

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003

# A Bill

SENATE BILL 118

4  
5 By: Senator J. Jeffress  
6  
7

## For An Act To Be Entitled

9 AN ACT TO REGULATE THE PRACTICE OF NATUROPATHIC  
10 MEDICINE; TO PROVIDE PENALTIES; AND FOR OTHER  
11 PURPOSES.

## Subtitle

12  
13 AN ACT TO REGULATE THE PRACTICE OF  
14 NATUROPATHIC MEDICINE.  
15  
16  
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

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

### SUBCHAPTER 1 - GENERAL PROVISIONS

22  
23  
24 17-107-101. This chapter shall be known and may be cited as "The  
25 Naturopathic Medicine Act".  
26

27 17-107-102. Findings and purpose.

28 (a) The General Assembly finds that:

29 (1) A significant number of the citizens of this state are  
30 turning to naturopathic physicians for their health care needs; and

31 (2) Naturopathic medicine is a distinct health care profession  
32 that affects the public health, safety, and welfare and provides the public  
33 with freedom of choice in health care.

34 (b) This chapter is intended to:

35 (1) Provide standards for the licensing and regulation of  
36 naturopathic medicine to protect the public health, safety, and welfare; and



1           (2) Provide a means of identifying qualified naturopathic  
 2 physicians.

3  
 4           17-107-103. Definitions.

5           As used in this chapter:

6           (1) "Advisory committee" means the Naturopathic Physicians Advisory  
 7 Committee;

8           (2) "Approved naturopathic college" means a college granting the  
 9 degree of doctor of naturopathy, doctor of naturopathic health care, or  
 10 doctor of naturopathic medicine that:

11           (A) Is accredited by an agency recognized by the federal  
 12 government or approved by the board;

13           (B) Has candidate-for-accreditation status with the accrediting  
 14 agency; or

15           (C) Has been approved by the advisory committee after the  
 16 college was investigated and found to meet education standards equivalent to  
 17 those established by the accrediting agency;

18           (3) "Board" means the State Board of Health;

19           (4) "Department" means the Department of Health;

20           (5)(A) "Minor office procedure" means the use of operative,  
 21 electrical, or other methods for the repair and care incidental to  
 22 superficial lacerations and abrasions, the removal of foreign bodies located  
 23 in superficial tissues, and the use of antiseptics and local anesthetics in  
 24 connection with these methods, including, but not limited to, the use of  
 25 local anesthesia applied topically or by injection, whether natural or  
 26 prescription, in superficial tissues associated with the performance of minor  
 27 office procedures.

28           (B) "Minor office procedure" does not include general or spinal  
 29 anesthesia, major surgery, surgery of the body cavities, or specialized  
 30 surgeries, including plastic surgery or surgery involving the eyes, tendons,  
 31 ligaments, or major blood vessels;

32           (6) "Natural antibiotics" means antimicrobial, antifungal, and  
 33 antiprotozoal agents that are naturally occurring substances or manufactured  
 34 substances that are substantially identical to the naturally occurring  
 35 substances;

36           (7) "Natural medicines" means food, food extracts, dietary supplements

1 as defined by the Federal Food, Drug, and Cosmetic Act, as in effect January  
2 1, 2003, homeopathic remedies, plant substances that are not designated as  
3 prescription drugs or controlled substances, over-the-counter medications,  
4 prescriptions that are consistent with the competent practice of naturopathy,  
5 and substances prepared according to the official Homeopathic Pharmacopoeia  
6 of the United States, as in effect January 1, 2003;

7 (8) "Naturopathic medicine" means a system of primary health care  
8 practiced by naturopathic physicians for the prevention, evaluation, and care  
9 of human health conditions that uses education, and natural substances and  
10 remedies to support and stimulate the individual's intrinsic self-healing  
11 processes;

12 (9)(A) "Naturopathic childbirth" means uncomplicated natural  
13 childbirth assisted by a naturopathic physician, including, but not limited  
14 to, the use of natural substances, ophthalmic antibiotics, emergency  
15 childbirth medicines, and simple, uncomplicated episiotomies.

