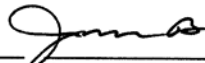
**Section 6.** The Committee is vested with the authority contained in Article 5A of Chapter 120 of the General Statutes.

**Section 7.** Members of the Committee shall receive per diem, subsistence, and travel allowance at the rate established in G.S. 120-3.1.

**Section 8.** The expenses of the Committee are considered expenses incurred for the joint operation of the General Assembly. Individual expenses of \$5,000 or less, including per diem, travel, and subsistence expenses of members of the Committee, and clerical expenses shall be paid upon the authorization of a co-chair of the Committee. Individual expenses in excess of \$5,000 shall be paid upon the written approval of the President Pro Tempore of the Senate and the Speakers of the House of Representatives. All expenses of the Committee shall be paid from the Legislative Services Commission's Reserve for Studies.

Effective this 28<sup>th</sup> day of September, 2004.

  
\_\_\_\_\_  
Marc Basnight  
President Pro Tempore

  
\_\_\_\_\_  
James B. Black  
Speaker

  
\_\_\_\_\_  
Richard T. Morgan  
Speaker

# **APPENDIX B**

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## **Membership of Joint Select Study Committee on Naturopathic Licensure**

# Joint Select Study Committee on Naturopathic Licensing

## Membership List

Sen. Ellie Kinnaird, Co-Chair

Rep. Dewey Hill, Co-Chair

Sen. Stan Bingham

Rep. Louis Pate, Jr., Co-Chair

Sen. Daniel Clodfelter

Rep. Cary Allred

Sen. Fletcher Hartsell, Jr.

Rep. Lucy Allen

Sen. Martin Nesbitt

Rep. Earl Jones

Sen. William Purcell

Rep. Carolyn Justus

Sen. Eric Reeves

Rep. Paul Luebke

Sen. Albin B. Swindell

Rep. Wilma Sherrill

Clerk:

Kathie Young  
919-733-5804

Staff:

Cindy Avrette  
Shawn Parker  
Research Division  
919-733-2578

# APPENDIX C

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**Draft 2005-RBfqqz-1B**

**"A BILL TO BE ENTITLED AN ACT TO  
ESTABLISH THE NORTH CAROLINA  
NATUROPATHIC PHYSICIANS  
LICENSING ACT"**

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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BILL DRAFT 2005-RBfqz-1B [v.1] (12/6)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
2/3/2005 9:23:09 AM

Short Title: Naturopathic Physicians Licensure.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE NORTH CAROLINA NATUROPATHIC  
PHYSICIANS LICENSING ACT.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 90 of the General Statutes is amended by adding a  
new Article to read:

"Article 40.

"Naturopathic Physicians.

**"§ 90-680. Short title.**

This act may be cited as the 'North Carolina Naturopathic Physicians Licensing Act'.

**"§ 90-681. Intent; purpose.**

(a) The General Assembly finds that a significant number of residents of the State of North Carolina choose natural health care and declares that naturopathic medicine is a distinct health care profession that affects the public health, safety, and welfare and provides for freedom of choice in health care.

(b) The purpose of this act is to provide standards for the licensure and regulation of naturopathic physicians desiring to practice naturopathic medicine in this State.

**"§ 90-682. Definitions.**

The following definitions apply in this Article:

(1) Board. – The North Carolina Naturopathic Physicians Licensing Board.

(2) Conscious sedation. – The administration of a drug or drugs in order to induce that state of consciousness in a patient which allows the patient to tolerate unpleasant medical procedures without losing defensive reflexes, adequate cardio-respiratory function, and the ability to respond purposefully to verbal command or to tactile stimulation if

1 verbal response is not possible as, for example, in the case of a small  
2 child or deaf person. Conscious sedation does not include an oral dose  
3 of pain medication or minimal pre-procedure tranquilization such as  
4 the administration of a pre-procedure oral dose of a benzodiazepine  
5 designed to calm the patient.

6 (3) Electromagnetic energy. – The forms of energy emanating from an  
7 electrical source that have been approved by the FDA for a therapeutic  
8 purpose.

9 (4) Hydrotherapy. – The use of water, in any of its forms, for the  
10 maintenance of health or the treatment of disease.

11 (5) Integrative medicine. – Same as defined in G.S. 90-2.1.

12 (6) Local anesthesia. – The administration of an agent that produces a  
13 transient and reversible loss of sensation in a circumscribed portion of  
14 the body.

