

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 692
Apr 10, 2017
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH50082-MGfqq-48B (02/08)

Short Title: Enact Naturopathic Doctors Certification Act. (Public)

Sponsors: Representatives Collins, Fisher, Lambeth, and Dollar (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH CERTIFICATION 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 Certification 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 medicine 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 certification is in the current interest of North Carolina citizens to aid in protecting citizens
17 from deception, fraud, and damage to their health status. Certification can provide a process in
18 which citizens may more confidently rely on the level of skill, education, and competency
19 possessed by certified persons.

20 (b) Purpose. – The purpose of this Article is to provide standards for the certification 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 in naturopathic medicine that is
29 accredited, or has achieved candidacy status for accreditation, by the
30 Council on Naturopathic Medical Education or an equivalent
31 federally recognized accrediting body for the naturopathic medical
32 profession recognized by the North Carolina Naturopathic Doctors
33 Certification Board; or if the program existed prior to the existence
34 of the Council on Naturopathic Medical Education, the program must
35 (i) have provided graduate-level, full-time didactic and supervised
36 clinical training in naturopathic medicine for a duration of not less



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1 than 132 weeks and required completion within a period of not less
2 than 35 months; (ii) be recognized as a reputable program by, and in
3 good standing with, the North Carolina Naturopathic Doctors
4 Certification Board; and (iii) if the program is still in existence, be
5 currently accredited, or have achieved candidacy status for
6 accreditation, by the Council on Naturopathic Medical Education or
7 an equivalent federally recognized accrediting body for the
8 naturopathic medical profession recognized by the North Carolina
9 Naturopathic Doctors Certification Board.

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

13 c. If the program is offered in the United States, a program that awards
14 the degree of Doctor of Naturopathy or Doctor of Naturopathic
15 Medicine. If the program is offered in Canada, a program that awards
16 the degree or diploma of Doctor of Naturopathy or Doctor of
17 Naturopathic Medicine and is offered by an institution of higher
18 education that has provincial approval for participation in
19 government-funded student aid programs.

20 d. A program that has been approved by the North Carolina
21 Naturopathic Doctors Certification Board to meet the standards
22 established by its rules.

23 (2) Board. – The North Carolina Naturopathic Doctors Certification Board.

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

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

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

29 (6) Naturopathic doctor. – A person certified to practice naturopathic medicine
30 under this Article.

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

35 a. The administration or provision of any of the following for
36 preventive and therapeutic purposes: natural medicines, natural
37 therapies, natural topical medicines, hydrotherapy, dietary therapy,
38 and naturopathic physical medicine.

39 b. The use of diagnostic procedures, including physical and orificial
40 examination, but excluding endoscopy, sigmoidoscopy, and
41 colonoscopy.

42 c. The ordering, performing, and interpretation of laboratory tests and
43 diagnostic imaging.

44 (8) Naturopathic physical medicine. – The manual use of massage, stretching,
45 resistance, or naturopathic manipulation.

46 **"§ 90-733. Practice of naturopathic medicine; scope of practice.**

47 (a) Practice of Naturopathic Medicine. – A naturopathic doctor is a certified health care
48 provider having the same responsibilities as other licensed, certified, or registered health care
49 providers regarding public health laws, reportable diseases and conditions, communicable
50 disease control and prevention, and the recording of vital statistics. In diagnosing and treating

1 an individual, a naturopathic doctor may employ the following therapies, modalities,
2 procedures, or remedies consistent with naturopathic education and training:

