

HOUSE BILL NO. HB0151

Naturopathy licensing board.

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

A BILL

for

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

6

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

8

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

11

12

CHAPTER 50

13

NATUROPATHY LICENSING ACT

14

15

1 **33-50-101. Short title.**

2

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

5

6 **33-50-102. Definitions.**

7

8 (a) As used in this chapter:

9

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

12

13 (A) That is CNME accredited;

14

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

17

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

20

21 (ii) "Board" means the Wyoming board of
22 naturopathy created under this act;

23

1 (iii) "CNME" means the council on naturopathic
2 medical education or its successor organization;

3

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

7

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

10

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

13

14 (vii) "Naturopathic practice" means a practice
15 of health care that may include the following diagnostic
16 and therapeutic modalities: clinical and laboratory
17 diagnostic testing, nutritional medicine, botanical
18 medicine, public health measures, hygiene, counseling,
19 minor surgery, homeopathy, acupuncture, prescription
20 medication, intravenous and injection therapy, naturopathic
21 obstetrics and naturopathic physical medicine including
22 naturopathic manipulative therapy;

23

1 five (5) years and one (1) member who is a health care
2 provider licensed pursuant to title 33 of the Wyoming
3 statutes, other than this chapter.

4

5 (b) The governor shall appoint the members of the
6 board. Of the initial members the governor appoints, two
7 (2) members shall be appointed for a term of two (2) years
8 and three (3) members shall be appointed for a term of four
9 (4) years. Thereafter, terms of office shall be four (4)
10 years. Each member shall serve until the member's successor
11 is appointed and qualified. No member shall serve more than
12 two (2) consecutive full terms.

13

14 (c) The governor shall fill any vacancy on the board
15 for the balance of the unexpired term.

16

17 (d) The governor may remove any member from the board
18 pursuant to W.S. 9-1-202.

19

20 **33-50-104. Board meetings; elections; quorum.**

21

22 The board shall meet at least once each year and elect a
23 chairperson at the first meeting each year. The board may

1 convene at the chairperson's request or as the board
2 determines necessary to transact its business. A meeting
3 may be carried out via telecommunications. Three (3) board
4 members constitutes a quorum.

5

6 **33-50-105. Reimbursement of expenses and immunity.**

7

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

12

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

17

18 **33-50-106. Board duties and powers; fees.**

19

20 (a) The board shall:

21

22 (i) Administer this act;

23

1 (ii) Determine standards for licensees
2 including:

3

4 (A) Scope of practice;

5

6 (B) Practice standards;

7

8 (C) Continuing education requirements;

9

10 (D) Professional conduct standards;

11

12 (E) Ethical standards of practice.

13

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

20

21 (iv) Censure, suspend, revoke or impose
22 conditions on licenses as provided in this act and the
23 Wyoming Administrative Procedure Act;

1

2 (v) Initiate and conduct investigations,
3 hearings and proceedings concerning alleged violations of
4 this act and board rules;

5

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

9

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

12

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

15

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

19

20 (c) There is created a Wyoming board of naturopathy
21 account that shall be under the direction of the board to
22 defray costs incurred in administering this act.
23 Disposition of fees and interest shall be according to W.S.

1 33-1-202. Disbursements from the account shall not exceed
2 the monies credited to it. Appropriations shall be based
3 upon submission of a budgetary request as provided by W.S.
4 9-2-1011 and 9-2-1012.

5

6 **33-50-107. Licensure required; components;**
7 **exemptions; other licensed health care professionals.**

8

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

12

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

17

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

21

22 (iii) Use any words, abbreviations, figures,
23 configuration of letters, including N.D., titles, signs,

1 cards or devices tending to imply that the person is a
2 licensed naturopathic practitioner unless the person is
3 duly licensed.