15 (7) Major conduction blockade. – The injection of local anesthesia to stop  
16 or prevent a painful sensation in a region of the body.

17 (8) Minimal sedation. – The administration of a drug or drugs that  
18 produces a state of consciousness that allows the patient to tolerate  
19 unpleasant medical procedures while responding normally to verbal  
20 commands. Cardiovascular or respiratory function should remain  
21 unaffected and defensive airway reflexes should remain intact.

22 (9) Minor conduction blockade. – The injection of local anesthesia to stop  
23 or prevent a painful sensation in a circumscribed area of the body or  
24 the block of a nerve by direct pressure and refrigeration.

25 (10) Natural medicines. – Any herbal, nutritional, supplemental,  
26 homeopathic, or other nonprescription remedies.

27 (11) Naturopathic medicine. – A system of primary health care for the  
28 prevention, diagnosis, and treatment of human health conditions,  
29 injury, and disease; the promotion or restoration of health; and the  
30 support and stimulation of a patient's inherent self-healing processes  
31 through patient education and the use of natural therapies and  
32 therapeutic substances.

33 (12) Naturopathic physical medicine. – The manual use of massage,  
34 stretching, or resistance.

35 (13) Naturopathic physician. – A person licensed to practice naturopathic  
36 medicine pursuant to this Article.

37 (14) Prescription drug. – Defined in G.S. 90-85.3.

38 **"§ 90-683. License required; exemptions.**

39 (a) On or after July 1, 2006, no person shall practice or offer to practice as a  
40 naturopathic physician, perform naturopathic medicine, or use any card, title, or  
41 abbreviation, to indicate that the person is a naturopathic physician unless the person  
42 has been licensed under the provisions of this Article. Persons licensed under this  
43 Article have the exclusive right to use the terms: 'naturopathic physician', 'naturopathic

1 doctor', 'doctor of naturopathic medicine', doctor of naturopathy', 'naturopathic  
2 medicine', 'N.D.', and 'ND'.

3 (b) Nothing in this Article shall be construed to prohibit or affect:

- 4 (1) The practice of a profession by an individual who is licensed, certified,  
5 or registered under other laws of this State and is performing services  
6 within the authorized scope of practice.
- 7 (2) The practice of naturopathic medicine by a person employed by the  
8 federal government while the person is engaged in the performance of  
9 duties prescribed by laws and regulations of the United States.
- 10 (3) An individual rendering aid in an emergency situation, when no fee or  
11 other compensation for the service is received.
- 12 (4) A person engaged in the sale of vitamins, health foods, dietary  
13 supplements, herbs, or other products of nature, if the sale of these  
14 products is not otherwise prohibited by State or federal law and the  
15 person offering the products provides truthful and nonmisleading  
16 information about the products. However, this subdivision does not  
17 allow a person to diagnose any human disease, ailment, injury,  
18 infirmity, deformity, pain, or other condition.
- 19 (5) The ability of a person engaged in the practice of complementary and  
20 alternative healthcare from continuing that practice so long as the  
21 person does not make the representation of being licensed under this  
22 Article and does not use one of the terms listed in subsection (a) of this  
23 section.
- 24 (6) A person who in good faith offers naturopathic services for religious  
25 reasons.
- 26 (7) The practice of naturopathic medicine by a naturopathic physician duly  
27 licensed in another state, territory, or the District of Columbia when  
28 incidentally called into this State to consult with a licensed physician.
- 29 (8) The practice of naturopathic medicine by students enrolled in an  
30 approved naturopathic medicine program as described in  
31 G.S. 90-687(a) while completing a clinical requirement for graduation  
32 that is performed under the supervision of an instructor.

33 **"§ 90-684. Practice of naturopathic medicine; prohibitions.**

34 (a) A naturopathic physician is a licensed health care provider having the same  
35 responsibilities as other licensed doctors regarding public health laws, reportable  
36 diseases and conditions, communicable disease control and prevention, and recording  
37 vital statistics. In treating an individual, a naturopathic physician may employ the  
38 following naturopathic therapies, modalities, and remedies consistent with naturopathic  
39 education and training:

- 40 (1) Administer or provide any of the following for preventative and  
41 therapeutic purposes: natural medicines, natural therapies, natural  
42 topical medicines, counseling, hydrotherapy, dietary therapy,  
43 naturopathic physical medicine, and natural therapeutic devices.