- 3 (1) Dispense, administer, order, and advise the use of natural remedies derived
4 from or substantially similar in molecular structure or function to natural
5 sources for preventive and therapeutic purposes, including food, extracts of
6 food, nutraceuticals, vitamins, minerals, amino acids, enzymes, botanicals
7 and their extracts, homeopathic remedies prepared according to the
8 Homeopathic Pharmacopoeia of the United States, and all dietary
9 supplements and nonprescription drugs as defined by the federal Food, Drug,
10 and Cosmetic Act, 21 U.S.C. § 301, et seq.
- 11 (2) Order and perform physical examinations and physiological function tests.
- 12 (3) Order, perform, and interpret laboratory tests, including performing waived
13 tests as defined by the United States Food and Drug Administration Clinical
14 Laboratory Improvement Amendments of 1998 (CLIA), including obtaining
15 specimens to assess and treat disease.
- 16 (4) Order diagnostic imaging, including X-ray, MRI, CT scan, ultrasound,
17 mammogram, and bone densitometry to be conducted and interpreted by an
18 appropriately licensed, registered, or certified health care professional. This
19 excludes electrocardiograms, echocardiograms, electroencephalograms, and
20 nuclear imaging which should be ordered, conducted, and interpreted by a
21 physician licensed under Article 1 of this Chapter.
- 22 (5) Perform hot or cold hydrotherapy, naturopathic physical medicine,
23 electromagnetic therapy, and therapeutic exercise.
- 24 (6) Perform health education and health counseling, including dietary and
25 lifestyle counseling.
- 26 (7) Utilize routes of administration for substances, including oral, nasal,
27 auricular, ocular, rectal, vaginal, and transdermal.
- 28 (8) Perform care incidental to superficial lacerations and abrasions, including
29 the application of topical and local anesthetics and antimicrobials.
- 30 (9) Remove foreign bodies located in the superficial tissues.

31 (b) Prohibitions. – A naturopathic doctor may practice only within the scope of practice
32 authorized in subsection (a) of this section. A naturopathic doctor may not practice as any other
33 health care professional licensed, certified, or registered under another Article of this Chapter
34 unless otherwise licensed, certified, or registered by this State to do so. A naturopathic doctor
35 may not perform any of the following functions unless otherwise licensed by this State to do so:

- 36 (1) Prescribe, dispense, or administer any legend drug, except as authorized by
37 this Article.
- 38 (2) Use general or spinal anesthetics.
- 39 (3) Perform surgical procedures using a laser device.
- 40 (4) Perform surgical procedures beyond superficial tissue.
- 41 (5) Administer ionizing radioactive substances for therapeutic purposes.

42 **"§ 90-734. Certification required; exemptions.**

43 (a) Certification Required. – No person shall practice, attempt to practice, or claim to
44 practice naturopathic medicine unless the person has been certified under the provisions of this
45 Article.

46 (b) Use of Titles. – Only persons certified under this Article may use the titles
47 "Naturopathic Doctor," "Doctor of Naturopathic Medicine," "Doctor of Naturopathy,"
48 "Naturopathic Medicine," "Naturopath," "Certified Naturopathic Doctor," or the abbreviations
49 "N.D.," "ND," or any other titles, words, letters, abbreviations, or insignia indicating or
50 implying that the individual is a certified naturopathic doctor unless the individual has been
51 certified as a naturopathic doctor under this Article.

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

- 3 (1) The practice of a profession by an individual who is licensed, certified, or
4 registered under other laws of this State and is performing services within
5 the authorized scope of practice.
- 6 (2) The practice of naturopathic medicine by a person employed by the federal
7 government while the person is engaged in the performance of duties
8 prescribed by laws and regulations of the United States.
- 9 (3) A person rendering aid in an emergency situation when no fee or other
10 compensation for the service is received.
- 11 (4) The practice of naturopathic medicine by a naturopathic doctor duly
12 licensed, certified, or registered in another state, territory, or the District of
13 Columbia when called into this State to consult with a licensed, certified, or
14 registered health care provider for a period not to exceed six months.
- 15 (5) The practice of naturopathic medicine by students completing a clinical
16 requirement for graduation from an approved program of naturopathic
17 medicine, so long as the practice is performed under the supervision of a
18 physician licensed under Article 1 of this Chapter or a naturopathic doctor
19 certified under this Article and the clinical requirement does not exceed one
20 year.
- 21 (6) A person who does not hold himself or herself out to be a naturopathic
22 doctor as described in subsection (b) of this section when furnishing
23 information to customers or selling, administering, or utilizing nutritional
24 supplements, herbs, food, homeopathic preparations, and such physical
25 forces as heat, cold, water, touch, and light at the person's retail, health spa,
26 or health consulting establishment.

