

## Chapter 71 Naturopathic Physician Practice Act

### Part 1 General Provisions

#### 58-71-101 Title.

This chapter is known as the "Naturopathic Physician Practice Act."

Enacted by Chapter 282, 1996 General Session

#### 58-71-102 Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Acupuncture" means the same as that term is defined in Section 58-72-102.
- (2) "Administrative penalty" means a monetary fine imposed by the division for acts or omissions determined to constitute unprofessional or unlawful conduct, as a result of an adjudicative proceeding conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- (3) "Board" means the Naturopathic Physicians Licensing Board created in Section 58-71-201.
- (4) "Controlled substance" means the same as that term is defined in Section 58-37-2.
- (5) "Diagnose" means:
  - (a) to examine in any manner another individual, parts of an individual's body, substances, fluids, or materials excreted, taken, or removed from an individual's body, or produced by an individual's body, to determine the source, nature, kind, or extent of a disease or other physical or mental condition;
  - (b) to attempt to conduct an examination or determination described under Subsection (5)(a);
  - (c) to hold oneself out as making or to represent that one is making an examination or determination as described in Subsection (5)(a); or
  - (d) to make an examination or determination as described in Subsection (5)(a) upon or from information supplied directly or indirectly by another individual, whether or not in the presence of the individual the examination or determination concerns.
- (6) "Local anesthesia" means an agent, whether a natural medicine or nonscheduled prescription drug, which:
  - (a) is applied topically or by injection associated with the performance of minor office procedures;
  - (b) has the ability to produce loss of sensation to a targeted area of an individual's body;
  - (c) does not cause loss of consciousness or produce general sedation; and
  - (d) is part of the competent practice of naturopathic medicine during minor office procedures.
- (7) "Medical naturopathic assistant" means an unlicensed individual working under the direct and immediate supervision of a licensed naturopathic physician and engaged in specific tasks assigned by the licensed naturopathic physician in accordance with the standards and ethics of the profession.
- (8)
  - (a) "Minor office procedures" means:
    - (i) the use of operative, electrical, or other methods for repair and care of superficial lacerations, abrasions, and benign lesions;
    - (ii) removal of foreign bodies located in the superficial tissues, excluding the eye or ear;
    - (iii) the use of antiseptics and local anesthetics in connection with minor office surgical procedures; and

- (iv) percutaneous injection into skin, tendons, ligaments, muscles, and joints with:
  - (A) local anesthesia or a prescription drug described in Subsection (9)(d); or
  - (B) natural substances.
- (b) "Minor office procedures" does not include:
  - (i) general or spinal anesthesia;
  - (ii) office procedures more complicated or extensive than those set forth in Subsection (8)(a);
  - (iii) procedures involving the eye; and
  - (iv) any office procedure involving nerves, veins, or arteries.
- (9) "Natural medicine" means any:
  - (a) food, food extract, dietary supplement as defined by the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq., homeopathic remedy, or plant substance that is not designated a prescription drug or controlled substance;
  - (b) over-the-counter medication;
  - (c) other nonprescription substance, the prescription or administration of which is not otherwise prohibited or restricted under federal or state law; or
  - (d) prescription drug:
    - (i) the prescription of which is consistent with the competent practice of naturopathic medicine;
    - (ii) that is not a controlled substance except for testosterone; and
    - (iii) that is not any of the following as determined by the federal Food and Drug Administration's general drug category list:
      - (A) an anticoagulant for the management of a bleeding disorder;
      - (B) an anticonvulsant;
      - (C) an antineoplastic;
      - (D) an antipsychotic;
      - (E) a barbiturate;
      - (F) a cytotoxic;
      - (G) a sedative;
      - (H) a sleeping drug;
      - (I) a tranquilizer; or
      - (J) any drug category added after April 1, 2022, unless the division determines the drug category to be consistent with the practice of naturopathic medicine under Section 58-71-203.
- (10)
  - (a) "Naturopathic childbirth" means uncomplicated natural childbirth assisted by a naturopathic physician.
  - (b) "Naturopathic childbirth" includes the use of:
    - (i) natural medicines; and
    - (ii) uncomplicated episiotomy.
  - (c) "Naturopathic childbirth" does not include the use of:
    - (i) forceps delivery;
    - (ii) general or spinal anesthesia;
    - (iii) caesarean section delivery; or
    - (iv) induced labor or abortion.
- (11)
  - (a) "Naturopathic mobilization therapy" means manually administering mechanical treatment of body structures or tissues for the purpose of restoring normal physiological function to the body by normalizing and balancing the musculoskeletal system of the body;

