

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

FILED SENATE  
Feb 25, 2015  
S.B. 118  
PRINCIPAL CLERK

S

D

SENATE DRS15018-MGfqq-4 (11/10)

Short Title: Naturopathic Doctors Licensing Act. (Public)

Sponsors: Senator Bingham (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH LICENSURE AND EDUCATION STANDARDS FOR THE  
3 PRACTICE OF NATUROPATHIC MEDICINE.

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 study in  
28 naturopathy that is accredited, or has achieved candidacy status for  
29 accreditation, by the Council on Naturopathic Medical Education, or  
30 a federally recognized successor accrediting body.

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

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



\* D R S 1 5 0 1 8 - M G F Q Q - 4 \*

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

5 d. A program that has been approved by the North Carolina  
6 Naturopathic Doctors Licensing Board to meet the standards  
7 established by its rules.

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

9 (3) Criminal history. – A history of conviction, or of having pled guilty or no  
10 contest to a State or federal crime, whether a misdemeanor or felony.

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

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

14 (6) Naturopathic doctor. – A person licensed to practice naturopathic medicine  
15 under this Article.

16 (7) Naturopathic medicine. – A system of natural health care that employs  
17 diagnosis and treatment using natural therapies and diagnostic techniques for  
18 the promotion, maintenance, and restoration of health and the prevention of  
19 disease, including all of the following:

20 a. The administration or provision of any of the following for  
21 preventive and therapeutic purposes: natural medicines, natural  
22 therapies, natural topical medicines, hydrotherapy, dietary therapy,  
23 and naturopathic physical medicine.

24 b. The use of diagnostic procedures, including physical and orificial  
25 examination, but excluding endoscopy, sigmoidoscopy, and  
26 colonoscopy.

27 c. The ordering and interpretation of laboratory tests and diagnostic  
28 imaging, but excluding electrocardiograms, echocardiograms,  
29 electroencephalograms, nuclear imagings, MRIs, CT scans, and other  
30 tests that should be conducted and interpreted by a physician licensed  
31 under Article 1 of this Chapter.

32 (8) Naturopathic physical medicine. – The manual use of massage, stretching, or  
33 resistance.

34 **"§ 90-733. Practice of naturopathic medicine; scope of practice.**

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

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

49 (2) Order and perform physical examinations.

50 (3) Order, perform, and interpret laboratory examinations and diagnostic  
51 imaging studies.

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

24 **"§ 90-734. License required; exemptions.**

25       (a) License Required. – No person shall practice, attempt to practice, or claim to  
26 practice naturopathic medicine unless the person has been licensed under the provisions of this  
27 Article.

28       (b) Only persons licensed under this Article may use the titles "Naturopathic Doctor,"  
29 "Doctor of Naturopathic Medicine," "Doctor of Naturopathy," "Naturopathic Medicine,"  
30 "Naturopath," or the abbreviations "D.N.," "N.D.," "ND," and "D.N.M."

31       (c) Exemptions. – Nothing in this Article shall be construed to prohibit or affect any of  
32 the following:

- 33           (1) The practice of a profession by an individual who is licensed, certified, or  
34 registered under other laws of this State and is performing services within  
35 the authorized scope of practice.  
36           (2) The practice of naturopathic medicine by a person employed by the federal  
37 government while the person is engaged in the performance of duties  
38 prescribed by laws and regulations of the United States.  
39           (3) A person rendering aid in an emergency situation when no fee or other  
40 compensation for the service is received.  
41           (4) The practice of naturopathic medicine by a naturopathic doctor duly licensed  
42 in another state, territory, or the District of Columbia when called into this  
43 State to consult with a licensed physician for a period not to exceed six  
44 months.  
45           (5) The practice of naturopathic medicine by students completing a clinical  
46 requirement for graduation from a naturopathic training program approved  
47 by the Board, so long as the practice is performed under the supervision of a  
48 physician licensed under Article 1 of this Chapter and the clinical  
49 requirement does not exceed one year.  
50           (6) A person who does not hold himself or herself out to be a naturopathic  
51 doctor when furnishing information to customers or selling, administering,

1 or utilizing nutritional supplements, herbs, food, homeopathic preparations,  
2 and such physical forces as heat, cold, water, touch, and light at the person's  
3 retail, health spa, or health consulting establishment.

