

# HOUSE . . . . . No. 3476

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Nine  
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An Act establishing a board of registration in naturopathy..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 13 of the General Laws is hereby amended by adding the  
2           following section:

3           Section 101. (a) There shall be within the division of professional licensure a board of  
4 registration in naturopathy which shall consist of the chairman of the board of registration in  
5 medicine or his designee, the commissioner of public health or his designee and 7 persons to be  
6 appointed by the governor, 5 of whom shall be naturopathic doctors who have attended and  
7 graduated from an approved naturopathic college that is accredited, or is a candidate for  
8 accreditation, by the Council of Naturopathic Medical Educators or its successor, who have at  
9 least 5 years of experience in the practice of naturopathic health care and who shall be licensed  
10 under section 239 or 241 of chapter 112; 1 of whom shall be a physician licensed to practice  
11 medicine under section 2 of chapter 112 with experience working with naturopathic doctors and  
12 1 of whom shall be a clinical pharmacologist. The appointed members shall serve for terms of 3  
13 years. Upon the expiration of a term of office, a member shall continue to serve until a successor  
14 has been appointed and qualified. No member shall serve for more than 2 consecutive terms, but

15 a person who is chosen to fill a vacancy in an unexpired term of a prior board member may serve  
16 for 2 consecutive terms in addition to the remainder of that unexpired term. A member may be  
17 removed by the governor for neglect of duty, misconduct or malfeasance or misfeasance in the  
18 office after a written notice of the charges against him and sufficient opportunity to be heard  
19 thereon.

20 (b) The board shall annually elect from its membership a chair and a secretary who shall  
21 serve until their successors have been elected and qualified. The board shall meet at least 4 times  
22 annually and may hold additional meetings at the call of the chair or upon the request of 4  
23 members. A quorum for the conduct of official business shall be a majority of those appointed.  
24 Board members shall serve without compensation, but shall be reimbursed for actual and  
25 reasonable expenses incurred in the performance of their duties. The members shall be public  
26 employees for the purposes of chapter 258 for all acts or omissions within the scope of their  
27 duties as board members.

28 SECTION 2. Chapter 112 of the General Laws is hereby amended by adding the  
29 following 9 sections:

30 Section 236. For the purposes of this section and sections 237 to 244, inclusive, the  
31 following terms shall have the following meanings unless the context clearly requires otherwise:

32 “Approved naturopathic medical college”, a college or program granting the degree of  
33 doctor of naturopathic medicine or doctor of naturopathy that is approved by the board and  
34 which is accredited by an accrediting agency recognized by the United States Department of  
35 Education or such other college or program as may be approved by the board; provided,

however, that the naturopathic doctoral program shall be further accredited by the Council on Naturopathic Medical Education or its successor.

“Board”, the board of registration in naturopathy established in section 101 of chapter 13.

“Homeopathic preparations”, medicines prepared according to the Homeopathic Pharmacopoeia of the United States.

“Naturopathic doctor”, a person who is licensed by the board to practice naturopathic health care pursuant to this chapter.

“Naturopathic health care”, a system of health care practices for the prevention, diagnosis, evaluation and treatment of illnesses, injuries and conditions of the human body through the use of education, nutrition, natural medicines and therapies and other modalities which are designed to support, stimulate or supplement the human body’s own natural self-healing processes.

“Naturopathic manipulative therapy”, the manually-administered mechanical treatment of body structures or tissues in accordance with naturopathic principles for the purpose of restoring the normal physiological function of the human body.

“Naturopathic physical medicine”, the therapeutic use of the physical agents of air, water, heat, cold, sound, light and electromagnetic non-ionizing radiation and the physical modalities of electrotherapy, diathermy, ultraviolet light, ultrasound, hydrotherapy, naturopathic manipulative therapy and therapeutic exercise.

“Person”, an individual; provided, however, that “person” shall not include a partnership, corporation, association or business organization of any kind.

