

FIRST REGULAR SESSION

HOUSE BILL NO. 750

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FAITH (Sponsor), DIXON, KINGERY,
MUNZLINGER AND TILLEY (Co-sponsors).

1715L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 334, RSMo, by adding thereto seven new sections relating to the practice of naturopathy medicine.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 334, RSMo, is amended by adding thereto seven new sections, to be
2 known as sections 334.1000, 334.1005, 334.1010, 334.1015, 334.1020, 334.1025, and 334.1030,
3 to read as follows:

334.1000. As used in sections 334.1000 to 334.1030, the following terms shall mean:

2 **(1) "Approved naturopathic medical program":**

3 **(a) A naturopathic medical education program in the United States accredited by**
4 **the Council on Naturopathic Medical Education or an equivalent federally recognized**
5 **accrediting body for the naturopathic medical profession recognized by the board. Such**
6 **program shall offer graduate-level full-time didactic and supervised clinical training**
7 **leading to the degree of doctor of naturopathy or doctor of naturopathic medicine.**
8 **Additionally, the program shall be an institution or part of an institution of higher**
9 **education that is either accredited or is a candidate for accreditation by a regional**
10 **institutional accrediting agency recognized by the United States Secretary of Education;**
11 **or**

12 **(b) A degree granting college or university that offers a full-time structured**
13 **curriculum in basic sciences and supervised patient care comprising a doctoral**
14 **naturopathic medical education. Such course, as a prerequisite to graduation, shall not be**
15 **less than one hundred thirty-two weeks in duration and shall require completion within**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 a period of not less than thirty-five months, or shall be a bridge program that offers a
17 specialized curriculum intended to facilitate the education of first-degreed health care
18 professionals seeking to earn the doctor of naturopathy or doctor of naturopathic
19 medicine. Such program shall be certified by the department of higher education to offer
20 the degree of doctor of naturopathy or doctor of naturopathic medicine and shall have a
21 minimum requirement of twenty-four months supervised didactic clinical education or
22 fifty-four semester hours of credit, and a supervised program of clinical patient care
23 consisting of a minimum of six hundred hours. Such college of liberal arts or naturopathic
24 medicine shall be reputable and in good standing in the judgment of the board;

25 (2) "Board", the board of naturopathic medicine created in section 334.1025;

26 (3) "Department", the department of health and senior services;

27 (4) "Director", the director of the division of professional registration within the
28 department of insurance, financial institutions and professional registration;

29 (5) "Division", the division of professional registration within the department of
30 insurance, financial institutions and professional registration;

31 (6) "Minor office procedures", the methods of repair and care incidental to
32 superficial lacerations and abrasions, superficial lesions, and the removal of foreign bodies
33 located in superficial tissues;

34 (7) "Naturopathic formulary", the list of natural medicines which naturopathic
35 physicians use in the practice of their profession, as determined by the formulary council
36 and reviewed by the board;

37 (8) "Naturopathic formulary council", the council comprised of members
38 appointed under sections 334.1000 to 334.1030 to determine and authorize the formulary
39 list;

40 (9) "Naturopathic medicine", a system of primary health care for the prevention,
41 diagnosis, and treatment of human health conditions, injury, and disease; the promotion
42 or restoration of health; and the support and stimulation of a patient's inherent self-
43 healing processes through patient education and the use of natural therapies and
44 therapeutic substances;

45 (10) "Naturopathic physician", a practitioner of naturopathic medicine who has
46 been properly licensed for such purpose by the division of professional registration under
47 sections 334.1000 to 334.1030;

48 (11) "Prescription drug", any drug defined by Section 503(b) of the federal Food,
49 Drug and Cosmetic Act, 21 U.S.C. Section 353, if its label is required to bear the statement
50 "Rx only".

334.1005. 1. A person represents himself or herself as a practitioner of
2 naturopathic medicine when such person uses or adopts the designation "doctor of
3 naturopathic medicine" or "doctor of naturopathy". A licensee shall use the title
4 "naturopathic physician" and the recognized abbreviation "N.D.". Naturopathic
5 physicians shall have the exclusive right to use the terms: "naturopathic physician",
6 "naturopathic doctor", "naturopath", "doctor of naturopathic medicine", "doctor of
7 naturopathy", "naturopathic medical doctor", "naturopathic medicine", "naturopathic
8 health care", "naturopathy", "N.D.", "ND", "NMD", and "N.M.D.".

9 2. No person shall represent himself or herself to the public as a naturopathic
10 physician, a doctor of naturopathic medicine, a doctor of naturopathy, or as being
11 otherwise authorized to practice naturopathic medicine in this state without first obtaining
12 a license to practice naturopathic medicine from the division under sections 334.1000 to
13 334.1030.

