
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 621 Session of
2015

INTRODUCED BY COSTA, WHITE, ARGALL, SMITH, ALLOWAY, FONTANA,
TARTAGLIONE, RAFFERTY, AUMENT, McILHINNEY, WOZNIAK, YUDICHAK
AND MENSCH, MARCH 13, 2015

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
MARCH 13, 2015

AN ACT

1 Relating to the right to practice naturopathic medicine;
2 providing for the issuance of licenses and the suspension and
3 revocation of licenses; providing for penalties; and making
4 repeals.

5 TABLE OF CONTENTS

6 Chapter 1. Preliminary Provisions
7 Section 101. Short title.
8 Section 102. Declaration of policy.
9 Section 103. Definitions.
10 Chapter 2. State Board of Medicine
11 Section 201. Declaration of purpose.
12 Section 202. Naturopathic medical education.
13 Chapter 3. Licensure
14 Section 301. Qualifications for licensure.
15 Section 302. License status and continuing education.
16 Section 303. Liability insurance.
17 Section 304. Reciprocity.
18 Chapter 4. Practice of Naturopathic Medicine

1 Section 401. Scope of practice.
2 Chapter 5. Administration and Enforcement
3 Section 501. Refusal, suspension and revocation of licenses.
4 Section 502. Reinstatement of license.
5 Section 503. License renewal, records and fees.
6 Section 504. Duty of licensee.
7 Section 505. Other professions.
8 Section 506. Unlawful practice.
9 Section 507. Violation of act.
10 Chapter 6. Miscellaneous Provisions
11 Section 601. Regulations.
12 Section 602. Effective date.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 CHAPTER 1

16 PRELIMINARY PROVISIONS

17 Section 101. Short title.

18 This act shall be known and may be cited as the Naturopathic
19 Doctor Practice Act.

20 Section 102. Declaration of policy.

21 The General Assembly finds and declares as follows:

22 (1) The practice of naturopathic medicine in this
23 Commonwealth is declared to affect the public health, safety
24 and welfare and to be subject to regulation and control in
25 the public interest.

26 (2) It is a matter of public interest that naturopathic
27 doctors and the practice of naturopathic medicine merit the
28 confidence of the public, that only qualified persons be
29 authorized to practice naturopathic medicine in this
30 Commonwealth and that no person shall practice as a

1 naturopathic doctor without a valid existing license to do
2 so.

3 (3) The General Assembly recognizes that naturopathic
4 doctors comprise a distinct health care profession that
5 affects the public health, safety and welfare and increases
6 freedom of choice in health care.

7 (4) This act shall be liberally construed to best carry
8 out these subjects and purposes.

9 Section 103. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Behavioral medicine." Techniques including biofeedback,
14 relaxation training, hypnosis, mindfulness-based stress
15 reduction and cognitive therapy.

16 "Board." The State Board of Medicine.

17 "Botanical medicine." A system of medicine employing
18 naturally occurring substances derived from plants in the
19 prevention and treatment of disease.

20 "Bureau." The Bureau of Professional and Occupational
21 Affairs of the Commonwealth.

22 "Commissioner." The Commissioner of Professional and
23 Occupational Affairs of the Commonwealth.

24 "Common diagnostic procedures." The use of venipuncture and
25 commonly used diagnostic imaging modalities consistent with
26 naturopathic practice, health history taking, physical
27 examination, radiography, laboratory medicine and examination of
28 body orifices excluding endoscopy.

29 "Department." The Department of State of the Commonwealth.

30 "Diagnostic imaging modalities." Includes all X-ray,

1 mammography and ultrasound goods and services.

2 "Homeopathic medicine." A system of medicine employing
3 substances of animal, vegetable or mineral origin which are
4 given in microdosage in the prevention and treatment of disease.

5 "Legend drug." A drug:

6 (1) limited by the Federal Food, Drug, and Cosmetic Act
7 (52 Stat. 1040, 21 U.S.C. § 301 et seq.) to being dispensed
8 by prescription; and

9 (2) the product label of which is required to contain
10 the following statement: "CAUTION: FEDERAL LAW PROHIBITS
11 DISPENSING WITHOUT A PRESCRIPTION."

12 "Naturopathic doctor." An individual who holds an active
13 license issued under this act.