Section 237. (a) The practice of naturopathic health care shall include, but not be limited to:

(1) the prevention and treatment of human illness, injury or disease through education, dietary or nutritional advice and the promotion of healthy ways of living;

(2) the use of physical examinations and the ordering of clinical, laboratory and radiological diagnostic procedures from licensed clinics or laboratories for the purpose of diagnosing and evaluating injuries, illnesses and conditions in the human body;

(3) dispensing, administering, ordering and prescribing natural medicines of mineral, animal or botanical origin, including food products or extracts, vitamins, minerals, enzymes, digestive aids, natural hormones, plant substances, homeopathic preparations, natural antibiotics and topical medicines and nonprescription drugs, therapeutic devices and barrier contraceptives to prevent or treat illnesses, injuries and conditions of the human body;

(4) the use of manual mechanical manipulation of body structures or tissues, in accordance with naturopathic principles; the use of naturopathic physical medicine for the purpose of maintaining or restoring normal physiological functioning of the human body; and

(5) tracking and documenting of the immunization status of a patient under 18 years of age and the referral of such patient to a primary care or collaborative care physician where evidence exists that the individual has not been immunized.

(b) The practice of naturopathic health care shall not include:

(1) performing surgery or abortions or the administration of therapeutic ionizing radiation, radioactive substances or general or spinal anesthesia;

(2) prescribing, dispensing or administering a drug classified as a controlled substance under chapter 94C;

(3) the practice of acupuncture and Traditional Chinese Medicine; or

(4) the practice of emergency medicine, except as a person rendering gratuitous services in an emergency or for the care of minor injuries.

(c) Nothing in sections 236 to 244, inclusive, shall prohibit or restrict:

(1) a person who is licensed, certified or registered to practice a profession or occupation under any other law from engaging in activities which are within the lawful scope of practice for the profession or occupation for which he is licensed;

(2) the practice of naturopathic health care by a person employed by the government of the United States if that person engages in such practice in the performance of his duties as such an employee;

(3) the practice of naturopathic health care by students enrolled in an approved naturopathic medical college; provided, however, that the performance of all such services shall be pursuant to a course of instruction or assignments from and under the supervision of an instructor who is licensed as a naturopathic doctor pursuant to this chapter or a licensed professional in the field in which he or she is providing instruction;

(4) Any person from treating himself or a member of his immediate family based on religious or health beliefs;

(5) Any person who sells vitamins and herbs from providing information about his products; or

(6) a person or practitioner who is not licensed as a naturopathic doctor pursuant to this chapter from recommending ayurvedic medicine, herbal remedies, nutritional advice, homeopathy or any other therapy that is within the scope of practice of naturopathic health care; provided, however, that such person or practitioner shall not represent himself or hold himself out to the public as practicing naturopathic health care in the commonwealth or otherwise use any name, title or other designation which indicates or implies that he is licensed to practice naturopathic health care.

(d) Licensed naturopathic doctors shall have the same authority and responsibilities as licensed physicians regarding public health laws, reportable diseases and conditions, communicable disease control and prevention, recording of vital statistics, health and physical examinations and local boards of health, except that the authority of licensed naturopathic doctors regarding such matters shall be limited to the scope of practice authorized by this chapter.

Section 238 (a) The board shall have the following powers and duties:

(1) to adopt rules and regulation governing the licensing of naturopathic doctors and the practice of naturopathic health care to promote the public health, welfare and safety of the citizens of the commonwealth including, but not limited to:

(i) regulations governing the activities of naturopathic medical assistants;

(ii) requirements for specialty practice by licensed naturopathic doctors; and

(iii) continuing education requirements for the renewal of licenses including, but

not limited to, the number of hours required, the subjects required and board approval of

120 continuing education programs or lectures;

121 (2) to receive, review and approve or disapprove applications for licensing and to issue  
122 licenses;

123 (3) to establish administrative procedures for processing applications and renewals;

124 (4) To provide a uniform, proctored national naturopathic licensing examination  
125 administered by the North American Board of Naturopathic Examiners, or successor agency that  
126 has been nationally recognized to administer a naturopathic examination that represents federal  
127 standards of education and training;

128 (5) to establish a code of ethics for naturopathic doctors;

129 (6) to establish and maintain records of its actions and proceedings in accordance with the  
130 public records laws;

131 (7) to perform such other functions and duties as may be necessary to carry out the  
132 provisions of this chapter.

133 (b) The board shall have the right to investigate all complaints relating to the proper  
134 practice of naturopathy, including any violations of this chapter or any rule or regulation of the  
135 board. Such complaints may be brought by any person or the board.

