

FIRST REGULAR SESSION

SENATE BILL NO. 317

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOWARD.

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L1412.011

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 334, RSMo, relating to physicians and surgeons by adding thereto eight new sections relating to the regulation and licensing of the practice of naturopathic medicine, with penalty provisions.

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

Section A. Chapter 334, RSMo, is amended by adding thereto eight new sections, to be known as sections 334.300, 334.303, 334.305, 334.307, 334.310, 334.312, 334.315 and 334.318, to read as follows:

334.300. As used in sections 334.300 to 334.318 the following terms mean:

(1) "Accepted therapeutic purpose", treatment of a disease, injury, ailment or infirmity that is competent and generally recognized as safe and effective;

(2) "Approved postdoctoral training" or "postdoctoral training", a program in which the training occurs, or is being conducted has been approved for specialty training or for graduate medical education in naturopathic medicine by the board or approved or accredited by an educational or professional association recognized by the board or by another state's licensing agency recognized by the board;

(3) "Approved preceptorship program" or "preceptorship", a program in which the training occurs, or is being conducted, has been approved for preceptorship training for physicians or for graduates of a school of naturopathic medicine by the board or was approved or accredited by an educational or professional association recognized by the board or by another state's licensing agency recognized by the board;

(4) "Approved school of naturopathic medicine" or "school of naturopathic medicine", a school or college offering a course of study which, on successful completion, results in the awarding of the degree of doctor of naturopathic medicine and whose course of study is any of the following:

(a) Certified, recognized or approved by another state's naturopathic licensing agency and the school is located in the jurisdiction of that licensing agency;

(b) Determined by the board to have an educational program that meets board standards as prescribed by board rules;

(5) "Board", the state board of registration for the healing arts;

(6) "Device", an appliance, apparatus or instrument administered or dispensed to a patient by a doctor of naturopathic medicine;

(7) "Dispense", the delivery by a doctor of naturopathic medicine of a substance or a device to a patient and only for a condition being diagnosed or treated by such doctor; to include free samples packaged for individual use by licensed manufacturers or repackagers, and includes the prescribing, administering, packaging, labeling as related to naturopathic medicine and security necessary to prepare and safeguard the substance or the device for delivery to the treating doctor's own patient;

(8) "Doctor of naturopathic medicine", a natural person licensed to practice naturopathic medicine pursuant to sections 334.300 to 334.318;

(9) "Homeopathy", a system of medical treatment of certain diseases with small doses of drugs which in a healthy person and in large doses would produce symptoms like those of the disease;

(10) "Medical assistant" or "naturopathic medical assistant", a person who is certified by the board as a medical assistant, who assists a doctor of naturopathic medicine and who may perform delegated procedures commensurate with the assistant's education and training under the supervision of a doctor of naturopathic medicine. Procedures delegated to a medical assistant do not include diagnosing, designing or modifying established treatment programs or those procedures prohibited by the board or by the provisions of sections 334.300 to 334.318;

(11) "Minerals", an inorganic substance occurring naturally in the earth as ore or rock. Any substance neither vegetable nor animal;

(12) "Minor surgery", surgery that has low mortality, requires few assistants and is usually performed outside of the hospital and does not invade the body cavity;

(13) "Natural substance", arising from nature, not artificial;

(14) "Naturopathic medical student", a person who is enrolled in a course of study at an approved school of naturopathic medicine;

(15) "Naturopathic medicine", medicine as taught in approved schools of naturopathic medicine;

(16) "Nurse", a person licensed pursuant to chapter 335, RSMo;

(17) "Physician", a doctor of naturopathic medicine licensed pursuant to sections 334.300 to 334.318;

(18) "Practice of naturopathic medicine", a medical system of diagnosing and

treating diseases, injuries, ailments, infirmities and other conditions of the human mind and body including, but not limited to, natural means, minor surgery or the prescribing or dispensing of substances, as defined in this section;

(19) "Specialist", a physician who has successfully completed approved postdoctoral training, who is certified by a specialty board of examiners recognized by the board and who is certified by the board to practice the specialty pursuant to sections 334.300 to 334.318;

(20) "Substances" includes, but not limited to, minerals, vitamins, natural substances, homeopathy and schedule three to five drugs as provided in chapter 195, RSMo;

(21) "Vitamins", any complex substance found in foods and essential to good health.

