

Idaho

Notes: This Law was enacted in 2005, as part of a bill licensing naturopaths. Immediately below is the section pertaining to "health freedom." Below that is the entire text of the bill (to give context. Included are the introduced bill, the amendments and the engrossed (or final) bill.

This law protects the profession by the statement under "license required" below (which I've underlined for you) It is not clear why massage therapists were exempted. There is no licensure bill for MTs in Idaho, and pretty much leaves them hanging out there. However, they may be protected under section 54-1804.

Idaho Law is also interesting because of section 54-1804. This section is under the medical practice act. It is unclear when that came into being, but from my research it was in 1976 (according to nationalhealthfreedom.org) but here's what it says:

54-1804. UNLICENSED PRACTICE -- PENALTIES AND REMEDIES RELATING TO UNLICENSED PRACTICE. (1) Under the circumstances described and subject in each case to limitations stated, the following persons, though not holding a license to practice medicine in this state, may engage in activities included in the practice of medicine:

(f) A person engaged in good faith in the practice of the religious tenets of any church or religious beliefs;

(g) A person administering a remedy, diagnostic procedure or advice as specifically directed by a physician;

(j) A person who administers treatment or provides advice regarding the human body and its functions that:

(i) Does not use legend drugs or prescription drugs in such practice;

(ii) Uses natural elements such as air, heat, water and light;

(iii) Only uses class I or class II nonprescription, approved, medical devices as defined in section 513 of the federal food, drug and cosmetic act;

(iv) Only uses vitamins, minerals, herbs, natural food products and their extracts, and nutritional supplements; and who

(v) Does not perform surgery;

(vi) Requires each person receiving services to sign a declaration of informed consent which includes an overview of the health care provider's education which states that the health care provider is not an "M.D." or "D.O." and is not licensed under the provisions of this chapter.

54-5103. LICENSE REQUIRED. (1) No person shall hold himself or herself out to others as a naturopathic physician or practice naturopathic medicine as defined herein without first applying

for and receiving a license. Persons who are not licensed pursuant to this chapter may provide natural health care services as defined herein pursuant to sections 54-5107 and 54-1804, Idaho Code.

54-5106. EXEMPTIONS. This chapter is not intended to and does not prohibit, restrict or apply to:

(4) A person engaged in the sale of vitamins, health foods, over the counter homeopathic products, dietary supplements, herbs, or other products of nature, the sale of which is not otherwise prohibited under state or federal law; or

(5) A person engaged in good faith for religious reasons as a matter of conscience; or

(8) Those who practice massage therapy; or

(9) The practice and providing of natural health care services as defined herein in compliance with sections 54-5107 and 54-1804, Idaho Code, by a person who is not licensed, certified or registered in this state as a health care professional or practitioner.

54-5107. DISCLOSURE BY THOSE PROVIDING NATURAL HEALTH CARE SERVICES. (1)

Any person providing natural health care services who is not a naturopathic physician and who is advertising or charging a fee for those services, shall, prior to providing such services, disclose to the client in a clearly worded statement:

(a) The practitioner's name, business address and telephone number;

(b) The nature of the natural health care services to be provided;

(c) That the practitioner is not an "M.D.," "D.O." or "N.M.D."

(2) Before a practitioner provides natural health care services to a client for the first time, such practitioner must obtain a written

acknowledgment from the client stating that he or she has been provided with the information described in this section and that he or she recognizes that the practitioner is not licensed to practice medicine, surgery or naturopathic medicine. The client shall be provided with a copy of this written acknowledgment which must be maintained for two (2) years by the person providing the services. If the disclosure information changes, then the practitioner has a duty to repeat the disclosure if a client obtains services after the change.

Bill Text (original)

]]]] LEGISLATURE OF THE STATE OF IDAHO]]]]
Fifty-eighth Legislature First Regular Session -
2005

IN THE SENATE

SENATE BILL NO. 1158

BY STATE AFFAIRS COMMITTEE

1 AN ACT
2 RELATING TO NATUROPATHIC PHYSICIANS; AMENDING TITLE 54, IDAHO
CODE, BY THE
3 ADDITION OF A NEW CHAPTER 51, TITLE 54, IDAHO CODE, TO
PROVIDE LEGISLATIVE

4 PURPOSE AND INTENT, TO DEFINE TERMS, TO PROVIDE WHEN
A LICENSE IS
5 REQUIRED, TO PROVIDE FOR SCOPE OF PRACTICE, TO PROVIDE FOR
PROHIBITIONS,
6 TO PROVIDE FOR EXEMPTIONS, TO PROVIDE FOR DISCLOSURE BY
THOSE PROVIDING
7 NATURAL HEALTH CARE SERVICES, TO CREATE A BOARD OF
NATUROPATHIC MEDICAL
8 EXAMINERS, TO PROVIDE POWERS AND DUTIES OF THE BOARD,
TO ESTABLISH A
9 NATUROPATHIC MEDICAL FORMULARY COUNCIL, TO PROVIDE FEES, TO
PROVIDE QUALI-
10 FICATION FOR LICENSURE, TO PROVIDE LICENSE STANDARDS
FOR OTHER
11 JURISDICTION'S APPLICANTS, TO PROVIDE FOR AN INVESTIGATION,
TO PROVIDE FOR
12 A HEARING, TO PROVIDE FOR SUBPOENAS, TO PROVIDE
DISCIPLINARY ACTION, TO
13 PROVIDE FOR A LICENSE DENIAL OR REVOCATION PROCEDURE, TO
PROVIDE FOR
14 ENFORCEMENT PENALTIES AND TO PROVIDE SEVERABILITY; AND
AMENDING SECTIONS
15 67-2601 AND 67-2602, IDAHO CODE, TO PROVIDE REFERENCE TO
THE BOARD OF
16 NATUROPATHIC MEDICAL EXAMINERS.

17 Be It Enacted by the Legislature of the State of Idaho:

18 SECTION 1. That Title 54, Idaho Code, be, and the same is
hereby amended
19 by the addition thereto of a **NEW CHAPTER**, to be known and
designated as Chap-
20 ter 51, Title 54, Idaho Code, and to read as follows:

21 CHAPTER 51
22 NATUROPATHIC PHYSICIANS LICENSING ACT

23 54-5101. LEGISLATIVE PURPOSE AND INTENT. It is the intent
of the legisla-
24 ture to provide for state administrative supervision,
licensure, regulation
25 and disciplinary procedures, for every person practicing as a
naturopathic
26 physician and to require standards of practice and code of
ethics as adopted
27 by the board unless otherwise exempted herein.
28 Legislative intent and findings. In enacting these
provisions, it is the
29 intent of the legislature that the central holdings of
State v. Smith, 81
30 Idaho 103, 337 P.2d 938, are reinforced. To that end the
legislature finds:
31 (1) The practice of medicine and surgery as regulated in
chapter 18,
32 title 54, Idaho Code, does not include all aspects of each and
every brand of
33 the entire healing arts.

34 (2) Insofar as the practice of medicine, chiropractic,
osteopathy and
35 other licensed healing disciplines also cover the practice of
naturopathy. Na-
36 turopathy is not limited to practice by those holding a
license in the other
37 regulated fields of healing.
38 (3) Insofar as naturopathy is not taught within the
educational require-
39 ments for those licensed to practice medicine in Idaho, it
cannot come within
40 the all-inclusive field of medicine and surgery, and thus,
those practicing
41 naturopathy are not required to hold a license to practice
medicine and sur-
42 gery.

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1 (4) The enactment of chapter 18, title 54, Idaho Code, by
the legislature
2 of the state of Idaho as it may regulate or be related to
naturopathy does not
3 require that a practitioner of naturopathy hold a license to
practice medi-
4 cine.

5 (5) The callings or professions of the practice of
medicine, chiroprac-
6 tic, osteopathy, naturopathy and other licensed healing
disciplines, although
7 complementary, do differ materially from each other as
callings or profes-
8 sions.

9 (6) While the physician and surgeon is authorized to treat
the sick and
10 afflicted by any and all methods and means, the naturopath and
the chiroprac-
11 tor are limited in their treatment to employment of their
particular systems.

12 (7) Naturopathy is a distinct system of the healing arts.

13 (8) To the extent the system of the healing art known as
naturopathy is
14 limited to the use of a system of physical culture and
drugless treatment by
15 methods intended to stimulate or assist nature, or to the use
of physical
16 forces such as air, light, water, heat, massage and other
similar materia
17 medica, it is not inherently injurious to the public health,
safety or morals
18 and has no tendency in that direction and is therefore beyond
the police power
19 of the state.

20 54-5102. DEFINITIONS. As used in this chapter, the
following terms have
21 the meanings as stated:

22 (1) "Approved naturopathic medical program" means a
doctoral level pro-
23 gram of supervised resident study in naturopathic medicine
approved by the
24 board.

25 (2) "Board" means the board of naturopathic medical
examiners created
26 pursuant to section 54-5108, Idaho Code.

27 (3) "Minor office procedures" means the methods for the
repair and care
28 incidental to superficial lacerations and abrasions,
superficial lesions and
29 the removal of foreign bodies located in the superficial
tissues.

30 (4) "Naturopathic medical formulary" means the list of
prescription medi-
31 cines which naturopathic physicians use in the practice of
their profession,
32 as determined by the formulary council and reviewed by the
board.

33 (5) "Naturopathic medical formulary council" means that
council comprised
34 of members appointed pursuant to this chapter to determine and
authorize the
35 formulary list.

36 (6) "Naturopathic medicine" means a distinct and
comprehensive system of
37 primary health care practiced by naturopathic physicians for
the prevention,
38 diagnosis and treatment of human health conditions, injuries and
diseases.

39 (7) "Naturopathic physician" and all titles defined
in section
40 54-5103(2), Idaho Code, means a person authorized and
licensed to practice
41 naturopathic medicine under this chapter.

42 (8) "Natural health care services" means the broad domain
of health care
43 services and procedures, including diagnosis and treatment,
which are permit-
44 ted by Idaho law prior to the enactment of this chapter to be
provided by a
45 person who is not licensed, certified, or registered as a
health care practi-
46 tioner by the state of Idaho.

47 54-5103. LICENSE REQUIRED. (1) No person shall hold
himself or herself
48 out to others as a naturopathic physician without first
applying for and
49 receiving a license.

50 (2) A person holds himself or herself out to others as a
naturopathic
51 physician when the person adopts or uses any or all of the
following designa-
52 tions: "naturopathic physician," "physician of
naturopathic medicine,"

53 "physician of natural medicine," "doctor of naturopathic
medicine," or its

3

1 abbreviation "N.M.D."
2 (3) The titles and terms in subsection (2) of this
section identify
3 naturopathic physicians and are restricted to describing
and identifying
4 licensed practitioners. Nothing herein contained shall prohibit
or restrict
5 the right to use or employ the titles "doctor of naturopathy,"
"naturopathic
6 doctor," or the designation "N.D."

7 54-5104. SCOPE OF PRACTICE. (1) Diagnostic procedures. A
naturopathic
8 physician may use physical and laboratory examinations
consistent with
9 naturopathic medical education and training for diagnostic
purposes. A
10 naturopathic physician may order and perform diagnostic and
imaging tests con-
11 sistent with naturopathic medical education and training. All
diagnostic and
12 imaging tests not consistent with naturopathic medical education
and training,
13 must be referred for performance and interpretation by an
appropriately
14 licensed health care professional.
15 (2) Naturopathic physicians are authorized to dispense,
administer and
16 prescribe prescription drugs and medical devices
determined by the
17 naturopathic medical formulary council, and authorized by the
board.
18 (3) A naturopathic physician may perform minor office
procedures pursuant
19 to privileges authorized by the board.
20 (4) A naturopathic physician may perform those therapies
as trained and
21 educated and authorized by the board.

22 54-5105. PROHIBITIONS. A naturopathic physician shall not:
23 (1) Prescribe, dispense or administer any controlled
substance or device
24 identified under the controlled substance act, chapter 27,
title 37, Idaho
25 Code, or identified in the federal controlled substance act,
21 U.S.C. sec-
26 tions 801 through 971 (1988), as amended, except as authorized
by this chap-
27 ter;
28 (2) Perform surgical procedures except those minor
office procedures
29 authorized by this chapter;

30 (3) Practice or claim to practice as a medical doctor,
osteopath, den-
31 tist, podiatrist, optometrist, psychologist, advanced
practice professional
32 nurse, physician assistant, chiropractor, physical therapist,
acupuncturist,
33 or any other health care professional not authorized in this
chapter unless
34 licensed by the state of Idaho to do so;
35 (4) Use general or spinal anesthetics;
36 (5) Administer ionizing radioactive substances for
therapeutic purposes;
37 (6) Perform surgical procedures using a laser device;
38 (7) Induce or perform an abortion;
39 (8) Perform surgical procedures involving the eye, ear,
tendons, nerves,
40 veins or arteries extending beyond superficial tissue;
41 (9) Treat any lesion suspicious of malignancy or
requiring surgical
42 removal. Lesions suspicious of malignancy or requiring surgical
removal shall
43 be referred to an appropriately licensed health care
professional. Nothing in
44 this chapter shall prohibit treatment of a person with
suspicious or malignant
45 lesions in conjunction with a physician licensed pursuant to
chapter 18, title
46 54, Idaho Code.
47 (10) Perform chiropractic adjustments as defined in section
54-704, Idaho
48 Code.
49 (11) Perform physical therapy as defined in section 54-2203,
Idaho Code.