27 (d) Unlawful Act. – A person who violates this section is guilty of a Class 1
28 misdemeanor. The Board may investigate violations of this section and any rules adopted to
29 implement this section and notify persons of (i) possible violations, (ii) possible civil actions
30 that may be taken against the person, or (iii) possible criminal penalties that may be imposed by
31 a court as a result of any violations. The Board may make application to superior court for an
32 order enjoining a violation of this section. Upon a showing by the Board that a person has
33 violated or is about to violate this section, the court may grant an injunction, restraining order,
34 or take other appropriate action.

35 **"§ 90-735. North Carolina Naturopathic Doctors Certification Board.**

36 (a) Board. – The North Carolina Naturopathic Doctors Certification Board is created.
37 The Board consists of seven members serving for staggered terms. The initial Board members
38 shall be appointed on or before January 1, 2018, as follows:

- 39 (1) The General Assembly, upon the recommendation of the President Pro
40 Tempore of the Senate, shall appoint two naturopathic doctors who are
41 certified under this Article. One member shall serve a term of one year, and
42 one member shall serve a term of three years.
- 43 (2) The General Assembly, upon the recommendation of the Speaker of the
44 House of Representatives, shall appoint two naturopathic doctors who are
45 certified under this Article. One member shall serve a term of one year, and
46 one member shall serve a term of three years.
- 47 (3) The Governor shall appoint two physicians licensed under Article 1 of
48 Chapter 90 of the General Statutes, at least one of whom is involved in the
49 practice of integrative medicine or teaches integrative medicine at a medical
50 school. Both of these members shall serve a term of three years.

1 (4) The Governor shall appoint for a two-year term a public member who is not
2 a licensed, certified, or registered health care professional and is not
3 employed in a health care profession.

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

8 (b) Vacancies. – A vacancy shall be filled in the same manner as the original
9 appointment. An appointee to fill a vacancy shall serve the remainder of the unexpired term and
10 until the appointee's successor has been duly appointed.

11 (c) Removal. – The Board may remove any of its members for neglect of duty,
12 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings as a
13 licensed, certified, or registered health care professional shall be disqualified from participating
14 in the official business of the Board until the charges have been resolved.

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

25 **"§ 90-736. Powers of the Board.**

26 The Board shall have the following powers and duties:

- 27 (1) Administer and enforce the provisions of this Article.
- 28 (2) Adopt, amend, or repeal rules in the manner prescribed under Chapter 150B
29 of the General Statutes, as may be necessary to carry out the provisions of
30 this Article.
- 31 (3) Establish, examine, and determine the qualifications and fitness of applicants
32 for certification and renewal of certification.
- 33 (4) Issue, renew, deny, suspend, or revoke certification and conduct any
34 disciplinary actions authorized by this Article.
- 35 (5) Collect fees for certification, certification renewal, and other services
36 deemed necessary to carry out the provisions of this Article.
- 37 (6) Establish and approve continuing education requirements for persons
38 certified under this Article.
- 39 (7) Employ and fix the compensation of personnel that the Board determines is
40 necessary to carry out the provisions of this Article and incur other expenses
41 necessary to perform the duties of the Board.
- 42 (8) Adopt a seal containing the name of the Board for use on all certifications
43 and official reports issued by the Board.
- 44 (9) Institute corrective measures, as necessary and as permitted by Chapter 93 of
45 the General Statutes, to rehabilitate naturopathic doctors or limit their
46 practice.
- 47 (10) Receive complaints and investigate persons engaging in practices that
48 violate the provisions of this Article.

