INTERIM STUDY PROPOSAL 2025-092

State of Arkansas
96th General Assembly

A Bill

JMB/JMB
SENATE BILL

By: Senator C. Penzo

Filed with: Senate 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 THE ARKANSAS STATE BOARD OF NATURAL MEDICINE; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE NATUROPATHIC PHYSICIAN PRACTICE ACT; TO PROVIDE FOR LICENSURE OF NATUROPATHIC PHYSICIANS IN ARKANSAS; AND TO CREATE THE ARKANSAS STATE BOARD OF NATURAL MEDICINE.

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

SECTION 1. Arkansas Code Title 17 is amended to add an additional chapter to read as follows:

CHAPTER 109

NATUROPATHIC PHYSICIAN PRACTICE ACT

Subchapter 1 — General Provisions

17-109-101. Title.

This chapter shall be known and may be cited as the "Naturopathic

Physician Practice Act".

17-109-102. Legislative findings and intent.

(a) The General Assembly finds that:

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

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

(b) It is the intent of the General Assembly to ensure that:

(1) Naturopathic physicians and the practice of naturopathic medicine as defined in this chapter merit the confidence of the public;

(2) Only qualified persons be authorized to practice naturopathic medicine in this state; and

(3) A person shall not practice naturopathic medicine without a valid existing license.

17-108-103. Definitions.

As used in this chapter:

(1) "Approved naturopathic medical school" means a medical school approved by the Arkansas State Board of Natural Medicine under this chapter that prepares a naturopathic physician for the practice of naturopathic medicine;

(2) "Clinical laboratory procedure" means the use of venipuncture consistent with naturopathic medical practice, commonly used diagnostic modalities consistent with naturopathic practice, the recording of a patient’s health history, physical examination, ordering and interpretation of radiographic diagnostics and other standard imaging, and examination of body orifices, excluding endoscopy and colonoscopy;

(3) "Electromagnetism” means the administration of electricity or its derivatives to assist in tissue healing and regeneration by cell stimulation, removal of edema and inflammatory mediators, and angiogenesis;

(4) "Homeopathic medicine" means a system of medicine based on the use of infinitesimal doses of substances capable of producing symptoms similar to those of the disease treated, as listed in the Homeopathic

Pharmacopoeia of the United States;

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

(6) "Laboratory examination" means:

(A) Phlebotomy;

(B) A clinical laboratory procedure;

(C) An orificial examination;

(D) A physiological function test; and

(E) A screening or test that is consistent with naturopathic education and training;

(7) "Naturopathic medicine" means:

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

(B) The promotion or restoration of health; and

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

(8) "Naturopathic physical medicine" means the manual administration of mechanical treatment to body structures or tissues for the purpose of restoring normal physiological function to the body by normalizing and balancing the musculoskeletal system of the body, including massage, stretching, resistance, or joint play examination;

(9) "Naturopathic physician" means an individual licensed under this chapter as a naturopathic physician to practice naturopathic medicine in this state;

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

(A) Air;

(B) Water;

(C) Heat;

(D) Cold;

(E) Sound;

(F) Light;

(G) Electromagnetism;

(H) Soft tissue therapy;

(I) Therapeutic exercise; or

(J) Naturopathic physical medicine;

(11) "Naturopathic therapy" means the use of:

(A) Naturopathic therapeutic medicine;

(B) Suggestion;

(C) Hygiene;

(D) A therapeutic substance;

(E) Nutrition and food science;

(F) Homeopathic medicine; or

(G) A clinical laboratory procedure;

(12) "Nutrition and food science" means the prevention and treatment of disease or other human conditions through the use of food, water, herbs, roots, bark, or natural food elements;

(13) "Suggestion" means a technique using:

(A) Biofeedback;

(B) Guided relaxation, imagery, or affirmations;

(C) Health education; or

(D) Health counseling; and

(14) "Therapeutic substance" means any of the following exemplified in a standard naturopathic medical text, journal, or pharmacopeia:

(A) A vitamin;

(B) A mineral;

(C) A nutraceutical;

(D) A botanical medicine;

(E) Oxygen;

(F) A homeopathic medicine; or

(G) Other physiologic substance.

