

HOUSE BILL 1100

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CF SB 560

By: **Delegates B. Robinson, Bates, Bobo, Carter, Cullison, Eckardt, Feldman, Frank, Gutierrez, Howard, Hubbard, A. Kelly, Kipke, McIntosh, Mizeur, Nathan-Pulliam, and Washington**

Introduced and read first time: February 11, 2011

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – State Board of Naturopathic Medicine**

3 FOR the purpose of establishing the State Board of Naturopathic Medicine; specifying
4 the composition of the Board; specifying the terms of a Board member; requiring
5 the Governor to appoint a new member, under certain circumstances, if a
6 vacancy on the Board occurs; authorizing the Governor to remove a member of
7 the Board under certain circumstances; requiring the Board to elect a chair and
8 any other officers from among its members; requiring the Board to make certain
9 determinations relating to its officers; specifying that a majority of the members
10 then serving on the Board is a quorum; requiring the Board to determine the
11 times and places of its meetings; specifying that a Board member is entitled to
12 certain compensation and reimbursement; authorizing the Board to employ a
13 staff under certain circumstances; authorizing the Board to adopt certain
14 regulations and appoint certain committees; specifying the duties of the Board;
15 establishing the State Board of Naturopathic Medicine Fund; authorizing the
16 Board to set reasonable fees under certain circumstances; requiring the Board
17 to pay the fees to the Comptroller and requiring the Comptroller to distribute
18 the fees to the Fund; requiring the Fund to be used for certain purposes;
19 specifying that the Fund is a continuing, nonlapsing fund, not subject to a
20 certain provision of law; prohibiting unspent portions of the Fund from
21 reverting to the General Fund; specifying that no other State money may be
22 used to support the Fund, that a designee of the Board is to administer the
23 Fund, and that money in the Fund may be used only for certain purposes;
24 requiring the Legislative Auditor to audit the accounts and transactions of the
25 Fund; specifying that a person who gives information to the Board or otherwise
26 participates in its activities has a certain immunity from liability; requiring,
27 beginning on a certain date, certain individuals to have a certain license before
28 practicing naturopathic medicine in the State; prohibiting the Board from
29 discriminating against an applicant or licensee for certain reasons; requiring an

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 individual to meet certain requirements to qualify for a license; authorizing the
2 Board to waive certain examination requirements under certain circumstances;
3 requiring an applicant to submit certain information to the Board and pay a
4 certain fee; requiring the Board to issue a license to any applicant who meets
5 the requirements of this Act; specifying that a license authorizes a licensee to
6 order certain tests, order and perform certain examinations, and dispense,
7 administer, order, prescribe, or perform other certain therapies, drugs, and
8 medicines, and utilize certain routes of administration; specifying that a license
9 does not authorize a licensee to prescribe, dispense, or administer certain
10 substances or devices, perform certain procedures, use certain anesthetics, or
11 take certain other actions; specifying that the Board may authorize a licensee to
12 perform only certain procedures or prescribe certain drugs under certain
13 circumstances; specifying the term of a license; requiring the Board to send
14 certain information to licensees a certain time period before a license expires;
15 requiring the Board to renew a license under certain circumstances; authorizing
16 the Board to place a licensee on inactive status under certain circumstances;
17 requiring the Board to issue a license to a naturopathic physician who is on
18 inactive status under certain circumstances; requiring the Board to reinstate
19 the license of a naturopathic physician who failed to renew the license under
20 certain circumstances; prohibiting a licensed naturopathic physician from
21 surrendering a license under certain circumstances; establishing the
22 Naturopathic Formulary Council; specifying the membership of the Council;
23 requiring the Council to establish a naturopathic formulary, transmit the
24 formulary to the Board, and review the formulary under certain circumstances;
25 prohibiting the formulary from including certain medicines or drugs and devices
26 under certain circumstances; prohibiting a naturopathic physician from
27 dispensing, administering, or prescribing certain drugs and devices unless the
28 drug or device is on the formulary; authorizing the Board to take certain
29 disciplinary action against an applicant or a licensee for certain reasons;
30 requiring certain persons to file a certain report with the Board within a certain
31 time period; authorizing the Board to assess a certain monetary penalty on a
32 person that fails to file a certain report; requiring the Board to investigate
33 certain complaints; authorizing the Board to commence disciplinary action
34 under certain circumstances; specifying that certain investigations, reports, and
35 recommendations are confidential under certain circumstances; requiring the
36 Board to give a certain individual an opportunity for a hearing before the Board
37 and to give certain notice and hold the hearing in accordance with a certain
38 provision of law; authorizing a certain individual to be represented by counsel;
39 authorizing the Board to issue subpoenas and administer oaths under certain
40 circumstances; authorizing a certain court to take certain action against an
41 individual who disobeys a subpoena from the Board or an order by the Board;
42 authorizing the Board to hear and determine a matter, under certain
43 circumstances; requiring certain individuals to pay certain costs under certain
44 circumstances; requiring the Board to pass an order under certain
45 circumstances; requiring the Board to expunge certain charges after a certain
46 time period; requiring the holder of a license to surrender the license to the
47 Board under certain circumstances; requiring the Board to return a license
48 under certain circumstances; authorizing a person aggrieved by a decision of the

1 Board to take certain action under certain circumstances; prohibiting the Board
2 from reinstating a certain license under certain circumstances; requiring a
3 licensed naturopathic physician to follow certain federal, State, and local laws;
4 authorizing a licensed naturopathic physician to receive a certain fee; requiring
5 a naturopathic physician to display a certain notice under certain
6 circumstances; prohibiting an individual from practicing naturopathic medicine
7 in the State without a license; prohibiting certain individuals from making
8 certain representations to the public, using certain titles, and using certain
9 initials; specifying that this Act may be cited as the “Maryland Naturopathic
10 Medicine Act”; subjecting this Act to the Program Evaluation Act; specifying
11 that this Act does not limit certain rights of certain individuals; specifying the
12 purpose of this Act; requiring the Board to hold its first Board meeting within a
13 certain time period after the Governor has appointed the initial Board
14 members; providing for the terms of the initial Board members; specifying the
15 intent of the General Assembly regarding the initial funding of the Board;
16 requiring the Board to reimburse the General Fund under certain
17 circumstances; providing for the termination of this Act; defining certain terms;
18 and generally relating to the State Board of Naturopathic Medicine and the
19 licensing of naturopathic physicians.

20 BY renumbering

21 Article – State Government
22 Section 8–403(b)(41) through (68), respectively
23 to be Section 8–403(b)(42) through (69), respectively
24 Annotated Code of Maryland
25 (2009 Replacement Volume and 2010 Supplement)

26 BY adding to

27 Article – Health Occupations
28 Section 7.5–101 through 7.5–802 to be under the new title “Title 7.5.
29 Naturopathic Physicians”
30 Annotated Code of Maryland
31 (2009 Replacement Volume and 2010 Supplement)

32 BY adding to

33 Article – Courts and Judicial Proceedings
34 Section 5–722
35 Annotated Code of Maryland
36 (2006 Replacement Volume and 2010 Supplement)

37 BY repealing and reenacting, without amendments,

38 Article – State Government
39 Section 8–403(a)
40 Annotated Code of Maryland
41 (2009 Replacement Volume and 2010 Supplement)

42 BY adding to

43 Article – State Government

1 Section 8–403(b)(41)
2 Annotated Code of Maryland
3 (2009 Replacement Volume and 2010 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
5 MARYLAND, That Section(s) 8–403(b)(41) through (68), respectively, of Article – State
6 Government of the Annotated Code of Maryland be renumbered to be Section(s)
7 8–403(b)(42) through (69), respectively.

