

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023

A Bill

SENATE BILL 86

4
5 By: Senator C. Penzo

For An Act To Be Entitled

8 AN ACT TO CREATE THE ARKANSAS NATUROPATHIC PHYSICIAN
9 LICENSURE ACT; AND FOR OTHER PURPOSES.

Subtitle

12 TO CREATE THE ARKANSAS NATUROPATHIC
14 PHYSICIAN LICENSURE ACT.

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

18
19 SECTION 1. Arkansas Code § 17-95-301(b)(1)(A), concerning the
20 membership of the Arkansas State Medical Board, is amended to read as
21 follows:

22 (b)(1)(A) The board shall consist of ~~fifteen (15)~~ sixteen (16) members
23 appointed by the Governor for terms of six (6) years.

24
25 SECTION 2. Arkansas Code § 17-95-301(b), concerning the membership of
26 the Arkansas State Medical Board, is amended to add an additional subdivision
27 to read as follows:

28 (7) One (1) member shall be a licensed and practicing
29 naturopathic physician and subject to confirmation by the Senate.

30
31 SECTION 3. Arkansas Code Title 17, Chapter 95, is amended to add an
32 additional subchapter to read as follows:

33 Subchapter 12 – Arkansas Naturopathic Physician Licensure Act

34
35 17-95-1201. Title.

36 This subchapter shall be known and may be cited as the “Arkansas



1 Naturopathic Physician Licensure Act”.

2
3 17-95-1202. Definitions.

4 As used in this subchapter:

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

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

12
13 17-95-1203. Exemptions from licensure.

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

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

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

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

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

28
29 17-95-1204. Authority of Arkansas State Medical Board.

30 The Arkansas State Medical Board shall:

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

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

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

1 (4) Conduct hearings on investigative and disciplinary
2 proceedings;

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

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

9 (6) Perform other functions and duties required to carry out
10 this subchapter.

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12 17-95-1205. Title protection.

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

17
18 17-95-1206. Naturopathic physician licensure.

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

21 (1) Submits an application approved by the Arkansas State
22 Medical Board;

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

25 (3) Provides evidence of:

26 (A) Having graduated from a school of naturopathic
27 medicine that is approved by the appropriate national accrediting entity for
28 naturopathic physicians;

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

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

33 (b)(1) The Arkansas State Medical Board may issue a license to an
34 applicant who provides evidence that he or she is licensed to practice as a
35 naturopathic physician in another state or territory if the requirements for
36 licensure in the other state or territory are equivalent to the requirements

1 for licensure under this subchapter.

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

4
5 17-95-1207. Renewal of naturopathic physician license.

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

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

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

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

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

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

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

26
27 17-95-1208. Temporary licensure.

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

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

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

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

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

2
3 17-95-1209. Denial, suspension, revocation, or refusal to renew
4 license – Censure.

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

8 (1) Obtained or attempted to obtain a license by fraud or
9 deception;

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

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

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

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

18 (6) Violated any provision of this subchapter or any rule of the
19 board; or

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

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

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

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

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

29
30 17-95-1210. Prescriptive authority.

31 (a) A naturopathic physician licensed under this subchapter shall have
32 prescriptive authority for Schedule III-V controlled substances as described
33 in the Uniform Controlled Substances Act, § 5-64-101 et seq., and 21 C.F.R.
34 Part 1300, all legend drugs, and all nonschedule prescription medications and
35 medical devices.

36 (b) A naturopathic physician who prescribes controlled substances

1 shall register with the United States Drug Enforcement Administration as part
2 of the United States Drug Enforcement Administration’s Mid-Level Practitioner
3 Registry, 21 C.F.R. Part 1300, 58 FR 31171-31175, and the Controlled
4 Substances Act.

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6 17-95-1211. Identification requirements.

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

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12 SECTION 4. EFFECTIVE DATE.

13 This act is effective on and after January 1, 2024.
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