50 54-5106. EXEMPTIONS. This chapter is not intended to and
does not pro-
51 hibit, restrict or apply to:
52 (1) The practice of a profession by individuals who are
licensed, certi-

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1 fied or registered under other laws of this state and are
performing services
2 within the authorized scope of practice; or
3 (2) The practice of naturopathic medicine by an
individual employed by
4 the federal government while the individual is engaged in the
performance of
5 duties prescribed by the laws and regulations of the United
States; or
6 (3) An individual rendering aid to a family member or in
an emergency,
7 when no fee or other consideration for the service is
charged, received,
8 expected or contemplated; or

9 (4) A person engaged in the sale of vitamins, health
10 foods, over the
11 counter homeopathic products, dietary supplements, herbs, or
12 other products of
13 nature, the sale of which is not otherwise prohibited under
14 state or federal
15 law; or
16 (5) A person engaged in good faith for religious reasons as
17 a matter of
18 conscience; or
19 (6) The practice by a naturopathic physician duly
20 licensed in another
21 state, territory or the District of Columbia when that
22 naturopathic physician
23 is incidentally called into this state for consultation with a
24 licensed physi-
25 cian; or
26 (7) The practice of naturopathic medicine by students
enrolled in an
approved naturopathic medical program. Services shall be
performed pursuant to
a course of instruction or assignments from an instructor and
under the super-
vision and observation of the instructor; or
(8) Those who practice massage therapy; or
(9) The practice and providing of natural health care
services by a per-
son who is not licensed, certified or registered in this state
as a health
care professional or practitioner.

27 54-5107. DISCLOSURE BY THOSE PROVIDING NATURAL HEALTH CARE
SERVICES. (1)

28 Any person providing natural health care services who is not a
29 naturopathic
30 physician and who is advertising or charging a fee for those
31 services, shall,
32 prior to providing such services, disclose to the client in a
33 clearly worded
34 statement:

35 (a) The practitioner's name, business address and telephone
36 number;

37 (b) The nature of the natural health care services to be
38 provided;

39 (c) That the practitioner is not an "M.D.," "D.O." or
"N.M.D."

(2) Before a practitioner provides natural health care
services to a cli-
ent for the first time, such practitioner must obtain a written
acknowledgment

from the client stating that he or she has been provided with
the information

described in this section. The client shall be provided with a
copy of this

written acknowledgment which must be maintained for two (2)
years by the per-

40 son providing the services. If the disclosure information
changes, then the
41 practitioner has a duty to repeat the disclosure if a client
obtains services
42 after the change.

43 54-5108. BOARD OF NATUROPATHIC MEDICAL EXAMINERS. (1)
There is hereby
44 established in the department of self-governing agencies,
bureau of occupa-
45 tional licenses, the board of naturopathic medical examiners.
46 (2) The board shall consist of five (5) members, four (4)
of whom shall
47 be licensed pursuant to this chapter and one (1) of whom shall
be a member of
48 the public with an interest in the rights of consumers of
naturopathic physi-
49 cian services.
50 (3) One (1) member of the initial board shall be appointed
for a one (1)
51 year term of office, one (1) member of the initial board shall
be appointed
52 for a two (2) year term of office, one (1) member of the
initial board shall
53 be appointed for a three (3) year term of office, one (1)
member shall be

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1 appointed for a four (4) year term of office, and one (1)
member of the ini-
2 tial board shall be appointed for a five (5) year term of
office. Thereafter,
3 the term of office for each member shall be five (5) years.
4 (4) Appointments to the board shall be made by the governor
from nomina-
5 tions received from the Idaho association of naturopathic
physicians, who
6 shall nominate persons qualified for each position to be
filled.
7 (5) The four (4) members of the board who are
naturopathic physicians
8 shall be licensed pursuant to this chapter, practicing
within the state of
9 Idaho for the duration of their appointment and shall have been
practitioners
10 within the state of Idaho for a minimum of two (2) years
immediately preceding
11 appointment.
12 (6) The initial four (4) licensed naturopathic physician
members of the
13 board shall be persons with at least two (2) years of experience
in the prac-
14 tice of naturopathic medicine who are eligible to become
licensed pursuant to
15 this chapter. In the event of death, resignation or removal
of any member

16 before the expiration of the term to which appointed, the
vacancy shall be
17 filled for the unexpired portion of the term in the same manner
as the origi-
18 nal appointment.

19 (7) The governor may remove any member of the board for
cause, prior to
20 the expiration of the member's term.

21 (8) The board, within thirty (30) days after its
appointment, and at
22 least annually thereafter, shall hold a meeting and elect a
chairman. The

23 board may hold additional meetings on the call of the chair or
at the written

24 request of any two (2) members of the board. The board may
appoint such com-

25 mittees as it considers necessary to carry out its duties. A
majority of the

26 board shall constitute a quorum.

27 54-5109. POWERS AND DUTIES OF THE BOARD. The board shall
have the author-

28 ity to:

29 (1) Determine the qualifications of persons applying for
licensure pursu-

30 ant to this chapter and define, by rule, the appropriate scope
of naturopathic

31 medicine in this state, provided however, that the scope of
practice may not

32 exceed that defined in section 54-5104, Idaho Code;

33 (2) Grant approval for naturopathic childbirth attendance
privileges to

34 those licensees who apply, provided that such applicant can
document training

35 and experience equal to or greater than that required by
the rules of the

36 Idaho board of nursing, pursuant to section 54-1404, Idaho Code.
The applicant

37 shall hold hospital privileges and perform such procedures
under the super-

38 vision of a physician licensed pursuant to chapter 18, title 54,
Idaho Code;

39 (3) Establish special competency certification requirements
for licensees

40 as deemed necessary by action of the board;

41 (4) Adopt rules for the defined scope of practice for
licensees;

42 (5) Hire and appoint employees, including an executive
director, investi-

43 gators, attorneys, consultants and independent hearing
examiners;

44 (6) Adopt such rules as are necessary for the
administration of this

45 chapter, including standards of professional conduct;

46 (7) Conduct investigations and examinations and hold
hearings;

47 (8) Collect fees and other funds as prescribed by this
chapter;
48 (9) Provide a uniform, independently proctored and
psychometrically valid
49 examination for use in licensing naturopathic physicians,
which will ade-
50 quately test the applicant's knowledge of naturopathic medicine,
including the
51 basic medical sciences and the diagnostic and therapeutic
skill of license
52 applicants.
53 (10) Provide such other services and perform such other
functions as are
54 necessary and desirable to fulfill its purposes;

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1 (11) Establish by rule examination standards for licensure
and when those
2 examinations will be provided;
3 (12) Establish a minimum amount and kind of continuing
education to be
4 required annually for each naturopathic physician seeking
licensure renewal.

5 54-5110. NATUROPATHIC MEDICAL FORMULARY COUNCIL
ESTABLISHED. There is
6 hereby established a naturopathic medical formulary council,
which is separate
7 and distinct from the board, to be composed of five (5) members.
Two (2) mem-
8 bers shall be naturopathic physicians licensed under this
chapter, appointed
9 by the board of naturopathic medical examiners. Two (2) members
shall be phar-
10 macists licensed under chapter 17, title 54, Idaho Code,
appointed by the
11 board of naturopathic medical examiners from a list of
nominees provided by
12 the Idaho state board of pharmacy. One (1) member shall be
a physician
13 licensed under chapter 18, title 54, Idaho Code, appointed
by the board of
14 naturopathic medical examiners from a list of nominees provided
by the Idaho
15 state board of medicine. It shall be the duty of the
naturopathic medical
16 formulary council to establish a formulary for use by
naturopathic physicians,
17 and immediately upon adoption or revision of the formulary, the
council shall
18 transmit the approved formulary to the board, which shall adopt
the formulary
19 by temporary rule. The formulary will be reviewed annually by
the council, or
20 at any time at the request of the board. The formulary list may
not go beyond

21 the scope of prescription medicines and medical devices covered
by approved
22 naturopathic medical education and training and existing
naturopathic medical
23 formularies, or board-approved continuing education. The
naturopathic medical
24 formulary shall not include medicines and devices that are
inconsistent with
25 the training provided by approved naturopathic medical
colleges. Nothing
26 herein shall allow a naturopathic physician to dispense,
administer or pre-
27 scribe any prescription drug as defined in section 54-1705(27),
Idaho Code, or
28 medical device unless such prescription drug or medical device
is specifically
29 included in the naturopathic medical formulary.

30 54-5111. FEES. (1) All fees received under the provisions
of this chapter
31 shall be paid to the department of self-governing agencies,
bureau of occupa-
32 tional licenses, and deposited in the state treasury to the
credit of the
33 occupational licenses fund. All costs and expenses incurred
under the provi-
34 sions of this chapter shall be a charge against and paid from
said fund. In no
35 case shall any salary, expense or other obligation of the
board be charged
36 against the general fund.
37 (2) The fee for licensure shall not exceed five hundred
dollars (\$500).

38 54-5112. QUALIFICATIONS FOR LICENSURE. To be eligible for
a license to
39 practice as a naturopathic physician in the state of Idaho,
the applicant
40 shall:
41 (1) Provide proof, on a form provided by the board, of
completion of an
42 approved naturopathic medical program approved by the board;
43 (2) Have passed a competency-based examination approved by
the board cov-
44 ering basic medical sciences and the diagnostic and clinical
sciences consis-
45 tent with the education, training and practice of naturopathic
medicine. Such
46 examination shall include, but not be limited to, exams in
anatomy, biochemis-
47 try, microbiology, immunology, pathology, physiology,
naturopathic philosophy
48 and principles, physical and clinical diagnosis, lab
diagnosis, diagnostic
49 imaging, botanical medicine, naturopathic physical medicine, and
nutrition;

50 (3) Applicants may be required to sit for a personal
interview by the
51 board to specifically review the applicant's qualifications,
professional cre-
52 dentials, knowledge, and skills pertaining to the practice of
naturopathic

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1 medicine;
2 (4) Possess a good, ethical and professional reputation;
3 (5) Be physically and mentally capable of safely practicing
naturopathic
4 medicine with or without reasonable accommodation;
5 (6) Have never had a license to practice naturopathic
medicine or other
6 health care license, registration or certificate refused,
revoked or suspended
7 by any other state or country for reasons that relate to
the applicant's
8 ability to skillfully and safely practice naturopathic
medicine, or other
9 health care profession unless that license, registration or
certification has
10 been restored to good standing by that state or country;
11 (7) All licensed naturopathic physicians shall have on
file with the
12 board a board-approved disclosure form stating the degrees,
training, experi-
13 ence, credentials and the health care services they are board
approved to pro-
14 vide;
15 (8) File a board-approved application and pay the licensing
fees.

16 54-5113. LICENSE STANDARDS FOR OTHER JURISDICTION
APPLICANTS. The board
17 shall establish by rule the standards for licensure of
applicants licensed in
18 another jurisdiction. However, the standards for endorsement
of licensure
19 shall not be less than those required for licensure in the state
of Idaho.

20 54-5114. INVESTIGATION -- HEARING -- SUBPOENA. (1) The
board shall be
21 empowered to investigate, or cause to be investigated, all
complaints regard-
22 ing any conduct prohibited by this chapter.
23 (2) The board may conduct hearings to assist with
investigations, to
24 determine whether grounds exist for suspension, revocation or
denial of a
25 license or to fulfill its responsibilities under this
chapter as the board
26 determines necessary.

27 (3) The board may subpoena witnesses, administer oaths in
any hearing or
28 disciplinary proceeding and compel, by subpoena duces tecum, the
production of
29 papers and records.

30 54-5115. DISCIPLINARY ACTION. The board may suspend, revoke
or refuse to

31 issue or renew a license on any of the following grounds:

32 (1) The employment of fraud or deceit in obtaining a
license under this

33 chapter or in connection with services rendered as a
naturopathic physician;

34 (2) A legal finding of mental incompetence;

35 (3) Aiding or abetting a person, not duly licensed under
this chapter, in

36 claiming to be a naturopathic physician or in practicing
naturopathic medi-

37 cine;

38 (4) Any negligence, incompetence or misconduct in the
performance of

39 naturopathic medicine;

40 (5) Conviction of any crime involving moral turpitude or
the entering of

41 a plea of guilty or the finding of guilt by a jury or court of a
commission of

42 a felony or a crime involving moral turpitude;

43 (6) Practicing as a naturopathic physician when physical or
mental abili-

44 ties are impaired by the use of controlled substances or other
drugs, chemi-

45 cals or alcohol;

46 (7) Failure of the individual practitioner to maintain his
or her profes-

47 sional premises in a clean and sanitary condition;

48 (8) Any other good cause, relevant to qualifications to
practice as a

49 naturopathic physician. The board may not suspend, revoke or
refuse to issue

50 or renew a license based on the findings that a licensee's
practice is uncon-

51 ventional in the absence of demonstrable harm to a patient and
the patient has

52 signed a waiver to the effect that the treatment or device
is considered

8

1 unconventional.

2 54-5116. LICENSE DENIAL OR REVOCATION PROCEDURE. When the
board proposes

3 to refuse to issue or renew a license, or proposes to
revoke or suspend a

4 license, opportunity for a hearing shall be pursuant to the
provisions of

5 chapter 52, title 67, Idaho Code.

6 54-5117. ENFORCEMENT PENALTIES. (1) Every person who
knowingly holds him-
7 self or herself out as a naturopathic physician in this
state without a
8 license is guilty of a misdemeanor. A person convicted of a
second or subse-
9 quent offense shall be guilty of a felony and shall be
imprisoned in the state
10 prison for a period not to exceed five (5) years, or shall be
fined not more
11 than ten thousand dollars (\$10,000) or shall be punished by both
such fine and
12 imprisonment. Nothing herein contained shall regulate,
restrict, or prohibit
13 the practice of naturopathy or any naturopathic health care
treatment, ther-
14 apy, or modality, unregulated or permitted by law prior to
July 1, 2005,
15 except to the extent that such specific treatment, therapy,
or modality, is
16 enumerated herein and requires a license hereunder.
17 (2) Provided the board determines in good faith that a
person is holding
18 himself or herself out as a naturopathic physician in violation
of this chap-
19 ter, the board may seek an injunction, provided it has given
thirty (30)
20 days' prior written notice to cease and desist against any
person who does not
21 comply with such notice and who holds himself or herself out as
a naturopathic
22 physician, in violation of this chapter and may, in the
event a permanent
23 injunction is entered against such person be entitled to all
costs and fees
24 incurred by the board in seeking the injunction.

