

1 **NATUROPATHIC PHYSICIAN AMENDMENTS**

2 2005 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: James A. Ferrin**

5

LONG TITLE

6 **General Description:**

7
8 This bill modifies provisions of the Naturopathic Physician Practice Act related to
9 qualifications for licensure and financial interests of a licensee.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ provides that an applicant seeking licensure as a naturopathic physician by
13 endorsement shall pass examination requirements established by the division which
14 the applicant has not passed in connection with licensure in another jurisdiction and
15 which are available to the applicant to take without requiring additional professional
16 education; and

17 ▶ allows licensed naturopathic physicians to sell homeopathic remedies or dietary
18 supplements from their offices.

19 **Monies Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **58-71-302**, as last amended by Chapter 131, Laws of Utah 2003

26 **58-71-801**, as last amended by Chapter 280, Laws of Utah 2004



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

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

30 **58-71-302. Qualifications for licensure.**

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

33 (a) submit an application in a form prescribed by the division which may include:

34 (i) submissions by the applicant of information maintained by practitioner data banks,
35 as designated by division rule, with respect to the applicant; and

36 (ii) a record of professional liability claims made against the applicant and settlements
37 paid by or in behalf of the applicant;

38 (b) pay a fee determined by the department under Section 63-38-3.2;

39 (c) be of good moral character;

40 (d) provide satisfactory documentation of having successfully completed a program of
41 professional education preparing an individual as a naturopathic physician, as evidenced by
42 having received an earned degree of doctor of naturopathic medicine from:

43 (i) a naturopathic medical school or college accredited by the Council of Naturopathic
44 Medical Education or its successor organization approved by the division;

45 (ii) a naturopathic medical school or college that is a candidate for accreditation by the
46 Council of Naturopathic Medical Education or its successor organization, and is approved by
47 the division in collaboration with the board, upon a finding there is reasonable expectation the
48 school or college will be accredited; or

49 (iii) a naturopathic medical school or college which, at the time of the applicant's
50 graduation, met current criteria for accreditation by the Council of Naturopathic Medical
51 Education or its successor approved by the division;

52 (e) provide satisfactory documentation of having successfully completed, after
53 successful completion of the education requirements set forth in Subsection (1)(d), 12 months
54 of clinical experience in naturopathic medicine in a residency program recognized by the
55 division and associated with an accredited school or college of naturopathic medicine, and
56 under the preceptorship of a licensed naturopathic physician, physician and surgeon, or
57 osteopathic physician;

58 (f) pass the licensing examination sequence required by division rule established in

59 collaboration with the board;

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

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

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

66 (a) be currently licensed in good standing in another jurisdiction as set forth in Section
67 58-1-302;

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

70 (c) have passed the examination requirements established under Subsection (1)(f)
71 which;

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

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

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

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

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

82 **58-71-801. Disclosure of financial interest by licensee.**

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

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

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

89 (2) A licensee may own or control less than 5% of the outstanding stock of a

90 corporation whose ownership is prohibited under Subsection (1), if the stock of the corporation
91 is publicly traded.

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

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

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

Legislative Review Note

as of 1-5-05 10:59 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel