

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 612 Session of 2013

INTRODUCED BY MUSTIO, CHRISTIANA, READSHAW, MAHER, KILLION, KORTZ, SONNEY, QUINN, GERGELY, GIBBONS, GINGRICH, KOTIK, MARSHALL, FLECK, AUMENT, ROAE, DENLINGER, COHEN, D. COSTA, NEUMAN, WHITE, V. BROWN, FREEMAN, SANTARSIERO, WHEATLEY, HELM, SNYDER, HARPER, SWANGER, COX, SCAVELLO, CUTLER AND GALLOWAY, FEBRUARY 8, 2013

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 5, 2013

AN ACT

1 Relating to the right to practice naturopathic medicine;
2 providing for the issuance of licenses and the suspension and
3 revocation of licenses; providing for penalties; and making
4 repeals.

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14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 CHAPTER 1

17 PRELIMINARY PROVISIONS

18 Section 101. Short title.

19 This act shall be known and may be cited as the Naturopathic
20 Doctor Practice Act.

21 Section 102. Declaration of policy.

22 The General Assembly finds and declares as follows:

23 (1) The practice of naturopathic medicine in this
24 Commonwealth is declared to affect the public health, safety
25 and welfare and to be subject to regulation and control in
26 the public interest.

27 (2) It is a matter of public interest that naturopathic
28 doctors and the practice of naturopathic medicine merit the
29 confidence of the public, that only qualified persons be
30 authorized to practice naturopathic medicine in this

1 Commonwealth and that no person shall practice as a
2 naturopathic doctor without a valid existing license to do
3 so.

4 (3) The General Assembly recognizes that naturopathic
5 doctors comprise a distinct health care profession that
6 affects the public health, safety and welfare and increases
7 freedom of choice in health care.

8 (4) This act shall be liberally construed to best carry
9 out these subjects and purposes.

10 Section 103. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Behavioral medicine." Techniques including biofeedback,
15 relaxation training, hypnosis, mindfulness-based stress
16 reduction and cognitive therapy.

17 "Board." The State Board of Medicine.

18 "Botanical medicine." A system of medicine employing
19 naturally occurring substances derived from plants in the
20 prevention and treatment of disease.

21 "Bureau." The Bureau of Professional and Occupational
22 Affairs of the Commonwealth.

23 "Commissioner." The Commissioner of Professional and
24 Occupational Affairs of the Commonwealth.

25 "Common diagnostic procedures." The use of venipuncture and <--
26 ~~commonly used diagnostic imaging modalities consistent with~~
27 ~~naturopathic practice~~, health history taking, physical
28 examination, radiography, laboratory medicine and examination of <--
29 body orifices excluding endoscopy.

30 "Department." The Department of State of the Commonwealth.

1 ~~"Diagnostic imaging modalities." Includes all X ray,~~ <--
2 ~~mammography and ultrasound goods and services.~~

3 "Homeopathic medicine." A system of medicine employing
4 substances of animal, vegetable or mineral origin which are
5 given in microdosage in the prevention and treatment of disease.

6 "LEGEND DRUG." A DRUG: <--

7 (1) LIMITED BY THE FEDERAL FOOD, DRUG, AND COSMETIC ACT
8 (52 STAT. 1040, 21 U.S.C. § 301 ET SEQ.) TO BEING DISPENSED
9 BY PRESCRIPTION; AND

10 (2) THE PRODUCT LABEL OF WHICH IS REQUIRED TO CONTAIN
11 THE FOLLOWING STATEMENT: "CAUTION: FEDERAL LAW PROHIBITS
12 DISPENSING WITHOUT A PRESCRIPTION."

13 "Naturopathic doctor." An individual who holds an active
14 license issued under this act.

15 "Naturopathic medicine." A system of primary health care
16 practiced by doctors of naturopathic medicine for the
17 prevention, diagnosis and treatment of human health conditions,
18 injuries and diseases and that uses education, natural medicines
19 and therapies to support and stimulate the individual's
20 intrinsic self-healing processes.

