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SENATE DRS35149-LUFqq-91 (03/10)

Short Title: Naturopathic Doctors Licensing Act. (Public)

Sponsors: Senator Hartsell (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE NORTH CAROLINA NATUROPATHIC DOCTORS
3 LICENSURE ACT.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 90 of the General Statutes is amended by adding a new
6 Article to read:

7 "Article 43.

8 "Naturopathic Doctors.

9 **"§ 90-730. Short title.**

10 This Article may be cited as the "North Carolina Naturopathic Doctors Licensure Act."

11 **"§ 90-731. Intent; purpose.**

12 (a) Intent. – The General Assembly finds that a significant number of residents of the
13 State of North Carolina choose complementary and alternative health care and declares that
14 naturopathic treatment is a distinct health care profession that affects the public health, safety,
15 and welfare and provides for choices in health care. The General Assembly concludes that
16 licensure is in the current interest of North Carolina citizens to aid in protecting citizens from
17 deception, fraud, and damage to their health status. Licensure can provide a process in which
18 citizens may more confidently rely on the level of skill, education, and competency possessed
19 by licensed persons.

20 (b) Purpose. – The purpose of this Article is to provide standards for the licensure of
21 naturopathic doctors desiring to practice naturopathic medicine in this State and to ensure the
22 maintenance of professional competence and acceptable standards of practice.

23 **"§ 90-732. Definitions.**

24 The following definitions apply in this Article:

25 (1) Approved program of naturopathic medicine. – A program that meets all of
26 the following conditions:

27 a. A program that provides graduate level full-time didactic and
28 supervised clinical training that is accredited, or has achieved
29 candidacy status for accreditation, by the Council on Naturopathic
30 Medical Education Program or its federally recognized successor
31 agency.

32 b. A program that is offered by an institution of higher education that is
33 accredited by a regional or national institutional accrediting agency
34 recognized by the United States Secretary of Education.

35 c. If the program is offered in the United States, a program that awards
36 the degree of Doctor of Naturopathy or Doctor of Naturopathic



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1 Medicine. If the program is offered in Canada, a program that awards
2 the degree or diploma of Doctor of Naturopathy or Doctor of
3 Naturopathic Medicine, and is offered by an institution of higher
4 education that has provincial approval for participation in
5 government-funded student aid programs.

6 (2) Board. – The North Carolina Naturopathic Doctors Licensing Board.

7 (3) Criminal history. – A history of conviction of a State or federal crime,
8 whether a misdemeanor or felony.

9 (4) Integrative medicine. – As defined in G.S. 90-1.1(3).

10 (5) Natural medicines. – Any herbal, nutritional, supplemental, homeopathic, or
11 other nonprescription remedies.

12 (6) Naturopathic medicine. – A system of natural health care that employs
13 diagnosis and treatment using natural therapies and diagnostic techniques for
14 the promotion, maintenance, and restoration of health and the prevention of
15 disease, including the following:

16 a. Administering or providing any of the following for preventive and
17 therapeutic purposes: natural medicines, natural therapies, natural
18 topical medicines, hydrotherapy, dietary therapy, and naturopathic
19 physical medicine.

20 b. Using diagnostic procedures, including physical and orificial
21 examination, but excluding endoscopy, sigmoidoscopy, and
22 colonoscopy.

23 c. Ordering and interpreting laboratory tests and diagnostic imaging,
24 but excluding electrocardiograms, echocardiograms,
25 electroencephalograms, nuclear imagings, MRIs, CT scans, and other
26 tests that should be conducted and interpreted by a physician licensed
27 under Article 1 of this Chapter.

28 (7) Naturopathic physical medicine. – The manual use of massage, stretching, or
29 resistance.

30 (8) Naturopathic doctor. – A person licensed to practice naturopathic medicine
31 under this Article.

32 **"§ 90-733. Practice of naturopathic medicine; scope of practice.**

33 (a) Practice of Naturopathic Medicine. – A naturopathic doctor is a licensed health care
34 provider having the same responsibilities as other licensed doctors regarding public health
35 laws, reportable diseases and conditions, communicable disease control and prevention, and the
36 recording of vital statistics. In diagnosing and treating an individual, a naturopathic doctor may
37 employ the following therapies, modalities, procedures, or remedies consistent with
38 naturopathic education and training:

39 (1) Dispense, administer, and advise the use of natural remedies derived from or
40 substantially similar in molecular structure or function to natural sources for
41 preventive and therapeutic purposes, including food, extracts of food,
42 nutraceuticals, vitamins, minerals, enzymes, botanicals and their extracts,
43 homeopathic remedies prepared according to the Homeopathic
44 Pharmacopoeia of the United States, and all dietary supplements and
45 nonprescription drugs as defined by the Federal Food, Drug, and Cosmetic
46 Act, 21 U.S.C.A. § 301, et seq.

