

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE DRH50297-RBfqq-20A (3/21)

Short Title: Naturopathic Physicians Registration Act. (Public)

Sponsors: Representative Hill.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE NORTH CAROLINA NATUROPATHIC  
PHYSICIANS REGISTRATION 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 Registration.

**"§ 90-680. Short title.**

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

**"§ 90-681. Intent; purpose.**

(a) The General Assembly finds that a significant number of residents of the  
State of North Carolina choose complementary and alternative 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. The  
General Assembly concludes that regulation is in the current interest of North Carolina  
citizens to aid in protecting them from deception, fraud, and damage to their health  
status. Registration can provide a process by which citizens may more confidently rely  
with respect to the level of skill, education, and competency possessed by registered  
persons.

(b) The purpose of this act is to provide standards for the registration of  
naturopathic physicians desiring to practice naturopathic medicine in this State. This act  
recognizes that many of the therapies used by naturopathic physicians, such as the use  
of nutritional supplements, herbs, foods, homeopathic preparations, and such physical  
forces as heat, cold, water, touch, and light are not the exclusive privilege of  
naturopathic physicians. This act does not prohibit the use, practice, or administration of

1 these therapies by a person not licensed or registered to practice naturopathic medicine  
2 as long as that person does not diagnose or treat disease or hold himself or herself out as  
3 being qualified to diagnose or treat disease.

4 **"§ 90-682. Definitions.**

5 The following definitions apply in this Article:

- 6 (1) Integrative medicine. – Same as defined in G.S. 90-2.1.  
7 (2) Natural medicines. – Any herbal, nutritional, supplemental,  
8 homeopathic, or other nonprescription remedies.  
9 (3) Naturopathic medicine. – A system of natural health care that employs  
10 diagnosis and treatment using natural therapies and diagnostic  
11 techniques for the promotion, maintenance, and restoration of health  
12 and the prevention of disease, including the following:  
13 a. Administering or providing any of the following for  
14 preventative and therapeutic purposes: natural medicines,  
15 natural therapies, natural topical medicines, counseling,  
16 hydrotherapy, dietary therapy, and naturopathic physical  
17 medicine.  
18 b. Using diagnostic procedures including physical and orificial  
19 examination but excluding endoscopy, sigmoidoscopy, and  
20 colonoscopy.  
21 c. Ordering laboratory tests and diagnostic imaging, but excluding  
22 electrocardiograms, echocardiograms, electroencephalograms,  
23 nuclear imagings, MRIs, and CT scans and other tests that  
24 should be conducted and interpreted by an appropriate medial  
25 specialist.  
26 (4) Naturopathic physical medicine. – The manual use of massage,  
27 stretching, or resistance.  
28 (5) Naturopathic physician. – A person registered to practice naturopathic  
29 medicine pursuant to this Article.  
30 (6) Office. – The Office of Regulatory and Legal Affairs, Division of  
31 Public Health, Department of Health and Human Services.

32 **"§ 90-683. Registration required; exemptions.**

33 (a) On or after January 1, 2006, no person shall practice or offer to practice as a  
34 naturopathic physician, perform naturopathic medicine, or use any card, title, or  
35 abbreviation to indicate that the person is a naturopathic physician unless the person  
36 meets all of the following conditions:

- 37 (1) Is registered under the provisions of this Article.  
38 (2) Is licensed to practice in a state or territory that requires as a condition  
39 of licensure graduation from a four-year postgraduate program in  
40 naturopathic medicine approved by the Council of Naturopathic  
41 Medical Education.  
42 (3) Maintains licensure in a state that meets the requirements of  
43 subdivision (2) of this subsection.

1       (b) To register with the Office, a person must apply to the Office for registration,  
2 meet the requirements for registration under subsection (a) of this section, consent to a  
3 criminal record check as provided in subsection (c) of this section, and pay the  
4 applicable fees. A registration issued under this Article expires two years after the date  
5 it is issued unless it is renewed. An application for renewal must be filed with the Office  
6 and accompanied by the applicable renewal fee. A registration that has expired for  
7 failure to renew may be reinstated after the applicant pays the applicable fees and  
8 complies with any other conditions established in rules adopted by the Office.