21 "Naturopathic musculoskeletal therapy." The treatment by
22 manual and other mechanical means of all body tissues and
23 structures, including, but not limited to, bones, fascia,
24 muscles, tendons, ligaments, entheses, joint capsules, bursae,
25 tendon sheaths, scar tissue and visceral organs by naturopathic
26 doctors. These may be located anywhere in the human body,
27 including, but not limited to, the spine, cranium,
28 thoracoabdominal cavity and extremities. These manual and
29 mechanical techniques involve the use of oscillation, ~~thrust,~~ <--
30 pressure and sustained tension, including traction, mobilization

1 through physiologic and extra-physiologic ranges of motion,
2 including passive intrinsic mobility of all body joints, and
3 repositioning of displaced body tissues and organs.

4 "Naturopathic physical medicine." The methods of treating
5 the body by means of electromagnetic energy, colon hydrotherapy,
6 therapeutic exercise and therapeutic use by naturopathic doctors
7 of the physical agents of air, water, heat, cold, sound, light
8 and the physical modalities and procedures, including, but not
9 limited to, hydrotherapy, electrotherapy, magnetic therapy,
10 diathermy, ultrasound, ultraviolet, infrared and low-level laser
11 light, therapeutic exercise, neural therapy and myofascial
12 trigger point therapy.

13 "Naturopathic therapies." Methods used in the treatment of
14 an individual which include, but are not limited to,
15 hydrotherapy, topical medicines, foods, food extracts, vitamins,
16 amino acids, minerals, enzymes, dietary supplements, over-the-
17 counter medications and nonprescription drugs as defined by the
18 Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. §
19 301 et seq.), homeopathic remedies and plant substances that are
20 not designated as prescription drugs or controlled substances.

21 "Topical medicines." Topical analgesics, anesthetics,
22 antiseptics, scabicides, antifungals and antibacterials.

23 CHAPTER 2

24 STATE BOARD OF MEDICINE

25 Section 201. Declaration of purpose.

26 The board shall enforce and administer the provisions of this
27 act and shall adopt rules that are consistent with the intent of
28 this act.

29 Section 202. Naturopathic medical education.

30 The board shall approve a naturopathic medical education

1 program accredited by the Council on Naturopathic Medical
2 Education or an equivalent federally recognized accrediting body
3 for the naturopathic medical profession that has the following
4 minimum requirements:

5 (1) Admission requirements that include a minimum of
6 three-quarters of the credits required for a bachelor's
7 degree from a regionally accredited or preaccredited college
8 or university or the equivalency, as determined by the
9 council.

10 (2) Program requirements for its degree or diploma of a
11 minimum of 4,100 total hours in basic and clinical sciences,
12 naturopathic philosophy, naturopathic modalities and
13 naturopathic medicine. Of the total requisite hours, not less
14 than 2,500 hours shall consist of academic instruction, and
15 not less than 1,200 hours shall consist of supervised
16 clinical training approved by the naturopathic medical
17 school.

18 (3) A naturopathic medical education program in the
19 United States shall offer graduate-level, full-time studies
20 and training leading to the degree of Doctor of Naturopathy
21 or Doctor of Naturopathic Medicine. The program shall be an
22 institution or part of an institution of higher education
23 that is either accredited or is a candidate for accreditation
24 by a regional institutional accrediting agency recognized by
25 the United States Secretary of Education and the Council on
26 Naturopathic Medical Education, or an equivalent federally
27 recognized accrediting body for naturopathic doctor
28 education.