47 (2) Order and perform physical examinations.

48 (3) Order, perform, and interpret laboratory examinations and diagnostic
49 imaging studies.

50 (4) Perform hot or cold hydrotherapy, naturopathic physical treatment,
51 electromagnetic energy, and therapeutic exercise.

- 1 (5) Perform health education and health counseling.
2 (6) Perform utilization routes of administration, including oral, nasal, auricular,
3 ocular, rectal, vaginal, and transdermal.
4 (7) Perform, repair, and care incidental to superficial lacerations and abrasions
5 and apply topical and local anesthetics and antimicrobials.
6 (8) Remove foreign bodies located in the superficial tissues.
7 (b) Prohibitions. – A naturopathic doctor may not perform any of the following
8 functions unless otherwise licensed by this State to do so:
9 (1) Prescribe, dispense, or administer any legend drug, except as authorized by
10 this Article.
11 (2) Practice or attempt to practice as a medical physician, osteopath,
12 acupuncturist, dentist, podiatrist, optometrist, chiropractor, dietitian or
13 nutritionist, psychologist, advanced practice registered nurse, physician
14 assistant, physical therapist, or any other health care professional not
15 authorized by this Article.
16 (3) Use general or spinal anesthetics.
17 (4) Perform procedures using a laser device.
18 (5) Perform surgical procedures.
19 (6) Administer ionizing radioactive substances for therapeutic purposes.
20 (7) Perform chiropractic adjustments.
21 (8) Perform acupuncture.

22 **§ 90-734. License required; exemptions.**

23 (a) License Required. – On or after January 1, 2014, no person shall practice or offer to
24 practice as a naturopathic doctor, perform naturopathic medicine, or use any card, title, or
25 abbreviation to indicate that the person is a naturopathic doctor unless the person has been
26 licensed under the provisions of this Article. Persons licensed under this Article have the
27 exclusive right to use the titles "Naturopathic Doctor," "Doctor of Naturopathic Medicine,"
28 "Doctor of Naturopathy," "Naturopathic Medicine," "Naturopath," or the abbreviations "D.N.,"
29 "N.D.," "ND," and "D.N.M."

- 30 (b) Exemptions. – Nothing in this Article shall be construed to prohibit or affect any of
31 the following:
32 (1) The practice of a profession by an individual who is licensed, certified, or
33 registered under other laws of this State and is performing services within
34 the authorized scope of practice.
35 (2) The practice of naturopathic medicine by a person employed by the federal
36 government while the person is engaged in the performance of duties
37 prescribed by laws and regulations of the United States.
38 (3) A person rendering aid in an emergency situation when no fee or other
39 compensation for the service is received.
40 (4) The practice of naturopathic medicine by a naturopathic doctor duly licensed
41 in another state, territory, or the District of Columbia when called into this
42 State to consult with a licensed physician for a period not to exceed six
43 months.
44 (5) The practice of naturopathic medicine by students completing a clinical
45 requirement for graduation from a naturopathic training program approved
46 by the Board, so long as the practice is performed under the supervision of a
47 physician licensed under Article 1 of this Chapter and the clinical
48 requirement does not exceed one year.
49 (6) A person who does not hold himself or herself out to be a naturopathic
50 doctor when that person furnishes information to customers or sells,
51 administers, or utilizes nutritional supplements, herbs, food, homeopathic

1 preparations, and such physical forces as heat, cold, water, touch, and light
2 at the person's retail, health spa, or health consulting establishment.

3 (c) Unlawful Act. – A person who violates this section is guilty of a Class 1
4 misdemeanor. The Board may make application to superior court for an order enjoining a
5 violation of this section. Upon a showing by the Board that a person has violated or is about to
6 violate this section, the court may grant an injunction, restraining order, or take other
7 appropriate action.