- 1           (2)    Use diagnostic procedures including physical and orificial examination  
2           but excluding endoscopy, sigmoidoscopy, and colonoscopy.
- 3           (3)    Order and perform physical and laboratory tests and diagnostic  
4           imaging in collaboration with a medical professional licensed in this  
5           State and authorized by law to perform these tests. However, this  
6           subdivision does not authorize a naturopathic physician to order or  
7           perform the following tests: electrocardiograms, echocardiograms,  
8           electroencephalograms, nuclear imagings, MRIs, and CT scans.
- 9           (4)    Dispense, administer, and advise the use of natural remedies derived  
10           from or substantially similar in molecular structure or function to  
11           natural sources for preventive and therapeutic purposes, including  
12           food, extracts of food, nutraceuticals, vitamins, minerals, enzymes,  
13           botanicals and their extracts, homeopathic remedies prepared  
14           according to the Homeopathic Pharmacopoeia of the United States,  
15           and all dietary supplements and nonprescription drugs as defined by  
16           the Federal Food, Drug, and Cosmetic Act, 21 U.S.C.A. § 301, et seq.
- 17           (5)    Perform hot or cold hydrotherapy, naturopathic physical medicine,  
18           electromagnetic energy, and therapeutic exercise.
- 19           (6)    Perform health education and health counseling.
- 20           (7)    Perform musculoskeletal manipulation.
- 21           (8)    Perform utilization routes of administration that include oral, nasal,  
22           auricular, ocular, rectal, vaginal, and transdermal.
- 23           (9)    Other Board approved therapies for which the licensee has been  
24           trained and educated.
- 25        (b)    A naturopathic physician shall not:
  - 26           (1)    Prescribe, dispense, or administer a prescription drug or any controlled  
27           substance or device identified in the Controlled Substance Act, 21  
28           U.S.C.A. § 801, et seq., except as authorized by this Article.
  - 29           (2)    Practice or attempt to practice as a medical physician, osteopath,  
30           acupuncturist, dentist, podiatrist, optometrist, chiropractor,  
31           psychologist, advanced practice professional nurse, physician assistant,  
32           physical therapist, or any other health care professional not authorized  
33           by this Article unless licensed by this State to do so.
  - 34           (3)    Perform surgical procedures in which conscious sedation, major  
35           conduction blockade, minimal sedation, or minor conduction blockade  
36           should be used.
  - 37           (4)    Use anesthetics unless licensed by this State to do so.
  - 38           (5)    Administer ionizing radioactive substances for therapeutic purposes.
  - 39           (6)    Perform chiropractic adjustments unless licensed by this State to do so.
  - 40           (7)    Perform acupuncture, unless licensed by this State to do so.

41    **"§ 90-685. North Carolina Naturopathic Physicians Licensing Board.**

42    (a)    The North Carolina Naturopathic Physicians Licensing Board is created. The  
43    Board shall consist of six members who shall serve staggered terms. Four members  
44    shall be naturopathic physicians licensed under this Article, one member shall be a



1 physician licensed under Article 1 of Chapter 90 of the General Statutes, and one  
2 member shall represent the public at large. Upon the expiration of the terms of the initial  
3 Board members, each member shall be appointed for a term of three years and shall  
4 serve until a successor is appointed. No member may serve more than two consecutive  
5 full terms.

6 The initial Board members shall be appointed on or before January 1, 2006, as  
7 follows:

8 (1) The General Assembly, upon the recommendation of the President Pro  
9 Tempore of the Senate, shall appoint two naturopathic physicians who  
10 are licensed under this Act and are not licensed under Article 1 of  
11 Chapter 90 of the General Statutes. One member shall serve for a term  
12 of one year and one member shall serve a term of three years.

13 (2) The General Assembly, upon the recommendation of the Speaker of  
14 the House of Representatives, shall appoint two naturopathic  
15 physicians who are licensed under this Act and are not licensed under  
16 Article 1 of Chapter 90 of the General Statutes. One member shall  
17 serve for a term of one year and one member shall serve a term of two  
18 years.

19 (3) The Governor shall appoint for a three-year term a physician licensed  
20 under Article 1 of Chapter 90 of the General Statutes who is involved  
21 in the practice of integrative medicine or who teaches integrative  
22 medicine at a medical school.

23 (4) The Governor shall appoint for a two-year term a public member who  
24 is not involved in the health care profession.

25 (b) A vacancy shall be filled in the same manner as the original appointment.  
26 Appointees to fill vacancies shall serve the remainder of the unexpired term and until  
27 their successors have been duly appointed and qualified.