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

9 **"§ 90-735. North Carolina Naturopathic Doctors Licensing Board.**

10 (a) Board. – The North Carolina Naturopathic Doctors Licensing Board is created. The  
11 Board consists of seven members serving for staggered terms. The initial Board members shall  
12 be appointed on or before January 1, 2016, as follows:

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

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

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

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

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

32 (b) Vacancies. – 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, amend, or repeal rules in the manner prescribed under Chapter 150B  
2           of the General Statutes, as may be necessary to carry out the provisions of  
3           this Article.
- 4           (3)   Establish, examine, and determine the qualifications and fitness of applicants  
5           for licensure and renewal of licensure.
- 6           (4)   Issue, renew, deny, suspend, or revoke licenses and conduct any disciplinary  
7           actions authorized by this Article.
- 8           (5)   Collect fees for licensure, licensure renewal, and other services deemed  
9           necessary to carry out the provisions of this Article.
- 10          (6)   Establish and approve continuing education requirements for persons  
11          licensed under this Article.
- 12          (7)   Employ and fix the compensation of personnel that the Board determines is  
13          necessary to carry out the provisions of this Article and incur other expenses  
14          necessary to perform the duties of the Board.
- 15          (8)   Adopt a seal containing the name of the Board for use on all licenses and  
16          official reports issued by the Board.
- 17          (9)   Institute corrective measures, as necessary, to rehabilitate naturopathic  
18          doctors or limit their practice.
- 19          (10) Investigate persons engaging in practices which violate the provisions of this  
20          Article.

21 **"§ 90-737. Qualifications for licensure; renewal; reinstatement.**

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

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

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

- 49           (1)   Submit an application for license renewal.
- 50           (2)   Pay the required fees.

1           (3) Complete at least 40 hours of continuing education approved by the Board  
 2           within a two-year period.  
 3 Failure to renew a license within six months of the date the license expires shall result in  
 4 automatic forfeiture of the right to practice naturopathic medicine in this State until the license  
 5 is reinstated.

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

14 **"§ 90-738. Reciprocity.**

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

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

23 **"§ 90-739. Fees.**

24           The Board may impose the following fees:

- |                  |  |                 |
|------------------|--|-----------------|
| 25           (1) | <u>Application and examination</u>   | <u>\$200.00</u> |
| 26           (2) | <u>License</u>   | <u>\$600.00</u> |
| 27           (3) | <u>License renewal</u>   | <u>\$400.00</u> |
| 28           (4) | <u>Late renewal</u>  | <u>\$200.00</u> |
| 29           (5) | <u>Reinstatement</u>   | <u>\$1,000</u>  |
| 30           (6) | <u>Reasonable charges for duplication services and material.</u>   |                 |
| 31           (7) | <u>Criminal history record check fee equal to the amount imposed by the</u><br>32 <u>Department of Justice to conduct the criminal history record check requested</u><br>33 <u>by the Board.</u> |                 |

34 **"§ 90-740. Disciplinary authority.**

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

- 38           (1) Engages in any act or practice in violation of any of the provisions of this  
 39 Article or of any of the rules adopted by the Board or aids, abets, or assists  
 40 any other person in the violation of the provisions of this Article or rules  
 41 adopted by the Board.  
 42           (2) Gives false information to or withholds information from the Board in  
 43 procuring or attempting to procure a license.  
 44           (3) Has been convicted of or pled guilty or no contest to a crime that indicates  
 45 that the person is unfit or incompetent to practice as a naturopathic doctor or  
 46 that indicates the person has deceived or defrauded the public. A felony  
 47 conviction shall result in the automatic revocation of a license issued by the  
 48 Board unless the Board determines otherwise pursuant to rules adopted by  
 49 the Board.  
 50           (4) Has been declared mentally incompetent by a court of competent  
 51 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 shall, in a  
23          closed session, receive evidence regarding the treatment or examination of a patient who has  
24          not expressly or impliedly consented to the public disclosure of the treatment when necessary  
25          for the protection of the rights of the patient or of the accused naturopathic doctor and the full  
26          presentation of relevant evidence. All records, papers, investigative files, investigative reports,  
27          and other 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 **"§ 90-742. Reports; immunity from suit.**

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

30 (b) Limited Immunity. – The Board, its officers, employees, and staff are immune from  
31 any criminal prosecution or civil liability for exercising, in good faith, the powers and duties  
32 given to the Board under this Article.

33 **"§ 90-743. Third-party reimbursement.**

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

36 **"§ 90-744. Advisory Council.**

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

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

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

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

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

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



1       (c) General Administration. – Each member is appointed for a term of two years  
2 beginning July 1, 2016. A member serves until a successor is appointed. The members of the  
3 Advisory Council may elect a chairperson by a majority vote. Advisory Council members may  
4 not receive compensation for their services but may receive reimbursement as provided in  
5 G.S. 93B-5."

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

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

9       ...

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

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

14 **"§ 114-19.33A. Criminal history record checks for naturopathic doctors.**

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

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

31       **SECTION 4.** Notwithstanding the provisions of G.S. 90-735, as enacted by Section  
32 1 of this act, the initial naturopathic doctors appointed to the North Carolina Naturopathic  
33 Doctors Licensing Board must be North Carolina residents, must be licensed as a naturopathic  
34 doctor in a state that licenses this profession, and must be eligible for licensure under  
35 G.S. 90-737, as enacted by Section 1 of this act. Upon appointment, the appointee must  
36 immediately seek to become licensed under this act.

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