8 **"§ 90-735. North Carolina Naturopathic Doctors Licensing Board.**

9 (a) Board. – The North Carolina Naturopathic Doctors Licensing Board is created. The
10 Board consists of seven members serving for staggered terms. The initial Board members shall
11 be appointed on or before January 1, 2014, as follows:

12 (1) The General Assembly, upon the recommendation of the President Pro
13 Tempore of the Senate, shall appoint two naturopathic doctors who are
14 licensed under this Article. One member shall serve a term of one year, and
15 one member shall serve a term of three years.

16 (2) The General Assembly, upon the recommendation of the Speaker of the
17 House of Representatives, shall appoint two naturopathic doctors who are
18 licensed under this Article. One member shall serve a term of one year, and
19 one member shall serve a term of two years.

20 (3) The Governor shall appoint two physicians licensed under Article 1 of
21 Chapter 90 of the General Statutes, at least one of whom shall be involved in
22 the practice of integrative medicine or who teaches integrative medicine at a
23 medical school. Both of these members shall serve a term of three years.

24 (4) The Governor shall appoint for a two-year term a public member who is not
25 a licensed health care professional and is not employed in a health care
26 profession.

27 Upon the expiration of the terms of the initial Board members, each member shall be
28 appointed for a term of three years. The term of a member shall begin on January 1 of each
29 year. A member shall serve until the member's successor is appointed. No member shall serve
30 on the Board for more than two consecutive terms.

31 (b) Vacancies. – A member of the Board serves at the pleasure of the authority that
32 appointed the member. A vacancy shall be filled in the same manner as the original
33 appointment. An appointee to fill a vacancy shall serve the remainder of the unexpired term and
34 until the appointee's successor has been duly appointed.

35 (c) Removal. – The Board may remove any of its members for neglect of duty,
36 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings as a
37 licensee shall be disqualified from participating in the official business of the Board until the
38 charges have been resolved.

39 (d) General Administration. – A Board member may not receive compensation but may
40 receive reimbursement as provided in G.S. 93B-5. The officers of the Board include a chair, a
41 secretary, and any other officer deemed necessary by the Board to carry out the purposes of this
42 Article. All officers shall be elected annually by the Board at its first meeting held after
43 appointments to the Board are made. The Board shall hold a meeting within 45 days of the
44 appointment of new Board members. All officers shall serve one-year terms and shall serve
45 until their successors are elected and qualified. No person shall chair the Board for more than
46 five consecutive years. The Board may adopt rules governing the calling, holding, and
47 conducting of regular and special meetings. A majority of Board members constitutes a
48 quorum.

49 **"§ 90-736. Powers of the Board.**

50 The Board shall have the following powers and duties:

51 (1) Administer and enforce the provisions of this Article.

- 1 (2) Adopt rules as may be necessary to carry out the provisions of this Article.
- 2 (3) Establish, examine, and determine the qualifications and fitness of applicants
3 for licensure and renewal of licensure.
- 4 (4) Issue, renew, deny, suspend, or revoke licenses and conduct any disciplinary
5 actions authorized by this Article.
- 6 (5) Collect fees for licensure, licensure renewal, and other services deemed
7 necessary to carry out the provisions of this Article.
- 8 (6) Establish and approve continuing education requirements for persons
9 licensed under this Article.
- 10 (7) Employ and fix the compensation of personnel that the Board determines is
11 necessary to carry out the provisions of this Article and incur other expenses
12 necessary to perform the duties of the Board.
- 13 (8) Adopt a seal containing the name of the Board for use on all licenses and
14 official reports issued by the Board.
- 15 (9) Institute corrective measures, as necessary, to rehabilitate naturopathic
16 doctors or limit their practice.
- 17 (10) Investigate persons engaging in practices which violate the provisions of this
18 Article.

