

1 INTERIM STUDY PROPOSAL 2021-015

2 State of Arkansas

*As Engrossed: H4/27/21*

3 93rd General Assembly

# A Bill

4 Regular Session, 2021

HOUSE BILL 1233

5  
6 By: Representative Penzo

7 By: Senator B. Ballinger

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

## For An Act To Be Entitled

10 AN ACT TO CREATE THE ARKANSAS NATUROPATHIC PHYSICIAN  
11 LICENSURE ACT; AND FOR OTHER PURPOSES.  
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### Subtitle

15 TO CREATE THE ARKANSAS NATUROPATHIC  
16 PHYSICIAN LICENSURE ACT.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 *SECTION 1. Arkansas Code § 17-95-301(b)(1)(A), concerning the*  
23 *membership of the Arkansas State Medical Board, as amended by Acts 2021, No.*  
24 *634, is amended to read as follows:*

25 *(b)(1)(A) The board shall consist of ~~fifteen (15)~~ sixteen (16) members*  
26 *appointed by the Governor for terms of six (6) years.*  
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28 *SECTION 2. Arkansas Code § 17-95-301(b), concerning the membership of*  
29 *the Arkansas State Medical Board, is amended to add an additional subdivision*  
30 *to read as follows:*

31 *(7) One (1) member shall be a licensed and practicing*  
32 *naturopathic physician and subject to confirmation by the Senate.*  
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34 *SECTION 3. Arkansas Code Title 17, Chapter 95, is amended to add an*  
35 *additional subchapter to read as follows:*

36 Subchapter 12 – Arkansas Naturopathic Physician Licensure Act

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17-95-1201. Title.

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

17-95-1202. Definitions.

As used in this subchapter:

(1) "Naturopathic physician" means an individual who is licensed under this subchapter to engage in the practice of naturopathic medicine; and

(2) "Practice of naturopathic medicine" means the diagnosis and treatment of diseases, injuries, ailments, infirmities, and other conditions of the human mind and body, including by natural means, drugless methods, drugs, nonsurgical methods, devices, physical, electrical, hygienic, and sanitary measures and all forms of physical agents and modalities.

17-95-1203. Exemptions from licensure.

This subchapter does not require licensure as a naturopathic physician of:

(1) An individual who is licensed or lawfully permitted to practice by this state as a healthcare professional and who is practicing within his or her scope of practice;

(2) A physician who is licensed by another state or country and is providing a consultation upon request;

(3) A student enrolled in an approved training program in naturopathic medicine if the practice of naturopathic medicine constitutes a part of a supervised course of study and the student is designated by a title that clearly indicates the student's status as a student or trainee; or

(4) An individual who is not licensed by the Arkansas State Medical Board and who sells a natural substance that does not require a prescription or food articles to supplement the diet of another individual.

17-95-1204. Authority of Arkansas State Medical Board.

The Arkansas State Medical Board shall:

(1) Develop appropriate rules necessary to regulate naturopathic physicians;

1           (2) Receive, review, and approve applications for naturopathic  
2 physicians licensure;

3           (3) Issue, renew, suspend, revoke, or deny licensure as a  
4 naturopathic physician;

5           (4) Conduct hearings on investigative and disciplinary  
6 proceedings;

7           (5)(A) Maintain a database of all licensees for all individuals  
8 who hold active licenses or who hold licenses that have been suspended,  
9 revoked, or denied.

10           (B) Access to a database under subdivision (5)(A) of this  
11 section shall be available upon written request and payment of an appropriate  
12 fee as determined by the board; and

13           (6) Perform other functions and duties required to carry out  
14 this subchapter.

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16           17-95-1205. Title protection.

17           An individual shall not use or assume the title “naturopathic  
18 physician” or use any words, letters, abbreviations, or insignia indicating  
19 or implying that the individual holds a naturopathic physician license unless  
20 the individual is licensed by the Arkansas State Medical Board.

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22           17-95-1206. Naturopathic physician licensure.

23           (a) The Arkansas State Medical Board shall license as a naturopathic  
24 physician an applicant who:

25           (1) Submits an application approved by the Arkansas State  
26 Medical Board;

27           (2) Pays an application fee determined by the Arkansas State  
28 Medical Board; and

29           (3) Provides evidence of:

30           (A) Having graduated from a school of naturopathic  
31 medicine that is approved by *the appropriate national accrediting entity for*  
32 *naturopathic physicians;*

33           (B) Having completed an internship, preceptorship, or  
34 clinical training program in naturopathic medicine; and

35           (C) Meeting the examination requirements for licensure by  
36 the North American Board of Naturopathic Examiners, or its successor agency.

