

273 CMR: BOARD OF REGISTRATION IN NATUROPATHY

273 CMR 8.00: REPORTING REQUIREMENTS

Section

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8.01: Purpose

273 CMR 8.00 identifies reports which naturopathic doctors in Massachusetts must submit to the Board and to other agencies within Massachusetts.

8.02: Reporting Abuse, Mistreatment or Neglect

(1) Elder Abuse. A naturopathic doctor who has reasonable cause to believe that an elderly person is suffering from or has died as a result of abuse, shall immediately make a verbal report of such information or cause a report to be made to the Department of Elder Affairs or its designated agency and shall within 48 hours make a written report to said Department or its designated agency.

(2) Abuse of a Disabled Person. A naturopathic doctor who has reasonable cause to believe that a disabled person is suffering from or has died as a result of abuse, shall immediately make a verbal report of such information or cause a report to be made to the Disabled Persons Protection Commission and shall within 48 hours make a written report to the Disabled Persons Protection Commission.

(3) Abuse, Neglect or Mistreatment of a Patient or Resident. A naturopathic doctor who has reasonable cause to believe that an individual who receives health, homemaker or hospice services at home from an individual employed by a home health agency or a hospice program or an individual who resides in a long term care facility licensed has been abused, mistreated or neglected or had property misappropriated, shall immediately report such abuse, mistreatment or neglect by making a verbal report of such information or causing a report to be made to the Department of Public Health and shall within 48 hours make a written report to the Department of Public Health.

(4) Child Abuse or Neglect. A naturopathic doctor who has reasonable cause to believe that a child is suffering physical or emotional injury resulting from any of the circumstances listed below shall immediately make a verbal report of such information or cause a report to be made to the Department of Children and Families and shall within 48 hours make a written report to the Department of Children and Families:

- (a) abuse inflicted upon a child that causes harm or substantial risk of harm to the child's health or welfare, including sexual abuse;
- (b) neglect, including malnutrition;
- (c) physical dependence upon an addictive drug at birth;
- (d) being a sexually exploited child; or
- (e) being a human trafficking victim.

8.03: Reporting Certain Diseases

(1) Diseases Designated as Reportable by the Department of Public Health. A naturopathic doctor who has diagnosed a patient as having, or suspects that a patient has, one or more of the diseases listed at 105 CMR 300.100: *Diseases Reportable to Local Boards of Health* shall notify the board of health in the community where the case is diagnosed or suspect case is identified. The report shall be made by telephone, in writing, by facsimile or other electronic means as deemed acceptable by the Department, immediately, but in no case more than 24 hours after diagnosis or identification. When available, name, date of birth, age, sex, address, place of employment, school and disease must be included for each report.

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(2) Diseases of the Eyes of Infants. A naturopathic doctor who in the course of his or her practice observes that the eye(s) of an infant becomes inflamed, swollen and red, or shows an unnatural discharge within two weeks after birth shall submit a report in writing, within six hours thereafter, to the board of health of the town where the infant is located.

(3) Reyes Syndrome. A naturopathic doctor who professionally examines or treats a child with Reye's syndrome shall report such examination or treatment to the Department of Public Health in accordance with the rules and regulations of the Department. Such report shall be made on forms prescribed by the Commissioner and shall be submitted as soon as possible after such examination or treatment.

(4) Lead Poisoning. A naturopathic doctor shall report to the Director of the Childhood Lead Poisoning Prevention Program in the Department of Public Health the existence and circumstances of each case of lead poisoning known to the naturopathic doctor and not previously reported. Such reports shall be submitted not later than three days after said person or agency first diagnoses or is informed of such case.

8.04: Vital Statistics Reporting

(1) Reporting Birth. A naturopathic doctor attending a birth shall report the birth as follows:
 (a) If a birth occurs in a hospital, or if a birth occurs elsewhere and the mother and child are taken to a hospital for postnatal care immediately after birth, the naturopathic doctor, within 24 hours after such birth, shall file with the administrator, or other person in charge of the hospital or similar institution in which the birth occurs, a report on forms furnished by the Commissioner, stating the facts required by M.G.L. c. 46, § 1 to be shown on the record of such birth.

(b) If the mother and child are not admitted to a hospital for postnatal care immediately after birth, within ten days after such birth, shall file with the clerk of the city or town wherein such birth occurred, a report on forms prepared and furnished by the Commissioner, stating the facts required to be shown on the record of such birth.

(2) Reporting Death. A naturopathic doctor after the death of a person whom he has attended during such person's last illness, or a naturopathic doctor declaring such person dead shall immediately furnish for registration a standard certificate of death to an undertaker or other authorized person or a member of the family of the deceased, stating to the best of his or her knowledge and belief the name of the deceased, the disease of which he or she died, defined as required by M.G.L. c. 46, § 1, where the same was contracted, the duration of the illness from which he died, and the date of death. The naturopathic doctor shall print or type on every certificate furnished by him or her under 273 CMR 8.04 the cause, or causes, of death and, directly below his or her signature, his or her name and the date the certificate was signed. The foregoing provisions shall apply in the same manner in the event of a child dying immediately after birth. Both the birth and death of such child shall be recorded.

(3) Certain Deaths Reported to the Office of the Chief Medical Examiner. A naturopathic doctor who has knowledge of a death which occurs under the circumstances enumerated in M.G.L. c. 38, § 3 shall immediately notify the office of the chief medical examiner, or the medical examiner designated to the location where the death has occurred, of the known facts concerning the time, place, manner, circumstances and cause of such death.

8.05: Self Reporting

(1) Action against Health Care Facility Privileges. A naturopathic doctor shall report to the Board any restriction, termination, revocation, suspension or resignation of his or her health care facility privileges within 30 days of the health care facility's action, notwithstanding any appeal that may be pending.

(2) Report of Adverse Events. A naturopathic doctor shall report to the Board the following events, if precipitated by a treatment administered or a procedure performed by the naturopathic doctor:

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- (a) An unplanned patient transfer to a hospital; or
- (b) A patient's death, when this death was unexpected and not related to the natural course of the patient's illness or underlying condition.

The report shall be filed by the licensee as soon as possible, but in no event later than 30 days following the event.

(3) Dissolution or Disassociation from a Professional Association for Reasons of Competence. A naturopathic doctor shall report a dissolution of, or disassociation from, a professional corporation, partnership or other professional practice group, however legally organized, when the dissolution is related, directly or indirectly, to:

- (a) A naturopathic doctor's competence to practice, or
- (b) A complaint or allegation regarding any violation of law or regulation, or bylaws of a health care facility, group practice, or professional association whether or not the complaint or allegation specifically cites violation of a specific law, regulation or bylaw.

(4) Settlement for Professional Liability. A naturopathic doctor shall report to the Board any settlement or award for damages for death or personal injury arising from or related to the naturopathic doctor's professional practice. The report shall be submitted to the Board within 30 days of the settlement or award and irrespective of whether the naturopathic doctor had professional liability insurance applicable to the event.

(5) Criminal Conviction. A naturopathic doctor shall report to the Board when he or she has been convicted of a crime, or filed a plea of nolo contendere or admitted to sufficient facts to a crime. The report shall be made within one week of the date of conviction, plea or admission.

REGULATORY AUTHORITY

273 CMR 8.00: M.G.L. c. 112, §§ 266-274; St. 2016, c. 400, § 2.