19 **"§ 90-737. Qualifications for licensure; renewal; reinstatement.**

20 (a) Licensure. – Upon application to the Board and payment of the required fees, an
21 applicant may be licensed under this Article as a naturopathic doctor if the applicant meets all
22 of the following qualifications and conditions:

- 23 (1) Is of good moral and ethical character.
- 24 (2) Is a graduate of an approved program of naturopathic medicine.
- 25 (3) Meets one of the following two conditions:
 - 26 a. Has successfully passed a competency-based national naturopathic
27 licensing examination administered by the North American Board of
28 Naturopathic Examiners or equivalent agency as recognized by the
29 Board.
 - 30 b. Has successfully passed a competency-based examination approved
31 by the Board and by the North American Board of Naturopathic
32 Medical Education or its successor agency.
- 33 (4) Provides the Board with a list of physicians licensed to practice medicine in
34 this State who have agreed to work with the applicant and accept referrals
35 from the applicant. The applicant shall also provide the Board with letters of
36 verification from the listed physicians. The list shall include physicians with
37 specialties in at least four of the following areas: allergy and immunology,
38 cancer and oncology, cardiology, endocrinology and metabolism, family
39 medicine, gastroenterology, internal medicine, obstetrics and gynecology,
40 pediatrics, psychiatry, and urology.
- 41 (5) Submits any other documentation the Board deems necessary to determine
42 the applicant's fitness for licensure under this Article. This documentation
43 may include successful completion of a Board-approved examination on
44 State laws and rules related to naturopathic medicine.

45 (b) Renewal. – A license expires two years after the date it is issued unless it is
46 renewed. To renew a license, a licensee shall meet all of the following conditions:

- 47 (1) Submit an application for license renewal.
- 48 (2) Pay the required fees.
- 49 (3) Complete at least 40 hours of continuing education approved by the Board
50 within a two-year period.

1 Failure to renew a license within six months of the date the license expires shall result in
 2 automatic forfeiture of the right to practice naturopathic medicine in this State until the license
 3 is reinstated.

4 (c) Reinstatement. – A licensed naturopathic doctor who has allowed the license to
 5 lapse by failure to renew within the time allowed under subsection (b) of this section may apply
 6 for reinstatement. The Board may reinstate the applicant's license if the applicant pays the
 7 required fees, furnishes a statement of the reason for failure to apply for renewal before the
 8 deadline, and complies with any other requirements established in rules adopted by the Board.
 9 If the license has lapsed for five years or longer, the Board may require the applicant to
 10 satisfactorily complete a refresher course approved by the Board or to provide proof of active
 11 licensure within the past five years in another jurisdiction.

12 **"§ 90-738. Reciprocity.**

13 The Board may grant, upon application and payment of fees, a license to a person who
 14 resides in this State and has been licensed to practice as a naturopathic doctor in another state
 15 or a Canadian province if both of the following conditions are met:

- 16 (1) The standards for licensure in the state or province in which the naturopathic
 17 doctor is licensed are substantially equivalent to those provided in this
 18 Article.
 19 (2) The applicant provides proof of licensure in good standing in all states and
 20 provinces in which the applicant has been licensed.

21 **"§ 90-739. Fees.**

22 The Board may impose the following fees:

- | | | |
|--------|--|-----------------|
| 23 (1) | <u>Application and examination</u> | <u>\$200.00</u> |
| 24 (2) | <u>License</u> | <u>\$600.00</u> |
| 25 (3) | <u>License renewal</u> | <u>\$400.00</u> |
| 26 (4) | <u>Late renewal</u> | <u>\$200.00</u> |
| 27 (5) | <u>Reinstatement</u> | <u>\$1,000</u> |
| 28 (6) | <u>Reasonable charges for duplication services and</u>
29 <u>material.</u> | |
| 30 (7) | <u>Criminal history record check fee equal to the amount</u>
31 <u>imposed by the Department of Justice to conduct the</u>
32 <u>criminal history record check requested by the Board.</u> | |

33 **"§ 90-740. Disciplinary authority.**

34 (a) Authority. – The Board may impose probationary conditions upon a licensee, or it
 35 may deny, suspend, revoke, or refuse to issue or renew a license if the licensee or applicant
 36 does any of the following:

- 37 (1) Engages in any act or practice in violation of any of the provisions of this
 38 Article or of any of the rules adopted by the Board or aids, abets, or assists
 39 any other person in the violation of the provisions of this Article or rules
 40 adopted by the Board.
 41 (2) Gives false information to or withholds information from the Board in
 42 procuring or attempting to procure a license.
 43 (3) Has been convicted of or pled guilty or no contest to a crime that indicates
 44 that the person is unfit or incompetent to practice as a naturopathic doctor or
 45 that indicates the person has deceived or defrauded the public. A felony
 46 conviction shall result in the automatic revocation of a license issued by the
 47 Board unless the Board determines otherwise pursuant to rules adopted by
 48 the Board.
 49 (4) Has been declared mentally incompetent by a court of competent
 50 jurisdiction.

