

INTERIM STUDY PROPOSAL 2023-126

State of Arkansas
94th General Assembly

A Bill

DRAFT JMB/JMB
SENATE BILL

By: Senator C. Penzo

Filed with: House Committee on Public Health, Welfare, and Labor
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO CREATE THE NATUROPATHIC PHYSICIAN PRACTICE
ACT; TO PROVIDE FOR LICENSURE OF NATUROPATHIC
PHYSICIANS IN ARKANSAS; TO CREATE A NATUROPATHIC
PHYSICIAN ADVISORY COMMITTEE TO THE ARKANSAS STATE
MEDICAL BOARD; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE NATUROPATHIC PHYSICIAN
PRACTICE ACT; TO PROVIDE FOR LICENSURE
OF NATUROPATHIC PHYSICIANS IN ARKANSAS;
AND TO CREATE A NATUROPATHIC PHYSICIAN
ADVISORY COMMITTEE TO THE ARKANSAS STATE
MEDICAL BOARD.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 17, Chapter 95, is amended to add an
additional subchapter to read as follows:

Subchapter 12 – Naturopathic Physician Practice Act

17-95-1201. Title.

This subchapter shall be known and may be cited as the "Naturopathic
Physician Practice Act".

1 17-95-1202. Legislative findings and intent.

2 (a) The General Assembly finds that:

3 (1) The practice of naturopathic medicine in this state affects
4 the public health, safety, and welfare and should be subject to regulation
5 and control in the public interest; and

6 (2) Naturopathic physicians comprise a distinct healthcare
7 profession that affects the public health, safety, and welfare and increases
8 freedom of choice in health care in this state.

9 (b) It is the intent of the General Assembly to ensure that
10 naturopathic physicians and the practice of naturopathic medicine as defined
11 in this subchapter merit the confidence of the public, that only qualified
12 persons be authorized to practice naturopathic medicine in this state, and
13 that a person shall not practice naturopathic medicine without a valid
14 existing license.

15
16 17-95-1203. Definitions.

17 As used in this subchapter:

18 (1) "Approved naturopathic medical school" means a medical
19 school approved by the Arkansas State Medical Board under this subchapter
20 that prepares a naturopathic physician for the practice of naturopathic
21 medicine;

22 (2)(A) "Clinical laboratory procedure" means the use of
23 venipuncture consistent with naturopathic medical practice, commonly used
24 diagnostic modalities consistent with naturopathic practice, the recording of
25 a patient's health history, physical examination, ordering and interpretation
26 of radiographic diagnostics, and other standard imaging and examination of
27 body orifices, excluding endoscopy and colonoscopy.

28 (B) "Clinical laboratory procedure" includes the practice
29 of obtaining samples of human tissues, except surgical excision beyond
30 surgical excision that is authorized as a minor office procedure;

31 (3) "Homeopathic medicine" means a system of medicine based on
32 the use of minimal doses of substances capable of producing symptoms similar
33 to those of the disease treated, as listed in the Homeopathic Pharmacopoeia
34 of the United States;

35 (4) "Hygiene" means the use of preventive techniques, including
36 personal hygiene, asepsis, public health, and safety;

1 (5) "Laboratory examination" means:

- 2 (A) Phlebotomy;
- 3 (B) A clinical laboratory procedure;
- 4 (C) An orificial examination;
- 5 (D) A physiological function test; and
- 6 (E) A screening or test that is consistent with

7 naturopathic education and training;

8 (6) "Minor office procedure" means minor surgical care and
9 procedures, including:

10 (A) Surgical care incidental to superficial laceration,
11 lesion or abrasion, excluding surgical care to treat a lesion suspected of
12 malignancy;

13 (B) The removal of foreign bodies located in superficial
14 structures, excluding the globe of the eye;

15 (C) Trigger point therapy;

16 (D) Dermal stimulation;

17 (E) Allergy testing and treatment; and

18 (F) The use of antiseptics and topical or local
19 anesthetics;

20 (7) "Naturopathic medicine" means:

21 (A) A system of health care for the prevention, diagnosis,
22 and treatment of human health conditions, injury, and disease;

23 (B) The promotion or restoration of health; and

24 (C) The support and stimulation of a patient's inherent
25 self-healing processes through patient education and the use of naturopathic
26 therapies and therapeutic substances;

27 (8) "Naturopathic physical medicine" means the use of one (1) or
28 more of the following physical agents in a manner consistent with
29 naturopathic medical practice on a part or the whole of the body, by hand or
30 by mechanical means, in the resolution of a human ailment or conditions:

31 (A) Air;

32 (B) Water;

33 (C) Heat;