29 (4) To qualify as an approved naturopathic medical
30 school, a naturopathic medical program located in Canada or

1 the United States shall offer a full-time, doctoral-level,
2 naturopathic medical education program with its graduates
3 being eligible to apply to the board for licensure and to the
4 North American Board of Naturopathic Examiners that
5 administers the NATIONAL naturopathic licensing examination. <--

6 CHAPTER 3

7 LICENSURE

8 Section 301. Qualifications for licensure.

9 (a) Applicants.--An applicant shall be considered to be
10 qualified for a license if the applicant submits proof
11 satisfactory to the board of all of the following:

12 (1) The applicant is of good moral character.

13 (2) The applicant has completed a doctorate-level
14 naturopathic medical program ~~which is accredited or from an~~ <--
15 ~~accredited college recognized by the United States Department~~
16 ~~of Education.~~ APPROVED BY THE BOARD. <--

17 (3) The applicant has passed a competency-based national
18 naturopathic licensing examination administered by the North
19 American Board of Naturopathic Examiners or successor agency
20 that has been nationally recognized to administer a
21 naturopathic examination that represents Federal standards of
22 education and training, or has graduated prior to 1986 and
23 has passed a state naturopathic licensing examination.

24 ~~(4) The applicant provides the board with a list of at~~ <--
25 ~~least two physicians licensed to practice medicine in this~~
26 ~~State who have agreed to be available for consultation and~~
27 ~~accept referrals from the applicant. The applicant shall also~~
28 ~~provide the board with letters of verification from the~~
29 ~~listed physicians.~~

30 ~~(5)~~ (4) The application is accompanied by the <--

1 application fee as established by the board by regulation.

2 ~~(6)~~ (5) The applicant is not addicted to the habitual <--
3 use of alcohol, narcotics or other habit-forming drugs.

4 ~~(7)~~ (6) (i) The applicant has not been convicted of a <--
5 felony under the act of April 14, 1972 (P.L.233, No.64),
6 known as The Controlled Substance, Drug, Device and
7 Cosmetic Act, or of an offense under the laws of another
8 jurisdiction which, if committed in this Commonwealth,
9 would be a felony under The Controlled Substance, Drug,
10 Device and Cosmetic Act, unless the following apply:

11 (A) At least ten years have elapsed from the
12 date of conviction.

13 (B) The applicant satisfactorily demonstrates to
14 the board that the applicant has made significant
15 progress in personal rehabilitation since the
16 conviction and that licensure of the applicant should
17 not be expected to create a substantial risk of harm
18 to the public or a substantial risk of further
19 criminal violations.

20 (C) The applicant otherwise satisfies the
21 qualifications required under this act.

22 (ii) As used in this paragraph, the term "convicted"
23 includes a judgment, admission of guilt or a plea of nolo
24 contendere or receiving probation without verdict,
25 disposition in lieu of trial or an accelerated
26 rehabilitative disposition of the disposition of felony
27 charges.

28 ~~(8)~~ (7) The applicant has not been convicted of an <--
29 offense under the laws of ~~another~~ THIS COMMONWEALTH OR ANY <--
30 OTHER STATE OR FOREIGN jurisdiction which, if committed in

1 this Commonwealth, would constitute a sexual offense or a
2 felony. Compliance with this paragraph must be documented by
3 a report of criminal history record information from the
4 Pennsylvania State Police or by a statement from the
5 Pennsylvania State Police that its central repository
6 contains no information relating to the applicant. The costs
7 associated with the report or statement shall be paid by the
8 applicant.

9 (b) Transferability.--A license and a temporary practice
10 permit are not transferable.

11 Section 302. License status and continuing education.

12 (a) Duration of license.--A license shall be renewable on a
13 biennial basis. The biennial expiration date shall be
14 established by regulation of the board. Application for renewal
15 of a license shall biennially be forwarded to an individual
16 holding a current license prior to the expiration date of the
17 current renewal biennium.

18 (b) Procedure.--To renew a license, a licensee must do all
19 of the following:

20 (1) File a renewal application with the board.

21 (2) Maintain current certification to administer
22 cardiopulmonary resuscitation.

