

HOUSE No. 2225

By Ms. Provost of Somerville, petition of Denise Provost and others relative to providing for the registration of naturopathic doctors. Public Health.

The Commonwealth of Massachusetts

PETITION OF:

Denise Provost	Cynthia S. Creem
Jay R. Kaufman	Sarah K. Peake
Christine E. Canavan	Jeffrey Davis Perry
Matthew C. Patrick	Kevin G. Honan
Lewis G. Evangelidis	James B. Eldridge
Pamela P. Resor	Ellen Story
John D. Keenan	Susan C. Tucker
John W. Scibak	Paul C. Casey
Susan C. Fargo	Eric Turkington
Benjamin Swan	Anthony J. Verga
Peter V. Kocot	Frank M. Hynes
David B. Sullivan	Charles A. Murphy
Anne M. Gobi	

In the Year Two Thousand and Seven.

AN ACT PROVIDING FOR THE REGISTRATION OF NATUROPATHIC DOCTORS.

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
2 by adding the following section:
3 Section 95: There shall be within the Division of Professional
4 Licensure a board of registration in naturopathy, hereinafter referred
5 to as the board, which shall be comprised of 9 members as follows:
6 a) Five members shall be naturopathic doctors appointed by the
7 Governor, who shall have a minimum of 5 years of experience in the
8 practice of naturopathic health care and who shall be licensed or eli-
9 gible for licensure as naturopathic doctors pursuant to the provisions
10 of section two hundred thirty of chapter one hundred twelve;
11 b) One member shall be a physician, appointed by the Governor,
12 who shall be duly licensed to practice medicine in the Common-
13 wealth of Massachusetts by the board of registration in medicine

14 pursuant to section 2 of chapter 112 and have experience working
15 with naturopathic doctors;

16 c) One member shall be a clinical pharmacologist, appointed by
17 the Governor;

18 d) The chairman of the Board of Registration in Medicine estab-
19 lished by section 10 of this chapter or his or her designee; and

20 e) The commissioner of the Department of Public Health, or his
21 or her designee.

22 Of the first board members appointed, 3 shall serve for a term of 1
23 year, 3 shall serve for a term of 2 years, and the remaining 3 shall
24 serve for terms of 3 years. Thereafter, members shall serve for a
25 term of 3 years. Upon the expiration of a term of office, a board
26 member shall continue to serve until a successor shall have been
27 appointed and qualified. No member of the board shall serve for
28 more than 2 consecutive terms, except that any person who is chosen
29 to complete the unexpired term of a prior board member may serve
30 for 2 consecutive terms in addition to the unexpired term of the
31 board member he or she succeeded. Any member of the board may
32 be removed by the governor for neglect of duty, misconduct, or
33 malfeasance or misfeasance in the office after being given a written
34 statement of the charges against him and sufficient opportunity to be
35 heard thereon.

36 The board shall, at its first meeting and annually thereafter, elect
37 from its membership a chairperson and a secretary. Such officers
38 shall serve until their successors have been elected and qualified.

39 The board shall meet at least 4 times annually and may hold addi-
40 tional meetings at the call of the chairperson or upon the request of 4
41 or more members of the board. A quorum for the conduct of official
42 business shall consist of at least 5 members present. Board members
43 shall serve without compensation, but shall be reimbursed for actual
44 and reasonable expenses incurred in the performance of their duties.

1 SECTION 2. Chapter 112 of the General Laws is hereby
2 amended by adding the following 8 sections:

3 Section 227: The following words shall, unless the context clearly
4 provides otherwise, have the following meanings:

5 “Approved naturopathic medical college”, a college or program
6 granting the degree of doctor of naturopathic medicine or doctor of
7 naturopathy that is approved by the board and which is accredited or

8 is a candidate for accreditation by an accrediting agency recognized
9 by the United States Department of Education. The naturopathic
10 doctoral program shall further be accredited or be a candidate for
11 accreditation by the Council on Naturopathic Medical Education, or
12 its successor.

13 “Board”, the board of registration in naturopathy as established
14 under section 95 of chapter 13.

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

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

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

27 “Naturopathic physical medicine”, the therapeutic use of the
28 physical agents of air, water, heat, cold, sound, light and electromag-
29 netic non-ionizing radiation and the physical modalities of elec-
30 trotherapy, diathermy, ultraviolet light, ultrasound, hydrotherapy,
31 naturopathic manipulative therapy and therapeutic exercise.

32 “Naturopathic doctor”, a person who is duly registered by the
33 board to practice naturopathic health care in the Commonwealth pur-
34 suant to sections 227 through 235 of chapter 112.

