

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Mr. Pacheco**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act establishing a board of registration in naturopathy.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Mr. Pacheco

First Plymouth and Bristol

John F. Quinn

9th Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S02820 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT ESTABLISHING A BOARD OF REGISTRATION IN NATUROPATHY.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 13 of the General Laws is hereby amended by adding the  
2 following section:

3 Section 101. (a) There shall be within the division of professional licensure a board of  
4 registration in naturopathy which shall consist of the chairman of the board of registration in  
5 medicine or his designee, the commissioner of public health or his designee and 7 persons to be  
6 appointed by the governor, 5 of whom shall be naturopathic doctors who have attended and  
7 graduated from an approved naturopathic college that is accredited, or is a candidate for  
8 accreditation, by the Council of Naturopathic Medical Educators or its successor, who have at  
9 least 5 years of experience in the practice of naturopathic health care and who shall be licensed  
10 under section 239 or 241 of chapter 112; 1 of whom shall be a physician licensed to practice  
11 medicine under section 2 of chapter 112 with experience working with naturopathic doctors and  
12 1 of whom shall be a clinical pharmacologist. The appointed members shall serve for terms of 3  
13 years. Upon the expiration of a term of office, a member shall continue to serve until a successor  
14 has been appointed and qualified. No member shall serve for more than 2 consecutive terms, but  
15 a person who is chosen to fill a vacancy in an unexpired term of a prior board member may serve

16 for 2 consecutive terms in addition to the remainder of that unexpired term. A member may be  
17 removed by the governor for neglect of duty, misconduct or malfeasance or misfeasance in the  
18 office after a written notice of the charges against him and sufficient opportunity to be heard  
19 thereon.

20 (b) The board shall annually elect from its membership a chair and a secretary who shall serve  
21 until their successors have been elected and qualified. The board shall meet at least 4 times  
22 annually and may hold additional meetings at the call of the chair or upon the request of 4  
23 members. A quorum for the conduct of official business shall be a majority of those appointed.  
24 Board members shall serve without compensation, but shall be reimbursed for actual and  
25 reasonable expenses incurred in the performance of their duties. The members shall be public  
26 employees for the purposes of chapter 258 for all acts or omissions within the scope of their  
27 duties as board members.

28 SECTION 2. Chapter 112 of the General Laws is hereby amended by adding the following 9  
29 sections:

30 Section 236. For the purposes of this section and sections 237 to 244, inclusive, the following  
31 terms shall have the following meanings unless the context clearly requires otherwise:

32 “Approved naturopathic medical college”, a college or program granting the degree of doctor of  
33 naturopathic medicine or doctor of naturopathy that is approved by the board and which is  
34 accredited by an accrediting agency recognized by the United States Department of Education or  
35 such other college or program as may be approved by the board; provided, however, that the  
36 naturopathic doctoral program shall be further accredited by the Council on Naturopathic  
37 Medical Education or its successor.

38 “Board”, the board of registration in naturopathy established in section 101 of chapter 13.

39 “Homeopathic preparations”, medicines prepared according to the Homeopathic Pharmacopoeia  
40 of the United States.

41 “Naturopathic doctor”, a person who is licensed by the board to practice naturopathic health care  
42 pursuant to this chapter.

43 “Naturopathic health care”, a system of health care practices for the prevention, diagnosis,  
44 evaluation and treatment of illnesses, injuries and conditions of the human body through the use  
45 of education, nutrition, natural medicines and therapies and other modalities which are designed  
46 to support, stimulate or supplement the human body’s own natural self-healing processes.

47 “Naturopathic manipulative therapy”, the manually-administered mechanical treatment of body  
48 structures or tissues in accordance with naturopathic principles for the purpose of restoring the  
49 normal physiological function of the human body.

50 “Naturopathic physical medicine”, the therapeutic use of the physical agents of air, water, heat,  
51 cold, sound, light and electromagnetic non-ionizing radiation and the physical modalities of  
52 electrotherapy, diathermy, ultraviolet light, ultrasound, hydrotherapy, naturopathic manipulative  
53 therapy and therapeutic exercise.

54 “Person”, an individual; provided, however, that “person” shall not include a partnership,  
55 corporation, association or business organization of any kind.

