

SENATE No. 2148

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

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, as appearing in the 2014 Official Edition, -
2 is hereby amended by adding the following section:-

3 Section 109. (a) There shall be within the department of public health a board of
4 registration in naturopathy which shall consist of 5 persons to be appointed by the governor, 2 of
5 whom shall be naturopathic doctors with at least 5 years of experience in the practice of
6 naturopathic health care and who shall be licensed under section 267 or 269 of chapter 112 , 1 of
7 whom shall be a physician licensed to practice medicine under section 2 of chapter 112 with
8 experience working with naturopathic doctors, 1 of whom shall be a clinical pharmacologist, and
9 1 whom shall be a member of the general public. The appointed members shall serve for terms
10 of 3 years. Upon the expiration of a term of office, a member shall continue to serve until a
11 successor has been appointed and qualified. No member shall serve for more than 2 consecutive
12 terms; provided, however, that a person who is chosen to fill a vacancy in an unexpired term of a
13 prior board member may serve for 2 consecutive terms in addition to the remainder of that
14 unexpired term. A member may be removed by the governor for neglect of duty, misconduct,

15 malfeasance or misfeasance in the office after a written notice of the charges against the member
16 and sufficient opportunity to be heard thereon.

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

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

27 Section 264. For the purposes of this section and sections 265 to 272, inclusive, the
28 following terms shall, unless the context clearly requires otherwise, have the following
29 meanings:

30 "Approved naturopathic medical college", a college or program granting the degree of
31 doctor of naturopathic medicine or doctor of naturopathy that is approved by the board and
32 which is accredited by an accrediting agency recognized by the United States Department of
33 Education or such other college or program as may be approved by the board; provided,
34 however, that the naturopathic doctoral program shall be further accredited by the Council on
35 Naturopathic Medical Education or its successor.

36 "Board", the board of registration in naturopathy established in section 109 of chapter 13.

37 "Homeopathic preparations", medicines prepared according to the Homeopathic
38 Pharmacopoeia of the United States.

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

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

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

48 "Naturopathic physical medicine", the therapeutic use of the physical agents of air, water,
49 heat, cold, sound, light and the physical modalities of electrotherapy, diathermy, ultraviolet light,
50 hydrotherapy, naturopathic manipulative therapy and therapeutic exercise.

51 "Person", an individual; provided, however, that 'person" shall not include a partnership,
52 corporation, association or business organization.

53 Section 265. (a) The practice of naturopathic health care shall include, but not be limited
54 to:

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

57 (2) the use of non-invasive physical examinations and the ordering of clinical,
58 and laboratory procedures from licensed clinics or laboratories to evaluate injuries, illnesses and
59 conditions in the human body;

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

65 (4) the use of manual mechanical manipulation of body structures or tissues in
66 accordance with naturopathic principles;

67 (5) the use of naturopathic physical medicine to maintain or restore normal
68 physiological functioning of the human body; and

69 (6) mandatory tracking and documentation of the immunization status of a patient
70 under 18 years of age and the required referral of such patient to a primary care or collaborative
71 care physician where evidence exists that the individual has not been immunized.

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

73 (1) performing surgery or invasive procedures or examinations, abortions or the
74 use of radiation, radioactive substances or local, general or spinal anesthesia;

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

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

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

80 (c) Nothing in sections 264 to 272, inclusive, shall prohibit or restrict:

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

84 (2) the practice of naturopathic health care by a person employed by the United
85 States government if that person engages in such practice in the performance of the employee's
86 duties;

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

92 (4) a person from self-treatment or treatment of an immediate family member
93 based on religious or health beliefs;

94 (5) a person who sells vitamins and herbs from providing information about those
95 products; or

96 (6) a person or practitioner who is not licensed as a naturopathic doctor under this
97 chapter from recommending ayurvedic medicine, herbal remedies, nutritional advice,
98 homeopathy or any other therapy that is within the scope of practice of naturopathic health care;

99 provided, however, that such person or practitioner shall not represent or assume the character or
100 appearance of a person practicing naturopathic health care in the commonwealth or otherwise
101 use any name, title or other designation which indicates or implies that such person is licensed to
102 practice naturopathic health care.