8 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
9 read as follows:

10 **Article – Health Occupations**

11 **TITLE 7.5. NATUROPATHIC PHYSICIANS.**

12 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

13 **7.5–101.**

14 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

16 (B) “APPROVED NATUROPATHIC MEDICAL PROGRAM” MEANS A
17 NATUROPATHIC MEDICAL EDUCATION PROGRAM:

18 (1) IN THE UNITED STATES THAT:

19 (i) PROVIDES THE DEGREE OF DOCTOR OF NATUROPATHY
20 OR DOCTOR OF NATUROPATHIC MEDICINE;

21 (ii) OFFERS GRADUATE–LEVEL, FULL–TIME DIDACTIC AND
22 SUPERVISED CLINICAL TRAINING;

23 (iii) IS ACCREDITED, OR HAS ACHIEVED CANDIDACY STATUS
24 FOR ACCREDITATION, BY THE COUNCIL ON NATUROPATHIC MEDICAL
25 EDUCATION OR AN EQUIVALENT FEDERALLY AND BOARD–RECOGNIZED
26 ACCREDITING BODY FOR NATUROPATHIC MEDICAL PROGRAMS; AND

27 (iv) IS PART OF AN INSTITUTION OF HIGHER EDUCATION
28 THAT IS EITHER ACCREDITED, OR IS A CANDIDATE FOR ACCREDITATION, BY A
29 REGIONAL OR NATIONAL INSTITUTIONAL ACCREDITING AGENCY RECOGNIZED
30 BY THE UNITED STATES SECRETARY OF EDUCATION;

1 **(2) IN A DIPLOMA–GRANTING, DEGREE–EQUIVALENT COLLEGE**
2 **OR UNIVERSITY IN CANADA THAT:**

3 **(I) OFFERS GRADUATE–LEVEL, FULL–TIME DIDACTIC AND**
4 **SUPERVISED CLINICAL TRAINING;**

5 **(II) IS ACCREDITED, OR HAS ACHIEVED CANDIDACY STATUS**
6 **FOR ACCREDITATION, BY THE COUNCIL ON NATUROPATHIC MEDICAL**
7 **EDUCATION OR AN EQUIVALENT FEDERALLY AND BOARD–RECOGNIZED**
8 **ACCREDITING BODY FOR NATUROPATHIC MEDICAL PROGRAMS; AND**

9 **(III) HAS PROVINCIAL APPROVAL FOR PARTICIPATION IN**
10 **GOVERNMENT–FUNDED STUDENT AID PROGRAMS; OR**

11 **(3) IN A DEGREE–GRANTING COLLEGE OR UNIVERSITY THAT:**

12 **(I) PRIOR TO THE EXISTENCE OF THE COUNCIL OF**
13 **NATUROPATHIC MEDICAL EDUCATION:**

14 **1. OFFERED A FULL–TIME STRUCTURED**
15 **CURRICULUM IN BASIC SCIENCES AND SUPERVISED PATIENT CARE COMPRISING**
16 **A DOCTORAL NATUROPATHIC MEDICAL EDUCATION;**

17 **2. REQUIRED AT LEAST 3 YEARS OF STUDY AS A**
18 **PREREQUISITE FOR GRADUATION; AND**

19 **3. IF IN CANADA, HAD PROVINCIAL APPROVAL FOR**
20 **PARTICIPATION IN GOVERNMENT–FUNDED STUDENT AID PROGRAMS;**

21 **(II) IS APPROVED BY THE BOARD; AND**

22 **(III) IF THE PROGRAM EXISTS WHEN THE APPLICANT**
23 **APPLIES FOR A LICENSE:**

24 **1. IS ACCREDITED BY THE COUNCIL OF**
25 **NATUROPATHIC MEDICAL EDUCATION OR A FEDERALLY RECOGNIZED**
26 **EQUIVALENT ACCREDITING AGENCY; AND**

27 **2. IF IN CANADA, HAS PROVINCIAL APPROVAL FOR**
28 **PARTICIPATION IN GOVERNMENT–FUNDED STUDENT AID PROGRAMS.**

29 **(C) “BOARD” MEANS THE STATE BOARD OF NATUROPATHIC MEDICINE.**

30 **(D) “COUNCIL” MEANS THE NATUROPATHIC FORMULARY COUNCIL.**

1 **(E) “LICENSED NATUROPATHIC PHYSICIAN” MEANS A NATUROPATHIC**
2 **PHYSICIAN WHO IS LICENSED TO PRACTICE NATUROPATHIC MEDICINE.**

3 **(F) “MINOR OFFICE PROCEDURES” MEANS THE METHODS FOR THE**
4 **REPAIR AND CARE INCIDENTAL TO THE REPAIR OF SUPERFICIAL LACERATIONS**
5 **AND ABRASIONS, SUPERFICIAL LESIONS, AND THE REMOVAL OF FOREIGN**
6 **BODIES LOCATED IN THE SUPERFICIAL TISSUES.**

7 **(G) “NATUROPATHIC FORMULARY” MEANS THE LIST OF MEDICINES,**
8 **NONPRESCRIPTION AND PRESCRIPTION, THAT NATUROPATHIC PHYSICIANS USE**
9 **IN THE PRACTICE OF THEIR PROFESSION, AS DETERMINED BY THE COUNCIL**
10 **AND ADOPTED BY THE BOARD.**

11 **(H) “NATUROPATHIC MEDICINE” MEANS A SYSTEM OF PRIMARY**
12 **HEALTH CARE THAT USES PATIENT EDUCATION AND NATUROPATHIC**
13 **THERAPIES AND THERAPEUTIC SUBSTANCES TO:**

14 **(1) PREVENT, DIAGNOSE, AND TREAT HUMAN HEALTH**
15 **CONDITIONS, INJURY, AND DISEASE;**

16 **(2) PROMOTE OR RESTORE HEALTH; AND**

17 **(3) SUPPORT AND STIMULATE A PATIENT’S INHERENT**
18 **SELF-HEALING PROCESSES.**

19 **(I) “NATUROPATHIC PHYSICIAN” MEANS AN INDIVIDUAL WHO**
20 **PRACTICES NATUROPATHIC MEDICINE.**

21 **(J) “PRESCRIPTION DRUG” MEANS ANY DRUG DEFINED IN § 503(B) OF**
22 **THE FEDERAL FOOD, DRUG, AND COSMETIC ACT IF THE DRUG’S LABEL IS**
23 **REQUIRED TO BEAR THE STATEMENT “RX ONLY”.**

