

FIRST REGULAR SESSION

# HOUSE BILL NO. 783

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE TILLEY.

Read 1<sup>st</sup> time March 14, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1813L.01I

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### AN ACT

To amend chapter 324, RSMo, by adding thereto twelve new sections relating to naturopathic medicine, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 324, RSMo, is amended by adding thereto twelve new sections, to  
2 be known as sections 324.650, 324.653, 324.656, 324.659, 324.662, 324.665, 324.668, 324.671,  
3 324.674, 324.677, 324.680, and 324.683, to read as follows:

**324.650. 1. As used in sections 324.650 to 324.683 the following terms mean:**

- 2       **(1) "Approved naturopathic college or school of naturopathic medicine", a college**  
3 **or residential program granting the degree of doctor of naturopathic medicine or an**  
4 **advanced naturopathic medical program granting the degree of doctor of naturopathic**  
5 **medicine that satisfactorily meets or equals the educational standards of the Council on**  
6 **Naturopathic Medical Education, it's successor or equivalent, or is approved by the**  
7 **advisory commission for naturopathic medicine;**  
8       **(2) "Board", the state board of registration for the healing arts;**  
9       **(3) "Department", the department of economic development;**  
10       **(4) "Diagnose", to examine in any manner another person, parts of a person's**  
11 **body, or substances, fluids, or materials excreted, taken, or removed from a person's body,**  
12 **or produced by a person's body to determine the source, kind, or extent of a disease or**  
13 **other physical condition. This includes, but is not limited to, the use of diagnostic**  
14 **procedures and instrumentation, the use of diagnostic imaging, and the use of laboratory**  
15 **procedures;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 16           (5) "Minor office procedures", includes, but is not limited to:
- 17           (a) The use of diagnostic procedures and instrumentation;
- 18           (b) The use of diagnostic imaging;
- 19           (c) The use of laboratory procedures;
- 20           (d) Natural therapies and means intended to help stimulate and maintain the
- 21 body's intrinsic self-healing processes;
- 22           (6) "Modalities and methods", include, but are not limited to, homeopathic
- 23 therapies in all their forms;
- 24           (7) "Natural substances", includes:
- 25           (a) Plant, animal, mineral, and microbial substances that are not designated as
- 26 prescription drugs or controlled substances and may include prescription medications that
- 27 are consistent with the competent practice of naturopathy as approved by the naturopathic
- 28 formulary committee which are substances authorized for oral, intramuscular, or
- 29 intravenous administration;
- 30           (b) Homeopathic remedies and substances prepared according to the Homeopathic
- 31 Pharmacopeia of the United States:
- 32           (8) "Naturopathic medicine" or "naturopathy", a system of primary health care
- 33 for the prevention, diagnosis, and care of human health conditions, injuries, and diseases
- 34 that uses education and natural substances and remedies to support and stimulate the
- 35 individual's intrinsic self-healing processes. This includes, but is not limited to, natural
- 36 modalities and methods, the prescribing and dispensing of natural substances, and minor
- 37 office procedures as defined in this section;
- 38           (9) "Naturopathic physical medicine", the use of the physical agents of air, water,
- 39 heat, cold, sound, light, and electromagnetic nonionizing radiation and the physical
- 40 modalities of electrotherapy, biofeedback, diathermy, ultraviolet light, ultrasound,
- 41 hydrotherapy, exercise, and other electrical devices as approved by the board. The term
- 42 does not include the practice of physical therapy, acupuncture, or chiropractic;
- 43           (10) "Naturopathic physician", "doctor of naturopathic medicine", or
- 44 "naturopath", a person licensed to practice naturopathic medicine under sections 324.650
- 45 to 324.683;
- 46           (11) "Topical preparations", topical analgesics, anesthetics, antiseptics, scabicides,
- 47 antifungals, and antibacterials.
- 48           2. Any person who is not currently a licensed naturopathic physician under sections
- 49 324.650 to 324.683 shall not engage in the practice of naturopathic medicine except as
- 50 provided by sections 324.650 to 324.683.
- 51           3. As used in the laws of this state, the terms "naturopath", "naturopathic

52 physician", "naturopathy", "N.M.D.", "Doctor of Naturopathic Medicine", "N.D.",  
53 "Naturopathic Doctor", or similar terms shall be construed to mean naturopathic  
54 physicians licensed under this chapter.

