

# House Research Act Summary

**CHAPTER:** 348

**SESSION:** 2008 Regular Session

**TOPIC:** Naturopathic Doctors

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## Overview

This act creates Chapter 147E which regulates the registration of naturopathic doctors.

### Section

**1**      **Definitions.** Adds § 147E.01.

**Subd. 1. Applicability.** Provides that the definitions apply to this chapter.

**Subd. 2. Advisory council.** Means the Registered Naturopathic Doctor Advisory Council.

**Subd. 3. Approved naturopathic medical program.** Provides the criteria for approved naturopathic medical programs.

**Subd. 4. Board.** Means the Board of Medical Practice or its designee.

**Subd. 5. Contact hour.** Means an instructional session of 50 minutes, excluding breaks, registration, social activities, and meals without a speaker.

**Subd. 6. Homeopathic preparations.** Means medicines prepared according to the Homeopathic Pharmacopoeia of the United States.

**Subd. 7. Registered naturopathic doctor.** Means a person authorized and

registered to practice under this chapter.

**Subd. 8. Minor office procedures.** Lists what procedures are minor office procedures.

**Subd. 9. Naturopathic licensing examination.** Means the Naturopathic Physicians Licensing Examination or its successor administered by the North American Board of Naturopathic Examiners or its successor as recognized by the board.

**Subd. 10. Naturopathic medicine.** Means primary health care provided by registered naturopathic doctors to prevent, assess, and treat human health conditions. Methods of treatment may include services, procedures, and treatments as described in 147E.05, and natural health procedures and treatments.

**Subd. 11. Naturopathic physical medicine.** Includes, but is not limited to, physical agents and physical modalities.

**2 Scope of practice.** Adds § 147E.05.

**Subd. 1. Practice parameters.** Paragraph (a). Lists the naturopathic services that may be provided.

Paragraph (b). Allows a registered naturopathic doctor to admit patients to a hospital if the doctor meets the hospital's governing requirements.

**Subd. 2. Prohibitions on practice.** Paragraph (a). Lists procedures that cannot be performed by a registered naturopathic doctor.

Paragraph (b). Specifies that a registered naturopathic doctor cannot perform surgical procedures using laser devices or perform surgical procedures beyond superficial tissue.

Paragraph (c). Provides that a registered naturopathic doctor shall not practice or claim to practice as any other type of health care professional unless the doctor also holds a license in that profession.

**3 Professional conduct.** Adds § 147E.06.

**Subd. 1. Informed consent.** Paragraph (a). Requires the registrant to obtain signed informed consent before initiating treatment and after advising the patient of the registrant's qualifications and scope of practice. Provides that this information must be given to the patient in writing before or at the time of the initial visit.

Paragraph (b). States that the registrant must provide a copy of signed informed consent form to the board upon request.

**Subd. 2. Patient records.** Requires the registrant to maintain patient records for seven years, and in the case of a minor patient, for seven years or until the minor's 19<sup>th</sup> birthday, whichever is longer.

**Subd. 3. Data practices.** Provides that patient data is subject to sections 144.291 to 144.298, the Minnesota Health Records Act.

**Subd. 4. State and municipal public health regulations.** Requires a registered naturopathic doctor to comply with all state and municipal public health laws.

4 **Protected titles.** Adds § 147E.10.

**Subd. 1. Designation.** Paragraph (a). Lists the titles and initials associated with the practice of naturopathic medicine that cannot be used unless an individual is registered under this chapter.

Paragraph (b). Requires individuals who are registered and practicing to conspicuously display their registration in the place of practice.

**Subd. 2. Other health practitioners.** Provides that other individuals and professionals are not prohibited from:

- performing services within their scope of practice;
- providing complementary and alternative healing methods and treatments, including naturopathy, under chapter 146A;
- practicing naturopathic medicine if they are regulated in another state and employed by the United States government;
- practicing naturopathic medicine if they are regulated in another state are called into the state as a consultant; or
- using individual modalities that comprise the practice of naturopathic medicine if they are not registered by this chapter.

