

## SENATE BILL No. 276

By Committee on Ways and Means

2-7

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AN ACT concerning naturopathic physicians; relating to licensing of such persons; repealing K.S.A. 65-2872a.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. (a) The legislature finds that a significant number of Kansas residents choose naturopathic medicine for their health care needs and declares that naturopathic medicine is a distinct health care profession that affects the public health, safety and welfare and contributes to public freedom of choice in health care.

(b) The purpose of this act is:

- (1) To provide standards for the licensing and regulation of naturopathic doctors in order to protect the public health, safety and welfare;
- (2) to ensure that naturopathic medicine by qualified naturopathic doctors is available to the people of Kansas; and
- (3) to provide a means of identifying qualified naturopathic doctors.

Sec. 2. As used in this act, the following definitions apply:

(a) "Naturopathic doctor" means a doctor of naturopathic medicine who is authorized and licensed pursuant to this act.

(b) "Naturopathic medicine," or "naturopathy" means a system of health care practiced by naturopathic doctors for the prevention, diagnosis and treatment of human health conditions, injury and disease. Its purpose is to promote or restore health by the support and stimulation of the individual's inherent self-healing processes. This is accomplished through education of the patient by a naturopathic doctor and through the use of natural therapies and therapeutic substances.

(c) "Board" means the state board of healing arts.

(d) "Approved naturopathic medical college" means a college and program granting the degree of doctor of naturopathy or naturopathic medicine that:

(1) Is accredited by the council on naturopathic medical education or another accrediting agency recognized by the United States department of education;

(2) has the status of candidate for accreditation with the accrediting agency; or

(3) has been approved by the board after an investigation that deter-

1 mines that the college or program meets education standards equivalent  
2 to those established by the accrediting agency and complies with the  
3 board's rules, which must require as a minimum a four-year, full-time  
4 resident program of academic and clinical study.

5 (e) "Homeopathic preparations" means substances and drugs pre-  
6 pared according to the official homeopathic pharmacopoeia of the United  
7 States, which is the standard homeopathic text recognized by the United  
8 States food and drug administration.

9 (f) "Naturopathic acupuncture" means the insertion of fine metal  
10 needles through the skin at specific points on or near the surface of the  
11 body with or without the palpation of specific points on the body and  
12 with or without the application of electric current or heat to the needles  
13 or skin or both to treat human disease and impairment and to relieve  
14 pain.

15 (g) "Minor office procedures" means care incidental to superficial  
16 lacerations and abrasions, superficial lesions and the removal of foreign  
17 bodies located in the superficial tissues, except eyes, and not involving  
18 blood vessels, tendons, ligaments or nerves. "Minor office procedures"  
19 includes use of antiseptics and local anesthetics in connection with the  
20 methods, but shall not include the alteration or removal of tissue. Minor  
21 office procedures does not include general or spinal anesthetics, major  
22 surgery, surgery of the body cavities or specialized surgeries, such as plas-  
23 tic surgery, surgery involving the eyes or surgery involving tendons, lig-  
24 aments, nerves or blood vessels.

25 (h) "Naturopathic physical applications" means the therapeutic use  
26 by naturopathic doctors of the actions or devices of electrical muscle  
27 stimulation, galvanic, diathermy, ultrasound, ultraviolet light, constitu-  
28 tional hydrotherapy, naturopathic manipulative therapy and therapeutic  
29 exercise.

30 (i) "Topical drugs" means topical analgesics, anesthetics, antiseptics,  
31 scabicides, antifungals and antibacterials.

32 (j) "Appropriate legend drugs" for prescribing, administration and  
33 dispensing by naturopathic doctors, consistent with naturopathic philos-  
34 ophy, practice and education.

35 (k) "Naturopathic neuromuscular technique" means the manually ad-  
36 ministered mechanical treatment of body structures or tissues, in accord-  
37 ance with naturopathic principles, for the purpose of restoring normal  
38 physiological function to the body by normalizing and balancing the mus-  
39 culoskeletal system of the body.

40 Sec. 3. (a) A naturopathic doctor may not:

41 (1) Prescribe, dispense or administer any prescription or controlled  
42 drugs except for whole gland thyroid, homeopathic preparations, the nat-  
43 ural therapeutic substances, drugs and therapies described in this act.

1 (2) administer ionizing radioactive substances for therapeutic  
2 purposes;

3 (3) perform surgical procedures except those minor office procedures  
4 authorized by this act;

5 (4) claim to practice any licensed health care profession or system of  
6 treatment other than naturopathic medicine unless holding a separate  
7 license in that profession;

8 (5) practice emergency medicine, except as a good samaritan ren-  
9 dering gratuitous services in the case of emergency and except for the  
10 care of minor injuries; or

11 (6) practice or claim to practice allopathic medicine and surgery, os-  
12 teopathy, dentistry, podiatry, optometry, chiropractic, physical therapy or  
13 any other system or method of treatment not authorized in this act.