17-109-104. Exemptions.

This chapter does not prohibit or restrict:

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

(2) The practice of naturopathic medicine by a student enrolled

in an approved naturopathic medical school if the practice of naturopathic medicine by a student is performed under a course of instruction or an assignment from an instructor and under the supervision of an instructor who is a licensee or a duly licensed professional in the instructed field;

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

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

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

(A) Use a title protected under this chapter;

(B) Represent or assume the character or appearance of a licensee of this chapter; or

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

17-109-105. Title protection.

(a) A licensee shall use the title "naturopathic physician" or "naturopathic doctor" and the recognized abbreviation "N.D." and has the exclusive right to use the following terms in reference to the licensee's self:

(1) "Naturopathic physician";

(2) "Naturopathic doctor";

(3) "Doctor of naturopathic medicine";

(4) "Doctor of naturopathy";

(5) "N.D.";

(6) "ND";

(7) "NMD"; and

(8) "N.M.D.".

(b) An individual represents the individual's self to be a naturopathic physician or a naturopathic doctor when the individual uses or

adopts any of the terms in subdivisions (a)(1)-(8) of this section in reference to the individual's self.

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

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

(A) Holds himself or herself out as a naturopathic physician or naturopathic doctor;

(B) Uses any combination or abbreviation of the terms listed in subsection (a) of this section indicating or implying that he or she is a naturopathic physician or naturopathic doctor; or

(C) Acts as a naturopathic physician without being licensed by the Arkansas State Board of Natural Medicine.

17-109-106. Approved naturopathic medical school.

(a) The Arkansas State Board of Natural Medicine shall establish, by rule, guidelines for an approved naturopathic medical school and specifications for the education of naturopathic physicians in this state.

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

(1) Graduation from:

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

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

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

(iii) Is an institution of higher education or part of an institution of higher education that is either accredited or is a

candidate for accreditation by a regional or national institutional accrediting agency recognized by the United States Department of Education;

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

(C) A diploma-granting, degree-equivalent institution of higher education located in Canada that, before the existence of the Council on Naturopathic Medical Education, had provincial approval for participation in government-funded student aid programs, offered a full-time, structured curriculum in basic sciences, and supervised patient care comprising a doctoral naturopathic medical education requiring not less than one hundred thirty-two (132) weeks of coursework to be completed within a period of not less than thirty (30) months, was reputable and in good standing in the judgment of the Arkansas State Board of Natural Medicine, and, if still in existence, has current programmatic accreditation by the Council on Naturopathic Medical Education or a federally recognized equivalent accrediting agency and currently has provincial approval for participation in government-funded student aid programs; or

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

(2) Successful completion of:

(A) A competency-based national naturopathic medicine licensing examination administered by the North American Board of

Naturopathic Examiners or an equivalent agency recognized by the Arkansas State Board of Natural Medicine;

(B) For graduates of approved naturopathic medical programs in the United States before the existence of the Council on Naturopathic Medical Education, a competency-based state naturopathic medicine licensing examination; or

(C) Equivalent Canadian provincial licensing examination for the practice of naturopathic medicine approved by the Arkansas State Board of Natural Medicine.

Subchapter 2 — Regulatory Agency

17-109-201. Arkansas State Board of Natural Medicine — Powers and duties.

The Arkansas State Board of Natural Medicine shall:

(1) Regulate the licensure of naturopathic physicians and determine the hours of continuing education units required for maintaining a license as a naturopathic physician;

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

(3) Establish:

(A) Standards for professional responsibility and conduct;

(B) Criteria for advertising or promotional materials;

(C) Continuing education hours and content;

(D) Standards for the state jurisprudence examination;

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

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

(G) Procedures for reviewing transcripts demonstrating completion of an approved naturopathic medical school;

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

(I) Any other matter necessary to implement this chapter;

(4) Identify disciplinary actions and circumstances that require disciplinary action;

(5) Develop a means to provide information to all naturopathic

physicians in the state;

(6) Provide for:

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

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

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

(7) Create and maintain a list of approved naturopathic medical schools that meet statutory requirements under this chapter.