9       (c) The Department of Justice may provide a criminal record check to the Office  
10 for a person who has applied for registration through the Office. The Office shall  
11 provide to the Department of Justice, along with the request, the fingerprints of the  
12 applicant, any additional information required by the Department of Justice, and a form  
13 signed by the applicant consenting to the check of the criminal record and to the use of  
14 the fingerprints and other identifying information required by the State or national  
15 repositories. The applicant's fingerprints shall be forwarded to the State Bureau of  
16 Investigation for a search of the State's criminal history record file, and the State Bureau  
17 of Investigation shall forward a set of the fingerprints to the Federal Bureau of  
18 Investigation for a national criminal history check. The Office shall keep all information  
19 pursuant to this subsection privileged, in accordance with applicable State law and  
20 federal guidelines, and the information shall be confidential and shall not be a public  
21 record under Chapter 132 of the General Statutes.

22       (d) Persons registered under this Article have the exclusive right to use the titles:  
23 'naturopathic physician', 'naturopathic doctor', 'doctor of naturopathic medicine', 'doctor  
24 of naturopathy', 'N.D.', 'ND', and 'NMD'.

25       (e) Nothing in this Article shall be construed to prohibit or affect:

26       (1) The practice of a profession by an individual who is licensed, certified,  
27 or registered under other laws of this State and is performing services  
28 within the authorized scope of practice.

29       (2) The practice of complementary and alternative health care by an  
30 individual who does not meet the educational and other requirements  
31 applicable under this act to naturopathic physicians, as long as that  
32 person does not diagnose or treat disease, or hold himself or herself out  
33 as being qualified to diagnose or treat disease.

34       (3) The practice of naturopathic medicine by a person employed by the  
35 federal government while the person is engaged in the performance of  
36 duties prescribed by laws and regulations of the United States.

37       (4) An individual rendering aid in an emergency situation, when no fee or  
38 other compensation for the service is received.

39       (5) A person engaged in the sale of vitamins, health foods, dietary  
40 supplements, herbs, or other products of nature, if the sale of these  
41 products is not otherwise prohibited by State or federal law and the  
42 person offering the products provides truthful and nonmisleading  
43 information about the products. However, this subdivision does not

1 allow a person to diagnose any human disease, ailment, injury,  
2 infirmity, deformity, pain, or other condition.

3 (6) A person who in good faith utilizes complementary and alternative  
4 health care in the exercise of his or her religion.

5 (7) The practice of naturopathic medicine by a naturopathic physician duly  
6 licensed in another state, territory, or the District of Columbia when  
7 incidentally called into this State to consult with a licensed medical  
8 physician or registered naturopathic physician.

9 (8) The practice of naturopathic medicine by students completing a  
10 clinical requirement for graduation from a four-year postgraduate  
11 program in naturopathic medicine approved by the Council of  
12 Naturopathic Medical Education as long as the clinical training is  
13 performed under the supervision of an instructor.

14 **"§ 90-684. Practice of naturopathic medicine; prohibitions.**

15 (a) A naturopathic physician is a registered health care provider having the same  
16 responsibilities as other licensed medical doctors regarding public health laws,  
17 reportable diseases and conditions, communicable disease control and prevention, and  
18 recording vital statistics. In treating an individual, a naturopathic physician may employ  
19 naturopathic therapies, modalities, and remedies consistent with those provided through  
20 naturopathic education and training at Council on Naturopathic Medical Education  
21 accredited programs.

22 (b) A naturopathic physician shall not:

23 (1) Prescribe, dispense, or administer a prescription drug or any controlled  
24 substance or device identified in the Controlled Substance Act, 21  
25 U.S.C. § 801, et seq., except as authorized by this Article.

26 (2) Practice or attempt to practice as a medical physician, osteopath,  
27 acupuncturist, dentist, podiatrist, optometrist, chiropractor,  
28 psychologist, advanced practice professional nurse, physician assistant,  
29 physical therapist, or any other health care professional not authorized  
30 by this Article unless licensed by this State to do so.

31 (3) Use anesthetics unless licensed by this State to do so.

32 (4) Administer ionizing radioactive substances for therapeutic purposes.

33 (5) Perform chiropractic adjustments unless licensed by this State to do so.