4

5 (b) Any license issued under this act shall:

6

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

9

10 (ii) State the issue and expiration dates; and

11

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

15

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

18

19 (i) A naturopathic practitioner licensed to
20 practice naturopathy in another jurisdiction while
21 teaching, demonstrating or providing naturopathy in
22 connection with teaching or participating in an educational
23 seminar in Wyoming. Any exemption under this paragraph

1 shall not exceed sixty (60) days cumulatively in a calendar
2 year;

3
4 (ii) A naturopathic practitioner licensed in
5 another jurisdiction who enters this state to provide
6 naturopathy during a natural disaster or a public health
7 emergency, as declared by the governor under W.S.
8 35-4-115(a) (i);

9
10 (iii) With board approval, a person in training
11 may practice naturopathy provided all services are
12 performed under the direct supervision of a naturopathic
13 practitioner licensed in this state.

14
15 (d) Nothing in this act shall be construed to
16 prohibit or restrict any other licensed health care
17 provider in this state from practicing naturopathy within
18 the provider's scope of practice. However, no person may
19 represent himself or herself to the public as a
20 naturopathic practitioner unless licensed under this act.

21

22 **33-50-108. Application for license; qualifications;**
23 **renewal; fees; reporting.**

1

2 (a) An applicant for licensure under this act shall:

3

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

6

7 (ii) Submit proof that the applicant:

8

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

17

18 (B) Completed other practical experience,
19 education, examination or apprenticeship processes as the
20 board determines to be substantively comparable to
21 standards in subparagraph (A) of this paragraph; or

22

1 (C) Was previously licensed or certified,
2 provided that when the applicant secured his or her initial
3 license or certificate, the requirements for licensure or
4 certification met standards that the board determines are
5 substantively comparable to existing standards and that the
6 license or certificate was not suspended, revoked or
7 otherwise restricted for any reason.

8
9 (iii) Have committed no acts that are grounds
10 for disciplinary action as set forth in W.S. 33-50-113, or
11 if an act has been committed, the board may, at its
12 discretion and after investigation, determine that
13 sufficient restitution has been made;

14
15 (iv) Remit fees as the board specifies;

16
17 (v) If required by board rule, have completed to
18 the satisfaction of a majority of board members a personal
19 interview consisting of inquiry and oral response to
20 naturopathic knowledge, personal and professional history
21 and intentions for practicing naturopathy in this state;
22 and

23

1 (vi) Meet any additional requirements that the
2 board may impose by rule.

3

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

8

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

14

15 (d) Upon application for licensure, renewal or
16 reinstatement, or not later than thirty (30) days after the
17 licensee becomes aware of proceedings, an applicant for
18 licensure or licensee shall report any pending or final
19 administrative or disciplinary action, or other judgment,
20 as well as the terms of any settlement or other disposition
21 of an action or judgment, against the applicant or licensee
22 involving malpractice or improper practice of naturopathy,
23 whether occurring in Wyoming or in any other jurisdiction.

1

2 **33-50-109. Licensure by endorsement; fees.**

3

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

8

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

12

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

17

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

20

21 (iv) The applicant shall not have had a license
22 to practice naturopathy suspended or revoked in any state;

23

1 (v) The person shall adhere to all requirements
2 of continuing education and ethical standards the board
3 establishes;

4

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

7

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

13

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

20

21 (ix) The applicant shall meet any additional
22 requirements that the board may impose by rule.

23

1 **33-50-110. Temporary license; application;**
2 **qualifications; fee.**

3

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

7

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

10

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

15

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

18

19 **33-50-111. Duties and authority of practitioners.**

20

21 Naturopathic practitioners shall observe and be subject to
22 all state and municipal regulations relating to the control
23 of contagious and infectious diseases and shall, as to any

1 matters pertaining to public health, report to the proper
2 health officers the same as other practitioners.

3

4 **33-50-112. Violations; penalty; injunctive relief.**

5

6 (a) No person shall:

7

8 (i) Practice naturopathy without a valid
9 license;

10

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

15

16 (iii) Use any words, abbreviations, figures,
17 letters, titles, signs, cards or devices tending to imply
18 that the person is a naturopathic practitioner, unless the
19 person is licensed as a naturopathic practitioner under
20 this act or holds a license in another state and is
21 practicing as allowed in this act;

22

1 (iv) Knowingly employ persons unlicensed in
2 naturopathic practice;

3
4 (v) Knowingly conceal information relating to
5 violations of this act; or

6
7 (vi) Otherwise violate or aid or abet another
8 person to violate any provision of this act.