14 (b) Naturopathic doctors may prescribe and administer for preven-  
15 tive and therapeutic purposes the following natural therapeutic sub-  
16 stances and therapies:

17 (1) Food, food extracts, vitamins, minerals, enzymes, whole gland thy-  
18 roid, botanical medicines, homeopathic preparations and legend sub-  
19 stances approved by the board;

20 (2) topical drugs, health care counseling, nutritional counseling and  
21 dietary therapy, naturopathic physical applications, therapeutic devices  
22 and nonprescription drugs;

23 (3) intramuscularly or intravenously any vitamins, minerals, botani-  
24 cals, amino acids, D5W, saline solutions, isotonic solutions and glandulars;

25 (4) immunizations; or

26 (5) noncontrolled legend drugs to the extent authorized by the board.

27 (c) Naturopathic doctors may perform or order for diagnostic pur-  
28 poses a physical or orificial examination, ultrasound, phlebotomy, pap  
29 smear, clinical laboratory test or examination, physiological function test  
30 and any other noninvasive diagnostic procedure commonly used by phy-  
31 sicians in general practice.

32 (d) Naturopathic doctors have the same authority and responsibility  
33 as other licensed doctors with regard to public health laws, reportable  
34 diseases and conditions, communicable disease control and prevention,  
35 recording of vital statistics, health and physical examinations and local  
36 boards of health, except that the authority and responsibility are limited  
37 to activities consistent with the scope of practice described in this act.

38 Sec. 4. In order to practice naturopathic acupuncture, a naturopathic  
39 physician shall obtain a naturopathic acupuncture speciality certification  
40 from the board. The board may issue this specialty certification to a na-  
41 turopathic physician who has:

42 (a) Submitted an application and paid certification fee to be deter-  
43 mined by the board;

1 (b) completed basic oriental medicine philosophy in a federally ac-  
2 credited college or university approved by the board and 500 hours of  
3 supervised clinical training under a trained naturopathic acupuncturist's  
4 supervision.

5 Sec. 5. (a) A person may not practice naturopathy without a valid and  
6 current license issued by the board as provided in this act.

7 (b) Only a naturopathic doctor licensed under this act may use any  
8 or all of the following titles or terms: "Dr.," "doctor," "doctor of natur-  
9 opathy," "doctor of naturopathic medicine," "naturopath," "naturopathic  
10 medical doctor" and the abbreviations "N.D." or "N.M.D."

11 (c) The titles and terms in subsection (b) of section 5 and amend-  
12 ments thereto identify naturopathic doctors and are restricted to describ-  
13 ing and identifying licensed practitioners and their practice. A person who  
14 uses these titles and terms to represent himself or his practice to the  
15 public without being licensed pursuant to this act is in violation of this  
16 act.

17 (d) A violation of this act may be enjoined by the district court on  
18 petition by the board.

19 Sec. 6. A person is qualified to be licensed to practice naturopathic  
20 medicine in Kansas if such person:

21 (a) Is of good moral character as determined by the board;

22 (b) is a graduate of an approved four-year naturopathic medical col-  
23 lege or university; and

24 (c) has passed all science and all clinical board examinations pre-  
25 scribed or endorsed by the north american board of naturopathic  
26 examiners.

27 Sec. 7. Nothing in this chapter shall be construed to prohibit or to  
28 restrict:

29 (a) The practice of a profession by individuals, who are licensed, cer-  
30 tified or registered under other laws of this state who are performing  
31 services within their authorized scope of practice;

32 (b) the practice of naturopathic medicine by an individual, employed  
33 by the government of the United States while the individual is engaged  
34 in the performance of duties prescribed by the laws and regulations of  
35 the United States;

36 (c) the practice by a doctor of naturopathic medicine duly registered  
37 or licensed in another state, territory or the District of Columbia when  
38 incidentally called into this state for consultation with a licensed physician;

39 (d) the practice of naturopathic medicine by students enrolled in an  
40 approved naturopathic medical college. The performance of services shall  
41 be pursuant to a course of instruction or assignments from an instructor  
42 and under the supervision of the instructor. The instructor shall be a  
43 licensed naturopathic doctor and any other licensed physician in the state

1 of Kansas; or

2 (e) the treatment of the sick or suffering by spiritual means through  
3 prayer alone in accordance with the tenets and practices of an established  
4 church or religious denomination.