334.303. 1. The state board of registration for the healing arts shall:

(1) Adopt rules that are necessary or proper for the administration of sections 334.300 to 334.318;

(2) Administer and enforce all provisions of sections 334.300 to 334.318 and all rules adopted by the board pursuant to the authority granted in sections 334.300 to 334.318;

(3) Set the amount of the fees which sections 334.300 to 334.318 authorizes and requires by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering sections 334.300 to 334.318; provided that the licensing fee shall not exceed two hundred fifty dollars;

(4) Deposit all funds received pursuant to sections 334.300 to 334.318 in the board of registration for the healing arts fund established in section 334.050, RSMo;

(5) Adopt rules regarding naturopathic medical assistants who assist a doctor of naturopathic medicine, and the board shall determine the qualifications of naturopathic medical assistants who are not otherwise licensed by law. The board may also adopt rules for the voluntary certification of such naturopathic medical assistants;

(6) Adopt rules requiring a doctor of naturopathic medicine to be certified and registered by the board before dispensing a substance or device;

(7) Adopt rules for conducting licensing examinations required by sections 334.300 to 334.318;

(8) Have the full and free exchange of information with the licensing and disciplinary boards of other states and countries.

2. The board may:

(1) Adopt rules that prescribe annual continuing medical education for the renewal of licenses issued pursuant to sections 334.300 to 334.318;

(2) Employ permanent or temporary personnel it deems necessary to carry out the purposes of sections 334.300 to 334.318 and designate their duties;

(3) Adopt rules relating to naturopathic medical specialties and determine the qualifications of doctors of naturopathic medicine who may represent or hold themselves out as being specialists;

(4) If reasonable cause exists to believe that an applicant's competency is in question, require an applicant for licensure to undergo any combination of physical, mental, blood or laboratory tests.

3. No rule or portion of a rule promulgated pursuant to the authority of sections 334.300 to 334.318 shall become effective unless it was promulgated pursuant to the provisions of chapter 536, RSMo.

334.305. 1. A person who holds a license or certificate pursuant to sections 334.300 to 334.318 shall display such document in a conspicuous place that is accessible to view by the public.

2. A person who practices, conducts affairs or is employed at more than one location and who maintains a continuing activity as authorized by the license or certificate shall display a duplicate of such document issued by the board at each location.

334.307. 1. The examination required for a license pursuant to sections 334.300 to 334.318 shall be written and shall consist of the following parts:

(1) Part one shall encompass the basic medical science subjects of anatomy, basic pharmacology and toxicology, biochemistry, microbiology and immunology, physiology, pathology and naturopathic jurisprudence;

(2) Part two shall encompass the clinical medical science subjects of dermatology, ophthalmology and otolaryngology, geriatrics, infectious diseases, neurology and psychiatry, pediatrics, obstetrics and gynecology, orthopedics, physical medicine and rehabilitation;

(3) Part three shall encompass the clinical competency medical subject of emergency medicine and minor surgery, clinical pharmacology, internal medicine, laboratory diagnosis and diagnostic imaging, clinical nutrition, botanicals and diet therapy.

2. In lieu of the examination prescribed in subsection 1 of this section, the board may accept examinations conducted by a national board of examiners recognized by the board for those subjects encompassed pursuant to subdivisions (1) and (2) of subsection 1 of this section if the applicant for licensure successfully passed the examination with a grade of at least seventy-five and the national board submits an affidavit to the board that confirms the examination grade of the applicant.

3. In lieu of the examination prescribed in subsection 1 of this section, all

applicants registered on the effective date of this section in a naturopathic medical program in the state of Missouri that is determined by the board to have an educational program of equivalent quality to standards recognized by other states with a similar program shall be entitled to be licensed in Missouri if the applicant passes the final examinations required to graduate such naturopathic medical program. Such examinations shall be placed in the applicant's file in the board's office.