- (b) "Naturopathic mobilization therapy" does not mean manipulation or adjustment of the joints of the human body beyond the elastic barrier; and
  - (c) "Naturopathic mobilization therapy" does not include manipulation as used in Title 58, Chapter 73, Chiropractic Physician Practice Act.
- (12)
- (a) "Naturopathic physical medicine" means the use of the physical agents of air, water, heat, cold, sound, light, and electromagnetic nonionizing radiation, and the physical modalities of electrotherapy, acupuncture, diathermy, ultraviolet light, ultrasound, hydrotherapy, naturopathic mobilization therapy, and exercise.
  - (b) "Naturopathic physical medicine" does not include the practice of physical therapy or physical rehabilitation.
- (13) "Practice of naturopathic medicine" means:
- (a) a system of primary health care for the prevention, diagnosis, and treatment of human health conditions, injuries, and diseases that uses education, natural medicines, and natural therapies, to support and stimulate the patient's intrinsic self-healing processes by:
    - (i) using naturopathic childbirth, but only if:
      - (A) the licensee meets standards of the American College of Naturopathic Obstetricians (ACNO) or ACNO's successor as determined by the division in collaboration with the board; and
      - (B) the licensee follows a written plan for naturopathic physicians practicing naturopathic childbirth approved by the division in collaboration with the board, which includes entering into an agreement with a consulting physician and surgeon or osteopathic physician, in cases where the scope of practice of naturopathic childbirth may be exceeded and specialty care and delivery is indicated, detailing the guidelines by which the naturopathic physician will:
        - (I) refer patients to the consulting physician; and
        - (II) consult with the consulting physician;
    - (ii) using naturopathic mobilization therapy;
    - (iii) using naturopathic physical medicine;
    - (iv) using minor office procedures;
    - (v) prescribing or administering natural medicine;
    - (vi) prescribing medical equipment and devices, diagnosing by the use of medical equipment and devices, and administering therapy or treatment by the use of medical devices necessary and consistent with the competent practice of naturopathic medicine;
    - (vii) prescribing barrier devices for contraception;
    - (viii) using dietary therapy;
    - (ix) taking and using diagnostic x-rays, electrocardiograms, ultrasound, and physiological function tests;
    - (x) taking of body fluids for clinical laboratory tests and using the results of the tests in diagnosis;
    - (xi) taking of a history from and conducting of a physical examination upon a human patient; and
    - (xii) administering local anesthesia during the performance of a minor office procedure;
  - (b) to maintain an office or place of business for the purpose of doing any of the acts described in Subsection (13)(a), whether or not for compensation; or
  - (c) to use, in the conduct of any occupation or profession pertaining to the diagnosis or treatment of human diseases or conditions, in any printed material, stationery, letterhead, envelopes, signs, or advertisements, the designation "naturopathic physician," "naturopathic doctor,"

"naturopath," "doctor of naturopathic medicine," "doctor of naturopathy," "naturopathic medical doctor," "naturopathic medicine," "naturopathic health care," "naturopathy," "N.D.," "N.M.D.," or any combination of these designations in any manner that might cause a reasonable person to believe the individual using the designation is a licensed naturopathic physician.