16 (B) "Naturopathic childbirth" does not include the use of  
17 forceps delivery, general or spinal anesthesia, cesarean section, or induced  
18 abortion;

19 (10)(A) "Naturopathic mobilization therapy" means manually  
20 administering mechanical treatment of body structures or tissues for the  
21 purpose of restoring normal physiological function of the body by normalizing  
22 and balancing the musculoskeletal system of the body.

23 (B) "Naturopathic mobilization therapy" does not include osseous  
24 manipulation;

25 (11) (A) "Naturopathic physical medicine" means the use of the  
26 physical agents of air, water, heat, cold, sound, light, and electromagnetic  
27 nonionizing radiation and the physical modalities of electrotherapy,  
28 biofeedback, diathermy, ultraviolet light, ultrasound, hydrotherapy,  
29 naturopathic mobilization therapy, and exercise.

30 (B) "Naturopathic physical medicine" does not include the  
31 practice of physical therapy, acupuncture, or chiropractic, unless the  
32 naturopath is qualified and has passed an examination to practice in physical  
33 therapy, acupuncture, or chiropractic;

34 (12) "Naturopathic physician" means a person who is licensed by the  
35 board to practice naturopathic medicine;

36 (13) "Practice of naturopathy" means a system of primary health care

1 for the prevention, diagnosis, and care of human conditions, injuries, and  
2 diseases that uses education, natural substances, and natural therapies to  
3 support and stimulate the patient's intrinsic self-healing processes; and

4 (14) "Topical preparations" means topical analgesics, anesthetics,  
5 antiseptics, scabicides, antifungals, and antibacterials.

6  
7 17-107-104. Exceptions.

8 (a) This chapter does not:

9 (1) Prevent any other professional who is licensed, certified,  
10 or registered under the laws of this state from providing services consistent  
11 with the professional's scope of practice;

12 (2) Apply to a student of naturopathy who is currently enrolled  
13 in an approved naturopathic course of study and who gratuitously evaluates  
14 and treats human conditions under the direct supervision of a naturopathic  
15 physician regulated under the laws of this state, if the student's activities  
16 are within the scope of practice of the supervising naturopathic physician  
17 and are limited to activity consistent with the scope of practice authorized  
18 by this chapter;

19 (3) Prohibit or restrict a person engaged in the sale of  
20 vitamins, health foods, dietary supplements, herbs, or other products of  
21 nature not otherwise prohibited under state or federal law;

22 (4) Prohibit a person from providing nutritional advice, giving  
23 advice concerning proper nutrition, or giving information as to the use and  
24 role of food and food ingredients, including dietary supplements, except that  
25 providing nutritional advice under this subdivision does not include the  
26 authority to practice medicine or surgery, to undertake the treatment or cure  
27 of a disease, pain, injury, deformity, or physical or mental condition, or to  
28 state that a product might cure a disease, pain, injury, deformity, or other  
29 condition; or

30 (5) Apply to a naturopathic physician licensed in another state,  
31 a territory of the United States, or the District of Columbia, if the state,  
32 territory, or the District of Columbia requires credentials equivalent to  
33 those of this chapter, when the physician is incidentally called into this  
34 state for consultation with a naturopathic physician licensed in this state.