14 "Naturopathic medicine." A system of primary health care
15 practiced by doctors of naturopathic medicine for the
16 prevention, diagnosis and treatment of human health conditions,
17 injuries and diseases and that uses education, natural medicines
18 and therapies to support and stimulate the individual's
19 intrinsic self-healing processes.

20 "Naturopathic musculoskeletal therapy." The treatment by
21 manual and other mechanical means of all body tissues and
22 structures located anywhere in the human body, including, but
23 not limited to, bones, fascia, muscles, tendons, ligaments,
24 entheses, joint capsules, bursae, tendon sheaths, scar tissue
25 and visceral organs, by naturopathic doctors. The manual and
26 mechanical techniques include the use of oscillation, pressure
27 and sustained tension, traction, mobilization through
28 physiologic and extra-physiologic ranges of motion, passive
29 intrinsic mobility of all body joints, and repositioning of
30 displaced body tissues and organs.

1 "Naturopathic physical medicine." The methods of treating
2 the body by means of electromagnetic energy, colon hydrotherapy,
3 therapeutic exercise and therapeutic use by naturopathic doctors
4 of the physical agents of air, water, heat, cold, sound, light
5 and the physical modalities and procedures, including, but not
6 limited to, hydrotherapy, electrotherapy, magnetic therapy,
7 diathermy, ultrasound, ultraviolet, infrared and low-level laser
8 light, therapeutic exercise, neural therapy and myofascial
9 trigger point therapy.

10 "Naturopathic therapies." Methods used in the treatment of
11 an individual which include, but are not limited to,
12 hydrotherapy, topical medicines, foods, food extracts, vitamins,
13 amino acids, minerals, enzymes, dietary supplements, over-the-
14 counter medications and nonprescription drugs as defined by the
15 Federal Food, Drug, and Cosmetic Act, homeopathic remedies and
16 plant substances that are not designated as prescription drugs
17 or controlled substances.

18 "Topical medicines." Topical analgesics, anesthetics,
19 antiseptics, scabicides, antifungals and antibacterials.

20 CHAPTER 2

21 STATE BOARD OF MEDICINE

22 Section 201. Declaration of purpose.

23 The board shall enforce and administer the provisions of this
24 act and shall adopt rules that are consistent with the intent of
25 this act.

26 Section 202. Naturopathic medical education.

27 The board shall approve a naturopathic medical education
28 program accredited by the Council on Naturopathic Medical
29 Education or an equivalent federally recognized accrediting body
30 for the naturopathic medical profession that has the following

1 minimum requirements:

2 (1) Admission requirements that include a minimum of
3 three-quarters of the credits required for a bachelor's
4 degree from a regionally accredited or preaccredited college
5 or university or the equivalency, as determined by the
6 council.

7 (2) Program requirements for its degree or diploma of a
8 minimum of 4,100 total hours in basic and clinical sciences,
9 naturopathic philosophy, naturopathic modalities and
10 naturopathic medicine. Of the total requisite hours, not less
11 than 2,500 hours shall consist of academic instruction, and
12 not less than 1,200 hours shall consist of supervised
13 clinical training approved by the naturopathic medical
14 school.

15 (3) A naturopathic medical education program in the
16 United States shall offer graduate-level, full-time studies
17 and training leading to the degree of Doctor of Naturopathy
18 or Doctor of Naturopathic Medicine. The program shall be an
19 institution or part of an institution of higher education
20 that is either accredited or is a candidate for accreditation
21 by a regional institutional accrediting agency recognized by
22 the United States Secretary of Education and the Council on
23 Naturopathic Medical Education, or an equivalent federally
24 recognized accrediting body for naturopathic doctor
25 education.

26 (4) To qualify as an approved naturopathic medical
27 school, a naturopathic medical program located in Canada or
28 the United States shall offer a full-time, doctoral-level,
29 naturopathic medical education program with its graduates
30 being eligible to apply to the board for licensure and to the

1 North American Board of Naturopathic Examiners that
2 administers the national naturopathic licensing examination.

3 CHAPTER 3

4 LICENSURE

5 Section 301. Qualifications for licensure.

6 (a) Applicants.--An applicant shall be considered to be
7 qualified for a license if the applicant submits proof
8 satisfactory to the board of all of the following:

9 (1) The applicant is of good moral character.

10 (2) The applicant has completed a doctorate-level
11 naturopathic medical program approved by the board.

