

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

**CHAPTER 18. STATE BOARD OF MEDICINE—PRACTITIONERS OTHER
THAN MEDICAL DOCTORS**

Subchapter M. NATUROPATHIC DOCTOR

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§ 18.901. Purpose.

This subchapter implements sections 203, 204 and 207 of the NDRA (63 P.S. §§ 272.203, 272.204 and 272.207), regarding naturopathic doctors.

§ 18.902. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Authorization to practice, authorized to practice – a license, registration, certification, permit, authorization, or approval issued by a state or Federal agency which authorizes the holder to advertise, engage in, or advertise and engage in the practice of a profession or occupation.

CNME-Council on Naturopathic Medical Education, the accrediting body which accredits schools of naturopathy for the education of naturopathic doctors.

Merchandise-items that can be sold, including vitamins, supplements, food, food extracts, homeopathic remedies, _____

and natural substances

Naturopath, Naturopathic Doctor, or N.D.— An individual registered by the Board to hold oneself out as a naturopathic doctor in this Commonwealth.

NABNE –North American Board of Naturopathic Examiners, the organization which administers the NPLEX (Naturopathic Physicians Licensing Examinations).

NDRA – The act of Nov. 3, 2016 (P.L. 997, No. 128) known as the Naturopathic Doctor Registration Act, 63 P. S. §§ 272.101-272.301.

NPLEX—Naturopathic Physicians Licensing Examinations, the licensing examination accepted by the Board as a prerequisite to registration, consisting of Part I, Biomedical Science Examination and Part II, Core Clinical Science Examination, or its successor recognized by the Board.

Sexual behavior—Any sexual conduct which is nondiagnostic and nontherapeutic; it may be verbal or physical and may include expressions of thoughts and feelings or gestures that are sexual in nature or that reasonably may be construed by a patient as sexual in nature.

Sexual exploitation—Any sexual behavior that uses trust, knowledge, emotions or influence derived from the professional relationship.

§ 18.903. Application for naturopathic doctor registration.

- (a) An applicant for a registration to practice naturopathy shall submit, on forms made available by the Board, a completed application for a registration, including the necessary supporting documents, and pay the application fee in § 16.13() (relating to licensure, certification, examination and registration fees).
- (b) The Board may issue a registration to practice naturopathy to an applicant who meets all of the following requirements:
- (1) Holds a bachelor’s degree from a regionally accredited or pre-accredited college or university, or the equivalent.
 - (2) Holds a doctoral degree from a naturopathic school accredited by the CNME which consisted of at least 4,100 total credit hours in basic and clinical sciences and naturopathic philosophy and modalities, including at least 1,200 hours of supervised clinical training. Proof of the degree shall be sent directly from the applicant’s education program and include an official transcript.
 - (3) Passed Parts I and II of a competency-based national naturopathic licensing examination administered by the NABNE or a successor agency. An applicant who graduated

prior to 1986 shall demonstrate a passing score on a state naturopathic examination equivalent to the NABNE examination.

- (4) Holds current certification to administer CPR.
 - (5) Has good moral character.
 - (6) Has completed at least 3 hours of education in child abuse recognition and reporting requirements.
- (c) The Board may deny an application for registration as a naturopathic doctor upon the grounds for disciplinary action in § 18.913 (relating to disciplinary action for applicants and naturopathic doctors).

§ 18.904. Biennial registration of naturopathic doctor.

- (a) The registration of a naturopathic doctor will expire biennially on December 31 of each even-numbered year in accordance with § 16.15 (relating to biennial registration; inactive status and unregistered status). A naturopathic doctor may not use the title of "naturopathic doctor," "doctor of naturopathic medicine," the professional designation of "N.D.," or any other term or abbreviation implying that the individual is currently registered as a naturopathic doctor unless the individual has completed the biennial renewal process and the Board has issued a renewed registration.

- (b) As a condition of biennial renewal, a naturopathic doctor shall:
- (1) Submit a completed application, including payment of the biennial registration fee in § 16.13(____) (relating to licensure, certification, examination and registration fees) for application for biennial registration.
 - (2) Disclose on the application any authorization to practice as a naturopathic doctor in another state, district, territory, possession or country.
 - (3) Disclose on the application disciplinary action pending before or taken by the appropriate licensing, registration, or certification authority in another jurisdiction since the most recent application for biennial registration, whether or not authorized to practice or advertise in that other jurisdiction.
 - (4) Disclose on the application pending criminal charges and a finding or verdict of guilt, admission of guilt, plea of nolo contendere, probation without verdict, disposition instead of trial or accelerated rehabilitative disposition in any criminal matter since the most recent application for biennial registration.

