

SENATE BILL NO. 1197

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOSLEY.

5742S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapter 334, RSMo, by adding thereto thirteen new sections relating to the regulation and licensing of the practice of naturopathic medicine, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 334, RSMo, is amended by adding thereto
2 thirteen new sections, to be known as sections 334.1051,
3 334.1053, 334.1056, 334.1059, 334.1062, 334.1065, 334.1068,
4 334.1071, 334.1074, 334.1077, 334.1080, 334.1083, and 334.1084,
5 to read as follows:

**334.1051. 1. As used in sections 334.1051 to
2 334.1084, the following terms shall mean:**

3 (1) "Approved naturopathic college", a four academic
4 year in-residence, doctoral-level naturopathic medical
5 education program that is accredited by the Council on
6 Naturopathic Medical Education, its successor or equivalent,
7 and is located at an institution of higher education that is
8 accredited by a regional accrediting agency recognized by
9 the U.S. Department of Education;

10 (2) "Board", the state board of registration for the
11 healing arts;

12 (3) "Department", the department of commerce and
13 insurance;

14 (4) "Diagnose", to examine another person, parts of a
15 person's body, or substances, fluids, or materials excreted,
16 taken, or removed from a person's body, or produced by a

17 person's body to determine the source, kind, or extent of a
18 disease or other physical condition;

19 (5) "Natural medicine", includes:

20 (a) Food, food extracts, and dietary supplements as
21 defined by the Federal Food, Drug and Cosmetic Act, 21
22 U.S.C. Section 301, et seq., as amended;

23 (b) Plant, animal, mineral, and microbial substances
24 that are not designated as prescription drugs or controlled
25 substances, including those described in section 195.017; and

26 (c) Homeopathic remedies and substances prepared
27 according to the Homeopathic Pharmacopeia of the United
28 States;

29 (6) "Naturopathic medicine" or "naturopathy", a system
30 of primary health care for the prevention, diagnosis, and
31 care of human health conditions, injuries, and diseases that
32 uses education and natural substances and remedies to
33 support and stimulate the individual's intrinsic self-
34 processes;

35 (7) "Naturopathic physical medicine", the use of the
36 physical agents of air, water, heat, cold, sound, light, and
37 electromagnetic nonionizing radiation, and the physical
38 modalities of electrotherapy, biofeedback, diathermy,
39 ultraviolet light, ultrasound, hydrotherapy, naturopathic
40 mobilization therapy, exercise, and other electrical devices
41 as approved by the board. The term does not include the
42 practice of physical therapy, acupuncture, or chiropractic;

43 (8) "Naturopathic practitioner" or "naturopath", a
44 person licensed to practice naturopathic medicine pursuant
45 to sections 334.1051 to 334.1084;

46 (9) "Topical preparations", topical analgesics,
47 anesthetics, antiseptics, scabicides, antifungals, and

48 antibacterials. The term does not include controlled
49 substances described in chapter 195.

50 2. Any person who is not currently a licensed
51 naturopathic practitioner within the meaning of the law to
52 practice naturopathic medicine in any of its departments
53 shall not engage in the practice of naturopathic medicine in
54 this state, except as provided by sections 334.1051 to
55 334.1084.

56 3. As used in the laws of this state, the terms
57 "naturopath", "practitioner of naturopathic medicine",
58 "naturopathy", or similar terms shall be construed to mean
59 naturopathic practitioners licensed pursuant to this
60 chapter. In this state, no practitioner of naturopathic
61 medicine may use the title "doctor" in any manner or title
62 or hold himself or herself out to the public as "doctor",
63 "N.D.", or "N.M.D."

64 4. The term "naturopathic" shall be used in any sign,
65 letterhead, advertisement, solicitation, or other method of
66 addressing the public.

334.1053. Candidates for licensure as naturopathic
2 practitioners shall furnish satisfactory evidence of their
3 good moral character and their preliminary qualifications as
4 follows:

5 (1) File an application with the department;

6 (2) Earned a degree of doctor of naturopathy from an
7 approved naturopathic college;

8 (3) Have experience as a naturopathic practitioner
9 satisfactory to the board and in accordance with the board's
10 regulations;

11 (4) Pass the naturopathic physician's licensing
12 examination (NPLEX), or its successor or equivalent
13 examination, as determined by the board;

- 14 (5) Be at least twenty-one years of age;
- 15 (6) Be a United States citizen or an alien lawfully
- 16 admitted for permanent residence in the United States; and
- 17 (7) Pay all application and examination fees required
- 18 by the board.

