

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H.B. 995
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HOUSE PRINCIPAL CLERK

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HOUSE DRH80302-LUFqq-129 (04/04)

Short Title: Naturopathic Doctors Licensing Act. (Public)

Sponsors: Representatives Collins and Fisher (Primary Sponsors).

Referred to:

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. G.S. 55B-2(6) reads as rewritten:

6 "§ 55B-2. Definitions.

7 As used in this Chapter, the following words shall, unless the context requires otherwise,
8 have the following meanings:

9 ...
10 (6) The term "professional service" means any type of personal or professional
11 service of the public which requires as a condition precedent to the rendering
12 of such service the obtaining of a license from a licensing board as herein
13 defined, and pursuant to the following provisions of the General Statutes:
14 Chapter 83A, "Architects"; Chapter 84, "Attorneys-at-Law"; Chapter 93,
15 "Public Accountants"; and the following Articles in Chapter 90: Article 1,
16 "Practice of Medicine," Article 2, "Dentistry," Article 6, "Optometry,"
17 Article 7, "Osteopathy," Article 8, "Chiropractic," Article 9A, "Nursing
18 Practice Act," with regard to registered nurses, Article 11, "Veterinarians,"
19 Article 12A, "Podiatrists," Article 18A, "Practicing Psychologists," Article
20 18C, "Marriage and Family Therapy Licensure," Article 18D, "Occupational
21 Therapy," Article 22, "Licensure Act for Speech and Language Pathologists
22 and Audiologists," ~~and~~—Article 24, "Licensed Professional
23 Counselors"; ~~Counselors~~; and Article 43, "Naturopathic Doctors"; Chapter
24 89C, "Engineering and Land Surveying"; Chapter 89A, "Landscape
25 Architects"; Chapter 90B, "Social Worker Certification and Licensure Act"
26 with regard to Licensed Clinical Social Workers as defined by G.S. 90B-3;
27 Chapter 89E, "Geologists"; Chapter 89B, "Foresters"; and Chapter 89F,
28 "North Carolina Soil Scientist Licensing Act".

29 SECTION 2. Chapter 90 of the General Statutes is amended by adding a new
30 Article to read:

31 "Article 43.

32 "Naturopathic Doctors.

33 "§ 90-730. Short title.

34 This Article may be cited as the "North Carolina Naturopathic Doctors Licensure Act."

35 "§ 90-731. Intent; purpose.



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

9 (b) Purpose. – The purpose of this Article is to provide standards for the licensure of
10 naturopathic doctors desiring to practice naturopathic medicine in this State and to ensure the
11 maintenance of professional competence and acceptable standards of practice.

12 **"§ 90-732. Definitions.**

13 The following definitions apply in this Article:

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

16 a. A program that provides graduate level full-time didactic and
17 supervised clinical training that is accredited, or has achieved
18 candidacy status for accreditation, by the Council on Naturopathic
19 Medical Education Program or its federally recognized successor
20 agency.

21 b. A program that is offered by an institution of higher education that is
22 accredited by a regional or national institutional accrediting agency
23 recognized by the United States Secretary of Education.

24 c. If the program is offered in the United States, a program that awards
25 the degree of Doctor of Naturopathy or Doctor of Naturopathic
26 Medicine. If the program is offered in Canada, a program that awards
27 the degree or diploma of Doctor of Naturopathy or Doctor of
28 Naturopathic Medicine and is offered by an institution of higher
29 education that has provincial approval for participation in
30 government-funded student aid programs.

31 (2) Board. – The North Carolina Medical Board.

32 (3) Criminal history. – A history of conviction of a State or federal crime,
33 whether a misdemeanor or felony.

34 (4) Integrative medicine. – As defined in G.S. 90-1.1(3).

35 (5) Natural medicines. – Any herbal, nutritional, supplemental, or other
36 nonprescription remedies.

37 (6) Naturopathic medicine. – A system of natural health care that employs
38 treatment using natural therapies and diagnostic techniques for the
39 promotion, maintenance, and restoration of health and the prevention of
40 disease, including the following:

41 a. Administering or providing any of the following for preventive and
42 therapeutic purposes: natural medicines, natural therapies, natural
43 topical medicines, hydrotherapy, dietary therapy, and naturopathic
44 physical modalities.

45 b. Using diagnostic procedures, including physical and orificial
46 examination, but excluding endoscopy, sigmoidoscopy, colonoscopy,
47 and any other diagnostic or therapeutic endoscopy.