§ 18.905. Inactive status; reactivation of inactive registration.

- (a) A naturopathic doctor registration will become inactive upon either of the following:
- (1) The registrant requests in writing that the Board place the registration on inactive status. Confirmation of inactive status will be forwarded to the registrant.
 - (2) The registrant fails to renew his or her registration by the expiration of the biennial registration period, that is, by December 31 of each even-numbered year.
- (b) To reactivate an inactive registration, the registrant shall apply on forms made available by the Board. The registrant shall:
- (1) Pay the current biennial registration fee, the reactivation application fee specified in § 16.13() (relating to licensure, certification, examination and registration fees) and the late fee required under section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. § 1401-225).
 - (2) Verify that the registrant did not use the title of "naturopathic doctor," "doctor of naturopathic medicine," the professional designation of "N.D.," or any other term or abbreviation

implying that the individual is currently registered as a naturopathic doctor while the registration was inactive.

- (c) A registrant whose registration has been inactive for 4 years or more shall demonstrate continued qualification to hold forth as a naturopathic doctor by demonstrating a passing score on the NPLEX examination, completed within the 12 months prior to application for reactivation.
- (d) Payment of the late fee required under section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. § 1401-225) does not preclude the Board from taking disciplinary action for utilizing the title of "naturopathic doctor," "doctor of naturopathic medicine," the professional designation of "N.D.," or any other term or abbreviation implying that the individual was currently registered as a naturopathic doctor while holding an inactive registration

§ 18.906. Display of registration.

Each naturopathic doctor registrant shall prominently display the biennial renewal registration in a publicly accessible location at the registrant's regular place of business. The registrant shall have the biennial pocket registration card available for inspection by authorized agents of the Board and by persons receiving services

when the naturopathic doctor provide services at locations other than the registrant’s regular place of business.

§ 18.907. Use of title; prohibited titles.

- (a) An individual must have a current, active, and unsuspended registration to do the following:
- (1) Claim to be or hold oneself out as a naturopathic doctor, registered naturopathic doctor, licensed naturopathic doctor, doctor of naturopathic medicine, doctor of naturopathy, board certified naturopath, or any similar title implying that the individual holds a current registration to practice naturopathy in this Commonwealth.
 - (2) Use the professional abbreviation “N.D.” or other titles, words, letters or symbols that imply that the individual is registered as a naturopathic doctor in this Commonwealth.
- (b) A naturopathic doctor who uses the designation “Dr.” shall further identify him or herself as a “Naturopathic Doctor,” “Registered Naturopathic Doctor” or “Doctor of Naturopathy” and shall not use any term or designation that would tend to indicate that the naturopathic doctor is licensed or authorized to practice medicine or

surgery, dentistry, podiatry, optometry, psychology, nursing, physical therapy, acupuncture, chiropractic, genetic counseling, athletic training, massage therapy or any other health care profession unless that individual also holds a current and active authorization to practice the other profession issued by the appropriate licensing authority of this Commonwealth.

§ 18.908. Informed consent and interests disclosure.

- (a) A naturopathic doctor shall obtain written informed consent from a client prior to providing naturopathic services to a client. The informed consent shall include notification to the client that the naturopathic doctor is not a physician and is not authorized to practice medicine. This subsection shall not apply to registrants who are also currently and actively licensed to practice as a physician in this Commonwealth.
- (b) A naturopathic doctor shall disclose to clients and prospective clients if the naturopathic doctor receives any commission, rebate, referral fee or similar financial incentive in connection with the referral of a client to purveyors of merchandise or services, or for recommending any merchandise to a client.

§ 18.909. Naturopathic records.

- (a) A naturopathic doctor shall maintain client records that accurately describe the client’s concerns, evidence the naturopathic doctor’s plan of service and implementation of service, and document the client’s response to any services provided;
- (b) Client records shall be retained for a minimum period of 7 years from the date of the service for which a naturopathic record entry is required. The naturopathic service record for a minor client shall be retained until 1 year after the minor client reaches majority, even if this means that the naturopathic doctor retains the record for a period of more than 7 years.
- (c) Upon written request, a naturopathic doctor shall make true, correct, and legible copies of the written records of service available to the client or the person(s) designated by the client;
- (d) Payment for naturopathic services rendered may not be required as a condition to making the written records of service available to the client or the client’s designee. A naturopathic doctor may require pre-payment of the costs to copy and produce the naturopathic records. The maximum applicable copying and reproduction costs for naturopathic service records shall be the same as those costs

applicable to production of health records as annually adjusted by the Pennsylvania Secretary of the Department of Health and published in the Pennsylvania Bulletin.