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

109 Section 266. (a) The board shall have the following powers and duties:

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

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

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

115 and

116 (iii) continuing education requirements for the renewal of licenses

117 including, but not limited to, the number of hours required, the subjects required and board

118 approval of continuing education programs or lectures;

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

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

123 (4) to provide a uniform, proctored, psychometrically-sound examination for use
124 in licensing naturopathic doctors, which shall adequately test the diagnostic and therapeutic skill
125 of license applicants; provided, however, that the board may adopt a standardized national
126 examination, including the Naturopathic Physicians Licensing Examination or its equivalent;
127 provided further, nothing in this section shall prohibit the board from administering a licensing
128 examination developed in cooperation with other state licensing authorities;

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

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

132 (7) to perform other functions and duties as may be necessary to carry out sections
133 264 to 272, inclusive.

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

137 (c) The board shall be under the supervision of the department of public health and it
138 shall have the powers and duties provided in sections 61 to 65E, inclusive. For the purposes of

139 this section and sections 61 to 65E, inclusive, conduct which places into question the license
140 holder's competence to practice naturopathy shall include, but not be limited to:

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

142 (2) criminal conduct which the board determines to be of such a nature as to
143 render the person unfit to practice naturopathy, as evidenced by criminal proceedings resulting in
144 a conviction, a guilty plea, a plea of nolo contendere or an admission of 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
147 or 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 the licensee to cease and desist
152 from 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 sanctions that are
155 considered reasonable and appropriate by the board. Any person aggrieved by any disciplinary
156 action taken by the board under this section or for violation of any other law or rule or
157 regulations may, under section 64, file a petition for judicial review.

158 Section 267. (a) An application for original licensure as a naturopathic doctor shall be
159 made on forms approved by the board. Such application shall be sworn and shall be accompanied
160 by payment of the fee prescribed by the secretary of administration and finance pursuant to
161 section 3B of chapter 7. The board shall issue a license as a naturopathic doctor to an applicant
162 upon receipt of satisfactory proof that the applicant is at least 18 years old and of good moral
163 character; and possesses a baccalaureate degree from an accredited educational institution or its
164 equivalent, as determined by the board.

165 (b) An applicant for a license under this section shall have graduated from and hold a
166 doctor of naturopathic medicine or doctor of naturopathy degree from an approved naturopathic
167 medical college; provided, however, that an applicant shall have satisfactorily completed a
168 minimum of 1,200 hours of board-approved clinical training prior to graduation from such
169 college. Such clinical training may have been completed in either an inpatient or outpatient
170 setting and may include components of conventional medicine as well as naturopathic health
171 care.

172 (c) An applicant for a license under this section shall have successfully passed a
173 competency-based national naturopathic licensing examination approved by the board.

174 (d) The board may approve an applicant who attended and graduated from a 4-year
175 naturopathic doctoral program which is located in a country or territory outside the United States
176 if, in the opinion of the board, the training and education provided by that naturopathic doctoral
177 program is substantially equivalent to that provided by a naturopathic doctoral program which
178 meets the requirements of subsection (b).

179 Section 268. The board, in consultation with the department of public health, shall
180 determine the renewal cycle and renewal period for naturopathic licenses. A naturopathic doctor
181 licensed under this chapter shall apply to the board for a license renewal on or before the
182 expiration date, as determined by the board, unless earlier revoked, suspended or cancelled as a
183 result of a disciplinary proceeding instituted pursuant to section 271. As a condition for renewal
184 under this section, the board may require a naturopathic doctor to provide the board with
185 satisfactory proof that the naturopathic doctor has successfully completed the required number of
186 hours of continuing education for naturopathic doctors in courses or programs approved by the
187 board or has complied with other requirements or equivalent requirements as approved by the
188 board. Upon satisfactory compliance with the licensing requirements for naturopathic doctors
189 and successful completion of the continuing education requirements, the board shall issue a
190 renewal license. The board may provide for the late renewal of a license that has lapsed and may
191 require payment of a late fee.