Subchapter 3 — Licensure

17-109-301. Qualifications for licensure.

The Arkansas State Board of Natural Medicine shall license an applicant who:

(1) Submits, in accordance with rules of the board, the following items to the board:

(A) An application for licensure;

(B) An application fee submitted in an amount and manner established by rules of the board;

(C) Evidence that the applicant has:

(i) Graduated from an approved naturopathic medical school;

(ii) Successfully completed a competency-based national naturopathic medicine licensing examination; and

(iii) Passed a state jurisprudence examination that meets standards established in rules of the board; and

(D) Evidence of professional liability insurance with policy limits not less than prescribed by the board;

(2) Is determined by the board to be physically and mentally capable of safely practicing naturopathic medicine with or without reasonable accommodation; and

(3) Has not had a license to practice naturopathic medicine or other healthcare license, registration, or certificate refused, revoked, or

suspended by any other jurisdiction for reasons that relate to the applicant's ability to skillfully and safely practice naturopathic medicine unless that license, registration, or certification has been restored to good standing by that jurisdiction.

17-109-302. Scope of practice.

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

(1) Perform physical examinations;

(2) Order laboratory examinations;

(3) Order diagnostic imaging studies;

(4) Interpret the results of laboratory examinations for diagnostic purposes;

(5) Order and, based on a radiologist's report, take action on diagnostic imaging studies in a manner consistent with naturopathic training;

(6) Prescribe, administer, dispense, and order food, extracts of food, nutraceuticals, vitamins, amino acids, minerals, enzymes, botanicals and their extracts, botanical medicines, homeopathic medicines, all dietary supplements, and nonprescription drugs as defined by the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 et seq., as existing on January 1, 2027;

(7) Use routes of administration of therapeutic substances that include oral, nasal, auricular, ocular, rectal, vaginal, and transdermal consistent with the education and training of a naturopathic physician;

(8) Perform naturopathic therapeutic medicine;

(9) Employ the use of naturopathic therapy; and

(10) Use therapeutic devices, barrier contraception, and durable medical equipment.

17-109-303. License expiration and renewal — Denial and revocation — Continuing education.

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

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

(1) Has submitted an application for renewal;

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

(3) Meets the qualifications for licensure under this chapter and rules of the board; and

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

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

17-109-304. Display of license.

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

17-109-305. Referral requirement.

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

17-108-306. Criminal background check.

(a)(1) Each applicant for a license issued by the Arkansas State Board of Natural Medicine is required to apply to the Identification Bureau of the Division of Arkansas State Police for a state and federal criminal background check to be conducted by the Identification Bureau of the Division of Arkansas State Police and the Federal Bureau of Investigation.

(2) A license shall not be issued to an applicant until the board receives and approves the state and federal criminal background checks.

(b) The criminal background checks shall conform to applicable federal standards that are in effect on January 1, 2027, and shall include the taking of fingerprints.

(c) The applicant shall sign a release of information to the board and shall be responsible to the Division of Arkansas State Police for the payment of any fee associated with the criminal background checks.

(d) Upon completion of the criminal background checks, the Identification Bureau of the Division of Arkansas State Police shall forward

to the board all releasable information obtained concerning the applicant in the commission of any offense listed in subsection (e) of this section.

(e) Except as provided in subsection (f) of this section, a person shall not receive or hold a license issued by the board if the person has been convicted of or pleaded guilty or nolo contendere to any felony listed under § 17-3-102 or a crime involving fraud, dishonesty, untruthfulness, or untrustworthiness, or is a registered sex offender or required to register as a sex offender.

(f)(1) The provisions of subsection (e) of this section may be waived by the board upon the request of:

(A) An affected applicant for licensure; or

(B) The person holding a license subject to sanctions.

