Enrolled
Senate Bill 413

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CHAPTER .....

AN ACT

Relating to practice of naturopathic medicine; amending ORS 685.020, 685.030, 685.040, 685.050, 685.085, 685.100, 685.110, 685.115 and 685.205.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 685.020 is amended to read:

685.020. (1) Except as provided in subsection (3) of this section, no person shall practice, attempt to practice, or claim to practice naturopathic medicine in this state without first complying with the provisions of this chapter.

(2) [*Licentiates*] **Only licensees** under this chapter may use any or all of the following terms, consistent with academic degrees earned: "Doctor of Naturopathy" or its abbreviation, "N.D.," "Naturopath" or "Naturopathic Physician." However, none of these terms, or any combination of them, shall be so used as to convey the idea that the physician who uses them practices anything other than [*drugless therapy*] **naturopathic medicine**.

(3) Subsection (1) of this section does not apply to a bona fide student of naturopathic medicine who, during the period of the student's enrollment and as part of a doctoral course of study in an Oregon accredited naturopathic educational institution, engages in clinical training under the supervision of institution faculty, if the clinical training facility and level of supervision meet the standards adopted by the Board of Naturopathic Examiners by rule.

SECTION 2. ORS 685.030 is amended to read:

685.030. Nothing in this chapter shall be construed to:

(1) Apply to any physician and surgeon, osteopath or chiropractor, or to any Christian Scientist or other person who by religious or spiritual means endeavors to prevent or cure disease or suffering in accord with the tenets of any church.

(2) Authorize [*licentiates*] **licensees** to practice optometry or administer chiropractic adjustments, or any system or method of treatment not authorized in this chapter, or to administer or write prescriptions for or dispense drugs, or do major surgery except that naturopathic physicians are not prohibited from recommending the use of specific and appropriate over-the-counter pharmaceuticals for their patients, or from prescribing codeine sulfate or codeine phosphate in an appropriate and safe manner.

(3) Prevent [*one licensed*] **a licensee** under this chapter from the administration of the anesthetics or antiseptics authorized in ORS 685.010 (4)**, from ordering diagnostic tests,** or **from** the

use of radiopaque substances administered by mouth or rectum necessary for Roentgen diagnostic purposes.

(4) Authorize the administration of any substance by penetration of the skin or mucous membrane of the human body except for diagnostic and preventive purposes or for the therapeutic purpose of administering vitamins and minerals.

SECTION 3. ORS 685.085 is amended to read:

685.085. A person licensed to practice naturopathic medicine under the laws of another state **or territory of the United States, the District of Columbia or Canada** who demonstrates to the satisfaction of the Board of Naturopathic Examiners that the person possesses qualifications at least equal to those required of persons eligible for licensing under this chapter[,] may be issued a license to practice in this state without written examination upon payment of the license fee required under ORS 685.100.

SECTION 4. ORS 685.100 is amended to read:

685.100. (1) Every person holding a license under this chapter shall apply to the Board of Naturopathic Examiners for a certificate of biennial registration and at the time of applying shall pay to the board a biennial registration fee. A person holding a license under this chapter who chooses to allow the license to become inactive, as that term is defined by the board by rule, or **who** is at least 70 years of age and retired from the practice of naturopathic medicine shall apply to the board for a certificate of registration and at the time of applying shall pay to the board a registration fee. The application shall be made upon a blank form furnished by the board, and shall contain such information as may be necessary to enable the board to identify the applicant for registration and the licensee to be what the licensee claims to be in the application.

(2) Upon receipt of an application for registration, accompanied by the registration fee, the board shall issue to the applicant a certificate of registration. The certificate shall, at all times, be displayed in the office of the person to whom it was issued unless the person has allowed the license to become inactive or is retired from the practice of naturopathic medicine and does not maintain an office.

(3) The failure, neglect or refusal of any person holding a license under this chapter to pay the registration fee as required by subsection (1) of this section shall, from the date of expiration, automatically revoke the license. A revoked license shall not be restored except upon written application therefor and the payment of a restoration fee for each period the license remains revoked, which is in addition to the biennial registration fee for each year the registration fee remains unpaid. An applicant for the restoration of a license so revoked shall not be required to submit to any examination as to qualification to practice under this chapter. However, the board may deny the restoration of any revoked license for which the required registration fees have not been paid during the years for which they are due if it finds that grounds for refusal to grant or for revocation of the license exist under ORS 685.110.

(4)(a) A person who chooses to allow a license to become inactive may file a written application to reactivate a license that has been inactive for one year or less by paying the restoration fee and the biennial registration fee for an active license and demonstrating compliance with ORS 685.102. A registration fee paid to place the license fee in inactive status shall not be credited toward payment of the biennial registration fee for an active license. The board may prorate the biennial registration fee.

(b) A person who chooses to allow a license to become inactive may file a written application to reactivate a license that has been inactive for more than one year by paying the biennial registration fee for an active license and demonstrating compliance with the continuing education requirement set by rule of the board under ORS 685.102 (6). The board may prorate the biennial registration fee.

(5) The secretary of the board shall notify each person holding a license under this chapter that the registration application and fee are due.

(6) The board shall assess fees for [*the following*]:

(a) **An initial** license.

(b) Examination.

[*(c) Certificate of registration as active, inactive or retired.*]

(c) Renewal of a biennial license.

(d) Yearly renewal of an inactive or retired license.

[*(d)*] **(e)** Restoration **of an inactive or revoked license**.

[*(e)*] **(f) A** certificate of special competency in natural childbirth.

(g) A duplicate license.

(h) A wall certificate.