35 (b) This chapter does not apply to:

36 (1) The activities and services of or use of an official title

1 by a person employed as a counselor by a federal, state, county, or municipal  
2 agency or public or private educational institution, if the person is  
3 performing counseling or counseling-related activities within the scope of  
4 his or her employment;

5 (2) The activities and services of a student, intern, or trainee  
6 in counseling pursuing a course of study in counseling in a regionally  
7 accredited institution of higher education or training institution, if these  
8 activities and services constitute a part of the supervised course of study;

9 (3) The activities and services of a nonresident rendered not  
10 more than thirty (30) days during any year, if the person is authorized to  
11 perform the activities and services under the law of the state or country of  
12 his or her residence;

13 (4) The activities and services of members of other professions  
14 licensed or certified by the state, including, but not limited to,  
15 physicians, registered nurses, psychologists, social workers, marriage and  
16 family therapists, chemical dependency counselors, physician assistants,  
17 occupational therapists, optometrists, Christian Science practitioners or  
18 other recognized religious practitioners performing counseling consistent  
19 with the laws of this state, their training, and any code of ethics of their  
20 professions, if they do not represent themselves by any title or description  
21 in the manner prescribed by § 17-107-303;

22 (5) The activities, services, titles, and descriptions of  
23 persons licensed to practice law;

24 (6) The activities, services, titles, and descriptions of  
25 persons employed as professionals or who are volunteers in the practice of  
26 counseling for public and private nonprofit organizations or charities who  
27 are accountable to the person's sponsoring organization and do not use the  
28 title or hold themselves out to be licensed counselors;

29 (7) A student in training in a medical school approved by the  
30 State Board of Health while performing the duties assigned in the course of  
31 training, if the duties are performed under the supervision of a licensed  
32 practitioner, except that medical residents, interns, and fellows shall be  
33 required to register and be subject to the other applicable provisions of  
34 this chapter; or

35 (8) A physician licensed in another state who is in this state  
36 for consultation with physicians licensed in this state but who does not:

- 1                   (A) Have an office in this state; or
- 2                   (B) Appoint a place in this state for seeing, examining,
- 3 or treating patients.

4

5                   SUBCHAPTER 2 - THE NATUROPATHIC MEDICINE ACT - STATE BOARD OF HEALTH

6

7                   17-107-201. Powers and duties of board and department.

8                   (a) The State Board of Health, with the advice of the Naturopathic

9 Physicians Advisory Committee, shall adopt rules consistent with this

10 chapter.

11                   (b) The Department of Health shall administer this chapter,

12 investigate violations of this chapter, prepare and administer examinations

13 required by the board, and perform other duties authorized by this chapter.

14                   (c) The board may adopt rules authorizing the use by naturopathic

15 physicians of other evaluative procedures and other natural substances,

16 treatments, procedures, and therapies if the substances, treatments,

17 procedures, and therapies are taught in approved courses of study or used by

18 practitioners licensed by other entities of the state and are consistent with

19 this chapter.

20

21                   17-107-202. Naturopathic Physicians Advisory Committee.

22                   (a)(1) The Naturopathic Physicians Advisory Committee is created as an

23 advisory committee to the State Board of Health, to be composed of nine (9)

24 members appointed by the board.

25                   (2) The board shall appoint the members of the committee within

26 thirty (30) days of the effective date of this chapter.

27                   (b)(1)(A) Three (3) members shall be representatives of the general

28 public;

29                                   (B) One (1) member shall be a physician licensed in this

30 state;

31                                   (C) One (1) member shall be an acupuncturist licensed in

32 this state;

33                                   (D) Three (3) members shall be naturopathic physicians

34 licensed under this chapter; and

35                                   (E) One (1) member shall be a pharmacist, licensed in this

36 state.

1           (2) In appointing the initial naturopathic physician members of  
 2 the Naturopathic Physicians Advisory Committee, the board, in lieu of  
 3 appointing members who are naturopathic physicians licensed under this  
 4 chapter, may appoint three (3) members who are otherwise qualified and have  
 5 applied for licenses as naturopathic physicians under this chapter.

6           (c)(1) Members shall be appointed for staggered terms of six (6)  
 7 years, with three (3) members' terms expiring January 1 of each even-numbered  
 8 year.

9           (2) The initial members shall draw lots to determine the lengths  
 10 of their terms.

11          (d) The board shall call the first meeting of the committee within  
 12 sixty (60) days of the effective date of this chapter.