28 (c) The Board may remove any of its members for neglect of duty,  
29 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings  
30 as a licensee shall be disqualified from participating in the official business of the Board  
31 until the charges have been resolved.

32 (d) Each member of the Board may receive per diem and reimbursement for  
33 travel and subsistence as provided in G.S. 93B-5.

34 (e) The officers of the Board shall be a chair, a vice-chair, and other officers  
35 deemed necessary by the Board to carry out the purposes of this Article. All officers  
36 shall be elected annually by the Board for one-year terms and shall serve until their  
37 successors are elected and qualified. No person shall chair the Board for more than five  
38 consecutive years.

39 (f) The Board shall hold at least two meetings each year to conduct business and  
40 to review the standards and rules for issuing licenses under this Article. The Board shall  
41 adopt rules governing the calling, holding, and conducting of regular and special  
42 meetings. A majority of Board members shall constitute a quorum.

43 **§ 90-686. Powers of the Board.**

44 The Board shall have the power and duty to:

- 1           (1) Administer and enforce the provisions of this Article.
- 2           (2) Adopt rules as may be necessary to carry out the provisions of this
- 3           Article.
- 4           (3) Examine and determine the qualifications and fitness of applicants for
- 5           licensure and renewal of licensure.
- 6           (4) Issue, renew, deny, suspend, or revoke licenses and conduct any
- 7           disciplinary actions authorized by this Article.
- 8           (5) Collect fees for licensure, licensure renewal, and other services
- 9           deemed necessary to carry out the provisions of this Article.
- 10          (6) Establish requirements for and approve schools of naturopathic
- 11          medicine in this State. The requirements must be at least as stringent as
- 12          the core curricula standards of the Council on Naturopathic Medical
- 13          Education, or its successor organization. To be approved, the school
- 14          must offer post-graduate level full-time didactic and supervised
- 15          clinical training. A school must also meet one of the following two
- 16          conditions:
- 17            a. The school must be accredited by, or a candidate for
- 18            accreditation by, a regional institutional accrediting agency
- 19            recognized by the United States Secretary of Education.
- 20            b. The school must offer a full-time structured curriculum in basic
- 21            sciences and supervised patient care comprising a doctoral
- 22            naturopathic medical education.
- 23          (7) Establish and approve continuing education requirements for persons
- 24          licensed under this Article.
- 25          (8) Employ and fix the compensation of personnel that the Board
- 26          determines is necessary to carry out the provisions of this Article and
- 27          incur other expenses necessary to perform the duties of the Board.
- 28          (9) Adopt a seal containing the name of the Board for use on all licenses
- 29          and official reports issued by the Board.
- 30          (10) Institute corrective measures, as necessary, to rehabilitate naturopathic
- 31          physicians or limit their practice.

32 **"§ 90-687. Qualifications for licensure; renewal.**

33       (a) Upon application to the Board and payment of the required fees, an applicant

34 may be licensed under this Article as a naturopathic physician if the applicant meets all

35 of the following qualifications:

- 36           (1) Is of good moral and ethical character.
- 37           (2) Is physically and mentally fit to practice naturopathic medicine.
- 38           (3) Is a graduate of a four-year post-graduate level program accredited by
- 39           the Council on Naturopathic Medical Education, its successor
- 40           organization, or an accrediting body with similarly rigorous standards
- 41           and approved by the Board.
- 42           (4) Has successfully passed a competency-based national naturopathic
- 43           licensing examination administered by the North American Board of

1 Naturopathic Examiners, or equivalent agency as recognized by the  
2 Board.

3 (5) Successfully completes a Board-approved State competency  
4 examination.

5 (6) Submits any other documentation the Board deems necessary to  
6 determine the applicant's fitness for licensure under this Article.

7 (b) All licenses shall expire two years after the date they were issued unless  
8 renewed. All applications for renewal shall be filed with the Board and shall be  
9 accompanied by the required renewal fee. A license that has expired for failure to renew  
10 may be reinstated after the applicant pays the required late fee and renewal fees and  
11 complies with any other requirements established in rules adopted by the Board.

12 (c) As a condition of license renewal, a licensed naturopathic physician shall  
13 complete a program of continuing education approved by the Board within the two  
14 years preceding license renewal. The Board shall not require more than 40 hours of  
15 continuing education biennially. Any licensee who fails to complete the continuing  
16 education requirements shall be subject to discipline pursuant to rules adopted by the  
17 Board.

