

# SENATE . . . . . No. 2148

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## The Commonwealth of Massachusetts

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

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

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

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

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

"Approved naturopathic medical college", a college or program granting the degree of doctor of naturopathic medicine or doctor of naturopathy that is approved by the board and which is accredited by an accrediting agency recognized by the United States Department of 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 109 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, 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 the physical modalities of electrotherapy, diathermy, ultraviolet light, hydrotherapy, naturopathic manipulative therapy and therapeutic exercise.

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

Section 265. (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 non-invasive physical examinations and the ordering of clinical, and laboratory procedures from licensed clinics or laboratories to evaluate 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, 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;

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

(6) mandatory tracking and documentation of the immunization status of a patient under 18 years of age and the required 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 invasive procedures or examinations, abortions or the use of radiation, radioactive substances or local, general or spinal anesthesia;

(2) prescribing, dispensing or administering a drug classified as a controlled substance or prescription drug 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 264 to 272, 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 that person is licensed;

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

(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 under a course of instruction or assignments from and under the supervision of an instructor who is licensed as a naturopathic doctor under this chapter or a licensed professional in the field in which that professional is providing instruction;

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

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

(6) a person or practitioner who is not licensed as a naturopathic doctor under 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 or assume the character or appearance of a person practicing naturopathic health care in the commonwealth or otherwise use any name, title or other designation which indicates or implies that such person 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. Naturopathic doctors shall be mandated reporters as required of physicians and nurses.

Section 266. (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 residents of the commonwealth including, but not limited to:

(i) regulations governing the activities of naturopathic 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 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.



Section 267. (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 and finance 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 is at least 18 years old and of good moral character; and possesses a baccalaureate degree from an accredited educational institution or its equivalent, as determined by the board.

(b) An applicant for a license under this section shall have graduated from and hold 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.

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

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

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

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

Section 270. Each licensed naturopathic doctor shall advise the board, in writing, of the address of that naturopathic doctor's principal place of business and all other addresses at which that doctor 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 the

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

Section 271. (a) No person shall represent or assume the character or appearance of a licensed naturopathic doctor in the commonwealth unless that person is licensed under this chapter. A person who is not licensed under this chapter 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.

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

(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 in a house of correction, 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 in a house of correction, 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 265 to 271, inclusive, shall, in addition to any other penalty, be liable for a fine of not less than the sum of the money received and not more than 3 times the sum so received, as determined by the board.

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

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

SECTION 3. 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 without examination, provided that the person satisfactorily demonstrates an 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 109 of chapter 13 of the General Laws shall be as follows: 1 shall serve for a term of 1 year; 2 shall serve for terms of 2 years and the remaining 2 shall serve for terms of 3 years. The 2 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 109 of said chapter 13 were in effect prior to the 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.