- 1 (5) Habitually uses or is addicted to drugs or intoxicating liquors to the extent
2 that it affects the licensee's professional competency. If a licensee violates
3 this subdivision, the Board may require the licensee to undergo a mental or
4 physical examination by physicians designated by the Board before or after
5 the licensee has been charged. The results of the examination shall be
6 admissible as evidence in a hearing before the Board.
- 7 (6) Has demonstrated gross negligence, incompetency, or misconduct in the
8 performance of naturopathic medical treatment.
- 9 (7) Has had a health care provider license denied, restricted, revoked, or
10 suspended by another state or jurisdiction.
- 11 (8) Fails to consent to a criminal history record check.
- 12 (9) Fails to respond, within a reasonable time, to inquiries from the Board
13 concerning any matter affecting the individual's license to practice
14 naturopathic medicine.
- 15 (10) Fails to complete continuing education requirements within the time
16 prescribed.

17 (b) Hearing. – Denial, refusal to renew, suspension, or revocation of a license or
18 imposition of probationary conditions upon a licensee may be ordered by the Board after a
19 hearing held in accordance with Article 3A of Chapter 150B of the General Statutes and rules
20 adopted pursuant to this Article. An application may be made to the Board for reinstatement of
21 a revoked license if the revocation has been in effect for not less than two years.

22 (c) Records. – The Board shall keep a record of its proceedings. The Board may, in a
23 closed session, receive evidence regarding the treatment of a patient who has not expressly or
24 impliedly consented to the public disclosure of the treatment when necessary for the protection
25 of the rights of the patient or of the accused naturopathic doctor and the full presentation of
26 relevant evidence. All records, papers, investigative files, investigative reports, and other
27 documents containing information gathered or received by the Board as a result of
28 investigations, inquiries, or interviews conducted in connection with an application for
29 licensure, a complaint, or a disciplinary matter are not considered public documents within the
30 meaning of Chapter 132 of the General Statutes. If a record, paper, or other document
31 containing information collected and compiled by the Board is admitted into evidence in a
32 hearing held by the Board, it shall then be a public record within the meaning of Chapter 132 of
33 the General Statutes.

34 (d) Confidential Information. – The Board may release confidential or nonpublic
35 information about a licensee to any health care licensure board in this State or another state
36 relating to the issuance, denial, suspension, revocation, or voluntary surrender of the license,
37 including the reasons for the action or any investigative report prepared by the Board. The
38 Board shall notify the naturopathic doctor within 60 days after the information is released. The
39 Board shall furnish to the naturopathic doctor a summary of the information being released.
40 However, if the naturopathic doctor requests, in writing, within 30 days from the date of notice,
41 a copy of the information being released, the Board shall give to the naturopathic doctor a copy
42 of all the information being released. Notice or copies shall not be provided by the Board if the
43 information relates to an ongoing criminal investigation by a law enforcement agency or any
44 Department of Health and Human Services personnel with enforcement or investigative
45 responsibilities.

46 **"§ 90-741. Criminal history record check of applicants and licensees.**

47 (a) Criminal History Record Check. – The Board shall require a criminal history record
48 check for a person who is either licensed under this Article or applying for licensure under this
49 Article. The Board is responsible for providing to the North Carolina Department of Justice the
50 fingerprints of the person to be checked, a form signed by the person consenting to the criminal
51 record check and the use of fingerprints and other identifying information required by the State

1 or national repositories, and any additional information required by the Department of Justice.
2 The Board shall keep all information obtained pursuant to this section confidential.

3 (b) Conviction. – If a criminal history record check reveals one or more convictions, the
4 conviction does not automatically bar licensure. The Board shall consider all of the following
5 factors regarding the conviction:

6 (1) The level of seriousness of the crime.

7 (2) The date of the crime.

8 (3) The age of the person at the time of the conviction.

9 (4) The circumstances surrounding the commission of the crime, if known.

10 (5) The nexus between the criminal conduct of the person and the job duties of
11 the position to be filled.

12 (6) The person's prison, jail, probation, parole, rehabilitation, and employment
13 records since the date the crime was committed.

14 (7) The subsequent commission of a crime by the person.