**Subd. 3. Penalty.** Provides that a person who violates subdivision 2 is guilty of a misdemeanor.

5 **Registration requirements.** Adds § 147E.15.

**Subd. 1. General requirements for registration.** Requires an applicant to submit:

- a completed application on forms provided by the board along with all required fees;
- a copy of a diploma from an approved naturopathic medical education program;
- proof that the applicant has successfully passed the Naturopathic Physicians Licensing Examination;
- any additional information requested by the board;

- a signed statement that information on the application is true and correct; and
- a signed waiver authorizing the board to obtain the applicant's records in any state in which the applicant has completed an approved naturopathic medical program or engaged in the practice of naturopathic medicine.

**Subd. 2. Registration by endorsement; reciprocity.** Lists the requirements to be considered for registration by endorsement or reciprocity.

**Subd. 3. Temporary registration.** Lists the circumstances under which the board can issue a temporary registration. Provides that the temporary registration is valid only until the board meets to make a decision on the applicant's registration.

**Subd. 4. Registration expiration.** Provides that registrations expire annually.

**Subd. 5. Renewal.** Requires a registrant to submit a renewal application, submit the renewal fee, provide evidence of completion of 25 hours of continuing education, and submit any other information within 30 days if requested by the board.

**Subd. 6. Change of address.** Provides that the registrant must inform the board in writing of any change in address within 30 days.

**Subd. 7. Registration renewal notice.** Requires the board to send a renewal notice to the registrant at least 45 days before the registration expiration date. Provides that the registrant's failure to receive the notice does not relieve the registrant of renewal responsibilities, nor is it grounds for challenging expiration of a registration.

**Subd. 8. Renewal deadline.** States that the renewal application must be postmarked no later than December 31 of the year of renewal.

**Subd. 9. Inactive status and return to active status.** Paragraph (a). Allows a registrant to apply to be placed on inactive status; requires payment of an inactive status fee.

Paragraph (b). Provides that a registrant can be restored to active status and must pay the current renewal fees and all unpaid inactive fees. Requires the registrant to meet the criteria for renewal in subdivision 5, including continuing education hours.

Paragraph (c). Requires registrants who have been on inactive status five years or longer to have no less than eight weeks of approved supervision by a registered naturopathic doctor.

**Subd. 10. Registration following lapse of registered status for two years or less.** Requires an individual to apply for registration renewal under subdivision 5, document compliance with continuing education requirements, and submit required fees for the period not registered, including the fee for late renewal.

**Subd. 11. Cancellation due to nonrenewal.** Prohibits the board from renewing,

reissuing, reinstating, or restoring a registration that has lapsed and not been renewed for two years starting January 2009. Requires an individual whose registration is canceled for nonrenewal to apply for a new registration and meet all existing registration requirements.

**Subd. 12. Cancellation of registration in good standing.** Permits a registrant, with the approval of the board, to be granted registration cancellation. The registrant cannot be under investigation by the board or pending disciplinary proceedings. If granted registration cancellation, the registrant is not entitled to a refund of any fees, and must obtain a new registration by reapplying for a registration and fulfilling all requirements of a new registrant.

**Subd. 13. Emeritus status of registration.** Permits a registrant to change to “emeritus” status by filing appropriate forms and paying a one-time \$50 fee. Under this status, the registrant retains the title of registered naturopathic doctor but cannot actively see patients.

**6 Board action on applications for registration.** Adds § 147E.20. Requires the board to act on each application for registration by determining whether the applicant meets the requirements for registration and by notifying each applicant in writing of the action taken on the application. If the application is denied, the board must disclose the reason for denial and notify the applicant of the right to review. Sets out the procedures for review of the application denial.

**7 Continuing education requirement.** Adds § 147E.25.

**Subd. 1. Number of required contact hours.** Requires each registrant to complete 25 contact hours of continuing education each year. Requires at least five hours of continuing education in pharmacotherapeutics.