12 (3) The applicant has passed a competency-based national
13 naturopathic licensing examination administered by the North
14 American Board of Naturopathic Examiners or successor agency
15 that has been nationally recognized to administer a
16 naturopathic examination that represents Federal standards of
17 education and training, or has graduated prior to 1986 and
18 has passed a naturopathic licensing examination of any state.

19 (4) The application is accompanied by the application
20 fee as established by the board by regulation.

21 (5) The applicant is not addicted to the habitual use of
22 alcohol, narcotics or other habit-forming drugs.

23 (6) (i) The applicant has not been convicted of a
24 felony under the act of April 14, 1972 (P.L.233, No.64),
25 known as The Controlled Substance, Drug, Device and
26 Cosmetic Act, or of an offense under the laws of another
27 jurisdiction which, if committed in this Commonwealth,
28 would be a felony under The Controlled Substance, Drug,
29 Device and Cosmetic Act, unless the following apply:

30 (A) At least 10 years have elapsed from the date

1 of conviction.

2 (B) The applicant satisfactorily demonstrates to
3 the board that the applicant has made significant
4 progress in personal rehabilitation since the
5 conviction and that licensure of the applicant should
6 not be expected to create a substantial risk of harm
7 to the public or a substantial risk of further
8 criminal violations.

9 (C) The applicant otherwise satisfies the
10 qualifications required under this act.

11 (ii) As used in this paragraph, the term "convicted"
12 includes a judgment, admission of guilt or a plea of nolo
13 contendere or receiving probation without verdict,
14 disposition in lieu of trial or an accelerated
15 rehabilitative disposition of the disposition of felony
16 charges.

17 (7) The applicant has not been convicted of an offense
18 under the laws of this Commonwealth or any other state or
19 foreign jurisdiction which, if committed in this
20 Commonwealth, would constitute a sexual offense or a felony.
21 Compliance with this paragraph must be documented by a report
22 of criminal history record information from the Pennsylvania
23 State Police or by a statement from the Pennsylvania State
24 Police that its central repository contains no information
25 relating to the applicant. The costs associated with the
26 report or statement shall be paid by the applicant.

27 (b) Transferability.--A license and a temporary practice
28 permit are not transferable.

29 Section 302. License status and continuing education.

30 (a) Duration of license.--

1 (1) A license shall be renewable on a biennial basis.
2 The biennial expiration date shall be established by
3 regulation of the board.

4 (2) Application for renewal of a license shall
5 biennially be forwarded by the board to an individual holding
6 a current license prior to the expiration date of the current
7 renewal biennium.

8 (b) Procedure.--To renew a license, a licensee must do all
9 of the following:

10 (1) File a renewal application with the board.

11 (2) Maintain current certification to administer
12 cardiopulmonary resuscitation.

13 (3) Successfully complete a minimum of 50 hours of
14 continuing education biennially. The continuing education
15 shall meet the following requirements:

16 (i) At least 10 hours shall be in pharmacology.

17 (ii) The program shall consist of study covering
18 new, review, experimental, research and specialty
19 subjects within the scope of practice of naturopathic
20 medicine in this Commonwealth.

21 (iii) Continuing education must be provided by one
22 of the following:

23 (A) A professional health care licensing agency,
24 hospital or institution accredited by the
25 Accreditation Council of Continuing Medical Education
26 (ACCME).

27 (B) A program sponsored by the American Council
28 of Pharmaceutical Education (ACPE).

29 (C) An accredited college or university.

30 (D) A professional association or organization

1 representing a licensed profession whose program
2 objectives are related to naturopathic training.

3 (E) Any other provider providing a program
4 related to naturopathic education, if the provider
5 has submitted an application to and received approval
6 from the Pennsylvania Association of Naturopathic
7 Physicians or American Association of Naturopathic
8 Physicians.

9 (4) Pay a fee established by regulation of the board.

10 (c) Inactive status.--

11 (1) A licensee may request an application for inactive
12 status. The application form must be completed and returned
13 to the board.

14 (2) Upon receipt of an application, the board shall
15 place the license of the individual on inactive status
16 without fee and the individual shall be entitled to apply for
17 licensure renewal at any time.

18 (3) An individual who requests the board to activate the
19 individual's license and who has been on inactive status for
20 a period of five consecutive years must, prior to receiving
21 an active license, satisfy the requirements of the board's
22 regulations for ensuring continued education, including
23 holding current certification to administer cardiopulmonary
24 resuscitation and remitting the required fee.