49 **"§ 90-737. Qualifications for certification; renewal; reinstatement.**

1 (a) Certification. – Upon application to the Board and payment of the required fees, an
2 applicant may be certified under this Article as a naturopathic doctor if the applicant meets all
3 of the following qualifications and conditions:

4 (1) Is of good moral and ethical character.

5 (2) Is a graduate of an approved program of naturopathic medicine as defined in
6 G.S. 90-732.

7 (3) Meets one, or both, of the following two conditions:

8 a. Has successfully passed the Naturopathic Physicians Licensing
9 Examination (NPLEX), a competency-based national naturopathic
10 licensing examination administered by the North American Board of
11 Naturopathic Examiners or an equivalent successor agency
12 recognized by the Board.

13 b. Has successfully passed a competency-based state or Canadian
14 province naturopathic licensing examination administered prior to
15 the existence of NPLEX and approved by the Board.

16 (4) Provides the Board with a list of physicians licensed to practice medicine in
17 this State who have agreed to consult with the applicant and accept referrals
18 from the applicant. The applicant shall also provide the Board with letters of
19 verification from the listed physicians. The list must include physicians with
20 specialties in at least four of the following areas: allergy and immunology,
21 cancer and oncology, cardiology, endocrinology and metabolism, family
22 medicine, gastroenterology, internal medicine, obstetrics and gynecology,
23 pediatrics, psychiatry, and urology.

24 (5) Submits any other documentation the Board deems necessary to determine
25 the applicant's fitness for certification under this Article. This documentation
26 may include successful completion of a Board-approved jurisprudence
27 examination on State laws and rules related to naturopathic medicine.

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

30 (1) Submit an application for certification renewal.

31 (2) Pay the required fees.

32 (3) Complete at least 40 hours of continuing education approved by the Board
33 within the two-year period immediately prior to the renewal date.

34 Failure to renew a certification within six months of the date the certification expires shall
35 result in automatic forfeiture of the right to practice naturopathic medicine in this State until the
36 certification is reinstated.

37 (c) Reinstatement. – A certified naturopathic doctor who has allowed the certification to
38 lapse by failure to renew within the time allowed under subsection (b) of this section may apply
39 for reinstatement. The Board may reinstate the applicant's certification if the applicant pays the
40 required fees, furnishes a statement of the reason for failure to apply for renewal before the
41 deadline, and complies with any other requirements established in rules adopted by the Board.
42 If the certification has lapsed for five years or longer, the Board may require the applicant to
43 satisfactorily complete one or more skills assessment or remediation courses approved by the
44 Board or to provide proof of active licensure, certification, or registration within the past five
45 years in another state, district, territory, or Canadian province.

46 **"§ 90-738. Reciprocity.**

47 The Board may grant, upon application and payment of fees, a certification to a person who
48 resides in this State and has been licensed, certified, or registered to practice as a naturopathic
49 doctor in another state, district, territory, or Canadian province if both of the following
50 conditions are met:

(1) The standards for licensure, certification, or registration in the state, district, territory, or province in which the naturopathic doctor is licensed, certified, or registered are substantially equivalent to those provided in this Article.

(2) The applicant provides proof of licensure, certification, or registration in good standing in all states, districts, territories, and provinces in which the applicant has been licensed, certified, or registered.

"§ 90-739. Fees.

The Board may impose the following fees:

(1) Application and examination \$200.00

(2) Certification..... \$600.00

(3) Certification renewal..... \$400.00

(4) Late renewal..... \$200.00

(5) Reinstatement..... \$1,000.00

(6) Reasonable charges for duplication services and material.

(7) Criminal history record check fee equal to the amount imposed by the Department of Justice to conduct the criminal history record check requested by the Board.