334.1056. 1. There is hereby established an "Advisory
2 Commission for Naturopathic Medicine" for the purpose of
3 advising the board on the licensing and supervising of all
4 naturopathic practitioners. The commission shall consist of
5 six members, including one voting public member, to be
6 appointed by the governor with the advice and consent of the
7 senate. At least four members of the commission shall be
8 licensed naturopaths. Each naturopath member of the
9 commission shall be a citizen of the United States and
10 actively engaged in the practice of naturopathy immediately
11 preceding his or her appointment. One member shall be
12 appointed from an appropriate healing profession, including
13 medicine, as a person licensed pursuant to this chapter. No
14 more than four members shall be affiliated with the same
15 political party. All members shall be appointed for a term
16 of four years. Each member shall receive compensation in an
17 amount set by the commission not to exceed seventy dollars
18 for each day devoted to the duties of the commission, and
19 shall be entitled to reimbursement for the member's expenses
20 necessarily incurred in the discharge of his or her official
21 duties.

22 2. The commission's initial naturopathic practitioner
23 members shall:

- 24 (1) Be actively practicing naturopathic medicine; or
- 25 (2) Hold an active license to practice naturopathic
- 26 medicine in another state where such license requires

27 passage of a professional naturopathic medical licensing
28 examination.

29 The naturopathic practitioner members appointed to the
30 initial commission shall be licensed in accordance with
31 sections 334.1051 to 334.1084 not later than one year after
32 establishment of the licensing rules and regulations. If,
33 for any reason, such a member cannot be licensed within such
34 time period, a new member shall be appointed.

35 3. The initial appointments to the commission shall be
36 one member for a term of one year, one member for a term of
37 two years, one member for a term of three years, and two
38 members for a term of four years.

39 4. The public member shall, at the time of his or her
40 appointment, be a citizen of the United States, a resident
41 of this state for a period of one year, and a registered
42 voter. The public member shall not be a person who is or
43 ever was a member of any profession licensed or regulated
44 pursuant to this chapter or the spouse of such person, and
45 shall not be a person who has or has ever had a material
46 financial interest in providing for the professional
47 services regulated by this chapter, or an activity or
48 organization directly related to any profession licensed or
49 regulated pursuant to this chapter. The duties of the
50 public member shall not include the determination of
51 technical requirements for licensure or whether any person
52 meets such technical requirements or of the technical
53 competence or judgment of a licensee or candidate.

54 5. All members, including public members, shall be
55 chosen from a list submitted by the director of the
56 department.

334.1059. 1. The board shall:

2 (1) Adopt rules that are necessary or proper for the
3 administration of sections 334.1051 to 334.1084;

4 (2) Administer and enforce all provisions of sections
5 334.1051 to 334.1084 and all rules adopted by the board
6 pursuant to the authority granted in sections 334.1051 to
7 334.1084;

8 (3) Set the amount of the fees which sections 334.1051
9 to 334.1084 authorizes and requires by rules and regulations
10 promulgated pursuant to section 536.021. The fees shall be
11 set at a level to produce revenue, which shall not
12 substantially exceed the cost and expense of administering
13 sections 334.1051 to 334.1084;

14 (4) Deposit all funds received pursuant to sections
15 334.1051 to 334.1084 in the fund established in section
16 334.050; and

17 (5) Adopt rules for conducting licensing examinations
18 required by sections 334.1051 to 334.1084.

19 2. The board may:

20 (1) Adopt rules that prescribe continuing medical
21 education for the renewal of licenses issued pursuant to
22 sections 334.1051 to 334.1084; and

23 (2) Employ permanent or temporary personnel it deems
24 necessary to carry out the purposes of sections 334.1051 to
25 334.1084 and designate their duties.