56 Section 237. (a) The practice of naturopathic health care shall include, but not be limited to:

57 (1) the prevention and treatment of human illness, injury or disease through education, dietary or  
58 nutritional advice and the promotion of healthy ways of living;

59 (2) the use of physical examinations and the ordering of clinical, laboratory and radiological  
60 diagnostic procedures from licensed clinics or laboratories for the purpose of diagnosing and  
61 evaluating injuries, illnesses and conditions in the human body;

62 (3) dispensing, administering, ordering and prescribing natural medicines of mineral, animal or  
63 botanical origin, including food products or extracts, vitamins, minerals, enzymes, digestive aids,  
64 natural hormones, plant substances, homeopathic preparations, natural antibiotics and topical  
65 medicines and nonprescription drugs, therapeutic devices and barrier contraceptives to prevent or  
66 treat illnesses, injuries and conditions of the human body;

67 (4) the use of manual mechanical manipulation of body structures or tissues, in accordance with  
68 naturopathic principles; the use of naturopathic physical medicine for the purpose of maintaining  
69 or restoring normal physiological functioning of the human body; and

70 (5) tracking and documenting of the immunization status of a patient under 18 years of age and  
71 the referral of such patient to a primary care or collaborative care physician where evidence  
72 exists that the individual has not been immunized.

73 (b) The practice of naturopathic health care shall not include:

74 (1) performing surgery or abortions or the administration of therapeutic ionizing radiation,  
75 radioactive substances or general or spinal anesthesia;

76 (2) prescribing, dispensing or administering a drug classified as a controlled substance under  
77 chapter 94C;

78 (3) the practice of acupuncture and Traditional Chinese Medicine; or

79 (4) the practice of emergency medicine, except as a person rendering gratuitous services in an  
80 emergency or for the care of minor injuries.

81 (c) Nothing in sections 236 to 244, inclusive, shall prohibit or restrict:

82 (1) a person who is licensed, certified or registered to practice a profession or occupation under  
83 any other law from engaging in activities which are within the lawful scope of practice for the  
84 profession or occupation for which he is licensed;

85 (2) the practice of naturopathic health care by a person employed by the government of the  
86 United States if that person engages in such practice in the performance of his duties as such an  
87 employee;

88 (3) the practice of naturopathic health care by students enrolled in an approved naturopathic  
89 medical college; provided, however, that the performance of all such services shall be pursuant  
90 to a course of instruction or assignments from and under the supervision of an instructor who is  
91 licensed as a naturopathic doctor pursuant to this chapter or a licensed professional in the field in  
92 which he or she is providing instruction;

93 (4) Any person from treating himself or a member of his immediate family based on religious or  
94 health beliefs;

95 (5) Any person who sells vitamins and herbs from providing information about his products; or

96 (6) a person or practitioner who is not licensed as a naturopathic doctor pursuant to this chapter  
97 from recommending ayurvedic medicine, herbal remedies, nutritional advice, homeopathy or any  
98 other therapy that is within the scope of practice of naturopathic health care; provided, however,  
99 that such person or practitioner shall not represent himself or hold himself out to the public as  
100 practicing naturopathic health care in the commonwealth or otherwise use any name, title or  
101 other designation which indicates or implies that he is licensed to practice naturopathic health  
102 care.

103 (d) Licensed naturopathic doctors shall have the same authority and responsibilities as licensed  
104 physicians regarding public health laws, reportable diseases and conditions, communicable  
105 disease control and prevention, recording of vital statistics, health and physical examinations and  
106 local boards of health, except that the authority of licensed naturopathic doctors regarding such  
107 matters shall be limited to the scope of practice authorized by this chapter.

108 Section 238 (a) The board shall have the following powers and duties:

109 (1) to adopt rules and regulation governing the licensing of naturopathic doctors and the practice  
110 of naturopathic health care to promote the public health, welfare and safety of the citizens of the  
111 commonwealth including, but not limited to:

112 (i) regulations governing the activities of naturopathic medical assistants;

113 (ii) requirements for specialty practice by licensed naturopathic doctors; and

114 (iii) continuing education requirements for the renewal of licenses including, but

115 not limited to, the number of hours required, the subjects required and board approval of

116 continuing education programs or lectures;

117 (2) to receive, review and approve or disapprove applications for licensing and to issue licenses;

118 (3) to establish administrative procedures for processing applications and renewals;

119 (4) To provide a uniform, proctored national naturopathic licensing examination administered by  
120 the North American Board of Naturopathic Examiners, or successor agency that has been

121 nationally recognized to administer a naturopathic examination that represents federal standards  
122 of education and training;

123 (5) to establish a code of ethics for naturopathic doctors;

124 (6) to establish and maintain records of its actions and proceedings in accordance with the public  
125 records laws;

126 (7) to perform such other functions and duties as may be necessary to carry out the provisions of  
127 this chapter.

128 (b) The board shall have the right to investigate all complaints relating to the proper practice of  
129 naturopathy, including any violations of this chapter or any rule or regulation of the board. Such  
130 complaints may be brought by any person or the board.

