

SECOND REGULAR SESSION

# HOUSE BILL NO. 2124

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SCHOEMEHL (Sponsor), DOUGHERTY, TILLEY, RUESTMAN, WALSH, FAITH, HARRIS, MUNZLINGER, HODGES, KINGERY, WALTON GRAY, ZERR, MEINERS, SPRENG, KRATKY, FALLERT, HUMMEL AND JONES (63) (Co-sponsors).

3441L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

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

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

Section A. Chapter 334, RSMo, is amended by adding thereto thirteen new sections, to be known as sections 334.1051, 334.1053, 334.1056, 334.1059, 334.1062, 334.1065, 334.1068, 334.1071, 334.1074, 334.1077, 334.1080, 334.1083, and 334.1084, to read as follows:

**334.1051. 1. As used in sections 334.1051 to 334.1084, the following terms shall mean:**

(1) **"Approved naturopathic college", a four academic year in-residence, doctoral-level naturopathic medical education program that is accredited by the Council on Naturopathic Medical Education, its successor or equivalent, and is located at an institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education;**

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

(3) **"Department", the department of economic development;**

(4) **"Diagnose", to examine 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:**

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.

15 (a) Food, food extracts, and dietary supplements as defined by the Federal Food,  
16 Drug and Cosmetic Act, 21 U.S.C. Section 301, et seq., as amended;

17 (b) Plant, animal, mineral, and microbial substances that are not designated as  
18 prescription drugs or controlled substances;

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

21 (d) The term does not include controlled substances described in chapter 195;

22 (6) "Naturopathic practitioner" or "naturopath", a person licensed to practice  
23 naturopathic medicine under sections 334.1051 to 334.1084;

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

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

34 (9) "Topical preparations", topical analgesics, anesthetics, antiseptics, scabicides,  
35 antifungals, and antibacterials. The term does not include controlled substances described  
36 in chapter 195;

37 2. Any person who is not currently a licensed naturopathic practitioner within the  
38 meaning of the law to practice naturopathic medicine in any of its departments shall not  
39 engage in the practice of naturopathic medicine except as provided by sections 334.1051  
40 to 334.1084.

41 3. As used in the laws of this state, the terms "naturopath", "practitioner of  
42 naturopathic medicine", "naturopathy", or similar terms shall be construed to mean  
43 naturopathic practitioners licensed under this chapter. In this state, no practitioner of  
44 naturopathic medicine may use the title "doctor" in any manner or title or hold himself or  
45 herself out to the public as "doctor", "N.D.", or "N.M.D.".

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

334.1053. Candidates for licensure as naturopathic practitioners shall furnish  
2 satisfactory evidence of their good moral character and their preliminary qualifications as  
3 follows:

- 4 (1) File an application with the department;
- 5 (2) Earned a degree of doctor of naturopathy from an approved naturopathic  
6 college;
- 7 (3) Have experience as a naturopathic practitioner satisfactory to the board and in  
8 accordance with the board's regulations;
- 9 (4) Pass the naturopathic physician's licensing exam (NPLEX), or its successor or  
10 equivalent examination, as determined by the board;
- 11 (5) Be at least twenty-one years of age;
- 12 (6) Be a United States citizen or an alien lawfully admitted for permanent residence  
13 in the United States; and
- 14 (7) Pay all application and examination fees required by the board.

15 **334.1056. 1. There is hereby established an "Advisory Commission for**  
2 **Naturopathic Medicine"** for the purpose of advising the state board of registration for the  
3 **healing arts on the licensing and supervising of all naturopathic practitioners. The**  
4 **commission shall consist of six members, including one voting public member, to be**  
5 **appointed by the governor with the advice and consent of the senate. At least four**  
6 **members of the commission shall be licensed naturopaths. Each naturopath member of**  
7 **the commission shall be a citizen of the United States, actively engaged in the practice of**  
8 **naturopathy immediately preceding his or her appointment. One member shall be**  
9 **appointed from an appropriate healing profession, including medicine, as a person licensed**  
10 **under this chapter. No more than four members shall be affiliated with the same political**  
11 **party. All members shall be appointed for a term of four years. Each member shall**  
12 **receive compensation in an amount set by the commission not to exceed seventy dollars for**  
13 **each day devoted to the duties of the commission, and shall be entitled to reimbursement**  
14 **for the member's expenses necessarily incurred in the discharge of his or her official duties.**

15 **2. The commission's initial naturopathic practitioner members shall be professional**  
16 **members of the Missouri Association of Naturopathic Physicians and:**

- 17 (1) Be actively practicing naturopathic medicine; or
- 18 (2) Hold an active license to practice naturopathic medicine in another state where  
19 such license requires passage of a professional naturopathic medical licensing examination.