23 (3) Successfully complete a minimum of 50 hours of
24 continuing education biennially. The continuing education
25 shall meet the following requirements:

26 (i) At least ten hours shall be in pharmacology.

27 (ii) The program shall consist of study covering
28 new, review, experimental, research and specialty
29 subjects within the scope of practice of naturopathic
30 medicine in this Commonwealth.

1 (iii) Continuing education must be provided by one
2 of the following:

3 (A) A professional health care licensing agency,
4 hospital or institution accredited by the
5 Accreditation Council of Continuing Medical Education
6 (ACCME).

7 (B) A program sponsored by the American Council
8 of Pharmaceutical Education (ACPE).

9 (C) An accredited college or university.

10 (D) A professional association or organization
11 representing a licensed profession whose program
12 objectives are related to naturopathic training.

13 (E) Any other provider providing a program
14 related to naturopathic education, if the provider
15 has submitted an application to and received approval
16 from the Pennsylvania Association of Naturopathic
17 Physicians or American Association of Naturopathic
18 Physicians.

19 (4) Pay a fee established by regulation of the board.

20 (c) Inactive status.--A licensee may request an application
21 for inactive status. The application form must be completed and
22 returned to the board. Upon receipt of an application, the
23 individual shall be maintained on inactive status without fee
24 and shall be entitled to apply for licensure renewal at any
25 time. An individual who requests the board to activate the
26 individual's license and who has been on inactive status for a
27 period of five consecutive years must, prior to receiving an
28 active license, satisfy the requirements of the board's
29 regulations for ensuring continued education, including holding
30 current certification to administer cardiopulmonary

1 resuscitation and remitting the required fee. The board shall
2 promulgate regulations to carry into effect the provisions of
3 this subsection.

4 (d) Reporting of multiple licensure.--A licensee who is also
5 licensed to practice naturopathic medicine in another
6 jurisdiction shall report this information to the board on the
7 biennial registration application. Any disciplinary action taken
8 in another jurisdiction shall be reported to the board on the
9 biennial registration application or within 90 days of final
10 disposition, whichever is sooner. Multiple licensures shall be
11 noted by the board on the licensee's record, and the other
12 licensing jurisdiction shall be notified by the board of any
13 disciplinary actions taken against the licensee in this
14 Commonwealth.

15 Section 303. Liability insurance.

16 (a) General rule.--A licensed naturopathic doctor practicing
17 in this Commonwealth shall maintain a level of medical
18 professional liability insurance coverage in the minimum amount
19 of \$1,000,000 per occurrence or claim made. Failure to maintain
20 insurance coverage as required shall subject the licensee to
21 disciplinary proceedings. The board shall accept as satisfactory
22 evidence of insurance coverage any of the following:

23 (1) Self-insurance.

24 (2) Personally purchased medical professional liability
25 insurance.

26 (3) Medical professional liability insurance coverage
27 provided by the naturopathic doctor's employer or similar
28 insurance coverage acceptable to the board.

29 (b) Proof.--A license applicant shall provide proof that the
30 applicant has obtained medical professional liability insurance

1 in accordance with subsection (a). It is sufficient if the
2 applicant files with the application a copy of a letter from the
3 applicant's professional liability insurance carrier indicating
4 that the applicant will be covered against professional
5 liability in the required amounts effective upon the issuance of
6 the applicant's license to practice in this Commonwealth. Upon
7 issuance of the license, the licensee has 30 days to submit to
8 the board the certificate of insurance or a copy of the policy
9 declaration page.

10 Section 304. Reciprocity.

11 The board has the power to grant a reciprocal license to an
12 applicant who is licensed or certified as a naturopathic doctor
13 or similar practice in another state and has demonstrated
14 qualifications which equal or exceed those required under this
15 act in the determination of the board. No license shall be
16 granted under this section to an applicant unless the state in
17 which the applicant is licensed affords reciprocal treatment to
18 individuals who are residents of this Commonwealth and who are
19 licensed under this act.