131 (c) The board shall be under the supervision of the division of professional licensure and it shall  
132 have the powers and duties provided in sections 61 to 65E, inclusive. For the purposes of this  
133 section and sections 61 to 65E, inclusive, conduct which places into question the holder's  
134 competence to practice naturopathy shall include, but not be limited to:

135 (1) the commission of fraud or misrepresentation in obtaining a license;

136 (2) criminal conduct which the board determines to be of such a nature as to  
137 render the person unfit to practice naturopathy, as evidenced by criminal proceedings  
138 resulting in a conviction, a guilty plea, a plea of nolo contendere or an admission of  
139 sufficient facts;

140 (3) violation of a rule or regulation of the board;

141 (4) failure to cooperate with the board or its agents in the conduct of an inspection or  
142 investigation;

143 (5) failure to fulfill any continuing education requirements set out by the board;

144 (6) aiding or abetting an unlicensed person to practice naturopathy; or

145 (7) negligence in the course of professional practice.

146 (d) The board may issue an order to a licensee directing him to cease and desist from unethical or  
147 unprofessional conduct if the board finds, after notice and the opportunity for a hearing, that the  
148 licensee has engaged in such conduct.

149 (e) Nothing in this section shall limit the board's authority to impose, by agreement, sanctions  
150 that are considered reasonable and appropriate by the board. Any person aggrieved by any  
151 disciplinary action taken by the board pursuant to this section or for violation of any other law or  
152 rule or regulations may, pursuant to section 64, file a petition for judicial review.

153 Section 239. (a) An application for original licensure as a naturopathic doctor shall be made on  
154 forms approved by the board. Such application shall be sworn and shall be accompanied by  
155 payment of the fee prescribed by the secretary of administration pursuant to section 3B of  
156 chapter 7. The board shall issue a license as a naturopathic doctor to an applicant upon receipt of  
157 satisfactory proof that the applicant:

158 (1) is at least 18 years old and of good moral character; and

159 (2) possesses a baccalaureate degree from an accredited educational institution or  
160 its equivalent, as determined by the board;

161 (3) has graduated from and holds a doctor of naturopathic medicine or doctor of naturopathy  
162 degree from an approved naturopathic medical college; provided, however, that an applicant  
163 shall have satisfactorily completed a minimum of 1,200 hours of board-approved clinical training  
164 prior to graduation from such college. Such clinical training may have been completed in either  
165 an inpatient or outpatient setting and may include components of conventional medicine as well  
166 as naturopathic health care.

167 (4) successfully passed a competency-based national naturopathic licensing examination  
168 administered by the North American Board of Naturopathic Examiners, or successor agency that  
169 has been nationally recognized to administer a naturopathic examination that represents federal  
170 standards of education and training;



171 (5) has not had a license to practice naturopathic medicine or other health care license  
172 registration or certificate refused, revoked or suspended by any other jurisdiction for reasons that  
173 relate to the applicant's ability to skillfully and safely practice naturopathic medicine unless that  
174 license, registration or certification has been restored to good standing by that jurisdiction.

175 (b) The board may approve an applicant to sit for the licensing exam, or approve an applicant for  
176 reciprocity if the applicant has already passed the licensing examination as outlined in Section  
177 239, (a) (4), if the applicant has attended and graduated from a 4-year naturopathic doctoral  
178 program which is located in a country or territory outside the United States if, in the opinion of  
179 the board, the training and education provided by that naturopathic doctoral program is  
180 substantially equivalent to that provided by a naturopathic doctoral program which meets the  
181 requirements of Section 239 (a) (3) and the applicant meets the other requirements in Section  
182 239 (1- 5).

183 Section 240. The board, in consultation with the division of professional licensure, shall  
184 determine the renewal cycle and renewal period for naturopathic licenses. A naturopathic doctor  
185 licensed under this chapter shall apply to the board for renewal of his license on or before the  
186 expiration date, as determined by the board, unless earlier revoked, suspended or cancelled as a  
187 result of a disciplinary proceeding instituted pursuant to section 243. As a condition for renewal  
188 under this section, the board may require a naturopathic doctor to furnish the board with  
189 satisfactory proof that he has successfully completed the required number of hours of continuing  
190 education for naturopathic doctors in courses or programs approved by the board has complied  
191 with such other requirements or equivalent requirements as approved by the board. Upon  
192 satisfactory compliance with the licensing requirements for naturopathic doctors and successful  
193 completion of the continuing education requirements, the board shall issue a renewal license.  
194 The board may provide for the late renewal of a license that has lapsed and may require payment  
195 of a late fee.

196 Section 241. The board may grant license reciprocity to registered, certified or licensed  
197 naturopathic doctors from other jurisdictions; provided, that the requirements for registration,  
198 certification or license in the other jurisdictions are, in the opinion of the board, substantially  
199 equivalent to those set forth in section 239. The board shall promulgate such rules and  
200 regulations as may be necessary to implement this section.

