

SENATE NO. 1321

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 by adding the following section:

2 Section 95: There shall be within the Division of Professional Licensure a board of registration in
3 naturopathy, hereinafter referred to as the board, which shall be comprised of 9 members as follows:

- 4 a) Five members shall be naturopathic doctors appointed by the Governor, who shall have
5 a minimum of 5 years of experience in the practice of naturopathic health care and who
6 shall be licensed or eligible for licensure as naturopathic doctors pursuant to the
7 provisions of section two hundred thirty of chapter one hundred twelve;
- 8 b) One member shall be a physician, appointed by the Governor, who shall be duly
9 licensed to practice medicine in the Commonwealth of Massachusetts by the board of
10 registration in medicine pursuant to section 2 of chapter 112 and have experience
11 working with naturopathic doctors;
- 12 c) One member shall be a clinical pharmacologist, appointed by the Governor;
- 13 d) The chairman of the Board of Registration in Medicine established by section 10 of this
14 chapter or his or her designee; and
- 15 e) The commissioner of the Department of Public Health, or his or her designee.

16 Of the first board members appointed, 3 shall serve for a term of 1 year, 3 shall serve for a term of 2
17 years, and the remaining 3 shall serve for terms of 3 years. Thereafter, members shall serve for a term
18 of 3 years. Upon the expiration of a term of office, a board member shall continue to serve until a
19 successor shall have been appointed and qualified. No member of the board shall serve for more than
20 2 consecutive terms, except that any person who is chosen to complete the unexpired term of a prior
21 board member may serve for 2 consecutive terms in addition to the unexpired term of the board
22 member he or she succeeded. Any member of the board may be removed by the governor for neglect
23 of duty, misconduct, or malfeasance or misfeasance in the office after being given a written statement
24 of the charges against him and sufficient opportunity to be heard thereon.

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

27 The board shall meet at least 4 times annually and may hold additional meetings at the call of the
28 chairperson or upon the request of 4 or more members of the board. A quorum for the conduct of
29 official business shall consist of at least 5 members present. Board members shall serve without
30 compensation, but shall be reimbursed for actual and reasonable expenses incurred in the performance
31 of their duties.

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

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

35 “Approved naturopathic medical college”, a college or program granting the degree of doctor of
36 naturopathic medicine or doctor of naturopathy that is approved by the board and which is accredited
37 or is a candidate for accreditation by an accrediting agency recognized by the United States

38 Department of Education. The naturopathic doctoral program shall further be accredited or be a
39 candidate for accreditation by the Council on Naturopathic Medical Education, or its successor.
40 “Board”, the board of registration in naturopathy as established under section 95 of chapter 13.
41 “Homeopathic preparations”, medicines prepared according to the Homeopathic Pharmacopoeia of the
42 United States.
43 “Naturopathic health care”, a system of health care practices for the prevention, evaluation and
44 treatment of illnesses, injuries and/or conditions of the human body through the use of education,
45 nutrition, natural medicines and therapies and other modalities which are designed to support,
46 stimulate or supplement the human body’s own natural self-healing processes.
47 “Naturopathic manipulative therapy”, the manually administered mechanical treatment of body
48 structures or tissues, in accordance with naturopathic principles, for the purpose of restoring normal
49 physiological function of the human body.
50 “Naturopathic physical medicine”, the therapeutic use of the physical agents of air, water, heat, cold,
51 sound, light and electromagnetic non-ionizing radiation and the physical modalities of electrotherapy,
52 diathermy, ultraviolet light, ultrasound, hydrotherapy, naturopathic manipulative therapy and
53 therapeutic exercise.
54 “Naturopathic doctor”, a person who is duly registered by the board to practice naturopathic health
55 care in the Commonwealth pursuant to sections 227 through 235 of chapter 112.
56 “Person”, an individual, but not a partnership, corporation, association or business organization of any
57 kind.

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59 Section 228: Naturopathic health care is a system of health care practices for the prevention,
60 evaluation and treatment of illnesses, injuries and/or conditions of the human body through the use of

61 education, nutrition, natural medicines and therapies and other modalities which are designed to
62 support, stimulate or supplement the human body's own natural self-healing processes.

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

- 65 1) The prevention and treatment of human illness, injury or disease through
66 education, dietary or nutritional advice and the promotion of healthy ways of
67 living;
- 68 2) The use of physical examinations and the ordering of clinical, laboratory and
69 radiological diagnostic procedures from licensed clinics or laboratories for the
70 purpose of evaluating injuries, illnesses or conditions in the human body;
- 71 3) Dispensing, administering, ordering and/or prescribing natural medicines of
72 mineral, animal or botanical origin such as food products or extracts, vitamins,
73 minerals, enzymes, digestive aids, natural hormones, plant substances,
74 homeopathic preparations, natural antibiotics and/or topical medicines and non-
75 prescription drugs, therapeutic devices and barrier contraceptives for the
76 purpose of preventing or treating illnesses, injuries or conditions of the human
77 body;
- 78 4) The use of manual mechanical manipulation of body structures or tissues, in
79 accordance with naturopathic principles; the use of physical agents or
80 modalities such as air, water, heat, cold, light, electromagnetic non-ionizing
81 radiation, electrotherapy, diathermy, ultraviolet light, ultrasound, hydrotherapy
82 and therapeutic exercise for the purpose of maintaining or restoring normal
83 physiological functioning of the human body;

84 5) Mandatory tracking and/or documentation of the immunization status of each
85 patient under 18 years of age and required referral of such a patient to a primary
86 care or collaborative care physician where evidence exists that the individual
87 has not been immunized.