20 CHAPTER 4

21 PRACTICE OF NATUROPATHIC MEDICINE

22 Section 401. Scope of practice.

23 (a) Scope.--The following are deemed to be within the scope
24 of practice for a naturopathic doctor:

25 (1) Order and perform physical and laboratory
26 examinations consistent with naturopathic education and
27 training, for diagnostic purposes, utilizing common
28 diagnostic procedures.

29 ~~(2) Order diagnostic imaging studies consistent with~~ <--
30 ~~naturopathic training.~~

1 ~~(3)~~ (2) Dispense, administer, order, prescribe or <--
2 perform CONSISTENT WITH NATUROPATHIC EDUCATION AND TRAINING <--
3 the following:

4 (i) Naturopathic therapies.

5 (ii) Naturopathic physical medicine.

6 (iii) Devices, including therapeutic devices,
7 durable medical equipment and barrier contraception,
8 except those that require surgical intervention.

9 (iv) Health education and health counseling.

10 (v) Behavioral medicine.

11 (vi) Botanical medicine.

12 (vii) Naturopathic musculoskeletal therapy.

13 (viii) Homeopathic medicine.

14 ~~(4)~~ (3) Utilize routes of administration that include <--
15 oral, nasal, auricular, ocular, rectal, vaginal, transdermal,
16 intradermal, subcutaneous and intramuscular.

17 (b) Prescriptions.--All prescriptions must be hand-printed,
18 typewritten or generated electronically.

19 (c) Prohibitions.--A naturopathic doctor licensed under this
20 act shall not:

21 (1) Prescribe, dispense or administer any ~~controlled~~ <--
22 ~~substance or device identified in the Controlled Substances~~
23 ~~Act (Public Law 91-513, 84 Stat. 1236)~~ LEGEND DRUG. <--

24 (2) Perform surgical procedures.

25 (3) Practice or claim to practice as any other licensed
26 health care professional not authorized in this act unless
27 licensed as such.

28 (4) Use general or spinal anesthetics.

29 (5) Administer ionizing radioactive substances for
30 therapeutic purposes.

1 (6) Perform chiropractic adjustments, INCLUDING GRADE <--
2 FIVE MOBILIZATION AND MANIPULATION, unless licensed as a
3 chiropractor by the Commonwealth.

4 (7) Perform acupuncture, unless licensed as an
5 acupuncturist by the Commonwealth.

6 (8) PERFORM PHYSICAL THERAPY, AS DEFINED IN THE ACT OF <--
7 OCTOBER 10, 1975 (P.L.383, NO.110), KNOWN AS THE PHYSICAL
8 THERAPY PRACTICE ACT, UNLESS LICENSED AS A PHYSICAL THERAPIST
9 BY THE COMMONWEALTH.

10 CHAPTER 5

11 ADMINISTRATION AND ENFORCEMENT

12 Section 501. Refusal, suspension and revocation of licenses.

13 (a) Grounds.--The board may refuse, suspend, revoke, limit
14 or restrict a license or reprimand a licensee for any of the
15 following:

16 (1) Being convicted under Federal law, under the law of
17 any state or under the law of any foreign jurisdiction of an
18 offense of moral turpitude or of an offense which, if
19 committed in this Commonwealth, would constitute a sexual
20 offense or a felony. As used in this paragraph, the term
21 "convicted" includes a finding or verdict of guilt, an
22 admission of guilt or a plea of nolo contendere or receiving
23 probation without verdict, disposition in lieu of trial or an
24 accelerated rehabilitative disposition in the disposition of
25 felony charges.

26 (2) Being found to have engaged in immoral or
27 unprofessional conduct. In proceedings based on this
28 paragraph, actual injury to the patient need not be
29 established. As used in this paragraph, the term
30 "unprofessional conduct" includes:

1 (i) a departure from or failure to conform to the
2 standards of acceptable and prevailing practice; and

3 (ii) sexual exploitation of a patient.