18 **"§ 90-688. Professional liability insurance required.**

19 A naturopathic physician shall maintain professional liability insurance or other  
20 indemnity against liability for professional malpractice. The amount of insurance which  
21 each such person shall carry as insurance or indemnity against claims for injury or death  
22 for professional malpractice shall not be less than five hundred thousand dollars  
23 (\$500,000) for one person, per occurrence, with an aggregate of not less than one  
24 million five hundred thousand dollars (\$1,500,000).

25 **"§ 90-689. Reciprocity.**

26 The Board may grant, upon application and payment of fees, a license to a person  
27 who resides in this State and has been licensed to practice as a naturopathic physician in  
28 another state if both of the following conditions are met:

29 (1) The standards for licensure in the state in which the naturopathic  
30 physician is licensed are substantially equivalent to those provided in  
31 this Article.

32 (2) The applicant provides proof of licensure in good standing in all states  
33 in which the applicant has been licensed.

34 **"§ 90-690. Fees.**

35 The Board may impose the following fees:

36 (1) Application and examination \$100.00

37 (1) License \$600.00

38 (2) License renewal \$400.00

39 (3) Late renewal \$200.00

40 (4) Reasonable charges for duplication services and material.

41 **"§ 90-691. Disciplinary authority.**

42 (a) The Board may deny, suspend, revoke, or refuse to issue or renew a license if  
43 the licensee or applicant:

- 1           (1)   Engages in any act or practice in violation of any of the provisions of  
2           this Article or of any of the rules adopted by the Board, or aids, abets,  
3           or assists any other person in the violation of these provisions or rules.
- 4           (2)   Gives false information to or withholds information from the Board in  
5           procuring or attempting to procure a license.
- 6           (3)   Has been convicted of or pled guilty or no contest to a crime that  
7           indicates that the person is unfit or incompetent to practice as a  
8           naturopathic physician or that indicates the person has deceived or  
9           defrauded the public. A felony conviction shall result in the automatic  
10           revocation of a license issued by the Board unless the Board  
11           determines otherwise pursuant to rules adopted by the Board.
- 12           (4)   Has been declared mentally incompetent by a court of competent  
13           jurisdiction.
- 14           (5)   Habitually uses or is addicted to drugs or intoxicating liquors to an  
15           extent that affects his or her professional competency. If a licensee  
16           violates this subdivision, the Board may require the licensee to  
17           undergo a mental or physical examination by physicians designated by  
18           the Board before or after the licensee has been charged. The results of  
19           the examination shall be admissible as evidence in a hearing before the  
20           Board.
- 21           (6)   Has demonstrated gross negligence, incompetence, or misconduct in  
22           the performance of naturopathic medical treatment.
- 23           (7)   Engages in conduct that departs from or fails to conform to standards  
24           of acceptable and prevailing naturopathic medical practices or ethical  
25           considerations regardless of whether there is injury to the public.  
26           However, the Board shall not revoke or deny a license solely because  
27           that person's practice is experimental, nontraditional, or departs from  
28           acceptable and prevailing naturopathic medical practices unless the  
29           Board can establish that the treatment has a safety risk greater than the  
30           prevailing treatment or that the treatment is generally not effective.
- 31           (8)   Has advertised or attempted to advertise or publicly professed to treat  
32           human ailments under a system or school of treatment or practice other  
33           than that for which the naturopathic physician has been educated.
- 34           (9)   Has had a license denied, restricted, revoked, or suspended by another  
35           state or jurisdiction.
- 36           (10)  Fails to maintain his or her professional premises in a sanitary  
37           condition.
- 38           (11)  Fails to respond, within a reasonable time, to inquiries from the Board  
39           concerning any matter affecting the individual's license to practice  
40           naturopathic medicine.
- 41           (12)  Fails to complete continuing education requirements within the time  
42           prescribed.
- 43           (13)  Has willfully violated any of the provisions of this Article.

1       (b) Denial, refusal to renew, suspension, or revocation of a license, or imposition  
2 of probationary conditions upon a licensee may be ordered by the Board after a hearing  
3 held in accordance with Article 3A of Chapter 150B of the General Statutes and rules  
4 adopted pursuant to this Article. An application may be made to the Board for  
5 reinstatement of a revoked license if the revocation has been in effect for not less than  
6 two years.

