

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1590

By: Monson

AS INTRODUCED

An Act relating to professions and occupations; creating the Oklahoma Naturopathic Physician Licensing Act; citing act; defining terms; requiring compliance with provisions of act as condition of specified actions related to the practice of naturopathic medicine; providing for description and identification of naturopathic physicians; restricting use of specified titles and terms; authorizing issuance of licenses and seeking of injunctive relief; specifying activities of a licensed naturopathic physician; establishing parameters and procedures for the practice of naturopathic acupuncture; prohibiting certain acts by a naturopathic physician; construing act; creating the Naturopathic Medicine Advisory Committee; stating purpose; providing for qualifications, appointment and terms of members, quorum, removal, filling of vacancies, notice of appointments, convening of the first meeting, election of officers and terms of officers, travel reimbursement and administrative assistance; stating duties of the Committee; allowing service by specified entities as a hearing board to consider specified actions; requiring promulgation of rules; establishing eligibility criteria for application to practice naturopathic medicine; providing for licensure pursuant to reciprocity; establishing qualifications and conditions for issuance of conditional license; providing penalties for violation of act; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2201 of Title 59, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Naturopathic Physician Licensing Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2202 of Title 59, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Naturopathic Physician Licensing Act:

1. "Approved naturopathic medical college" means a college and program granting the degree of doctor of naturopathy or naturopathic medicine that:

- a. is accredited by an accrediting agency recognized by the United States Department of Education,
- b. has the status of candidate for accreditation with the accrediting agency, or
- c. has been approved by the State Board of Medical Licensure and Supervision after an investigation that determines that the college or program meets education standards equivalent to those established by the accrediting agency and complies with the Board's rules, which shall require as a minimum a full-time resident program of academic and clinical study;

2. "Board" means the State Board of Medical Licensure and Supervision;

3. "Committee" means the Naturopathic Medicine Advisory Committee;

4. "Homeopathic preparation" means medicine prepared according to the latest edition of the Homeopathic Pharmacopoeia of the United States, Revised Service;

5. "Naturopathic acupuncture" means the insertion of fine metal needles through the skin at specific points on or near the surface of the body with or without the palpation of specific points on the body and with or without the application of electric current or heat to the needles or skin, or both, to treat human disease and impairment and to relieve pain;

6. "Naturopathic physician" means a person authorized and licensed to practice naturopathic medicine under this act;

7. "Naturopathic manipulative therapy" means the manually administered or mechanical treatment of body structures or tissues in accordance with naturopathic principles for the purpose of restoring normal physiological function to the body by normalizing and balancing the musculoskeletal system of the body;

8. "Naturopathic medicine" means a comprehensive system of primary health care, practiced by a naturopathic physician for the prevention, diagnosis, and treatment of human health conditions, injuries and diseases, that uses education, natural medicines and therapies to support and stimulate an individual's intrinsic self-healing processes;

9. "Naturopathic physical medicine" means the therapeutic use of 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, therapeutic exercise and naturopathic acupuncture;

10. "Plant or animal substance" means a substance found in nature that comprises the whole or parts of plants or animals and constituents thereof; and

11. "Topical medicine" means topical analgesics, anesthetics, antiseptics or scabicides.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2203 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. No person shall practice, attempt to practice, or claim to practice naturopathic medicine in this state without first complying with the provisions of the Oklahoma Naturopathic Physician Licensing Act.

B. Only persons obtaining a naturopathic physician's license may identify themselves as:

1. A "Doctor of Naturopathy" or by its abbreviation "N.D.";
2. A "Naturopathic Medical Doctor" or by its abbreviation "N.M.D.";
3. A "Naturopathic Physician" or by its abbreviation "N.P."; or
4. Practicing "naturopathic medicine".

