

NATUROPATHIC PHYSICIAN AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Ferrin

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill modifies provisions of the Naturopathic Physician Practice Act related to qualifications for licensure and financial interests of a licensee.

Highlighted Provisions:

This bill:

- ▶ provides that an applicant seeking licensure as a naturopathic physician by endorsement shall pass examination requirements established by the division which the applicant has not passed in connection with licensure in another jurisdiction and which are available to the applicant to take without requiring additional professional education; and
- ▶ allows licensed naturopathic physicians to sell homeopathic remedies or dietary supplements from their offices.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

AMENDS:

58-71-302, as last amended by Chapter 131, Laws of Utah 2003

58-71-801, as last amended by Chapter 280, Laws of Utah 2004

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-71-302** is amended to read:

58-71-302. Qualifications for licensure.

(1) An applicant for licensure as a naturopathic physician, except as set forth in Subsection (2), shall:

- (a) submit an application in a form prescribed by the division which may include:
 - (i) submissions by the applicant of information maintained by practitioner data banks, as designated by division rule, with respect to the applicant; and
 - (ii) a record of professional liability claims made against the applicant and settlements paid by or in behalf of the applicant;
- (b) pay a fee determined by the department under Section 63-38-3.2;
- (c) be of good moral character;
- (d) provide satisfactory documentation of having successfully completed a program of professional education preparing an individual as a naturopathic physician, as evidenced by having received an earned degree of doctor of naturopathic medicine from:
 - (i) a naturopathic medical school or college accredited by the Council of Naturopathic Medical Education or its successor organization approved by the division;
 - (ii) a naturopathic medical school or college that is a candidate for accreditation by the Council of Naturopathic Medical Education or its successor organization, and is approved by the division in collaboration with the board, upon a finding there is reasonable expectation the school or college will be accredited; or
 - (iii) a naturopathic medical school or college which, at the time of the applicant's graduation, met current criteria for accreditation by the Council of Naturopathic Medical Education or its successor approved by the division;
- (e) provide satisfactory documentation of having successfully completed, after successful completion of the education requirements set forth in Subsection (1)(d), 12 months of clinical experience in naturopathic medicine in a residency program recognized by the division and associated with an accredited school or college of naturopathic medicine, and under the preceptorship of a licensed naturopathic physician, physician and surgeon, or osteopathic

physician;

(f) pass the licensing examination sequence required by division rule established in collaboration with the board;

(g) be able to read, write, speak, understand, and be understood in the English language and demonstrate proficiency to the satisfaction of the board if requested by the board; and

(h) meet with the board and representatives of the division, if requested, for the purpose of evaluating the applicant's qualifications for licensure.

(2) An applicant for licensure as a naturopathic physician qualifying under the endorsement provision of Section 58-1-302 shall:

(a) be currently licensed in good standing in another jurisdiction as set forth in Section 58-1-302;

(b) document having met all requirements for licensure under Subsection (1) except the clinical experience requirement of Subsection (1)(e);

(c) have passed the examination requirements established under Subsection (1)(f) which:

(i) the applicant has not passed in connection with licensure in another state or jurisdiction; and

(ii) are available to the applicant to take without requiring additional professional education;

(d) have been actively engaged in the practice ~~[as]~~ of a naturopathic physician for not less than 6,000 hours during the five years immediately preceding the date of application for licensure in Utah; and

(e) meet with the board and representatives of the division, if requested for the purpose of evaluating the applicant's qualifications for licensure.

Section 2. Section **58-71-801** is amended to read:

58-71-801. Disclosure of financial interest by licensee.

(1) Except as provided in ~~[Subsection]~~ Subsections (2) and (5), licensees under this chapter may not own, directly or indirectly:

(a) any pharmacy or pharmaceutical facility as defined in Section 58-17b-102; or

(b) a retail store, wholesaler, distributor, manufacturer, or facility of any other kind located in this state that is engaged in the sale, dispensing, delivery, distribution, or manufacture of homeopathic remedies, dietary supplements, or natural medicines.

(2) A licensee may own or control less than 5% of the outstanding stock of a corporation whose ownership is prohibited under Subsection (1), if the stock of the corporation is publicly traded.

(3) Licensees under this chapter may not refer patients, clients, or customers to any clinical laboratory, ambulatory or surgical care facilities, or other treatment or rehabilitation services such as physical therapy, cardiac rehabilitation, or radiology services in which the licensee or a member of the licensee's immediate family has any financial relationship as that term is described in 42 U.S.C. 1395nn, unless the licensee at the time of making the referral discloses that relationship, in writing, to the patient, client, or customer.

(4) The written disclosure under Subsection (3) shall also state the patient may choose any facility or service center for purpose of having the laboratory work or treatment service performed.

(5) Licensees under this chapter may ~~[not]~~ sell from their offices homeopathic remedies or dietary supplements[;] as defined in the Federal Food Drug and Cosmetic Act~~[-except for those products that are not readily available from other local sources]~~ consistent with division rule.

Section 3. Effective date.

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.