136 (c) The board shall be under the supervision of the division of professional licensure and  
137 it shall have the powers and duties provided in sections 61 to 65E, inclusive. For the purposes of  
138 this section and sections 61 to 65E, inclusive, conduct which places into question the holder's  
139 competence to practice naturopathy shall include, but not be limited to:

140 (1) the commission of fraud or misrepresentation in obtaining a license;

141 (2) criminal conduct which the board determines to be of such a nature as to

142 render the person unfit to practice naturopathy, as evidenced by criminal proceedings

143 resulting in a conviction, a guilty plea, a plea of nolo contendere or an admission of

144 sufficient facts;

145 (3) violation of a rule or regulation of the board;

146 (4) failure to cooperate with the board or its agents in the conduct of an inspection or

147 investigation;

148 (5) failure to fulfill any continuing education requirements set out by the board;

149 (6) aiding or abetting an unlicensed person to practice naturopathy; or

150 (7) negligence in the course of professional practice.

151 (d) The board may issue an order to a licensee directing him to cease and desist from

152 unethical or unprofessional conduct if the board finds, after notice and the opportunity for a

153 hearing, that the licensee has engaged in such conduct.

154 (e) Nothing in this section shall limit the board's authority to impose, by agreement,

155 sanctions that are considered reasonable and appropriate by the board. Any person aggrieved by

156 any disciplinary action taken by the board pursuant to this section or for violation of any other

157 law or rule or regulations may, pursuant to section 64, file a petition for judicial review.



Section 239. (a) An application for original licensure as a naturopathic doctor shall be made on forms approved by the board. Such application shall be sworn and shall be accompanied by payment of the fee prescribed by the secretary of administration pursuant to section 3B of chapter 7. The board shall issue a license as a naturopathic doctor to an applicant upon receipt of satisfactory proof that the applicant:

(1) is at least 18 years old and of good moral character; and

(2) possesses a baccalaureate degree from an accredited educational institution or its equivalent, as determined by the board;

(3) has graduated from and holds a doctor of naturopathic medicine or doctor of naturopathy degree from an approved naturopathic medical college; provided, however, that an applicant shall have satisfactorily completed a minimum of 1,200 hours of board-approved clinical training prior to graduation from such college. Such clinical training may have been completed in either an inpatient or outpatient setting and may include components of conventional medicine as well as naturopathic health care.

(4) successfully passed a competency-based national naturopathic licensing examination administered by the North American Board of Naturopathic Examiners, or successor agency that has been nationally recognized to administer a naturopathic examination that represents federal standards of education and training;

(5) has not had a license to practice naturopathic medicine or other health care license registration or certificate refused, revoked or suspended by any other jurisdiction for reasons that

178 relate to the applicant's ability to skillfully and safely practice naturopathic medicine unless that  
179 license, registration or certification has been restored to good standing by that jurisdiction.

180 (b) The board may approve an applicant to sit for the licensing exam, or approve an  
181 applicant for reciprocity if the applicant has already passed the licensing examination as outlined  
182 in Section 239, (a) (4), if the applicant has attended and graduated from a 4-year naturopathic  
183 doctoral program which is located in a country or territory outside the United States if, in the  
184 opinion of the board, the training and education provided by that naturopathic doctoral program  
185 is substantially equivalent to that provided by a naturopathic doctoral program which meets the  
186 requirements of Section 239 (a) (3) and the applicant meets the other requirements in Section  
187 239 (1- 5).

188 Section 240. The board, in consultation with the division of professional licensure, shall  
189 determine the renewal cycle and renewal period for naturopathic licenses. A naturopathic doctor  
190 licensed under this chapter shall apply to the board for renewal of his license on or before the  
191 expiration date, as determined by the board, unless earlier revoked, suspended or cancelled as a  
192 result of a disciplinary proceeding instituted pursuant to section 243. As a condition for renewal  
193 under this section, the board may require a naturopathic doctor to furnish the board with  
194 satisfactory proof that he has successfully completed the required number of hours of continuing  
195 education for naturopathic doctors in courses or programs approved by the board has complied  
196 with such other requirements or equivalent requirements as approved by the board. Upon  
197 satisfactory compliance with the licensing requirements for naturopathic doctors and successful  
198 completion of the continuing education requirements, the board shall issue a renewal license.  
199 The board may provide for the late renewal of a license that has lapsed and may require payment  
200 of a late fee.

