HOUSE BILL NO. HB0151

Naturopathy licensing board.

Sponsored by: Representative(s) Hunt and Senator(s) Anselmi-Dalton and Baldwin

A BILL

for

AN ACT relating to professions and occupations; establishing a naturopathy licensing board; providing for naturopathy licensing; providing procedures for licensure suspension and revocation; creating an account; providing an appropriation; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 33-50-101 through 33-50-116 are created to read:

CHAPTER 50

NATUROPATHY LICENSING ACT

This chapter shall be known and may be cited as the "Naturopathy Licensing Act."


(a) As used in this chapter:

(i) "Approved naturopathic medical program" means a naturopathic medical education program:

(A) That is CNME accredited;

(B) That has achieved candidacy status for CNME accreditation; or

(C) That existed before CNME accreditation that the board approves.

(ii) "Board" means the Wyoming board of naturopathy created under this act;
(iii) "CNME" means the council on naturopathic medical education or its successor organization;

(iv) "License" means a license to practice naturopathy in Wyoming that the board issues under this act;

(v) "Licensee" means a person the board licenses under this act;

(vi) "NABNE" means the North American board of naturopathic examiners or its successor organization;

(vii) "Naturopathic practice" means a practice of health care that may include the following diagnostic and therapeutic modalities: clinical and laboratory diagnostic testing, nutritional medicine, botanical medicine, public health measures, hygiene, counseling, minor surgery, homeopathy, acupuncture, prescription medication, intravenous and injection therapy, naturopathic obstetrics and naturopathic physical medicine including naturopathic manipulative therapy;
"Naturopathic practitioner," "naturopathic doctor" or "naturopath" means a person who is authorized under this act to practice naturopathy in Wyoming;

"Naturopathy" means a distinct primary health care profession, emphasizing prevention, treatment, and optimal health through therapeutic methods and substances that encourage an individual's inherent self-healing process. The practice of naturopathic medicine includes modern and traditional, scientific and empirical methods.

33-50-103. Board created; members; appointment; terms; qualification; removal; vacancies.

(a) The Wyoming board of naturopathy is created. The board shall consist of five (5) members who are legal residents of Wyoming. The board shall consist of one (1) member of the public, one (1) member who is a graduate of a CNME accredited program and who has passed a NABNE naturopathic licensing examination, two (2) members who have practiced naturopathy for a period of not less than
33-50-104. Board meetings; elections; quorum.

The board shall meet at least once each year and elect a chairperson at the first meeting each year. The board may
convene at the chairperson's request or as the board
determines necessary to transact its business. A meeting
may be carried out via telecommunications. Three (3) board
members constitutes a quorum.

33-50-105. Reimbursement of expenses and immunity.

(a) Members of the board shall not receive compensation for their services but shall receive mileage and per diem as provided in W.S. 33-1-302(a)(vii) while discharging their official duties.

(b) Members of the board have the same immunities from personal liability as state employees for actions taken in the performance of their duties under this act, as provided in W.S. 1-39-104.

33-50-106. Board duties and powers; fees.

(a) The board shall:

(i) Administer this act;
(ii) Determine standards for licensees including:

(A) Scope of practice;

(B) Practice standards;

(C) Continuing education requirements;

(D) Professional conduct standards;

(E) Ethical standards of practice.

(iii) Approve or disapprove applications for licensure and issue licenses, renewals and reinstatements consistent with the scope of practice a person is qualified to perform as a result of the person's post graduate education, NABNE exam, experience, continuing competence or as the board otherwise authorizes;

(iv) Censure, suspend, revoke or impose conditions on licenses as provided in this act and the Wyoming Administrative Procedure Act;
(v) Initiate and conduct investigations, hearings and proceedings concerning alleged violations of this act and board rules;

(vi) Keep a record of all proceedings and make available to licensees and other concerned parties an annual report of all board actions;

(vii) Establish application and licensure fees according to W.S. 33-1-201;

(viii) Promulgate rules as necessary to carry out this act.

(b) The board may employ or contract with individuals who are necessary to administer its affairs and provide support services.