13          (e) If a vacancy occurs on the advisory committee, the board shall  
 14 appoint a person having the appropriate qualifications to serve the unexpired  
 15 part of the term.

16          (f) The committee may adopt rules for the conduct of its activities  
 17 and shall elect from among its members a chair who shall serve a one (1) year  
 18 term.

19          (g) A majority of the members of the committee shall constitute a  
 20 quorum to transact the business of the committee.

21          (h) The committee shall meet at least once each calendar year and  
 22 shall meet at other times at the call of the presiding officer as necessary  
 23 to transact its business.

24          (i) The members of the committee may not receive compensation, but may  
 25 receive expense reimbursement in accordance with § 25-16-902.

26          (j) The advisory committee shall:

27               (1) Recommend to the board rules to implement standards adopted  
 28 under this chapter;

29               (2) Perform other duties assigned by the board; and

30               (3) Recommend to the board examinations required by this  
 31 chapter.

32          (k) A naturopathic physician member of the advisory committee may be  
 33 licensed as a member of another health profession regulated or licensed by  
 34 the state.

35  
 36          17-107-203. Complaint procedure in general.

1           (a) The Department of Health shall establish and keep current an  
 2 information file that shall contain a record for each complaint of:

3                   (1) All persons contacted in relation to the complaint;

4                   (2) A summary of findings made at each step of the complaint  
 5 process;

6                   (3) An explanation of the legal basis and reason for a complaint  
 7 that is dismissed; and

8                   (4) Other relevant information.

9           (b) If a written complaint is filed with the department that the  
 10 department has authority to resolve, the department, at least as frequently  
 11 as quarterly and until final disposition of the complaint, shall notify the  
 12 parties to the complaint of the status of the complaint unless the notice  
 13 would jeopardize an undercover investigation.

14           (c)(1) The State Board of Health shall adopt a form to standardize  
 15 information concerning complaints made to the department.

16                   (2) The department shall provide to a person who files a  
 17 complaint with the department a list and explanation of the required  
 18 standardized information.

19           (d) The department shall provide reasonable assistance to a person who  
 20 wishes to file a complaint with the department.

21  
 22           17-107-204. Complaint investigation and disposition.

23           (a) The State Board of Health shall adopt rules concerning the  
 24 investigation of a complaint filed with the Department of Health.

25           (b) The rules adopted under this section shall:

26                   (1) Distinguish between categories of complaints;

27                   (2) Ensure that complaints are not dismissed without appropriate  
 28 consideration;

29                   (3) Require that the advisory committee be advised of a  
 30 complaint that is dismissed and that a letter be sent to the person who filed  
 31 the complaint explaining the action taken on the dismissed complaint; and

32                   (4) Ensure that the person who filed the complaint has an  
 33 opportunity to explain the allegations made in the complaint.

34           (c) The department shall dispose of all complaints in a timely manner.

35  
 36           17-107-205. Discipline of license holder.



1           (a) A license to practice naturopathy may be denied or, after notice  
 2 and hearing, suspended, probated, or revoked if the applicant for a license  
 3 or the holder of a license:

4                   (1) Uses drugs or intoxicating liquors to an extent that affects  
 5 the person's professional competence;

6                   (2) Obtains or attempts to obtain a license by fraud or  
 7 deception;

8                   (3) Is adjudged mentally incompetent by a court of competent  
 9 jurisdiction;

10                  (4) Practices naturopathy in a manner detrimental to the public  
 11 health and welfare;

12                   (5) Violates this chapter or a rule adopted under this chapter;

13                   (6) Is convicted of a felony or a crime involving moral  
 14 turpitude; or

15                   (7) Holds himself or herself out as a physician or surgeon or  
 16 any combination or derivative of those terms unless the person is also  
 17 licensed under the Arkansas Medical Practices Act, § 17-95-201 et seq.