35 “Person”, an individual, but not a partnership, corporation, associ-
36 ation or business organization of any kind.

37 Section 228: Naturopathic health care is a system of health care
38 practices for the prevention, evaluation and treatment of illnesses,
39 injuries and/or conditions of the human body through the use of edu-
40 cation, nutrition, natural medicines and therapies and other modali-
41 ties which are designed to support, stimulate or supplement the
42 human body’s own natural self-healing processes.

43 a) The practice of naturopathic health care shall include, but shall
44 not necessarily be limited to:

- 45 1) The prevention and treatment of human illness, injury or dis-
46 ease through education, dietary or nutritional advice and the promo-
47 tion of healthy ways of living;
- 48 2) The use of physical examinations and the ordering of clinical,
49 laboratory and radiological diagnostic procedures from licensed
50 clinics or laboratories for the purpose of evaluating injuries, illnesses
51 or conditions in the human body;
- 52 3) Dispensing, administering, ordering and/or prescribing natural
53 medicines of mineral, animal or botanical origin such as food prod-
54 ucts or extracts, vitamins, minerals, enzymes, digestive aids, natural
55 hormones, plant substances, homeopathic preparations, natural
56 antibiotics and/or topical medicines and non-prescription drugs,
57 therapeutic devices and barrier contraceptives for the purpose of pre-
58 venting or treating illnesses, injuries or conditions of the human
59 body;
- 60 4) The use of manual mechanical manipulation of body structures
61 or tissues, in accordance with naturopathic principles; the use of
62 physical agents or modalities such as air, water, heat, cold, light,
63 electromagnetic non-ionizing radiation, electrotherapy, diathermy,
64 ultraviolet light, ultrasound, hydrotherapy and therapeutic exercise
65 for the purpose of maintaining or restoring normal physiological
66 functioning of the human body;
- 67 5) Mandatory tracking and/or documentation of the immunization
68 status of each patient under 18 years of age and required referral of
69 such a patient to a primary care or collaborative care physician
70 where evidence exists that the individual has not been immunized.
- 71 b) The practice of naturopathic health care shall not include:
- 72 1) The performance of surgery, administering of therapeutic ion-
73 izing radiation, radioactive substances, general or spinal anesthesia
74 or abortions;
- 75 2) The prescribing, dispensing or administration of any drug clas-
76 sified as a controlled substance under chapter 94C;
- 77 3) The practice of acupuncture and Traditional Oriental Medicine;
- 78 4) The practice of emergency medicine, except as a Good Samar-
79 itan rendering gratuitous services in the case of an emergency or for
80 the care of minor injuries.
- 81 c) Nothing in this chapter shall be construed to prohibit or to
82 restrict:

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

87 2) The practice of naturopathic health care by any person
88 employed by the government of the United States if that person
89 engages in such practice of naturopathic health care in the course of
90 his performance of his duties as an employee of the government of
91 the United States;

92 3) The practice of naturopathic health care by students enrolled in
93 an approved naturopathic medical college, provided that the perfor-
94 mance of all such services shall be pursuant to a course of instruc-
95 tion or assignments from and under the supervision of an instructor
96 who is duly licensed as a naturopathic doctor pursuant to this
97 chapter, or a duly licensed professional in the field in which he or
98 she is providing instruction;

99 4) Any person from treating himself or a member of his imme-
100 diate family based on religious or health beliefs;

101 5) Any person who sells vitamins and herbs from providing infor-
102 mation about his products;

103 6) Any person or practitioner who is not licensed as a naturo-
104 pathic doctor pursuant to this act from recommending ayurvedic
105 medicine, herbal remedies, nutritional advice, homeopathy or any
106 other therapy that is within the scope of practice of naturopathic doc-
107 tors as outlined in this act, as long as that person or practitioner does
108 not represent himself or hold himself out to the public as being
109 licensed to practice naturopathic health care in the Commonwealth
110 or otherwise use any name, title or other designation which indicates
111 or implies that he or she has been licensed or otherwise approved to
112 practice any form of naturopathic health care by any governmental
113 body.

114 d) Naturopathic doctors licensed pursuant to this act shall have
115 the same authority and responsibilities as licensed physicians
116 regarding public health laws, reportable diseases and conditions,
117 communicable disease control and prevention, recording of vital sta-
118 tistics, health and physical examinations and local boards of health,
119 except that the authority of licensed naturopathic doctors regarding
120 such matters shall be limited to the scope of practice authorized by
121 sections 227 through 235, inclusive.