Section 241. The board may grant license reciprocity to registered, certified or licensed naturopathic doctors from other jurisdictions; provided, that the requirements for registration, certification or license in the other jurisdictions are, in the opinion of the board, substantially equivalent to those set forth in section 239. The board shall promulgate such rules and regulations as may be necessary to implement this section.

Section 242. Each licensed naturopathic doctor shall advise the board, in writing, of the address of his principal place of business and all other addresses at which he is currently engaged in practice. The naturopathic doctor shall immediately provide written notice to the board of any change in the address of any place of business at which he practices. He shall also advise the board, in writing, of his current residential address and of any change thereof.

Section 243. (a) No person shall represent himself or hold himself out to the public as a licensed naturopathic doctor in the commonwealth unless he is licensed pursuant to this chapter. A person who is not licensed pursuant to this act shall not use any of the following titles: naturopathic physician, naturopathic practitioner, natural doctor, naturopathic doctor, doctor of naturopathy, doctor of natural medicine, doctor of naturopathic medicine, NMD, doctor of nutritional medicine, N.D, naturopathic medicine, naturopath or any other term that indicates or implies that the person is licensed to practice any form of naturopathic health care in the commonwealth. The board of registration in naturopathy may modify the list of titles.

(b) A licensed naturopathic doctor shall not use the term physician nor hold himself out to be a primary care provider but nothing in this section shall prevent a naturopathic doctor from disclosing that he is a member of the American Association of Naturopathic Physicians.

(c) A person acting or purporting to act as a naturopathic doctor without first obtaining a license under this chapter shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 1 year, or both. Upon conviction of a second or subsequent offense, such person shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than 2 years, or both(d) A person who receives money or an equivalent thing of value as a fee, commission, compensation or profit by or as the consequence of a violation of sections 237 to 243, inclusive, shall, in addition to any other penalty, be liable for a fine of not less than the sum of the money so received and not more than 3 times the sum so received, as determined by the board.

(d) A person who receives money or an equivalent thing of value as a fee, commission, compensation or profit by or as the consequence of a violation of sections 237 to 243, inclusive, shall, in addition to any other penalty, be liable for a fine of not less than the sum of the money so received and not more than 3 times the sum so received, as determined by the board.

(e) No action shall be commenced and no recovery shall be had by any person for compensation for any act performed or service rendered by him as a licensed naturopathic practitioner unless such person held a current valid license under this chapter at the time of performance of such act or service.

Section 244. All licensing and application fees and civil administrative penalties collected pursuant to sections 236 to 244, inclusive, shall be deposited into the trust fund established in section 35V of chapter 10.

SECTION 3. (a) A license to practice as a naturopathic doctor may be issued without examination to an applicant who meets the requirements of subsections (1,2,3 and 5), of section

239 of chapter 112 of the General Laws if he submits satisfactory proof to the board that he is or has been actively engaged in the practice of naturopathic health care for compensation in the Commonwealth for at least 5 of the last 10 years immediately preceding the effective date of this act. Applications for licensure under this section shall be filed with the board not later than 18 months after the effective date of this act.

(b) An applicant who graduated before 1987 and earned a doctor of naturopathic medicine or doctor of naturopathy degree from a 4-year, in-residence naturopathic college or program that had, at the time of the applicant's graduation, a license, authority or other approval from its state or province to grant such degree may apply to the board of registration in naturopathy for licensure provided he satisfactorily demonstrates his ability to practice naturopathic medicine in the commonwealth as determined by the board.

SECTION 4. The terms of the initial appointed members of the board of registration in naturopathy pursuant to section 101 of chapter 13 of the General Laws shall be as follows: 2 shall serve for a term of 1 year; 2 shall serve for terms of 2 years and the remaining 3 shall serve for terms of 3 years. The 5 members required to be naturopathic doctors shall be persons with 5 years of experience in the practice of naturopathic health care who would be eligible for licensure in the commonwealth if said section 101 of said chapter 13 were in effect prior to the effective date of this act and must have attended and graduated from an approved naturopathic college that is accredited, or is a candidate for accreditation, by the Council of Naturopathic Medical Educators or its successor.

264           SECTION 5. The punishment provisions of section 243 of chapter 112 of the General  
265   Laws shall take effect not later than 6 months after the board of registration in naturopathy first  
266   issues licenses pursuant to said chapter 112.0.

267           SECTION 6. This act shall take effect in 180 days.