

SESSION OF 2026

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2366

As Amended by House Committee of the Whole

Brief*

HB 2366, as amended, would amend the Naturopathic Doctor Licensure Act (Act) to expand the scope of practice of naturopathic doctors (NDs) to include prescribing prescription-only drugs and testosterone, a Schedule III drug. The bill would provide requirements for NDs prescribing and recordkeeping; add NDs as covered providers under the Health Care Stabilization Fund; and provide other requirements for professional liability insurance coverage, among other changes.

The bill would also make conforming and technical amendments.

Scope of Practice (New Section 1)

The bill would state that NDs could:

- Order and perform:
 - Physical examinations;
 - Orificial examinations, excluding endoscopies;
 - Laboratory examinations for diagnostic purposes within the ND's education and training;
 - Phlebotomy;
 - Clinical laboratory tests;
 - Speculum examinations; and

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

- Physiological function tests;
- Order diagnostic imaging studies, including, but not limited to, x-ray, ultrasound, mammogram, bone densitometry computed tomography, magnetic resonance imaging (MRI), and electrocardiograms, but an ND would be required to refer patients to an appropriately licensed and qualified health care professional to conduct diagnostic imaging studies and interpret the results;
- Prescribe, recommend, or administer:
 - Food, food extracts, nutraceuticals, vitamins, minerals, amino acids, enzymes, whole gland thyroid, botanicals, homeopathic preparations, plant substances, dietary supplements, and non-prescription drugs;
 - Human cellular and tissue-based products that are not regulated as drugs;
 - Health care and nutritional counseling, including fertility counseling;
 - Dietary therapy;
 - Naturopathic physical applications;
 - Barrier contraceptive devices and intrauterine insemination;
 - Substances authorized for intradermal, subcutaneous, intramuscular, intravenous, ligamentous, tendinous, periarticular, or intra-articular administration, including proliferative therapy;
 - Biofeedback and neurofeedback therapies; and
 - Durable medical equipment and devices;
- Prescribe or administer:
 - Prescription-only drugs, meaning any drug, whether intended for use by human or animal,

required by federal or state law to be dispensed only pursuant to a written or oral prescription or order of a practitioner or restricted to use by practitioners only; and

- Testosterone, a Schedule III drug, as designated in the Uniform Controlled Substances Act;
- Perform minor office procedures and naturopathic acupuncture;
- Provide naturopathic care to a pregnant patient;
- Utilize routes of administration that include oral, nasal, topical, auricular, ocular, rectal, vaginal, transdermal, intradermal, subcutaneous, intramuscular, ligamentous, teninous, periarticular, intra-articular, and intravenous; and
- Utilize non-diagnostic ultrasound in the performance of services.

Restrictions (New Sections 1 and 3)

NDs would not be able to:

- Perform surgery;
- Perform obstetrics, labor, delivery, or any procedure involving reproductive organs of a pregnant patient;
- Administer ionizing radiation for therapeutic purposes;
- Use general or spinal anesthetics;
- Administer, conduct, or interpret the results of diagnostic imaging studies except as authorized by the bill;

- Claim to practice any licensed health care profession or system other than naturopathic medicine, unless holding a separate license in that profession;
- Prescribe, dispense, administer drugs, or perform procedures involving the termination of a pregnancy; or
- Prescribe, administer, or dispense any controlled substances other than testosterone.

The practice of naturopathy would not include:

- Persons whose professional services are performed under the supervision or by order of or referral from an ND licensed under the Act;
- Persons licensed to engage in the practice of naturopathic medicine in another state, territory, or the District of Columbia when called into Kansas in consultation with NDs licensed in Kansas; and
- Practitioners of the healing arts licensed under the Healing Arts Act and practicing their professions or persons performing services pursuant to the delegation of a licensee under statute regarding persons not engaged in the practice of the healing arts.

Nothing in the bill would be construed to restrict any person licensed or regulated by the State of Kansas from engaging in the profession or practice for which they are licensed or regulated.

Naturopathic Doctor Licensure (Section 12)

The bill would add placing a license under probationary conditions to the list of actions the State Board of Healing Arts (Board) could take against a license.