(2) Circumstances for which a waiver may be granted shall include without limitation:

(A) The age at which the crime was committed;

(B) The circumstances surrounding the crime;

(C) The length of time since the crime was committed;

(D) Subsequent work history;

(E) Employment references;

(F) Character references; and

(G) Other evidence demonstrating that the applicant does not pose a threat to the public.

(g)(1) Information received by the board from the Identification Bureau of the Division of Arkansas State Police or the Federal Bureau of Investigation under this section shall not be available for examination except by:

(A) The affected applicant for licensure or his or her authorized representative; or

(B) The person whose license is subject to revocation or his or her authorized representative.

(2) A record, file, or document shall not be removed from the custody of the division.

(h) Information made available to the affected applicant for licensure or the person whose license is subject to revocation shall pertain to that person only.

(i) Rights of privilege and confidentiality established in this

section shall not extend to any document created for purposes other than the criminal background checks.

(j) The board may adopt rules to fully implement this section.

SECTION 2. Arkansas Code § 17-102-102(1), concerning the definition of "acupuncture" within the Arkansas Acupuncture Practices Act, is amended to read as follows:

(1) "Acupuncture" means the insertion, manipulation, and removal of filiform needles from the body and the use of other modalities and procedures at specific locations on the body for the prevention, cure, or correction of a malady, illness, injury, pain, or other condition or disorder by controlling and regulating the flow and balance of energy and functioning of the patient to restore and maintain health, but acupuncture shall not be considered surgery;

SECTION 3. Arkansas Code § 17-102-102(3), concerning the definition of "board" within the Arkansas Acupuncture Practices Act, is repealed.

~~(3) "Board" means the Arkansas State Board of Acupuncture and Related Techniques;~~

SECTION 4. Arkansas Code § 17-102-103(a)(1), concerning the disposition of funds under the Arkansas Acupuncture Practices Act, is amended to read as follows:

(a)(1) All fees authorized by this chapter are the property of the Arkansas State Board of ~~Acupuncture and Related Techniques~~ Natural Medicine and shall be provided to the Treasurer of the Arkansas State Board of ~~Acupuncture and Related Techniques~~ Natural Medicine to be disposed of as provided in this chapter.

SECTION 5. Arkansas Code § 17-102-106 is amended to read as follows:

17-102-106. Prosecution of violations.

It shall be the duty of the several prosecuting attorneys of the State of Arkansas to prosecute to final judgment every criminal violation of this chapter committed within their jurisdictions when requested and authorized by the Arkansas State Board of ~~Acupuncture and Related Techniques~~ Natural Medicine.

SECTION 6. Arkansas Code Title 17, Chapter 102, Subchapter 2, is amended to read as follows:

Subchapter 2 — Arkansas State Board of ~~Acupuncture and Related Techniques~~ Natural Medicine

17-102-201. Creation of board — Members — Appointment.

(a)(1)(A) There is created the Arkansas State Board of ~~Acupuncture and Related Techniques~~ Natural Medicine.

(B) The board shall consist of ~~five (5)~~ eight (8) persons appointed by the Governor ~~as full members and one (1) person appointed by the Governor as an ex officio member~~ subject to confirmation by the Senate for terms of three (3) years, except as provided in subsection (b) of this section.

(2) Three (3) ~~full~~ members ~~of the board~~ shall be qualified acupuncturists.

(3) Three (3) members shall be qualified naturopathic physicians.

~~(3)(A)~~(4)(A) Two (2) ~~full~~ members shall be appointed to represent the public and shall not have practiced acupuncture and related techniques, naturopathic medicine, or any other medical professional regulated by the board in this or any other jurisdiction nor be retired from or have any financial interest in the ~~occupation~~ occupations regulated.

(B) ~~The public members shall be subject to confirmation by the Senate.~~ One (1) member shall represent consumers, and one (1) member shall be sixty (60) years of age or older and shall be the representative of the elderly.

(C) The same member shall not represent both consumers and the elderly under subdivision (a)(4)(B) of this section.

~~(C)~~(D) The public members shall be full voting members but shall not participate in the grading of examinations.

