

SECOND REGULAR SESSION

SENATE BILL NO. 1024

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR YECKEL

Read 1st time February 17, 2000, and 1,000 copies ordered printed.

3424L.011

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 324, RSMo, relating to occupations and professions by adding thereto eight new sections relating to the same subject.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 324, RSMo, is amended by adding thereto eight new sections, to be known as sections 324.750, 324.753, 324.756, 324.759, 324.762, 324.765, 324.768 and 324.770, to read as follows:

324.750. Sections 324.750 to 324.770 shall be known and may be cited as the "Naturopathic Certification Act".

324.753. As used in sections 324.750 to 324.770, the following terms mean:

- (1) "Department", the department of economic development;**
- (2) "Division", the division of professional registration of the department of economic development;**
- (3) "Malpractice", failure on the part of a person certified pursuant to sections 324.750 to 324.770 to exercise the degree of care, diligence and skill ordinarily exercised by naturopaths;**
- (4) "Naturopath", an individual who engages in the practice of naturopathy;**
- (5) "Naturopathy", a distinct system of noninvasive health practice in which neither surgery nor drugs are used, consisting instead of assessment, education, counseling and natural health modalities including, but not limited to, the use of foods, food extracts, vitamins, minerals, enzymes, digestive aids, herbs, botanical substances, nonprescriptive homeopathic preparations, air, water, heat, cold, sound, light, bio-energetic methods, iris analysis, and exercise to help stimulate and maintain the body's intrinsic self-healing process.**

324.756. 1. No individual shall represent himself or herself as "certified" to

practice naturopathy in this state without first complying with the provisions of sections 324.750 to 324.770.

2. Any individual certified pursuant to sections 324.750 to 324.770 shall have the exclusive right to use the term "certified" in conjunction with the following titles and terms: "naturopath", "doctor of naturopathy", "naturopathic doctor", "naturopathic", "naturopathy", "naturopathic health care" and "N.D".

324.759. 1. An individual certified pursuant to sections 324.750 to 324.770 may use the titles set forth in section 324.756.

2. Any individual certified pursuant to sections 324.750 to 324.770 who is not licensed to practice medicine in the state of Missouri shall provide to all clients a written notice which shall read as follows:

"This notice is provided to you pursuant to Missouri law. I am a Certified Naturopath. I practice Naturopathy which is a distinct system of noninvasive health practice consisting of assessment, education and counseling using natural health modalities. I am not a medical doctor and therefore do not practice the application of allopathic medical principles to prevent, diagnose and treat physical and mental diseases, disorders and conditions."

An identical notice, in printing of a size to be easily readable, shall be posted in a prominent place in each office or location of business.

3. The department shall issue a certificate to practice naturopathy together with the rights and privileges set forth herein to anyone who passes the examination in subsection 4 of this section, pays the required annual fees established by the department, is eighteen years of age or older, and is of good moral character.

4. An applicant for certification shall pass an examination offered by the American Board of Naturopathic Examiners (ABNE), a nonprofit corporation, the Natural Health Examination and Certification Board (NHECB), a nonprofit corporation, or any examination that tests naturopathy as defined in sections 324.750 to 324.770 and which is approved by the department. The examination may be passed prior to the effective date of this section.

324.762. A naturopath certified pursuant to sections 324.750 to 324.770 shall not:

(1) Prescribe, dispense, administer or make any recommendations pertaining to any legend or controlled substance, as defined in the federal Controlled Substance Act, United States Code, Title 21, Sections 801 to 971;

(2) Perform surgical procedures;

(3) Practice emergency medicine, except as a good samaritan rendering gratuitous services in the case of emergency and except for the care of minor injuries;
or

(4) Practice or claim to practice medicine, surgery, osteopathy, dentistry,

podiatry, optometry, chiropractic, physical therapy or obstetrics.