The bill would add to the list of findings that would allow the Board to deny, refuse to renew, suspend, revoke, place under probationary conditions, or limit a licensee's license or publicly or privately censure a licensee. These additional findings would include:

- An adverse judgment, award, or settlement rendered against the licensee resulting from a professional liability claim related to acts, conduct similar to acts, or conduct that would constitute grounds for disciplinary action under the Act;
- Failing to report to the Board any adverse action taken against the licensee by another state or licensing jurisdiction, a health care facility, a professional association or society, a government agency, a law enforcement agency, or a court for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under the Act;
- Prescribing or administering a prescription drug or substance, including a controlled substance, in an improper or inappropriate manner, or for other than a valid medical purpose, or not in the course of the licensee's professional practice; and
- Giving a worthless check or stopped payment on a debit or credit card for fees or moneys legally due to the Board.

The bill would state that fines collected for penalties prescribed under the Act would be considered administrative fines pursuant to federal law.

License Expiration and Renewal (Section 13)

The bill would provide for licenses issued under the Act to be canceled on January 31 of each year.

The bill would replace references in the Act to “expiration” with “renewal.”

The bill would state that if the licensee fails to submit the renewal application and pay the renewal fee by the renewal date, the licensee would be given notice that the licensee has failed to do so and that the license will be canceled if not renewed within 30 days following the renewal date. The notice would also state that if the renewal application, the renewal fee, and an additional late renewal fee established by rules and regulations are received by the Board within the 30-day period following cancellation, the license would not be canceled.

The bill would repeal the provision of the Act stating that a person whose license is suspended cannot engage in any conduct or activity in violation of the order or judgment by which the license was suspended.

Requirements for Prescribing (New Section 2)

An ND who prescribes pursuant to the bill would be required to:

- Record each prescription order in writing, which could include an electronically recorded and transmitted communication. The order would include the name, address, and telephone number of the ND;
- Prescribe only when the ND has adequate education, training, and experience to safely manage the medical regimen; and
- Register with the U.S. Drug Enforcement Administration in order to prescribe testosterone, as authorized in the bill.

Professional Liability Insurance Coverage (Section 15)

The bill would amend requirements for professional liability insurance coverage for NDs by repealing the requirement the Board fix these minimum coverage levels by rules and regulations. The bill would require NDs to submit to the Board evidence the ND is maintaining professional liability insurance coverage before practicing in Kansas and prior to the renewal of a license. The bill would require the insurer's liability to be no less than \$1.0 million per claim, subject to an annual aggregate of no less than \$3.0 million for all claims made during the period of coverage.

Health Care Stabilization Fund (Section 6)

The bill would add licensed naturopathic doctors, as defined under the Act, to the definition of "healthcare provider" under the Health Care Provider Insurance Availability Act.

[*Note:* This provision would require NDs to obtain a base professional liability insurance policy from an insurer of no less than \$500,000 per claim, subject to no less than a \$1.5 million annual aggregate, and to obtain coverage from the Health Care Stabilization Fund in the amount of \$500,000 single judgment or settlement, subject to a \$1.5 million aggregate limitation. This requirement would be in addition to the coverage required in Section 15 of the bill.]

Recordkeeping (New Section 4)

The bill would require every ND to maintain a record for each patient provided a professional service, including documentation of dates of professional services; pertinent and significant information regarding the patient's condition, examinations, and testing; all findings and results; diagnosis and treatment performed or recommended; patient progress; and all patient records received from other providers. The bill

would require NDs to maintain a patient's records for a minimum of 10 years from the date the licensee provided the professional service recorded.

Severability (New Section 5)

If any provision of the Act or its application to any person or circumstance is held invalid, the bill would declare the provisions of the Act severable and provide for the other provisions or applications to remain in effect.