4 (3) Violating standards of professional practice or
5 conduct adopted by the board.

6 (4) Presenting false credentials or documents or making
7 a false statement of fact in support of the applicant's
8 application for a license.

9 (5) Submitting a false or deceptive biennial renewal to
10 the board.

11 (6) Having a license suspended, revoked or refused or
12 receiving other disciplinary action by the proper licensing
13 authority of any other jurisdiction.

14 (7) Violating a regulation promulgated by the board,
15 including standards of professional practice and conduct or
16 violating an order of the board previously entered in a
17 disciplinary proceeding.

18 (8) Failing to refer a patient to a physician when the
19 patient is presenting a contradiction to naturopathic
20 medicine.

21 (9) Incompetence, negligence or misconduct in carrying
22 out the practice of naturopathic medicine.

23 (10) Practicing beyond the licensee's defined scope of
24 practice.

25 (11) Knowingly aiding, assisting, hiring or advising
26 someone in the unlawful practice of naturopathic medicine.

27 (12) Being unable to practice with reasonable skill and
28 safety by reason of illness, drunkenness, excessive use of
29 drugs, narcotics, chemicals or any other type of material, or
30 as a result of any mental or physical condition. In enforcing

1 this paragraph, the board, upon probable cause, has authority
2 to compel a licensee to submit to a mental or physical
3 examination by a physician approved by the board. Failure of
4 a licensee to submit to an examination when directed by the
5 board, unless the failure is due to circumstances beyond the
6 licensee's control, shall constitute an admission of the
7 allegations against the licensee, consequent upon which a
8 default and final order may be entered without the taking of
9 testimony or presentation of evidence. A licensee affected
10 under this paragraph shall, at reasonable intervals as
11 determined by the board, be afforded an opportunity to
12 demonstrate that the licensee can resume competent practice
13 with reasonable skill and safety.

14 (b) Board action.--If the board finds that the license or
15 application for license may be refused, revoked, restricted or
16 suspended under the terms of subsection (a), the board may do
17 any of the following:

18 (1) Deny the application for license.

19 (2) Administer a public reprimand.

20 (3) Revoke, suspend, limit or otherwise restrict a
21 license.

22 (4) Require a licensee to submit to the care, counseling
23 or treatment of a physician designated by the board.

24 (5) Restore a suspended license and impose any
25 disciplinary or corrective measure which it might originally
26 have imposed.

27 (c) Administrative Agency Law.--Actions of the board under
28 subsections (a) and (b) are subject to 2 Pa.C.S. Chs. 5 Subch. A
29 (relating to practice and procedure of Commonwealth agencies)
30 and 7 Subch. A (relating to judicial review of Commonwealth

1 agency action).

2 (d) Temporary suspension.--The board shall temporarily
3 suspend a license under circumstances as determined by the board
4 to be an immediate and clear danger to the public health and
5 safety. The board shall issue an order to that effect without a
6 hearing, but upon notice to the licensee concerned at the
7 licensee's last known address, which must include a written
8 statement of all allegations against the licensee. Subsection
9 (c) shall not apply to temporary suspension. Upon issuance of an
10 order under this subsection, the board shall commence formal
11 action to suspend, revoke or restrict the license as otherwise
12 provided for in this act. All actions shall be taken promptly.
13 Within 30 days following the issuance of an order temporarily
14 suspending a license, the board shall conduct a preliminary
15 hearing to determine that there is a prima facie case supporting
16 the suspension. The licensee whose license has been temporarily
17 suspended may be present at the preliminary hearing and may be
18 represented by counsel, cross-examine witnesses, inspect
19 physical evidence, call witnesses, offer evidence and testimony
20 and make a record of the proceedings. If it is determined that
21 there is not a prima facie case, the suspended license shall be
22 immediately restored. The temporary suspension shall remain in
23 effect until vacated by the board, but in no event longer than
24 180 days.