~~(4)(A) The ex officio member shall be a physician licensed pursuant to the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq., and shall be entitled to be notified of all board meetings and to participate in the deliberations of the board.~~

~~(B) However, the ex officio member shall have no vote,~~

~~shall not serve as an officer of the board, and shall not be counted to establish a quorum or a majority necessary to conduct business.~~

~~(5)(A) On a biennial basis, the board shall file a written report with the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor.~~

~~(B) The report shall contain a certified copy of the minutes of all board meetings as required by § 17-102-205 for the calendar years covering the period of time since the last report.~~

~~(C) The report shall contain a comprehensive assessment of the board's functionality, including without limitation staff and office site adequacy and any other information as may be requested by the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor sufficient for the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor to make a recommendation to the Governor regarding whether the board should be continued or whether the board should be disbanded and abolished in accordance with a proclamation issued by the Governor.~~

(b)(1) ~~The initial full members of the board shall be appointed by the Governor for staggered terms as follows:~~

~~(A) One (1) member's term shall expire after one (1) year;~~

~~(B) One (1) member's term shall expire after two (2) years; and~~

~~(C) One (1) member's term shall expire after three (3) years.~~

~~(2) Of the two (2) additional members appointed pursuant to Acts 1999, No. 536, one (1) shall be appointed for a two-year term and the other for a three-year term.~~

~~(3) The initial ex officio board member shall be appointed to a term of three (3) years.~~

~~(4)~~ Successors shall be appointed for three-year terms.

~~(5)~~(2) Vacancies shall be filled by appointment by the Governor for the unexpired term.

~~(6)~~(3) Board members shall serve until their successors have been appointed and qualified.

(c) ~~The Governor may remove any full member from the board for any reason that would justify the suspension or revocation of his or her license~~

~~to practice acupuncture and related techniques.~~

The term of each member shall expire on December 31 of the year designated, and a successor appointee shall be named by the Governor, subject to confirmation by the Senate, on or before the expiration date of the term expiring.

(d)(1) Vacancies shall be filled by appointment by the Governor within thirty (30) days of the vacancy.

(2) Vacancies of a professional member must be filled by a qualified appointee from the same profession.

(e) The members of the board shall take the oath prescribed by the Arkansas Constitution for state officers before entering upon the discharge of their duties.

(f)(1) A member of the board may be removed from the board by the Governor:

(A) For good cause under § 25-16-804;

(B) For cause including dishonorable or unprofessional conduct, abuse of authority, malfeasance, misfeasance, or nonfeasance; or

(C) For any reason that would justify probation, suspension, or revocation of his or her license to practice in the medical profession he or she represents.

(2) A member of the board shall not be involved in an investigation except to cooperate with the investigation as required by the investigator.

~~(d)~~(g) A person who is or has been in the preceding two (2) years on the faculty of a school which is subject to review by the board may not serve on the board.

17-102-202. Board members — Qualifications.

(a) Each member of the Arkansas State Board of ~~Acupuncture and Related Techniques~~ Natural Medicine shall be a citizen of the United States, a resident of this state, and, before entering upon the duties of the office, shall take the oath prescribed by the Arkansas Constitution for state officers and shall file it with the Secretary of State who shall thereupon issue to each person so appointed a certificate of appointment.

(b) Each ~~full~~ professional member who is a qualified acupuncturist also shall be a graduate of a reputable school or institute of acupuncture or

Oriental medicine and be certified by the National Certification Commission for Acupuncture and Oriental Medicine.

17-102-203. Board members — Liability.

(a) A ~~No~~ member of the Arkansas State Board of ~~Acupuncture and Related Techniques~~ Natural Medicine during the term of his or her office or thereafter shall not be liable for damages as a result of any official act in the performance of his or her duty as such a member.

(b) Any action therefor shall upon motion be dismissed with prejudice at the cost of the plaintiff.

17-102-204. Board organization — Meetings.