25 (4) The board shall promulgate regulations to carry into
26 effect the provisions of this subsection.

27 (d) Reporting of multiple licensure.--

28 (1) A licensee who is licensed to practice naturopathic
29 medicine in another jurisdiction shall report this
30 information to the board on the biennial registration

1 application.

2 (2) Any disciplinary action taken in another
3 jurisdiction shall be reported to the board on the biennial
4 registration application or within 90 days of final
5 disposition, whichever is sooner.

6 (3) Multiple licensures shall be noted by the board on
7 the licensee's record, and the other licensing jurisdiction
8 shall be notified by the board of any disciplinary actions
9 taken against the licensee in this Commonwealth.

10 Section 303. Liability insurance.

11 (a) Duty to maintain.--

12 (1) A licensed naturopathic doctor practicing in this
13 Commonwealth shall maintain a level of medical professional
14 liability insurance coverage in the minimum amount of
15 \$1,000,000 per occurrence or claim made.

16 (2) Failure to maintain insurance coverage as required
17 shall subject the licensee to disciplinary proceedings.

18 (3) The board shall accept as satisfactory evidence of
19 insurance coverage any of the following:

20 (i) Self-insurance.

21 (ii) Personally purchased medical professional
22 liability insurance.

23 (iii) Medical professional liability insurance
24 coverage provided by the naturopathic doctor's employer
25 or similar insurance coverage acceptable to the board.

26 (b) Proof.--

27 (1) A license applicant shall provide proof that the
28 applicant has obtained medical professional liability
29 insurance in accordance with subsection (a). It is sufficient
30 if the applicant files with the application a copy of a

1 letter from the applicant's professional liability insurance
2 carrier indicating that the applicant will be covered against
3 professional liability in the required amounts effective upon
4 the issuance of the applicant's license to practice in this
5 Commonwealth.

6 (2) Upon issuance of the license, the licensee has 30
7 days to submit to the board the certificate of insurance or a
8 copy of the policy declaration page.

9 Section 304. Reciprocity.

10 The board shall grant a reciprocal license to an applicant
11 who is licensed or certified as a naturopathic doctor or similar
12 practice in another state and has demonstrated qualifications
13 which equal or exceed those required under this act in the
14 determination of the board. No license shall be granted under
15 this section to an applicant unless the state in which the
16 applicant is licensed affords reciprocal treatment to
17 individuals who are residents of this Commonwealth and who are
18 licensed under this act.

19 CHAPTER 4

20 PRACTICE OF NATUROPATHIC MEDICINE

21 Section 401. Scope of practice.

22 (a) Scope.--The following are deemed to be within the scope
23 of practice for a naturopathic doctor:

24 (1) Order and perform physical and laboratory
25 examinations consistent with naturopathic education and
26 training, for diagnostic purposes, utilizing common
27 diagnostic procedures.

28 (2) Order diagnostic imaging studies consistent with
29 naturopathic training.

30 (3) Dispense, administer, order, prescribe or perform

1 consistent with naturopathic education and training the
2 following:

3 (i) Naturopathic therapies.

4 (ii) Naturopathic physical medicine.

5 (iii) Devices, including therapeutic devices,
6 durable medical equipment and barrier contraception,
7 except those that require surgical intervention.

8 (iv) Health education and health counseling.

9 (v) Behavioral medicine.

10 (vi) Botanical medicine.

11 (vii) Naturopathic musculoskeletal therapy.

12 (viii) Homeopathic medicine.

13 (4) Utilize routes of administration that include oral,
14 nasal, auricular, ocular, rectal, vaginal, transdermal,
15 intradermal, subcutaneous and intramuscular.

16 (b) Prescriptions.--All prescriptions must be hand-printed,
17 typewritten or generated electronically.

18 (c) Prohibitions.--A naturopathic doctor licensed under this
19 act shall not:

20 (1) Prescribe, dispense or administer any legend drug.

21 (2) Perform surgical procedures.

22 (3) Practice or claim to practice as any other licensed
23 health care professional not authorized in this act unless
24 licensed as such.

25 (4) Use general or spinal anesthetics.

26 (5) Administer ionizing radioactive substances for
27 therapeutic purposes.

28 (6) Perform chiropractic adjustments, including grade
29 five mobilization and manipulation, unless licensed as a
30 chiropractor by the Commonwealth.

1 (7) Perform acupuncture, unless licensed as an
2 acupuncturist by the Commonwealth.