24 **7.5–102.**

25 **THE PURPOSE OF THIS TITLE IS TO:**

26 **(1) PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE, AND**
27 **SPECIFICALLY PROTECT INDIVIDUALS WHO ARE THE DIRECT RECIPIENTS OF**
28 **SERVICES REGULATED BY THIS TITLE;**

29 **(2) MAINTAIN STANDARDS IN THE DELIVERY OF NATUROPATHIC**
30 **MEDICAL SERVICES TO THE PUBLIC;**

1 **(3) ENSURE THAT THE HEALTH CARE PROVIDED BY QUALIFIED**
2 **NATUROPATHIC PHYSICIANS IS ACCESSIBLE AND AVAILABLE TO THE CITIZENS**
3 **OF THE STATE; AND**

4 **(4) PROVIDE A MEANS OF IDENTIFYING QUALIFIED**
5 **NATUROPATHIC PHYSICIANS IN THE STATE.**

6 **7.5-103.**

7 **THIS TITLE DOES NOT LIMIT THE RIGHT OF:**

8 **(1) AN INDIVIDUAL TO PRACTICE A HEALTH OCCUPATION THAT**
9 **THE INDIVIDUAL IS AUTHORIZED TO PRACTICE UNDER THIS ARTICLE;**

10 **(2) AN INDIVIDUAL FROM TREATING THE INDIVIDUAL OR THE**
11 **INDIVIDUAL'S FAMILY BASED ON THE INDIVIDUAL'S RELIGIOUS OR HEALTH**
12 **BELIEFS; OR**

13 **(3) A PERSON THAT SELLS VITAMINS AND HERBS FROM**
14 **PROVIDING INFORMATION ABOUT THE PERSON'S PRODUCTS.**

15 **SUBTITLE 2. STATE BOARD OF NATUROPATHIC MEDICINE.**

16 **7.5-201.**

17 **THERE IS A STATE BOARD OF NATUROPATHIC MEDICINE IN THE**
18 **DEPARTMENT.**

19 **7.5-202.**

20 **(A) (1) THE BOARD CONSISTS OF SEVEN MEMBERS.**

21 **(2) OF THE SEVEN BOARD MEMBERS:**

22 **(i) FIVE SHALL BE LICENSED NATUROPATHIC PHYSICIANS;**
23 **AND**

24 **(ii) TWO SHALL BE CONSUMER MEMBERS.**

25 **(3) THE GOVERNOR SHALL APPOINT THE NATUROPATHIC**
26 **PHYSICIAN MEMBERS, WITH THE ADVICE OF THE SECRETARY, FROM A LIST OF**
27 **NAMES SUBMITTED BY THE MARYLAND ASSOCIATION OF NATUROPATHIC**
28 **PHYSICIANS.**

1 **(4) THE GOVERNOR SHALL APPOINT THE CONSUMER MEMBERS**
2 **WITH THE ADVICE OF THE SECRETARY AND THE ADVICE AND CONSENT OF THE**
3 **SENATE.**

4 **(B) EACH NATUROPATHIC PHYSICIAN MEMBER OF THE BOARD SHALL**
5 **BE:**

6 **(1) IN GOOD STANDING WITH THE BOARD; AND**

7 **(2) A RESIDENT OF THE STATE WHO HAS BEEN ENGAGED**
8 **ACTIVELY IN THE PRACTICE OR INSTRUCTION OF NATUROPATHIC MEDICINE IN**
9 **THE STATE FOR AT LEAST 5 YEARS IMMEDIATELY BEFORE APPOINTMENT.**

10 **(C) EACH CONSUMER MEMBER OF THE BOARD:**

11 **(1) SHALL BE A RESIDENT OF THE STATE AND A MEMBER OF THE**
12 **GENERAL PUBLIC;**

13 **(2) MAY NOT BE OR EVER HAVE BEEN LICENSED TO PRACTICE A**
14 **HEALTH OCCUPATION UNDER THIS ARTICLE; AND**

15 **(3) MAY NOT HAVE A SUBSTANTIAL PERSONAL, BUSINESS,**
16 **PROFESSIONAL, OR PECUNIARY CONNECTION WITH NATUROPATHIC**
17 **EDUCATION, BUSINESS, OR PRACTICE.**

18 **(D) (1) THE TERM OF A MEMBER IS 4 YEARS.**

19 **(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY**
20 **THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2011.**

21 **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE**
22 **UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

23 **(4) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE**
24 **FULL TERMS.**

25 **(E) (1) IF A VACANCY OCCURS ON THE BOARD, THE GOVERNOR**
26 **SHALL APPOINT A NEW MEMBER TO SERVE ONLY FOR THE REST OF THE TERM**
27 **AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

28 **(2) TO THE EXTENT PRACTICABLE, THE GOVERNOR SHALL FILL**
29 **ANY VACANCY ON THE BOARD WITHIN 60 DAYS OF THE DATE OF VACANCY.**

1 **(F) THE GOVERNOR MAY REMOVE ANY MEMBER OF THE BOARD FOR**
2 **CAUSE PRIOR TO THE EXPIRATION OF THE MEMBER'S TERM.**

3 **7.5-203.**

4 **(A) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR**
5 **AND ANY OTHER OFFICERS THAT THE BOARD CONSIDERS NECESSARY.**

6 **(B) THE BOARD SHALL DETERMINE:**

7 **(1) THE MANNER OF ELECTION OF OFFICERS;**

8 **(2) THE TERM OF OFFICE OF EACH OFFICER; AND**

9 **(3) THE DUTIES OF EACH OFFICER.**

10 **7.5-204.**

11 **(A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD IS A**
12 **QUORUM.**

13 **(B) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF ITS**
14 **MEETINGS.**

15 **(C) EACH MEMBER OF THE BOARD IS ENTITLED TO:**

16 **(1) COMPENSATION IN ACCORDANCE WITH THE BUDGET OF THE**
17 **BOARD; AND**

18 **(2) REIMBURSEMENT FOR EXPENSES AT A RATE DETERMINED BY**
19 **THE BOARD.**

20 **(D) THE BOARD MAY EMPLOY A STAFF IN ACCORDANCE WITH THE**
21 **BUDGET OF THE BOARD.**

22 **7.5-205.**

23 **(A) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS**
24 **TITLE, THE BOARD MAY:**

25 **(1) ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF**
26 **THIS TITLE; AND**

1 **(2) APPOINT COMMITTEES AS THE BOARD CONSIDERS**
2 **NECESSARY TO CARRY OUT ITS DUTIES.**

3 **(B) IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS TITLE,**
4 **THE BOARD SHALL:**

5 **(1) ESTABLISH PROCEDURES FOR THE ISSUANCE OF LICENSES TO**
6 **APPLICANTS WHO QUALIFY FOR LICENSURE BY RECIPROCITY;**

7 **(2) EVALUATE THE CONTENT OF ANY CLINICAL, PRACTICAL, OR**
8 **RESIDENCY REQUIREMENT;**

9 **(3) PROVIDE ANY SERVICE AND PERFORM ANY FUNCTION THAT IS**
10 **NECESSARY TO FULFILL ITS PURPOSES;**

11 **(4) ESTABLISH EXAMINATION STANDARDS, CONSISTENT WITH**
12 **THE STANDARDS ENUMERATED IN THIS TITLE, FOR LICENSURE AND WHEN THE**
13 **EXAMINATIONS WILL BE GIVEN;**