25 54-5118. SEVERABILITY. If any provision of this chapter
or its applica-
26 tion to any person or circumstance is held invalid, the
remainder of the chap-
27 ter or the application of the provision to other persons or
circumstances is
28 not affected.

29 SECTION 2. That Section 67-2601, Idaho Code, be, and the
same is hereby
30 amended to read as follows:

31 67-2601. DEPARTMENT CREATED -- ORGANIZATION -- DIRECTOR
-- BUREAU OF
32 OCCUPATIONAL LICENSES CREATED. (1) There is hereby created the
department of
33 self-governing agencies. The department shall, for the purposes
of section 20,

34 article IV of the constitution of the state of Idaho, be an
executive depart-
35 ment of the state government.
36 (2) The department shall consist of the following:
37 (a) Agricultural commodity commissions: Idaho apple
commission, as pro-
38 vided by chapter 36, title 22, Idaho Code; Idaho bean
commission, as pro-
39 vided by chapter 29, title 22, Idaho Code; Idaho beef
council, as provided
40 by chapter 29, title 25, Idaho Code; Idaho cherry
commission, as provided
41 by chapter 37, title 22, Idaho Code; Idaho dairy products
commission, as
42 provided by chapter 31, title 25, Idaho Code; Idaho pea and
lentil commis-
43 sion, as provided by chapter 35, title 22, Idaho Code;
Idaho potato com-
44 mission, as provided by chapter 12, title 22, Idaho Code;
Idaho prune com-
45 mission, as provided by chapter 30, title 22, Idaho Code;
the Idaho wheat
46 commission, as provided by chapter 33, title 22, Idaho Code;
and the Idaho
47 aquaculture commission, as provided by chapter 44, title 22,
Idaho Code.
48 (b) Professional and occupational licensing boards: Idaho
state board of
49 certified public accountancy, as provided by chapter 2,
title 54, Idaho
50 Code; board of acupuncture, as provided by chapter 47,
title 54, Idaho

9

1 Code; board of architectural examiners, as provided by
chapter 3, title
2 54, Idaho Code; office of the state athletic director,
as provided by
3 chapter 4, title 54, Idaho Code; board of barber examiners,
as provided by
4 chapter 5, title 54, Idaho Code; board of commissioners of
the Idaho state
5 bar, as provided by chapter 4, title 3, Idaho Code; board of
chiropractic
6 physicians, as provided by chapter 7, title 54, Idaho Code;
Idaho board of
7 cosmetology, as provided by chapter 8, title 54, Idaho
Code; Idaho coun-
8 selor licensing board, as provided by chapter 34, title 54,
Idaho Code;
9 state board of dentistry, as provided by chapter 9, title
54, Idaho Code;
10 state board of denturitry, as provided by chapter 33,
title 54, Idaho
11 Code; state board of engineering examiners, as provided by
chapter 12,

12 title 54, Idaho Code; state board for registration of
professional geolo-
13 gists, as provided by chapter 28, title 54, Idaho Code;
board of hearing
14 aid dealers and fitters, as provided by chapter 29, title
54, Idaho Code;
15 Idaho state board of landscape architects, as provided by
chapter 30,
16 title 54, Idaho Code; state board of medicine, as provided
by chapter 18,
17 title 54, Idaho Code, and its associated physical
therapist advisory
18 board, as provided by chapter 22, title 54, Idaho Code;
state board of
19 morticians, as provided by chapter 11, title 54, Idaho
Code; **board of**
20 **naturopathic medical examiners, as provided by chapter 51,**
title 54, Idaho
21 **Code;** board of nurses, as provided by chapter 14, title
54, Idaho Code;
22 board of examiners of nursing home administrators, as
provided by chapter
23 16, title 54, Idaho Code; state board of optometry, as
provided by chapter
24 15, title 54, Idaho Code; Idaho outfitters and guides
board, as provided
25 by chapter 21, title 36, Idaho Code; board of pharmacy, as
provided by
26 chapter 17, title 54, Idaho Code; state board of podiatry,
as provided by
27 chapter 6, title 54, Idaho Code; Idaho state board of
psychologist examin-
28 ers, as provided by chapter 23, title 54, Idaho Code; Idaho
real estate
29 commission, as provided by chapter 20, title 54, Idaho
Code; real estate
30 appraiser board, as provided by chapter 41, title 54, Idaho
Code; board of
31 social work examiners, as provided by chapter 32, title 54,
Idaho Code;
32 the board of veterinary medicine, as provided by chapter
21, title 54,
33 Idaho Code; the board of examiners of residential care
facility adminis-
34 trators, as provided by chapter 42, title 54, Idaho Code;
and the board of
35 drinking water and wastewater professionals, as provided
by chapter 24,
36 title 54, Idaho Code.
37 (c) The board of examiners, pursuant to section 67-2001,
Idaho Code.
38 (d) The division of building safety, to be headed by a
division adminis-
39 trator and comprised of five (5) bureaus: plumbing,
electrical, buildings,
40 public works contractor licensing, and logging and
industrial safety. The

41 division administrator and bureau chiefs shall be
nonclassified employees
42 exempt from the provisions of chapter 53, title 67, Idaho
Code. The admin-
43 istrator of the division shall administer the provisions of
chapter 40,
44 title 39, Idaho Code, relating to manufactured homes
and recreational
45 vehicles; chapter 41, title 39, Idaho Code, relating to
modular buildings;
46 chapter 21, title 44, Idaho Code, relating to manufactured
home dealer and
47 installer licensing; chapter 10, title 54, Idaho Code,
relating to elec-
48 trical contractors and journeymen; chapter 19, title
54, Idaho Code,
49 relating to licensing of public works contractors; chapter
26, title 54,
50 Idaho Code, relating to plumbing and plumbers; and
shall perform such
51 additional duties as are imposed upon him by law. The
division administra-
52 tor shall cooperate with the industrial commission and aid
and assist the
53 commission in its administration of sections 72-720, 72-
721 and 72-723,
54 Idaho Code, and at the request of the commission shall make
inspection of
55 appliances, tools, equipment, machinery, practices or
conditions, and make

10

1 a written report to the commission. The administrator shall
make recommen-
2 dations to the commission to aid the commission in its
administration of
3 sections 72-720, 72-721 and 72-723, Idaho Code, provided
however, that
4 nothing herein shall be construed as transferring to the
administrator any
5 of the authority or powers now vested in the industrial
commission.
6 (e) The division of veterans services to be headed by a
division adminis-
7 trator who shall be a nonclassified employee exempt from the
provisions of
8 chapter 53, title 67, Idaho Code. The administrator of the
division shall
9 administer the provisions of chapter 2, title 65, Idaho
Code, and chapter
10 9, title 66, Idaho Code, with the advice of the veterans
affairs commis-
11 sion established under chapter 2, title 65, Idaho Code, and
shall perform
12 such additional duties as are imposed upon him by law.

13 (3) The bureau of occupational licenses is hereby
created within the
14 department of self-governing agencies.

15 SECTION 3. That Section 67-2602, Idaho Code, be, and the
same is hereby
16 amended to read as follows:

17 67-2602. BUREAU OF OCCUPATIONAL LICENSES. (1) The bureau of
occupational
18 licenses created in the department of self-governing
agencies by section
19 67-2601, Idaho Code, shall be empowered, by written agreement
between the
20 bureau and each agency for which it provides administrative or
other services
21 as provided by law, to provide such services for the board of
acupuncture,
22 board of architectural examiners, board of barber examiners,
board of chiro-
23 practic physicians, board of cosmetology, counselor licensing
board, state
24 board of denturitry, board of hearing aid dealers and fitters,
board of land-
25 scape architects, board of morticians, **board of naturopathic
medical examin-**
26 **ers,** board of examiners of nursing home administrators, board
of optometry,
27 board of podiatrists, board of psychologist examiners, real
estate appraiser
28 board, board of examiners of residential care facility
administrators, board
29 of social work examiners, and such other professional and
occupational licens-
30 ing boards or commodity commissions as may request such
services. The bureau
31 may charge a reasonable fee for such services provided any
agency not other-
32 wise provided for by law and shall maintain proper accounting
methods for all
33 funds under its jurisdiction.

34 (2) Notwithstanding the statutes governing specific boards,
for any board
35 that contracts with the bureau of occupational licenses,
each board member
36 shall hold office until a successor has been duly appointed and
qualified.

37 (3) The department of self-governing agencies, by and
through the bureau
38 of occupational licenses, shall be empowered to provide
administrative or
39 other services for the administration of chapter 48, title 54,
Idaho Code, to
40 issue, suspend, revoke or refuse to renew certificates of
registration, to
41 issue subpoenas, to prescribe and impose fees and to assess
administrative

42 penalties pursuant to the provisions of chapter 48, title 54,
Idaho Code.

Amendment

]]]] LEGISLATURE OF THE STATE OF IDAHO]]]]
Fifty-eighth Legislature First Regular Session -
2005

Moved by **Block**

Seconded by

Henbest

IN THE HOUSE OF REPRESENTATIVES
HOUSE AMENDMENTS TO S.B. NO. 1158, As Amended

1 AMENDMENTS TO SECTION 1
2 On page 1 of the engrossed bill, delete lines 23 through 42;
on page 2,
3 delete lines 1 through 19, and insert:
4 "54-5101. LEGISLATIVE PURPOSE AND INTENT. It is the
intent of the Idaho
5 legislature that nothing in this chapter will limit the decision
in State v.
6 Smith except to the extent that certain modalities of treatment
shall require
7 a license pursuant to this chapter. To that end it is not the
intent of the
8 legislature to regulate the practice of natural health care
services as it is
9 defined in this chapter, except as expressly provided herein.";
10 also on page 2, delete lines 36 through 38 and insert:
11 "(6) "Naturopathic medicine" means a distinct and
comprehensive system of
12 primary health care practiced by naturopathic physicians. For
the purpose of
13 this chapter, naturopathic medicine does not include natural
health care ser-
14 vices as defined herein, however, nothing contained herein is
intended to pro-
15 hibit a naturopathic physician from providing natural health
care services.";
16 delete lines 42 through 46 and insert:
17 "(8) "Natural health care services" means the broad domain
of health care
18 services and procedures, including diagnosis and treatment,
where treatment or
19 advice regarding the human body and its functions is
administered by a person

20 who:
21 (a) Does not use legend drugs or prescription drugs in such
practice;
22 (b) Uses only natural elements including, without
limitation, air, heat,
23 water and light;
24 (c) Only uses class I or class II nonprescription,
approved medical
25 devices as defined in section 513 of the federal food, drug
and cosmetic
26 act;
27 (d) Only uses vitamins, minerals, herbs, natural food
products and their
28 extracts, nutritional supplements and homeopathic
preparations and reme-
29 dies not otherwise prohibited by law; and who
30 (e) Does not perform surgery.";
31 delete lines 48 and 49 and insert: "out to others as a
naturopathic physician
32 or practice naturopathic medicine as defined herein without
first applying for
33 and receiving a license. Persons who are not licensed pursuant
to this chapter
34 may provide natural health care services as defined herein
pursuant to sec-
35 tions 54-5107 and 54-1804, Idaho Code."
36 On page 3, in line 6, following "N.D." insert: "by a
person who has:
37 (a) Received a doctor of naturopathy degree from a
school, college or
38 institution that is licensed, or exempt from licensure as
a religious
39 school, college or institution, by the appropriate
state educational
40 licensing agency in which its principal operations or
offices are located;
41 (b) Completed a doctoral level course of study that
includes coursework
42 and practical experience, which may include
apprenticeship, of at least
43 eight hundred (800) hours, upon completion of which a doctor
of naturopa-
44 thy degree is conferred;

]]]

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1 (c) Practiced as a doctor of naturopathy for twenty (20)
years prior to
2 the effective date of this chapter;
3 (d) Practiced as a doctor of naturopathy for at least five
(5) years and
4 received a doctor of naturopathy degree prior to the
effective date of
5 this chapter; or
6 (e) Received a license pursuant to this chapter.

7 (4) No person who does not meet the criteria set forth in
this section

8 may use the titles and terms contained in subsection (3) of this
section."

9 On page 4, delete lines 24 through 26 and insert:

10 "(9) The practice and providing of natural health
care services as

11 defined herein in compliance with sections 54-5107 and 54-1804,
Idaho Code, by

12 a person who is not licensed, certified or registered in this
state as a

13 health care professional or practitioner.;"

14 in line 38, following "section" insert: "and that he or she
recognizes that

15 the practitioner is not licensed to practice medicine, surgery
or naturopathic

16 medicine".

17 On page 8, in line 16, following "physician" insert: "or
who practices

18 naturopathic medicine as defined herein"; in line 27,
following "physician"

19 insert: ", practicing naturopathic medicine as defined herein
or using a

20 title or term set forth in section 54-5103(3), Idaho Code,".

21 AMENDMENTS TO THE BILL

22 On page 8, following line 37, insert:

23 "SECTION 2. The Legislature recognizes that the
enforcement and adminis-

24 tration of Chapter 51, Title 54, Idaho Code, may in some
instances involve

25 more than one (1) regulatory board. The Legislature does not
intend that there

26 should be any inconsistency in the enforcement of the
provisions of Chapter

27 51, Title 54, Idaho Code. Therefore, the Legislature intends
that boards and

28 regulatory bodies seeking to enforce any provision hereof
shall coordinate

29 with other affected boards to eliminate duplication of
enforcement and incon-

30 sistency in rulemaking.;"

31 in line 38, delete "SECTION 2" and insert: "SECTION 3".