55 4. The term "naturopathic physician", and the designation "N.D." or "N.M.D."  
56 shall be used in any sign, letterhead, advertisement, solicitation, or other method of  
57 addressing the public.

324.653. Candidates for licensure as naturopathic physicians shall furnish  
2 satisfactory evidence of their good moral character and their preliminary qualifications as  
3 follows:

- 4 (1) File an application with the department;
- 5 (2) Earned a degree of doctor of naturopathy or naturopathic medicine from an  
6 approved naturopathic medical college;
- 7 (3) Have experience as a naturopathic physician satisfactory to the board and in  
8 accordance with the board's regulations;
- 9 (4) Pass a licensure examination, which may include the NPLEX, its successor or  
10 equivalent, as determined by the state board of naturopathic medicine;
- 11 (5) Be at least twenty-one years of age;
- 12 (6) Be a United States citizen or an alien lawfully admitted for permanent residence  
13 in the United States; and
- 14 (7) Pay all application and examination fees required by the board.

324.656. 1. There is hereby established an "Advisory Commission for Naturopathic  
2 Medicine" for the purpose of advising the board on the licensing and supervising of all  
3 naturopathic physicians. The commission shall consist of seven members, including one  
4 voting public member, to be appointed by the governor with the advice and consent of the  
5 senate. At least five members of the commission shall be licensed naturopaths or be eligible  
6 under sections 324.650 to 324.683. Each naturopath member of the commission shall be  
7 a citizen of this state. One member shall be appointed from an appropriate healing  
8 profession, including medicine, as a person advising matters for this chapter. No more  
9 than four members shall be affiliated with the same political party. All members shall be  
10 appointed for a term of four years. Each member shall receive compensation in an amount  
11 set by the commission not to exceed fifty dollars for each day devoted to the duties of the  
12 commission, and shall be entitled to reimbursement for the member's expenses necessarily  
13 incurred in the discharge of his or her official duties.

14 2. The commission's initial naturopathic physician members shall be residents of  
15 the state of Missouri, professional members of the Missouri Naturopathic Medical  
16 Association:

17           (1) Hold all active license or be eligible to practice naturopathic medicine in  
18 another state where such license requires passage of a professional naturopathic medical  
19 licensing examination as set forth in these statutes; or

20           (2) Be actively practicing one of the healing arts of medicine, chiropractic, or  
21 osteopathy in the state of Missouri and be eligible for licensing under the provisions of  
22 section 334.1027;

23

24 The naturopathic physician members appointed to the initial board shall be licensed in  
25 accordance with sections 324.650 to 324.683 not later than one year after establishment of  
26 the licensing rules. If for any reason such a member cannot be licensed within such time  
27 period, a new member shall be appointed.

28           3. The public member shall, at the time of his or her appointment, be a citizen of  
29 the United States, a resident of this state for a period of one year, and a registered voter.  
30 The public member shall not be a person who is or ever was a member of any profession  
31 licensed or regulated under this chapter or the spouse of such person, and a person who  
32 has or has ever had a material financial interest in providing for the professional services  
33 regulated by this chapter, or an activity or organization directly related to any profession  
34 licensed or regulated under this chapter. All members, including public members, shall  
35 be chosen from a list submitted by the director of the department of economic  
36 development. The duties of the public member shall not include the determination of  
37 technical requirements for licensure or whether any person meets such technical  
38 requirements or of the technical competence or judgment of a licensee or candidate.