34 (D) Cold;

35 (E) Sound;

36 (F) Light;

- 1 (G) Electromagnetism;
- 2 (H) Colon hydrotherapy;
- 3 (I) Soft tissue therapy;
- 4 (J) Joint mobilization;
- 5 (K) Therapeutic exercise; or
- 6 (L) Naturopathic manipulation;
- 7 (9) "Naturopathic physician" means an individual licensed under
- 8 this subchapter as a naturopathic physician to practice naturopathic medicine
- 9 in the state;
- 10 (10) "Naturopathic therapy" means the use of:
- 11 (A) Naturopathic physical medicine;
- 12 (B) Suggestion;
- 13 (C) Hygiene;
- 14 (D) A therapeutic substance;
- 15 (E) A dangerous drug;
- 16 (F) Nutrition and food science;
- 17 (G) Homeopathic medicine;
- 18 (H) A clinical laboratory procedure; or
- 19 (I) A minor office procedure;
- 20 (11) "Nutrition and food science" means the prevention and
- 21 treatment of disease or other human conditions through the use of food,
- 22 water, herbs, roots, bark, or natural food elements;
- 23 (12) "Professional examination" means a competency-based
- 24 national naturopathic physician licensing examination administered by the
- 25 North American Board of Naturopathic Examiners or its successor agency, which
- 26 nationally administers a naturopathic examination that represents federal
- 27 standards of education and training;
- 28 (13) "Suggestion" means a technique using:
- 29 (A) Biofeedback;
- 30 (B) Hypnosis;
- 31 (C) Health education; or
- 32 (D) Health counseling; and
- 33 (14) "Therapeutic substance" means any of the following
- 34 exemplified in a standard naturopathic medical text, journal, or
- 35 pharmacopeia:
- 36 (A) A vitamin;

- 1 (B) A mineral;
- 2 (C) A nutraceutical;
- 3 (D) A botanical medicine;
- 4 (E) Oxygen;
- 5 (F) A homeopathic medicine;
- 6 (G) A hormone;
- 7 (H) A hormonal or pharmaceutical contraceptive device; or
- 8 (I) Other physiologic substance.

9

10 17-95-1204. Exemptions.

11 This subchapter does not prohibit or restrict:

12 (1) The practice of a healthcare profession by an individual who
13 is licensed, certified, or registered under the laws of this state and who is
14 performing services within the individual's scope of practice;

15 (2) The practice of naturopathic medicine by a student enrolled
16 in an approved naturopathic medical school if the practice of naturopathic
17 medicine by a student is performed under a course of instruction or an
18 assignment from an instructor and under the supervision of the instructor who
19 is a licensee or a duly licensed professional in the instructed field;

20 (3) Any person that sells a vitamin or herb from providing
21 information about the vitamin or herb;

22 (4) The practice of naturopathic medicine by a person who is
23 licensed to practice in any other state or district in the United States and
24 who enters this state to consult with a naturopathic physician of this state
25 if the consultation is limited to examination, recommendation, or testimony
26 in litigation; or

27 (5) Any person or practitioner who is not licensed as a
28 naturopathic physician from recommending ayurvedic medicine, herbal remedies,
29 nutritional advice, homeopathy, or other therapy that is within the scope of
30 practice of naturopathic medicine if that person or practitioner does not:

31 (A) Use a title protected under this subchapter;

32 (B) Represent or assume the character or appearance of a
33 licensee of this subchapter; or

34 (C) Otherwise use a name, title, or other designation that
35 indicates or implies that the person is a licensee of this subchapter.

36

1 17-95-1205. Qualifications for licensure.

2 The Arkansas State Medical Board shall license an applicant who:

3 (1) Submits, in accordance with rules of the Arkansas State
4 Medical Board, the following items to the Arkansas State Medical Board:

5 (A) An application for licensure developed by the Arkansas
6 State Medical Board and submitted in accordance with rules of the Arkansas
7 State Medical Board;

8 (B) An application fee submitted in an amount and manner
9 established by rules of the Arkansas State Medical Board;

10 (C) Evidence that the applicant has:

11 (i) Graduated from an approved naturopathic medical
12 school;

13 (ii) Successful completion of a competency-based
14 national naturopathic medicine licensing examination;

15 (iii) Passed a pharmacy examination authorized by
16 rules of the Arkansas State Medical Board and administered by North American
17 Board of Naturopathic Examiners; and

18 (iv) Passed a state jurisprudence examination that
19 meets standards established in rules of the Arkansas State Medical Board; and

20 (D) Evidence of professional liability insurance with
21 policy limits not less than prescribed by the Arkansas State Medical Board;

22 (2) Is determined by the Arkansas State Medical Board, upon
23 recommendation by the Naturopathic Physician Advisory Committee, to be
24 physically and mentally capable of safely practicing naturopathic medicine
25 with or without reasonable accommodation; and

26 (3) Has not had a license to practice naturopathic medicine or
27 other healthcare license, registration, or certificate refused, revoked, or
28 suspended by any other jurisdiction for reasons that relate to the
29 applicant's ability to skillfully and safely practice naturopathic medicine
30 unless that license, registration, or certification has been restored to good
31 standing by that jurisdiction.