26 3. Any rule or portion of a rule, as that term is
27 defined in section 536.010, that is created under the
28 authority delegated in sections 334.1051 to 334.1084 shall
29 become effective only if it complies with and is subject to
30 all of the provisions of chapter 536 and, if applicable,
31 section 536.028. This section and chapter 536 are
32 nonseverable and if any of the powers vested with the
33 general assembly pursuant to chapter 536 to review, to delay

34 the effective date, or to disapprove and annul a rule are
35 subsequently held unconstitutional, then the grant of
36 rulemaking authority and any rule proposed or adopted after
37 August 28, 2022, shall be invalid and void.

334.1062. 1. A person who holds a license pursuant to
2 sections 334.1051 to 334.1084 shall display such document in
3 a conspicuous place that is accessible to view by the public.

4 2. A person who practices, conducts affairs, or is
5 employed at more than one location and who maintains a
6 continuing activity as authorized by the license shall
7 display a duplicate of such document issued by the board at
8 each location.

334.1065. 1. All persons desiring to practice as a
2 naturopathic practitioner in this state shall be examined as
3 to their fitness to engage in such practice by the board.
4 All persons applying for examination shall file an
5 application with the board at least thirty days before the
6 date set for the examination upon applications furnished by
7 the board.

8 2. The examination required for a license pursuant to
9 sections 334.1051 to 334.1084 shall be the naturopathic
10 physician's licensing examination (NPLEX), its successor
11 examination or equivalent, as determined by the board.

12 3. Upon the applicant paying a fee equivalent to the
13 required examination fee and furnishing the board with all
14 locations of previous practice and licensure in
15 chronological order, the board shall, pursuant to
16 regulations prescribed by it, admit without examination
17 qualified persons who meet the requirements of sections
18 334.1051 to 334.1084, and who hold certificates of licensure
19 to practice naturopathic medicine in any state or territory
20 of the United States or the District of Columbia. Within

21 the limits of this subsection, the board is authorized and
22 empowered to negotiate reciprocal compacts with licensing
23 boards of other states for admission of licensed
24 practitioners from Missouri in other states.

334.1068. Sections 334.1051 to 334.1084 shall not
2 apply to the following persons:

3 (1) Any naturopathic practitioner who is employed as a
4 resident in a public hospital, provided such practice is
5 limited to such hospital and is under the supervision of a
6 licensed naturopathic practitioner;

7 (2) Any naturopathic practitioner who is licensed in
8 another state or country and who is meeting a naturopathic
9 practitioner licensed in this state, for purposes of
10 consultation, provided such practice is limited to such
11 consultation;

12 (3) Any naturopathic practitioner who is licensed in
13 another state or country and who is visiting a naturopathic
14 or other medical school or teaching hospital in this state
15 to conduct naturopathic instruction for a period not to
16 exceed six months, provided such practice is limited to such
17 instruction and is under the supervision of a licensed
18 naturopathic practitioner pursuant to sections 334.1051 to
19 334.1084;

20 (4) Any naturopathic student who is performing a
21 clinical clerkship or similar function in a hospital and who
22 is matriculated in a naturopathic school that meets
23 standards satisfactory to the department, provided such
24 practice is limited to such clerkship or similar function in
25 such hospital;

26 (5) A person engaged in the sale of vitamins, health
27 foods, dietary supplements, herbs, or other products of
28 nature the sale of which is not otherwise prohibited under

29 state or federal law. Nothing in this section allows such
30 person to hold himself or herself out as a naturopathic
31 practitioner; and

32 (6) Any other person licensed in this state in any
33 health care profession while the person is practicing within
34 the scope of the license.

334.1071. 1. Notwithstanding the provisions of
2 sections 334.1059 to 334.1062, a person may be licensed as a
3 naturopathic practitioner without meeting the requirements
4 of section 334.1059 if the applicant:

5 (1) Is a resident of this state;
6 (2) Is at least twenty-one years of age;
7 (3) Provides proof acceptable to the board, as
8 established by rule of the board, that the person has been
9 actively engaged in naturopathic health care and has held
10 the person out to the public as qualified to practice
11 naturopathy for at least eighteen of the last twenty years
12 before August 28, 2022;

13 (4) Derives the majority of the person's income from
14 the practice of naturopathic medicine; and

15 (5) Applies for a license pursuant to this section
16 before July 1, 2024.

