

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS55180-RBfqq-20 (3/21)

Short Title: Naturopathic Physicians Registration Act. (Public)

Sponsors: Senator Kinnaird.

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.