25 (e) Automatic suspension.--

26 (1) A license shall automatically be suspended upon the
27 legal commitment of a licensee to an institution because of
28 mental incompetence from any cause upon filing with the board
29 a certified copy of the commitment.

30 (2) A license shall automatically be suspended upon

1 conviction of a felony under the act of April 14, 1972 (P.L.
2 233, No. 64), known as The Controlled Substance, Drug, Device
3 and Cosmetic Act, or conviction of an offense under the laws
4 of another jurisdiction, which, if committed in this
5 Commonwealth, would be a felony under The Controlled
6 Substance, Drug, Device and Cosmetic Act. As used in this
7 paragraph, the term "conviction" includes a judgment, an
8 admission of guilt or a plea of nolo contendere.

9 (3) Automatic suspension under this section shall not be
10 stayed pending an appeal.

11 (4) Reinstatement of a license shall be made under
12 section 502.

13 (5) Subsection (c) shall not apply to automatic
14 suspension.

15 Section 502. Reinstatement of license.

16 Unless ordered to do so by a court of competent jurisdiction,
17 the board shall not reinstate the license of an individual which
18 has been revoked. An individual whose license has been revoked
19 may reapply for a license after a period of at least five years
20 but must meet all of the licensing requirements of this act.

21 Section 503. License renewal, records and fees.

22 (a) Records.--A record of all licensees shall be kept in the
23 office of the board and shall be open to public inspection and
24 copying upon payment of a reasonable fee for copying the record.

25 (b) Fees.--

26 (1) All fees required under this act shall be fixed by
27 the board by regulation. If the revenue raised by fees, fines
28 and civil penalties imposed under this act are not sufficient
29 to meet expenditures over a two-year period, the board shall
30 increase those fees by regulation so that the projected

1 revenues will meet or exceed projected expenditures.

2 (2) If the bureau determines that the fees established
3 by the board under paragraph (1) are inadequate to meet the
4 minimum enforcement efforts required by this act, the bureau,
5 after consultation with the board, shall increase the fees by
6 regulation in an amount so that adequate revenues are raised
7 to meet the required enforcement effort.

8 Section 504. Duty of licensee.

9 A licensee shall refer a patient to a physician when the
10 patient is presenting a contraindication to the practice of
11 naturopathic medicine.

12 Section 505. Other professions.

13 Nothing in this act shall be construed as preventing,
14 restricting or requiring licensure of any of the following
15 activities:

16 (1) The practice of a profession by an individual who is
17 licensed, certified or registered by a Commonwealth agency
18 under other law and who is performing services or advertising
19 within the authorized scope of practice.

20 (2) The practice of naturopathic medicine by an
21 individual employed by the Federal Government while the
22 individual is engaged in the performance of duties under
23 Federal law.

24 (3) The practice of naturopathic medicine by an
25 individual licensed, registered or certified in another
26 jurisdiction when incidentally called into this Commonwealth
27 to teach a course related to the practice of naturopathic
28 medicine or to consult with a licensee.

29 (4) The use, recommendation or practice by an individual
30 not licensed by the board as a naturopathic doctor, of

1 traditional naturopathy, naturopathic therapies, naturopathic
2 health care, naturopathic services, natural remedies,
3 ayurvedic medicine, herbal remedies, food and dietary
4 supplements, nutritional advice, homeopathy and homeopathic
5 remedies, hydrotherapy and therapeutic exercises or any other
6 complementary and alternative healing methods and treatments
7 that may be components of naturopathic medicine, provided the
8 individual does not hold himself out as a naturopathic doctor
9 or as a provider of naturopathic medicine.

10 Section 506. Unlawful practice.

11 (a) General rule.--An individual may not practice
12 naturopathic medicine or hold himself out as a naturopathic
13 doctor unless licensed by the board. An individual represents
14 himself as a naturopathic doctor when that person adopts or uses
15 any title or any description of services that incorporates one
16 or more of the following terms or designations:

17 (1) naturopathic doctor or N.D.; or

18 (2) doctor of naturopathic medicine, naturopathic
19 medical doctor or N.M.D.