32 On page 10, in line 24, delete "SECTION 3" and insert:
"SECTION 4".

33 CORRECTION TO TITLE

34 On page 1, in line 14, following "SEVERABILITY;" insert:
"TO PROVIDE LEG-

35 ISLATIVE INTENT REGARDING ENFORCEMENT;".

IN THE SENATE
SENATE AMENDMENT TO S.B. NO. 1158

1 AMENDMENTS TO SECTION 1
2 On page 5 of the printed bill, in line 33, delete "approval"
and insert:
3 "a special competency certificate"; also in line 33, delete
"privileges"; on
4 page 6, in line 7, delete "five (5)" and insert: "seven (7)";
in line 9,
5 delete "Two (2)" and insert: "Three (3)"; in line 12, delete
"One (1) member
6 shall be a physician" and insert: "Two (2) members shall be
physicians"; and
7 in line 15, following "medicine." insert: "The initial
council shall be
8 appointed as follows: One (1) naturopathic physician shall be
appointed for a
9 one (1) year term; one (1) physician licensed under chapter
18, title 54,
10 Idaho Code, and one (1) pharmacist shall be appointed for a two
(2) year term;
11 and two (2) pharmacists, one (1) naturopathic physician and one
(1) physician
12 licensed under chapter 18, title 54, Idaho Code, shall be
appointed for a
13 three (3) year term. Thereafter, the term of office shall be
three (3) years.
14 A quorum shall consist of five (5) members and shall be
required for any vote
15 to be taken.".

**Engrossed Bill (Original Bill with Amendment(s)
Incorporated)**

]]]] LEGISLATURE OF THE STATE OF IDAHO]]]]
Fifty-eighth Legislature First Regular Session -
2005

IN THE SENATE

SENATE BILL NO. 1158, As Amended, As Amended in the
House

BY STATE AFFAIRS COMMITTEE

1 AN ACT
2 RELATING TO NATUROPATHIC PHYSICIANS; AMENDING TITLE 54, IDAHO
CODE, BY THE

3 ADDITION OF A NEW CHAPTER 51, TITLE 54, IDAHO CODE, TO
PROVIDE LEGISLATIVE
4 PURPOSE AND INTENT, TO DEFINE TERMS, TO PROVIDE WHEN
A LICENSE IS
5 REQUIRED, TO PROVIDE FOR SCOPE OF PRACTICE, TO PROVIDE FOR
PROHIBITIONS,
6 TO PROVIDE FOR EXEMPTIONS, TO PROVIDE FOR DISCLOSURE BY
THOSE PROVIDING
7 NATURAL HEALTH CARE SERVICES, TO CREATE A BOARD OF
NATUROPATHIC MEDICAL
8 EXAMINERS, TO PROVIDE POWERS AND DUTIES OF THE BOARD,
TO ESTABLISH A
9 NATUROPATHIC MEDICAL FORMULARY COUNCIL, TO PROVIDE FEES, TO
PROVIDE QUALI-
10 FICATION FOR LICENSURE, TO PROVIDE LICENSE STANDARDS
FOR OTHER
11 JURISDICTION'S APPLICANTS, TO PROVIDE FOR AN INVESTIGATION,
TO PROVIDE FOR
12 A HEARING, TO PROVIDE FOR SUBPOENAS, TO PROVIDE
DISCIPLINARY ACTION, TO
13 PROVIDE FOR A LICENSE DENIAL OR REVOCATION PROCEDURE, TO
PROVIDE FOR
14 ENFORCEMENT PENALTIES AND TO PROVIDE SEVERABILITY; TO
PROVIDE LEGISLATIVE
15 INTENT REGARDING ENFORCEMENT; AND AMENDING SECTIONS 67-2601
AND 67-2602,
16 IDAHO CODE, TO PROVIDE REFERENCE TO THE BOARD OF
NATUROPATHIC MEDICAL
17 EXAMINERS.

18 Be It Enacted by the Legislature of the State of Idaho:

19 SECTION 1. That Title 54, Idaho Code, be, and the same is
hereby amended
20 by the addition thereto of a NEW CHAPTER, to be known and
designated as Chap-
21 ter 51, Title 54, Idaho Code, and to read as follows:

22 CHAPTER 51
23 NATUROPATHIC PHYSICIANS LICENSING ACT

24 54-5101. LEGISLATIVE PURPOSE AND INTENT. It is the intent
of the Idaho
25 legislature that nothing in this chapter will limit the
decision in State v.
26 Smith except to the extent that certain modalities of treatment
shall require
27 a license pursuant to this chapter. To that end it is not the
intent of the
28 legislature to regulate the practice of natural health care
services as it is
29 defined in this chapter, except as expressly provided herein.

30 54-5102. DEFINITIONS. As used in this chapter, the
following terms have
31 the meanings as stated:

32 (1) "Approved naturopathic medical program" means a
doctoral level pro-
33 gram of supervised resident study in naturopathic medicine
approved by the
34 board.

35 (2) "Board" means the board of naturopathic medical
examiners created
36 pursuant to section 54-5108, Idaho Code.

37 (3) "Minor office procedures" means the methods for the
repair and care
38 incidental to superficial lacerations and abrasions,
superficial lesions and
39 the removal of foreign bodies located in the superficial
tissues.

40 (4) "Naturopathic medical formulary" means the list of
prescription medi-
41 cines which naturopathic physicians use in the practice of
their profession,

2

1 as determined by the formulary council and reviewed by the
board.

2 (5) "Naturopathic medical formulary council" means that
council comprised
3 of members appointed pursuant to this chapter to determine and
authorize the
4 formulary list.

5 (6) "Naturopathic medicine" means a distinct and
comprehensive system of
6 primary health care practiced by naturopathic physicians. For
the purpose of
7 this chapter, naturopathic medicine does not include natural
health care ser-
8 vices as defined herein, however, nothing contained herein is
intended to pro-
9 hibit a naturopathic physician from providing natural health
care services.

10 (7) "Naturopathic physician" and all titles
defined in section
11 54-5103(2), Idaho Code, means a person authorized and licensed
to practice
12 naturopathic medicine under this chapter.

13 (8) "Natural health care services" means the broad domain
of health care
14 services and procedures, including diagnosis and treatment,
where treatment or
15 advice regarding the human body and its functions is
administered by a person
16 who:

17 (a) Does not use legend drugs or prescription drugs in such
practice;

18 (b) Uses only natural elements including, without
limitation, air, heat,
19 water and light;

20 (c) Only uses class I or class II nonprescription,
approved medical

21 devices as defined in section 513 of the federal food,
drug and cosmetic
22 act;
23 (d) Only uses vitamins, minerals, herbs, natural food
products and their
24 extracts, nutritional supplements and homeopathic
preparations and reme-
25 dies not otherwise prohibited by law; and who
26 (e) Does not perform surgery.

27 54-5103. LICENSE REQUIRED. (1) No person shall hold
himself or herself
28 out to others as a naturopathic physician or practice
naturopathic medicine as
29 defined herein without first applying for and receiving a
license. Persons who
30 are not licensed pursuant to this chapter may provide natural
health care ser-
31 vices as defined herein pursuant to sections 54-5107 and 54-
1804, Idaho Code.

32 (2) A person holds himself or herself out to others as a
naturopathic
33 physician when the person adopts or uses any or all of the
following designa-
34 tions: "naturopathic physician," "physician of
naturopathic medicine,"
35 "physician of natural medicine," "doctor of naturopathic
medicine," or its
36 abbreviation "N.M.D."

37 (3) The titles and terms in subsection (2) of this
section identify
38 naturopathic physicians and are restricted to describing
and identifying
39 licensed practitioners. Nothing herein contained shall prohibit
or restrict
40 the right to use or employ the titles "doctor of naturopathy,"
"naturopathic
41 doctor," or the designation "N.D." by a person who has:

42 (a) Received a doctor of naturopathy degree from a
school, college or
43 institution that is licensed, or exempt from licensure
as a religious
44 school, college or institution, by the appropriate
state educational
45 licensing agency in which its principal operations or
offices are located;

46 (b) Completed a doctoral level course of study that
includes coursework
47 and practical experience, which may include apprenticeship,
of at least
48 eight hundred (800) hours, upon completion of which a
doctor of naturopa-
49 thy degree is conferred;

50 (c) Practiced as a doctor of naturopathy for twenty (20)
years prior to
51 the effective date of this chapter;

52 (d) Practiced as a doctor of naturopathy for at least five
53 (5) years and
54 received a doctor of naturopathy degree prior to the
effective date of
this chapter; or

3

1 (e) Received a license pursuant to this chapter.
2 (4) No person who does not meet the criteria set forth
in this section
3 may use the titles and terms contained in subsection (3) of this
section.

4 54-5104. SCOPE OF PRACTICE. (1) Diagnostic procedures. A
naturopathic
5 physician may use physical and laboratory examinations
consistent with
6 naturopathic medical education and training for diagnostic
purposes. A

7 naturopathic physician may order and perform diagnostic and
imaging tests con-
8 sistent with naturopathic medical education and training. All
diagnostic and
9 imaging tests not consistent with naturopathic medical education
and training,
10 must be referred for performance and interpretation by an
appropriately
11 licensed health care professional.

12 (2) Naturopathic physicians are authorized to dispense,
administer and
13 prescribe prescription drugs and medical devices
determined by the
14 naturopathic medical formulary council, and authorized by the
board.

15 (3) A naturopathic physician may perform minor office
procedures pursuant
16 to privileges authorized by the board.

17 (4) A naturopathic physician may perform those therapies
as trained and
18 educated and authorized by the board.

19 54-5105. PROHIBITIONS. A naturopathic physician shall not:
20 (1) Prescribe, dispense or administer any controlled
substance or device

21 identified under the controlled substance act, chapter 27,
title 37, Idaho
22 Code, or identified in the federal controlled substance act,
21 U.S.C. sec-
23 tions 801 through 971 (1988), as amended, except as authorized
by this chap-
24 ter;

25 (2) Perform surgical procedures except those minor
office procedures
26 authorized by this chapter;

27 (3) Practice or claim to practice as a medical doctor,
osteopath, den-

28 tist, podiatrist, optometrist, psychologist, advanced
practice professional
29 nurse, physician assistant, chiropractor, physical therapist,
acupuncturist,
30 or any other health care professional not authorized in this
chapter unless
31 licensed by the state of Idaho to do so;
32 (4) Use general or spinal anesthetics;
33 (5) Administer ionizing radioactive substances for
therapeutic purposes;
34 (6) Perform surgical procedures using a laser device;
35 (7) Induce or perform an abortion;
36 (8) Perform surgical procedures involving the eye, ear,
tendons, nerves,
37 veins or arteries extending beyond superficial tissue;
38 (9) Treat any lesion suspicious of malignancy or
requiring surgical
39 removal. Lesions suspicious of malignancy or requiring surgical
removal shall
40 be referred to an appropriately licensed health care
professional. Nothing in
41 this chapter shall prohibit treatment of a person with
suspicious or malignant
42 lesions in conjunction with a physician licensed pursuant to
chapter 18, title
43 54, Idaho Code.
44 (10) Perform chiropractic adjustments as defined in section
54-704, Idaho
45 Code.
46 (11) Perform physical therapy as defined in section 54-2203,
Idaho Code.

47 54-5106. EXEMPTIONS. This chapter is not intended to and
does not pro-
48 hibit, restrict or apply to:
49 (1) The practice of a profession by individuals who are
licensed, certi-
50 fied or registered under other laws of this state and are
performing services
51 within the authorized scope of practice; or
52 (2) The practice of naturopathic medicine by an
individual employed by

4

1 the federal government while the individual is engaged in the
performance of
2 duties prescribed by the laws and regulations of the United
States; or
3 (3) An individual rendering aid to a family member or in
an emergency,
4 when no fee or other consideration for the service is
charged, received,
5 expected or contemplated; or
6 (4) A person engaged in the sale of vitamins, health
foods, over the

7 counter homeopathic products, dietary supplements, herbs, or
other products of
8 nature, the sale of which is not otherwise prohibited under
state or federal
9 law; or
10 (5) A person engaged in good faith for religious reasons as
a matter of
11 conscience; or
12 (6) The practice by a naturopathic physician duly
licensed in another
13 state, territory or the District of Columbia when that
naturopathic physician
14 is incidentally called into this state for consultation with a
licensed physi-
15 cian; or
16 (7) The practice of naturopathic medicine by students
enrolled in an
17 approved naturopathic medical program. Services shall be
performed pursuant to
18 a course of instruction or assignments from an instructor and
under the super-
19 vision and observation of the instructor; or
20 (8) Those who practice massage therapy; or
21 (9) The practice and providing of natural health care
services as defined
22 herein in compliance with sections 54-5107 and 54-1804, Idaho
Code, by a per-
23 son who is not licensed, certified or registered in this
state as a health
24 care professional or practitioner.

25 54-5107. DISCLOSURE BY THOSE PROVIDING NATURAL HEALTH CARE
SERVICES. (1)
26 Any person providing natural health care services who is not
a naturopathic
27 physician and who is advertising or charging a fee for those
services, shall,
28 prior to providing such services, disclose to the client in a
clearly worded
29 statement:
30 (a) The practitioner's name, business address and telephone
number;
31 (b) The nature of the natural health care services to be
provided;
32 (c) That the practitioner is not an "M.D.," "D.O." or
"N.M.D."
33 (2) Before a practitioner provides natural health care
services to a cli-
34 ent for the first time, such practitioner must obtain a written
acknowledgment
35 from the client stating that he or she has been provided with
the information
36 described in this section and that he or she recognizes that
the practitioner
37 is not licensed to practice medicine, surgery or naturopathic
medicine. The

38 client shall be provided with a copy of this written
acknowledgment which must
39 be maintained for two (2) years by the person providing the
services. If the
40 disclosure information changes, then the practitioner has a duty
to repeat the
41 disclosure if a client obtains services after the change.