**Subd. 2. Approved programs.** Lists organizations that offer continuing education programs that will be approved by the board.

**Subd. 3. Approval of continuing education programs.** If a continuing education program is not offered by an organization listed in subdivision 2, the board shall also approve continuing education credits from a program that meets the criteria specified in this subdivision.

**Subd. 4. Accumulation of contact hours.** Prohibits a registrant from applying excess hours obtained one year to continuing education requirements in future years.

**Subd. 5. Verification of continuing education credits.** Permits the board to randomly sample registrants and require them to submit evidence of having completed the continuing education to which they attested.

**Subd. 6. Continuing education topics.** Lists continuing education topics.

**Subd. 7. Restriction on continuing education topics.** Prohibits a registrant from applying more than five hours of practice management or more than 15 hours in a single subject in a one-year reporting period.

**Subd. 8. Continuing education exemptions.** Allows the board to exempt a registrant from continuing education requirements no more than once in a five-year period if the registrant shows an inability to comply because of physical or mental condition or because of other unusual circumstances.

**8 Discipline; reporting.** Adds § 147E.30. Provides that registrants and applicants are subject to the grounds for disciplinary action of the Board of Medical Practice, sections 147.091 to 147.162.

**9 Registered naturopathic doctor advisory council.** Adds § 147E.35.

**Subd. 1. Membership.** Provides the composition of the seven-member advisory council.

**Subd. 2. Organization.** Provides that the council shall be organized under section 15.059. States that members shall serve a two year term, and that the chair shall be selected from the membership of the council

**Subd. 3. Duties.** Lists the duties of the board.

**10 Fees.** Adds § 147E.40.  
**Subd. 4. Expiration.** States that the council is permanent and does not expire.

**Subd. 1. Fees.** Lists fees.

**Subd. 2. Proration of fees.** Allows the board to prorate the initial annual registration fee.

**Subd. 3. Penalty fee for late renewals.** Provides that a late fee must be paid in addition to the required renewal fee if an application for renewal is filed after the deadline.

**11 Appointment of naturopathic doctor advisory council.** States that all fees are nonrefundable. Requires appointments to the advisory council to be completed by August 1, 2009. Instructs the Board of Medical Practice to designate a member to convene the first meeting. Permits an applicant for registration under this chapter to be appointed to the council as a registered naturopathic doctor. Permits removal of this member if the member fails to be registered.

**12 Naturopathy work group.**

**Subd. 1. Work group.** Instructs the commissioner of health to convene a work group to develop recommendations and proposed legislation, as necessary, on regulating naturopathic practitioners who are eligible for registration under this chapter. Provides that the work group is to ensure that traditional naturopaths under 146A are permitted to continue their practice. Lists issues the work group shall consider.

**Subd. 2. Membership and operation of work group.** Lists members. Requires that the members be appointed by July 15, 2008. States that the designee of the commissioner is to chair the meetings, provide support staff, and meeting space. No

compensation or reimbursement is permitted.

**Subd. 3. Research and recommendations.** Instructs the working group to look at regulations in other states regarding the practice of naturopathy, and to base its recommendations on protection of the public. Requires the work group to complete its recommendations by December 15, 2008. States that the commissioner is to submit a report containing these recommendations to the legislative committees with jurisdiction over health care by January 15, 2009.

**Subd. 4. Expiration.** Provides that the work group expires on the date the commissioner's report is submitted to the legislature.

Provides an immediate effective date.

**13 Appropriation.** Paragraph (a) appropriates \$8,000 from the state government special revenue fund to the Board of Medical Practice in fiscal year 2009.

Paragraph (b) makes a onetime \$25,000 appropriation from the state government special revenue fund to the commissioner of health for the naturopathy work group.

**14 Effective date.** Provides that sections 1 to 11 are effective July 1, 2009.