

FIRST REGULAR SESSION

SENATE BILL NO. 425

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RUPP.

Read 1st time February 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1686S.011

AN ACT

To amend chapter 334, RSMo, by adding thereto twelve new sections relating to the regulation and licensing of the practice of naturopathic medicine, with penalty provisions.

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

Section A. Chapter 334, RSMo, is amended by adding thereto twelve new sections, to be known as sections 334.650, 334.653, 334.656, 334.659, 334.662, 334.665, 334.668, 334.671, 334.674, 334.677, 334.680, and 334.683, to read as follows:

334.650. 1. As used in sections 334.650 to 334.683, the following terms shall mean:

(1) "Approved naturopathic college", doctoral-level naturopathic medical education program that is accredited by the Council on Naturopathic Medical Education, its successor or equivalent, or which is recognized and approved by the state of Missouri coordinating board of higher education;

(2) "Board", the state board of registration for the healing arts;

(3) "Department", the department of insurance, financial institutions and professional registration;

(4) "Diagnose", to examine in any manner another person, parts of a person's body, or substances, fluids, or materials excreted, taken, or removed from a person's body, or produced by a person's body to determine the source, kind, or extent of a disease or other physical condition;

(5) "Natural medicine", includes:

(a) Food, food extracts, and dietary supplements;

(b) Plant, animal, mineral, and microbial substances; and

19 (c) Homeopathic remedies and substances prepared according to
20 the Homeopathic Pharmacopeia of the United States;

21 (6) "Naturopathic medicine" or "naturopathy", a system of health
22 care for the prevention, diagnosis, and care of human health
23 conditions, injuries, and diseases that uses education and natural
24 substances and remedies to support and stimulate the individual's
25 intrinsic self-processes;

26 (7) "Naturopathic physical medicine", the use of the physical
27 agents of air, water, heat, cold, sound, light, and electromagnetic non-
28 ionizing radiation, and the physical modalities of electrotherapy,
29 biofeedback, diathermy, ultraviolet light, ultrasound, hydrotherapy,
30 exercise, and other electrical devices as approved by the board. The
31 term does not include the practice of physical therapy, acupuncture, or
32 chiropractic;

33 (8) "Naturopathic physician" or "naturopath", a person licensed
34 to practice naturopathic medicine under sections 334.650 to 334.683.

35 2. Any person who is not currently a licensed naturopathic
36 doctor within the meaning of the law to practice naturopathic medicine
37 in any of its departments shall not engage in the practice of
38 naturopathic medicine except as provided by sections 334.650 to
39 334.683.

40 3. As used in the laws of this state, the terms "naturopath",
41 "naturopathic physician", "practitioner of naturopathic medicine",
42 "naturopathy", "N.M.D." (Doctor of Naturopathic Medicine), "N.D."
43 (naturopathic doctor), or similar terms shall be construed to mean
44 naturopathic physicians licensed under this chapter.

45 4. The term "naturopathic physician" and the designation "N.D."
46 shall be used in any sign, letterhead, advertisement, solicitation, or
47 other method of addressing the public.

334.653. Candidates for licensure as naturopathic physicians
2 shall furnish satisfactory evidence of their good moral character and
3 their preliminary qualifications as follows:

4 (1) File an application with the department;

5 (2) Earn a degree of doctor of naturopathy from an approved
6 naturopathic college;

7 (3) Pass the naturopathic physician's licensing exam (NPLEX),
8 or its successor or equivalent examination, as determined by the board;

- 9 (4) Be at least twenty-one years of age;
- 10 (5) Be a United States citizen or an alien lawfully admitted for
11 permanent residence in the United States; and
- 12 (6) Pay all application and examination fees required by the
13 board.

334.656. 1. There is hereby established an "Advisory Commission
2 for Naturopathic Medicine" for the purpose of advising the state board
3 of registration for the healing arts on the licensing and supervising of
4 all naturopathic physicians. The commission shall consist of six
5 members, including one voting public member, to be appointed by the
6 governor with the advice and consent of the senate. At least four
7 members of the commission shall be licensed naturopaths. Each
8 naturopath member of the commission shall be a citizen of the United
9 States, and actively engaged in the practice of naturopathy
10 immediately preceding his or her appointment. One member shall be
11 a healthcare provider licensed under this chapter or chapters 330, 331,
12 332, 335, 336, 337, or 338, RSMo. All members shall be appointed for a
13 term of four years. Each member shall receive compensation in an
14 amount set by the commission not to exceed fifty dollars for each day
15 devoted to the duties of the commission, and shall be entitled to
16 reimbursement for the member's expenses necessarily incurred in the
17 discharge of his or her official duties.