42 54-5108. BOARD OF NATUROPATHIC MEDICAL EXAMINERS. (1)
There is hereby
43 established in the department of self-governing agencies,
bureau of occupa-
44 tional licenses, the board of naturopathic medical examiners.
45 (2) The board shall consist of five (5) members, four (4)
of whom shall
46 be licensed pursuant to this chapter and one (1) of whom shall
be a member of
47 the public with an interest in the rights of consumers of
naturopathic physi-
48 cian services.
49 (3) One (1) member of the initial board shall be appointed
for a one (1)
50 year term of office, one (1) member of the initial board shall
be appointed
51 for a two (2) year term of office, one (1) member of the
initial board shall
52 be appointed for a three (3) year term of office, one (1)
member shall be
53 appointed for a four (4) year term of office, and one (1)
member of the ini-

5

1 tial board shall be appointed for a five (5) year term of
office. Thereafter,
2 the term of office for each member shall be five (5) years.
3 (4) Appointments to the board shall be made by the governor
from nomina-
4 tions received from the Idaho association of naturopathic
physicians, who
5 shall nominate persons qualified for each position to be
filled.
6 (5) The four (4) members of the board who are
naturopathic physicians
7 shall be licensed pursuant to this chapter, practicing
within the state of
8 Idaho for the duration of their appointment and shall have been
practitioners
9 within the state of Idaho for a minimum of two (2) years
immediately preceding
10 appointment.
11 (6) The initial four (4) licensed naturopathic physician
members of the
12 board shall be persons with at least two (2) years of experience
in the prac-
13 tice of naturopathic medicine who are eligible to become
licensed pursuant to

14 this chapter. In the event of death, resignation or removal
of any member
15 before the expiration of the term to which appointed, the
vacancy shall be
16 filled for the unexpired portion of the term in the same manner
as the origi-
17 nal appointment.

18 (7) The governor may remove any member of the board for
cause, prior to
19 the expiration of the member's term.

20 (8) The board, within thirty (30) days after its
appointment, and at
21 least annually thereafter, shall hold a meeting and elect a
chairman. The

22 board may hold additional meetings on the call of the chair or
at the written

23 request of any two (2) members of the board. The board may
appoint such com-

24 mittees as it considers necessary to carry out its duties. A
majority of the

25 board shall constitute a quorum.

26 54-5109. POWERS AND DUTIES OF THE BOARD. The board shall
have the author-

27 ity to:

28 (1) Determine the qualifications of persons applying for
licensure pursu-
29 ant to this chapter and define, by rule, the appropriate scope
of naturopathic

30 medicine in this state, provided however, that the scope of
practice may not

31 exceed that defined in section 54-5104, Idaho Code;

32 (2) Grant a special competency certificate for
naturopathic childbirth

33 attendance to those licensees who apply, provided that such
applicant can doc-

34 ument training and experience equal to or greater than that
required by the

35 rules of the Idaho board of nursing, pursuant to section 54-
1404, Idaho Code.

36 The applicant shall hold hospital privileges and perform
such procedures

37 under the supervision of a physician licensed pursuant to
chapter 18, title

38 54, Idaho Code;

39 (3) Establish special competency certification requirements
for licensees

40 as deemed necessary by action of the board;

41 (4) Adopt rules for the defined scope of practice for
licensees;

42 (5) Hire and appoint employees, including an executive
director, investi-

43 gators, attorneys, consultants and independent hearing
examiners;

44 (6) Adopt such rules as are necessary for the
administration of this

45 chapter, including standards of professional conduct;

46 (7) Conduct investigations and examinations and hold
hearings;
47 (8) Collect fees and other funds as prescribed by this
chapter;
48 (9) Provide a uniform, independently proctored and
psychometrically valid
49 examination for use in licensing naturopathic physicians,
which will ade-
50 quately test the applicant's knowledge of naturopathic medicine,
including the
51 basic medical sciences and the diagnostic and therapeutic
skill of license
52 applicants.
53 (10) Provide such other services and perform such other
functions as are
54 necessary and desirable to fulfill its purposes;

6

1 (11) Establish by rule examination standards for licensure
and when those
2 examinations will be provided;
3 (12) Establish a minimum amount and kind of continuing
education to be
4 required annually for each naturopathic physician seeking
licensure renewal.

5 54-5110. NATUROPATHIC MEDICAL FORMULARY COUNCIL
ESTABLISHED. There is
6 hereby established a naturopathic medical formulary council,
which is separate
7 and distinct from the board, to be composed of seven (7)
members. Two (2) mem-
8 bers shall be naturopathic physicians licensed under this
chapter, appointed
9 by the board of naturopathic medical examiners. Three (3)
members shall be
10 pharmacists licensed under chapter 17, title 54, Idaho Code,
appointed by
11 the board of naturopathic medical examiners from a list of
nominees provided
12 by the Idaho state board of pharmacy. Two (2) members shall
be physicians
13 licensed under chapter 18, title 54, Idaho Code, appointed by
the board of
14 naturopathic medical examiners from a list of nominees
provided by the Idaho
15 state board of medicine. The initial council shall be appointed
as follows:
16 One (1) naturopathic physician shall be appointed for a one (1)
year term; one
17 (1) physician licensed under chapter 18, title 54, Idaho
Code, and one (1)
18 pharmacist shall be appointed for a two (2) year term; and two
(2) pharma-
19 cists, one (1) naturopathic physician and one (1) physician
licensed under

20 chapter 18, title 54, Idaho Code, shall be appointed for a
three (3) year
21 term. Thereafter, the term of office shall be three (3) years.
A quorum shall
22 consist of five (5) members and shall be required for any vote
to be taken. It
23 shall be the duty of the naturopathic medical formulary council
to establish a
24 formulary for use by naturopathic physicians, and immediately
upon adoption or
25 revision of the formulary, the council shall transmit the
approved formulary
26 to the board, which shall adopt the formulary by temporary rule.
The formulary
27 will be reviewed annually by the council, or at any time at the
request of the
28 board. The formulary list may not go beyond the scope of
prescription medi-
29 cines and medical devices covered by approved naturopathic
medical education
30 and training and existing naturopathic medical formularies, or
board-approved
31 continuing education. The naturopathic medical formulary shall
not include
32 medicines and devices that are inconsistent with the
training provided by
33 approved naturopathic medical colleges. Nothing herein
shall allow a
34 naturopathic physician to dispense, administer or prescribe
any prescription
35 drug as defined in section 54-1705(27), Idaho Code, or medical
device unless
36 such prescription drug or medical device is specifically
included in the
37 naturopathic medical formulary.

38 54-5111. FEES. (1) All fees received under the provisions
of this chapter
39 shall be paid to the department of self-governing agencies,
bureau of occupa-
40 tional licenses, and deposited in the state treasury to the
credit of the
41 occupational licenses fund. All costs and expenses incurred
under the provi-
42 sions of this chapter shall be a charge against and paid from
said fund. In no
43 case shall any salary, expense or other obligation of the
board be charged
44 against the general fund.
45 (2) The fee for licensure shall not exceed five hundred
dollars (\$500).

46 54-5112. QUALIFICATIONS FOR LICENSURE. To be eligible for
a license to
47 practice as a naturopathic physician in the state of Idaho,
the applicant
48 shall:

49 (1) Provide proof, on a form provided by the board, of
completion of an
50 approved naturopathic medical program approved by the board;
51 (2) Have passed a competency-based examination approved by
the board cov-
52 ering basic medical sciences and the diagnostic and clinical
sciences consis-

7

1 tent with the education, training and practice of naturopathic
medicine. Such
2 examination shall include, but not be limited to, exams in
anatomy, biochemis-
3 try, microbiology, immunology, pathology, physiology,
naturopathic philosophy
4 and principles, physical and clinical diagnosis, lab
diagnosis, diagnostic
5 imaging, botanical medicine, naturopathic physical medicine, and
nutrition;
6 (3) Applicants may be required to sit for a personal
interview by the
7 board to specifically review the applicant's qualifications,
professional cre-
8 dentials, knowledge, and skills pertaining to the practice of
naturopathic
9 medicine;
10 (4) Possess a good, ethical and professional reputation;
11 (5) Be physically and mentally capable of safely practicing
naturopathic
12 medicine with or without reasonable accommodation;
13 (6) Have never had a license to practice naturopathic
medicine or other
14 health care license, registration or certificate refused,
revoked or suspended
15 by any other state or country for reasons that relate to
the applicant's
16 ability to skillfully and safely practice naturopathic
medicine, or other
17 health care profession unless that license, registration or
certification has
18 been restored to good standing by that state or country;
19 (7) All licensed naturopathic physicians shall have on
file with the
20 board a board-approved disclosure form stating the degrees,
training, experi-
21 ence, credentials and the health care services they are board
approved to pro-
22 vide;
23 (8) File a board-approved application and pay the licensing
fees.

24 54-5113. LICENSE STANDARDS FOR OTHER JURISDICTION
APPLICANTS. The board
25 shall establish by rule the standards for licensure of
applicants licensed in

26 another jurisdiction. However, the standards for endorsement
of licensure
27 shall not be less than those required for licensure in the state
of Idaho.

28 54-5114. INVESTIGATION -- HEARING -- SUBPOENA. (1) The
board shall be

29 empowered to investigate, or cause to be investigated, all
complaints regard-
30 ing any conduct prohibited by this chapter.

31 (2) The board may conduct hearings to assist with
investigations, to

32 determine whether grounds exist for suspension, revocation or
denial of a

33 license or to fulfill its responsibilities under this
chapter as the board

34 determines necessary.

35 (3) The board may subpoena witnesses, administer oaths in
any hearing or

36 disciplinary proceeding and compel, by subpoena duces tecum, the
production of

37 papers and records.

38 54-5115. DISCIPLINARY ACTION. The board may suspend, revoke
or refuse to

39 issue or renew a license on any of the following grounds:

40 (1) The employment of fraud or deceit in obtaining a
license under this

41 chapter or in connection with services rendered as a
naturopathic physician;

42 (2) A legal finding of mental incompetence;

43 (3) Aiding or abetting a person, not duly licensed under
this chapter, in

44 claiming to be a naturopathic physician or in practicing
naturopathic medi-

45 cine;

46 (4) Any negligence, incompetence or misconduct in the
performance of

47 naturopathic medicine;

48 (5) Conviction of any crime involving moral turpitude or
the entering of

49 a plea of guilty or the finding of guilt by a jury or court of a
commission of

50 a felony or a crime involving moral turpitude;

51 (6) Practicing as a naturopathic physician when physical or
mental abili-

52 ties are impaired by the use of controlled substances or other
drugs, chemi-

1 cals or alcohol;

2 (7) Failure of the individual practitioner to maintain his
or her profes-

3 sional premises in a clean and sanitary condition;

4 (8) Any other good cause, relevant to qualifications to
practice as a

5 naturopathic physician. The board may not suspend, revoke or
refuse to issue
6 or renew a license based on the findings that a licensee's
practice is uncon-
7 ventional in the absence of demonstrable harm to a patient and
the patient has
8 signed a waiver to the effect that the treatment or device
is considered
9 unconventional.

10 54-5116. LICENSE DENIAL OR REVOCATION PROCEDURE. When the
board proposes
11 to refuse to issue or renew a license, or proposes to
revoke or suspend a
12 license, opportunity for a hearing shall be pursuant to the
provisions of
13 chapter 52, title 67, Idaho Code.

14 54-5117. ENFORCEMENT PENALTIES. (1) Every person who
knowingly holds him-
15 self or herself out as a naturopathic physician or who
practices naturopathic
16 medicine as defined herein in this state without a license is
guilty of a mis-
17 demeanor. A person convicted of a second or subsequent offense
shall be guilty
18 of a felony and shall be imprisoned in the state prison for a
period not to
19 exceed five (5) years, or shall be fined not more than ten
thousand dollars
20 (\$10,000) or shall be punished by both such fine and
imprisonment. Nothing
21 herein contained shall regulate, restrict, or prohibit the
practice of natu-
22 ropathy or any naturopathic health care treatment, therapy,
or modality,
23 unregulated or permitted by law prior to July 1, 2005, except
to the extent
24 that such specific treatment, therapy, or modality, is
enumerated herein and
25 requires a license hereunder.
26 (2) Provided the board determines in good faith that a
person is holding
27 himself or herself out as a naturopathic physician, practicing
naturopathic
28 medicine as defined herein or using a title or term set
forth in section
29 54-5103(3), Idaho Code, in violation of this chapter, the board
may seek an
30 injunction, provided it has given thirty (30) days' prior
written notice to
31 cease and desist against any person who does not comply with
such notice and
32 who holds himself or herself out as a naturopathic physician,
in violation of
33 this chapter and may, in the event a permanent injunction is
entered against

34 such person be entitled to all costs and fees incurred by the
board in seeking
35 the injunction.

36 54-5118. SEVERABILITY. If any provision of this chapter
or its applica-
37 tion to any person or circumstance is held invalid, the
remainder of the chap-
38 ter or the application of the provision to other persons or
circumstances is
39 not affected.

40 SECTION 2. The Legislature recognizes that the
enforcement and adminis-
41 tration of Chapter 51, Title 54, Idaho Code, may in some
instances involve
42 more than one (1) regulatory board. The Legislature does not
intend that there
43 should be any inconsistency in the enforcement of the
provisions of Chapter
44 51, Title 54, Idaho Code. Therefore, the Legislature intends
that boards and
45 regulatory bodies seeking to enforce any provision hereof
shall coordinate
46 with other affected boards to eliminate duplication of
enforcement and incon-
47 sistency in rulemaking.