"§ 90-740. Disciplinary authority.

(a) Authority. – The Board may impose probationary conditions upon a certified naturopathic doctor, or it may deny, suspend, revoke, or refuse to issue or renew a certification if the certified naturopathic doctor or applicant does any of the following:

(1) Engages in any act or practice in violation of any of the provisions of this Article or of any of the rules adopted by the Board or aids, abets, or assists any other person in the violation of the provisions of this Article or rules adopted by the Board.

(2) Gives false information to or withholds information from the Board in procuring or attempting to procure certification.

(3) Has been convicted of or pled guilty or no contest to a crime that indicates that the person is unfit or incompetent to practice as a naturopathic doctor or that indicates the person has deceived or defrauded the public. A felony conviction shall result in the automatic revocation of certification by the Board unless the Board determines otherwise pursuant to rules adopted by the Board.

(4) Has been declared mentally incompetent by a court of competent jurisdiction.

(5) Habitually uses or is addicted to drugs or intoxicating liquors to the extent that it affects the certified naturopathic doctor's professional competency. If a certified naturopathic doctor violates this subdivision, the Board may require the certified naturopathic doctor to undergo a mental or physical examination by physicians designated by the Board before or after the certified naturopathic doctor has been charged. The results of the examination shall be admissible as evidence in a hearing before the Board.

(6) Has demonstrated gross negligence, incompetency, or misconduct in the performance of naturopathic medical treatment.

(7) Has had a health care provider license, certification, or registration denied, restricted, revoked, or suspended by another state, district, territory, or province.

(8) Fails to consent to a criminal history record check.

(9) Fails to respond, within a reasonable time, to inquiries from the Board concerning any matter affecting the individual's certification to practice naturopathic medicine.

1 (10) Fails to complete continuing education requirements within the time
2 prescribed.

3 (b) Hearing. – Denial, refusal to renew, suspension, or revocation of a certification or
4 imposition of probationary conditions upon a certified naturopathic doctor may be ordered by
5 the Board after a hearing held in accordance with Article 3A of Chapter 150B of the General
6 Statutes and rules adopted pursuant to this Article. An application may be made to the Board
7 for reinstatement of a revoked certification if the revocation has been in effect for not less than
8 two years.

9 (c) Records. – The Board shall keep a record of its proceedings. The Board shall, in a
10 closed session, receive evidence regarding the treatment or examination of a patient who has
11 not expressly or impliedly consented to the public disclosure of the treatment when necessary
12 for the protection of the rights of the patient or of the accused naturopathic doctor and the full
13 presentation of relevant evidence. All records, papers, investigative files, investigative reports,
14 and other documents containing information gathered or received by the Board as a result of
15 investigations, inquiries, or interviews conducted in connection with an application for
16 certification, a complaint, or a disciplinary matter are not considered public documents within
17 the meaning of Chapter 132 of the General Statutes.

18 (d) Confidential Information. – The Board may release confidential or nonpublic
19 information about a certified naturopathic doctor to any health care licensure, certification, or
20 registration board in this State or another state relating to the issuance, denial, suspension,
21 revocation, or voluntary surrender of the license, certification, or registration including the
22 reasons for the action or any investigative report prepared by the Board. The Board shall notify
23 the naturopathic doctor within 60 days after the information is released. The Board shall furnish
24 to the naturopathic doctor a summary of the information being released. However, if the
25 naturopathic doctor requests, in writing, within 30 days after the date of notice, a copy of the
26 information being released, the Board shall give to the naturopathic doctor a copy of all the
27 information being released. Notice or copies shall not be provided by the Board if the
28 information relates to an ongoing criminal investigation by a law enforcement agency or any
29 Department of Health and Human Services personnel with enforcement or investigative
30 responsibilities.