C. The titles and terms listed in subsection B of this section describe and identify naturopathic physicians and shall be restricted to describing and identifying licensed practitioners and their practices. The State Board of Medical Licensure and Supervision is hereby authorized to issue licenses pursuant to this act and to seek injunctive relief against unlicensed persons using these titles or terms to represent themselves or their practice.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2204 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. A naturopathic physician licensed under this act may administer, prescribe and dispense for preventive and therapeutic purposes the following natural medicines and therapies:

1. Food;
2. Food extracts;
3. Vitamins;
4. Minerals;
5. Enzymes;
6. Digestive aids;
7. Other natural hormones, plant or animal substances;
8. All homeopathic preparations; and
9. Immunizations.

B. A licensed naturopathic physician may direct the use of nonprescription medications without limitation.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2205 of Title 59, unless there is created a duplication in numbering, reads as follows:

In order to practice naturopathic acupuncture, a naturopathic physician shall obtain a naturopathic acupuncture specialty certification from the State Board of Medical Licensure and Supervision. The Board may issue this specialty certification to a naturopathic physician who has:

1. Submitted an application and paid a certification fee to be determined by the Board;
2. Completed an acupuncture program approved by the Board that includes two hundred fifty (250) hours of classroom training and two hundred fifty (250) hours of supervised clinical training; and
3. Passed an examination approved by the Board.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2206 of Title 59, unless there is created a duplication in numbering, reads as follows:

A naturopathic physician shall not:

1. Practice or claim to practice medicine and surgery, osteopathy, dentistry, podiatry, optometry, chiropractic or any other system or method of treatment not authorized under the Oklahoma Naturopathic Physician Licensing Act; or
2. Use general or spinal anesthetics.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2207 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Naturopathic Physician Licensing Act shall not be construed to prohibit or restrict:

1. The practice of a profession by individuals who are licensed, certified or registered under other laws of this state and who are performing services within their authorized scope of practice;

2. The practice of naturopathic medicine by an individual employed by the federal government while the individual is engaged in the performance of duties prescribed by the laws and regulations of the United States;

3. The rendering of aid in an emergency when no fee or other consideration for the service is charged, received, expected or contemplated;

4. The administration of a domestic or family remedy;

5. The sale of vitamins, health foods, dietary supplements, herbs or other products of nature, the sale of which is not otherwise prohibited under state or federal law; provided, this subsection shall not:

a. authorize a person to diagnose any human disease, ailment, injury, infirmity, deformity, pain or other condition, or

b. prohibit a person from providing truthful and nonmisleading information regarding any of the products listed in this subsection;

6. The obtaining or providing of information regarding health care and the use of any product by a person acting in good faith for religious reasons as a matter of conscience or based on a personal religious belief;

7. The use of individual modalities which comprise the practice of naturopathic medicine, such as the use of dietary supplements, herbs, foods, homeopathic preparations and such physical forces as heat, cold, water, touch and light by a person not licensed under this act;

8. The practice of naturopathic medicine by a naturopathic physician duly licensed in another state, territory or the District of Columbia when that naturopathic physician is incidentally called into this state for consultation with a licensed doctor; or

9. The practice of naturopathic medicine by a student enrolled in an approved naturopathic medical college if a naturopathic medicine service is performed pursuant to a course of instruction or as an instructional assignment by and under the supervision of an instructor who is a licensed naturopathic physician.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2208 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. 1. There is hereby created the Naturopathic Medicine Advisory Committee which shall advise the State Board of Medical Licensure and Supervision. The Committee shall consist of five (5) members as follows:

- a. one member shall be a nonmedical lay person appointed by the Governor to serve a term coterminous with the Governor,
- b. one member shall be qualified for licensing pursuant to the provisions of the Oklahoma Naturopathic Physician Licensing Act and shall be appointed by the President Pro Tempore of the Senate,
- c. one member shall be qualified for licensing pursuant to the provisions of this act and shall be appointed by the Speaker of the House of Representatives, and
- d. two members, who shall at the time of appointment be members of the Board, shall be appointed by the Board.

2. a. The terms of the members shall be as follows:

- (1) the member appointed by the President Pro Tempore shall serve an initial term of four (4) years,
- (2) the member appointed by the Speaker of the House of Representatives shall serve an initial term of three (3) years,
- (3) one member appointed by the Board shall serve an initial term of two (2) years, and

(4) one member appointed by the Board shall serve an initial term of one (1) year.

b. Thereafter, members shall serve terms of four (4) years ending on June 30th.

c. No member may serve more than two consecutive terms, whether full or partial.