48 c. Ordering and interpreting laboratory tests and diagnostic imaging,
49 but excluding electrocardiograms, echocardiograms,
50 electroencephalograms, nuclear imagings, MRIs, CT scans, and other

1 tests that should be conducted and interpreted by a physician licensed
2 under Article 1 of this Chapter.

3 (7) Naturopathic doctor. – A person licensed to practice naturopathic medicine
4 under this Article.

5 (8) Unethical acts or practices. – Prohibited behaviors under this Article,
6 including the following actions:

7 a. Obtaining or attempting to obtain any fee by fraud or
8 misrepresentation.

9 b. Employing directly or indirectly any suspended or unlicensed person
10 to perform any work covered by this Article.

11 c. Using, causing, or promoting the use of any advertisement matter,
12 promotional literature, testimonial, guarantee, warranty, label brand
13 insignia, or any other representation, however disseminated or
14 published, that is misleading, deceiving, improbable, or untruthful.

15 d. Willfully harming any person in the course of delivery of the
16 professional services provided under this Article.

17 e. Charging a fee for treatment or services not rendered.

18 f. Guaranteeing the result of any treatment or services.

19 **§ 90-733. Practice of naturopathic medicine; scope of practice.**

20 (a) Practice of Naturopathic Medicine. – A naturopathic doctor is a licensed health care
21 provider having the same responsibilities as other licensed doctors regarding public health
22 laws, reportable diseases and conditions, communicable disease control and prevention, and the
23 recording of vital statistics. In diagnosing and treating an individual, a naturopathic doctor may
24 employ the following therapies, modalities, procedures, or remedies consistent with
25 naturopathic education and training:

26 (1) Dispense, administer, and advise the use of natural remedies derived from or
27 substantially similar in molecular structure or function to natural sources for
28 preventive and therapeutic purposes, including food, extracts of food,
29 nutraceuticals, vitamins, minerals, enzymes, botanicals and their extracts,
30 and all dietary supplements and nonprescription drugs as defined by the
31 Federal Food, Drug, and Cosmetic Act, 21 U.S.C.A. § 301, et seq.

32 (2) Order and perform physical examinations.

33 (3) Order, perform, and interpret laboratory examinations and diagnostic
34 imaging studies, except as prohibited in G.S. 90-732(6).

35 (4) Perform hot or cold hydrotherapy, naturopathic physical modalities,
36 electromagnetic energy, and therapeutic exercise.

37 (5) Perform health education and health counseling.

38 (6) Utilize routes of administration, including oral, nasal, auricular, ocular,
39 rectal, vaginal, and transdermal.

40 (7) Perform repair and care incidental to superficial wounds and abrasions and
41 apply topical and local anesthetics and antimicrobials.

42 (8) Remove foreign bodies located in the superficial tissues.

43 (b) Prohibitions. – A naturopathic doctor may not perform any of the following
44 functions unless otherwise licensed by this State to do so:

45 (1) Prescribe, dispense, or administer any legend drug, except as authorized by
46 this Article.

47 (2) Practice or attempt to practice as a medical physician, osteopath,
48 acupuncturist, dentist, podiatrist, optometrist, chiropractor, dietitian or
49 nutritionist, psychologist, advanced practice registered nurse, physician
50 assistant, physical therapist, or any other health care professional not
51 authorized by this Article.

- 1 (3) Use any anesthetics.
- 2 (4) Perform procedures using a laser device.
- 3 (5) Perform surgical procedures.
- 4 (6) Administer ionizing radioactive substances for therapeutic purposes.
- 5 (7) Perform chiropractic adjustments.
- 6 (8) Perform acupuncture.
- 7 (9) Perform any acts of prenatal, intrapartum, postpartum, newborn, or
8 interconceptional care as defined under G.S. 90-178.2, except in
9 collaboration with a practitioner licensed under Article 1 of this Chapter.
- 10 (10) Treat malignancies, except in collaboration with a practitioner licensed
11 under Article 1 of this Chapter.
- 12 (11) Engage in any unethical acts or practices as defined in G.S. 90-732(8).