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

- 89 1) The performance of surgery, administering of therapeutic ionizing radiation,
90 radioactive substances, general or spinal anesthesia or abortions;
- 91 2) The prescribing, dispensing or administration of any drug classified as a
92 controlled substance under chapter 94C;
- 93 3) The practice of acupuncture and Traditional Oriental Medicine;
- 94 4) The practice of emergency medicine, except as a Good Samaritan rendering
95 gratuitous services in the case of an emergency or for the care of minor injuries.

96 c) Nothing in this chapter shall be construed to prohibit or to restrict:

- 97 1) Any person who is licensed, certified or registered to practice a profession or
98 occupation under any other law of this state from engaging in activities which
99 are within the lawful scope of practice for the profession or occupation for
100 which he is licensed;
- 101 2) The practice of naturopathic health care by any person employed by the
102 government of the United States if that person engages in such practice of
103 naturopathic health care in the course of his performance of his duties as an
104 employee of the government of the United States;
- 105 3) The practice of naturopathic health care by students enrolled in an approved
106 naturopathic medical college, provided that the performance of all such services

107 shall be pursuant to a course of instruction or assignments from and under the
108 supervision of an instructor who is duly licensed as a naturopathic doctor
109 pursuant to this chapter, or a duly licensed professional in the field in which he
110 or she is providing instruction;

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

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

115 6) Any person or practitioner who is not licensed as a naturopathic doctor pursuant
116 to this act from recommending ayurvedic medicine, herbal remedies, nutritional
117 advice, homeopathy or any other therapy that is within the scope of practice of
118 naturopathic doctors as outlined in this act, as long as that person or practitioner
119 does not represent himself or hold himself out to the public as being licensed to
120 practice naturopathic health care in the Commonwealth or otherwise use any
121 name, title or other designation which indicates or implies that he or she has
122 been licensed or otherwise approved to practice any form of naturopathic health
123 care by any governmental body.

124 d) Naturopathic doctors licensed pursuant to this act shall have the same authority and
125 responsibilities as licensed physicians regarding public health laws, reportable diseases
126 and conditions, communicable disease control and prevention, recording of vital
127 statistics, health and physical examinations and local boards of health, except that the
128 authority of licensed naturopathic doctors regarding such matters shall be limited to the
129 scope of practice authorized by sections 227 through 235, inclusive.

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

- a) To adopt and promulgate such rules and regulation governing the licensure of naturopathic doctors and the practice of naturopathic health care as may be necessary to promote the public health, welfare and safety of citizens of the Commonwealth, including but not limited to:
 - 1) Regulations governing the activities of naturopathic medical assistants;
 - 2) Requirements, for specialty practice by licensed naturopathic doctors; and
 - 3) 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.
- b) To receive, review and approve or disapprove applications for licensing and to issue licenses;
- c) To establish administrative procedures for processing applications and renewals and to hire or appoint such agents as appropriate for processing applications and renewals;
- d) To provide a uniform, proctored, psychometrically sound examination for use in licensing naturopathic doctors, which will adequately test the diagnostic and therapeutic skill of license applicants. The board may adopt a standardized national examination such as the Naturopathic Physicians Licensing Examination, or its equivalent, as determined by the board. Nothing in this section shall prohibit the board from administering a licensing examination developed in cooperation with other state licensing bodies;
- e) To establish a code of ethics for naturopathic doctors;

- 152 f) To establish administrative procedures consistent with chapter 30A for the conduct of
153 disciplinary proceedings;
- 154 g) To fine, censure, revoke, suspend or deny a license, place a licensee on probation,
155 reprimand or otherwise discipline licensees, after hearing, for violations of the regulations
156 of the board or the code of ethics adopted by the board;
- 157 h) To summarily suspend the license of licensees who pose an imminent danger to the public
158 provided a hearing is afforded to the licensee within 7 days of the board's action to
159 determine whether such summary action is warranted;
- 160 i) To establish and maintain records of its actions and proceedings in accordance with the
161 public records laws; and
- 162 j) To perform such other functions and duties as may be necessary to carry out the provisions
163 of this chapter.