122 Section 229: The board shall have the following powers and
123 duties:

124 a) To adopt and promulgate such rules and regulation governing
125 the licensure of naturopathic doctors and the practice of naturopathic
126 health care as may be necessary to promote the public health, wel-
127 fare and safety of citizens of the Commonwealth, including but not
128 limited to:

129 1) Regulations governing the activities of naturopathic medical
130 assistants;

131 2) Requirements, for specialty practice by licensed naturopathic
132 doctors; and

133 3) Continuing education requirements for the renewal of licenses,
134 including but not limited to, the number of hours required, the sub-
135 jects required and board approval of continuing education programs
136 or lectures.

137 b) To receive, review and approve or disapprove applications for
138 licensing and to issue licenses;

139 c) To establish administrative procedures for processing applica-
140 tions and renewals and to hire or appoint such agents as appropriate
141 for processing applications and renewals;

142 d) To provide a uniform, proctored, psychometrically sound
143 examination for use in licensing naturopathic doctors, which will
144 adequately test the diagnostic and therapeutic skill of license appli-
145 cants. The board may adopt a standardized national examination
146 such as the Naturopathic Physicians Licensing Examination, or its
147 equivalent, as determined by the board. Nothing in this section shall
148 prohibit the board from administering a licensing examination devel-
149 oped in cooperation with other state licensing bodies;

150 e) To establish a code of ethics for naturopathic doctors;

151 f) To establish administrative procedures consistent with chapter
152 30A for the conduct of disciplinary proceedings;

153 g) To fine, censure, revoke, suspend or deny a license, place a
154 licensee on probation, reprimand or otherwise discipline licensees,
155 after hearing, for violations of the regulations of the board or the
156 code of ethics adopted by the board;

157 h) To summarily suspend the license of licensees who pose an
158 imminent danger to the public provided a hearing is afforded to the
159 licensee within 7 days of the board's action to determine whether
160 such summary action is warranted;

161 i) To establish and maintain records of its actions and proceedings
162 in accordance with the public records laws; and

163 j) To perform such other functions and duties as may be necessary
164 to carry out the provisions of this chapter.

165 Section 230: An application for original licensure as a naturo-
166 pathic doctor shall be made on forms approved by the board. Such
167 application shall be sworn and shall be accompanied by payment of
168 the fee prescribed by the Executive Office of Administration and
169 Finance pursuant to section 3B of chapter 7.

170 The board may issue a license as a naturopathic doctor to an
171 applicant upon receipt of satisfactory proof that:

172 a) The applicant is at least 18 years old and of good moral char-
173 acter;

174 b) The applicant possesses a baccalaureate degree from an accred-
175 ited educational institution, or its equivalent, as determined by the
176 board;

177 c) Applicants for a naturopathic license must have graduated from
178 and hold a Doctor of Naturopathic Medicine or Doctor of Natur-
179 opathy degree from a college or program that was accredited or pre-
180 accredited by the Council on Naturopathic Medical Education or its
181 successor at the time of the applicant's graduation from that college
182 or program, except that an applicant who graduated before 1987 may
183 apply for a license provided the applicant received a Doctor of
184 Naturopathic Medicine or Doctor of Naturopathy degree from a
185 four-year, in-residence naturopathic college or program that had, at
186 the time of the applicant's graduation, a license, authority or other
187 approval from its state or province to grant the Doctor of Naturo-
188 pathic Medicine or Doctor of Naturopathy degree;

189 d) The applicant who has satisfactorily completed a minimum of
190 1200 hours of board-approved clinical training prior to his or her
191 graduation from the approved naturopathic doctoral program
192 referred to in subparagraph (c) above. Such clinical training may
193 have been completed in either inpatient or outpatient settings and
194 may include components of conventional medicine as well as natur-
195 opathic health care;

196 e) The board may approve an applicant who attended and gradu-
197 ated from a four-year naturopathic doctoral program which is
198 located in a country or territory outside the United States if, in the
199 opinion of the board, the training and education provided by that

200 naturopathic doctoral program is substantially equivalent to that pro-
201 vided by a naturopathic doctoral program which meets the require-
202 ments of subparagraph (c) above.

203 Section 231: The board, in consult with the Division of Profes-
204 sional Licensure, shall determine the renewal cycle and renewal
205 period for naturopathic licenses. Every person licensed in accor-
206 dance with this chapter shall apply to the board for renewal of his or
207 her license on or before the expiration date, as determined by the
208 board, unless revoked, suspended or cancelled earlier by the board as
209 a result of a disciplinary proceeding instituted pursuant to section
210 234 of this chapter.