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21 **The naturopathic practitioner members appointed to the initial commission shall be**  
22 **licensed in accordance with sections 334.1051 to 334.1084 not later than one year after**  
23 **establishment of the licensing regulations. If for any reason such a member cannot be**  
24 **licensed within such time period, a new member shall be appointed.**

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

28           **4. The public member shall, at the time of his or her appointment, be a citizen of**  
29 **the United States, a resident of this state for a period of one year, and a registered voter.**  
30 **The public member 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, and a person who**  
32 **has or has ever had a material financial interest in providing for the professional services**  
33 **regulated by this chapter, or an activity or organization directly related to any profession**  
34 **licensed or regulated under this chapter. All members, including public members, shall**  
35 **be chosen from a list submitted by the director of the department of economic**  
36 **development. The duties of the public member shall not include the determination of**  
37 **technical requirements for licensure or whether any person meets such technical**  
38 **requirements or of the technical competence or judgment of a licensee or candidate.**

**334.1059. 1. The state board of registration for the healing arts shall:**

2           **(1) Adopt rules that are necessary or proper for the administration of sections**  
3 **334.1051 to 334.1084;**

4           **(2) Administer and enforce all provisions of sections 334.1051 to 334.1084 and all**  
5 **rules adopted by the board under the authority granted in sections 334.1051 to 334.1084;**

6           **(3) Set the amount of the fees which sections 334.1051 to 334.1084 authorizes and**  
7 **requires by rules promulgated under section 536.021. The fees shall be set at a level to**  
8 **produce revenue which shall not substantially exceed the cost and expense of administering**  
9 **sections 334.1051 to 334.1084;**

10          **(4) Deposit all funds received under sections 334.1051 to 334.1084 in the board of**  
11 **registration for the healing arts fund established in section 334.050; and**

12          **(5) Adopt rules for conducting licensing examinations required by sections 334.1051**  
13 **to 334.1084.**

14          **2. The board may:**

15          **(1) Adopt rules that prescribe continuing medical education for the renewal of**  
16 **licenses issued under sections 334.1051 to 334.1084;**

17          **(2) Employ permanent or temporary personnel it deems necessary to carry out the**  
18 **purposes of sections 334.1051 to 334.1084 and designate their duties.**

19          **3. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
20 **created under the authority delegated in sections 334.1051 to 334.1084 shall become**  
21 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**  
22 **if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**

23 the powers vested with the general assembly pursuant to chapter 536 to review, to delay  
24 the effective date or to disapprove and annul a rule are subsequently held unconstitutional,  
25 then the grant of rulemaking authority and any rule proposed or adopted after August 28,  
26 2010, shall be invalid and void.

334.1062. 1. A person who holds a license under sections 334.1051 to 334.1084 shall  
2 display such document in a conspicuous place that is accessible to view by the public.

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

334.1065. 1. All persons desiring to practice as a naturopathic practitioner in this  
2 state shall be examined as to their fitness to engage in such practice by the board. All  
3 persons applying for examination shall file an application with the board at least thirty  
4 days before the date set for the examination upon applications furnished by the board.

5 2. The examination required for a license under sections 334.1051 to 334.1084 shall  
6 be the naturopathic physician's licensing examination (NPLEX), its successor examination  
7 or equivalent, as determined by the board.

8 3. Upon the applicant paying a fee equivalent to the required examination fee and  
9 furnishing the board with all locations of previous practice and licensure in chronological  
10 order, the board shall, under rules prescribed by it, admit without examination qualified  
11 persons who meet the requirements of sections 334.1051 to 334.1084, and who hold  
12 certificates of licensure in any state or territory of the United States or the District of  
13 Columbia authorizing them to practice in the same manner and to the same extent as  
14 naturopathic practitioners are authorized to practice under sections 334.1051 to 334.1084.  
15 Within the limits of this subsection, the board is authorized and empowered to negotiate  
16 reciprocal compacts with licensing boards of other states for admission of licensed  
17 practitioners from Missouri in other states.