32
33 17-95-1206. Scope of practice.

34 A licensee may practice naturopathic medicine to provide primary care
35 in alignment with naturopathic medical education to:

36 (1) Perform physical examinations;

- 1 (2) Order laboratory examinations;
- 2 (3) Order diagnostic imaging studies;
- 3 (4) Interpret the results of laboratory examinations for
4 diagnostic purposes;
- 5 (5) Order and, based on a radiologist's report, take action on
6 diagnostic imaging studies in a manner consistent with naturopathic training;
- 7 (6) Prescribe, administer, dispense, and order food, extracts of
8 food, nutraceuticals, vitamins, amino acids, minerals, enzymes, botanicals
9 and their extracts, botanical medicines, homeopathic medicines, all dietary
10 supplements, and nonprescription drugs as defined by the Federal Food, Drug,
11 and Cosmetic Act, 21 U.S.C. § 301 et seq.;
- 12 (7) Prescribe, administer, dispense, and order:
 - 13 (A) A legend drug as defined under § 20-64-503; and
 - 14 (B) A drug listed within Schedules III - V;
- 15 (8) Administer intramuscular, intravenous, subcutaneous, intra-
16 articular, and intradermal injections of substances appropriate to
17 naturopathic medicine;
- 18 (9) Use routes of administration that include oral, nasal,
19 auricular, ocular, rectal, vaginal, transdermal, intradermal, subcutaneous,
20 intravenous, intra-articular, and intramuscular consistent with the education
21 and training of a naturopathic physician;
- 22 (10) Perform naturopathic physical medicine;
- 23 (11) Employ the use of naturopathic therapy;
- 24 (12) Use therapeutic devices, barrier contraception,
25 intrauterine devices, hormonal and pharmaceutical contraception, and durable
26 medical equipment; and
- 27 (13) Perform minor office procedures.

28
29 17-95-1207. Prohibitions.

30 A naturopathic physician shall not:

- 31 (1) Perform surgery outside of the scope of minor office
32 procedures permitted in the employment of naturopathic therapy;
- 33 (2) Use general or spinal anesthetics;
- 34 (3) Administer ionizing radioactive substances for therapeutic
35 purposes;
- 36 (4) Perform a surgical procedure:

1 (A) Using a laser device; or

2 (B) Involving any of the following areas of the body that
3 extend beyond superficial tissue:

4 (i) Eye;

5 (ii) Ear;

6 (iii) Tendon;

7 (iv) Nerves;

8 (v) Veins; or

9 (vi) Artery;

10 (5) Perform a surgical abortion;

11 (6) Treat any lesion suspected of malignancy or requiring
12 surgical removal; or

13 (7) Perform acupuncture.

14
15 17-95-1208. License expiration and renewal – Denial and revocation –
16 Continuing education.

17 (a) A license issued or renewed under this subchapter shall expire two
18 (2) years following its issuance or last renewal.

19 (b) The Arkansas State Medical Board may renew the license of any
20 naturopathic physician who, upon the expiration of his or her license:

21 (1) Has submitted an application for renewal;

22 (2) Has paid the renewal fee established by rules of the board;

23 (3) Meets the qualifications for licensure under this subchapter
24 and rules of the board; and

25 (4) Meets the continuing education requirements established by
26 the board.

27 (c) The board shall grant an opportunity for a hearing to applicants
28 and licensees for whom the board intends to refuse to issue or renew a
29 license, or whose license the board proposes to revoke or suspend.

30
31 17-95-1209. Display of license.

32 A naturopathic physician shall display his or her license in the his or
33 her place of business in a location clearly visible to his or her patients
34 and shall also display evidence of the naturopathic physician having
35 completed an approved naturopathic medical school

1 17-95-1210. Referral requirement.

2 A naturopathic physician shall refer to a physician licensed to
3 practice in the state any patient whose medical condition is determined, at
4 the time of evaluation or treatment, to be beyond the scope of practice of
5 the naturopathic physician.

6
7 17-95-1211. Title protection.