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

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

- 171 a) The applicant is at least 18 years old and of good moral character;
- 172 b) The applicant possesses a baccalaureate degree from an accredited educational institution,
173 or its equivalent, as determined by the board;

- 174 c) Applicants for a naturopathic license must have graduated from and hold a Doctor of
175 Naturopathic Medicine or Doctor of Naturopathy degree from a college or program that
176 was accredited or pre-accredited by the Council on Naturopathic Medical Education or its
177 successor at the time of the applicant's graduation from that college or program, except that
178 an applicant who graduated before 1987 may apply for a license provided the applicant
179 received a Doctor of Naturopathic Medicine or Doctor of Naturopathy degree from a four-
180 year, in-residence naturopathic college or program that had, at the time of the applicant's
181 graduation, a license, authority or other approval from its state or province to grant the
182 Doctor of Naturopathic Medicine or Doctor of Naturopathy degree;
- 183 d) The applicant who has satisfactorily completed a minimum of 1200 hours of board-
184 approved clinical training prior to his or her graduation from the approved naturopathic
185 doctoral program referred to in subparagraph (c) above. Such clinical training may have
186 been completed in either inpatient or outpatient settings and may include components of
187 conventional medicine as well as naturopathic health care;
- 188 e) The board may approve an applicant who attended and graduated from a four-year
189 naturopathic doctoral program which is located in a country or territory outside the United
190 States if, in the opinion of the board, the training and education provided by that
191 naturopathic doctoral program is substantially equivalent to that provided by a naturopathic
192 doctoral program which meets the requirements of subparagraph (c) above.

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194 Section 231: The board, in consult with the Division of Professional Licensure, shall determine the
195 renewal cycle and renewal period for naturopathic licenses. Every person licensed in accordance with
196 this chapter shall apply to the board for renewal of his or her license on or before the expiration date,

197 as determined by the board, unless revoked, suspended or cancelled earlier by the board as a result of a
198 disciplinary proceeding instituted pursuant to section 234 of this chapter.

199 As a condition for renewal of his or her license, each licensed naturopathic doctor shall furnish the
200 board, if requested, satisfactory proof that he or she has successfully completed the required number of
201 hours of continuing education for naturopathic doctors in courses or programs approved by the board
202 and provide evidence of compliance with such other requirements or equivalent requirements as
203 approved by the board. Upon satisfactory compliance with the licensing requirements for naturopathic
204 doctors and successful completion of said continuing education requirements, the board shall issue a
205 renewal license showing that the holder is entitled to be licensed for the renewal period determined by
206 the board and the Division of Professional Licensure. The board may provide for the late renewal of a
207 license that has lapsed and may require payment of a late fee.

208 Section 232: The board may grant licensure by reciprocity to registered, certified or licensed
209 naturopathic doctors from other jurisdictions, provided that the requirements for registration,
210 certification or licensure in the other jurisdictions are, in the opinion of the board, substantially
211 equivalent to those set forth in section two hundred thirty of this chapter. The board shall promulgate
212 such rules and regulations, consistent with the laws of the Commonwealth, as may be reasonably
213 necessary for the implementation of this section.

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215 Section 233: Each licensed naturopathic doctor shall advise the board, in writing, of the address of his
216 principal place of business and all other addresses at which he or she is currently engaged in practice.
217 He or she shall immediately give written notification to the board of any change in the address of any
218 place of business at which he or she practices. He or she shall also advise the board, in writing, of his
219 current residential address and of any change thereof.

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221 Section 234: No person shall represent himself or hold himself out to the public as a licensed
222 naturopathic doctor as being licensed to practice naturopathic health care in the Commonwealth unless
223 he or she is licensed pursuant to the provisions of section 230 or section 232 of this chapter. It shall be
224 unlawful for any person who is not licensed pursuant to the provisions of this act to use any of the
225 following terms or titles: “naturopathic physician”, “naturopathic practitioner”, “natural doctor”,
226 “naturopathic doctor”, “doctor of naturopathy”, “doctor of natural medicine”, “doctor of naturopathic
227 medicine”, “NMD”, “doctor of nutritional medicine”, “N.D.”, “naturopathic medicine”, “naturopath”
228 or any other term that indicates or implies that he or she has been licensed or otherwise approved to
229 practice any form of naturopathic health care by any governmental body. The board of registration in
230 naturopathy can modify this list.

231 A naturopathic doctor duly licensed by the board pursuant to this chapter shall not use the term
232 “physician” nor hold himself out to be a “primary care” provider. Naturopathic doctors who are
233 licensed under this act are exempt from the prohibition of listing of affiliations outlined in Section 8A
234 of Chapter 112.

235 Any person acting or purporting to act as a licensed naturopathic doctor without first obtaining a
236 license under this chapter shall be punished by a fine of not more than \$5000 or by imprisonment not
237 to exceed more than 1 year or both. Upon conviction of any subsequent violation such person shall be
238 punished by a fine of not more than \$10,000 or 2 years imprisonment, or both. The provisions in this
239 paragraph shall begin only after the first six months of licensing availability after enactment of this
240 legislation.

241 A person who receives any money or the equivalent thereof as a fee, commission, compensation or
242 profit by, or as the consequence of a violation of any provision of this chapter shall, in addition to any

243 other penalty, be liable for a fine not less than the sum of the money so received and not more than 3
244 times the sum so received, as may be determined by the board.

245 No action or suit shall be instituted, nor recovery had, in any court of the Commonwealth by any
246 person for compensation for any act he or she has performed or service he or she has rendered as a
247 licensed naturopathic practitioner, unless such person held a valid current license under this chapter at
248 the time of offering to perform such act or service.

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

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