18 2. The commission's initial naturopathic physician members shall
19 be licensed in accordance with sections 334.1051 to 334.1084 on or
20 before August 28, 2008, or one year from the date of their appointment,
21 whichever is later. If for any reason such member is not licensed
22 within such period, a new member shall be appointed.

23 3. The initial appointments to the commission shall be one
24 member for a term of one year, one member for a term of two years,
25 two members for a term of three years, and two members for a term of
26 four years.

27 4. The public member shall, at the time of his or her
28 appointment, be a citizen of the United States, a resident of this state
29 for a period of one year, and a registered voter. The public member
30 shall not be a person who is or ever was a member of any profession
31 licensed or regulated under this chapter or the spouse of such person,
32 or a person who has or has ever had a material financial interest in

33 providing for the professional services regulated by this chapter or an
34 activity or organization directly related to any profession licensed or
35 regulated under this chapter. All members, including public members,
36 shall be chosen from a list submitted by the director of the department
37 of insurance, financial institutions and professional registration. The
38 duties of the public member shall not include the determination of
39 technical requirements for licensure or whether any person meets such
40 technical requirements or of the technical competence or judgment of
41 a licensee or candidate.

334.659. 1. The state board of registration for the healing arts
2 shall:

3 (1) Adopt rules that are necessary or proper for the
4 administration of sections 334.650 to 334.683;

5 (2) Administer and enforce all provisions of sections 334.650 to
6 334.683 and all rules adopted by the board under the authority granted
7 in sections 334.650 to 334.683;

8 (3) Set the amount of the fees which sections 334.650 to 334.683
9 authorize and require by rules and regulations promulgated under
10 section 536.021, RSMo. The fees shall be set at a level to produce
11 revenue which shall not substantially exceed the cost and expense of
12 administering sections 334.650 to 334.683;

13 (4) Deposit all funds received under sections 334.650 to 334.683
14 in the board of registration for the healing arts fund established in
15 section 334.050; and

16 (5) Adopt rules for conducting licensing examinations required
17 by sections 334.650 to 334.683.

18 2. The board may:

19 (1) Adopt rules that prescribe continuing medical education for
20 the renewal of licenses issued under sections 334.650 to 334.683;

21 (2) Employ permanent or temporary personnel it deems
22 necessary to carry out the purposes of sections 334.650 to 334.683 and
23 designate their duties.

24 3. Any rule or portion of a rule, as that term is defined in section
25 536.010, RSMo, that is created under the authority delegated in sections
26 334.650 to 334.683 shall become effective only if it complies with and is
27 subject to all of the provisions of chapter 536, RSMo, and, if applicable,
28 section 536.028, RSMo. This section and chapter 536, RSMo, are

29 nonseverable and if any of the powers vested with the general assembly
30 pursuant to chapter 536, RSMo, to review, to delay the effective date or
31 to disapprove and annul a rule are subsequently held unconstitutional,
32 then the grant of rulemaking authority and any rule proposed or
33 adopted after August 28, 2007, shall be invalid and void.

334.662. 1. A person who holds a license under sections 334.650
2 to 334.683 shall display such document in a conspicuous place that is
3 accessible to view by the public.

4 2. A person who practices, conducts affairs, or is employed at
5 more than one location and who maintains a continuing activity as
6 authorized by the license shall display a duplicate of such document
7 issued by the board at each location.

334.665. 1. All persons desiring to practice as a naturopathic
2 physician in this state shall be examined as to their fitness to engage
3 in such practice by the board. All persons applying for examination
4 shall file an application with the department at least thirty days before
5 the date set for the examination upon applications furnished by the
6 board.

7 2. The examination required for a license under sections 334.650
8 to 334.683 shall be the naturopathic physician's licensing examination
9 (NPLEX), its successor examination or equivalent, as determined by the
10 board.

11 3. Upon the applicant paying a fee equivalent to the required
12 examination fee and furnishing the board with all locations of previous
13 practice and licensure in chronological order, the board shall, under
14 regulations prescribed by it, admit without examination qualified
15 persons who meet the requirements of sections 334.650 to 334.683, and
16 who hold certificates of licensure in any state or territory of the United
17 States or the District of Columbia authorizing them to practice in the
18 same manner and to the same extent as naturopathic physicians are
19 authorized to practice under sections 334.650 to 334.683. Within the
20 limits of this subsection, the board is authorized and empowered to
21 negotiate reciprocal compacts with licensing boards of other states for
22 admission of licensed practitioners from Missouri in other states.