§ 18.910. Advertising.

- (a) Any advertisement by a naturopathic doctor shall contain:
 - (1) The name of the naturopathic doctor as registered with the Board.
 - (2) The words “naturopathic doctor,” “naturopath” or the initials “N.D.”
- (b) Advertisements by a naturopathic doctor may not contain:
 - (1) The words physician, medicine or medical, unless the naturopathic doctor is also currently and actively licensed as a physician or physician assistant in this Commonwealth.
 - (2) Any words indicating or implying that the naturopathic doctor is “board certified” or “board eligible” unless the certification body is also disclosed.
 - (3) Statements containing misrepresentations of facts.
 - (4) Statements that cannot be verified by the Board for truthfulness.

- (5) Statements likely to mislead or deceive because of their context or because the statements make only a partial disclosure of relevant facts.
- (6) Statements intended to, or likely to, create false or unjustified expectations of favorable results.
- (7) Statements containing representations or implications that can reasonably be expected to cause an ordinary prudent person to misunderstand or be deceived.
- (8) Statements that are untruthful and improbable or contain misstatements, falsehoods, misrepresentations, distorted or fabulous statements as to cures.
- (9) Statements that misrepresent the nature, characteristics, or qualities of natural substances or services provided by a naturopathic doctor.
- (10) Statements that a manifestly incurable condition can be cured, or that guarantee a cure of any condition.
- (11) Statements promoting herbal, natural, or dietary supplements as drugs.
- (12) Statements recommending any modality of service that is inconsistent with the health, safety and welfare of the public.

§ 18.911. Code of Ethics.

- (a) Naturopathic doctors shall concern themselves primarily with the welfare of the client.
- (b) A naturopathic doctor who suffers from a physical, mental, or emotional impairment, including substance abuse, that impacts the individual's ability to practice naturopathy shall seek professional treatment and refrain from the practice of naturopathy until the impairment no longer exists or reasonable accommodations can be made.
- (c) A naturopathic doctor shall:
 - (1) Respect and maintain the privacy and confidentiality of the client;
 - (2) Disclose the client's records or information about the client only with the client's consent or as required by law;
 - (3) Adequately safeguard confidential client information, including storage and disposal of records;
 - (4) Provide sufficient information to a client to allow the client to make an informed decision regarding care, including:
 - (i) The purpose and nature of a naturopathic evaluation or service regimen;

- (ii) Alternatives to naturopathic care;
 - (iii) Side effects and benefits of a proposed service regimen;
 - (iv) The estimated cost of services;
 - (v) The right of the client to withdraw from services;
- (5) Maintain professional boundaries, even when the client initiates crossing the boundaries of the professional relationship; and
- (6) Decline to administer service if the naturopathic doctor believes that a service is contraindicated or unjustified;
- (7) (7) Make referrals only to qualified and duly licensed health care providers;
- (8) Accurately inform the client, other health care professionals, and the public of the limitations of the practice of naturopathy;
- (9) Adequately assess the client to determine if contraindications against naturopathic service exist and refer the client to an appropriate health care practitioner;
- (10) At all times respect the client’s dignity, autonomy, and privacy;
- (11) Cooperate with any lawful investigation conducted by the Board, including:
- (i) Furnishing information requested in a timely manner as directed by the Board;

- (ii) Complying with a subpoena;
 - (iii) Responding to a complaint at the request of the Board;
 - and
 - (iv) Providing meaningful and timely access to relevant client records;
- (12) Report to the Board misconduct in the practice of naturopathy;
- (d) A naturopathic doctor may not:
- (1) Misrepresent credentials, qualifications, or affiliations and shall attempt to correct others who misrepresent the naturopathic doctor’s credentials, qualifications, or affiliations;
 - (2) Knowingly engage in or condone behavior that is fraudulent, dishonest, or deceitful, or involves moral turpitude;
 - (3) Engage in a commercial activity which conflicts with the duties of a naturopathic doctor;
 - (4) Perform naturopathy on a client if a contraindication against naturopathic service exists;
 - (5) Intimidate, threaten, influence, or attempt to influence any person regarding any violation of law or regulation; or
 - (6) Aid or abet any individual violating or attempting to violate any provision of law or regulation.