7       (c) The Board may release confidential or nonpublic information about a licensee  
8 to any health care licensure board in this State or another state relating to the issuance,  
9 denial, suspension, revocation, or voluntary surrender of the license, including the  
10 reasons for the action or any investigative report prepared by the Board. The Board shall  
11 notify the naturopathic physician within 60 days after the information is released. The  
12 Board shall furnish to the naturopathic physician a summary of the information being  
13 released. However, if the naturopathic physician requests, in writing, within 30 days  
14 from the date of notice, a copy of the information being released, the Board shall give to  
15 the naturopathic physician a copy of all the information being released. The Board shall  
16 not provide notice or copies if the information relates to an ongoing criminal  
17 investigation by a law enforcement agency or any Department of Health and Human  
18 Services personnel with enforcement or investigative responsibilities.

19 **"§ 90-692. Enforcement; injunctive relief.**

20       (a) On or after July 1, 2006, it is unlawful for a person not licensed or exempted  
21 under this Article to engage in any of the following:

22           (1) Practice of naturopathic medicine.

23           (2) Advertise, represent, or hold out himself or herself to others to be a  
24 naturopathic physician.

25           (3) Use any title descriptive of any branch of naturopathic medicine, as  
26 provided in G.S. 90-683(a), to describe his or her practice.

27       (b) A person who violates subsection (a) of this section shall be guilty of a Class  
28 1 misdemeanor.

29       (c) The Board may make application to superior court for an order enjoining a  
30 violation of this Article. Upon a showing by the Board that a person has violated or is  
31 about to violate this Article, the court may grant an injunction, restraining order, or take  
32 other appropriate action.

33 **"§ 90-693. Reports; immunity from suit.**

34       (a) A person who has reasonable cause to suspect misconduct or incapacity of a  
35 licensee, or who has reasonable cause to suspect that a person is in violation of this  
36 Article, shall report the relevant facts to the Board. Upon receipt of a charge, or upon its  
37 own initiative, the Board may give notice of an administrative hearing or may, after  
38 diligent investigation, dismiss unfounded charges. A person who, in good faith, makes a  
39 report pursuant to this section shall be immune from any criminal prosecution or civil  
40 liability resulting from making the report.

41       (b) The Board and its staff shall be immune from any criminal prosecution or  
42 civil liability for exercising, in good faith, its powers and duties authorized by this  
43 Article.

44 **"§ 90-694. Third-party reimbursement.**

1 Nothing in this Article shall be construed to require direct third-party reimbursement  
2 to persons licensed under this Article."

3 **SECTION 2.** G. S. 90-18(c) is amended by adding a new subdivision to  
4 read:

5 "(c) The following shall not constitute practicing medicine or surgery as defined  
6 in subsection (b) of this section:

7 ...

8 (20) The practice of naturopathic medicine by a licensed naturopathic  
9 physician under the provisions of Article 40 of this Chapter."

10 **SECTION 3.** The North Carolina Naturopathic Physicians Licensing Board  
11 shall develop a plan for instituting a naturopathic medicine residency program of no less  
12 than one-year post-doctoral duration with medical schools, teaching hospitals, clinics,  
13 and private practices. The plan should be consistent with residency standards of the  
14 Council on Naturopathic Medical Education and it should include opportunities for  
15 integrative medicine residencies. The Board shall report to the General Assembly on or  
16 before October 1, 2006, on the status of the plan and recommend when residency should  
17 become a prerequisite for licensure as a naturopathic physician.

18 **SECTION 4.** Notwithstanding the provisions of G.S. 90-685, the initial  
19 naturopathic physicians appointed to the North Carolina Naturopathic Physicians  
20 Licensing Board must be eligible for licensure under G.S. 90-687 and, upon  
21 appointment, must immediately apply for a license.

22 **SECTION 5.** This act is effective when it becomes law. Section 3 of this act  
23 expires June 30, 2008.

