

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 467

Short Title: Naturopathic Licensing Act. (Public)

Sponsors: Senators Hartsell and Apodaca.

Referred to: Health Care.

March 31, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE NORTH CAROLINA NATUROPATHIC DOCTORS
3 LICENSURE ACT.

4 The General Assembly of North Carolina enacts:

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

7 "Article 43.

8 "Naturopathic Doctors.

9 **"§ 90-730. Short title.**

10 This Article may be cited as the 'North Carolina Naturopathic Doctors Licensure Act.'

11 **"§ 90-731. Intent; purpose.**

12 (a) Intent. – The General Assembly finds that a significant number of residents of the
13 State of North Carolina choose complementary and alternative health care and declares that
14 naturopathic treatment is a distinct health care profession that affects the public health, safety,
15 and welfare and provides for choices in health care. The General Assembly concludes that
16 licensure is in the current interest of North Carolina citizens to aid in protecting citizens from
17 deception, fraud, and damage to their health status. Licensure can provide a process in which
18 citizens may more confidently rely on the level of skill, education, and competency possessed
19 by licensed persons.

20 (b) Purpose. – The purpose of this Article is to provide standards for the licensure of
21 naturopathic doctors desiring to practice naturopathic medicine in this State and to ensure the
22 maintenance of professional competence and acceptable standards of practice. This Article
23 recognizes that many of the therapies used by naturopathic doctors, such as the use of
24 nutritional supplements, herbs, foods, homeopathic preparations, and such physical forces as
25 heat, cold, water, touch, and light are not the exclusive privilege of naturopathic doctors.

26 **"§ 90-732. Definitions.**

27 The following definitions apply in this Article:

28 (1) Approved program of naturopathic medicine. – A program that meets all of
29 the following conditions:

30 a. A program that provides graduate level full-time didactic and
31 supervised clinical training that is accredited, or has achieved
32 candidacy status for accreditation, by the Council on Naturopathic
33 Medical Education Program or its federally recognized successor
34 agency.

35 b. A program that is offered by an institution of higher education that is
36 either accredited, or is a candidate for accreditation, by a regional or



- 1 national institutional accrediting agency recognized by the United
2 States Secretary of Education.
- 3 c. If the program is offered in the United States, a program that awards
4 the degree of Doctor of Naturopathy or Doctor of Naturopathic
5 Medicine. If the program is offered in Canada, a program that awards
6 the degree or diploma of Doctor of Naturopathy or Doctor of
7 Naturopathic Medicine, and is offered by an institution of higher
8 education that has provincial approval for participation in
9 government-funded student aid programs.
- 10 (2) Board. – The North Carolina Naturopathic Doctors Licensing Board.
- 11 (3) Criminal history. – A history of conviction of a State or federal crime,
12 whether a misdemeanor or felony.
- 13 (4) Integrative medicine. – Same as defined in G.S. 90-1.1(3).
- 14 (5) Natural medicines. – Any herbal, nutritional, supplemental, homeopathic, or
15 other nonprescription remedies.
- 16 (6) Naturopathic medicine. – A system of natural health care that employs
17 diagnosis and treatment using natural therapies and diagnostic techniques for
18 the promotion, maintenance, and restoration of health and the prevention of
19 disease, including the following:
- 20 a. Administering or providing any of the following for preventive and
21 therapeutic purposes: natural medicines, natural therapies, natural
22 topical medicines, counseling, hydrotherapy, dietary therapy, and
23 naturopathic physical medicine.
- 24 b. Using diagnostic procedures, including physical and orificial
25 examination, but excluding endoscopy, sigmoidoscopy, and
26 colonoscopy.
- 27 c. Ordering and interpreting laboratory tests and diagnostic imaging,
28 but excluding electrocardiograms, echocardiograms,
29 electroencephalograms, nuclear imagings, MRIs, CT scans, and other
30 tests that should be conducted and interpreted by an appropriate
31 medical specialist.
- 32 (7) Naturopathic physical medicine. – The manual use of massage, stretching, or
33 resistance.
- 34 (8) Naturopathic doctor. – A person licensed to practice naturopathic medicine
35 under this Article.