- (7) Accept a client for service, or continue unnecessary service, when the client cannot be reasonably expected to benefit from the service;
 - (8) Receive remuneration from, or provide remuneration to, or split a fee, for either making or accepting a referral of the client to or from another health care provider;
 - (9) Make a guarantee or promise about the efficacy of a particular course of care, the naturopathic doctor’s practice, or the anticipated results of care; or
 - (10) Exploit the professional relationship by:
 - (i) Continuing service unnecessarily; or
 - (ii) Charging for a service not provided or different from what was actually provided.
 - (11) Exploit a relationship with a client, staff member, or student for the naturopathic doctor’s personal advantage including, but not limited to, a personal, sexual, romantic, or financial relationship;
 - (12) Engage in sexually misconduct.
- (e) The naturopathic doctor may not perform a service or provide a service that the naturopathic doctor is not qualified to perform or

which is beyond the scope of the naturopathic doctor’s education, training, capabilities, and experience.

- (f) A naturopathic doctor may not construe any failure to specify a particular ethical, legal, or professional duty in this chapter as a denial of the existence of other ethical, legal, or professional duties or responsibilities that are equally as important and generally recognized in the naturopathic medicine profession.

§ 18.912. Sexual misconduct.

- (a) Sexual exploitation by a Board-regulated practitioner of a current or former client, or of an immediate family member of a client, constitutes unprofessional conduct, is prohibited, and subjects the practitioner to disciplinary action under section 204(8) of the NDRA (63 P.S. § 272.204(8)).
- (b) Sexual behavior that occurs with a current client other than the Board-regulated practitioner’s spouse constitutes unprofessional conduct, is prohibited and subjects the practitioner to disciplinary action under section 204(8) of the NDRA (63 P.S. § 272.204(8)).
- (c) When a Board-regulated practitioner is involved with the management or directly provides naturopathic services to a client other than the practitioner’s spouse for a mental health disorder, sexual behavior

with that former client which occurs prior to the 2-year anniversary of the termination of the professional relationship constitutes unprofessional conduct, is prohibited, and subjects the practitioner to disciplinary action under section 204(8) of the NDRA (63 P.S. § 272.204(8)).

- (d) A practitioner who engages in conduct prohibited by this section will not be eligible for placement into an impaired professional program in lieu of disciplinary or corrective actions.
- (e) Consent is not a defense to conduct prohibited by this section.

§ 18.913. Grounds for Discipline.

- (a) The Board shall have the authority to impose disciplinary or corrective measures on a naturopathic doctor or applicant for registration as a naturopathic doctor for the reasons set forth in section 204(8) of the NDRA (63 P.S. § 272.204(8)) and the following:
 - (1) Fraudulently or deceptively obtains, or attempts to obtain, or uses a registration, or assists another in another in fraudulently, deceptively obtaining or using a registration;
 - (2) Uses false, deceptive, or misleading advertising;
 - (3) Advertises, practices, or attempts to practice under a name other than the naturopathic doctor’s name as registered with the

Board. Provided, however, that a naturopathic doctor may advertise utilizing a business name if the advertisement also includes the naturopathic doctor's name as registered by the Board;

- (4) Aids, assists, employs, or advises any unregistered individual to holding him or herself out in a manner which states or implies the unregistered individual is a naturopathic doctor;
- (5) Pays or receives any commission, bonus, kickback, or rebate, or engages in any split-fee arrangement in any form with a licensed physician, organization, agency, or other person, either directly or indirectly, for clients referred to health care providers;
- (6) Promotes the sale of services, drugs, devices, appliances, or goods to a client so as to exploit the client for financial gain;
- (7) Fails to keep written records justifying the course of service of a client;
- (8) Offers, undertakes, or agrees to cure or treat a disease by a secret method, treatment, product, or medicine;
- (9) Fails to cooperate with a lawful investigation of the Board;

- (b) When the Board is empowered to take disciplinary or corrective action under the provisions of the NDRA, regulations or other statutory or regulatory authority, the Board may impose one or more of the following corrective actions as set forth in section 206 of the NDRA (63 P.S. § 272.206), section 42 of the Act (63 P.S. § 422.42), and section 5 of the act of July 2, 1993 (P.L. 345, No. 48, 63 P.S. §§ 2201-2207):
- (1) Deny the application for registration.
 - (2) Administer a public reprimand with or without probation.
 - (3) Revoke, suspend, limit or otherwise restrict a registration.
 - (4) Require the registrant to submit to the care, counseling or treatment of a physician or a psychologist designated by the board.
 - (5) Require the registrant to take refresher educational courses and/or demonstrate passage of the NPLEX examination.
 - (6) Stay enforcement of any suspension and place the registrant on probation with the right to vacate the probationary order for noncompliance.
 - (7) Impose a monetary penalty of up to \$1,000 in accordance with the NDRA.

- (8) Impose the costs of investigation underlying the disciplinary action.

EXPOSURE
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