14 3. The titles and terms listed in subsection 1 of this section identify naturopathic
15 physicians and are restricted to describing and identifying licensed practitioners.

334.1010. 1. An applicant for licensure to practice naturopathic medicine in this
2 state shall be required to submit to the board the following:

3 (1) An application for licensure designed and approved by the division;
4 (2) An application fee established by the division; and
5 (3) Evidence that the applicant is a graduate of an approved naturopathic medical
6 program in accordance with the requirements of subdivision (1) of section 334.1000 and
7 has successfully passed a competency-based national naturopathic licensing examination
8 administered by the North American Board of Naturopathic Examiners, or equivalent
9 testing recognized by the board. For an applicant who is a graduate of an approved
10 naturopathic school, as defined in paragraph (b) of subdivision (1) of section 334.1000,
11 eligibility for licensure may be granted with successful passage of a board-approved state
12 competency examination or Canadian provincial examination.

13 2. An applicant shall:

14 (1) Be able to provide documentation that attests to his or her good, ethical, and
15 professional reputation;

16 (2) Be physically and mentally capable of safely practicing naturopathic medicine
17 with or without reasonable accommodation; and

18 (3) Not have had a license to practice naturopathic medicine or other health care
19 license registration or certificate refused, revoked, or suspended by any other state or
20 country for reasons that relate to the applicant's ability to skillfully and safely practice

21 naturopathic medicine, unless such license, registration, or certificate has been restored to
22 good standing by such other state or country.

23 **3. An applicant who engaged in the practice of naturopathic medicine prior to the**
24 **effective date of sections 334.1000 to 334.1030 without a license shall be eligible for**
25 **licensure as follows:**

26 **(1) The applicant shall have been in active practice of naturopathic medicine for**
27 **a period of not less than five years prior to the effective date of sections 334.1000 to**
28 **334.1030;**

29 **(2) The applicant shall prove to the satisfaction of the board that the applicant has**
30 **the requisite education to perform the duties of a naturopathic physician;**

31 **(3) The applicant shall prove to the satisfaction of the board an active practice in**
32 **the state of Missouri and residence in this state during such five-year period required in**
33 **subdivision (1) of this subsection;**

34 **(4) The applicant shall submit all appropriate applications and fees to the board**
35 **within a period not to exceed eighteen months from the effective date of sections 334.1000**
36 **to 334.1030;**

37 **(5) If the board determines the education of any applicant is insufficient to license**
38 **for full practice rights, the board shall issue a restricted license to the applicant attempting**
39 **to be licensed under this subsection; and**

40 **(6) A restricted license issued under subdivision (5) of this subsection may be**
41 **converted to full licensure when the applicant completes the educational programs directed**
42 **by the board through an approved naturopathic program.**

43 **4. Notwithstanding any other provision of this section, an individual may be**
44 **licensed as a naturopathic physician if such individual:**

45 **(1) Is a resident of this state;**

46 **(2) Has engaged in and held himself or herself out to the public as practicing**
47 **naturopathic health care for a minimum of twenty years in the state of Missouri; and**

48 **(3) Applies for licensure within eighteen months of the effective date of sections**
49 **334.1000 to 334.1030.**

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51 **Such individual may use the title "naturopathic physician", but shall be limited to the**
52 **diagnosis of diseases and conditions, and the treatment of diagnosed diseases and**
53 **conditions by such individual shall be limited to the use of natural naturopathic therapies.**

54 **5. If any individuals engaged in the practice of naturopathic medicine for whom**
55 **sections 334.1000 to 334.1030 are intended to include for licensure as naturopathic**

56 physicians but who do not meet the requirements for licensure under subsections 1 to 4 of
57 this section, a restricted license shall be granted as follows:

58 (1) Any individual who does not meet the requirements for licensure established
59 in subsections 1 to 4 of this section may satisfy alternative criteria established by the board
60 which are the substantial equivalent of the requirements in subsections 1 to 4 of this
61 section;

62 (2) Any practitioner who is unable to prove sufficient education and training to be
63 eligible for licensure under subsections 1 to 4 of this section may be eligible for restricted
64 licensure, provided such practitioner meets the following requirements:

65 (a) The practitioner provides evidence of having completed a residential structured
66 curriculum in basic sciences and supervised patient care comprising a doctoral
67 naturopathic medical education approved by the board; and

68 (b) The practitioner documents practicing as a naturopathic physician in this state
69 for the past five years; and

70 (c) The practitioner complies with subsection 2 of this section.

334.1015. A naturopathic physician may practice by any and all methods and
2 means taught in an approved college of naturopathic medicine as determined by the board.