48 SECTION 3. That Section 67-2601, Idaho Code, be, and the
same is hereby
49 amended to read as follows:

9

1 67-2601. DEPARTMENT CREATED -- ORGANIZATION -- DIRECTOR
-- BUREAU OF
2 OCCUPATIONAL LICENSES CREATED. (1) There is hereby created the
department of
3 self-governing agencies. The department shall, for the purposes
of section 20,
4 article IV of the constitution of the state of Idaho, be an
executive depart-
5 ment of the state government.
6 (2) The department shall consist of the following:
7 (a) Agricultural commodity commissions: Idaho apple
commission, as pro-
8 vided by chapter 36, title 22, Idaho Code; Idaho bean
commission, as pro-
9 vided by chapter 29, title 22, Idaho Code; Idaho beef
council, as provided
10 by chapter 29, title 25, Idaho Code; Idaho cherry
commission, as provided
11 by chapter 37, title 22, Idaho Code; Idaho dairy products
commission, as
12 provided by chapter 31, title 25, Idaho Code; Idaho pea and
lentil commis-

13 sion, as provided by chapter 35, title 22, Idaho Code;
Idaho potato com-
14 mission, as provided by chapter 12, title 22, Idaho Code;
Idaho prune com-
15 mission, as provided by chapter 30, title 22, Idaho Code;
the Idaho wheat
16 commission, as provided by chapter 33, title 22, Idaho Code;
and the Idaho
17 aquaculture commission, as provided by chapter 44, title 22,
Idaho Code.
18 (b) Professional and occupational licensing boards: Idaho
state board of
19 certified public accountancy, as provided by chapter 2,
title 54, Idaho
20 Code; board of acupuncture, as provided by chapter 47,
title 54, Idaho
21 Code; board of architectural examiners, as provided by
chapter 3, title
22 54, Idaho Code; office of the state athletic director,
as provided by
23 chapter 4, title 54, Idaho Code; board of barber examiners,
as provided by
24 chapter 5, title 54, Idaho Code; board of commissioners of
the Idaho state
25 bar, as provided by chapter 4, title 3, Idaho Code; board of
chiropractic
26 physicians, as provided by chapter 7, title 54, Idaho Code;
Idaho board of
27 cosmetology, as provided by chapter 8, title 54, Idaho
Code; Idaho coun-
28 selor licensing board, as provided by chapter 34, title 54,
Idaho Code;
29 state board of dentistry, as provided by chapter 9, title
54, Idaho Code;
30 state board of denturitry, as provided by chapter 33,
title 54, Idaho
31 Code; state board of engineering examiners, as provided by
chapter 12,
32 title 54, Idaho Code; state board for registration of
professional geolo-
33 gists, as provided by chapter 28, title 54, Idaho Code;
board of hearing
34 aid dealers and fitters, as provided by chapter 29, title
54, Idaho Code;
35 Idaho state board of landscape architects, as provided by
chapter 30,
36 title 54, Idaho Code; state board of medicine, as provided
by chapter 18,
37 title 54, Idaho Code, and its associated physical
therapist advisory
38 board, as provided by chapter 22, title 54, Idaho Code;
state board of
39 morticians, as provided by chapter 11, title 54, Idaho
Code; board of
40 naturopathic medical examiners, as provided by chapter 51,
title 54, Idaho

41 Code; board of nurses, as provided by chapter 14, title
54, Idaho Code;
42 board of examiners of nursing home administrators, as
provided by chapter
43 16, title 54, Idaho Code; state board of optometry, as
provided by chapter
44 15, title 54, Idaho Code; Idaho outfitters and guides
board, as provided
45 by chapter 21, title 36, Idaho Code; board of pharmacy, as
provided by
46 chapter 17, title 54, Idaho Code; state board of podiatry,
as provided by
47 chapter 6, title 54, Idaho Code; Idaho state board of
psychologist examin-
48 ers, as provided by chapter 23, title 54, Idaho Code; Idaho
real estate
49 commission, as provided by chapter 20, title 54, Idaho
Code; real estate
50 appraiser board, as provided by chapter 41, title 54, Idaho
Code; board of
51 social work examiners, as provided by chapter 32, title 54,
Idaho Code;
52 the board of veterinary medicine, as provided by chapter
21, title 54,
53 Idaho Code; the board of examiners of residential care
facility adminis-
54 trators, as provided by chapter 42, title 54, Idaho Code;
and the board of
55 drinking water and wastewater professionals, as provided
by chapter 24,

10

1 title 54, Idaho Code.
2 (c) The board of examiners, pursuant to section 67-2001,
Idaho Code.
3 (d) The division of building safety, to be headed by a
division adminis-
4 trator and comprised of five (5) bureaus: plumbing,
electrical, buildings,
5 public works contractor licensing, and logging and
industrial safety. The
6 division administrator and bureau chiefs shall be
nonclassified employees
7 exempt from the provisions of chapter 53, title 67, Idaho
Code. The admin-
8 istrator of the division shall administer the provisions of
chapter 40,
9 title 39, Idaho Code, relating to manufactured homes
and recreational
10 vehicles; chapter 41, title 39, Idaho Code, relating to
modular buildings;
11 chapter 21, title 44, Idaho Code, relating to manufactured
home dealer and
12 installer licensing; chapter 10, title 54, Idaho Code,
relating to elec-

13 trical contractors and journeymen; chapter 19, title
14 54, Idaho Code,
15 relating to licensing of public works contractors; chapter
16 26, title 54,
17 Idaho Code, relating to plumbing and plumbers; and
18 shall perform such
19 additional duties as are imposed upon him by law. The
20 division administra-
21 tor shall cooperate with the industrial commission and aid
22 and assist the
23 commission in its administration of sections 72-720, 72-
24 721 and 72-723,
25 Idaho Code, and at the request of the commission shall make
26 inspection of
27 appliances, tools, equipment, machinery, practices or
28 conditions, and make
29 a written report to the commission. The administrator shall
30 make recommen-
31 dations to the commission to aid the commission in its
32 administration of
33 sections 72-720, 72-721 and 72-723, Idaho Code, provided
34 however, that
35 nothing herein shall be construed as transferring to the
36 administrator any
37 of the authority or powers now vested in the industrial
38 commission.

39 (e) The division of veterans services to be headed by a
40 division adminis-
41 trator who shall be a nonclassified employee exempt from the
42 provisions of
43 chapter 53, title 67, Idaho Code. The administrator of the
44 division shall
45 administer the provisions of chapter 2, title 65, Idaho
46 Code, and chapter
47 9, title 66, Idaho Code, with the advice of the veterans
48 affairs commis-
49 sion established under chapter 2, title 65, Idaho Code, and
50 shall perform
51 such additional duties as are imposed upon him by law.

52 (3) The bureau of occupational licenses is hereby
53 created within the
54 department of self-governing agencies.

55 SECTION 4. That Section 67-2602, Idaho Code, be, and the
56 same is hereby
57 amended to read as follows:

58 67-2602. BUREAU OF OCCUPATIONAL LICENSES. (1) The bureau of
59 occupational
60 licenses created in the department of self-governing
61 agencies by section
62 67-2601, Idaho Code, shall be empowered, by written agreement
63 between the
64 bureau and each agency for which it provides administrative or
65 other services
66 as provided by law, to provide such services for the board of
67 acupuncture,

42 board of architectural examiners, board of barber examiners,
board of chiro-
43 practic physicians, board of cosmetology, counselor licensing
board, state
44 board of denturitry, board of hearing aid dealers and fitters,
board of land-
45 scape architects, board of morticians, board of naturopathic
medical examin-
46 ers, board of examiners of nursing home administrators, board
of optometry,
47 board of podiatrists, board of psychologist examiners, real
estate appraiser
48 board, board of examiners of residential care facility
administrators, board
49 of social work examiners, and such other professional and
occupational licens-
50 ing boards or commodity commissions as may request such
services. The bureau
51 may charge a reasonable fee for such services provided any
agency not other-
52 wise provided for by law and shall maintain proper accounting
methods for all
53 funds under its jurisdiction.

11

1 (2) Notwithstanding the statutes governing specific boards,
for any board
2 that contracts with the bureau of occupational licenses,
each board member
3 shall hold office until a successor has been duly appointed and
qualified.
4 (3) The department of self-governing agencies, by and
through the bureau
5 of occupational licenses, shall be empowered to provide
administrative or
6 other services for the administration of chapter 48, title 54,
Idaho Code, to
7 issue, suspend, revoke or refuse to renew certificates of
registration, to
8 issue subpoenas, to prescribe and impose fees and to assess
administrative
9 penalties pursuant to the provisions of chapter 48, title 54,
Idaho Code.

12

IN THE SENATE

SENATE BILL NO. 1158, As Amended

BY STATE AFFAIRS COMMITTEE

1 AN ACT
2 RELATING TO NATUROPATHIC PHYSICIANS; AMENDING TITLE 54,
IDAHO CODE, BY THE

3 ADDITION OF A NEW CHAPTER 51, TITLE 54, IDAHO CODE, TO
PROVIDE LEGISLATIVE
4 PURPOSE AND INTENT, TO DEFINE TERMS, TO PROVIDE WHEN
A LICENSE IS
5 REQUIRED, TO PROVIDE FOR SCOPE OF PRACTICE, TO PROVIDE FOR
PROHIBITIONS,
6 TO PROVIDE FOR EXEMPTIONS, TO PROVIDE FOR DISCLOSURE BY
THOSE PROVIDING
7 NATURAL HEALTH CARE SERVICES, TO CREATE A BOARD OF
NATUROPATHIC MEDICAL
8 EXAMINERS, TO PROVIDE POWERS AND DUTIES OF THE BOARD, TO
ESTABLISH A
9 NATUROPATHIC MEDICAL FORMULARY COUNCIL, TO PROVIDE FEES, TO
PROVIDE QUALI-
10 FICATION FOR LICENSURE, TO PROVIDE LICENSE
STANDARDS FOR OTHER
11 JURISDICTION'S APPLICANTS, TO PROVIDE FOR AN INVESTIGATION,
TO PROVIDE FOR
12 A HEARING, TO PROVIDE FOR SUBPOENAS, TO PROVIDE
DISCIPLINARY ACTION, TO
13 PROVIDE FOR A LICENSE DENIAL OR REVOCATION PROCEDURE,
TO PROVIDE FOR
14 ENFORCEMENT PENALTIES AND TO PROVIDE SEVERABILITY; AND
AMENDING SECTIONS
15 67-2601 AND 67-2602, IDAHO CODE, TO PROVIDE REFERENCE
TO THE BOARD OF
16 NATUROPATHIC MEDICAL EXAMINERS.

17 Be It Enacted by the Legislature of the State of Idaho:

18 SECTION 5. That Title 54, Idaho Code, be, and the same is
hereby amended
19 by the addition thereto of a **NEW CHAPTER**, to be known and
designated as Chap-
20 ter 51, Title 54, Idaho Code, and to read as follows:

21 CHAPTER 51
22 NATUROPATHIC PHYSICIANS LICENSING ACT

23 54-5101. LEGISLATIVE PURPOSE AND INTENT. It is the intent
of the legisla-
24 ture to provide for state administrative supervision,
licensure, regulation
25 and disciplinary procedures, for every person practicing as
a naturopathic
26 physician and to require standards of practice and code of
ethics as adopted
27 by the board unless otherwise exempted herein.
28 Legislative intent and findings. In enacting these
provisions, it is the
29 intent of the legislature that the central holdings of State
v. Smith, 81
30 Idaho 103, 337 P.2d 938, are reinforced. To that end the
legislature finds:
31 (1) The practice of medicine and surgery as regulated
in chapter 18,

32 title 54, Idaho Code, does not include all aspects of each and
every brand of
33 the entire healing arts.
34 (2) Insofar as the practice of medicine, chiropractic,
osteopathy and
35 other licensed healing disciplines also cover the practice of
naturopathy. Na-
36 turopathy is not limited to practice by those holding a license
in the other
37 regulated fields of healing.
38 (3) Insofar as naturopathy is not taught within the
educational require-
39 ments for those licensed to practice medicine in Idaho, it
cannot come within
40 the all-inclusive field of medicine and surgery, and thus,
those practicing
41 naturopathy are not required to hold a license to practice
medicine and sur-
42 gery.
43 (4) The enactment of chapter 18, title 54, Idaho Code, by
the legislature
44 of the state of Idaho as it may regulate or be related to
naturopathy does not
45 require that a practitioner of naturopathy hold a license to
practice medi-

13

1 cine.
2 (5) The callings or professions of the practice of
medicine, chiroprac-
3 tic, osteopathy, naturopathy and other licensed healing
disciplines, although
4 complementary, do differ materially from each other as
callings or profes-
5 sions.
6 (6) While the physician and surgeon is authorized to
treat the sick and
7 afflicted by any and all methods and means, the naturopath and
the chiroprac-
8 tor are limited in their treatment to employment of their
particular systems.
9 (7) Naturopathy is a distinct system of the healing arts.
10 (8) To the extent the system of the healing art known as
naturopathy is
11 limited to the use of a system of physical culture and drugless
treatment by
12 methods intended to stimulate or assist nature, or to the
use of physical
13 forces such as air, light, water, heat, massage and other
similar materia
14 medica, it is not inherently injurious to the public health,
safety or morals
15 and has no tendency in that direction and is therefore beyond
the police power
16 of the state.

17 54-5102. DEFINITIONS. As used in this chapter, the
following terms have
18 the meanings as stated:
19 (1) "Approved naturopathic medical program" means a
doctoral level pro-
20 gram of supervised resident study in naturopathic medicine
approved by the
21 board.
22 (2) "Board" means the board of naturopathic medical
examiners created
23 pursuant to section 54-5108, Idaho Code.
24 (3) "Minor office procedures" means the methods for the
repair and care
25 incidental to superficial lacerations and abrasions, superficial
lesions and
26 the removal of foreign bodies located in the superficial
tissues.
27 (4) "Naturopathic medical formulary" means the list of
prescription medi-
28 cines which naturopathic physicians use in the practice of
their profession,
29 as determined by the formulary council and reviewed by the
board.
30 (5) "Naturopathic medical formulary council" means that
council comprised
31 of members appointed pursuant to this chapter to determine and
authorize the
32 formulary list.
33 (6) "Naturopathic medicine" means a distinct and
comprehensive system of
34 primary health care practiced by naturopathic physicians for
the prevention,
35 diagnosis and treatment of human health conditions, injuries and
diseases.
36 (7) "Naturopathic physician" and all titles
defined in section
37 54-5103(2), Idaho Code, means a person authorized and licensed
to practice
38 naturopathic medicine under this chapter.
39 (8) "Natural health care services" means the broad domain
of health care
40 services and procedures, including diagnosis and treatment,
which are permit-
41 ted by Idaho law prior to the enactment of this chapter to be
provided by a
42 person who is not licensed, certified, or registered as a health
care practi-
43 tioner by the state of Idaho.