5 Sec. 8. A person who desires a license to practice naturopathic med-  
6 icine in the state of Kansas shall apply in the manner and form prescribed  
7 by the board. The application must be accompanied by the license fees,  
8 the application fees and the documents, affidavits and certificates nec-  
9 essary to establish that the applicant possesses the qualifications pre-  
10 scribed by section 5 and amendments thereto. The burden of proof is on  
11 the applicant, but the department may make an independent investigation  
12 to determine whether the applicant possesses the necessary qualifications  
13 and whether the applicant has committed unprofessional conduct that  
14 would be the basis for licensure denial. At the board's request, the ap-  
15 plicant shall provide necessary authorizations for the release of records  
16 and information pertinent to the department's investigation.

17 (b) A person who applies for licensure, but who has not passed a  
18 licensure examination prescribed or endorsed by the board, shall apply  
19 to the board for authorization to take the prescribed licensure examina-  
20 tion. The application for examination must be accompanied by the ex-  
21 amination fee. If the board finds that all other qualifications for licensure  
22 except that of examination have been met, the board shall authorize the  
23 applicant to take the licensure examination.

24 (c) The jurisprudence portion of the licensing examination with grad-  
25 uation from an accredited school may be used from another state's ex-  
26 amination or the scores from the jurisprudence portion of the licensing  
27 examination from a Kansas accredited school may be transferred to an-  
28 other state's upon meeting the criteria set by the board.

29 Sec. 9. (a) A county attorney shall prosecute a person charged with  
30 violation of any of the provisions of this act.

31 (b) A person who violates any of the provisions of this act is guilty of  
32 a misdemeanor and, upon conviction, is punishable by a fine not exceed-  
33 ing \$1,000 or by imprisonment in the county jail for a term not to exceed  
34 six months, or both.

35 Sec. 10. The board shall:

36 (a) Maintain a record of its acts and proceedings, including the is-  
37 suance, refusal, renewal, suspension or revocation of licenses;

38 (b) maintain a roster of all doctors of naturopathic medicine licensed  
39 under this act, which indicates: (1) The name of the licensee; (2) current  
40 professional office address; (3) the date of issuance and the number of  
41 the licensee's license; and (4) whether the licensee is in good standing;

42 (c) keep all applications for licensure as a permanent record;

43 (d) maintain a permanent record of the results of all examinations it

1 gives;

2 (e) keep all examination records including written examination re-  
3 cords and tape recordings of the questions and answers in oral  
4 examinations;

5 (f) keep the records of the board open to public inspection at all  
6 reasonable times;

7 (g) adopt and use a seal, the imprint of which, together with the  
8 signatures of the chairperson or vice-chairperson and the secretary-trea-  
9 surer of the board, shall evidence its official acts;

10 (h) adopt rules and regulations necessary or proper to administer and  
11 enforce this act;

12 (i) adopt rules and regulations that specify the scope of practice of  
13 naturopathic medicine stated, that are consistent with the definition of  
14 naturopathic medicine provided, and that are consistent with the edu-  
15 cation provided by approved naturopathic medical colleges;

16 (j) adopt rules and regulations prescribing the time, place, content  
17 and passing requirements of the licensure examination, which may be  
18 composed of part or all of the national naturopathic doctors licensing  
19 examination;

20 (k) adopt rules and regulations that endorse equivalent licensure ex-  
21 aminations of another state or territory of the United States, the District  
22 of Columbia or a foreign country and that may include licensure by  
23 reciprocity;

24 (l) adopt rules and regulations that set nonrefundable fees, commensurate with costs, for application, examination, licensure and other administrative services;

27 (m) issue certificates of specialty practice; and

28 (n) maintain an appropriate legend of drugs for prescribing, admin-  
29 istration and dispensing by naturopathic doctors, consistent with natur-  
30 opathic philosophy, practice and education.

31 Sec. 11. (a) This act recognizes that many of the therapies used by  
32 naturopathic doctors, such as the use of nutritional supplements, herbs,  
33 foods, homeopathic preparations and such physical forces as heat, cold,  
34 water, touch and light are not the exclusive privilege of naturopathic doc-  
35 tors and their use, practice, prescription or administration by persons  
36 licensed to practice medicine which is recognized by the board of healing  
37 arts is not prohibited by this act.

38 (b) This act does not restrict or apply to the scope of practice of any  
39 other professions licensed, certified or registered under the laws of this  
40 state.

41 Sec. 12. Persons practicing under K.S.A. 65-2872a prior to its repeal  
42 by this act, are hereby licensed under this act.

43 Sec. 13. K.S.A. 65-2872a is hereby repealed.

1     Sec. 14. This act shall take effect and be in force from and after its  
2 publication in the statute book.  
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