334.1068. Sections 334.1051 to 334.1084 do not apply to the following persons:

2 (1) Any naturopathic practitioner who is employed as a resident in a public  
3 hospital, provided such practice is limited to such hospital and is under the supervision of  
4 a licensed naturopathic practitioner;

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

8 (3) Any naturopathic practitioner who is licensed in another state or country and  
9 who is visiting a naturopathic or other medical school or teaching hospital in this state to  
10 conduct naturopathic instruction for a period not to exceed six months, provided such

11 practice is limited to such instruction and is under the supervision of a licensed  
12 naturopathic practitioner under sections 334.1051 to 334.1084;

13 (4) Any naturopathic student who is performing a clinical clerkship or similar  
14 function in a hospital and who is matriculated in a naturopathic school which meets  
15 standards satisfactory to the department, provided such practice is limited to such  
16 clerkship or similar function in such hospital;

17 (5) A person engaged in the sale of vitamins, health foods, dietary supplements,  
18 herbs, or other products of nature the sale of which is not otherwise prohibited under state  
19 or federal law. Nothing in this section allows such person to hold himself or herself out as  
20 a naturopathic practitioner;

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

334.1071. 1. Notwithstanding the provisions of sections 334.1059 to 334.1062, a  
2 person may be licensed as a naturopathic practitioner without meeting the requirements  
3 of section 334.1059 if the applicant:

4 (1) Is a resident of this state;

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

6 (3) Provides proof acceptable to the board, as established by rule of the board, that  
7 the person has been actively engaged in naturopathic health care and has held the person  
8 out to the public as qualified to practice naturopathy for at least eighteen of the last twenty  
9 years before August 28, 2010;

10 (4) Derives the majority of the person's income from the practice of naturopathic  
11 medicine; and

12 (5) Applies for a license under this section before July 1, 2012.

13 2. The board by rule may provide for limitations on the practice of a person  
14 licensed under subsection 1 of this section. The board may require a person licensed under  
15 this section to be identified as a person whose practice is limited.

16 3. A person licensed under this section may:

17 (1) Use the title naturopathic practitioner and any other title allowed under sections  
18 334.1051 to 334.1084; and

19 (2) Practice naturopathy only within the scope of practice that reflects the limits  
20 of the person's training and experience.

334.1074. Any person who violates any provision of sections 334.1051 to 334.1084  
2 is guilty of a class A misdemeanor.

334.1077. The board shall not renew any license unless the licensee provides  
2 satisfactory evidence that the licensee has complied with the board's minimum

3 requirements for continuing education. All persons once licensed to practice naturopathic  
4 medicine in this state shall, on or before the license renewal date, furnish to the board  
5 satisfactory evidence of completion of the requisite number of hours of postsecondary  
6 study, which shall be twenty-four hours during each twelve months of the registration  
7 period immediately preceding the filing of the registration renewal application. The  
8 postgraduate study required shall be from a board-approved continuing education  
9 program.

334.1080. 1. Every person licensed under sections 334.1051 to 334.1084 shall renew  
2 his or her application on or before the registration renewal date. The application shall be  
3 made under oath on a form furnished by the board. The application shall include, but not  
4 be limited to, disclosure of the following:

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

10 2. A blank form for application for registration shall be mailed to each person  
11 licensed in this state at the person's last known office or residence address. The failure to  
12 receive it does not, however, relieve any person of the duty to register and pay the fee  
13 required by this chapter nor exempt him or her from the penalties provided by sections  
14 334.1051 to 334.1084 for failure to register.

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

334.1083. 1. Each applicant for license under sections 334.1051 to 334.1084 shall  
2 accompany the application for license with a license fee to be paid to the director of  
3 revenue. If the application is filed and the fee paid after the license renewal date, a  
4 delinquent fee shall be paid; but whenever in the opinion of the board the applicant's  
5 failure to register is caused by extenuating circumstances including illness of the applicant,  
6 as defined by rule, the delinquent fee may be waived by the board. Whenever any new  
7 license is granted to any person under sections 334.1051 to 334.1084, the board shall, upon  
8 application, issue to such licensee a license covering a period from the date of the issuance  
9 of the license to the next renewal date without the payment of any registration fee.

10 2. The board shall set the amount of the fees which sections 334.1051 to 334.1084  
11 authorizes and requires by rules promulgated under chapter 536. The fees shall be set at

12 a level to produce revenue which shall not substantially exceed the cost and expense of  
13 administering sections 334.1051 to 334.1084.

334.1084. The board shall adopt a naturopathic formulary that lists the drugs and  
2 substances approved for intramuscular or intravenous administration by a naturopathic  
3 practitioner under the order of a physician. The board shall appoint a naturopathic  
4 formulary advisory committee, which shall advise the board and make recommendations  
5 on the list of substances that may be included in the naturopathic formulary. In no event  
6 shall the formulary include any controlled substance listed in chapter 195. The  
7 naturopathic formulary advisory committee shall consist of a licensed pharmacist, a person  
8 knowledgeable in medicinal plant chemistry, two persons licensed to practice medicine and  
9 surgery, and two naturopathic practitioners licensed under sections 334.1051 to 334.1084.

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