14 **(5) ADOPT BY REGULATION THE FORMULARY RECOMMENDED BY**
15 **THE COUNCIL; AND**

16 **(6) ADOPT A CODE OF ETHICS FOR LICENSED NATUROPATHIC**
17 **PHYSICIANS.**

18 **7.5-206.**

19 **(A) THERE IS A STATE BOARD OF NATUROPATHIC MEDICINE FUND.**

20 **(B) (1) THE BOARD MAY SET REASONABLE FEES FOR THE ISSUANCE**
21 **AND RENEWAL OF LICENSES AND ITS OTHER SERVICES.**

22 **(2) THE FEES CHARGED SHALL BE SET SO AS TO APPROXIMATE**
23 **THE COST OF MAINTAINING THE BOARD.**

24 **(3) FUNDS TO COVER THE COMPENSATION AND EXPENSES OF**
25 **THE BOARD MEMBERS SHALL BE GENERATED BY FEES SET UNDER THIS**
26 **SECTION.**

27 **(C) (1) THE BOARD SHALL PAY ALL FUNDS COLLECTED UNDER THIS**
28 **TITLE TO THE COMPTROLLER OF THE STATE.**

29 **(2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE**
30 **STATE BOARD OF NATUROPATHIC MEDICINE FUND.**

1 **(D) (1) THE FUND SHALL BE USED TO COVER THE ACTUAL**
2 **DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY**
3 **AND REGULATORY DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF**
4 **THIS TITLE.**

5 **(2) THE FUND IS A CONTINUING, NONLAPSING FUND THAT IS NOT**
6 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

7 **(3) ANY UNSPENT PORTIONS OF THE FUND MAY NOT BE**
8 **TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE BUT SHALL**
9 **REMAIN IN THE FUND TO BE USED FOR THE PURPOSES SPECIFIED IN THIS**
10 **TITLE.**

11 **(4) NO OTHER STATE MONEY MAY BE USED TO SUPPORT THE**
12 **FUND.**

13 **(E) (1) A DESIGNEE OF THE BOARD SHALL ADMINISTER THE FUND.**

14 **(2) MONEY IN THE FUND MAY BE EXPENDED ONLY FOR ANY**
15 **LAWFUL PURPOSE AUTHORIZED UNDER THE PROVISIONS OF THIS TITLE.**

16 **(F) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND**
17 **TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1220 OF THE STATE**
18 **GOVERNMENT ARTICLE.**

19 **7.5-207.**

20 **A PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED**
21 **UNDER § 5-722 OF THE COURTS ARTICLE FOR GIVING INFORMATION TO THE**
22 **BOARD OR OTHERWISE PARTICIPATING IN ITS ACTIVITIES.**

23 **SUBTITLE 3. LICENSING.**

24 **7.5-301.**

25 **(A) BEGINNING JANUARY 1, 2013, EXCEPT AS OTHERWISE PROVIDED IN**
26 **THIS TITLE, AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE THE**
27 **INDIVIDUAL MAY PRACTICE NATUROPATHIC MEDICINE IN THIS STATE.**

28 **(B) THIS SECTION DOES NOT APPLY TO:**

1 **(1) AN INDIVIDUAL WHO IS EMPLOYED BY THE UNITED STATES**
2 **TO PRACTICE NATUROPATHIC MEDICINE WHILE PRACTICING WITHIN THE**
3 **SCOPE OF THAT EMPLOYMENT;**

4 **(2) A STUDENT WHO IS ENROLLED IN AN APPROVED**
5 **NATUROPATHIC MEDICAL PROGRAM WHILE THE STUDENT IS PARTICIPATING IN**
6 **A COURSE OF STUDY UNDER THE SUPERVISION OF A LICENSED NATUROPATHIC**
7 **PHYSICIAN OR A LICENSED PROFESSIONAL IN THE FIELD OF STUDY; OR**

8 **(3) AN INDIVIDUAL WHO IS LICENSED IN ANOTHER STATE TO**
9 **PRACTICE NATUROPATHIC MEDICINE AND WHOSE PRACTICE OF NATUROPATHIC**
10 **MEDICINE IN THE STATE IS LIMITED TO EXAMINATION, RECOMMENDATION, OR**
11 **TESTIMONY IN LITIGATION.**

12 **(C) THE BOARD MAY NOT, IN ANY MANNER, DISCRIMINATE AGAINST**
13 **ANY APPLICANT OR LICENSEE FOR REASON OF SEX, AGE, RACE, COLOR, CREED,**
14 **OR NATIONAL ORIGIN.**

15 **7.5-302.**

16 **(A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN**
17 **INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

18 **(B) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER.**

19 **(C) THE APPLICANT SHALL BE AT LEAST 18 YEARS OLD.**

20 **(D) EXCEPT AS PROVIDED IN § 7.5-304 OF THIS SUBTITLE, THE**
21 **APPLICANT SHALL:**

22 **(1) HAVE A DOCTORATE IN NATUROPATHIC MEDICINE FROM AN**
23 **APPROVED NATUROPATHIC MEDICAL PROGRAM; AND**

24 **(2) (I) PASS A COMPETENCY-BASED NATIONAL**
25 **NATUROPATHIC LICENSING EXAMINATION ADMINISTERED BY THE NORTH**
26 **AMERICAN BOARD OF NATUROPATHIC EXAMINERS, OR ITS SUCCESSOR AGENCY**
27 **THAT HAS BEEN NATIONALLY RECOGNIZED TO ADMINISTER A NATUROPATHIC**
28 **EXAMINATION THAT REPRESENTS FEDERAL STANDARDS OF EDUCATION AND**
29 **TRAINING; OR**

30 **(II) FOR GRADUATES OF AN APPROVED NATUROPATHIC**
31 **MEDICAL PROGRAM, AS DEFINED IN § 7.5-101(B)(3) OF THIS TITLE, PASS A**
32 **BOARD-APPROVED STATE COMPETENCY EXAMINATION OR CANADIAN**
33 **PROVINCIAL EXAMINATION.**

1 **(E) AN APPLICANT SHALL BE PHYSICALLY AND MENTALLY CAPABLE OF**
2 **SAFELY PRACTICING NATUROPATHIC MEDICINE WITH OR WITHOUT**
3 **REASONABLE ACCOMMODATION.**

4 **(F) IF AN APPLICANT IS LICENSED, CERTIFIED, OR REGISTERED TO**
5 **PRACTICE NATUROPATHIC MEDICINE OR ANY OTHER HEALTH OCCUPATION IN**
6 **ANOTHER STATE, THE APPLICANT SHALL BE IN GOOD STANDING WITH THE**
7 **APPLICABLE STATE LICENSING, CERTIFICATION, OR REGISTRATION**
8 **AUTHORITY.**