201 Section 242. Each licensed naturopathic doctor shall advise the board, in writing, of the address  
202 of his principal place of business and all other addresses at which he is currently engaged in  
203 practice. The naturopathic doctor shall immediately provide written notice to the board of any  
204 change in the address of any place of business at which he practices. He shall also advise the  
205 board, in writing, of his current residential address and of any change thereof.

206 Section 243. (a) No person shall represent himself or hold himself out to the public as a licensed  
207 naturopathic doctor in the commonwealth unless he is licensed pursuant to this chapter. A person  
208 who is not licensed pursuant to this act shall not use any of the following titles: naturopathic  
209 physician, naturopathic practitioner, natural doctor, naturopathic doctor, doctor of naturopathy,  
210 doctor of natural medicine, doctor of naturopathic medicine, NMD, doctor of nutritional  
211 medicine, N.D, naturopathic medicine, naturopath or any other term that indicates or implies that  
212 the person is licensed to practice any form of naturopathic health care in the commonwealth. The  
213 board of registration in naturopathy may modify the list of titles.

214 (b) A licensed naturopathic doctor shall not use the term physician nor hold himself out to be a  
215 primary care provider but nothing in this section shall prevent a naturopathic doctor from  
216 disclosing that he is a member of the American Association of Naturopathic Physicians.

217 (c) A person acting or purporting to act as a naturopathic doctor without first obtaining a license  
218 under this chapter shall be punished by a fine of not more than \$5,000 or by imprisonment for  
219 not more than 1 year, or both. Upon conviction of a second or subsequent offense, such person  
220 shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than 2  
221 years, or both(d) A person who receives money or an equivalent thing of value as a fee,  
222 commission, compensation or profit by or as the consequence of a violation of sections 237 to  
223 243, inclusive, shall, in addition to any other penalty, be liable for a fine of not less than the sum  
224 of the money so received and not more than 3 times the sum so received, as determined by the  
225 board.

226 (d) A person who receives money or an equivalent thing of value as a fee, commission,  
227 compensation or profit by or as the consequence of a violation of sections 237 to 243, inclusive,  
228 shall, in addition to any other penalty, be liable for a fine of not less than the sum of the money  
229 so received and not more than 3 times the sum so received, as determined by the board.

230 (e) No action shall be commenced and no recovery shall be had by any person for compensation  
231 for any act performed or service rendered by him as a licensed naturopathic practitioner unless  
232 such person held a current valid license under this chapter at the time of performance of such act  
233 or service.

234 Section 244. All licensing and application fees and civil administrative penalties collected  
235 pursuant to sections 236 to 244, inclusive, shall be deposited into the trust fund established in  
236 section 35V of chapter 10.

237 SECTION 3. (a) A license to practice as a naturopathic doctor may be issued without  
238 examination to an applicant who meets the requirements of subsections (1,2,3 and 5), of section  
239 239 of chapter 112 of the General Laws if he submits satisfactory proof to the board that he is or  
240 has been actively engaged in the practice of naturopathic health care for compensation in the  
241 Commonwealth for at least 5 of the last 10 years immediately preceding the effective date of this  
242 act. Applications for licensure under this section shall be filed with the board not later than 18  
243 months after the effective date of this act.

244 (b) An applicant who graduated before 1987 and earned a doctor of naturopathic medicine or  
245 doctor of naturopathy degree from a 4-year, in-residence naturopathic college or program that  
246 had, at the time of the applicant's graduation, a license, authority or other approval from its state  
247 or province to grant such degree may apply to the board of registration in naturopathy for  
248 licensure provided he satisfactorily demonstrates his ability to practice naturopathic medicine in  
249 the commonwealth as determined by the board.

250 SECTION 4. The terms of the initial appointed members of the board of registration in  
251 naturopathy pursuant to section 101 of chapter 13 of the General Laws shall be as follows: 2  
252 shall serve for a term of 1 year; 2 shall serve for terms of 2 years and the remaining 3 shall serve  
253 for terms of 3 years. The 5 members required to be naturopathic doctors shall be persons with 5  
254 years of experience in the practice of naturopathic health care who would be eligible for  
255 licensure in the commonwealth if said section 101 of said chapter 13 were in effect prior to the  
256 effective date of this act and must have attended and graduated from an approved naturopathic  
257 college that is accredited, or is a candidate for accreditation, by the Council of Naturopathic  
258 Medical Educators or its successor.

259 SECTION 5. The punishment provisions of section 243 of chapter 112 of the General Laws shall  
260 take effect not later than 6 months after the board of registration in naturopathy first issues  
261 licenses pursuant to said chapter 112.0.

262 SECTION 6. This act shall take effect in 180 days.