# APPENDIX D

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**Bill Analysis of Bill Draft 2005-RBfqqz-1B:**

**"Naturopathic Physicians Licensure"**

## Bill Analysis of 2005-RBfqqz-1B:

### *An Act to Establish the North Carolina Naturopathic Physicians Licensing Act*

By: Shawn Parker, Research Division

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*Effective July 1, 2006, this bill would not allow any person to practice naturopathic medicine without a license. A naturopathic physician diagnoses and treats patients using a system of practice that bases its treatment of physiological functions and abnormal conditions on natural laws governing the human body. The bill does not allow naturopathic physicians to prescribe controlled substances, deliver babies, or perform surgical procedures beyond superficial tissue.*

**CURRENT LAW:** Under G.S. 90-18, it is a Class 1 misdemeanor to practice medicine without a license. Any person who diagnoses or treats any human ailment is considered to be practicing medicine. Although naturopathic medicine is not legally recognized in this State, many practitioners with varying levels of training and education offer it and many of the State's citizens utilize it. The State currently requires licensure for the following health related practices: Optometry, Osteopathy, Chiropractic, Massage and Bodywork Therapy, Acupuncture, Dietetics/Nutrition, and Podiatry.

**BILL ANALYSIS:** This bill requires mandatory licensure for those engaged in the practice of naturopathic medicine. Naturopathic medicine is a system of health care that employs diagnosis and treatment using natural therapies and diagnostic techniques for the promotion, maintenance, and restoration of health and the prevention of disease. Currently 13 states require licensure to practice naturopathic medicine.

A Naturopathic Physician as defined by this bill is a licensed health care provider adhering to the same responsibilities as other licensed doctors regarding public health laws, reportable diseases and conditions, communicable disease control and prevention, and recording vital statistics. In accord with proper treatment, a naturopathic physician may employ a variety of therapies, modalities, and remedies consistent with naturopathic education and training.

This bill authorizes Naturopathic Physicians to use, for preventive and therapeutic purposes the following natural medicines and therapies: food; extracts of food; nutraceuticals; vitamins; minerals; enzymes; botanicals and their extracts; homeopathic remedies prepared according to the Homeopathic Pharmacopoeia of the United States; all dietary substances and non-prescription drugs as defined by the Federal Food, Drug, and Cosmetics Act; hot or cold hydrotherapy; musculoskeletal manipulation; therapeutic exercise; health education and health counseling. For diagnostic purposes, physical and laboratory examinations, naturopathic physicians may use utilization routes of



administration that include oral, nasal, auricular, ocular, rectal, vaginal, transdermal, and diagnostic imaging studies that are consistent with naturopathic training and education.

The bill limits the scope of a naturopathic physician prohibiting the practice of the following:

- ❖ Prescribing, dispensing, or administering prescription drugs or any other controlled substance or device identified in the Controlled Substance Act, 21 U.S.C.A. § 802, et seq., except as authorized by this article
- ❖ Practicing or attempting to practice as a medical physician, osteopath, acupuncturist, dentist, podiatrist, optometrist, chiropractor, psychologist, advanced practice professional nurse, physician assistant, physical therapist, or any other health care professional not authorized by this Article unless licensed by this State to do so
- ❖ Performing surgical procedures in which conscious sedation, major conduction blockade, minimal sedation, or minor conduction blockade is necessary.
- ❖ Using anesthetics unless licensed by this State to do so
- ❖ Administering ionizing radioactive substances for therapeutic purposes
- ❖ Performing chiropractic adjustments unless licensed by this State to do so
- ❖ Performing acupuncture, unless licensed by this State to do so.

The bill creates a six-member board, of which four must be licensed naturopathic physicians. The North Carolina Naturopathy Board is responsible for administering and enforcing the provisions of this act. The Board is to examine and determine qualifications and fitness of applicants for licensure and license renewal. Upon application and payment of all fees (Application and examination -\$100, License- \$600, License renewal-\$400), the Board may issue a license for individuals meeting the following qualifications:

- (a) Be a graduate of a four-year post graduate college that is accredited by the Council on Naturopathic Medical Education or another such accrediting agency recognized by the federal government. There are currently four accredited naturopathic medical colleges in the United States: Bastyr University- Seattle WA; National College of Naturopathic Medicine-Portland, OR; Southwest College of Naturopathic Medicine- Tempe, AZ; University of Connecticut at Bridgeport School of Naturopathic Medicine- Bridgeport, CT.
- (b) Pass the Naturopathic Physicians Licensing Exam or equivalent agency exam as recognized by the Board.
- (c) Pass a Board-approved State competency examination
- (d) Be of good moral and ethical character
- (e) Be appropriately fit for practice of naturopathic medicine

The bill does not require a residency requirement for licensure. However, Section 3 of the bill requires the Board to develop a plan for instituting a one-year residency program and to recommend when residency should become a prerequisite for licensure.

Finally, the bill clarifies that nothing in the act shall be construed to require direct third-party reimbursement.