1       (b)(1) The Arkansas State Medical Board may issue a license to an  
2 applicant who provides evidence that he or she is licensed to practice as a  
3 naturopathic physician in another state or territory if the requirements for  
4 licensure in the other state or territory are equivalent to the requirements  
5 for licensure under this subchapter.

6               (2) The Arkansas State Medical Board has the sole discretion to  
7 issue a license by reciprocity.

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9       17-95-1207. Renewal of naturopathic physician license.

10       (a) Except in the case of a temporary license under § 17-95-1208, a  
11 license to practice as a naturopathic physician shall be valid for a one-year  
12 period and shall expire on the last day of the birth month of the license  
13 holder.

14       (b) Upon receipt of a renewal application and renewal fees as  
15 determined by the Arkansas State Medical Board, the board shall renew a  
16 license to practice as a naturopathic physician.

17       (c)(1) As a condition of licensure renewal, a naturopathic physician  
18 shall complete twenty (20) hours of continuing education units approved by  
19 the board.

20               (2) The naturopathic physician is responsible for maintaining:

21                       (A) Competent records of continuing education units  
22 completed under subdivision (c)(1) of this section for a period of three (3)  
23 years; and

24                       (B) Information sufficient to demonstrate that the  
25 continuing education units completed under subdivision (c)(1) of this section  
26 meet the continuing education requirement of this subsection.

27       (3) The board may waive the continuing education requirement or  
28 grant an extension of time to complete the continuing education requirement  
29 in cases of retirement, illness, disability, or other undue hardship.

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31       17-95-1208. Temporary licensure.

32       (a) The Arkansas State Medical Board may issue a temporary license to  
33 an applicant who does not meet the licensure requirements under this  
34 subchapter if the applicant:

35               (1) Applies for and takes the certification examination within  
36 six (6) months of issuance of the temporary license; and

1           (2) Submits an application and appropriate application fees to  
2 the board.

3           (b) A temporary license is valid for six (6) months from the date of  
4 issuance.

5           (c) A temporary license shall not be renewed.

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7           17-95-1209. Denial, suspension, revocation, or refusal to renew  
8 license – Censure.

9           (a) The Arkansas State Medical Board may deny, suspend, revoke, or  
10 refuse to renew a license or may reprimand, censure, place on probation, or  
11 otherwise discipline a licensee upon proof that the licensee has:

12           (1) Obtained or attempted to obtain a license by fraud or  
13 deception;

14           (2) Been convicted of a felony under state or federal law;

15           (3) Been adjudicated mentally ill or incompetent by a court;

16           (4) Used illicit drugs or intoxicating liquors, narcotics,  
17 controlled substances, or other drugs or stimulants to an extent that  
18 adversely affects the practice of naturopathic medicine;

19           (5) Engaged in unethical or unprofessional conduct, including  
20 without limitation willful acts or omissions, negligence, or incompetence in  
21 the course of professional practice;

22           (6) Violated any provision of this subchapter or any rule of the  
23 board; or

24           (7) Been denied licensure or disciplined in another state or  
25 territory in connection with a license in the other state or territory.

26           (b) A licensee under subsection (a) of this section shall promptly  
27 deliver his or her license to the board if the licensee:

28           (1) Has his or her license suspended or revoked; or

29           (2) Surrenders his or her license with or without prejudice if  
30 the surrender is approved by the board.

31           (c) The board may restore a license or remove a probation on a license  
32 upon decision of the board.

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34           17-95-1210. Prescriptive authority.

35           (a) A naturopathic physician licensed under this subchapter shall have  
36 prescriptive authority for Schedule III-V controlled substances as described

1 in the Uniform Controlled Substances Act, § 5-64-101 et seq., and 21 C.F.R.  
2 Part 1300, all legend drugs, and all nonschedule prescription medications and  
3 medical devices.

4 (b) A naturopathic physician who prescribes controlled substances  
5 shall register with the United States Drug Enforcement Administration as part  
6 of the United States Drug Enforcement Administration's Mid-Level Practitioner  
7 Registry, 21 C.F.R. Part 1300, 58 FR 31171-31175, and the Controlled  
8 Substances Act.

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10 17-95-1211. Identification requirements.

11 A naturopathic physician licensed under this subchapter shall keep his  
12 or her license available for inspection at his or her primary place of  
13 business and when engaged in his or her professional activities shall wear a  
14 name tag identifying himself or herself as a naturopathic physician.

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16 SECTION 4. EFFECTIVE DATE.

17 This act is effective on and after January 1, 2023.

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20 /s/Penzo

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23 Referred requested by the Arkansas House of Representatives

24 Prepared by: MBM/KFW