9 **7.5-303.**

10 **(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY**
11 **WAIVE ANY EXAMINATION REQUIREMENT OF THIS TITLE FOR AN INDIVIDUAL**
12 **WHO IS LICENSED AS A NATUROPATHIC PHYSICIAN IN ANY OTHER STATE.**

13 **(B) THE BOARD MAY GRANT A WAIVER UNDER THIS SECTION ONLY IF**
14 **THE APPLICANT:**

15 **(1) PAYS THE APPLICATION FEE REQUIRED BY THE BOARD**
16 **UNDER § 7.5-304 OF THIS SUBTITLE; AND**

17 **(2) PROVIDES EVIDENCE REQUIRED BY THE BOARD THAT THE**
18 **APPLICANT:**

19 **(I) OTHERWISE MEETS THE QUALIFICATIONS REQUIRED BY**
20 **THIS TITLE; AND**

21 **(II) HAS BEEN LICENSED UNDER REQUIREMENTS**
22 **SUBSTANTIALLY EQUIVALENT TO THE LICENSING REQUIREMENTS OF THIS**
23 **TITLE.**

24 **7.5-304.**

25 **TO APPLY FOR A LICENSE, AN APPLICANT SHALL:**

26 **(1) SUBMIT AN APPLICATION TO THE BOARD ON A FORM THAT**
27 **THE BOARD REQUIRES;**

28 **(2) PAY TO THE BOARD AN APPLICATION FEE SET BY THE BOARD;**

29 **(3) IF THE APPLICANT IS SEEKING TO BE LICENSED WITHOUT**
30 **ADDITIONAL EXAMINATION UNDER § 7.5-303 OF THIS SUBTITLE, PROVIDE**

1 PROOF OF LICENSURE IN GOOD STANDING IN ALL STATES IN WHICH THE
2 APPLICANT IS LICENSED; AND

3 (4) IF THE APPLICANT HAS BEEN LICENSED, CERTIFIED, OR
4 REGISTERED TO PRACTICE NATUROPATHIC MEDICINE IN ANOTHER STATE,
5 SUBMIT ALL EVIDENCE RELATING TO:

6 (I) ANY DISCIPLINARY ACTION TAKEN OR ANY
7 ADMINISTRATIVE PENALTIES ASSESSED AGAINST THE APPLICANT BY THE
8 APPROPRIATE STATE LICENSING, CERTIFICATION, OR REGISTRATION
9 AUTHORITY; AND

10 (II) ANY CONSENT AGREEMENTS THE APPLICANT ENTERED
11 INTO THAT CONTAIN CONDITIONS PLACED ON THE APPLICANT'S PROFESSIONAL
12 CONDUCT AND PRACTICE, INCLUDING ANY VOLUNTARY SURRENDER OF A
13 LICENSE.

14 **7.5-305.**

15 THE BOARD SHALL ISSUE A LICENSE TO ANY APPLICANT WHO MEETS THE
16 REQUIREMENTS OF THIS TITLE.

17 **7.5-306.**

18 (A) A LICENSE AUTHORIZES A LICENSEE, CONSISTENT WITH
19 NATUROPATHIC EDUCATION AND TRAINING, TO:

20 (1) ORDER AND PERFORM PHYSICAL AND LABORATORY
21 EXAMINATIONS FOR DIAGNOSTIC PURPOSES, INCLUDING PHLEBOTOMY,
22 CLINICAL LABORATORY TESTS, ORIFICIAL EXAMINATIONS, AND PHYSIOLOGICAL
23 FUNCTION TESTS;

24 (2) ORDER DIAGNOSTIC IMAGING STUDIES;

25 (3) DISPENSE, ADMINISTER, ORDER, PRESCRIBE, OR PERFORM
26 THE FOLLOWING:

27 (I) NATURAL MEDICINES OF MINERAL, ANIMAL, OR
28 BOTANICAL ORIGIN, INCLUDING FOOD, EXTRACTS OF FOOD, NUTRACEUTICALS,
29 VITAMINS, AMINO ACIDS, MINERALS, ENZYMES, BOTANICALS AND THEIR
30 EXTRACTS, BOTANICAL MEDICINES, HOMEOPATHIC MEDICINES, AND ALL
31 DIETARY SUPPLEMENTS AND NONPRESCRIPTION DRUGS AS DEFINED BY THE
32 FEDERAL FOOD, DRUG, AND COSMETIC ACT;

1 (II) PRESCRIPTION DRUGS ON THE FORMULARY
2 DETERMINED BY THE COUNCIL IF THE LICENSEE IS AUTHORIZED BY THE
3 BOARD TO DO SO;

4 (III) HOT OR COLD HYDROTHERAPY, NATUROPATHIC
5 PHYSICAL MEDICINE, ELECTROMAGNETIC ENERGY, COLON HYDROTHERAPY,
6 AND THERAPEUTIC EXERCISE;

7 (IV) DEVICES, INCLUDING THERAPEUTIC DEVICES, BARRIER
8 CONTRACEPTION, AND DURABLE MEDICAL EQUIPMENT;

9 (V) HEALTH EDUCATION AND HEALTH COUNSELING;

10 (VI) MINOR OFFICE PROCEDURES IF THE LICENSEE IS
11 AUTHORIZED BY THE BOARD TO DO SO;

12 (VII) NATUROPATHIC MUSCULOSKELETAL MANIPULATION;
13 AND

14 (VIII) NATURAL HORMONES, ANTIBIOTICS, AND TOPICAL
15 MEDICINES; AND

16 (4) UTILIZE ROUTES OF ADMINISTRATION, INCLUDING ORAL,
17 NASAL, AURICULAR, OCULAR, RECTAL, VAGINAL, TRANSDERMAL,
18 INTRADERMAL, SUBCUTANEOUS, INTRAVENOUS, AND INTRAMUSCULAR.

19 (B) A LICENSE DOES NOT AUTHORIZE A LICENSEE TO:

20 (1) PRESCRIBE, DISPENSE, OR ADMINISTER ANY CONTROLLED
21 SUBSTANCE OR DEVICE IDENTIFIED IN THE FEDERAL CONTROLLED
22 SUBSTANCES ACT, EXCEPT AS AUTHORIZED BY THE BOARD;

23 (2) PERFORM SURGICAL PROCEDURES OTHER THAN MINOR
24 OFFICE PROCEDURES, INCLUDING PROCEDURES USING A LASER DEVICE OR
25 THAT INVOLVE THE EYE, EAR, TENDONS, NERVES, VEINS, OR ARTERIES
26 EXTENDING BEYOND SUPERFICIAL TISSUE;

27 (3) PRACTICE OR CLAIM TO PRACTICE AS A MEDICAL DOCTOR,
28 OSTEOPATH, DENTIST, PODIATRIST, OPTOMETRIST, PSYCHOLOGIST, NURSE
29 PRACTITIONER, PHYSICIAN ASSISTANT, CHIROPRACTOR, PHYSICAL THERAPIST,
30 ACUPUNCTURIST, OR ANY OTHER HEALTH CARE PROFESSIONAL UNLESS
31 LICENSED UNDER THIS ARTICLE;

32 (4) USE GENERAL OR SPINAL ANESTHETICS;