Definitions (Sections 7, 8, and 10)

Naturopathic Doctor Licensure Act

The bill would update definitions in the Act, including:

- “Minor office procedures” would mean the provision of care for the treatment of superficial lacerations, abrasions, lesions, and the removal of foreign bodies in superficial tissues, excluding the eyes and not involving the nerves, veins, arteries, tendons, or ligaments beyond the superficial layer. Such procedures could include the use of antiseptics, topical anesthesia, and superficial punctures to stimulate healing, but would not include suturing, invasive repair, tissue excision, surgical interventions, or the administration of general or spinal anesthesia;
- “Nutraceuticals” would mean dietary supplements, including, but not limited to, plants, animals, microbes, or their isolates, extracts, metabolites, concentrated forms of vitamins, minerals, amino acids, enzymes, fatty acids, probiotics, prebiotics, herbs, botanicals, phytochemicals, or other bioactive food-derived compound, as defined under the federal Dietary Supplement Health and

Education Act of 1994, that are intended to supplement the diet and provide health benefits beyond basic nutrition; and

- “Proliferative therapy” or “prolotherapy” would mean a non-surgical therapeutic procedure involving the injection of a proliferant solution or irritant substance and local anesthesia into connective tissues to stimulate the body’s natural healing processes.

The bill would remove definitions of “topical drugs” and “written protocol” from the Act.

Pharmacy Act of the State of Kansas and Uniform Controlled Substances Act

The bill would add “naturopathic doctor” to the definition of “practitioner” and specify that “dispenser” does not mean an ND under the Pharmacy Act of the State of Kansas and the Uniform Controlled Substances Act.

The bill would update the definition of “mid-level practitioner” under the Uniform Controlled Substances Act to reflect that advanced practice registered nurses have the authority to prescribe drugs under KSA 65-1130.

Background

The bill was introduced by the House Committee on Health and Human Services at the request of a representative of Kansas Naturopathic Doctors Association.

House Committee on Health and Human Services

In the House Committee hearing, **proponent** testimony was provided by representatives of the Kansas Naturopathic Doctors Association and Prairie Health Wellness and four

private citizens. Proponent conferees generally stated the bill would provide an overdue update to the Act and would allow for the ND scope of practice to better align with their level of education and training while drawing clear boundaries.

Written-only proponent testimony was provided by representatives of the American Association of Naturopathic Physicians; The Chamber in Hays, Kansas; Council of Naturopathic Medical Education; Earth Lab Holdings; Kansas Naturopathic Doctor's Association; and World Naturopathic Federation and 38 private citizens.

Neutral testimony was provided by a private citizen with experience in teaching pharmacology, who stated naturopathic students receive similar pharmacology instruction and must complete similar continuing education as allopathic and osteopathic doctors.

Opponent testimony was provided by representatives of the Kansas Medical Society and the Board, who generally expressed concern the bill would provide NDs with a scope of practice beyond their training and education, which is significantly different than other health care professions that are provided similar prescriptive authority.

Written-only opponent testimony was provided by a representative of the American Academy of Pediatrics, Kansas Chapter.

No other testimony was provided.

The House Committee amended the bill to:

- Add "licensed naturopathic doctor" to the definition of "practitioner" under the Health Care Provider Insurance Availability Act;
- Specify that an ND could order and perform laboratory examinations for diagnostic purposes within the education and training of the ND;

- Clarify that an ND cannot perform obstetrics;
- Specify that “naturopathic physical applications” would include treatments taught in any approved naturopathic medical college that are not otherwise prohibited by the Act;
- Add definitions for “nutraceuticals” and “proliferative therapy” or “prolotherapy” to the Act;
- Retain the definition of “physician” under the Act;
- Require an ND to provide evidence to the Board the ND is maintaining professional liability insurance coverage before practicing in the state and specify minimum levels of coverage;
- Clarify that NDs may not prescribe, dispense, or administer drugs that would involve the termination of a pregnancy;
- Amend the definition of “minor office procedure” under the Act; and
- Make conforming and technical changes.

House Committee of the Whole

The House Committee of the Whole amended the bill to:

- Remove dispensing from the list of activities permitted for NDs; and
- Specify that “dispenser” does not mean an ND under the Pharmacy Act of the State of Kansas and the Uniform Controlled Substances Act.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Board expects that

any fiscal effect as a result of the enactment of the bill would be negligible and absorbed within existing resources.

Health; Naturopathic Doctor Licensure Act; naturopathy; naturopathic doctors; occupational licensure; scope of practice; Board of Healing Arts