~~(a) The Arkansas State Board of Acupuncture and Related Techniques shall hold a meeting in May each year and elect from the board's membership a president, a secretary, and a treasurer for terms set by the board.~~

~~(b)(1) It shall be the duty of the board to meet regularly one (1) time in every six (6) months.~~

~~(2) Special meetings of the board may be called at any time at the pleasure of the President of the Arkansas State Board of Acupuncture and Related Techniques or by the Secretary of the Arkansas State Board of Acupuncture and Related Techniques on the request of any two (2) full members of the board.~~

~~(3) Three (3) full members shall constitute a quorum at any meeting of the board.~~

~~(c) The board shall determine by its own rules the time and manner of giving notice to members of meetings and other matters.~~

~~(d) Any action of the board shall require an affirmative vote of a majority of the full membership of the board, excluding the ex officio member.~~

(a)(1) Within thirty (30) days of appointment of members, the members of the Arkansas State Board of Natural Medicine shall meet and organize by electing a chair, vice chair, secretary, and treasurer.

(2) The Treasurer of the Arkansas State Board of Natural Medicine shall give bond in such amount as may be designated by the board, which may be increased or decreased from time to time, conditioned for the faithful disbursement and accounting of all moneys coming into his or her

hands as the treasurer.

(b) The board shall hold its regular meetings as established by rule of the board and shall have the power to call and hold special meetings at such times and places as deemed necessary.

17-102-205. Board minutes — Records.

(a) The Secretary of the Arkansas State Board of ~~Acupuncture and Related Techniques~~ Natural Medicine shall keep a record of the minutes of its meetings and a record of all persons making application for license and the action of the Arkansas State Board of ~~Acupuncture and Related Techniques~~ Natural Medicine thereon.

(b) The secretary shall also keep a record of the names, addresses, and license numbers of all acupuncturists licensed by the board, together with a record of license renewals, suspensions, and revocations.

17-102-206. Board duties and powers.

(a)(1) The Arkansas State Board of ~~Acupuncture and Related Techniques~~ Natural Medicine is empowered to incur whatever expenses it may deem necessary or expedient in performing its functions.

(2) All of the disbursements provided for in this section shall be out of the fees and fines collected by the ~~Arkansas State Board of Acupuncture and Related Techniques~~ board.

(b) The ~~Arkansas State Board of Acupuncture and Related Techniques~~ board shall:

(1) Make suitable bylaws for carrying out the duties of the ~~Arkansas State Board of Acupuncture and Related Techniques~~ board under the provisions of this chapter;

(2) Sue and be sued;

(3) Have an official seal that shall bear the words "Arkansas State Board of ~~Acupuncture and Related Techniques~~ Natural Medicine";

(4)(A) Provide a secretary's certificate.

(B) The certificate of the Secretary of the Arkansas State Board of ~~Acupuncture and Related Techniques~~ Natural Medicine under seal shall be accepted in the courts of the state as the best evidence as to the minutes of the ~~Arkansas State Board of Acupuncture and Related Techniques~~ board and shall likewise be accepted in the courts of the state as the best evidence as

to the licensure or nonlicensure of any person under the requirements of this chapter;

(5)~~(A)~~ Adopt, publish, and, from time to time, revise rules consistent with the law as may be necessary to enable the ~~Arkansas State Board of Acupuncture and Related Techniques~~ board to carry into effect the provisions of this chapter and the Naturopathic Physician Practice Act, § 17-109-101 et seq.

~~(B) All proposed rules after July 31, 2009, shall be approved in writing by the Arkansas State Medical Board under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., but before submission to the Administrative Rules Subcommittee of the Legislative Council~~;

(6) Keep a record of all proceedings, receipts, and disbursements of the ~~Arkansas State Board of Acupuncture and Related Techniques~~ board;

(7) Adopt standards for applicants wishing to take the licensing examination under this chapter and conduct examinations or contract with persons or entities to conduct examinations of applicants under this chapter;

(8)(A) Grant, deny, renew, suspend, or revoke licenses to practice acupuncture and related techniques for any cause stated in this chapter.