36 **"§ 90-733. Practice of naturopathic medicine; scope of practice.**

- 37 (a) Practice of Naturopathic Medicine. – A naturopathic doctor is a licensed health care
38 provider having the same responsibilities as other licensed doctors regarding public health
39 laws, reportable diseases and conditions, communicable disease control and prevention, and the
40 recording of vital statistics. In diagnosing and treating an individual, a naturopathic doctor may
41 employ the following naturopathic therapies, modalities, procedures, or remedies consistent
42 with naturopathic education and training:
- 43 (1) Dispense, administer, and advise the use of natural remedies derived from or
44 substantially similar in molecular structure or function to natural sources for
45 preventive and therapeutic purposes, including food, extracts of food,
46 nutraceuticals, vitamins, minerals, enzymes, botanicals and their extracts,
47 homeopathic remedies prepared according to the Homeopathic
48 Pharmacopoeia of the United States, and all dietary supplements and
49 nonprescription drugs as defined by the Federal Food, Drug, and Cosmetic
50 Act, 21 U.S.C.A. § 301, et seq.
- 51 (2) Order and perform physical examinations.

- 1 (3) Order, perform, and interpret laboratory examinations and diagnostic
2 imaging studies.
- 3 (4) Perform hot or cold hydrotherapy, colon hydrotherapy, naturopathic physical
4 treatment, electromagnetic energy, and therapeutic exercise.
- 5 (5) Perform health education and health counseling.
- 6 (6) Perform musculoskeletal manipulation.
- 7 (7) Perform utilization routes of administration, including oral, nasal, auricular,
8 ocular, rectal, vaginal, and transdermal.
- 9 (8) Perform repair and care incidental to superficial lacerations and abrasions
10 and apply topical and local anesthetics and antimicrobials.
- 11 (9) Remove foreign bodies located in the superficial tissues.
- 12 (10) Perform any other Board-approved therapies, modalities, procedures, and
13 remedies for which the licensee has been trained and educated.
- 14 (c) Prohibitions. – A naturopathic doctor may not perform any of the following
15 functions unless otherwise licensed by this State to do so:
- 16 (1) Prescribe, dispense, or administer any legend drug, except as authorized by
17 this Article.
- 18 (2) Practice or attempt to practice as a medical physician, osteopath,
19 acupuncturist, dentist, podiatrist, optometrist, chiropractor, dietitian or
20 nutritionist, psychologist, advanced practice professional nurse, physician
21 assistant, physical therapist, or any other health care professional not
22 authorized by this Article.
- 23 (3) Use general or spinal anesthetics.
- 24 (4) Perform surgical procedures using a laser device.
- 25 (5) Perform surgical procedures.
- 26 (6) Administer ionizing radioactive substances for therapeutic purposes.
- 27 (7) Perform chiropractic adjustments.
- 28 (8) Perform acupuncture.

29 **"§ 90-734. License required; exemptions.**

30 (a) License Required. – On or after January 1, 2012, no person shall practice or offer to
31 practice as a naturopathic doctor, perform naturopathic medicine, or use any card, title, or
32 abbreviation to indicate that the person is a naturopathic doctor unless the person has been
33 licensed under the provisions of this Article. Persons licensed under this Article have the
34 exclusive right to use the titles 'Naturopathic Doctor,' 'Doctor of Naturopathic Medicine,'
35 'Doctor of Naturopathy,' 'Naturopathic Medicine,' 'Naturopath,' or the abbreviations 'D.N.,'
36 'N.D.,' 'ND,' and 'N.M.D.'

37 (b) Exemptions. – Nothing in this Article shall be construed to prohibit or affect any of
38 the following:

- 39 (1) The practice of a profession by an individual who is licensed, certified, or
40 registered under other laws of this State and is performing services within
41 the authorized scope of practice.
- 42 (2) The practice of naturopathic medicine by a person employed by the federal
43 government while the person is engaged in the performance of duties
44 prescribed by laws and regulations of the United States.
- 45 (3) A person rendering aid in an emergency situation when no fee or other
46 compensation for the service is received.
- 47 (4) The practice of naturopathic medicine by a naturopathic doctor duly licensed
48 in another state, territory, or the District of Columbia when called into this
49 State to consult with a licensed physician for a period not to exceed six
50 months.

1 (5) The practice of naturopathic medicine by students completing a clinical
2 requirement for graduation from a naturopathic training program approved
3 by the Board, so long as the practice is performed under the supervision of a
4 physician licensed under Article 1 of this Chapter and the clinical
5 requirement does not exceed one year.