1 **(5) ADMINISTER IONIZING RADIOACTIVE SUBSTANCES FOR**
2 **THERAPEUTIC PURPOSES;**

3 **(6) PERFORM CHIROPRACTIC ADJUSTMENTS UNLESS THE**
4 **LICENSEE IS ALSO A LICENSED CHIROPRACTOR;**

5 **(7) PERFORM ACUPUNCTURE UNLESS THE LICENSEE IS ALSO A**
6 **LICENSED ACUPUNCTURIST;**

7 **(8) PERFORM MINOR OFFICE PROCEDURES UNLESS THE**
8 **LICENSEE IS APPROVED BY THE BOARD TO DO SO; OR**

9 **(9) PRESCRIBE PRESCRIPTION DRUGS UNLESS THE LICENSEE IS**
10 **APPROVED BY THE BOARD TO DO SO.**

11 **(C) THE BOARD MAY APPROVE A LICENSEE TO PERFORM MINOR**
12 **OFFICE PROCEDURES ONLY IF THE LICENSEE:**

13 **(1) GRADUATED FROM AN APPROVED NATUROPATHIC MEDICAL**
14 **PROGRAM THAT INCLUDED MINOR OFFICE PROCEDURES AS PART OF ITS**
15 **CURRICULUM; OR**

16 **(2) MEETS THE TRAINING REQUIREMENTS REGARDING MINOR**
17 **OFFICE PROCEDURES ADOPTED BY THE BOARD.**

18 **(D) THE BOARD MAY APPROVE A LICENSEE TO PRESCRIBE**
19 **PRESCRIPTION DRUGS ONLY IF THE LICENSEE:**

20 **(1) GRADUATED FROM AN APPROVED NATUROPATHIC MEDICAL**
21 **PROGRAM THAT INCLUDED PHARMACOLOGY AS PART OF ITS CURRICULUM; OR**

22 **(2) MEETS THE TRAINING REQUIREMENTS REGARDING**
23 **PHARMACOLOGY ADOPTED BY THE BOARD.**

24 **7.5-307.**

25 **(A) (1) THE TERM OF A LICENSE ISSUED BY THE BOARD IS 2 YEARS.**

26 **(2) A LICENSE EXPIRES AT THE END OF ITS TERM UNLESS THE**
27 **LICENSE IS RENEWED AS PROVIDED BY THE BOARD.**

28 **(B) AT LEAST 1 MONTH BEFORE THE LICENSE EXPIRES, THE BOARD**
29 **SHALL SEND TO THE LICENSEE A RENEWAL NOTICE THAT STATES:**

1 **(1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;**

2 **(2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE**
3 **RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED**
4 **BEFORE THE LICENSE EXPIRES; AND**

5 **(3) THE AMOUNT OF THE RENEWAL FEE.**

6 **(C) THE BOARD SHALL RENEW THE LICENSE OF A LICENSEE WHO:**

7 **(1) SUBMITS A RENEWAL APPLICATION ON THE FORM THAT THE**
8 **BOARD REQUIRES;**

9 **(2) PAYS A RENEWAL FEE SET BY THE BOARD;**

10 **(3) IS OTHERWISE ENTITLED TO BE LICENSED; AND**

11 **(4) MEETS THE CONTINUING EDUCATION REQUIREMENTS**
12 **ADOPTED BY THE BOARD.**

13 **7.5-308.**

14 **(A) (1) THE BOARD MAY PLACE A LICENSEE ON INACTIVE STATUS IF**
15 **THE LICENSEE SUBMITS TO THE BOARD:**

16 **(I) AN APPLICATION FOR INACTIVE STATUS ON THE FORM**
17 **REQUIRED BY THE BOARD; AND**

18 **(II) THE INACTIVE STATUS FEE SET BY THE BOARD.**

19 **(2) THE BOARD SHALL ISSUE A LICENSE TO A NATUROPATHIC**
20 **PHYSICIAN WHO IS ON INACTIVE STATUS IF THE INDIVIDUAL IS OTHERWISE**
21 **ENTITLED TO BE LICENSED UNDER THIS TITLE AND SUBMITS TO THE BOARD:**

22 **(I) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE**
23 **CONTINUING EDUCATION REQUIREMENTS THE BOARD ADOPTS FOR THIS**
24 **PURPOSE; AND**

25 **(II) A REINSTATEMENT FEE SET BY THE BOARD.**

26 **(B) THE BOARD SHALL REINSTATE THE LICENSE OF A NATUROPATHIC**
27 **PHYSICIAN WHO HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE**
28 **NATUROPATHIC PHYSICIAN:**

1 (1) **MEETS THE RENEWAL REQUIREMENTS OF § 7.5-307 OF THIS**
2 **SUBTITLE;**

3 (2) **PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE**
4 **BOARD; AND**

5 (3) **SUBMITS TO THE BOARD SATISFACTORY EVIDENCE OF**
6 **COMPLIANCE WITH THE QUALIFICATIONS AND REQUIREMENTS ADOPTED BY**
7 **THE BOARD UNDER THIS TITLE FOR LICENSE REINSTATEMENTS.**

8 **7.5-309.**

9 (A) **UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A**
10 **LICENSE, A LICENSED NATUROPATHIC PHYSICIAN MAY NOT SURRENDER THE**
11 **LICENSE NOR MAY THE LICENSE LAPSE BY OPERATION OF LAW WHILE THE**
12 **LICENSEE IS UNDER INVESTIGATION OR WHILE CHARGES ARE PENDING**
13 **AGAINST THE LICENSEE.**

14 (B) **THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE**
15 **LICENSEE UNDER INVESTIGATION OR AGAINST WHOM CHARGES ARE PENDING**
16 **TO ACCEPT SURRENDER OF THE LICENSE.**

17 **SUBTITLE 4. NATUROPATHIC FORMULARY COUNCIL.**

18 **7.5-401.**

19 **THERE IS A NATUROPATHIC FORMULARY COUNCIL.**

20 **7.5-402.**

21 (A) **THE COUNCIL SHALL CONSIST OF FIVE MEMBERS.**

22 (B) **OF THE FIVE MEMBERS:**

23 (1) **TWO MEMBERS SHALL BE LICENSED NATUROPATHIC**
24 **PHYSICIANS, APPOINTED BY THE BOARD;**

25 (2) **TWO MEMBERS SHALL BE LICENSED PHARMACISTS**
26 **APPOINTED BY THE BOARD FROM A LIST OF NOMINEES PROVIDED BY THE**
27 **STATE BOARD OF PHARMACY; AND**

1 **(3) ONE MEMBER SHALL BE A LICENSED PHYSICIAN, APPOINTED**
2 **BY THE BOARD FROM A LIST OF NOMINEES PROVIDED BY THE STATE BOARD OF**
3 **PHYSICIANS.**

4 **7.5-403.**

5 **THE COUNCIL SHALL:**

6 **(1) ESTABLISH A NATUROPATHIC FORMULARY FOR USE BY**
7 **LICENSED NATUROPATHIC PHYSICIANS;**

8 **(2) IMMEDIATELY ON ADOPTION OR REVISION OF THE**
9 **NATUROPATHIC FORMULARY, TRANSMIT THE FORMULARY TO THE BOARD; AND**