(B) Except as otherwise provided by this chapter, the ~~Arkansas State Board of Acupuncture and Related Techniques~~ board shall have exclusive jurisdiction to determine who shall be permitted to practice acupuncture and related techniques in the State of Arkansas; ~~and~~

(9) Conduct disciplinary proceedings under this chapter and the Naturopathic Physician Practice Act, § 17-109-101 et seq.;

(10) Develop a means to provide information to all professionals in this state governed by the board; and

(11) Provide for:

(A) The investigation of complaints against any person regulated by the board or holding himself or herself out to be a professional regulated by the board;

(B) The publication of information for the public about professions and practices regulated by the board; and

(C) An orderly process for the reinstatement of a license.

(c)(1) In the performance of the duties of the ~~Arkansas State Board of~~

~~Acupuncture and Related Techniques~~ board, the ~~Arkansas State Board of Acupuncture and Related Techniques~~ board may administer oaths and take testimony on any matters within the ~~Arkansas State Board of Acupuncture and Related Techniques'~~ board's jurisdiction and issue subpoenas and thereby compel the attendance of persons before the ~~Arkansas State Board of Acupuncture and Related Techniques~~ board for the purpose of examining any facts or conditions properly pending before the ~~Arkansas State Board of Acupuncture and Related Techniques~~ board for action of the ~~Arkansas State Board of Acupuncture and Related Techniques~~ board.

(2) All subpoenas issued by the ~~Arkansas State Board of Acupuncture and Related Techniques~~ board shall be served in the manner prescribed by law for the service of subpoenas issuing from the courts, and all persons so served shall obey the subpoenas or be subject to the penalties provided by law for the disobedience of subpoenas issuing from the courts.

SECTION 7. Arkansas Code § 17-102-303(c), concerning the unlawful practices and penalties under the Arkansas Acupuncture Practices Act, is amended to read as follows:

(c)(1) The courts of this state having general equity jurisdiction are vested with jurisdiction and power to enjoin the unlawful practice of acupuncture and related techniques in a proceeding by the Arkansas State Board of ~~Acupuncture and Related Techniques~~ Natural Medicine or any member thereof or by any citizen of this state in the county in which the alleged unlawful practice occurred or in which the defendant resides or in Pulaski County.

(2) The issuance of an injunction shall not relieve a person from criminal prosecution for violation of the provisions of this chapter, but the remedy of injunction shall be in addition to liability to criminal prosecution.

SECTION 8. Arkansas Code § 17-102-304(a)(1) and (2), concerning the application and qualifications to be licensed as an acupuncturist under the Arkansas Acupuncture Practices Act, are amended to read as follows:

(a)(1) ~~No~~ A person shall not be licensed to practice acupuncture and related techniques unless he or she has passed an examination and has been found to have the necessary qualifications as prescribed in the rules adopted

by the Arkansas State Board of ~~Acupuncture and Related Techniques~~ Natural Medicine.

(2)(A) Applications for a license to practice acupuncture and related techniques in the State of Arkansas pursuant to this chapter shall be made to the Secretary of the Arkansas State Board of ~~Acupuncture and Related Techniques~~ Natural Medicine in writing on forms furnished by the board.

(B) The application shall be signed by the applicant in his or her own handwriting and acknowledged before an officer authorized to administer oaths.

SECTION 9. Arkansas Code § 17-102-305(b), concerning examinations for an acupuncturist under the Arkansas Acupuncture Practices Act, is amended to read as follows:

(b)(1) The Arkansas State Board of ~~Acupuncture and Related Techniques~~ Natural Medicine shall hold an examination at least one (1) time each calendar year, and all applicants shall be notified in writing of the date and time of all examinations.

(2) The board may utilize a nationally recognized examination if it deems the national exam is sufficient to qualify a practitioner for licensure in this state.