6 (6) A person who does not hold himself or herself out to be a naturopathic
7 doctor when that person furnishes information to customers on nutritional
8 supplements, herbs, food, homeopathic preparations, and such physical
9 forces as heat, cold, water, touch, and light at the person's retail, health spa,
10 or health consulting establishment.

11 (c) Unlawful Act. – A person who violates this section is guilty of a Class 1
12 misdemeanor. The Board may make application to superior court for an order enjoining a
13 violation of this section. Upon a showing by the Board that a person has violated or is about to
14 violate this section, the court may grant an injunction, restraining order, or take other
15 appropriate action.

16 **"§ 90-735. North Carolina Naturopathic Doctors Licensing Board.**

17 (a) Board. – The North Carolina Naturopathic Doctors Licensing Board is created. The
18 Board consists of seven members serving for staggered terms. The initial Board members shall
19 be appointed on or before January 1, 2012, as follows:

20 (1) The General Assembly, upon the recommendation of the President Pro
21 Tempore of the Senate, shall appoint two naturopathic doctors who are
22 licensed under this Article. One member shall serve a term of one year and
23 one member shall serve a term of three years.

24 (2) The General Assembly, upon the recommendation of the Speaker of the
25 House of Representatives, shall appoint two naturopathic doctors who are
26 licensed under this Article. One member shall serve a term of one year and
27 one member shall serve a term of two years.

28 (3) The Governor shall appoint two physicians licensed under Article 1 of
29 Chapter 90 of the General Statutes, at least one of whom shall be involved in
30 the practice of integrative medicine or who teaches integrative medicine at a
31 medical school. Both of these members shall serve a term of three years.

32 (4) The Governor shall appoint for a two-year term a public member who is not
33 a licensed health care professional and is not employed in a health care
34 profession.

35 Upon the expiration of the terms of the initial Board members, each member is appointed
36 for a term of three years, beginning on January 1 of each year. A member serves until the
37 member's successor is appointed.

38 (b) Vacancies. – A member of the Board serves at the pleasure of the authority that
39 appointed the member. A vacancy shall be filled in the same manner as the original
40 appointment. An appointee to fill a vacancy shall serve the remainder of the unexpired term and
41 until the appointee's successor has been duly appointed.

42 (c) Removal. – The Board may remove any of its members for neglect of duty,
43 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings as a
44 licensee is disqualified from participating in the official business of the Board until the charges
45 have been resolved.

46 (d) General Administration. – A Board member may not receive compensation but may
47 receive reimbursement as provided in G.S. 93B-5. The officers of the Board include a chair, a
48 secretary, and any other officer deemed necessary by the Board to carry out the purposes of this
49 Article. All officers shall be elected annually by the Board at its first meeting held after
50 appointments to the Board are made. The Board shall hold a meeting within 45 days of the
51 appointment of new Board members. All officers shall serve one-year terms and shall serve

1 until their successors are elected and qualified. No person shall chair the Board for more than
2 five consecutive years. The Board may adopt rules governing the calling, holding, and
3 conducting of regular and special meetings. A majority of Board members constitutes a
4 quorum.

5 **"§ 90-736. Powers of the Board.**

6 The Board shall have the following powers and duties:

- 7 (1) Administer and enforce the provisions of this Article.
- 8 (2) Adopt rules as may be necessary to carry out the provisions of this Article.
- 9 (3) Establish, examine, and determine the qualifications and fitness of applicants
10 for licensure and renewal of licensure.
- 11 (4) Issue, renew, deny, suspend, or revoke licenses and conduct any disciplinary
12 actions authorized by this Article.
- 13 (5) Collect fees for licensure, licensure renewal, and other services deemed
14 necessary to carry out the provisions of this Article.
- 15 (6) Recommend and advocate for the establishment of one or more approved
16 programs of naturopathic medicine in this State.
- 17 (7) Establish and approve continuing education requirements for persons
18 licensed under this Article.
- 19 (8) Develop and implement a plan for instituting a naturopathic doctor residency
20 program no later than July 1, 2013.
- 21 (9) Employ and fix the compensation of personnel that the Board determines is
22 necessary to carry out the provisions of this Article and incur other expenses
23 necessary to perform the duties of the Board.
- 24 (10) Adopt a seal containing the name of the Board for use on all licenses and
25 official reports issued by the Board.
- 26 (11) Institute corrective measures, as necessary, to rehabilitate naturopathic
27 doctors or limit their practice.