15 (c) Denial of Licensure. – If the Board denies, revokes, or suspends a license based on
16 information obtained in a criminal history record check, the Board shall disclose to the person
17 the information contained in the criminal history record check that is relevant to the Board's
18 actions. The Board may not provide a copy of the criminal history record check to the person.
19 A person has the right to appear before the Board to appeal the Board's decision. An
20 appearance before the Board shall constitute an exhaustion of administrative remedies in
21 accordance with Chapter 150B of the General Statutes.

22 (d) Limited Immunity. – The Board, its officers and employees, acting in good faith and
23 in compliance with this section, shall be immune from civil liability for its actions based on
24 information provided in a person's criminal history record check.

25 **"§ 90-742. Reports; immunity from suit.**

26 (a) Report. – A person who has reasonable cause to suspect misconduct or incapacity of
27 a licensee, or who has reasonable cause to suspect that a person is in violation of this Article,
28 may report the relevant facts to the Board. Upon receipt of a charge, or upon its own initiative,
29 the Board may give notice of an administrative hearing or may, after diligent investigation,
30 dismiss unfounded charges. A person who, in good faith, makes a report pursuant to this
31 section is immune from any criminal prosecution or civil liability resulting from making the
32 report.

33 (b) Immunity. – The Board and its staff are immune from any criminal prosecution or
34 civil liability for exercising, in good faith, the powers and duties given to the Board under this
35 Article.

36 **"§ 90-743. Third-party reimbursement.**

37 Nothing in this Article shall be construed to require direct third-party reimbursement to
38 persons licensed under this Article.

39 **"§ 90-744. Advisory Council.**

40 (a) Created. – An Advisory Council is created to advise the Board and to develop
41 recommendations to foster coordination and collaboration between naturopathic doctors,
42 medical doctors, and other health professionals for the purpose of providing appropriate care
43 for patients. The Council shall meet periodically and report its recommendations to the Board
44 and to the boards of directors for the North Carolina Medical Society and the North Carolina
45 Association of Naturopathic Physicians.

46 (b) Membership. – The Advisory Council shall consist of the following six members:

47 (1) Two licensed physicians appointed by the North Carolina Medical Society.

48 (2) Two licensed naturopathic doctors appointed by the North Carolina
49 Association of Naturopathic Physicians.

50 (3) One licensed pharmacist or pharmacologist appointed by the North Carolina
51 Association of Pharmacists.

(4) One licensed advanced practice registered nurse appointed by the North Carolina Nursing Association.

(c) General Administration. – Each member is appointed for a term of two years beginning July 1, 2014. A member serves until a successor is appointed. The members of the Advisory Council may elect a chairperson by a majority vote. Advisory Council members may not receive compensation for their services but may receive reimbursement as provided in G.S. 93B-5."

SECTION 2. G.S. 90-18(c) is amended by adding a new subdivision to read:

"(c) The following shall not constitute practicing medicine or surgery as defined in this Article:

...

(21) The practice of naturopathic medicine by a licensed naturopathic doctor under the provisions of Article 43 of this Chapter."

SECTION 3. Part 2 of Article 4 of Chapter 114 of the General Statutes is amended by adding a new section to read:

"§ 114-19.33. Criminal history record checks for naturopathic doctors.

(a) The Department of Justice shall provide to the North Carolina Naturopathic Doctors Licensing Board from the State and National Repositories of Criminal Histories the criminal history of an applicant for licensure by the Board or a licensee of the Board. The Judicial Department shall provide to the Department of Justice, along with the request, the fingerprints of the applicant or licensee, a form signed by the applicant or licensee consenting to the criminal history record check and use of fingerprints and other identifying information required by the State and national repositories, and any additional information required by the Department of Justice. The fingerprints of the applicant or licensee shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The Judicial Department shall keep all information obtained pursuant to this section confidential.

(b) The Department of Justice may charge a fee to offset the cost incurred by it to conduct a criminal history record check under this section. The fee shall not exceed the actual cost of locating, editing, researching, and retrieving the information."

SECTION 4. Notwithstanding the provisions of G.S. 90-735, as enacted by Section 1 of this act, the initial naturopathic doctors appointed to the North Carolina Naturopathic Doctors Licensing Board must be North Carolina residents, must be licensed as a naturopathic doctor in a state that licenses this profession, and must be eligible for licensure under G.S. 90-737, as enacted by Section 1 of this act. Upon appointment, the appointee must immediately seek to become licensed under this act.

SECTION 5. This act is effective when it becomes law.