20 (b) Title.--An individual who holds a license or is
21 maintained on inactive status may use the title "Naturopathic
22 Doctor" and the abbreviation "N.D." or "N.M.D." No other
23 individual may use the title "Naturopathic Doctor" or hold
24 himself out to others as a naturopathic doctor. This subsection
25 includes advertising as a naturopathic doctor and adopting or
26 using any title or description, including naturopathic doctor,
27 doctor of naturopathic medicine, naturopathic medicine or a
28 derivative of those terms and their related abbreviations.

29 (c) Employment.--An individual, corporation, partnership,
30 firm or other entity may not employ an individual as a

1 naturopathic doctor unless the individual is licensed by the
2 board.

3 (d) Terminology.--A business entity may not utilize in
4 connection with a business name or activity the words
5 naturopathic doctor, doctor of naturopathic medicine,
6 naturopathic medicine or a derivative of those terms and their
7 related abbreviations unless the services of the business are
8 provided by licensees.

9 (e) Injunction.--Unlawful practice may be enjoined by the
10 courts upon petition of the commissioner or the board. In a
11 proceeding under this section, it shall not be necessary to show
12 that an individual has been injured. If the court finds that the
13 respondent has violated this section, it shall enjoin the
14 respondent from practicing until the respondent has been
15 licensed. Procedure in such cases shall be the same as in any
16 other injunction suit.

17 (f) Remedy cumulative.--The injunctive remedy provided in
18 this section shall be in addition to any other civil or criminal
19 prosecution and punishment.

20 Section 507. Violation of act.

21 (a) General rule.--A person that violates a provision of
22 this act or a regulation of the board commits a misdemeanor of
23 the third degree and shall, upon conviction, be sentenced to pay
24 a fine of not more than \$1,000 or to imprisonment for not more
25 than six months for the first violation and to pay a fine of not
26 more than \$2,000 or to imprisonment for not less than six months
27 or more than one year, or both, for each subsequent violation.

28 (b) Civil penalty.--In addition to any other civil remedy or
29 criminal penalty provided for in this act, the board, by a vote
30 of the majority of the maximum number of the authorized

1 membership of the board or by a vote of the majority of the
2 qualified and confirmed membership or a minimum of five members,
3 whichever is greater, may levy a civil penalty of up to \$1,000
4 on any of the following:

5 (1) A naturopathic doctor who violates a provision of
6 this act.

7 (2) A person who employs a naturopathic doctor in
8 violation of this act.

9 (3) An individual who holds himself out as a licensee
10 without being properly licensed as provided in this act.

11 (4) The responsible officers or employees of a
12 corporation, partnership, firm or other entity that violates
13 a provision of this act.

14 (c) Administrative Agency Law.--Action of the board under
15 subsection (b) is subject to 2 Pa.C.S. Chs. 5 Subch. A (relating
16 to practice and procedure of Commonwealth agencies) and 7 Subch.
17 A (relating to judicial review of Commonwealth agency action).

18 CHAPTER 6

19 MISCELLANEOUS PROVISIONS

20 Section 601. Regulations.

21 The board shall promulgate regulations to carry out this act.
22 Publication of the final-form regulations under this section
23 shall take place within 18 months of the effective date of this
24 section. The board shall report, within 60 days of the effective
25 date of this section, and every 30 days thereafter, on the
26 status of the regulations to the Consumer Protection and
27 Professional Licensure Committee of the Senate and the
28 Professional Licensure Committee of the House of
29 Representatives.

30 Section 602. Effective date.

1 This act shall take effect as follows:

2 (1) Chapter 2 and this chapter shall take effect
3 immediately.

4 (2) The remainder of this act shall take effect in two
5 years.