3 (8) Perform physical therapy, as defined in the act of
4 October 10, 1975 (P.L.383, No.110), known as the Physical
5 Therapy Practice Act, unless licensed as a physical therapist
6 by the Commonwealth.

7 CHAPTER 5

8 ADMINISTRATION AND ENFORCEMENT

9 Section 501. Refusal, suspension and revocation of licenses.

10 (a) Grounds.--The board may refuse, suspend, revoke, limit
11 or restrict a license or reprimand a licensee for any of the
12 following:

13 (1) Being convicted under Federal law, under the law of
14 any state or under the law of any foreign jurisdiction of an
15 offense of moral turpitude or of an offense which, if
16 committed in this Commonwealth, would constitute a sexual
17 offense or a felony. As used in this paragraph, the term
18 "convicted" includes a finding or verdict of guilt, an
19 admission of guilt or a plea of nolo contendere or receiving
20 probation without verdict, disposition in lieu of trial or an
21 accelerated rehabilitative disposition in the disposition of
22 felony charges.

23 (2) Being found to have engaged in immoral or
24 unprofessional conduct. In proceedings based on this
25 paragraph, actual injury to the patient need not be
26 established. As used in this paragraph, the term
27 "unprofessional conduct" includes:

28 (i) a departure from or failure to conform to the
29 standards of acceptable and prevailing practice; and

30 (ii) sexual exploitation of a patient.

1 (3) Violating standards of professional practice or
2 conduct adopted by the board.

3 (4) Presenting false credentials or documents or making
4 a false statement of fact in support of the applicant's
5 application for a license.

6 (5) Submitting a false or deceptive biennial renewal to
7 the board.

8 (6) Having a license suspended, revoked or refused or
9 receiving other disciplinary action by the proper licensing
10 authority of any other jurisdiction.

11 (7) Violating a regulation promulgated by the board,
12 including standards of professional practice and conduct or
13 violating an order of the board previously entered in a
14 disciplinary proceeding.

15 (8) Failing to refer a patient to a physician when the
16 patient is presenting a contradiction to naturopathic
17 medicine.

18 (9) Incompetence, negligence or misconduct in carrying
19 out the practice of naturopathic medicine.

20 (10) Practicing beyond the licensee's defined scope of
21 practice.

22 (11) Knowingly aiding, assisting, hiring or advising
23 someone in the unlawful practice of naturopathic medicine.

24 (12) Being unable to practice with reasonable skill and
25 safety by reason of illness, drunkenness, excessive use of
26 drugs, narcotics, chemicals or any other type of material, or
27 as a result of any mental or physical condition. In enforcing
28 this paragraph, the board, upon probable cause, has authority
29 to compel a licensee to submit to a mental or physical
30 examination by a physician approved by the board. Failure of

1 a licensee to submit to an examination when directed by the
2 board, unless the failure is due to circumstances beyond the
3 licensee's control, shall constitute an admission of the
4 allegations against the licensee, consequent upon which a
5 default and final order may be entered without the taking of
6 testimony or presentation of evidence. A licensee affected
7 under this paragraph shall, at reasonable intervals as
8 determined by the board, be afforded an opportunity to
9 demonstrate that the licensee can resume competent practice
10 with reasonable skill and safety.

11 (b) Board action.--If the board finds that the license or
12 application for license may be refused, revoked, restricted or
13 suspended under the terms of subsection (a), the board may do
14 any of the following:

15 (1) Deny the application for license.

16 (2) Administer a public reprimand.

17 (3) Revoke, suspend, limit or otherwise restrict a
18 license.

19 (4) Require a licensee to submit to the care, counseling
20 or treatment of a physician designated by the board.

21 (5) Restore a suspended license and impose any
22 disciplinary or corrective measure which it might originally
23 have imposed.

24 (c) Administrative Agency Law.--Actions of the board under
25 subsections (a) and (b) are subject to 2 Pa.C.S. Chs. 5 Subch. A
26 (relating to practice and procedure of Commonwealth agencies)
27 and 7 Subch. A (relating to judicial review of Commonwealth
28 agency action).

29 (d) Temporary suspension.--

30 (1) The board shall temporarily suspend a license under

1 circumstances as determined by the board to be an immediate
2 and clear danger to the public health and safety. The board
3 shall issue an order to that effect without a hearing, but
4 upon notice to the licensee concerned at the licensee's last
5 known address, which must include a written statement of all
6 allegations against the licensee.