34 (6) Perform acupuncture unless licensed by this State to do so.

35 **"§ 90-685. Responsibilities of the Office.**

36 The Office shall have the power and duty to:

37 (1) Administer and enforce the provisions of this Article.

38 (2) Adopt rules as may be necessary to carry out the provisions of this  
39 Article.

40 (3) Establish and maintain a registry of people who register with the  
41 Office as practitioners of naturopathic medicine.

42 (4) Examine documentation pertaining to a person's eligibility to register  
43 or renew registration with this Office.



1           (6) Has demonstrated gross negligence, incompetency, or misconduct in  
2           the performance of naturopathic medical treatment.

3           (b) The Office may release confidential or nonpublic information about a  
4 registrant to any health care licensure board in this State or another state relating to the  
5 granting or refusal to grant registration or the suspension or revocation of registration,  
6 including the reasons for the action or any investigative report prepared by the Office.  
7 The Office shall notify the naturopathic physician within 60 days after the information  
8 is released. The Office shall furnish to the naturopathic physician a summary of the  
9 information being released. However, if the naturopathic physician requests, in writing,  
10 within 30 days from the date of notice, a copy of the information being released, the  
11 Office shall give to the naturopathic physician a copy of all the information being  
12 released. Notice or copies shall not be provided by the Office if the information relates  
13 to an ongoing criminal investigation by a law enforcement agency or any Department of  
14 Health and Human Services personnel with enforcement or investigative  
15 responsibilities.

16 **"§ 90-688. Enforcement; injunctive relief.**

17           (a) On or after January 1, 2006, it is unlawful for a person not registered or  
18 exempted from registration under this Article to engage in any of the following:

19                   (1) Practice of naturopathic medicine.

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

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

24           (b) A person who violates subsection (a) of this section shall be guilty of a Class  
25 1 misdemeanor.

26 **"§ 90-689. Reports; immunity from suit.**

27           (a) A person who has reasonable cause to suspect misconduct or incapacity of a  
28 registrant, or who has reasonable cause to suspect that a person is in violation of this  
29 Article, shall report the relevant facts to the Office. Upon receipt of a charge, or upon its  
30 own initiative, the Office may give notice of an administrative hearing or may, after  
31 diligent investigation, either dismiss unfounded charges or refer the matter to another  
32 appropriate agency for action. A person who, in good faith, makes a report pursuant to  
33 this section shall be immune from any criminal prosecution or civil liability resulting  
34 from making the report.

35           (b) The Office and its staff shall be immune from any criminal prosecution or  
36 civil liability for exercising, in good faith, its powers and duties authorized by this  
37 Article.

38 **"§ 90-690. Third-party reimbursement.**

39           Nothing in this Article shall be construed to require direct third-party reimbursement  
40 to persons registered under this Article."

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

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

44           ...

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

3           **SECTION 3.** Article 4 of Chapter 114 of the General Statutes is amended by  
4 adding a new section to read:

5 **"§ 114-19.16. Criminal record checks of applicants for naturopathic physician**  
6 **registration.**

7           The Department of Justice may provide to the Office of Regulatory and Legal  
8 Affairs, Division of Public Health, Department of Health and Human Services, from the  
9 State and National Repositories of Criminal Histories the criminal history of any  
10 applicant for registration as a naturopathic physician under Article 40 of Chapter 90 of  
11 the General Statutes. Along with the request, the Office shall provide to the Department  
12 of Justice the fingerprints of the applicant, a form signed by the applicant consenting to  
13 the criminal record check and use of fingerprints and other identifying information  
14 required by the State and National Repositories and any additional information required  
15 by the Department of Justice. The applicant's fingerprints shall be forwarded to the State  
16 Bureau of Investigation for a search of the State's criminal history record file, and the  
17 State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of  
18 Investigation for a national criminal history record check. The Office shall keep all  
19 information obtained pursuant to this section confidential. The Department of Justice  
20 may charge a fee to offset the cost incurred by it to conduct a criminal record check  
21 under this section. The fee shall not exceed the actual cost of locating, editing,  
22 researching, and retrieving the information."

23           **SECTION 4.** This act is effective when it becomes law.