31 **"§ 90-741. Criminal history record check of applicants and certified naturopathic**
32 **doctors.**

33 (a) Criminal History Record Check. – The Board shall require a criminal history record
34 check for a person who is either certified as a naturopathic doctor under this Article or applying
35 for certification as a naturopathic doctor under this Article. The Board is responsible for
36 providing to the North Carolina Department of Justice the fingerprints of the person to be
37 checked, a form signed by the person consenting to the criminal record check and the use of
38 fingerprints and other identifying information required by the State or national repositories, and
39 any additional information required by the Department of Justice. The Board shall keep all
40 information obtained pursuant to this section confidential.

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

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

45 (2) The date of the crime.

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

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

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

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

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

2 (c) Denial of Certification. – If the Board denies, revokes, or suspends a certification
3 based on information obtained in a criminal history record check, the Board shall disclose to
4 the person the information contained in the criminal history record check that is relevant to the
5 Board's actions. The Board may not provide a copy of the criminal history record check to the
6 person. A person has the right to appear before the Board to appeal the Board's decision. An
7 appearance before the Board shall constitute an exhaustion of administrative remedies in
8 accordance with Chapter 150B of the General Statutes.

9 **"§ 90-742. Reports; immunity from suit.**

10 (a) Report. – A person who has reasonable cause to suspect misconduct or incapacity of
11 a certified naturopathic doctor, or who has reasonable cause to suspect that a person is in
12 violation of this Article, may report the relevant facts to the Board. Upon receipt of a charge, or
13 upon its own initiative, the Board may give notice of an administrative hearing or may, after
14 diligent investigation, dismiss unfounded charges. A person who, in good faith, makes a report
15 pursuant to this section is immune from any criminal prosecution or civil liability resulting
16 from making the report.

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

20 **"§ 90-743. Third-party reimbursement.**

21 Nothing in this Article shall be construed to require direct third-party reimbursement to
22 persons certified under this Article.

23 **"§ 90-744. Advisory Council.**

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

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

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

32 (2) Two certified naturopathic doctors appointed by the North Carolina
33 Association of Naturopathic Physicians.

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

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

38 (c) General Administration. – Each member is appointed for a term of two years
39 beginning July 1, 2018. A member serves until a successor is appointed. The members of the
40 Advisory Council may elect a chairperson by a majority vote. Advisory Council members may
41 not receive compensation for their services but may receive reimbursement as provided in
42 G.S. 93B-5."

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

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

46 ...

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

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

51 **"§ 114-19.33A. Criminal history record checks for naturopathic doctors.**

1 (a) The Department of Justice shall provide to the North Carolina Naturopathic Doctors
2 Certification Board from the State and National Repositories of Criminal Histories the criminal
3 history of an applicant for certification by the Board or a certified naturopathic doctor of the
4 Board. The North Carolina Naturopathic Doctors Certification Board shall provide to the
5 Department of Justice, along with the request, the fingerprints of the applicant or certified
6 naturopathic doctor, a form signed by the applicant or certified naturopathic doctor consenting
7 to the criminal history record check and use of fingerprints and other identifying information
8 required by the State and national repositories, and any additional information required by the
9 Department of Justice. The fingerprints of the applicant or certified naturopathic doctor shall be
10 forwarded to the State Bureau of Investigation for a search of the State's criminal history record
11 file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal
12 Bureau of Investigation for a national criminal history record check. The North Carolina
13 Naturopathic Doctors Certification Board shall keep all information obtained pursuant to this
14 section confidential.

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

18 **SECTION 4.** Notwithstanding the provisions of G.S. 90-735, as enacted by Section
19 1 of this act, the initial naturopathic doctors appointed to the North Carolina Naturopathic
20 Doctors Certification Board must be North Carolina residents, must be licensed as a
21 naturopathic doctor in a state, district, territory, or province that licenses this profession, and
22 must be eligible for certification under G.S. 90-737, as enacted by Section 1 of this act. Upon
23 appointment, the appointee must immediately seek to become certified under this act.

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