211 As a condition for renewal of his or her license, each licensed
212 naturopathic doctor shall furnish the board, if requested, satisfactory
213 proof that he or she has successfully completed the required number
214 of hours of continuing education for naturopathic doctors in courses
215 or programs approved by the board and provide evidence of compli-
216 ance with such other requirements or equivalent requirements as
217 approved by the board. Upon satisfactory compliance with the
218 licensing requirements for naturopathic doctors and successful com-
219 pletion of said continuing education requirements, the board shall
220 issue a renewal license showing that the holder is entitled to be
221 licensed for the renewal period determined by the board and Divi-
222 sion of Professional Licensure. The board may provide for the late
223 renewal of a license that has lapsed and may require payment of a
224 late fee.

225 Section 232: The board may grant licensure by reciprocity to reg-
226 istered, certified or licensed naturopathic doctors from other jurisdic-
227 tions, provided that the requirements for registration, certification or
228 licensure in the other jurisdictions are, in the opinion of the board,
229 substantially equivalent to those set forth in section two hundred
230 thirty of this chapter. The board shall promulgate such rules and
231 regulations, consistent with the laws of the Commonwealth, as may
232 be reasonably necessary for the implementation of this section.

233 Section 233: Each licensed naturopathic doctor shall advise the
234 board, in writing, of the address of his principal place of business
235 and all other addresses at which he or she is currently engaged in
236 practice. He or she shall immediately give written notification to the
237 board of any change in the address of any place of business at which

238 he or she practices. He or she shall also advise the board, in writing,
239 of his current residential address and of any change thereof.

240 Section 234: No person shall represent himself or hold himself
241 out to the public as a licensed naturopathic doctor as being licensed
242 to practice naturopathic health care in the Commonwealth unless he
243 or she is licensed pursuant to the provisions of section 230 or section
244 232 of this chapter. It shall be unlawful for any person who is not
245 licensed pursuant to the provisions of this act to use any of the
246 following terms or titles: “naturopathic physician”, “naturopathic
247 practitioner”, “natural doctor”, “naturopathic doctor”, “doctor of
248 naturopathy”, “doctor of natural medicine”, “doctor of naturopathic
249 medicine”, “NMD”, “doctor of nutritional medicine”, “N.D.”,
250 “naturopathic medicine”, “naturopath” or any other term that indi-
251 cates or implies that he or she has been licensed or otherwise
252 approved to practice any form of naturopathic health care by any
253 governmental body. The board of registration in naturopathy can
254 modify this list.

255 A naturopathic doctor duly licensed by the board pursuant to this
256 chapter shall not use the term “physician” nor hold himself out to be
257 a “primary care” provider. Naturopathic doctors who are licensed
258 under this act are exempt from the prohibition of listing of affilia-
259 tions outlined in Section 8A of Chapter 112.

260 Any person acting or purporting to act as a licensed naturopathic
261 doctor without first obtaining a license under this chapter shall be
262 punished by a fine of not more than \$5000 or by imprisonment not
263 to exceed more than 1 year or both. Upon conviction of any subse-
264 quent violation such person shall be punished by a fine of not more
265 than \$10,000 or 2 years imprisonment, or both. The provisions in
266 this paragraph shall begin only after the first six months of licensing
267 availability after enactment of this legislation.

268 A person who receives any money or the equivalent thereof as a
269 fee, commission, compensation or profit by, or as the consequence
270 of a violation of any provision of this chapter shall, in addition to
271 any other penalty, be liable for a fine not less than the sum of the
272 money so received and not more than 3 times the sum so received, as
273 may be determined by the board.

274 No action or suit shall be instituted, nor recovery had, in any court
275 of the Commonwealth by any person for compensation for any act
276 he or she has performed or service he or she has rendered as a

277 licensed naturopathic practitioner, unless such person held a valid
278 current license under this chapter at the time of offering to perform
279 such act or service.

1 SECTION 3. A license to practice as a naturopathic doctor may
2 be issued without examination to an applicant who meets the
3 requirements of subparagraphs (a) through (d) of section 230 of
4 chapter 112 if he submits satisfactory proof to the board that he or
5 she is or has been actively engaged in the practice of naturopathic
6 health care for compensation in the Commonwealth for a minimum
7 of 5 of the last 10 years immediately preceding the effective date of
8 this act. Applications for licensure under the provisions of this
9 section shall be filed with the board not later than 18 months after
10 the effective date of this act.

1 SECTION 4. This act shall be implemented within 180 days of
2 passage. The Governor of the Commonwealth shall appoint the
3 board by that time.