- (14) "Prescribe" means to issue a prescription:
- (a) orally or in writing; or
  - (b) by telephone, facsimile transmission, computer, or other electronic means of communication as defined by division rule.
- (15) "Prescription device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, and any component part or accessory, which is required under federal or state law to be prescribed by a practitioner and dispensed by or through a person licensed under this chapter or exempt from licensure under this chapter.
- (16) "Prescription drug" means a drug that is required by federal or state law or rule to be dispensed only by prescription or is restricted to administration only by practitioners.
- (17) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-71-501.
- (18) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-71-502, and as may be further defined by division rule.

Amended by Chapter 440, 2022 General Session

## **Part 2 Board**

### **58-71-201 Board.**

- (1) There is created the Naturopathic Physicians Licensing Board consisting of three licensed naturopathic physicians and two members of the general public.
- (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- (3)
- (a) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203.
  - (b) The board may also designate one of its members on a permanent or rotating basis to:
    - (i) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
    - (ii) advise the division in its investigation of these complaints.
- (4) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning that complaint.

Amended by Chapter 10, 1997 General Session

### **58-71-203 Drug category review.**

- (1) As used in this section, "FDA" means the federal Food and Drug Administration.

- (2) After April 1, 2022, if the FDA adds a new drug category to the FDA's general drug category list, the division shall determine whether the drug category is consistent with the practice of naturopathic medicine.
- (3) To make the determination described in Subsection (2), the division shall consult with:
  - (a) the board; and
  - (b) the board described in Section 58-67-201.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules to implement this section.

Enacted by Chapter 440, 2022 General Session

### **Part 3 Licensing**

#### **58-71-301 Licensure required -- License classifications.**

- (1) A license is required to engage in the practice of naturopathic medicine, on or for any person in Utah, as a naturopathic physician.
- (2) The division shall issue to a person who qualifies under this chapter a license in the classification of naturopathic physician.

Enacted by Chapter 282, 1996 General Session

#### **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 63J-1-504;
  - (c) 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 organization approved by the division;
  - (d) provide satisfactory documentation of having successfully completed, after successful completion of the education requirements set forth in Subsection (1)(c), 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;

- (e) pass the licensing examination sequence required by division rule established in collaboration with the board;
  - (f) 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
  - (g) meet with the board and representatives of the division, if requested, for the purpose of evaluating the applicant's qualifications for licensure.
- (2)
- (a) In accordance with Subsection (2)(b), an applicant for licensure as a naturopathic physician under the endorsement provision of Section 58-1-302 shall:
    - (i) meet the requirements of Section 58-1-302;
    - (ii) document having met all requirements for licensure under Subsection (1) except the clinical experience requirement of Subsection (1)(d);
    - (iii) have passed the examination requirements established under Subsection (1)(e) that:
      - (A) the applicant has not passed in connection with licensure in another state or jurisdiction; and
      - (B) are available to the applicant to take without requiring additional professional education;
    - (iv) have been actively engaged in the practice 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
    - (v) meet with the board and representatives of the division for the purpose of evaluating the applicant's qualifications for licensure.
  - (b) The division may rely, either wholly or in part, on one or more credentialing associations designated by division rule, made in collaboration with the board, to document and certify in writing to the satisfaction of the division that an applicant has met each of the requirements of this Subsection (2), including the requirements of Section 58-1-302, and that:
    - (i) the applicant holds a current license;
    - (ii) the education, experience, and examination requirements of the foreign country or the state, district, or territory of the United States that issued the applicant's license are, or were at the time the license was issued, equal to those of this state for licensure as a naturopathic physician; and
    - (iii) the applicant has produced evidence satisfactory to the division of the applicant's qualifications, identity, and good standing as a naturopathic physician.

Amended by Chapter 339, 2020 General Session

**58-71-303 Term of license -- Expiration -- Renewal.**

- (1)
  - (a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by division rule.
  - (b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.
- (2) At the time of renewal, the licensee shall show compliance with continuing education renewal requirements.
- (3) Each license issued under this chapter expires on the expiration date shown on the license unless renewed in accordance with Section 58-1-308.