          324.659. 1. The advisory commission for naturopathic medicine shall:

2           (1) Adopt rules that are necessary or proper for the administration of sections  
3 324.650 to 324.683;

4           (2) Administer and enforce all provisions of sections 324.650 to 324.683 and all  
5 rules adopted by the board under the authority granted in sections 324.650 to 324.683;

6           (3) Set the amount of the fees which sections 324.650 to 324.683 authorizes and  
7 requires by rules promulgated under section 536.021, RSMo. The fees shall be set at a level  
8 to produce revenue that shall not substantially exceed the cost and expense of  
9 administering sections 324.650 to 324.683;

10          (4) Deposit all funds received under sections 324.650 to 324.683 in the board of  
11 registration for the healing arts fund established in section 334.050, RSMo; and

12          (5) Adopt rules for conducting licensing examinations required by sections 324.650  
13 to 324.683;

14          (6) Establish a naturopathic formulary advisory committee to determine a

15 naturopathic formulary based upon a review of naturopathic medical education and  
16 training.

17 (a) The naturopathic formulary advisory committee shall be composed of three  
18 licensed naturopathic physicians licensed in this state under this chapter and one  
19 representative from each of the clinical and academic disciplines of physicians and  
20 surgeons and pharmacists.

21 (b) The naturopathic formulary advisory committee shall review naturopathic  
22 education and practice and make specific recommendations regarding the prescribing,  
23 ordering and dispensing authority of a naturopathic physician under this chapter.

24 2. The advisory commission for naturopathic medicine may:

25 (1) Adopt rules that prescribe continuing naturopathic medical education for the  
26 renewal of licenses issued under sections 324.650 to 324.683;

27 (2) Employ permanent or temporary personnel it deems necessary to carry out the  
28 purposes of sections 324.650 to 324.683 and designate their duties.

29 3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,  
30 that is created under the authority delegated in sections 324.653 to 324.683 shall become  
31 effective only if it complies with and is subject to all of the provisions of chapter 536,  
32 RSMo, and, if applicable, section 536.028, RSMo. Sections 324.653 to 324.683 and chapter  
33 536, RSMo, are nonseverable and if any of the powers vested with the general assembly  
34 pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and  
35 annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
36 authority and any rule proposed or adopted after August 28, 2005, shall be invalid and  
37 void.

324.662. 1. A person who holds a license under sections 324.650 to 324.683 shall  
2 display such document in a conspicuous place that is accessible to view by the public.

3 2. A person who practices, conducts affairs, or is employed at more than one  
4 location and who maintains a continuing activity as authorized by the license shall display  
5 a duplicate of such document issued by the board at each location.

324.665. 1. Persons desiring to practice as naturopathic physicians in this state  
2 shall be examined as to their fitness to engage in such practice by the advisory commission  
3 for naturopathic medicine. All persons applying for examination shall file an application  
4 with the board at least thirty days before the date set for the examination upon  
5 applications furnished by the board.

6 2. The examination shall be sufficient to test the applicant's fitness to practice as  
7 a doctor of naturopathic medicine. The examination shall be conducted in such a manner  
8 as to conceal the identity of the applicant until all examinations have been scored. In all

9 such examinations an average score of not less than seventy-five percent is required to pass.

10 3. The examination required for a license under sections 324.650 to 324.683 shall  
11 be as determined by the advisory commission for naturopathic medicine.

324.668. Sections 324.650 to 324.683 shall not apply to the following persons:

2 (1) Any naturopathic physician who is employed as a resident in a public hospital,  
3 provided such practice is limited to such hospital and is under the supervision of a licensed  
4 naturopathic physician;

5 (2) Any naturopathic who is licensed in another state or country and who is  
6 meeting a naturopathic physician licensed in this state, for purposes of consultation,  
7 provided such practice is limited to such consultation;

8 (3) Any naturopathic who is licensed in another state or country, who is visiting a  
9 naturopathic or other medical school or teaching hospital in this state to conduct  
10 naturopathic instruction for a period not to exceed six months, provided such practice is  
11 limited to such instruction and is under the supervision of a licensed naturopathic  
12 physician under sections 324.650 to 324.683;

13 (4) A person engaged in the sale of vitamins, health foods, dietary supplements,  
14 herbs, or other products of nature the sale of which is not otherwise prohibited under state  
15 or federal law;

16 (5) Any other person licensed in this state in any health care profession while the  
17 person is practicing within the scope of the license.

