

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H.B. 993  
Apr 25, 2019  
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH40409-NBf-12A\*

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

Sponsors: Representatives Lambeth, Dobson, Carney, and Fisher (Primary Sponsors).

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 Article  
6 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 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 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 by  
19 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 in naturopathic medicine that is accredited,  
29 or has achieved candidacy status for accreditation, by the Council on  
30 Naturopathic Medical Education or an equivalent federally recognized  
31 accrediting body for the naturopathic medical profession recognized  
32 by the North Carolina Naturopathic Doctors Licensure Board, or if the  
33 program existed prior to the existence of the Council on Naturopathic  
34 Medical Education, the program must (i) have provided  
35 graduate-level, full-time didactic and supervised clinical training in  
36 naturopathic medicine for a duration of not less than 132 weeks and



\* D R H 4 0 4 0 9 - N B F - 1 2 A \*

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

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

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

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

21 (2) Board. – The North Carolina Naturopathic Doctors Licensure Board.

22 (3) Council. – The Naturopathic Doctors Formulary Council.

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

25 (5) Integrative medicine. – As defined in G.S. 90-1.1.

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

28 (7) Naturopathic doctor. – A person licensed to practice naturopathic medicine  
29 under this Article.

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

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

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

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

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

45 **"§ 90-733. Practice of naturopathic medicine; scope of practice.**

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

- 1           (1)    Dispense, administer, order, and advise the use of natural remedies derived  
2           from or substantially similar to molecular structure or function to natural  
3           sources for preventive and therapeutic purposes, including food, extracts of  
4           food, nutraceuticals, vitamins, minerals, amino acids, enzymes, botanicals and  
5           their extracts, homeopathic remedies prepared according to the Homeopathic  
6           Pharmacopoeia of the United States, and all dietary supplements and  
7           nonprescription drugs as defined by the Federal Food, Drug, and Cosmetic  
8           Act, 21 U.S.C. § 301, et seq.
- 9           (2)    Order and perform physical examinations and physiological function tests.
- 10          (3)    Order, perform, and interpret laboratory tests, including performing waived  
11          tests as defined by the United States Food and Drug Administration Clinical  
12          Laboratory Improvement Amendments of 1988 (CLIA), including obtaining  
13          specimens to access and treat disease.
- 14          (4)    Order diagnostic imaging, including X-ray, MRI, CT scan, ultrasound,  
15          mammogram, and bone densitometry. Scope excludes electrocardiograms,  
16          echocardiograms, electroencephalograms, and nuclear imaging.
- 17          (5)    Perform hot or cold hydrotherapy, naturopathic physical medicine,  
18          electromagnetic therapy, and therapeutic exercise.
- 19          (6)    Perform health education and health counseling, including dietary and  
20          lifestyle counseling.
- 21          (7)    Utilize routes of administration for substances, including oral, nasal, auricular,  
22          ocular, rectal, vaginal, and transdermal.
- 23          (8)    Perform care incidental to superficial lacerations and abrasions, including the  
24          application of topical and local anesthetics and antimicrobials.

25          (b)    Prohibitions. – A naturopathic doctor may practice only within the scope of practice  
26          authorized in subsection (a) of this section. A naturopathic doctor may not practice as any other  
27          health care professional licensed or registered under another Article of this Chapter unless  
28          otherwise licensed or registered by this State to do so. A naturopathic doctor may not perform  
29          any of the following functions unless otherwise licensed by this State to do so:

- 30           (1)    Prescribe, dispense, or administer any prescription drug or controlled  
31           substance, except as authorized by this Article.
- 32           (2)    Use general or spinal anesthetics.
- 33           (3)    Perform surgical procedures.
- 34           (4)    Administer ionizing radioactive substances for therapeutic purposes.
- 35           (5)    Child delivery.
- 36           (6)    Diagnose and treat cancer. Prohibition does not apply to adjunctive or  
37           complementary care of patients who have previously been or are currently  
38           diagnosed with cancer.

39          **§ 90-734. Licensure required; exemptions.**

40          (a)    Licensure Required. – No person shall practice, attempt to practice, or claim to  
41          practice naturopathic medicine unless the person has been licensed under the provisions of this  
42          Article.