Amended by Chapter 268, 2001 General Session

**58-71-304 License renewal requirements.**

- (1) As a condition precedent for license renewal, each licensee shall, during each two-year licensure cycle or other cycle defined by division rule, complete qualified continuing professional education requirements in accordance with the number of hours and standards defined by division rule made in collaboration with the board.
- (2) If a renewal period is extended or shortened under Section 58-71-303, the continuing education hours required for license renewal under this section are increased or decreased proportionally.

Amended by Chapter 268, 2001 General Session

**58-71-304.2 Temporary license.**

- (1) The division may issue a temporary license to an individual who:
  - (a) meets all qualifications for licensure except completion of the 12 month clinical experience required under Section 58-71-302; and
  - (b) presents a plan acceptable to the division and the board under which the applicant will practice under the direct supervision of a licensed naturopathic physician, physician and surgeon, or osteopathic physician, who supervises not more than three naturopathic physicians in an approved clinical experience program.
- (2) A temporary license issued under this section expires on the date the licensee completes the clinical experience program, but not more than 18 months from the original date of issue.
- (3) A temporary license under this section may be issued only once to an individual.

Enacted by Chapter 282, 1996 General Session

**58-71-305 Exemptions from licensure.**

In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in the described acts or practices without being licensed under this chapter:

- (1) an individual rendering aid in an emergency, when no fee or other consideration of value for the service is charged, received, expected, or contemplated;
- (2) an individual administering a domestic or family remedy;
- (3) a person engaged in the sale of vitamins, health foods, dietary supplements, herbs, or other products of nature, the sale of which is not otherwise prohibited under state or federal law, but this subsection does not:
  - (a) allow a person to diagnose any human disease, ailment, injury, infirmity, deformity, pain, or other condition; or
  - (b) prohibit providing truthful and nonmisleading information regarding any of the products under this subsection;
- (4) a person engaged in good faith in the practice of the religious tenets of any church or religious belief, without the use of prescription drugs;
- (5) a person acting in good faith for religious reasons as a matter of conscience or based on a personal belief when obtaining or providing information regarding health care and the use of any product under Subsection (3);
- (6) an individual authorized by the Department of Health under Section 26-1-30, to draw blood pursuant to Subsection 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213(3)(a)(vi);

- (7) a naturopathic medical assistant while working under the direct and immediate supervision of a licensed naturopathic physician to the extent the medical assistant is engaged in tasks appropriately delegated by the supervisor in accordance with the standards and ethics of the practice of naturopathic medicine; and
- (8) an individual who has completed all requirements for licensure under this chapter except the clinical experience required under Section 58-71-302, for a period of one year while that individual is completing that clinical experience requirement and who is working under the provisions of a temporary license issued by the division.

Amended by Chapter 35, 2018 General Session

**58-71-306 Status of licenses held on the effective date of this chapter.**

An individual holding a current license as a naturopathic physician that was issued under prior Utah law is considered to hold a current license and retains the scope of practice authorized under this title prior to the enactment of this chapter.

Enacted by Chapter 282, 1996 General Session

## **Part 4 License Denial and Discipline**

**58-71-401 Grounds for denial of license -- Disciplinary proceedings.**

Grounds for division action regarding the following are under Section 58-1-401:

- (1) refusing to issue a license to an applicant or refusing to renew the license of a licensee;
- (2) revoking, suspending, restricting, or placing on probation the license of a licensee;
- (3) assessing an administrative penalty; and
- (4) issuing a public or private reprimand to a licensee or issuing a cease and desist order.

Enacted by Chapter 282, 1996 General Session

**58-71-402 Authority to assess penalty.**

- (1) After proceeding pursuant to Title 63G, Chapter 4, Administrative Procedures Act, and Title 58, Chapter 1, Division of Occupational and Professional Licensing Act, the division may impose administrative penalties of up to \$10,000 for acts of unprofessional conduct or unlawful conduct under this chapter.
- (2) Assessment of a penalty under this section does not affect any other action the division is authorized to take regarding a license issued under this chapter.