10 **(3) REVIEW THE NATUROPATHIC FORMULARY ANNUALLY OR AT**
11 **ANY TIME AT THE REQUEST OF THE BOARD.**

12 **7.5-404.**

13 **THE NATUROPATHIC FORMULARY ESTABLISHED BY THE COUNCIL MAY**
14 **NOT:**

15 **(1) GO BEYOND THE SCOPE OF NATURAL MEDICINES OR**
16 **PRESCRIPTION DRUGS AND DEVICES COVERED BY APPROVED NATUROPATHIC**
17 **MEDICINE PROGRAMS OR BOARD-APPROVED CONTINUING EDUCATION; OR**

18 **(2) INCLUDE MEDICINES OR DEVICES THAT ARE INCONSISTENT**
19 **WITH THE TRAINING PROVIDED BY APPROVED NATUROPATHIC MEDICAL**
20 **PROGRAMS OR BOARD-APPROVED CONTINUING EDUCATION.**

21 **7.5-405.**

22 **A NATUROPATHIC PHYSICIAN MAY NOT DISPENSE, ADMINISTER, OR**
23 **PRESCRIBE ANY PRESCRIPTION DRUG OR DEVICE UNLESS THE PRESCRIPTION**
24 **DRUG OR DEVICE IS INCLUDED IN THE NATUROPATHIC FORMULARY.**

25 **SUBTITLE 5. DISCIPLINARY ACTIONS.**

26 **7.5-501.**

27 **SUBJECT TO THE HEARING PROVISIONS OF § 7.5-504 OF THIS SUBTITLE,**
28 **THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN**
29 **SERVING, MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY LICENSEE,**

1 PLACE ANY LICENSEE ON PROBATION, OR SUSPEND OR REVOKE A LICENSE OF
2 ANY LICENSEE IF THE APPLICANT OR LICENSEE:

3 (1) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE
4 TO A FELONY OR CRIME RELATING TO AN OFFENSE, THE CIRCUMSTANCES OF
5 WHICH SUBSTANTIALLY RELATE TO THE PRACTICE OF NATUROPATHIC
6 MEDICINE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS PENDING
7 TO HAVE THE CONVICTION OR PLEA SET ASIDE;

8 (2) HAS AN IMPAIRMENT RELATED TO DRUGS OR ALCOHOL THAT
9 WOULD LIMIT THE APPLICANT'S OR LICENSEE'S ABILITY TO UNDERTAKE THE
10 PRACTICE OF NATUROPATHIC MEDICINE IN A MANNER CONSISTENT WITH THE
11 SAFETY OF THE PUBLIC;

12 (3) HAS BEEN FOUND TO BE MENTALLY INCOMPETENT BY A
13 PHYSICIAN IF THE MENTAL INCOMPETENCE IMPAIRS THE ABILITY OF THE
14 APPLICANT OR LICENSEE TO UNDERTAKE THE PRACTICE OF NATUROPATHIC
15 MEDICINE IN A MANNER CONSISTENT WITH THE SAFETY OF THE PUBLIC;

16 (4) HAS ENTERED INTO A CONSENT AGREEMENT WITH OR HAS
17 BEEN ASSESSED AN ADMINISTRATIVE PENALTY BY A LICENSING AUTHORITY IN
18 ANOTHER STATE;

19 (5) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
20 OBTAIN A LICENSE;

21 (6) HAS A LICENSE REVOKED OR SUSPENDED, OR WAS
22 OTHERWISE ACTED AGAINST, INCLUDING THE DENIAL OF LICENSURE, BY THE
23 LICENSING AUTHORITY OF ANOTHER STATE;

24 (7) USES FALSE, DECEPTIVE, OR MISLEADING ADVERTISING;

25 (8) ADVERTISES, PRACTICES, OR ATTEMPTS TO PRACTICE UNDER
26 A NAME OTHER THAN THE APPLICANT'S OR LICENSEE'S OWN NAME;

27 (9) AIDS, ASSISTS, EMPLOYS, OR ADVISES ANY UNLICENSED
28 INDIVIDUAL TO PRACTICE NATUROPATHIC MEDICINE IN VIOLATION OF THIS
29 TITLE;

30 (10) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN
31 THE PRACTICE OF NATUROPATHIC MEDICINE;

32 (11) WILLFULLY OR NEGLIGENTLY FAILS TO FILE A REPORT OR
33 RECORD AS REQUIRED BY LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE

1 FILING OR RECORDING OF A REPORT, OR INDUCES ANOTHER TO FAIL TO FILE
2 OR RECORD A REPORT;

3 (12) PAYS OR RECEIVES ANY COMMISSION, BONUS, KICKBACK, OR
4 REBATE, OR ENGAGES IN ANY SPLIT-FEE ARRANGEMENT IN ANY FORM WITH A
5 LICENSED PHYSICIAN, ORGANIZATION, AGENCY, OR OTHER PERSON, EITHER
6 DIRECTLY OR INDIRECTLY, FOR PATIENTS REFERRED TO HEALTH CARE
7 PROVIDERS;

8 (13) EXERCISES INFLUENCE WITHIN A PATIENT-PHYSICIAN
9 RELATIONSHIP FOR PURPOSES OF ENGAGING A PATIENT IN SEXUAL ACTIVITY;

10 (14) ENGAGES IN SEXUAL MISCONDUCT WITH A PATIENT;

11 (15) FAILS TO KEEP WRITTEN MEDICAL RECORDS JUSTIFYING THE
12 COURSE OF TREATMENT OF THE PATIENT;

13 (16) GROSSLY OR REPEATEDLY COMMITS MALPRACTICE OR FAILS
14 TO PRACTICE NATUROPATHIC MEDICINE WITH THE LEVEL OF CARE, SKILL, AND
15 TREATMENT THAT IS RECOGNIZED BY A REASONABLY PRUDENT LICENSED
16 NATUROPATHIC PHYSICIAN AS BEING ACCEPTABLE UNDER SIMILAR
17 CONDITIONS AND CIRCUMSTANCES;

18 (17) DELEGATES PROFESSIONAL RESPONSIBILITIES TO AN
19 INDIVIDUAL WHEN THE LICENSEE DELEGATING THE RESPONSIBILITIES KNOWS
20 OR HAS REASON TO KNOW THAT THE INDIVIDUAL IS NOT QUALIFIED BY
21 TRAINING, EXPERIENCE, OR LICENSURE TO PERFORM THE RESPONSIBILITIES;
22 OR

23 (18) VIOLATES ANY PROVISION OF THIS TITLE OR ANY
24 REGULATION ADOPTED BY THE BOARD.