8 (a) A licensee shall use the title "naturopathic physician" or
9 "naturopathic doctor" and the recognized abbreviation "N.D."

10 (b) A licensee has the exclusive right to use the following terms in
11 reference to the licensee's self:

- 12 (1) "Naturopathic physician";
- 13 (2) "Naturopathic doctor";
- 14 (3) "Doctor of naturopathic medicine";
- 15 (4) "Doctor of naturopathy";
- 16 (5) "N.D.";
- 17 (6) "ND";
- 18 (7) "NMD"; and
- 19 (8) "N.M.D."

20 (c) An individual represents the individual's self to be a
21 naturopathic physician or a naturopathic doctor when the individual uses or
22 adopts any of the terms in subdivisions (b)(1)-(8) of this section in
23 reference to the individual's self.

24 (d)(1) An individual shall not represent the individual's self to the
25 public as a naturopathic physician, naturopathic doctor, a doctor of
26 naturopathic medicine, or a doctor of naturopathy, or as being otherwise
27 authorized to practice naturopathic medicine in the state, unless the
28 individual is licensed under this subchapter.

29 (2) An individual who is not licensed under this subchapter is
30 guilty of a Class A misdemeanor if he or she:

- 31 (A) Holds himself or herself out as a naturopathic
32 physician or naturopathic doctor;
- 33 (B) Uses any combination or abbreviation of the term
34 "naturopathic physician" or "naturopathic doctor" indicating or implying that
35 he or she is a naturopathic physician or naturopathic doctor; or
- 36 (C) Acts as a naturopathic physician without being

1 licensed by the Arkansas State Medical Board.

2
3 17-95-1212. Approved naturopathic medical school

4 (a) With the advice and consent of the Naturopathic Physician Advisory
5 Committee, the Arkansas State Medical Board shall establish, by rule,
6 guidelines for an approved naturopathic medical school and specifications for
7 the education of naturopathic physicians in this state.

8 (b) The guidelines established under subsection (a) of this section
9 shall include that the approved naturopathic medical school shall require at
10 a minimum:

11 (1) Graduation from:

12 (A) A naturopathic medical education program in the United
13 States providing the degree of Doctor of Naturopathy or Doctor of
14 Naturopathic Medicine, that:

15 (i) Offers graduate-level, full-time didactic, and
16 supervised clinical training;

17 (ii) Is accredited or has achieved candidacy status
18 for accreditation by the Council on Naturopathic Medical Education or an
19 equivalent federally recognized accrediting body for naturopathic medical
20 programs also recognized by the Arkansas State Medical Board; and

21 (iii) Is an institution of higher education or part
22 of an institution of higher education that is either accredited or is a
23 candidate for accreditation by a regional or national institutional
24 accrediting agency recognized by the United States Secretary of Education;

25 (B) A degree-granting institution of higher education
26 that, before the existence of the Council on Naturopathic Medical Education,
27 offered a full-time, structured curriculum in basic sciences and supervised
28 patient care comprising a doctoral naturopathic medical education requiring
29 not less than one hundred thirty-two (132) weeks of coursework to be
30 completed within a period of not less than thirty-five (35) months, that was
31 reputable and in good standing in the judgment of the Arkansas State Medical
32 Board and which, if still in existence, has current programmatic
33 accreditation by the Council on Naturopathic Medical Education or a federally
34 recognized equivalent accrediting agency;

35 (C) A diploma-granting, degree-equivalent institution of
36 higher education located in Canada that, before the existence of the Council

1 on Naturopathic Medical Education, had provincial approval for participation
2 in government- funded student aid programs, offered a full-time, structured
3 curriculum in basic sciences and supervised patient care comprising a
4 doctoral naturopathic medical education requiring not less than one hundred
5 thirty-two (132) weeks of coursework to be completed within a period of not
6 less than thirty (30) months, was reputable and in good standing in the
7 judgment of the Arkansas State Medical Board, and, if still in existence, has
8 current programmatic accreditation by the Council on Naturopathic Medical
9 Education or a federally recognized equivalent accrediting agency, and
10 currently has provincial approval for participation in government-funded
11 student aid programs; or

12 (D) A diploma-granting, degree-equivalent institution of
13 higher education located in Canada that has provincial approval for
14 participation in government-funded student aid programs, offers graduate-
15 level, full-time didactic, and supervised clinical training, and is
16 accredited or has achieved candidacy status for accreditation by the Council
17 on Naturopathic Medical Education or an equivalent federally recognized
18 accrediting body for naturopathic medical programs also recognized by the
19 Arkansas State Medical Board; and

20 (2) Successful completion of a competency-based national
21 naturopathic medicine licensing examination administered by the North
22 American Board of Naturopathic Examiners, or an equivalent agency recognized
23 by the Arkansas State Medical Board, or, for graduates of approved
24 naturopathic medical programs in the United States before the existence of
25 the Council on Naturopathic Medical Education, a competency-based state
26 naturopathic medicine licensing examination, or equivalent Canadian
27 provincial licensing examination for the practice of naturopathic medicine
28 approved by the Arkansas State Medical Board.