44 54-5103. LICENSE REQUIRED. (1) No person shall hold
himself or herself
45 out to others as a naturopathic physician without first
applying for and
46 receiving a license.
47 (2) A person holds himself or herself out to others as a
naturopathic

48 physician when the person adopts or uses any or all of the
following designa-
49 tions: "naturopathic physician," "physician of
naturopathic medicine,"
50 "physician of natural medicine," "doctor of naturopathic
medicine," or its
51 abbreviation "N.M.D."
52 (3) The titles and terms in subsection (2) of this
section identify
53 naturopathic physicians and are restricted to describing
and identifying

14

1 licensed practitioners. Nothing herein contained shall
prohibit or restrict
2 the right to use or employ the titles "doctor of naturopathy,"
"naturopathic
3 doctor," or the designation "N.D."

4 54-5104. SCOPE OF PRACTICE. (1) Diagnostic procedures.
A naturopathic
5 physician may use physical and laboratory examinations
consistent with
6 naturopathic medical education and training for diagnostic
purposes. A
7 naturopathic physician may order and perform diagnostic and
imaging tests con-
8 sistent with naturopathic medical education and training. All
diagnostic and
9 imaging tests not consistent with naturopathic medical education
and training,
10 must be referred for performance and interpretation by an
appropriately
11 licensed health care professional.
12 (2) Naturopathic physicians are authorized to dispense,
administer and
13 prescribe prescription drugs and medical devices
determined by the
14 naturopathic medical formulary council, and authorized by the
board.
15 (3) A naturopathic physician may perform minor office
procedures pursuant
16 to privileges authorized by the board.
17 (4) A naturopathic physician may perform those therapies as
trained and
18 educated and authorized by the board.

19 54-5105. PROHIBITIONS. A naturopathic physician shall not:
20 (1) Prescribe, dispense or administer any controlled
substance or device
21 identified under the controlled substance act, chapter 27,
title 37, Idaho
22 Code, or identified in the federal controlled substance act, 21
U.S.C. sec-
23 tions 801 through 971 (1988), as amended, except as authorized
by this chap-

24 ter;
25 (2) Perform surgical procedures except those minor
office procedures
26 authorized by this chapter;
27 (3) Practice or claim to practice as a medical doctor,
osteopath, den-
28 tist, podiatrist, optometrist, psychologist, advanced practice
professional
29 nurse, physician assistant, chiropractor, physical therapist,
acupuncturist,
30 or any other health care professional not authorized in this
chapter unless
31 licensed by the state of Idaho to do so;
32 (4) Use general or spinal anesthetics;
33 (5) Administer ionizing radioactive substances for
therapeutic purposes;
34 (6) Perform surgical procedures using a laser device;
35 (7) Induce or perform an abortion;
36 (8) Perform surgical procedures involving the eye, ear,
tendons, nerves,
37 veins or arteries extending beyond superficial tissue;
38 (9) Treat any lesion suspicious of malignancy or
requiring surgical
39 removal. Lesions suspicious of malignancy or requiring surgical
removal shall
40 be referred to an appropriately licensed health care
professional. Nothing in
41 this chapter shall prohibit treatment of a person with
suspicious or malignant
42 lesions in conjunction with a physician licensed pursuant to
chapter 18, title
43 54, Idaho Code.
44 (10) Perform chiropractic adjustments as defined in section
54-704, Idaho
45 Code.
46 (11) Perform physical therapy as defined in section 54-2203,
Idaho Code.

47 54-5106. EXEMPTIONS. This chapter is not intended to and
does not pro-
48 hibit, restrict or apply to:
49 (1) The practice of a profession by individuals who are
licensed, certi-
50 fied or registered under other laws of this state and are
performing services
51 within the authorized scope of practice; or
52 (2) The practice of naturopathic medicine by an individual
employed by

1 the federal government while the individual is engaged in the
performance of
2 duties prescribed by the laws and regulations of the United
States; or
3 (3) An individual rendering aid to a family member or in
an emergency,

4 when no fee or other consideration for the service is
charged, received,
5 expected or contemplated; or
6 (4) A person engaged in the sale of vitamins, health
foods, over the
7 counter homeopathic products, dietary supplements, herbs, or
other products of
8 nature, the sale of which is not otherwise prohibited under
state or federal
9 law; or
10 (5) A person engaged in good faith for religious reasons
as a matter of
11 conscience; or
12 (6) The practice by a naturopathic physician duly
licensed in another
13 state, territory or the District of Columbia when that
naturopathic physician
14 is incidentally called into this state for consultation with a
licensed physi-
15 cian; or
16 (7) The practice of naturopathic medicine by students
enrolled in an
17 approved naturopathic medical program. Services shall be
performed pursuant to
18 a course of instruction or assignments from an instructor and
under the super-
19 vision and observation of the instructor; or
20 (8) Those who practice massage therapy; or
21 (9) The practice and providing of natural health care
services by a per-
22 son who is not licensed, certified or registered in this
state as a health
23 care professional or practitioner.

24 54-5107. DISCLOSURE BY THOSE PROVIDING NATURAL HEALTH CARE
SERVICES. (1)

25 Any person providing natural health care services who is not
a naturopathic

26 physician and who is advertising or charging a fee for those
services, shall,

27 prior to providing such services, disclose to the client in a
clearly worded

28 statement:

29 (a) The practitioner's name, business address and telephone
number;

30 (b) The nature of the natural health care services to be
provided;

31 (c) That the practitioner is not an "M.D.," "D.O." or
"N.M.D."

32 (2) Before a practitioner provides natural health care
services to a cli-

33 ent for the first time, such practitioner must obtain a written
acknowledgment

34 from the client stating that he or she has been provided with
the information

35 described in this section. The client shall be provided with
a copy of this

36 written acknowledgment which must be maintained for two (2)
years by the per-
37 son providing the services. If the disclosure information
changes, then the
38 practitioner has a duty to repeat the disclosure if a client
obtains services
39 after the change.

40 54-5108. BOARD OF NATUROPATHIC MEDICAL EXAMINERS. (1)
There is hereby

41 established in the department of self-governing agencies,
bureau of occupa-
42 tional licenses, the board of naturopathic medical examiners.

43 (2) The board shall consist of five (5) members, four (4)
of whom shall

44 be licensed pursuant to this chapter and one (1) of whom shall
be a member of

45 the public with an interest in the rights of consumers of
naturopathic physi-

46 cian services.

47 (3) One (1) member of the initial board shall be appointed
for a one (1)

48 year term of office, one (1) member of the initial board
shall be appointed

49 for a two (2) year term of office, one (1) member of the initial
board shall

50 be appointed for a three (3) year term of office, one (1)
member shall be

51 appointed for a four (4) year term of office, and one (1) member
of the ini-

52 tial board shall be appointed for a five (5) year term of
office. Thereafter,

53 the term of office for each member shall be five (5) years.

16

1 (4) Appointments to the board shall be made by the governor
from nomina-

2 tions received from the Idaho association of naturopathic
physicians, who

3 shall nominate persons qualified for each position to be
filled.

4 (5) The four (4) members of the board who are
naturopathic physicians

5 shall be licensed pursuant to this chapter, practicing within
the state of

6 Idaho for the duration of their appointment and shall have been
practitioners

7 within the state of Idaho for a minimum of two (2) years
immediately preceding

8 appointment.

9 (6) The initial four (4) licensed naturopathic physician
members of the

10 board shall be persons with at least two (2) years of
experience in the prac-

11 tice of naturopathic medicine who are eligible to become
licensed pursuant to

12 this chapter. In the event of death, resignation or removal
of any member

13 before the expiration of the term to which appointed, the
vacancy shall be

14 filled for the unexpired portion of the term in the same manner
as the origi-

15 nal appointment.

16 (7) The governor may remove any member of the board for
cause, prior to

17 the expiration of the member's term.

18 (8) The board, within thirty (30) days after its
appointment, and at

19 least annually thereafter, shall hold a meeting and elect a
chairman. The

20 board may hold additional meetings on the call of the chair or
at the written

21 request of any two (2) members of the board. The board may
appoint such com-

22 mittees as it considers necessary to carry out its duties. A
majority of the

23 board shall constitute a quorum.

24 54-5109. POWERS AND DUTIES OF THE BOARD. The board shall
have the author-

25 ity to:

26 (1) Determine the qualifications of persons applying for
licensure pursu-

27 ant to this chapter and define, by rule, the appropriate scope
of naturopathic

28 medicine in this state, provided however, that the scope of
practice may not

29 exceed that defined in section 54-5104, Idaho Code;

30 (2) Grant a special competency certificate for
naturopathic childbirth

31 attendance to those licensees who apply, provided that such
applicant can doc-

32 ument training and experience equal to or greater than that
required by the

33 rules of the Idaho board of nursing, pursuant to section 54-
1404, Idaho Code.

34 The applicant shall hold hospital privileges and perform
such procedures

35 under the supervision of a physician licensed pursuant to
chapter 18, title

36 54, Idaho Code;

37 (3) Establish special competency certification requirements
for licensees

38 as deemed necessary by action of the board;

39 (4) Adopt rules for the defined scope of practice for
licensees;

40 (5) Hire and appoint employees, including an executive
director, investi-

41 gators, attorneys, consultants and independent hearing
examiners;

42 (6) Adopt such rules as are necessary for the
administration of this

43 chapter, including standards of professional conduct;

44 (7) Conduct investigations and examinations and hold
hearings;
45 (8) Collect fees and other funds as prescribed by this
chapter;
46 (9) Provide a uniform, independently proctored and
psychometrically valid
47 examination for use in licensing naturopathic physicians,
which will ade-
48 quately test the applicant's knowledge of naturopathic medicine,
including the
49 basic medical sciences and the diagnostic and therapeutic
skill of license
50 applicants.
51 (10) Provide such other services and perform such other
functions as are
52 necessary and desirable to fulfill its purposes;
53 (11) Establish by rule examination standards for licensure
and when those
54 examinations will be provided;

17

1 (12) Establish a minimum amount and kind of continuing
education to be
2 required annually for each naturopathic physician seeking
licensure renewal.

3 54-5110. NATUROPATHIC MEDICAL FORMULARY COUNCIL
ESTABLISHED. There is
4 hereby established a naturopathic medical formulary council,
which is separate
5 and distinct from the board, to be composed of seven (7)
members. Two (2) mem-
6 bers shall be naturopathic physicians licensed under this
chapter, appointed
7 by the board of naturopathic medical examiners. Three (3)
members shall be
8 pharmacists licensed under chapter 17, title 54, Idaho Code,
appointed by
9 the board of naturopathic medical examiners from a list of
nominees provided
10 by the Idaho state board of pharmacy. Two (2) members shall
be physicians
11 licensed under chapter 18, title 54, Idaho Code, appointed
by the board of
12 naturopathic medical examiners from a list of nominees provided
by the Idaho
13 state board of medicine. The initial council shall be
appointed as follows:
14 One (1) naturopathic physician shall be appointed for a one (1)
year term; one
15 (1) physician licensed under chapter 18, title 54, Idaho Code,
and one (1)
16 pharmacist shall be appointed for a two (2) year term; and
two (2) pharma-
17 cists, one (1) naturopathic physician and one (1) physician
licensed under

18 chapter 18, title 54, Idaho Code, shall be appointed for a
19 three (3) year
20 term. Thereafter, the term of office shall be three (3) years. A
21 quorum shall
22 consist of five (5) members and shall be required for any vote
23 to be taken. It
24 shall be the duty of the naturopathic medical formulary council
25 to establish a
26 formulary for use by naturopathic physicians, and immediately
27 upon adoption or
28 revision of the formulary, the council shall transmit the
29 approved formulary
30 to the board, which shall adopt the formulary by temporary rule.
31 The formulary
32 will be reviewed annually by the council, or at any time at the
33 request of the
34 board. The formulary list may not go beyond the scope of
35 prescription medi-
36 cines and medical devices covered by approved naturopathic
37 medical education
38 and training and existing naturopathic medical formularies, or
39 board-approved
40 continuing education. The naturopathic medical formulary
41 shall not include
42 medicines and devices that are inconsistent with the training
43 provided by
44 approved naturopathic medical colleges. Nothing herein
45 shall allow a
46 naturopathic physician to dispense, administer or prescribe any
prescription
drug as defined in section 54-1705(27), Idaho Code, or medical
device unless
such prescription drug or medical device is specifically
included in the
naturopathic medical formulary.

36 54-5111. FEES. (1) All fees received under the provisions
37 of this chapter
38 shall be paid to the department of self-governing agencies,
39 bureau of occupa-
40 tional licenses, and deposited in the state treasury to the
41 credit of the
42 occupational licenses fund. All costs and expenses incurred
43 under the provi-
44 sions of this chapter shall be a charge against and paid from
45 said fund. In no
46 case shall any salary, expense or other obligation of the
board be charged
against the general fund.
43 (2) The fee for licensure shall not exceed five hundred
dollars (\$500).