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

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

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

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

33          **"§ 90-735. North Carolina Naturopathic Doctors Licensure Board.**

34          (a)   Composition and Terms. – The North Carolina Naturopathic Doctors Licensure Board  
35          is created. The Board consists of seven members serving for staggered terms. The initial Board  
36          members shall be appointed on or before January 1, 2020, as follows:

- 37               (1)   The General Assembly, upon the recommendation of the President Pro  
38               Tempore of the Senate, shall appoint two naturopathic doctors who are  
39               licensed under this Article. One member shall serve a term of one year, and  
40               one member shall serve a term of three years.
- 41               (2)   The General Assembly, upon the recommendation of the Speaker of the House  
42               of Representatives, shall appoint two naturopathic doctors who are licensed  
43               under this Article. One member shall serve a term of one year, and one  
44               member shall serve a term of three years.
- 45               (3)   The Governor shall appoint two physicians licensed under Article 1 of Chapter  
46               90 of the General Statutes, at least one of whom is involved in the practice of  
47               integrative medicine or teaches integrative medicine at a medical school. Both  
48               of these members shall serve a term of three years.
- 49               (4)   The Governor shall appoint for a two-year term a public member who is not a  
50               licensed or registered health care professional and is not employed in a health  
51               care profession.

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

5 (b) Qualifications. – Members of the Board shall be citizens of the United States and  
6 residents of the State of North Carolina. The initial naturopathic doctor appointees must have  
7 been North Carolina residents for at least two years prior to appointment, must be licensed as a  
8 naturopathic doctor in a state, district, territory, or province that licenses this profession, and must  
9 be eligible for licensure under G.S. 90-738. Upon appointment, each naturopathic doctor  
10 appointee must immediately seek to become licensed under this act and shall remain in good  
11 standing with the Board during the appointee's term. Public members of the Board shall not be:

- 12 (1) An agent or employee trained or experienced in the practice of naturopathic  
13 medicine.
- 14 (2) An agent or employee of a person engaged in the practice of naturopathic  
15 medicine.
- 16 (3) A health care professional licensed under this Chapter or a person enrolled in  
17 a program to become a licensed health care professional.
- 18 (4) An agent or employee of a health care institution, a health care insurer, or a  
19 health care professional school.
- 20 (5) A member of an allied health profession or a person enrolled in a program to  
21 become a member of an allied health profession.
- 22 (6) A spouse of an individual licensed pursuant to this act.
- 23 (7) Any person with significant financial interest in a health service or profession.

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

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

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

#### 40 **"§ 90-736. Powers of the Board.**

41 The Board shall have the following powers and duties:

- 42 (1) Administer and enforce the provisions of this Article.
- 43 (2) Issue interpretations of this Article.
- 44 (3) Adopt, amend, or repeal rules in the manner prescribed under Chapter 150B  
45 of the General Statutes, as may be necessary to carry out the provisions of this  
46 Article.
- 47 (4) Establish, examine, and determine the qualifications and fitness of applicants  
48 for licensure and renewal of licensure, and reciprocal licensure.
- 49 (5) Issue, renew, deny, suspend, or revoke licenses, order probation, issue  
50 reprimands, and conduct any disciplinary actions authorized by this Article.

- 1           (6)    Set fees for licensure, licensure renewal, and other services deemed necessary  
2           to carry out the provisions of this Article.
- 3           (7)    Establish and approve continuing education requirements for persons licensed  
4           under this Article.
- 5           (8)    Establish a code of ethics for licensees.
- 6           (9)    Maintain a current list of all persons who are licensed under this Article.
- 7           (10)   Employ and fix the compensation of personnel that the Board determines is  
8           necessary to carry out the provisions of this Article and incur other expenses  
9           necessary to perform the duties of the Board.
- 10          (11)   Adopt a seal containing the name of the Board for use on all licenses and  
11          official reports issued by the Board.
- 12          (12)   Maintain a record of all proceedings and make available to all licensees and  
13          other concerned parties an annual report of all Board action.
- 14          (13)   Institute corrective measures, as necessary and as permitted by Chapter 93B  
15          of the General Statutes, to rehabilitate naturopathic doctors or limit their  
16          practice.
- 17          (14)   Receive complaints and conduct investigations for the purpose of determining  
18          whether violations of this Article or grounds for disciplining licensees exist.
- 19          (15)   Adopt a formulary based on the recommendations of the Council made under  
20          G.S. 90-737. The Board may modify or reject any recommendation of the  
21          Council regarding the formulary.