7 (2) Subsection (c) shall not apply to temporary
8 suspension.

9 (3) Upon issuance of an order under this subsection, the
10 board shall commence formal action to suspend, revoke or
11 restrict the license as otherwise provided for in this act.
12 All actions shall be taken promptly.

13 (4) Within 30 days following the issuance of an order
14 temporarily suspending a license, the board shall conduct a
15 preliminary hearing to determine that there is a prima facie
16 case supporting the suspension. The licensee whose license
17 has been temporarily suspended may be present at the
18 preliminary hearing and may be represented by counsel, cross-
19 examine witnesses, inspect physical evidence, call witnesses,
20 offer evidence and testimony and make a record of the
21 proceedings.

22 (5) If it is determined that there is not a prima facie
23 case, the suspended license shall be immediately restored.

24 (6) A temporary suspension shall remain in effect until
25 vacated by the board, but in no event longer than 180 days.

26 (e) Automatic suspension.--

27 (1) A license shall automatically be suspended upon the
28 legal commitment of a licensee to an institution because of
29 mental incompetence from any cause upon filing with the board
30 a certified copy of the commitment.

1 (2) A license shall automatically be suspended upon
2 conviction of a felony under the act of April 14, 1972 (P.L.
3 233, No. 64), known as The Controlled Substance, Drug, Device
4 and Cosmetic Act, or conviction of an offense under the laws
5 of another jurisdiction, which, if committed in this
6 Commonwealth, would be a felony under The Controlled
7 Substance, Drug, Device and Cosmetic Act. As used in this
8 paragraph, the term "conviction" includes a judgment, an
9 admission of guilt or a plea of nolo contendere.

10 (3) Automatic suspension under this section shall not be
11 stayed pending an appeal.

12 (4) Reinstatement of a license shall be made under
13 section 502.

14 (5) Subsection (c) shall not apply to automatic
15 suspension.

16 Section 502. Reinstatement of license.

17 Unless ordered to do so by a court of competent jurisdiction,
18 the board shall not reinstate the license of an individual which
19 has been revoked. An individual whose license has been revoked
20 may reapply for a license after a period of at least five years
21 but must meet all of the licensing requirements of this act.

22 Section 503. License renewal, records and fees.

23 (a) Records.--A record of all licensees shall be kept in the
24 office of the board and shall be open to public inspection and
25 copying upon payment of a reasonable fee for copying the record.

26 (b) Fees.--

27 (1) All fees required under this act shall be fixed by
28 the board by regulation. If the revenue raised by fees, fines
29 and civil penalties imposed under this act are not sufficient
30 to meet expenditures over a two-year period, the board shall

1 increase those fees by regulation so that the projected
2 revenues will meet or exceed projected expenditures.

3 (2) If the bureau determines that the fees established
4 by the board under paragraph (1) are inadequate to meet the
5 minimum enforcement efforts required by this act, the bureau,
6 after consultation with the board, shall increase the fees by
7 regulation in an amount so that adequate revenues are
8 collected to meet the required enforcement effort.

9 Section 504. Duty of licensee.

10 A licensee shall refer a patient to a physician when the
11 patient is presenting a contraindication to the practice of
12 naturopathic medicine.

13 Section 505. Other professions.

14 Nothing in this act shall be construed as preventing,
15 restricting or requiring licensure of any of the following
16 activities:

17 (1) The practice of a profession by an individual who is
18 licensed, certified or registered by a Commonwealth agency
19 under other law and who is performing services or advertising
20 within the authorized scope of practice.

21 (2) The practice of naturopathic medicine by an
22 individual employed by the Federal Government while the
23 individual is engaged in the performance of duties under
24 Federal law.

25 (3) The practice of naturopathic medicine by an
26 individual licensed, registered or certified in another
27 jurisdiction when incidentally called into this Commonwealth
28 to teach a course related to the practice of naturopathic
29 medicine or to consult with a licensee.

30 (4) The use, recommendation or practice by an individual

1 not licensed by the board as a naturopathic doctor, of
2 traditional naturopathy, naturopathic therapies, naturopathic
3 health care, naturopathic services, natural remedies,
4 ayurvedic medicine, herbal remedies, food and dietary
5 supplements, nutritional advice, homeopathy and homeopathic
6 remedies, hydrotherapy and therapeutic exercises or any other
7 complementary and alternative healing methods and treatments
8 that may be components of naturopathic medicine, provided the
9 individual does not hold himself out as a naturopathic doctor
10 or as a provider of naturopathic medicine.