(c) There is created a Wyoming board of naturopathy account that shall be under the direction of the board to defray costs incurred in administering this act. Disposition of fees and interest shall be according to W.S.
33-1-202. Disbursements from the account shall not exceed the monies credited to it. Appropriations shall be based upon submission of a budgetary request as provided by W.S. 9-2-1011 and 9-2-1012.

33-50-107. Licensure required; components; exemptions; other licensed health care professionals.

(a) Beginning January 1, 2019, unless the person is licensed to practice naturopathy under this act, no person shall:

(i) Practice naturopathy or hold himself or herself out to be a naturopathic doctor, naturopathic practitioner, naturopath or as being able to practice naturopathy in Wyoming;

(ii) Use the title of naturopathic doctor, naturopathic practitioner or naturopath or any variant thereof; or

(iii) Use any words, abbreviations, figures, configuration of letters, including N.D., titles, signs,
cards or devices tending to imply that the person is a licensed naturopathic practitioner unless the person is duly licensed.

(b) Any license issued under this act shall:

(i) Be issued in the name of the licensed naturopathic practitioner;

(ii) State the issue and expiration dates; and

(iii) Be displayed at all times in a conspicuous manner in the place of business or employment of the licensee.

(c) The following persons are exempt from this act's licensure requirements:

(i) A naturopathic practitioner licensed to practice naturopathy in another jurisdiction while teaching, demonstrating or providing naturopathy in connection with teaching or participating in an educational seminar in Wyoming. Any exemption under this paragraph
shall not exceed sixty (60) days cumulatively in a calendar year;

(ii) A naturopathic practitioner licensed in another jurisdiction who enters this state to provide naturopathy during a natural disaster or a public health emergency, as declared by the governor under W.S. 35-4-115(a)(i);

(iii) With board approval, a person in training may practice naturopathy provided all services are performed under the direct supervision of a naturopathic practitioner licensed in this state.

(d) Nothing in this act shall be construed to prohibit or restrict any other licensed health care provider in this state from practicing naturopathy within the provider's scope of practice. However, no person may represent himself or herself to the public as a naturopathic practitioner unless licensed under this act.

33-50-108. Application for license; qualifications; renewal; fees; reporting.
(a) An applicant for licensure under this act shall:

(i) Submit a written application verified by oath in a form the board prescribes;

(ii) Submit proof that the applicant:

(A) Is a graduate of an approved naturopathic medical program and has successfully passed a competency based national naturopathic physician licensing examination administered by the NABNE or other organization the board approves that is nationally recognized to administer a naturopathic practitioner licensing examination that represents federal standards of education and training; or

(B) Completed other practical experience, education, examination or apprenticeship processes as the board determines to be substantively comparable to standards in subparagraph (A) of this paragraph; or
(C) Was previously licensed or certified, provided that when the applicant secured his or her initial license or certificate, the requirements for licensure or certification met standards that the board determines are substantively comparable to existing standards and that the license or certificate was not suspended, revoked or otherwise restricted for any reason.

(iii) Have committed no acts that are grounds for disciplinary action as set forth in W.S. 33-50-113, or if an act has been committed, the board may, at its discretion and after investigation, determine that sufficient restitution has been made;

(iv) Remit fees as the board specifies;

(v) If required by board rule, have completed to the satisfaction of a majority of board members a personal interview consisting of inquiry and oral response to naturopathic knowledge, personal and professional history and intentions for practicing naturopathy in this state; and
(vi) Meet any additional requirements that the board may impose by rule.

(b) An applicant for licensure under this act shall provide the board fingerprints and other information necessary for a criminal history record background check as provided under W.S. 7-19-201.

(c) Licenses shall be renewed according to a schedule the board establishes. If a licensee fails to renew a license according to the schedule the board establishes, the license shall expire and the licensee shall not practice naturopathy in Wyoming.