Amended by Chapter 415, 2022 General Session

## **Part 5 Unlawful and Unprofessional Conduct - Penalties**

**58-71-501 Unlawful conduct.**

- (1) "Unlawful conduct" includes, in addition to the definition in Section 58-1-501:



- (a) buying, selling, or fraudulently obtaining, any medical diploma, license, certificate, or registration related to credentials of a naturopathic physician; and
  - (b) aiding or abetting the buying, selling, or fraudulently obtaining of any naturopathic physician diploma, license, certificate, or registration.
- (2) "Unlawful conduct" does not include the good faith expression of informed opinions as to available alternatives to the treatment prescribed or advised by the licensee.

Enacted by Chapter 282, 1996 General Session

**58-71-502 Unprofessional conduct.**

"Unprofessional conduct" includes:

- (1) using or employing the services of any individual to assist a licensee in any manner not in accordance with the generally recognized practices, standards, or ethics of the profession, state law, or division rule; or
- (2) falsely making an entry in, or altering, a medical record with the intent to conceal:
  - (a) a wrongful or negligent act or omission of an individual licensed under this chapter or an individual under the direction or control of an individual licensed under this chapter; or
  - (b) conduct described in Subsection (1) or Subsection 58-1-501(1).

Amended by Chapter 25, 2020 General Session

**58-71-503 Penalty for unlawful conduct.**

- (1) Any person who violates the unlawful conduct provisions of Section 58-71-501, Subsection 58-1-501(1)(a), or 58-1-501(1)(c) is guilty of a third degree felony.
- (2) The division may assess administrative penalties in accordance with the provisions of Section 58-71-402, for acts of unlawful conduct.
- (3)
  - (a) The director may collect a penalty that is not paid by:
    - (i) referring the matter to a collection agency; or
    - (ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.
  - (b) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.
  - (c) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

Amended by Chapter 318, 2018 General Session

**Part 6**  
**Impaired Naturopathic Physician**

**58-71-601 Mentally incompetent or incapacitated naturopathic physician.**

- (1) As used in this section:
  - (a) "Incapacitated person" means a person who is incapacitated, as defined in Section 75-1-201.
  - (b) "Mental illness" is as defined in Section 62A-15-602.

(2) If a court of competent jurisdiction determines a naturopathic physician is an incapacitated person or that the physician has a mental illness and is unable to safely engage in the practice of medicine, the director shall immediately suspend the license of the naturopathic physician upon the entry of the judgment of the court, without further proceedings under Title 63G, Chapter 4, Administrative Procedures Act, regardless of whether an appeal from the court's ruling is pending. The director shall promptly notify the naturopathic physician, in writing, of the suspension.

(3)

(a) If the division and a majority of the board find reasonable cause to believe a naturopathic physician, who is not determined judicially to be an incapacitated person or to have a mental illness, is incapable of practicing medicine with reasonable skill regarding the safety of patients, because of illness, excessive use of drugs or alcohol, or as a result of any mental or physical condition, the board shall recommend that the director file a petition with the division, and cause the petition to be served upon the naturopathic physician with a notice of hearing on the sole issue of the capacity of the naturopathic physician to competently and safely engage in the practice of medicine.

(b) The hearing shall be conducted under Section 58-1-109, and Title 63G, Chapter 4, Administrative Procedures Act, except as provided in Subsection (4).

(4)

(a) Every naturopathic physician who accepts the privilege of being licensed under this chapter gives consent to:

(i) submitting at the physician's own expense to an immediate mental or physical examination when directed in writing by the division and a majority of the board to do so; and

(ii) the admissibility of the reports of the examining physician's testimony or examination, and waives all objections on the ground the reports constitute a privileged communication.