334.1020. Nothing in sections 334.1000 to 334.1030 shall be construed to prohibit
2 or restrict:

3 (1) The practice of a profession by individuals who are licensed, certified, or
4 registered under other laws of this state who are performing services within their
5 authorized scope of practice;

6 (2) The practice of naturopathic medicine by an individual employed by the federal
7 government while such individual is engaged in the performance of duties prescribed by
8 federal law and regulations;

9 (3) The practice of naturopathic medicine by students enrolled in an approved
10 naturopathic medical college. The performance of services shall be pursuant to a course
11 of instruction or assignments from an instructor and under the supervision of the
12 instructor. The instructor shall be a naturopathic physician licensed under sections
13 334.1000 to 334.1030, or a licensed professional in the instructed field;

14 (4) Any person from treating himself or herself and his or her family based on
15 religious or health beliefs;

16 (5) Any person who sells vitamins and herbs from providing information about
17 such products;

18 (6) Any person or practitioner from recommending any therapy that is within the
19 scope of practice of naturopathic physicians as outlined in sections 334.1000 to 334.1030

20 and that is within such person's or practitioner's legal rights or scope of practice granted
21 by the existing laws of this state; or

22 (7) Any person licensed to practice in another state or district of the United States
23 as a practicing naturopathic physician when such person enters this state to consult with
24 a naturopathic physician licensed in this state; provided however, the consultation shall
25 be limited to examination, recommendation, or testimony in litigation.

334.1025. 1. There is hereby created within the department of health and senior
2 services the "Board of Naturopathic Medicine", which shall be comprised of five members
3 appointed by the governor.

4 2. The members of the board shall consist of four professional members and one
5 nonprofessional member. The initial professional members of the board shall be residents
6 of this state who are eligible for licensure under sections 334.1000 to 334.1030 and who
7 obtain and maintain a license under sections 334.1000 to 334.1030 while serving on the
8 board. Five years after the effective date of this section, all subsequent members of the
9 board shall be licensed doctors of naturopathic medicine or naturopathic physicians, as
10 defined in section 334.1000, who are in good standing in this state, who are residents of this
11 state, and who have been engaged in the practice or instruction of naturopathic medicine
12 for at least five years. The remaining nonprofessional member of the board shall be a
13 resident of this state who is not and never has been a licensed health care practitioner and
14 who does not have an interest in naturopathic education, business, or practice.

15 3. The board shall:

16 (1) Adopt all rules and conduct all hearings required by sections 334.1000 to
17 334.1030;

18 (2) Facilitate and adopt the competency-based examination approved by the board
19 as the naturopathic licensing examination.

20 4. The names of naturopathic physicians eligible to serve on the board shall be
21 forwarded to the governor by registered state naturopathic associations.

22 5. For purposes of staggering terms of board members, the governor shall initially
23 appoint two members for a term of four years, two members for a term of three years, and
24 one member for a term of two years. As the terms of the board members expire, the
25 governor shall appoint successors for a term of four years, and such members shall serve
26 until their successors are appointed.

27 6. The governor may remove any member of the board for cause prior to the
28 expiration of the member's term.

29 7. Within thirty days after appointment of the board and at least annually
30 thereafter, the board shall hold a meeting and elect a chairperson. The board may hold

31 additional meetings at the call of the chair or at the written request of any two members
32 of the board. The board may appoint such committees as it deems necessary to carry out
33 the duties of the board. A majority of the board shall constitute a quorum.

34 **8. Members of the board shall not be compensated for their services on the board,**
35 **but may be reimbursed for actual and necessary expenses incurred in the performance of**
36 **their duties as members of the board.**

37 **9. The board may promulgate such rules as are necessary to implement the**
38 **provisions of sections 334.1000 to 334.1030, may recommend disciplinary action as**
39 **provided in sections 334.1000 to 334.1030, and shall perform any administrative,**
40 **nondisciplinary, and nonrulemaking functions assigned to the board by the director as**
41 **provided in sections 334.1000 to 334.1030.**

42 **10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
43 **that is created under the authority delegated in this section shall become effective only if**
44 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
45 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
46 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
47 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
48 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
49 **adopted after August 28, 2009, shall be invalid and void.**

334.1030. 1. The board may issue a reciprocal license to any applicant who submits
2 **an application for licensure together with the appropriate fee, proof acceptable to the**
3 **division of current licensure in good standing in another state, the District of Columbia,**
4 **or territory of the United States, whose standards for licensure are at least equivalent to**
5 **those of this state.**

6 **2. Any applicant seeking a reciprocal license under this section shall provide proof**
7 **of licensure in good standing in all states in which the applicant is or has been licensed.**

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