18           (b) If a license suspension is probated, the Department of Health may  
 19 require the license holder to:

20                   (1) Report regularly to the department on matters that are the  
 21 basis of the probation;

22                   (2) Limit practice to areas prescribed by the department; or

23                   (3) Continue professional education until he or she attains a  
 24 degree of skill satisfactory to the department in those areas that are the  
 25 basis of the probation.

26           (c) A person whose application for a license is denied or whose  
 27 license is suspended or revoked is entitled to a hearing before the  
 28 department if the person submits a written request to the department.

30           SUBCHAPTER 3 - THE NATUROPATHIC MEDICINE ACT - LICENSING

31  
 32           17-107-301. License qualifications.

33           (a) A person is qualified to be licensed as a naturopathic physician  
 34 if the person:

35                   (1) Completes and submits to the Department of Health an  
 36 application accompanied by the appropriate fees;

1           (2) Is a graduate of a naturopathic college approved by the  
2 board;

3           (3) Has passed an examination prescribed or endorsed by the  
4 Naturopathic Physicians Advisory Committee covering the appropriate  
5 naturopathic subjects; and

6           (4) Is of good moral character.

7           (b) A person is qualified to be licensed as a naturopathic physician  
8 without examination if:

9           (1) The applicant is licensed to practice naturopathy in another  
10 state, a territory of the United States, or the District of Columbia, under  
11 conditions and circumstances that the State Board of Health finds to be  
12 comparable to the requirements of this state for obtaining a license to  
13 practice naturopathy and the state, the territory, or the District of  
14 Columbia requires the successful completion of a professional examination for  
15 the issuance of a license;

16           (2) The applicant has graduated from a naturopathic college  
17 approved by the board or, if the applicant was licensed before a date  
18 designated by board rule, the applicant graduated from a college approved by  
19 the advisory committee after the college was investigated and found to meet  
20 the acceptable education standards in existence at the time of the  
21 applicant's graduation; and

22           (3) The applicant produces evidence satisfactory to the advisory  
23 committee that the applicant holds a valid, unsuspended, and unrevoked  
24 license, has been actively engaged in the practice of naturopathy for not  
25 less than one (1) year; and

26           (4) Is of good moral character.

27           (c) A person may sit for the examination prescribed or endorsed by the  
28 advisory committee under subsection (a) of this section and be eligible for  
29 licensure as a naturopathic physician on the passage of the examination if,  
30 before December 1, 2003, the person files a license application, pays the  
31 required fees, and submits proof to the department that the person:

32           (1) Attended a naturopathic college and received a doctorate  
33 degree in naturopathy from the college before January 1, 2003, and the  
34 college is subsequently approved by the advisory committee;

35           (2) Before May 1, 2003, provided in this state and on a regular  
36 and ongoing basis health care services using natural medicines or therapies

1 for patients in this state; and

2 (3) Is of good moral character.

3 (d) A person is qualified to be licensed under this chapter without  
4 taking the examination or meeting the requirements of subsections (a) and (b)  
5 of this section if the person:

6 (1) Is a resident of the state;

7 (2) Is twenty-one (21) years of age or older;

8 (3) Provides proof acceptable to the advisory committee that the  
9 person has been actively engaged in naturopathic health care and has held  
10 himself or herself out to the public as a naturopathic physician for at least  
11 three (3) years before January 1, 2003, or has accumulated not less than  
12 three thousand eighty (3,080) patient contact hours before January 1, 2003;

13 (4) Is not licensed as a physician or chiropractor;

14 (5) Derives the majority of his or her earned income from the  
15 practice of naturopathy; and

16 (6) Applies for a license under this subsection before January  
17 1, 2004.

18 (e) A person licensed under subsection (d) of this section may:

19 (1) Use the title "naturopathic physician" and any other title  
20 permitted under § 17-107-303(a); and

21 (2) Practice naturopathy only within the scope of practice that  
22 reflects the limits of his or her training and experience.