13 **"§ 90-734. Notification to patients required.**

14 A naturopathic doctor shall provide to each client a notice indicating in at least 14-point
15 font that the naturopathic doctor is not a medical doctor but is licensed in the State of North
16 Carolina as a doctor of naturopathy. The notice shall be signed by the client upon the client's
17 initial visit, and a copy of the signed notice shall be maintained in the client's medical file. The
18 naturopathic doctor shall encourage clients to obtain the services of a medical doctor licensed
19 under Article 1 of this Chapter with whom the naturopathic doctor can collaborate on the
20 client's health care decisions.

21 **"§ 90-735. License required; exemptions.**

22 (a) License Required. – On or after January 1, 2014, no person shall practice or offer to
23 practice as a naturopathic doctor, perform naturopathic medicine, or use any card, title, or
24 abbreviation to indicate that the person is a naturopathic doctor unless the person has been
25 licensed under the provisions of this Article. Persons licensed under this Article have the
26 exclusive right to use the titles "Naturopathic Doctor," "Doctor of Naturopathic Medicine,"
27 "Doctor of Naturopathy," "Naturopathic Medicine," "Naturopath," or the abbreviations "D.N.,"
28 "N.D.," "ND," and "D.N.M."

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

- 31 (1) The practice of a profession by an individual who is licensed, certified, or
32 registered under other laws of this State and is performing services within
33 the authorized scope of practice.
- 34 (2) The practice of naturopathic medicine by a person employed by the federal
35 government while the person is engaged in the performance of duties
36 prescribed by laws and regulations of the United States.
- 37 (3) The practice of naturopathic medicine by a student or resident completing a
38 clinical requirement for graduation from a naturopathic training program
39 approved by the Board so long as the practice is performed under the
40 supervision of a physician licensed under Article 1 of this Chapter and the
41 clinical requirement does not exceed one year.

42 (c) Unlawful Act. – A person who violates this section is guilty of a Class I felony. The
43 Board may make application to superior court for an order enjoining a violation of this section.
44 Upon a showing by the Board that a person has violated or is about to violate this section, the
45 court may grant an injunction, restraining order, or take other appropriate action.

46 **"§ 90-736. Powers of the Board.**

47 The Board shall have the following powers and duties:

- 48 (1) Administer and enforce the provisions of this Article.
- 49 (2) Adopt rules as may be necessary to carry out the provisions of this Article.
- 50 (3) Establish, examine, and determine the qualifications and fitness of applicants
51 for licensure and renewal of licensure.

- 1 (4) Issue, renew, deny, suspend, or revoke licenses and conduct any disciplinary
2 actions authorized by this Article.
- 3 (5) Collect fees for licensure, licensure renewal, and other services deemed
4 necessary to carry out the provisions of this Article.
- 5 (6) Establish and approve continuing education requirements for persons
6 licensed under this Article.
- 7 (7) Employ and fix the compensation of personnel that the Board determines is
8 necessary to carry out the provisions of this Article and incur other expenses
9 necessary to perform the duties of the Board.
- 10 (8) Adopt a seal containing the name of the Board for use on all licenses and
11 official reports issued by the Board.
- 12 (9) Institute corrective measures, as necessary, to rehabilitate naturopathic
13 doctors or limit their practice.
- 14 (10) Investigate persons engaging in practices that violate the provisions of this
15 Article.

16 **"§ 90-737. Qualifications for licensure; renewal; reinstatement.**

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

- 20 (1) Is of good moral and ethical character.
- 21 (2) Is a graduate of an approved program of naturopathic medicine as defined in
22 G.S. 90-732(1).
- 23 (3) Meets one of the following two conditions:
 - 24 a. Has successfully passed a competency-based national naturopathic
25 licensing examination administered by the North American Board of
26 Naturopathic Examiners as recognized by the Board.
 - 27 b. Has successfully passed a competency-based examination approved
28 by the Board and by the North American Board of Naturopathic
29 Medical Education.
- 30 (4) Submits any other documentation the Board deems necessary to determine
31 the applicant's fitness for licensure under this Article. This documentation
32 may include successful completion of a Board approved examination on
33 State laws and rules related to naturopathic medicine.

34 (b) Renewal. – A license expires every year on the date it is issued unless it is renewed.
35 Failure to renew a license within 30 days of the date the license expires shall result in automatic
36 forfeiture of the right to practice naturopathic medicine in this State until such time that the
37 license has been reinstated. To renew a license, a licensee shall meet all of the following
38 conditions:

- 39 (1) Submit an application for license renewal.
- 40 (2) Pay the required fees.
- 41 (3) Complete at least 30 hours of continuing education each year as approved by
42 the Board.