29
30 17-95-1213. Naturopathic Physician Advisory Committee – Creation –
31 Powers and duties.

32 (a)(1) The Naturopathic Physician Advisory Committee is created as an
33 advisory committee to the Arkansas State Medical Board.

34 (2) The committee shall advise the board regarding:

35 (A) Licensure of naturopathic physicians; and

36 (B) The board’s approval of matters relating to the

1 training and licensure of naturopathic physicians.

2 (b)(1) On or before October 1, 2025, the board shall appoint an
3 initial committee of one (1) member for a term of four (4) years and two (2)
4 members for terms of three (3) years each.

5 (2) The initial committee shall consist of three (3) voting
6 members as follows:

7 (A) Two (2) licensed naturopathic physicians who are
8 members of the Arkansas Naturopathic Physician's Association, Inc.; and

9 (B) One (1) member who is a resident of the state who is
10 not, and never has been, a licensed healthcare practitioner and who does not
11 have an interest in naturopathic education, naturopathic medicine, or
12 naturopathic business or practice.

13 (3) On the expiration of the terms of the initial committee
14 members, the board shall appoint successors for terms of four (4) years each
15 as follows:

16 (A) Two (2) naturopathic physicians licensed under this
17 subchapter; and

18 (B) One (1) member who is a resident of the state who is
19 not, and never has been, a licensed healthcare practitioner and who does not
20 have an interest in naturopathic education, naturopathic medicine, or
21 naturopathic business or practice.

22 (c)(1) On or before October 1, 2025, the board shall call the first
23 meeting of the committee, at which meeting members shall elect a chair.

24 (2) By January 1, 2026, and at least once during each calendar
25 quarter thereafter, the committee shall hold a meeting at the call of the
26 chair.

27 (3) The committee may hold additional meetings at the call of
28 the chair or at the written request of any two (2) members of the committee.

29 (d) Vacancies on the committee shall be filled by the board from a
30 list of not fewer than three (3) candidates provided by the Arkansas
31 Naturopathic Physician's Association, Inc.

32 (e) A majority of the committee membership shall constitute a quorum.

33 (f) At the discretion of the board, members of the committee may
34 receive expense reimbursement under § 25-16-902.

35 (g) The committee shall develop guidelines for the board to consider
36 for rulemaking with regard to:

1 (1) Regulating the licensure of naturopathic physicians and
2 determining the hours of continuing education units required for maintaining
3 licensure as a naturopathic physician;

4 (2) Prescribing the manner in which records of examinations and
5 treatments shall be kept and maintained;

6 (3) Establishing:

7 (A) Standards for professional responsibility and conduct;

8 (B) Criteria for advertising or promotional materials;

9 (C) Continuing education hours and content;

10 (D) Standards for the state jurisprudence examination;

11 (E) Schedules for providing licensing examinations and for
12 the issuance of examination results;

13 (F) Procedures and standards for reviewing licensing
14 examination scores;

15 (G) Procedures for reviewing transcripts demonstrating
16 completion of the approved naturopathic medical school;

17 (H) Requirements for issuance and renewal of licenses; and

18 (I) Any other matter necessary to implement this
19 subchapter;

20 (4) Identifying disciplinary actions and circumstances that
21 require disciplinary action;

22 (5) Developing a means to provide information to all
23 naturopathic physicians in the state;

24 (6) Providing for:

25 (A) The investigation of complaints against naturopathic
26 physicians or persons holding themselves out as naturopathic physicians in
27 the state;

28 (B) The publication of information for the public about
29 naturopathic physicians and the practice of naturopathic medicine in the
30 state; and

31 (C) An orderly process for reinstatement of a license; and

32 (7) Creating and maintaining a list of approved naturopathic
33 medical schools that meet statutory requirements under this subchapter.

34
35 SECTION 2. DO NOT CODIFY. TEMPORARY LANGUAGE. Issuance of first
36 licenses.

1 On or before December 1, 2025, the Arkansas State Medical Board shall
2 issue licenses to those applicants who have met the requirements of this act
3 and board rules promulgated in accordance with this act.

4

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6 Referred by Senator C. Penzo

7 Prepared by: JMB/JMB

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