192 Section 269. The board may grant license reciprocity to registered, certified or licensed
193 naturopathic doctors from other jurisdictions; provided, that the requirements for registration,
194 certification or licensing in the other jurisdictions are, in the opinion of the board, substantially
195 equivalent to the requirements in section 267. The board shall promulgate such rules and
196 regulations as may be necessary to implement this section.

197 Section 270. Each licensed naturopathic doctor shall advise the board, in writing, of the
198 address of that naturopathic doctor's principal place of business and all other addresses at which
199 that doctor is currently engaged in practice. The naturopathic doctor shall immediately provide
200 written notice to the board of any change in the address of any place of business at which the

201 doctor practices. The naturopathic doctor shall also advise the board, in writing, of that doctor's
202 current residential address and of any change of such address.

203 Section 271. (a) No person shall represent or assume the character or appearance of a
204 licensed naturopathic doctor in the commonwealth unless that person is licensed under this
205 chapter. A person who is not licensed under this chapter shall not use any of the following titles:
206 naturopathic physician, naturopathic practitioner, natural doctor, naturopathic doctor, doctor of
207 naturopathy, doctor of natural medicine, doctor of naturopathic medicine, NMD, doctor of
208 nutritional medicine, N.D, naturopathic medicine, naturopath or any other term that indicates or
209 implies that the person is licensed to practice any form of naturopathic health care in the
210 commonwealth.

211 (b) A licensed naturopathic doctor shall not use the term physician nor assume the
212 character or appearance of a primary care provider.

213 (c) A person acting or purporting to act as a naturopathic doctor without first obtaining a
214 license under this chapter shall be punished by a fine of not more than \$5,000 or by
215 imprisonment for not more than 1 year in a house of correction, or both. Upon conviction of a
216 second or subsequent offense, such person shall be punished by a fine of not more than \$10,000
217 or by imprisonment for not more than 2 years in a house of correction, or both

218 (d) A person who receives money or an equivalent thing of value as a fee, commission,
219 compensation or profit by or as the consequence of a violation of sections 265 to 271, inclusive,
220 shall, in addition to any other penalty, be liable for a fine of not less than the sum of the money
221 received and not more than 3 times the sum so received, as determined by the board.

222 (e) There shall be no action brought by a person for recovery of compensation, nor actual
223 recovery of compensation, for services rendered by that person as a licensed naturopathic
224 practitioner unless such person held a current valid license under this chapter at the time the act
225 or service was provided.

226 Section 272. All licensing and application fees and civil administrative penalties collected
227 pursuant to sections 264 to 272, inclusive, shall be deposited into the trust fund established in
228 section 35X of chapter 10.

229 SECTION 3. An applicant who graduated before 1987 and earned a doctor of
230 naturopathic medicine or doctor of naturopathy degree from a 4-year, in-residence naturopathic
231 college or program that had, at the time of the applicant's graduation, a license, authority or other
232 approval from its state or province to grant such degree may apply to the board of registration in
233 naturopathy for licensure without examination, provided that the person satisfactorily
234 demonstrates an ability to practice naturopathic medicine in the commonwealth as determined by
235 the board.

236 SECTION 4. The terms of the initial appointed members of the board of registration in
237 naturopathy pursuant to section 109 of chapter 13 of the General Laws shall be as follows: 1
238 shall serve for a term of 1 year; 2 shall serve for terms of 2 years and the remaining 2 shall serve
239 for terms of 3 years. The 2 members required to be naturopathic doctors shall be persons with 5
240 years of experience in the practice of naturopathic health care who would be eligible for
241 licensure in the commonwealth if said section 109 of said chapter 13 were in effect prior to the
242 effective date of this act

243 SECTION 5. The punishment provisions of section 271 of chapter 112 of the General
244 Laws shall take effect not later than 6 months after the board of registration in naturopathy first
245 issues licenses under said chapter 112

246 SECTION 6. This act shall take effect January 1, 2017.