SECTION 10. Arkansas Code § 17-102-307(1), concerning license renewal under the Arkansas Acupuncture Practices Act, is amended to read as follows:

(1) Meets all current standards of the Arkansas State Board of ~~Acupuncture and Related Techniques~~ Natural Medicine; and

SECTION 11. Arkansas Code § 17-102-308(a), concerning continuing education for acupuncturists under the Arkansas Acupuncture Practices Act, is amended to read as follows:

(a) The Arkansas State Board of ~~Acupuncture and Related Techniques~~ Natural Medicine shall not renew the license of any person engaged in the practice of acupuncture and related techniques unless the licensee presents to the board evidence of attendance at a board-approved educational session or sessions of not fewer than twenty-four (24) hours of continuing education within the previous biennial period.

SECTION 12. Arkansas Code § 17-102-309(a), concerning disciplinary actions and grounds under the Arkansas Acupuncture Practices Act, is amended to read as follows:

(a) The following acts by an applicant for a license or by a licensed acupuncturist shall constitute grounds for which the disciplinary actions specified in subsection (b) of this section may be taken by the Arkansas State Board of ~~Acupuncture and Related Techniques~~ Natural Medicine:

(1) Attempting to obtain, obtaining, or renewing a license to practice acupuncture and related techniques by bribery, fraud, or deceit;

(2) Having pled guilty or nolo contendere to, or having been found guilty of, a crime in any jurisdiction which directly relates to the practice of acupuncture and related techniques or to the ability to practice same;

(3) Advertising, practicing, or attempting to practice under a name other than one's own;

(4) Making deceptive, untrue, or fraudulent representations in the practice of acupuncture and related techniques;

(5) Becoming mentally incompetent or unfit or incompetent by reason of negligence, habits, or other causes;

(6) Becoming habitually intemperate or addicted to the use of habit-forming drugs, illegal drugs, or alcohol;

(7) Acting unprofessionally in the practice of acupuncture and related techniques;

(8) Committing fraud or deceit in filing insurance forms, documents, or information pertaining to the health or welfare of a patient; or

(9) Willfully or repeatedly violating any of the provisions of this chapter or any rule or order of the board.

SECTION 13. Arkansas Code § 25-16-903(1), concerning the authorization for a sixty-dollar stipend, is amended to read as follows:

(1) Arkansas State Board of ~~Acupuncture and Related Techniques~~ Natural Medicine;

SECTION 14. Arkansas Code § 25-43-802(a)(15), concerning the state entities transferred to the Department of Health, is amended to read as

follows:

(15) The Arkansas State Board of ~~Acupuncture and Related Techniques~~ Natural Medicine, created under § 17-102-201;

SECTION 15. DO NOT CODIFY. TEMPORARY LANGUAGE. Issuance of first licenses.

On or before December 1, 2029, the Arkansas State Board of Natural Medicine shall issue licenses to those applicants who have met the requirements of this act and board rules promulgated in accordance with this act.

SECTION 16. DO NOT CODIFY. TEMPORARY LANGUAGE. Transition period - Membership.

(a)(1) Except as provided in subdivision (a)(2) of this section, the existing members of the Arkansas State Board of Acupuncture and Related Techniques shall have their terms expire upon the effective date of this act.

(2) The two (2) members of the Arkansas State Board of Acupuncture and Related Techniques who represent the public shall continue to serve as members of the Arkansas State Board of Natural Medicine and shall exercise the powers and duties assigned until the expiration of the members' terms.

(3) Members of the Arkansas State Board of Acupuncture and Related Techniques may be appointed to serve as members of the Arkansas State Board of Natural Medicine.

(b) Except as provided in subdivision (a)(2) of this section, upon the effective date of this act, the initial members of the Arkansas State Board of Natural Medicine created under this act shall be appointed by the Governor for staggered terms as follows:

(1) The term of one (1) member who is an acupuncturist and one (1) member who is a naturopathic physician shall expire after one (1) year;

(2) The term of one (1) member who is an acupuncturist and one (1) member who is a naturopathic physician shall expire after two (2) years; and

(3) The term of one (1) member who is an acupuncturist and one (1) member who is a naturopathic physician shall expire after three (3) years.

Referred by Senator C. Penzo

Prepared by: JMB/JMB