(d) Upon application for licensure, renewal or reinstatement, or not later than thirty (30) days after the licensee becomes aware of proceedings, an applicant for licensure or licensee shall report any pending or final administrative or disciplinary action, or other judgment, as well as the terms of any settlement or other disposition of an action or judgment, against the applicant or licensee involving malpractice or improper practice of naturopathy, whether occurring in Wyoming or in any other jurisdiction.
33-50-109. Licensure by endorsement; fees.

(a) The board may issue a license by endorsement to practice naturopathy in Wyoming to an applicant who is licensed to practice naturopathy in another state, subject to the following:

(i) The applicant shall complete an application for licensure by endorsement in a form the board prescribes;

(ii) The other state shall have substantially equivalent naturopathy licensure requirements as Wyoming, including similar licensure by endorsement provisions for licensees of this state;

(iii) The applicant shall not have any disciplinary actions pending at the time of application;

(iv) The applicant shall not have had a license to practice naturopathy suspended or revoked in any state;
(v) The person shall adhere to all requirements of continuing education and ethical standards the board establishes;

(vi) The applicant shall remit fees as the board specifies;

(vii) The applicant shall not have committed any acts that are grounds for disciplinary action as set forth in W.S. 33-50-113, or if an act has been committed, the board may, at its discretion and after investigation, determine that sufficient restitution has been made;

(viii) If required by board rule, the applicant shall have completed to the satisfaction of a majority of board members a personal interview consisting of inquiry and oral response to naturopathic knowledge, personal and professional history and intentions for practicing naturopathy in this state; and

(ix) The applicant shall meet any additional requirements that the board may impose by rule.
33-50-110. Temporary license; application; qualifications; fee.

(a) The board may issue a temporary license for a term that expires at 8:00 a.m. on the first day of the next regularly scheduled board meeting to a person who:

(i) Completes an application for temporary licensure in a form the board prescribes;

(ii) Meets all licensing requirements of W.S. 33-50-108 except the interview under W.S. 33-50-108(a)(v) or other requirements that the board may defer until no later than the next board meeting;

(iii) Pays a temporary license fee in an amount the board specifies.

33-50-111. Duties and authority of practitioners.

Naturopathic practitioners shall observe and be subject to all state and municipal regulations relating to the control of contagious and infectious diseases and shall, as to any
matters pertaining to public health, report to the proper
health officers the same as other practitioners.

33-50-112. Violations; penalty; injunctive relief.

(a) No person shall:

(i) Practice naturopathy without a valid
license;

(ii) Practice naturopathy under cover of any
diploma, license, certificate or record illegally or
fraudulently obtained or signed or issued unlawfully or
under fraudulent representation;

(iii) Use any words, abbreviations, figures,
letters, titles, signs, cards or devices tending to imply
that the person is a naturopathic practitioner, unless the
person is licensed as a naturopathic practitioner under
this act or holds a license in another state and is
practicing as allowed in this act;
(iv) Knowingly employ persons unlicensed in naturopathic practice;

(v) Knowingly conceal information relating to violations of this act; or

(vi) Otherwise violate or aid or abet another person to violate any provision of this act.

(b) Violation of any provision of this act constitutes a misdemeanor and upon conviction, the person is subject to a fine of not more than one thousand dollars ($1,000.00), imprisonment for not more than one (1) year, or both.

(c) The attorney general, the board, any county or district attorney or any citizen may obtain an injunction in the name of the state of Wyoming upon the relation of a complainant enjoining any person from engaging in the practice of naturopathy without a license. The district court of the district in which the offending person resides or the district court of Laramie county has original jurisdiction of any such injunction proceedings. An
injunction may be issued without proof of actual damage sustained and upon proof of one (1) or more acts constituting the practice of naturopathy without a license. The standard of proof of any violation of this subsection shall be by a preponderance of the evidence.

(d) Nothing in this section shall limit any additional civil or criminal liability under the laws of this state.

33-50-113. Disciplining licensees; grounds.