23 (f)(1) The board may adopt rules providing for limitations on the  
24 practice of a person licensed under subsection (d) of this section.

25 (2) However, the board may not require a person licensed under  
26 subsection (d) of this section to be identified as a person whose practice is  
27 limited.

28  
29 17-107-302. Examination.

30 (a)(1) The Naturopathic Physicians Advisory Committee may prescribe a  
31 nationally developed standard examination as part or all of the examination  
32 prescribed or endorsed under § 17-107-301(a).

33 (2)(A) The State Board of Health shall promulgate rules to  
34 establish criteria for passing the examination.

35 (B) The board may promulgate other rules necessary to the  
36 administration of the examination.

1       (b) The board shall set the fees for the examination, reexamination of  
 2 the entire examination, and reexamination of separate components of the  
 3 examination in amounts necessary to cover the actual cost of the examination  
 4 and the expenses of administration.

5  
 6       17-107-303. Use of titles - penalty - injunction.

7       (a) Only a naturopathic physician may use the title "naturopathic  
 8 physician", "doctor of naturopathic medicine", "doctor of naturopathy",  
 9 "naturopathy", or "N.D.".

10       (b) A person not licensed under this chapter is guilty of a Class A  
 11 misdemeanor and is subject to penalties applicable to the unlicensed practice  
 12 of naturopathic medicine if he or she:

13               (1) Holds himself or herself out as a person who practices  
 14 naturopathic medicine;

15               (2) Uses any combination or abbreviation of the terms described  
 16 in subsection (a) of this section without holding a license or while he or  
 17 she is on retired or inactive status; or

18               (3) Acts as a naturopathic physician.

19       (c) The State Board of Health make seek an injunction against a person  
 20 who violates this section in the circuit court of the county in which the  
 21 violation occurs.

22  
 23       17-107-304. License fees.

24       The State Board of Health shall adopt an initial licensing fee and  
 25 annual renewal fees in amounts necessary to cover the costs of administering  
 26 this chapter.

27  
 28       17-107-305. License renewal.

29       (a) A license to practice as a naturopathic physician shall be renewed  
 30 annually.

31       (b) To renew a license, each naturopathic physician shall submit to  
 32 the Department of Health evidence of successful completion of the required  
 33 hours of continuing education from programs approved by the State Board of  
 34 Health.

35       (c) The board shall adopt rules establishing approved programs of  
 36 continuing education and the manner for verifying participation.

1       (d) The board may adopt other rules necessary to the administration of  
2 license renewals.

3  
4       17-107-306. Continuing education.

5       (a)(1) The State Board of Health shall require not fewer than fifteen  
6 (15) hours annually of continuing education hours for all naturopathic  
7 physicians.

8       (2) The board shall require not fewer than fifteen (15) hours  
9 annually of specialty instruction in obstetrics or natural childbirth and not  
10 fewer than twenty (20) hours biennially for a total of not fewer than thirty-  
11 five (35) hours biennially for a naturopathic physician certified in  
12 naturopathic childbirth.

13       (b)(1) A person who seeks to renew a license that expired within the  
14 preceding year shall comply with the continuing education requirements for  
15 the regular renewal of the license.

16       (2) A person seeking to renew a license that has been expired  
17 for more than one (1) year must present evidence of completion of not less  
18 than one-half (1/2) of the required hours of approved continuing education  
19 requirements during the year preceding the date of the application for  
20 renewal.

21  
22       17-107-307. Inactive status - retired status.

23       (a) To place a license on inactive status, the license holder must  
24 notify the Department of Health at the time of renewal and pay a fee for  
25 inactive status.

26       (b) To activate a license on inactive status, the license holder must  
27 pay the regular renewal fee and present evidence of having completed not less  
28 than one-half (1/2) of the required hours of approved continuing education  
29 requirements during the year preceding the date of the application for  
30 activation.

31       (c)(1) A license holder seeking to place a license on retired status  
32 must notify the department at the time of renewal.