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

51 **"§ 90-738. Reciprocity.**

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

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

9 **"§ 90-739. Fees.**

10 The Board may impose the following fees:

- | | |
|--|-------------------|
| 11 (1) <u>Application and examination.</u> | <u>\$200.00</u> |
| 12 (2) <u>License.</u> | <u>\$400.00</u> |
| 13 (3) <u>License renewal.</u> | <u>\$300.00</u> |
| 14 (4) <u>Late renewal.</u> | <u>\$200.00</u> |
| 15 (5) <u>Reinstatement.</u> | <u>\$1,000.00</u> |
| 16 (6) <u>Reasonable charges for duplication services and</u>
17 <u>material.</u> | |
| 18 (7) <u>Criminal history record check fee equal to the amount</u>
19 <u>imposed by the Department of Justice to conduct the</u>
20 <u>criminal history record check requested by the Board.</u> | |

21 **"§ 90-740. Disciplinary authority.**

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

- 25 (1) Engages in any act or practice in violation of any of the provisions of this
26 Article or of any of the rules adopted by the Board or aids, abets, or assists
27 any other person in the violation of the provisions of this Article or rules
28 adopted by the Board.
29 (2) Gives false information to or withholds information from the Board in
30 procuring or attempting to procure a license.
31 (3) Has been convicted of or pled guilty or no contest to a crime that indicates
32 that the person is unfit or incompetent to practice as a naturopathic doctor or
33 that indicates the person has deceived or defrauded the public. A felony
34 conviction shall result in the automatic revocation of a license issued by the
35 Board unless the Board determines otherwise pursuant to rules adopted by
36 the Board.
37 (4) Has been declared mentally incompetent by a court of competent
38 jurisdiction.
39 (5) Habitually uses or is addicted to drugs or intoxicating liquors to the extent
40 that it the usage or addiction affects the licensee's professional competency.
41 If a licensee violates this subdivision, the Board may require the licensee to
42 undergo a mental or physical examination by physicians designated by the
43 Board before or after the licensee has been charged. The results of the
44 examination shall be admissible as evidence in a hearing before the Board.
45 (6) Has demonstrated gross negligence, incompetency, or misconduct in the
46 performance of naturopathic medical treatment.
47 (7) Has had a health care provider license denied, restricted, revoked, or
48 suspended by another state or jurisdiction.
49 (8) Fails to consent to a criminal history record check.

1 (9) Fails to respond, within a reasonable time, to inquiries from the Board
2 concerning any matter affecting the individual's license to practice
3 naturopathic medicine.

4 (10) Fails to complete continuing education requirements within the time
5 prescribed.

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

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

23 (d) Confidential Information. – The Board may release confidential or nonpublic
24 information about a licensee to any health care licensure board in this State or another state
25 relating to the issuance, denial, suspension, revocation, or voluntary surrender of the license,
26 including the reasons for the action or any investigative report prepared by the Board. The
27 Board shall notify the naturopathic doctor within 30 days after the information is released. The
28 Board shall furnish to the naturopathic doctor a summary of the information being released.
29 However, if the naturopathic doctor requests, in writing, within 30 days from the date of notice,
30 a copy of the information being released, the Board shall give to the naturopathic doctor a copy
31 of all the information being released. Notice or copies shall not be provided by the Board if the
32 information relates to an ongoing criminal investigation by a law enforcement agency or any
33 Department of Health and Human Services personnel with enforcement or investigative
34 responsibilities.

35 **"§ 90-741. Criminal history record check of applicants and licensees.**

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

43 (b) Conviction. – If a criminal history record check reveals one or more convictions, the
44 Board shall deny licensure. However, if a criminal history record check reveals one or more
45 misdemeanor convictions, the convictions shall not automatically bar licensure. The Board
46 shall consider all of the following factors regarding the misdemeanor conviction:

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

48 (2) The date of the crime.

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

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

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

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

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

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

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

16 "**§ 90-742. Reports; immunity from suit.**"

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

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

27 "**§ 90-743. Private cause of action for unauthorized practice.**"

28 If any person knowingly violates this section, fraudulently holds himself or herself out as a
29 licensed naturopath, or knowingly aids and abets another person to commit the unauthorized
30 practice of naturopathy, in addition to any other liability imposed pursuant to this Article or any
31 other applicable law, and a person is damaged by the unlawful acts set out in this section, the
32 person so damaged is entitled to maintain a private cause of action to recover damages and
33 reasonable attorneys' fees from the person causing the damage.