11 Section 506. Unlawful practice.

12 (a) General rule.--An individual may not practice
13 naturopathic medicine or hold himself out as a naturopathic
14 doctor unless licensed by the board. An individual represents
15 himself as a naturopathic doctor when that person adopts or uses
16 any title or any description of services that incorporates one
17 or more of the following terms or designations:

18 (1) naturopathic doctor or N.D.; or

19 (2) doctor of naturopathic medicine, naturopathic
20 medical doctor or N.M.D.

21 (b) Title.--An individual who holds a license or is
22 maintained on inactive status may use the title "Naturopathic
23 Doctor" and the abbreviation "N.D." or "N.M.D." No other
24 individual may use the title "Naturopathic Doctor" or hold
25 himself out to others as a naturopathic doctor. This subsection
26 includes advertising as a naturopathic doctor and adopting or
27 using any title or description, including naturopathic doctor,
28 doctor of naturopathic medicine, naturopathic medicine or a
29 derivative of those terms and their related abbreviations.

30 (c) Employment.--An individual, corporation, partnership,

1 firm or other entity may not employ an individual as a
2 naturopathic doctor unless the individual is licensed by the
3 board.

4 (d) Terminology.--A business entity may not utilize in
5 connection with a business name or activity the words
6 naturopathic doctor, doctor of naturopathic medicine,
7 naturopathic medicine or a derivative of those terms and their
8 related abbreviations unless the services of the business are
9 provided by licensees.

10 (e) Injunction.--Unlawful practice may be enjoined by the
11 courts upon petition of the commissioner or the board. In a
12 proceeding under this section, it shall not be necessary to show
13 that an individual has been injured. If the court finds that the
14 respondent has violated this section, it shall enjoin the
15 respondent from practicing until the respondent has been
16 licensed. Procedure in such cases shall be the same as in any
17 other injunction suit.

18 (f) Remedy cumulative.--The injunctive remedy provided in
19 this section shall be in addition to any other civil or criminal
20 prosecution and punishment.

21 Section 507. Violation of act.

22 (a) General rule.--A person that violates a provision of
23 this act or a regulation of the board commits a misdemeanor of
24 the third degree and shall, upon conviction, be sentenced to pay
25 a fine of not more than \$1,000 or to imprisonment for not more
26 than six months for the first violation and to pay a fine of not
27 more than \$2,000 or to imprisonment for not less than six months
28 or more than one year, or both, for each subsequent violation.

29 (b) Civil penalty.--In addition to any other civil remedy or
30 criminal penalty provided for in this act, the board, by a vote

1 of the majority of the maximum number of the authorized
2 membership of the board or by a vote of the majority of the
3 qualified and confirmed membership or a minimum of five members,
4 whichever is greater, may levy a civil penalty of up to \$1,000
5 on any of the following:

6 (1) A naturopathic doctor who violates a provision of
7 this act.

8 (2) A person who employs a naturopathic doctor in
9 violation of this act.

10 (3) An individual who holds himself out as a licensee
11 without being properly licensed as provided in this act.

12 (4) The responsible officers or employees of a
13 corporation, partnership, firm or other entity that violates
14 a provision of this act.

15 (c) Administrative Agency Law.--Action of the board under
16 subsection (b) is subject to 2 Pa.C.S. Chs. 5 Subch. A (relating
17 to practice and procedure of Commonwealth agencies) and 7 Subch.
18 A (relating to judicial review of Commonwealth agency action).

19 CHAPTER 6

20 MISCELLANEOUS PROVISIONS

21 Section 601. Regulations.

22 The board shall promulgate regulations to carry out this act.
23 Publication of the final-form regulations under this section
24 shall take place within 18 months of the effective date of this
25 section. The board shall report, within 60 days of the effective
26 date of this section, and every 30 days thereafter, on the
27 status of the regulations to the Consumer Protection and
28 Professional Licensure Committee of the Senate and the
29 Professional Licensure Committee of the House of
30 Representatives.

1 Section 602. Effective date.

2 This act shall take effect as follows:

3 (1) Chapter 2 and this chapter shall take effect
4 immediately.

5 (2) The remainder of this act shall take effect in two
6 years.