33       (2) A license on retired status may not be reactivated.

34       (d) A license holder who holds a license that is on inactive or  
35 retired status may not practice naturopathic medicine.

36

1           SUBCHAPTER 4 - THE NATUROPATHIC MEDICINE ACT - NATUROPATHIC PRACTICE

2  
3           17-107-401. Authorized activities.

4           (a) A person licensed as a naturopathic physician under this chapter  
5 may use for preventive and therapeutic purposes the following preparations  
6 and therapies:

- 7                   (1) Natural medicines;  
8                   (2) Minor office procedures;  
9                   (3) Natural antibiotics;  
10                  (4) Naturopathic medicine;  
11                  (5) Naturopathic childbirth;  
12                  (6) Naturopathic mobilization therapy;  
13                  (7) Topical preparations; and  
14                  (8) Naturopathic physical medicine.

15          (b) A person licensed as a naturopathic physician under this chapter  
16 may use for evaluation purposes:

- 17                  (1) Physical and orificial examinations;  
18                  (2) X-rays;  
19                  (3) Electrocardiograms;  
20                  (4) Therapeutic ultrasound;  
21                  (5) Phlebotomy;  
22                  (6) Clinical laboratory tests and examinations;  
23                  (7) Physiological function tests; and  
24                  (8) The noninvasive diagnostic procedures commonly used in  
25 general practice.

26  
27          17-107-402. Specialty practice.

28          (a)(1) A naturopathic physician may not practice naturopathic  
29 childbirth without obtaining a certificate of specialty practice in  
30 naturopathic childbirth.

31                  (2) The State Board of Health shall promulgate rules to certify  
32 naturopathic physicians for specialty practice.

33          (b) To be certified in naturopathic childbirth, a naturopathic  
34 physician shall:

35                  (1) Pass a specialty examination in obstetrics or natural  
36 childbirth recommended by the Naturopathic Physicians Advisory Committee; and

1           (2) Comply with the requirements adopted by the board for  
 2 issuance of the specialty certification that are equivalent to the minimum  
 3 requirements, including any examination requirements, to obtain a license to  
 4 practice midwifery in this state.

5           (c) The advisory committee may recommended a national standardized  
 6 examination in obstetrics or natural childbirth as constituting the specialty  
 7 examination.

8  
 9           17-107-403. Use of X-ray.

10          (a) A naturopathic physician licensed under this chapter may use an X-  
 11 ray in the course of practice only if the naturopathic physician is certified  
 12 by the State Board of Health as qualified to perform X-ray procedures.

13          (b) The board shall adopt rules for the issuance of a certification  
 14 under this section that are equivalent to the requirements for other health  
 15 professionals to engage in the use of X-rays.

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 17          17-107-404. Prohibited Acts.

18          A naturopathic physician may not:

19          (1) Prescribe, dispense, or administer any legend drugs or controlled  
 20 substances except those preparations authorized by this chapter or State  
 21 Board of Health rule;

22          (2) Perform surgical procedures or X-ray procedures except those  
 23 procedures authorized by this chapter or board rule;

24          (3) Practice emergency care except as a Samaritan rendering gratuitous  
 25 services in the case of emergency, and except for the care of minor injuries;  
 26 or

27          (4) Claim to practice allopathic medicine or surgery, osteopathy,  
 28 dentistry, podiatry, optometry, chiropractic, physical therapy, acupuncture,  
 29 or any other system or method of treatment not authorized by this chapter or  
 30 board rule.

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 32          17-107-405. Duties and responsibilities.

33          A naturopathic physician has the same responsibility as any other  
 34 licensed health care provider regarding public health laws, reportable  
 35 diseases and conditions, communicable disease control and prevention, the  
 36 recording of vital statistics, health and physical examinations, and

1 competency examinations, except that the authority under this section is  
2 limited to activity consistent with the scope of practice authorized by this  
3 chapter.

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