44 54-5112. QUALIFICATIONS FOR LICENSURE. To be eligible for
45 a license to
46 practice as a naturopathic physician in the state of Idaho,
the applicant
shall:

47 (1) Provide proof, on a form provided by the board, of
completion of an
48 approved naturopathic medical program approved by the board;
49 (2) Have passed a competency-based examination approved by
the board cov-
50 ering basic medical sciences and the diagnostic and clinical
sciences consis-
51 tent with the education, training and practice of naturopathic
medicine. Such
52 examination shall include, but not be limited to, exams in
anatomy, biochemis-

18

1 try, microbiology, immunology, pathology, physiology,
naturopathic philosophy
2 and principles, physical and clinical diagnosis, lab
diagnosis, diagnostic
3 imaging, botanical medicine, naturopathic physical medicine, and
nutrition;
4 (3) Applicants may be required to sit for a personal
interview by the
5 board to specifically review the applicant's qualifications,
professional cre-
6 dentials, knowledge, and skills pertaining to the practice
of naturopathic
7 medicine;
8 (4) Possess a good, ethical and professional reputation;
9 (5) Be physically and mentally capable of safely practicing
naturopathic
10 medicine with or without reasonable accommodation;
11 (6) Have never had a license to practice naturopathic
medicine or other
12 health care license, registration or certificate refused,
revoked or suspended
13 by any other state or country for reasons that relate to the
applicant's
14 ability to skillfully and safely practice naturopathic
medicine, or other
15 health care profession unless that license, registration or
certification has
16 been restored to good standing by that state or country;
17 (7) All licensed naturopathic physicians shall have on
file with the
18 board a board-approved disclosure form stating the degrees,
training, experi-
19 ence, credentials and the health care services they are board
approved to pro-
20 vide;
21 (8) File a board-approved application and pay the licensing
fees.

22 54-5113. LICENSE STANDARDS FOR OTHER JURISDICTION
APPLICANTS. The board
23 shall establish by rule the standards for licensure of
applicants licensed in

24 another jurisdiction. However, the standards for
endorsement of licensure
25 shall not be less than those required for licensure in the state
of Idaho.

26 54-5114. INVESTIGATION -- HEARING -- SUBPOENA. (1) The
board shall be
27 empowered to investigate, or cause to be investigated, all
complaints regard-
28 ing any conduct prohibited by this chapter.

29 (2) The board may conduct hearings to assist with
investigations, to
30 determine whether grounds exist for suspension, revocation
or denial of a
31 license or to fulfill its responsibilities under this chapter
as the board
32 determines necessary.

33 (3) The board may subpoena witnesses, administer oaths in
any hearing or
34 disciplinary proceeding and compel, by subpoena duces tecum, the
production of
35 papers and records.

36 54-5115. DISCIPLINARY ACTION. The board may suspend, revoke
or refuse to

37 issue or renew a license on any of the following grounds:

38 (1) The employment of fraud or deceit in obtaining a
license under this
39 chapter or in connection with services rendered as a
naturopathic physician;

40 (2) A legal finding of mental incompetence;

41 (3) Aiding or abetting a person, not duly licensed under
this chapter, in

42 claiming to be a naturopathic physician or in practicing
naturopathic medi-
43 cine;

44 (4) Any negligence, incompetence or misconduct in the
performance of
45 naturopathic medicine;

46 (5) Conviction of any crime involving moral turpitude or
the entering of

47 a plea of guilty or the finding of guilt by a jury or court of a
commission of

48 a felony or a crime involving moral turpitude;

49 (6) Practicing as a naturopathic physician when physical or
mental abili-

50 ties are impaired by the use of controlled substances or other
drugs, chemi-

51 cals or alcohol;

52 (7) Failure of the individual practitioner to maintain his
or her profes-

1 sional premises in a clean and sanitary condition;

2 (8) Any other good cause, relevant to qualifications to
practice as a

3 naturopathic physician. The board may not suspend, revoke or
refuse to issue
4 or renew a license based on the findings that a licensee's
practice is uncon-
5 ventional in the absence of demonstrable harm to a patient and
the patient has
6 signed a waiver to the effect that the treatment or device
is considered
7 unconventional.

8 54-5116. LICENSE DENIAL OR REVOCATION PROCEDURE. When the
board proposes
9 to refuse to issue or renew a license, or proposes to revoke
or suspend a
10 license, opportunity for a hearing shall be pursuant to the
provisions of
11 chapter 52, title 67, Idaho Code.

12 54-5117. ENFORCEMENT PENALTIES. (1) Every person who
knowingly holds him-
13 self or herself out as a naturopathic physician in this
state without a
14 license is guilty of a misdemeanor. A person convicted of a
second or subse-
15 quent offense shall be guilty of a felony and shall be
imprisoned in the state
16 prison for a period not to exceed five (5) years, or shall be
fined not more
17 than ten thousand dollars (\$10,000) or shall be punished by both
such fine and
18 imprisonment. Nothing herein contained shall regulate,
restrict, or prohibit
19 the practice of naturopathy or any naturopathic health care
treatment, ther-
20 apy, or modality, unregulated or permitted by law prior to
July 1, 2005,
21 except to the extent that such specific treatment, therapy, or
modality, is
22 enumerated herein and requires a license hereunder.

23 (2) Provided the board determines in good faith that a
person is holding
24 himself or herself out as a naturopathic physician in violation
of this chap-
25 ter, the board may seek an injunction, provided it has
given thirty (30)
26 days' prior written notice to cease and desist against any
person who does not
27 comply with such notice and who holds himself or herself out as
a naturopathic
28 physician, in violation of this chapter and may, in the event
a permanent
29 injunction is entered against such person be entitled to all
costs and fees
30 incurred by the board in seeking the injunction.

31 54-5118. SEVERABILITY. If any provision of this chapter or
its applica-

32 tion to any person or circumstance is held invalid, the
remainder of the chap-
33 ter or the application of the provision to other persons or
circumstances is
34 not affected.

35 SECTION 6. That Section 67-2601, Idaho Code, be, and the
same is hereby
36 amended to read as follows:

37 67-2601. DEPARTMENT CREATED -- ORGANIZATION --
DIRECTOR -- BUREAU OF
38 OCCUPATIONAL LICENSES CREATED. (1) There is hereby created the
department of
39 self-governing agencies. The department shall, for the purposes
of section 20,
40 article IV of the constitution of the state of Idaho, be an
executive depart-
41 ment of the state government.
42 (2) The department shall consist of the following:
43 (a) Agricultural commodity commissions: Idaho apple
commission, as pro-
44 vided by chapter 36, title 22, Idaho Code; Idaho bean
commission, as pro-
45 vided by chapter 29, title 22, Idaho Code; Idaho beef
council, as provided
46 by chapter 29, title 25, Idaho Code; Idaho cherry
commission, as provided
47 by chapter 37, title 22, Idaho Code; Idaho dairy products
commission, as
48 provided by chapter 31, title 25, Idaho Code; Idaho pea and
lentil commis-
49 sion, as provided by chapter 35, title 22, Idaho Code; Idaho
potato com-
50 mission, as provided by chapter 12, title 22, Idaho Code;
Idaho prune com-

20

1 mission, as provided by chapter 30, title 22, Idaho Code;
the Idaho wheat
2 commission, as provided by chapter 33, title 22, Idaho Code;
and the Idaho
3 aquaculture commission, as provided by chapter 44, title 22,
Idaho Code.
4 (b) Professional and occupational licensing boards: Idaho
state board of
5 certified public accountancy, as provided by chapter 2,
title 54, Idaho
6 Code; board of acupuncture, as provided by chapter 47,
title 54, Idaho
7 Code; board of architectural examiners, as provided by
chapter 3, title
8 54, Idaho Code; office of the state athletic director, as
provided by
9 chapter 4, title 54, Idaho Code; board of barber examiners,
as provided by

10 chapter 5, title 54, Idaho Code; board of commissioners of
the Idaho state
11 bar, as provided by chapter 4, title 3, Idaho Code; board
of chiropractic
12 physicians, as provided by chapter 7, title 54, Idaho Code;
Idaho board of
13 cosmetology, as provided by chapter 8, title 54, Idaho Code;
Idaho coun-
14 selor licensing board, as provided by chapter 34, title
54, Idaho Code;
15 state board of dentistry, as provided by chapter 9, title
54, Idaho Code;
16 state board of denturistry, as provided by chapter 33,
title 54, Idaho
17 Code; state board of engineering examiners, as provided
by chapter 12,
18 title 54, Idaho Code; state board for registration of
professional geolo-
19 gists, as provided by chapter 28, title 54, Idaho Code;
board of hearing
20 aid dealers and fitters, as provided by chapter 29, title
54, Idaho Code;
21 Idaho state board of landscape architects, as provided
by chapter 30,
22 title 54, Idaho Code; state board of medicine, as provided
by chapter 18,
23 title 54, Idaho Code, and its associated physical
therapist advisory
24 board, as provided by chapter 22, title 54, Idaho Code;
state board of
25 morticians, as provided by chapter 11, title 54, Idaho
Code; **board of**
26 **naturopathic medical examiners, as provided by chapter 51,**
title 54, Idaho
27 **Code;** board of nurses, as provided by chapter 14, title 54,
Idaho Code;
28 board of examiners of nursing home administrators, as
provided by chapter
29 16, title 54, Idaho Code; state board of optometry, as
provided by chapter
30 15, title 54, Idaho Code; Idaho outfitters and guides board,
as provided
31 by chapter 21, title 36, Idaho Code; board of pharmacy,
as provided by
32 chapter 17, title 54, Idaho Code; state board of podiatry,
as provided by
33 chapter 6, title 54, Idaho Code; Idaho state board of
psychologist examin-
34 ers, as provided by chapter 23, title 54, Idaho Code;
Idaho real estate
35 commission, as provided by chapter 20, title 54, Idaho Code;
real estate
36 appraiser board, as provided by chapter 41, title 54, Idaho
Code; board of
37 social work examiners, as provided by chapter 32, title
54, Idaho Code;

38 the board of veterinary medicine, as provided by chapter
21, title 54,
39 Idaho Code; the board of examiners of residential care
facility adminis-
40 trators, as provided by chapter 42, title 54, Idaho Code;
and the board of
41 drinking water and wastewater professionals, as provided by
chapter 24,
42 title 54, Idaho Code.
43 (c) The board of examiners, pursuant to section 67-2001,
Idaho Code.
44 (d) The division of building safety, to be headed by a
division adminis-
45 trator and comprised of five (5) bureaus: plumbing,
electrical, buildings,
46 public works contractor licensing, and logging and
industrial safety. The
47 division administrator and bureau chiefs shall be
nonclassified employees
48 exempt from the provisions of chapter 53, title 67, Idaho
Code. The admin-
49 istrator of the division shall administer the provisions
of chapter 40,
50 title 39, Idaho Code, relating to manufactured homes and
recreational
51 vehicles; chapter 41, title 39, Idaho Code, relating to
modular buildings;
52 chapter 21, title 44, Idaho Code, relating to manufactured
home dealer and
53 installer licensing; chapter 10, title 54, Idaho Code,
relating to elec-
54 trical contractors and journeymen; chapter 19, title 54,
Idaho Code,
55 relating to licensing of public works contractors; chapter
26, title 54,

21

1 Idaho Code, relating to plumbing and plumbers; and shall
perform such
2 additional duties as are imposed upon him by law. The
division administra-
3 tor shall cooperate with the industrial commission and aid
and assist the
4 commission in its administration of sections 72-720, 72-721
and 72-723,
5 Idaho Code, and at the request of the commission shall make
inspection of
6 appliances, tools, equipment, machinery, practices or
conditions, and make
7 a written report to the commission. The administrator shall
make recommen-
8 dations to the commission to aid the commission in its
administration of
9 sections 72-720, 72-721 and 72-723, Idaho Code, provided
however, that

10 nothing herein shall be construed as transferring to the
administrator any
11 of the authority or powers now vested in the industrial
commission.
12 (e) The division of veterans services to be headed by a
division adminis-
13 trator who shall be a nonclassified employee exempt from the
provisions of
14 chapter 53, title 67, Idaho Code. The administrator of the
division shall
15 administer the provisions of chapter 2, title 65, Idaho
Code, and chapter
16 9, title 66, Idaho Code, with the advice of the veterans
affairs commis-
17 sion established under chapter 2, title 65, Idaho Code, and
shall perform
18 such additional duties as are imposed upon him by law.
19 (3) The bureau of occupational licenses is hereby
created within the
20 department of self-governing agencies.

21 SECTION 7. That Section 67-2602, Idaho Code, be, and the
same is hereby
22 amended to read as follows:

23 67-2602. BUREAU OF OCCUPATIONAL LICENSES. (1) The bureau
of occupational
24 licenses created in the department of self-governing
agencies by section
25 67-2601, Idaho Code, shall be empowered, by written
agreement between the
26 bureau and each agency for which it provides administrative or
other services
27 as provided by law, to provide such services for the board
of acupuncture,
28 board of architectural examiners, board of barber examiners,
board of chiro-
29 practic physicians, board of cosmetology, counselor
licensing board, state
30 board of dentistry, board of hearing aid dealers and fitters,
board of land-
31 scape architects, board of morticians, **board of naturopathic**
medical examin-
32 **ers,** board of examiners of nursing home administrators, board
of optometry,
33 board of podiatrists, board of psychologist examiners, real
estate appraiser
34 board, board of examiners of residential care facility
administrators, board
35 of social work examiners, and such other professional and
occupational licens-
36 ing boards or commodity commissions as may request such
services. The bureau
37 may charge a reasonable fee for such services provided any
agency not other-
38 wise provided for by law and shall maintain proper accounting
methods for all

39 funds under its jurisdiction.
40 (2) Notwithstanding the statutes governing specific boards,
for any board
41 that contracts with the bureau of occupational licenses, each
board member
42 shall hold office until a successor has been duly appointed and
qualified.
43 (3) The department of self-governing agencies, by and
through the bureau
44 of occupational licenses, shall be empowered to provide
administrative or
45 other services for the administration of chapter 48, title 54,
Idaho Code, to
46 issue, suspend, revoke or refuse to renew certificates of
registration, to
47 issue subpoenas, to prescribe and impose fees and to assess
administrative
48 penalties pursuant to the provisions of chapter 48, title 54,
Idaho Code.

Statement of Purpose / Fiscal Impact

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STATEMENT OF PURPOSE

RS 15040C1

There are a significantly growing number of residents in the State of Idaho who choose natural health care. The purpose of this legislation is to expand the health care options of Idahoans by licensing and setting standards of practice for Naturopathic Physicians, while clarifying who may practice natural health care and what titles they may use.

FISCAL NOTE

There will be no fiscal impact to the general fund.

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STATEMENT OF PURPOSE/