22   **"§ 90-737. Naturopathic Doctors Formulary Council.**

23       (a)    Composition and Terms. – The Naturopathic Doctors Formulary Council is formed  
24       within and appointed by the Board and exists under the supervision of the Board. The Council  
25       shall develop and recommend to the Board, on an ongoing basis, a formulary for naturopathic  
26       doctors to use in practice.

- 27           (1)    The Council consists of the following members:
  - 28               a.    Two naturopathic doctors who (i) are licensed under this Article, (ii)  
29               practice naturopathic medicine in North Carolina, (iii) have a  
30               minimum of two years of experience practicing naturopathic  
31               medicine, and (iv) have resided in North Carolina for at least two years  
32               prior to appointment.
  - 33               b.    One physician licensed under Article 1 of Chapter 90 of the General  
34               Statutes who is involved in the practice of integrative medicine or  
35               teaches integrative medicine at a medical school.
  - 36               c.    One physician licensed under Article 1 of Chapter 90 of the General  
37               Statutes who practices in this State.
  - 38               d.    One pharmacist who has a background in pharmacognosy and who  
39               practices in this State.
  - 40               e.    One member of the public who is not a licensed or registered health  
41               care professional and is not employed in a health care profession.

42       Members appointed under subdivision (1) of this subsection shall serve for a term of three  
43       years and shall continue to serve after the expiration of the term until a successor is appointed by  
44       the Board.

45       (b)    Powers and Duties. – The Council shall have the following powers and duties:

- 46           (1)    Develop and recommend to the Board a formulary for use by licensed  
47           naturopathic doctors.
- 48           (2)    Review, annually and at the discretion of the Board, the formulary adopted by  
49           the Board under G.S. 90-736 to determine whether any changes are necessary  
50           for compliance with current prescribing standards or the practice of  
51           naturopathic standards.

1           (3)    Recommend to the Board any changes that, in the Council's discretion, need  
2                    to be implemented to improve the formulary.

3           (c)    The formulary recommended to the Board by the Council shall include natural  
4 remedies or a remedy derived from or substantially similar in molecular structure or function to  
5 natural sources that may require a prescription. Substances included in the formulary must be  
6 allowed within the scope of practice and should be protected within the future scope of practice  
7 for naturopathic doctors.

8           (d)    The Board shall designate the chair of the Council and shall provide staff necessary  
9 to carry out the Council's powers and duties.

10          (e)    A Council member may not receive compensation but may receive reimbursement,  
11 as provided in G.S. 93B-5.

12 **"§ 90-738. Qualifications for licensure; renewal; reinstatement.**

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

16           (1)    The applicant is of good moral and ethical character.

17           (2)    The applicant is a graduate of an approved program of naturopathic medicine,  
18 as defined in G.S. 90-732.

19           (3)    The applicant meets one, or both, of the following two conditions:

20           a.    Has successfully passed the Naturopathic Physicians Licensing  
21 Examination (NPLEX), a competency-based national naturopathic  
22 licensing examination administered by the North American Board of  
23 Naturopathic Examiners or an equivalent successor agency recognized  
24 by the Board.

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

28           (4)    The applicant completes and submits to the Board a written attestation that is  
29 approved by the Board and that complies with all of the following criteria:

30           a.    The applicant attests to having a collaboration and consultation  
31 agreement with a physician licensed under Article 1 of Chapter 90 of  
32 the General Statutes and provides the name and license number of the  
33 physician identified in the collaboration and consultation agreement.

34           b.    An attestation that the physician has been informed of the  
35 collaboration and consultation agreement.

36           c.    The applicant attests to refer patients to physicians and to consult with  
37 physicians and other health care providers licensed or registered in this  
38 State.