(b) The examination may be ordered by the division, with the consent of a majority of the board, only upon a finding of reasonable cause to believe:

(i) the naturopathic physician has a mental illness, is incapacitated, or otherwise unable to practice medicine with reasonable skill and safety; and

(ii) immediate action by the division and the board is necessary to prevent harm to the naturopathic physician's patients or the general public.

(c)

(i) Failure of a naturopathic physician to submit to the examination ordered under this section is a ground for the division's immediate suspension of the naturopathic physician's license by written order of the director.

(ii) The division may enter the order of suspension without further compliance with Title 63G, Chapter 4, Administrative Procedures Act, unless the division finds the failure to submit to the examination ordered under this section was due to circumstances beyond the control of the naturopathic physician and was not related directly to the illness or incapacity of the naturopathic physician.

(5)

(a) A naturopathic physician whose license is suspended under Subsection (2) or (3) has the right to a hearing to appeal the suspension within 10 days after the license is suspended.

(b) The hearing held under this subsection shall be conducted in accordance with Sections 58-1-108 and 58-1-109 for the sole purpose of determining if sufficient basis exists for the continuance of the order of suspension in order to prevent harm to the naturopathic physician's patients or the general public.

- (6) A naturopathic physician whose license is revoked, suspended, or in any way restricted under this section may request the division and the board to consider, at reasonable intervals, evidence presented by the naturopathic physician, under procedures established by division rule, regarding any change in the naturopathic physician's condition, to determine whether:
- (a) the physician is or is not able to safely and competently engage in the practice of medicine; and
  - (b) the physician is qualified to have the physician's license to practice under this chapter restored completely or in part.

Amended by Chapter 364, 2013 General Session

## **Part 7 Immunity Provisions**

### **58-71-701 Immunity provisions apply.**

Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, applies to licensees under this chapter.

Enacted by Chapter 282, 1996 General Session

## **Part 8 Practice Standards**

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

- (1) Except as provided in 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 sell from their offices homeopathic remedies or dietary supplements as defined in the Federal Food Drug and Cosmetic Act consistent with division rule.

Amended by Chapter 17, 2005 General Session

**58-71-802 Form of practice.**

- (1) A naturopathic physician licensed under this chapter may engage in practice as a naturopathic physician, or in the practice of naturopathic medicine only as an individual licensee; but as an individual licensee, he may be:
  - (a) an individual operating as a business proprietor;
  - (b) an employee of another person;
  - (c) a partner in a lawfully organized partnership;
  - (d) a lawfully formed professional corporation;
  - (e) a lawfully organized limited liability company;
  - (f) a lawfully organized business corporation; or
  - (g) any other form of organization recognized by the state which is not prohibited by rule adopted by division rules made in collaboration with the board.
- (2) Regardless of the form in which a licensee engages in the practice of medicine, the licensee may only permit the practice of medicine in that form of practice to be conducted by an individual:
  - (a) licensed in Utah as a naturopathic physician under Section 58-71-301, a physician and surgeon, or as an osteopathic physician and surgeon; and
  - (b) who is able to lawfully and competently engage in the practice of medicine.

Enacted by Chapter 282, 1996 General Session

**58-71-803 Medical records -- Electronic records.**

- (1) Medical records maintained by a licensee shall:
  - (a) meet the standards and ethics of the profession; and
  - (b) be maintained in accordance with division rules made in collaboration with the board.
- (2) Medical records under this section may be maintained by an electronic means if the records comply with Subsection (1).

Enacted by Chapter 282, 1996 General Session

**58-71-804 Insurance coverage not mandated.**

- (1) This chapter does not mandate health insurance coverage for naturopathic medical services.
- (2) This chapter does not establish a class of health care providers for the purposes of Section 31A-22-618.
- (3) This chapter does not mandate health insurance coverage for the prescription or administration of testosterone by a naturopathic physician.

Amended by Chapter 440, 2022 General Session