17 2. The board by rule may provide for limitations on
18 the practice of a person licensed pursuant to subsection 1
19 of this section. The board may require a person licensed
20 pursuant to this section to be identified as a person whose
21 practice is limited.

22 3. A person licensed pursuant to this section may:

23 (1) Use the title naturopathic practitioner and any
24 other title allowed pursuant to sections 334.1051 to
25 334.1084; and

26 (2) Practice naturopathy only within the scope of
27 practice that reflects the limits of the person's training
28 and experience.

 334.1074. Any person who violates any provision of
2 sections 334.1051 to 334.1084 is guilty of a class A
3 misdemeanor.

 334.1077. The board shall not renew any license unless
2 the licensee provides satisfactory evidence that the
3 licensee has complied with the board's minimum requirements
4 for continuing education. All persons once licensed to
5 practice naturopathic medicine in this state shall, on or
6 before the license renewal date, furnish to the board
7 satisfactory evidence of completion of the requisite number
8 of hours of postsecondary study, which shall be twenty-four
9 hours during each twelve months of the registration period
10 immediately preceding the filing of the registration renewal
11 application. The postgraduate study required shall be from
12 a board-approved continuing education program.

 334.1080. 1. Every person licensed pursuant to the
2 provisions of sections 334.1051 to 334.1084 shall renew his
3 or her application on or before the registration renewal
4 date. The application shall be made under oath on a form
5 furnished by the board. The application shall include, but
6 not be limited to, disclosure of the following:

 (1) The applicant's full name, the applicant's office
8 and residence address, and the date and number of his or her
9 license;

 (2) All final disciplinary actions taken against the
10 applicant; and
11

 (3) Information concerning the applicant's current
12 physical and mental fitness to practice as a naturopathic
13 practitioner.
14

15 2. A blank form for application for registration shall
16 be mailed to each person licensed in this state at the
17 person's last known office or residence address. The
18 failure to receive such form shall not, however, relieve any
19 person of the duty to register and pay the fee required by
20 this chapter nor exempt him or her from the penalties
21 provided by sections 334.1051 to 334.1084 for failure to
22 register.

23 3. If a person licensed by the board does not renew
24 such license by the license expiration date, such license
25 shall be deemed void. If such person's license is deemed
26 void, he or she may apply for a reinstatement of such
27 license pursuant to the procedures established by the board.

 334.1083. 1. Each applicant for license pursuant to
2 sections 334.1051 to 334.1084 shall accompany the
3 application for license with a license fee to be paid to the
4 director of revenue. If the application is filed and the
5 fee paid after the license renewal date, a delinquent fee
6 shall be paid; but whenever, in the opinion of the board,
7 the applicant's failure to register is caused by extenuating
8 circumstances, including illness of the applicant, as
9 defined by rule, the delinquent fee may be waived by the
10 board. Whenever any new license is granted to any person
11 pursuant to the provisions of sections 334.1051 to 334.1084,
12 the board shall, upon application, issue to such licensee a
13 license covering a period from the date of the issuance of
14 the license to the next renewal date without the payment of
15 any registration fee.

16 2. The board shall set the amount of the fees which
17 sections 334.1051 to 334.1084 authorizes and requires by
18 rules promulgated pursuant to chapter 536. The fees shall
19 be set at a level to produce revenue that shall not

20 substantially exceed the cost and expense of administering
21 sections 334.1051 to 334.1084.

334.1084. The board shall adopt a naturopathic
2 formulary that lists the drugs and substances approved for
3 intramuscular or intravenous administration by a
4 naturopathic practitioner under the order of a physician.
5 The board shall appoint a naturopathic formulary advisory
6 committee, which shall advise the board and make
7 recommendations on the list of substances that may be
8 included in the naturopathic formulary. In no event shall
9 the formulary include any controlled substance listed in
10 chapter 195. The naturopathic formulary advisory committee
11 shall consist of a licensed pharmacist, a person
12 knowledgeable in medicinal plant chemistry, two persons
13 licensed to practice medicine and surgery, and two
14 naturopathic practitioners licensed under sections 334.1051
15 to 334.1084.

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