28 **"§ 90-737. Qualifications for licensure; renewal; reinstatement.**

29 (a) Licensure. – Upon application to the Board and payment of the required fees, an
30 applicant may be licensed under this Article as a naturopathic doctor if the applicant meets all
31 of the following qualifications and conditions:

- 32 (1) Is of good moral and ethical character.
- 33 (2) Is a graduate of an approved program of naturopathic medicine.
- 34 (3) Meets one of the following two conditions:
 - 35 a. Has successfully passed a competency-based national naturopathic
36 licensing examination administered by the North American Board of
37 Naturopathic Examiners, or equivalent agency as recognized by the
38 Board.
 - 39 b. Has successfully passed a competency-based examination approved
40 by the Board and by the North American Board of Naturopathic
41 Medical Education or its successor agency.
- 42 (4) Provides the Board with a list of physicians licensed to practice medicine in
43 this State who have agreed to work with the applicant and accept referrals
44 from the applicant. The applicant shall also provide the Board with letters of
45 verification from the listed physicians. The list shall include physicians with
46 specialties in at least four of the following areas: allergy and immunology,
47 cancer and oncology, cardiology, endocrinology and metabolism, family
48 medicine, gastroenterology, internal medicine, obstetrics and gynecology,
49 pediatrics, psychiatry, and urology.
- 50 (5) Submits any other documentation the Board deems necessary to determine
51 the applicant's fitness for licensure under this Article. This documentation

1 may include successful completion of a Board-approved examination on
 2 State laws and rules related to naturopathic medicine.

3 (b) Renewal. – A license expires two years after the date it is issued unless it is
 4 renewed. Failure to renew a license within six months of the date the license expires shall result
 5 in automatic forfeiture of the right to practice naturopathic medicine in this State until such
 6 time that the license has been reinstated. To renew a license, a licensee shall meet all of the
 7 following conditions:

- 8 (1) Submit an application for license renewal.
 9 (2) Pay the required fees.
 10 (3) Complete at least 40 hours of continuing education approved by the Board
 11 within a two-year period.

12 (c) Reinstatement. – A licensed naturopathic doctor who has allowed the license to
 13 lapse by failure to renew within the time allowed under subsection (b) of this section may apply
 14 for reinstatement. The Board may reinstate the applicant's license if the applicant pays the
 15 required fees, furnishes a statement of the reason for failure to apply for renewal before the
 16 deadline, and complies with any other requirements established in rules adopted by the Board.
 17 If the license has lapsed for five years or longer, the Board may require the applicant to
 18 satisfactorily complete a refresher course approved by the Board or to provide proof of active
 19 licensure within the past five years in another jurisdiction.

20 "**§ 90-738. Reciprocity.**

21 The Board may grant, upon application and payment of fees, a license to a person who
 22 resides in this State and has been licensed to practice as a naturopathic doctor in another state
 23 or a Canadian province if both of the following conditions are met:

- 24 (1) The standards for licensure in the state or province in which the naturopathic
 25 doctor is licensed are substantially equivalent to those provided in this
 26 Article.
 27 (2) The applicant provides proof of licensure in good standing in all states and
 28 provinces in which the applicant has been licensed.

29 "**§ 90-739. Fees.**

30 The Board may impose the following fees:

- | | |
|---|----------|
| 31 (1) <u>Application and examination</u> | \$200.00 |
| 32 (2) <u>License</u> | \$600.00 |
| 33 (3) <u>License renewal</u> | \$400.00 |
| 34 (4) <u>Late renewal</u> | \$200.00 |
| 35 (5) <u>Reinstatement</u> | \$1,000 |
| 36 (6) <u>Reasonable charges for duplication services and</u>
37 <u>material.</u> | |
| 38 (7) <u>Criminal history record check fee equal to the amount</u>
39 <u>imposed by the Department of Justice to conduct the</u>
40 <u>criminal history record check requested by the Board.</u> | |

41 "**§ 90-740. Disciplinary authority.**

42 (a) Authority. – The Board may impose probationary conditions upon a licensee, or it
 43 may deny, suspend, revoke, or refuse to issue or renew a license, if the licensee or applicant
 44 does any of the following:

- 45 (1) Engages in any act or practice in violation of any of the provisions of this
 46 Article or of any of the rules adopted by the Board or aids, abets, or assists
 47 any other person in the violation of the provisions of this Article or rules
 48 adopted by the Board.
 49 (2) Gives false information to or withholds information from the Board in
 50 procuring or attempting to procure a license.