9
10 (b) Violation of any provision of this act
11 constitutes a misdemeanor and upon conviction, the person
12 is subject to a fine of not more than one thousand dollars
13 (\$1,000.00), imprisonment for not more than one (1) year,
14 or both.

15
16 (c) The attorney general, the board, any county or
17 district attorney or any citizen may obtain an injunction
18 in the name of the state of Wyoming upon the relation of a
19 complainant enjoining any person from engaging in the
20 practice of naturopathy without a license. The district
21 court of the district in which the offending person resides
22 or the district court of Laramie county has original
23 jurisdiction of any such injunction proceedings. An

1 injunction may be issued without proof of actual damage
2 sustained and upon proof of one (1) or more acts
3 constituting the practice of naturopathy without a license.
4 The standard of proof of any violation of this subsection
5 shall be by a preponderance of the evidence.

6

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

10

11 **33-50-113. Disciplining licensees; grounds.**

12

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

17

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

21

22 (ii) Is unfit or incompetent to practice
23 naturopathy by reason of negligence, habits, practice

1 standards, physical or mental disability or abuse of drugs,
2 narcotics, chemicals or any other mind altering material;

3

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

8

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

11

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

14

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

18

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

21

22 (v) Has had a license to practice naturopathy or
23 to practice in another health care discipline in another

1 jurisdiction, territory or possession of the United States
2 denied, revoked, suspended or otherwise restricted;

3

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

7

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

11

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

15

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

21

22 (x) Has failed to submit to a mental, physical
23 or medical competency examination following a proper

1 request by the board made pursuant to board rules and the
2 Wyoming Administrative Procedure Act.

3

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

13

14 **33-50-114. Disciplining licensees; proceedings.**

15

16 (a) The board may commence a proceeding for
17 discipline of a licensee or applicant when the board has
18 reasonable grounds to substantiate that a person under the
19 board's jurisdiction has committed acts in violation of
20 W.S. 33-50-113. In any proceeding the board shall afford
21 the licensee or applicant due process of law. However, the
22 board may summarily suspend a license and institute
23 proceedings concomitantly if the board finds that the

1 licensee presents a clear and immediate danger to the
2 public health, safety and welfare if allowed to continue to
3 practice. For purposes of a suspension or other restriction
4 imposed pursuant to W.S. 33-50-113(b), the board may
5 presume that the court imposing the suspension or
6 restriction afforded the licensee or applicant due process
7 of law.

8
9 (b) The board may issue subpoenas for the attendance
10 of witnesses and the production of necessary evidence in
11 any hearing before it. Upon request of the respondent or
12 his counsel, the board shall issue subpoenas on behalf of
13 the respondent.

14
15 (c) Hearings under this section shall be held and a
16 person aggrieved by a decision of the board may appeal
17 according to the Wyoming Administrative Procedure Act.

18
19 **33-50-115. Disciplining licensees; reinstatement.**

20
21 Any person whose license has been denied, suspended,
22 revoked or upon which conditions have been imposed may
23 apply to the board for reinstatement of the license or

1 issuance of a license after fulfilling requirements the
2 board determines. The application shall be made in writing
3 and in a form the board prescribes. The board may grant or
4 deny the application or it may modify its original findings
5 to reflect any circumstances that have changed sufficiently
6 to warrant modifications.

7

8 **33-50-116. Immunity of board members and persons**
9 **reporting information to board.**

10

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

16

17 **Section 2.** For the period beginning with the
18 effective date of this act through June 30, 2019, there is
19 appropriated twenty thousand dollars (\$20,000.00) from the
20 general fund to the department of administration and
21 information. This appropriation shall be expended only for
22 providing necessary support and executive secretary
23 services for the licensing board created under section 1 of

1 this act. Notwithstanding any other provision of law, this
2 appropriation shall not be transferred or expended for any
3 other purpose and any unexpended, unobligated funds
4 remaining from this appropriation shall revert as provided
5 by law on June 30, 2019.

6

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

11

12

(END)