324.765. 1. The division shall:

(1) Prescribe application forms to be furnished to all persons seeking certification pursuant to sections 324.750 to 324.770;

(2) Prepare and conduct examinations for applicants for certification pursuant to sections 324.750 to 324.770;

(3) Prescribe the form and design of the certification to be issued pursuant to sections 324.750 to 324.770;

(4) Set the fee for examination, certification and renewal thereof;

(5) Keep a record of all of its proceedings regarding the Missouri naturopathic certification act and of all naturopaths certified in this state;

(6) Annually prepare a roster of the names and addresses of all naturopaths certified in this state, copies of which shall be made available upon request to any person paying the fee therefor;

(7) Set the fee for the roster at an amount sufficient to cover the actual cost of publishing and distributing the roster;

(8) Appoint members of the Missouri naturopathic advisory committee;

(9) Adopt an official seal.

2. The division may:

(1) Promulgate rules pursuant to chapter 536, RSMo, to implement the provisions of sections 324.750 to 324.770;

(2) Establish guidelines for naturopaths pursuant to sections 324.750 to 324.770.

3. No rule or portion of a rule promulgated under the authority of sections 324.750 to 324.770 shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

324.768. 1. There is hereby created the "Missouri Naturopathic Advisory Committee", to be composed of five members to be appointed by the department.

2. The naturopathic advisory committee shall:

(1) Assist the department in conducting examinations for applicants of naturopathic certification;

(2) Advise the department on all matters pertaining to the certification of naturopaths;

(3) Review all complaints and/or investigations wherein there is a possible violation of sections 324.750 to 324.770 or regulations promulgated pursuant thereto and make recommendations to the department for action;

(4) Follow the provisions of the department's administrative practice procedures in conducting all official duties.

3. Each naturopathic advisory committee member shall:

(1) Be a citizen of the United States and a resident of the state of Missouri for five years next preceding appointment; and

(2) Be comprised of three certified naturopaths except for initial appointees; and

(3) One member shall be a physician duly licensed by the Missouri state board for the healing arts; and

(4) One member shall be a general public member.

4. Except for the initial appointees, members shall hold office for terms of six years. The department shall designate one member for a term expiring in 2001, one member for a term expiring in 2002, one member for a term expiring in 2003, one member for a term expiring in 2004, and one member for a term expiring in 2005. In the event of death, resignation, or removal of any member, the vacancy of the unexpired term shall be filled by the department in the same manner as the other appointments.

324.770. 1. Nothing in sections 324.750 to 324.770 shall be construed to prohibit or restrict:

(1) The practice of a profession by individuals who are licensed, certified or registered pursuant to laws of this state who are performing services within their authorized scope of practice;

(2) An individual from administering a domestic or family remedy;

(3) Persons from furnishing nutritional information or engaging in the explanation to customers about foods, food materials, vitamins, herbs or other dietary supplements in connection with the marketing, sale or distribution of such products;

(4) Any person certified pursuant to sections 324.750 to 324.770 from engaging in the marketing and distribution of food, food materials, vitamins, herbs or other dietary supplements;

(5) A person or group who disseminates information or literature relating to the benefits or preparation of food, food materials, or dietary or food supplements;

(6) A person or group who gives speeches, conducts seminars or teaches classes in natural health;

(7) A person or group who conducts exercise, fitness or weight control programs;

(8) A person or group who is traditionally recognized in the community as a provider of naturopathic advice, including but not limited to a curandero or medicine man or woman, and who advises people according to or based on traditional practices;

(9) A person who practices animal nutrition; or

(10) A person who practices midwifery.

2. The use of the techniques and modalities of naturopathy including, but not limited to, the use of nutritional supplements, herbs, foods, homeopathic preparations, and such physical forces as heat, cold, water, touch, light and iris analysis shall not be deemed the exclusive privilege of certified naturopaths, and their use by persons not

certified pursuant to sections 324.750 to 324.770 shall not be prohibited and shall not be deemed the practice of allopathic medicine.

3. Nothing in sections 324.750 to 324.770 shall be construed to interfere with the religious practices or observances of a religion or religious organization, or to prevent any person from caring for the sick in accordance with tenets and practices of any church or religious denomination which teaches reliance upon spiritual means through prayer for healing.

✓

Unofficial

Bill

Copy