- 1 (3) Has been convicted of or pled guilty or no contest to a crime that indicates
2 that the person is unfit or incompetent to practice as a naturopathic doctor or
3 that indicates the person has deceived or defrauded the public. A felony
4 conviction shall result in the automatic revocation of a license issued by the
5 Board unless the Board determines otherwise pursuant to rules adopted by
6 the Board.
- 7 (4) Has been declared mentally incompetent by a court of competent
8 jurisdiction.
- 9 (5) Habitually uses or is addicted to drugs or intoxicating liquors to the extent
10 that it affects the licensee's professional competency. If a licensee violates
11 this subdivision, the Board may require the licensee to undergo a mental or
12 physical examination by physicians designated by the Board before or after
13 the licensee has been charged. The results of the examination shall be
14 admissible as evidence in a hearing before the Board.
- 15 (6) Has demonstrated gross negligence, incompetency, or misconduct in the
16 performance of naturopathic medical treatment.
- 17 (7) Has had a health care provider license denied, restricted, revoked, or
18 suspended by another state or jurisdiction.
- 19 (8) Fails to consent to a criminal history record check.
- 20 (9) Fails to respond, within a reasonable time, to inquiries from the Board
21 concerning any matter affecting the individual's license to practice
22 naturopathic medicine.
- 23 (10) Fails to complete continuing education requirements within the time
24 prescribed.

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

30 (c) Records. – The Board shall keep a record of its proceedings. The Board may, in a
31 closed session, receive evidence regarding the treatment of a patient who has not expressly or
32 impliedly consented to the public disclosure of the treatment when necessary for the protection
33 of the rights of the patient or of the accused naturopathic doctor and the full presentation of
34 relevant evidence. All records, papers, investigative files, investigative reports, and other
35 documents containing information gathered or received by the Board as a result of
36 investigations, inquiries, or interviews conducted in connection with an application for
37 licensure, a complaint, or a disciplinary matter are not considered public documents within the
38 meaning of Chapter 132 of the General Statutes. If a record, paper, or other document
39 containing information collected and compiled by the Board is admitted into evidence in a
40 hearing held by the Board, it shall then be a public record within the meaning of Chapter 132 of
41 the General Statutes.

42 (d) Confidential Information. – The Board may release confidential or nonpublic
43 information about a licensee to any health care licensure board in this State or another state
44 relating to the issuance, denial, suspension, revocation, or voluntary surrender of the license,
45 including the reasons for the action or any investigative report prepared by the Board. The
46 Board shall notify the naturopathic doctor within 60 days after the information is released. The
47 Board shall furnish to the naturopathic doctor a summary of the information being released.
48 However, if the naturopathic doctor requests, in writing, within 30 days from the date of notice,
49 a copy of the information being released, the Board shall give to the naturopathic doctor a copy
50 of all the information being released. Notice or copies shall not be provided by the Board if the
51 information relates to an ongoing criminal investigation by a law enforcement agency or any

1 Department of Health and Human Services personnel with enforcement or investigative
2 responsibilities.

3 **"§ 90-741. Criminal history record check of applicants and licensees.**

4 (a) Criminal History Record Check. – The Board may require a criminal history record
5 check for a person who is either licensed under this Article or applying for licensure under this
6 Article. The Board is responsible for providing to the North Carolina Department of Justice the
7 fingerprints of the person to be checked, a form signed by the person consenting to the criminal
8 record check and the use of fingerprints and other identifying information required by the State
9 or National Repositories, and any additional information required by the Department of Justice.
10 The Board shall keep all information obtained pursuant to this section confidential.

11 (b) Conviction. – If a criminal history record check reveals one or more convictions, the
12 conviction does not automatically bar licensure. The Board shall consider all of the following
13 factors regarding the conviction:

14 (1) The level of seriousness of the crime.

15 (2) The date of the crime.

16 (3) The age of the person at the time of the conviction.

17 (4) The circumstances surrounding the commission of the crime, if known.

18 (5) The nexus between the criminal conduct of the person and the job duties of
19 the position to be filled.

20 (6) The person's prison, jail, probation, parole, rehabilitation, and employment
21 records since the date the crime was committed.