(a) The board may refuse to issue, renew or reinstate a license, may suspend or revoke a license, may impose probationary conditions on a license or may otherwise discipline a licensee, upon proof that the person:

(i) Has engaged in any act inconsistent with reasonable standards of naturopathic practice as defined by board rules;

(ii) Is unfit or incompetent to practice naturopathy by reason of negligence, habits, practice
standards, physical or mental disability or abuse of drugs, narcotics, chemicals or any other mind altering material;

(iii) Has been found guilty by a court or has entered a plea of nolo contendere to a felony that relates adversely to naturopathic practice or to the ability to practice naturopathy;

(iv) Has used fraud, deceit, misrepresentation or concealment of material facts:

(A) In procuring or attempting to procure a license to practice naturopathy;

(B) In filing or reporting any health care information, client documentation, agency records or other essential health documents; or

(C) In submitting any information or record to the board.

(v) Has had a license to practice naturopathy or to practice in another health care discipline in another
jurisdiction, territory or possession of the United States
denied, revoked, suspended or otherwise restricted;

(vi) Has practiced naturopathy within this state
without a valid license or as otherwise permitted under
this act;

(vii) Has knowingly and willfully failed to
report to the board any violation of this act or of board
rules;

(viii) Has violated any of the provisions of
this act or any lawful order or rule the board has issued
or promulgated;

(ix) Has knowingly performed an act that the
licensee knew before committing the act was beyond the
scope of the individual's naturopathic practice, or
performed acts without sufficient education, knowledge or
ability to apply naturopathic principles and skills;

(x) Has failed to submit to a mental, physical
or medical competency examination following a proper
request by the board made pursuant to board rules and the Wyoming Administrative Procedure Act.

(b) Upon receipt from the department of family services of a certified copy of an order from a court to withhold, suspend or otherwise restrict a license issued by the board, the board shall notify the party named in the court order of the withholding, suspension or restriction of the license in accordance with the terms of the court order. No appeal under the Wyoming Administrative Procedure Act shall be allowed for a license withheld, suspended or restricted under this subsection.

33-50-114. Disciplining licensees; proceedings.

(a) The board may commence a proceeding for discipline of a licensee or applicant when the board has reasonable grounds to substantiate that a person under the board's jurisdiction has committed acts in violation of W.S. 33-50-113. In any proceeding the board shall afford the licensee or applicant due process of law. However, the board may summarily suspend a license and institute proceedings concomitantly if the board finds that the
licensee presents a clear and immediate danger to the public health, safety and welfare if allowed to continue to practice. For purposes of a suspension or other restriction imposed pursuant to W.S. 33-50-113(b), the board may presume that the court imposing the suspension or restriction afforded the licensee or applicant due process of law.

(b) The board may issue subpoenas for the attendance of witnesses and the production of necessary evidence in any hearing before it. Upon request of the respondent or his counsel, the board shall issue subpoenas on behalf of the respondent.

(c) Hearings under this section shall be held and a person aggrieved by a decision of the board may appeal according to the Wyoming Administrative Procedure Act.

33-50-115. Disciplining licensees; reinstatement.

Any person whose license has been denied, suspended, revoked or upon which conditions have been imposed may apply to the board for reinstatement of the license or
issuance of a license after fulfilling requirements the
board determines. The application shall be made in writing
and in a form the board prescribes. The board may grant or
deny the application or it may modify its original findings
to reflect any circumstances that have changed sufficiently
to warrant modifications.

33-50-116. Immunity of board members and persons
reporting information to board.

Any member or agent of the board, or any person under oath,
is not subject to a civil action for damages as a result of
reporting information in good faith, without fraud or
malice, relating to alleged violations of this act or board
rules.

Section 2. For the period beginning with the
effective date of this act through June 30, 2019, there is
appropriated twenty thousand dollars ($20,000.00) from the
general fund to the department of administration and
information. This appropriation shall be expended only for
providing necessary support and executive secretary
services for the licensing board created under section 1 of
this act. Notwithstanding any other provision of law, this
appropriation shall not be transferred or expended for any
other purpose and any unexpended, unobligated funds
remaining from this appropriation shall revert as provided
by law on June 30, 2019.

Section 3. This act is effective immediately upon
completion of all acts necessary for a bill to become law
as provided by Article 4, Section 8 of the Wyoming
Constitution.

(END)