324.671. 1. Notwithstanding the provisions of sections 324.659 to 324.662, a person  
2 may be licensed as a naturopathic physician without meeting the requirements of section  
3 324.659 if the applicant:

4 (1) Is a resident of this state;

5 (2) Is at least twenty-one years of age;

6 (3) Provides proof acceptable to the board, as established by rule of the board, that  
7 he or she has completed an advanced naturopathic program and holds active licensure in  
8 this state in one of the healing arts of chiropractic, osteopathy, or medicine;

9 (4) Derives the majority of the person's income from the practice of one of the  
10 healing arts of naturopathy, chiropractic, medicine, or osteopathy; and

11 (5) Applies for a license under this section before January 1, 2005.

12 2. The advisory commission for naturopathic medicine by rule may provide for  
13 limitations on the practice of a person licensed under subsection 1 of this section. The  
14 board may require a person licensed under this section to be identified as a person whose  
15 practice is limited.

16 3. A person licensed under this section may:

17           (1) Use the title naturopathic physician or naturopathic medical physician and any  
18 other title allowed under sections 324.650 to 324.683; and

19           (2) Practice naturopathy or naturopathic medicine only within the scope of practice  
20 that reflects the limits of the person's training and experience.

          324.674. Any person who violates any provision of sections 324.650 to 324.683 is  
2 guilty of a class A misdemeanor.

          324.677. The board shall not renew any license unless the licensee provides  
2 satisfactory evidence that the licensee has complied with the advisory commission for  
3 naturopathic medicine's minimum requirements for continuing education. All persons  
4 once licensed to practice naturopathic medicine in this state shall, on or before the license  
5 renewal date, furnish to the board satisfactory evidence of completion of the requisite  
6 number of hours of postsecondary study, which shall be twenty-four hours during each  
7 twelve months of the registration period immediately preceding the filing of the  
8 registration renewal application. The postgraduate study required shall be from an  
9 approved continuing education program.

          324.680. 1. Persons licensed under the provisions of sections 324.650 to 324.683  
2 shall renew their license on or before the registration renewal date. The application shall  
3 be made under oath on a form furnished by the board. The application shall include, but  
4 not be limited to, disclosure of the following:

5           (1) The applicant's full name, the applicant's office and residence address, and the  
6 date and number of his or her license;

7           (2) All final disciplinary actions taken against the applicant; and

8           (3) Information concerning the applicant's current physical and mental fitness to  
9 practice as a naturopathic physician.

10          2. A blank form for application for registration shall be mailed to each person  
11 licensed in this state at the person's last known office or residence address. The failure to  
12 receive it does not, however, relieve any person of the duty to register and pay the fee  
13 required by this chapter nor exempt him or her from the penalties provided by sections  
14 324.650 to 324.683 for failure to register.

15          3. If a person licensed by the advisory commission for naturopathic medicine does  
16 not renew such license by the license expiration date, such license shall be deemed void.  
17 If such person's license is deemed void, he or she may apply for a reinstatement of such  
18 license under the procedures established by the board.

          324.683. 1. Each applicant for licensing under sections 324.650 to 324.683 shall  
2 accompany the application for licensing with a licensing fee to be paid to the director of  
3 revenue. If the application is filed and the fee paid after the licensing renewal date, a

4 delinquent fee shall be paid; but whenever in the opinion of the advisory commission for  
5 naturopathic medicine the applicant's failure to register is caused by extenuating  
6 circumstances including illness of the applicant, as defined by rule, the delinquent fee may  
7 be waived by the board. Whenever any new license is granted to any person under the  
8 provisions of sections 324.650 to 324.683, the board shall, upon application, issue to such  
9 licensee a license covering a period from the date of the issuance of the license to the next  
10 renewal date without the payment of any registration fee.

11       2. The board shall set the amount of the fees which sections 324.650 to 324.683  
12 authorizes and requires by rules promulgated under chapter 536, RSMo. The fees shall  
13 be set at a level to produce revenue that shall not substantially exceed the cost and expense  
14 of administering sections 324.650 to 324.683.