4. In lieu of the examination prescribed in subsection 1 of this section, all physicians and surgeons licensed pursuant to this chapter, chiropractors licensed pursuant to chapter 331, RSMo, and podiatrists licensed pursuant to chapter 330, RSMo, who have been granted a doctor of naturopathic medicine degree from an approved naturopathic medical program in which the college granting the degree is approved by a state board, at the time the degree is granted, with equivalent quality and standards of care in the practice of naturopathic medicine shall be entitled to be licensed pursuant to sections 334.300 to 334.318 on the effective date of sections 334.300 to 334.318.

334.310. 1. A naturopathic medical student who wishes to engage in a clinical training program in naturopathic medicine shall submit an application for a certificate from the board.

2. A naturopathic medical student issued a certificate by the board to engage in an approved clinical training program shall be under the supervision of a physician licensed pursuant to sections 334.300 to 334.318 or pursuant to chapter 330, RSMo, chapter 331, RSMo, or this chapter.

3. The board may by rule prescribe naturopathic medical treatment procedures that naturopathic medical students may perform under the supervision of a physician licensed pursuant to sections 334.300 to 334.318, if the board determines that such procedures:

(1) May be competently performed by the student; and
(2) Do not exceed the procedures that the supervising physician has been licensed by this state to perform.

4. A naturopathic medical student may do clerical tasks without supervision if the tasks do not involve diagnosing or treating a patient's condition.

5. A person shall not use the title "naturopathic medical student" or a related title or abbreviation while engaged in a clinical training program unless that person holds a certificate issued by the board to engage in such clinical training program.

6. If a student of naturopathic medicine ceases to be enrolled in an approved school of naturopathic medicine, or if the student's supervising physician withdraws from supervision of the naturopathic medical student, the certificate to engage in clinical training held by such student shall be automatically suspended.

334.312. 1. A person who is a graduate of an approved school of naturopathic medicine with a degree of doctor of naturopathic medicine and who wishes to engage in an internship program or a preceptorship program shall submit an application for certification.

2. A person who is a graduate of an approved school of naturopathic medicine with a degree of naturopathic medicine may engage in an approved internship program or an approved preceptorship program under the supervision of a physician licensed pursuant to sections 334.300 to 334.318 or pursuant to chapter 330, RSMo, chapter 331, RSMo, or this chapter.

3. The board may, by rule, prescribe naturopathic medical treatment procedures that a person who is a graduate of an approved school of naturopathic medicine may perform under the supervision of a physician licensed pursuant to sections 334.300 to 334.318 if the board determines that these procedures:

- (1) May be competently performed by the graduate; and**
- (2) Do not exceed the procedures that the supervising physician has been licensed by this state to perform.**

334.315. 1. A doctor of naturopathic medicine may dispense a substance or a device to a patient for a condition being diagnosed or treated by the doctor if:

(1) The doctor is certified by the board to dispense and such doctor's certificate has not been suspended or revoked by the board;

(2) The substance is dispensed and properly labeled with the following dispenser information:

(a) The dispensing doctor's name, address, telephone number and license number issued by the board;

(b) The date the substance is dispensed;

(c) The patient's name;

(d) The name and strength of the substance, directions for proper and appropriate use and any cautionary statements for the substance or the device;

(3) The dispensing doctor enters into the patient's medical record the name and strength of the substance or the device dispensed, the date the substance or the device is dispensed and the therapeutic reason;

(4) The dispensing doctor keeps all substances and devices in a secured cabinet or room, controls access to the cabinet or room by a written procedure and maintains an ongoing inventory of its contents.

2. Before dispensing a substance or device pursuant to this section, the treating doctor shall give his or her patient or the patient's legal guardian a written statement on which appears the following statement in bold type:

"This prescription may be filled by your doctor of naturopathic medicine or by

a pharmacy of your choice."

3. A doctor of naturopathic medicine shall provide direct supervision of a nurse or attendant involved in the dispensing process. In this subsection, "direct supervision" means that a doctor of naturopathic medicine is present and makes the determination as to the necessary use or the advisability of the substance or device to be dispensed.

4. The provisions of this section shall be enforced by the board. The board may conduct periodic inspections of dispensing practices to assure compliance with the section and applicable rules.

5. Nothing in this section shall prevent a licensed practical or registered nurse employed by a physician of naturopathic medicine from assisting in the delivery of substances and devices in accordance with the provisions of this chapter.

334.318. Any person who violates any provision of sections 334.300 to 334.318 is guilty of a class A misdemeanor.

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