39           d.    The applicant attests that the collaboration and consultation agreement  
40 does not require or implement supervision of the applicant by the  
41 physician or health care professional identified in the collaboration or  
42 consultation agreement.

43           (5)    The applicant submits any other documentation the Board deems necessary to  
44 determine the applicant's fitness for licensure under this Article. This  
45 documentation may include successful completion of a Board-approved  
46 jurisprudence examination on State laws and rules related to naturopathic  
47 medicine.

48          (b)    Renewal. – A license expires one year after the date it is issued unless it is renewed.  
49 After the first year, a license is to be renewed annually on or before the date of birth on the  
50 license. To renew a licensure, a licensee shall meet all of the following conditions:

51           (1)    Submit an application for licensure renewal.

(2) Pay the required fees.

(3) Complete at least 20 hours of continuing education approved by the Board within the one-year period immediately prior to the renewal date.

Failure to renew a licensure within three months of the date the licensure expires shall result in automatic forfeiture of the right to practice naturopathic medicine in this State until the licensure is reinstated.

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

**"§ 90-739. Reciprocity.**

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

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

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

**"§ 90-740. Expenses and fees.**

(a) The Board shall establish fees not exceeding the following amounts:

- (1) Application and examination ..... \$200.00
- (2) License ..... \$300.00
- (3) License renewal..... \$350.00
- (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.

**"§ 90-741. Disciplinary authority.**

(a) Authority. – The Board may impose probationary conditions upon a licensed naturopathic doctor, or it may deny, suspend, revoke, or refuse to issue or renew a license, if the licensed 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 licensure.

(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 licensure by the Board unless the Board determines otherwise pursuant to rules adopted by the Board.



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

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

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

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

45          **"§ 90-742. Criminal history record check of applicants and licensed naturopathic doctors.**

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

1 information required by the Department of Justice. The Board shall keep all information obtained  
2 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. A  
19 person has the right to appear before the Board to appeal the Board decision. An appearance  
20 before the Board shall constitute an exhaustion of administrative remedies in accordance with  
21 Chapter 150B of the General Statutes.

22 **"§ 90-743. Reports; immunity from suit.**

23 (a) Report. – A person who has reasonable cause to suspect misconduct or incapacity of  
24 a licensed naturopathic doctor, or who has reasonable cause to suspect that a person is in violation  
25 of this Article, may report the relevant facts to the Board. Upon receipt of a charge, or upon its  
26 own initiative, the Board may give notice of an administrative hearing or may, after diligent  
27 investigation, dismiss unfounded charges. A person who, in good faith, makes a report pursuant  
28 to this section is immune from any criminal prosecution or civil liability resulting from making  
29 the 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 **"§ 90-744. 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 **SECTION 2.** G.S. 90-18(c) is amended by adding a new subdivision to read:

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

39 ...

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

42 **SECTION 3.** G.S. 143B-972 reads as rewritten:

43 **"§ 143B-972. Criminal history record checks for naturopathic doctors.**

44 (a) The Department of Justice shall provide to the North Carolina Naturopathic Doctors  
45 Licensure Board from the State and National Repositories of Criminal Histories the criminal  
46 history of an applicant for licensure by the Board or a licensed naturopathic doctor of the Board.  
47 The North Carolina Naturopathic Doctors Licensure Board shall provide to the Department of  
48 Justice, along with the request, the fingerprints of the applicant or licensed naturopathic doctor,  
49 a form signed by the applicant or licensed naturopathic doctor consenting to the criminal history  
50 record check and use of fingerprints and other identifying information required by the State and  
51 national repositories, and any additional information required by the Department of Justice. The

1 fingerprints of the applicant or licensed naturopathic doctor shall be forwarded to the State  
2 Bureau of Investigation for a search of the State's criminal history record file, and the State  
3 Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation  
4 for a national criminal history record check. The North Carolina Naturopathic Doctors Licensure  
5 Board shall keep all information obtained pursuant to this section confidential.

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

9 **SECTION 4.** This act becomes effective January 1, 2020, and applies to licenses  
10 granted on or after that date.