34 "**§ 90-744. Third-party reimbursement.**"

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

37 **SECTION 3.** G.S. 90-2(a) reads as rewritten:

38 "(a) There is established the North Carolina Medical Board to regulate the practice of
39 medicine and surgery for the benefit and protection of the people of North Carolina. The Board
40 shall consist of ~~12~~14 members.

41 (1) Seven of the members shall be duly licensed physicians recommended by
42 the Review Panel and appointed by the Governor as set forth in G.S. 90-3.

43 (2) The remaining ~~five~~seven members shall all be appointed by the Governor as
44 follows:

45 a. One shall be a duly licensed physician who is a doctor of osteopathy
46 or a full-time faculty member of one of the medical schools in North
47 Carolina who utilizes integrative medicine in that person's clinical
48 practice or a member of The Old North State Medical Society. This
49 Board position shall not be subject to recommendations of the
50 Review Panel pursuant to G.S. 90-3.

- 1 b. Three shall be public members, and these Board positions shall not
2 be subject to recommendations of the Review Panel pursuant to
3 G.S. 90-3. A public member shall not be a health care provider nor
4 the spouse of a health care provider. For the purpose of Board
5 membership, "health care provider" means any licensed health care
6 professional, agent or employee of a health care institution, health
7 care insurer, health care professional school, or a member of any
8 allied health profession. For purposes of this section, a person
9 enrolled in a program as preparation to be a licensed health care
10 professional or an allied health professional shall be deemed a health
11 care provider. For purposes of this section, any person with
12 significant financial interest in a health service or profession is not a
13 public member.
- 14 c. One shall be a physician assistant as defined in G.S. 90-18.1 or a
15 nurse practitioner as defined in G.S. 90-18.2 as recommended by the
16 Review Panel pursuant to G.S. 90-3.
- 17 d. Two shall be naturopathic doctors licensed to practice naturopathic
18 medicine under Article 43 of this Chapter."

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

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

22 ...
23 (21) The practice of naturopathic medicine by a licensed naturopathic doctor
24 under the provisions of Article 43 of this Chapter."

25 **SECTION 5.** Part 2 of Article 4 of Chapter 114 of the General Statutes is amended
26 by adding the following new section to read:

27 "§ 114-19.33. Criminal history record checks for naturopathic doctors.

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

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

43 **SECTION 6.** Article 43 of Chapter 90 of the General Statutes is amended by
44 adding the following new section to read:

45 "§ 90-735.1. North Carolina Naturopathic Doctors Licensing Board.

46 (a) Board. – The North Carolina Naturopathic Doctors Licensing Board is created. The
47 Board consists of seven members serving for staggered terms. The initial Board members shall
48 be appointed on or before January 1, 2017, as follows:

49 (1) The General Assembly, upon the recommendation of the President Pro
50 Tempore of the Senate, shall appoint two naturopathic doctors who are

1 licensed under this Article. One member shall serve a term of one year, and
 2 one member shall serve a term of three years.

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

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

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

14 Upon the expiration of the terms of the initial Board members, each member is appointed
 15 for a term of three years beginning on January 1 of each year. A member serves until the
 16 member's successor is appointed. No member shall serve on the Board for more than two
 17 consecutive terms.

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

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

26 (d) General Administration. – A Board member may not receive compensation but may
 27 receive reimbursement as provided in G.S. 93B-5. The officers of the Board include a chair, a
 28 secretary, and any other officer deemed necessary by the Board to carry out the purposes of this
 29 Article. All officers shall be elected annually by the Board at its first meeting held after
 30 appointments to the Board are made. The Board shall hold a meeting within 45 days of the
 31 appointment of new Board members. All officers shall serve one-year terms and shall serve
 32 until their successors are elected and qualified. No person shall chair the Board for more than
 33 one year. The Board may adopt rules governing the calling, holding, and conducting of regular
 34 and special meetings. A majority of Board members constitutes a quorum."

35 **SECTION 7.** G.S. 90-732(2) reads as rewritten:

36 **"§ 90-732. Definitions.**

37 The following definitions apply in this Article:

38 ...
 39 (2) Board. – The North Carolina ~~Medical Board~~ Naturopathic Doctors Licensing
 40 Board.
 41"

42 **SECTION 8.** Sections 6 and 7 of this act become effective January 1, 2017. The
 43 remainder of this act is effective when it becomes law.