334.668. Sections 334.650 to 334.683 shall not apply to the
2 following persons:

3 (1) Any naturopathic practitioner who is employed as a resident

4 in a public hospital, provided such practice is limited to such hospital
5 and is under the supervision of a licensed naturopathic physician;

6 (2) Any naturopathic practitioner who is licensed in another
7 state or country and who is meeting a naturopathic practitioner
8 licensed in this state, for purposes of consultation, provided such
9 practice is limited to such consultation;

10 (3) Any naturopathic practitioner who is licensed in another
11 state or country and who is visiting a naturopathic or other medical
12 school or teaching hospital in this state to conduct naturopathic
13 instruction for a period not to exceed six months, provided such
14 practice is limited to such instruction and is under the supervision of
15 a licensed naturopathic practitioner under sections 334.650 to 334.683;

16 (4) Any naturopathic student who is performing a clinical
17 clerkship and who is matriculated in a naturopathic school which
18 meets standards satisfactory to the department, provided such practice
19 is limited to such clerkship;

20 (5) A person engaged in the sale of vitamins, health foods,
21 dietary supplements, herbs, or other products of nature the sale of
22 which is not otherwise prohibited under state or federal law;

23 (6) Any other person licensed in this state in any health care
24 profession while the person is practicing within the scope of the
25 license.

334.671. 1. Notwithstanding the provisions of sections 334.659 to
2 334.662, a person may be licensed as a naturopathic physician without
3 meeting the requirements of section 334.659 if the applicant:

4 (1) Is a resident of this state;

5 (2) Is at least twenty-one years of age;

6 (3) Provides a quality level of care for not less than twelve years
7 as defined by the board created under sections 334.659 to 334.662, and
8 who has filed an affidavit with such board stating qualifications that
9 rise to a level of competence as determined in the sole discretion of the
10 board; and

11 (4) Applies for a license pursuant to this section before July 1,
12 2008.

13 2. A person licensed under this section may use the title
14 naturopathic physician and any other title allowed under section
15 334.650 to 334.683.

334.674. Any person who violates any provision of sections
2 334.650 to 334.683 is guilty of a class A misdemeanor.

334.677. The board shall not renew any license unless the
2 licensee provides satisfactory evidence that the licensee has complied
3 with the board's minimum requirements for continuing education. All
4 persons once licensed to practice naturopathic medicine in this state
5 shall, on or before the license renewal date, furnish to the board
6 satisfactory evidence of completion of the requisite number of hours of
7 postsecondary study, which shall be ten hours during each twelve
8 months of the registration period immediately preceding the filing of
9 the registration renewal application.

334.680. 1. Every person licensed under the provisions of
2 sections 334.650 to 334.683 shall renew his or her application on or
3 before the registration renewal date. The application shall be made
4 under oath on a form furnished by the board. The application shall
5 include, but not be limited to, disclosure of the following:

- 6 (1) The applicant's full name, the applicant's office and residence
7 address, and the date and number of his or her license;
- 8 (2) All final disciplinary actions taken against the applicant; and
- 9 (3) Information concerning the applicant's current physical and
10 mental fitness to practice as a naturopathic practitioner.

11 2. A blank form for application for registration shall be mailed
12 to each person licensed in this state at the person's last known office
13 or residence address. The failure to receive it does not, however,
14 relieve any person of the duty to register and pay the fee required by
15 this chapter nor exempt him or her from the penalties provided by
16 sections 334.650 to 334.683 for failure to register.

17 3. If a person licensed by the board does not renew such license
18 by the license expiration date, such license shall be deemed void. If
19 such person's license is deemed void, he or she may apply for a
20 reinstatement of such license pursuant to the procedures established
21 by the board.

334.683. Each applicant for license under sections 334.650 to
2 334.683 shall accompany the application for license with a license fee
3 to be paid to the director of revenue. If the application is filed and the
4 fee paid after the license renewal date, a delinquent fee shall be paid.
5 If, in the opinion of the board, the applicant's failure to register is

6 caused by extenuating circumstances including illness of the applicant,
7 as defined by rule, the delinquent fee may be waived by the
8 board. Whenever any new license is granted to any person under the
9 provisions of sections 334.650 to 334.683, the board shall, upon
10 application, issue to such licensee a license covering a period from the
11 date of the issuance of the license to the next renewal date without the
12 payment of any registration fee.

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