22 (7) The subsequent commission of a crime by the person.

23 (c) Denial of Licensure. – If the Board denies, revokes, or suspends a license based on
24 information obtained in a criminal history record check, the Board shall disclose to the person
25 the information contained in the criminal history record check that is relevant to the Board's
26 actions. The Board may not provide a copy of the criminal history record check to the person.
27 A person has the right to appear before the Board to appeal the Board's decision. An
28 appearance before the Board shall constitute an exhaustion of administrative remedies in
29 accordance with Chapter 150B of the General Statutes.

30 (d) Limited Immunity. – The Board, its officers and employees, acting in good faith and
31 in compliance with this section, shall be immune from civil liability for its actions based on
32 information provided in a person's criminal history record check.

33 **"§ 90-742. Reports; immunity from suit.**

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

41 (b) Immunity. – The Board and its staff are immune from any criminal prosecution or
42 civil liability for exercising, in good faith, the powers and duties given to the Board under this
43 Article.

44 **"§ 90-743. Third-party reimbursement.**

45 Nothing in this Article shall be construed to require direct third-party reimbursement to
46 persons licensed under this Article.

47 **"§ 90-744. Advisory Council.**

48 (a) Created. – An Advisory Council is created to advise the Board and to develop
49 recommendations to foster coordination and collaboration between naturopathic doctors,
50 medical doctors, and other health professionals for the purpose of providing appropriate care
51 for patients. The Council shall meet periodically and report its recommendations to the Board

1 and to the boards of directors for the North Carolina Medical Society and the North Carolina
2 Association of Naturopathic Physicians.

3 (b) Membership. – The Advisory Council shall consist of the following six members:

4 (1) Two licensed physicians appointed by the North Carolina Medical Society.

5 (2) Two licensed naturopathic doctors appointed by the North Carolina
6 Association of Naturopathic Physicians.

7 (3) One licensed pharmacist or pharmacologist appointed by the North Carolina
8 Association of Pharmacists.

9 (4) One licensed advanced practice registered nurse appointed by the North
10 Carolina Nursing Association.

11 (c) General Administration. – Each member is appointed for a term of two years
12 beginning July 1, 2012. A member serves until a successor is appointed. The members of the
13 Advisory Council may elect a chairperson by a majority vote. Advisory Council members may
14 not receive compensation for their services but may receive reimbursement as provided in
15 G.S. 93B-5."

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

17 "(c) The following shall not constitute practicing medicine or surgery as defined in this
18 Article:

19 ...

20 (21) The practice of naturopathic medicine by a licensed naturopathic doctor
21 under the provisions of Article 43 of this Chapter."

22 **SECTION 3.** Part 2 of Article 4 of Chapter 114 of the General Statutes is amended
23 by adding a new section to read:

24 "**§ 114-19.31. Criminal history record checks for naturopathic doctors.**

25 (a) The Department of Justice may provide to the North Carolina Naturopathic Doctors
26 Licensing Board from the State and National Repositories of Criminal Histories the criminal
27 history of an applicant for licensure by the Board or a licensee of the Board. The Judicial
28 Department shall provide to the Department of Justice, along with the request, the fingerprints
29 of the applicant or licensee, a form signed by the applicant or licensee consenting to the
30 criminal history record check and use of fingerprints and other identifying information required
31 by the State and National Repositories, and any additional information required by the
32 Department of Justice. The fingerprints of the applicant or licensee shall be forwarded to the
33 State Bureau of Investigation for a search of the State's criminal history record file, and the
34 State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of
35 Investigation for a national criminal history record check. The Judicial Department shall keep
36 all information obtained pursuant to this section confidential.

37 (b) The Department of Justice may charge a fee to offset the cost incurred by it to
38 conduct a criminal history record check under this section. The fee shall not exceed the actual
39 cost of locating, editing, researching, and retrieving the information."

40 **SECTION 4.** Notwithstanding the provisions of G.S. 90-735, as enacted by Section
41 1 of this act, the initial naturopathic doctors appointed to the North Carolina Naturopathic
42 Doctors Licensing Board must be North Carolina residents, must be licensed as a naturopathic
43 doctor in a state that licenses this profession, and must be eligible for licensure under
44 G.S. 90-737, as enacted by Section 1 of this act. Upon appointment, the appointee must
45 immediately seek to become licensed under this act.

46 **SECTION 5.** This act is effective when it becomes law.