B. Three members shall constitute a quorum. Members shall be removable for cause, including, but not limited to, a finding of fact of unprofessional conduct, impaired practice or more than three consecutive absences.

C. Vacancies shall be filled within thirty (30) days by the original appointing authority for the position that is vacant. Each appointing authority shall provide notice of appointments to the Secretary of State and to the executive director of the Board.

D. The executive director shall convene the first meeting of the Committee not later than thirty (30) days following a determination that all initial appointments have been made. During the first meeting, and annually thereafter, the Committee shall elect a Chair and a Vice Chair, and such other officers as it deems necessary, to serve terms ending on June 30th of each year. No member shall serve as Chair for more than two (2) consecutive years. The Committee shall meet upon the call of the executive director of the Board or the Chair of the Committee.

E. Members shall be reimbursed from funds available to the Board for actual travel expenses pursuant to the provisions of the State Travel Reimbursement Act.

F. The Board shall provide such administrative assistance as is necessary for the Committee to perform its duties.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2209 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The duties of the Naturopathic Medicine Advisory Committee shall be to recommend to the State Board of Medical Licensure and Supervision:

1. Standards and scope of practice guidelines for naturopathic physicians;

2. Standards for approval of educational programs, alternative methods of training equivalent to formal education and reciprocity agreements;

3. Licensing, examination and renewal fees which shall be commensurate with the actual costs of administration, to be charged under the provisions of the Oklahoma Naturopathic Physician Licensing Act;

4. Procedures for application and examination, and criteria for issuance, denial, suspension and revocation of licensure under this act; and

5. Continuing education requirements for naturopathic physicians.

B. The Committee or Board, acting pursuant to the provisions of the Administrative Procedures Act, may serve as a hearing board to consider appeals of licensure denials or revocations or other actions under this act.

C. The Board shall promulgate rules necessary to enact the provisions of the Oklahoma Naturopathic Physician Licensing Act.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2210 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. To be eligible for a license to practice naturopathic medicine, an applicant shall:

1. Be a graduate of an approved naturopathic medical college and pass or have passed a competency-based examination approved by the State Board of Medical Licensure and Supervision, covering the

appropriate naturopathic subjects, including basic and clinical sciences;

2. Possess a good ethical and professional reputation;

3. Be physically and mentally capable of safely practicing naturopathic medicine with or without reasonable accommodation;

4. Have never had a license to practice naturopathic medicine refused, revoked or suspended by any other state or country for reasons that relate to the applicant's ability to skillfully and safely practice naturopathic medicine unless that license has been restored to good standing by that state or country; and

5. File an application with the Board and pay licensing fees.

B. Any individual having obtained a license or registration in another jurisdiction that is recognized by the Board as having essentially the same requirements for licensure as required under this act shall be eligible for licensure or registration upon payment of a reciprocity fee to be determined by the Board.

The Naturopathic Medicine Advisory Committee may recommend, and the Board may issue, a conditional license to an individual who:

1. Has graduated from an approved naturopathic medical college;

2. Has practiced naturopathic medicine in this state for a three-year period immediately preceding the effective date of this act through the date of application; and

3. Submits an application for a conditional license and pays the fee.

C. A conditional licensee shall have three (3) years from the effective date of this act to fulfill all licensure requirements and obtain full licensure. All conditional licenses shall expire three (3) years from the effective date of this act.

D. The scope of practice for a conditional licensee shall be limited to those therapeutic practices covered by subsection A of Section 4 of this act and those prescriptive practices covered by subsection B of Section 4 of this act.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2211 of Title 59, unless there is created a duplication in numbering, reads as follows:

Violation of any provision of the Oklahoma Naturopathic Physician Licensing Act shall be a misdemeanor punishable, upon conviction, by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

SECTION 12. This act shall become effective July 1, 2000.

SECTION 13. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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CJ

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