(i) Copies of public documents, mailing labels, lists and diskettes.

(7) Subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fees and charges, the fees and charges established under this section shall not exceed the cost of administering the regulatory program of the board pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative Assembly within the board's budget, as the budget may be modified by the Emergency Board.

SECTION 5. ORS 685.110 is amended to read:

685.110. The Board of Naturopathic Examiners may refuse to grant a license, may suspend or revoke a license, may limit a license, may impose probation, or may impose a civil penalty not to exceed $1,000 for each offense for any of the following reasons:

(1) The use of fraud or deception in securing a license.

(2) The impersonation of another physician.

(3) Practicing naturopathic medicine under an assumed name.

(4) The performance of an abortion.

(5) The conviction of a crime involving moral turpitude.

(6) Any other reason that renders the applicant or licensee unfit to perform the duties of a naturopathic physician.

(7) Conviction of a crime relating to practice of naturopathic medicine.

(8) Negligence **related to the practice of naturopathic medicine**.

(9) Habitual or excessive use of intoxicants, drugs or controlled substances.

(10) Prescribing or dispensing drugs outside the scope of practice.

(11) Commitment to a mental institution.

(12) Obtaining a fee through fraud or misrepresentation.

(13) Gross or repeated malpractice.

(14) Representing to a patient that a manifestly incurable condition of sickness, disease or injury can be permanently cured.

(15) Any [*repeated*] conduct or practice contrary to a recognized standard of ethics of the profession or any conduct or practice [*which*] **that** does or might constitute a danger to the health or safety of a patient or the public or any conduct, practice or condition [*which*] **that** does or might impair a physician's ability safely and skillfully to practice naturopathic medicine.

(16) Willful and consistent utilization of any naturopathic service, X-ray equipment or treatment [*which*] **that** is contrary to recognized standards of practice of the naturopathic profession.

[*(17) Gross malpractice or repeated malpractice.*]

[*(18)*] **(17)** Failure to notify the board of a change in the location of practice.

[*(19)*] **(18)** Attempting to practice naturopathic medicine or practicing or claiming to practice naturopathic medicine or any of its components in this state without first complying with the provisions of this chapter.

[*(20)*] **(19)** Suspension or revocation of a license to practice naturopathic medicine in another jurisdiction.

[*(21)*] **(20)** Employing unlicensed persons to practice naturopathic medicine.

[*(22)*] **(21)** Practicing natural childbirth without first obtaining a certificate of special competency.

[*(23)*] **(22)** Representing that the licensee is a medical specialist or practices a medical specialty.

(23) Failure to inform the board of change of mailing or practice address.

(24) Failure to respond in a timely manner to a request for information from the board.

(25) Failure to pay a civil penalty in the time specified by the order imposing the penalty.

(26) Violation of any provision of this chapter or rules adopted by the board.

SECTION 6. ORS 685.040 is amended to read:

685.040. [*Licentiates*] **Licensees** under this chapter shall observe and are subject to all state, county and municipal laws and regulations relating to public health.

SECTION 7. ORS 685.050 is amended to read:

685.050. [*Licentiates*] **Licensees** under this chapter are authorized to sign birth and death certificates. Such certificates so signed shall be accepted as fulfilling all the requirements of the laws dealing with such certificates.

SECTION 8. ORS 685.115 is amended to read:

685.115. (1) Any information that the Board of Naturopathic Examiners obtains under ORS [*685.110*] **685.225** is confidential as provided under ORS 676.175.

(2) Any person who in good faith provides information to the board shall not be subject to an action for civil damages as a result thereof.

SECTION 9. ORS 685.205 is amended to read:

685.205. (1) The Board of Naturopathic Examiners shall appoint a peer review committee consisting of five members. The peer review committee shall evaluate complaints against naturopathic physicians which are referred to it by the board, and make recommendations to the board regarding those complaints. The board exercises ultimate authority and control over all complaints considered by the committee, approving or disapproving the recommendations of the committee [*according to the policies expressed in ORS 685.110*].

(2) The members of a peer review committee shall be appointed from among those in the profession who are in active practice with five or more years of practice experience. Members shall be representative of affiliated and nonaffiliated naturopathic physicians and representative of various aspects of the practice of naturopathic medicine. To be appointed a member must receive at least four votes from members of the state board. Members shall each serve two-year terms. No member may serve more than two consecutive terms.

(3) The peer review process shall be governed by rules of the board adopted pursuant to ORS 183.310 to 183.550. The board shall provide appropriate training for members of peer review committees. The board by rule shall provide for a program of active supervision by the board over the conduct of the peer review committee to determine whether it comports with state regulatory policy and to correct abuses, if any.

(4) Members of a peer review committee acting pursuant to this section are agents of the board for purposes of ORS 30.260 to 30.300.

(5) Peer review shall not be used to replace independent medical examinations.

(6) Any information provided to a peer review committee in the performance of its duties is confidential and shall not be subject to public disclosure or admissible as evidence in any judicial proceeding, except that as a part of a peer review report, this information may be disclosed to the board and the person being reviewed.

(7) Any person who reports or provides information to a peer review committee in the performance of its duties and who provides information in good faith shall not be subject to an action for civil damages as a result thereof.

(8) Upon receipt of a complaint under this chapter, the peer review committee shall conduct an investigation as described under ORS 676.165.

Passed by Senate March 13, 2001

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Secretary of Senate

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President of Senate

Passed by House May 31, 2001

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Speaker of House

Received by Governor:

.....M.,....., 2001

Approved:

.....M.,....., 2001

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Governor

Filed in Office of Secretary of State:

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Secretary of State