25 **7.5-502.**

26 (A) THIS SECTION APPLIES TO:

27 (1) A LICENSED NATUROPATHIC PHYSICIAN;

28 (2) A LICENSED HEALTH CARE PRACTITIONER;

29 (3) A HEALTH CARE FACILITY, AS DEFINED IN § 19-114 OF THE
30 HEALTH - GENERAL ARTICLE, LOCATED IN THE STATE;

31 (4) A STATE AGENCY; AND

1 **(5) A STATE OR LOCAL LAW ENFORCEMENT AGENCY.**

2 **(B) A PERSON LISTED IN SUBSECTION (A) OF THIS SECTION SHALL FILE**
3 **A WRITTEN REPORT WITH THE BOARD IF THE PERSON HAS INFORMATION THAT**
4 **GIVES THE PERSON REASON TO BELIEVE THAT A LICENSED NATUROPATHIC**
5 **PHYSICIAN IS OR MAY BE:**

6 **(1) MEDICALLY OR LEGALLY INCOMPETENT;**

7 **(2) ENGAGED IN THE UNAUTHORIZED PRACTICE OF**
8 **NATUROPATHIC MEDICINE;**

9 **(3) GUILTY OF UNPROFESSIONAL CONDUCT; OR**

10 **(4) MENTALLY OR PHYSICALLY UNABLE TO ENGAGE SAFELY IN**
11 **THE PRACTICE OF NATUROPATHIC MEDICINE.**

12 **(C) A PERSON REQUIRED TO FILE A REPORT UNDER SUBSECTION (B) OF**
13 **THIS SECTION SHALL FILE THE REPORT WITHIN 30 DAYS AFTER BECOMING**
14 **AWARE OF THE INFORMATION.**

15 **(D) A HEALTH CARE FACILITY SHALL PROMPTLY REPORT TO THE**
16 **BOARD IF:**

17 **(1) A LICENSED NATUROPATHIC PHYSICIAN VOLUNTARILY**
18 **RESIGNS FROM THE STAFF OF THE HEALTH CARE FACILITY, VOLUNTARILY**
19 **LIMITS THE LICENSEE'S STAFF PRIVILEGES, OR FAILS TO REAPPLY FOR**
20 **HOSPITAL PRIVILEGES AT THE HEALTH CARE FACILITY; AND**

21 **(2) THE ACTION OF THE LICENSEE OCCURS WHILE THE LICENSEE**
22 **IS UNDER FORMAL OR INFORMAL INVESTIGATION BY THE HEALTH CARE**
23 **FACILITY FOR POSSIBLE MEDICAL INCOMPETENCE, UNPROFESSIONAL**
24 **CONDUCT, OR MENTAL OR PHYSICAL IMPAIRMENT.**

25 **(E) (1) THE BOARD MAY ASSESS A MONETARY PENALTY ON A PERSON**
26 **THAT FAILS TO FILE A REPORT REQUIRED BY THIS SECTION.**

27 **(2) THE PENALTY ASSESSED UNDER PARAGRAPH (1) OF THIS**
28 **SUBSECTION MAY NOT EXCEED \$5,000.**

29 **(3) ASSESSMENT OF A PENALTY UNDER PARAGRAPH (1) OF THIS**
30 **SUBSECTION SHALL BE SUPPORTED BY SUBSTANTIAL EVIDENCE AND MAY BE**
31 **APPEALED TO THE SECRETARY.**

1 **7.5-503.**

2 (A) THE BOARD SHALL INVESTIGATE ANY COMPLAINT FILED WITH THE
3 BOARD THAT ALLEGES THAT THERE ARE GROUNDS FOR ACTION UNDER §
4 7.5-501 OF THIS SUBTITLE.

5 (B) AFTER ITS INVESTIGATION, THE BOARD, ON THE AFFIRMATIVE
6 VOTE OF A MAJORITY OF ITS MEMBERS THEN SERVING, MAY COMMENCE ACTION
7 ON ANY OF THE GROUNDS SET FORTH IN § 7.5-501 OF THIS SUBTITLE.

8 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
9 SUBSECTION, UNTIL THE BOARD PASSES AN ORDER UNDER § 7.5-505 OF THIS
10 SUBTITLE, EACH RELATED INVESTIGATION, REPORT, AND RECOMMENDATION IS
11 CONFIDENTIAL.

12 (2) ON THE REQUEST OF A PERSON WHO HAS MADE A COMPLAINT
13 TO THE BOARD, THE BOARD SHALL PROVIDE THE PERSON WITH INFORMATION
14 ON THE STATUS OF THE COMPLAINT.

15 **7.5-504.**

16 (A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE
17 PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 7.5-501 OF
18 THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS
19 CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

20 (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
21 ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

22 (C) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY
23 COUNSEL.

24 (D) OVER THE SIGNATURE OF AN OFFICER OR THE ADMINISTRATOR OF
25 THE BOARD, THE BOARD MAY ISSUE SUBPOENAS AND ADMINISTER OATHS IN
26 CONNECTION WITH ANY INVESTIGATION UNDER THIS TITLE AND ANY HEARINGS
27 OR PROCEEDINGS BEFORE THE BOARD.

28 (E) IF, WITHOUT LAWFUL EXCUSE, A PERSON DISOBEYS A SUBPOENA
29 FROM THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH OR TO
30 TESTIFY OR ANSWER A QUESTION, THEN, ON PETITION OF THE BOARD, A COURT
31 OF COMPETENT JURISDICTION MAY PUNISH THE PERSON AS FOR CONTEMPT OF
32 COURT.

1 **(F) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE**
2 **ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY**
3 **HEAR AND DETERMINE THE MATTER.**

4 **(G) IF, AFTER A HEARING, AN INDIVIDUAL IS FOUND IN VIOLATION OF §**
5 **7.5-501 OF THIS SUBTITLE, THE INDIVIDUAL SHALL PAY THE COSTS OF THE**
6 **HEARING AS SPECIFIED IN A REGULATION ADOPTED BY THE BOARD.**

7 **7.5-505.**

8 **(A) (1) IF THE BOARD FINDS THAT THERE ARE GROUNDS FOR ACTION**
9 **UNDER § 7.5-501 OF THIS SUBTITLE, THE BOARD SHALL PASS AN ORDER IN**
10 **ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.**

11 **(2) IF THE BOARD DISMISSES ALL CHARGES, THE BOARD SHALL**
12 **EXPUNGE ALL RECORD OF THE CHARGES 3 YEARS AFTER THE CHARGES ARE**
13 **DISMISSED.**

14 **(3) IF THE BOARD ISSUES AN ADVISORY OPINION, THE BOARD, AT**
15 **THE REQUEST OF THE LICENSEE, SHALL EXPUNGE ALL RECORD OF THE MATTER**
16 **5 YEARS AFTER THE DETERMINATION IS MADE.**

17 **(B) (1) IF A LICENSE IS REVOKED OR SUSPENDED, THE HOLDER**
18 **SHALL SURRENDER THE LICENSE TO THE BOARD ON DEMAND.**

19 **(2) AT THE END OF A SUSPENSION PERIOD, THE BOARD SHALL**
20 **RETURN TO THE LICENSEE ANY LICENSE SURRENDERED UNDER THIS SECTION.**

21 **7.5-506.**

22 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ANY**
23 **PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A CONTESTED**
24 **CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE ACT, MAY:**

25 **(1) APPEAL THAT DECISION TO THE BOARD OF REVIEW; AND**

26 **(2) THEN TAKE ANY FURTHER APPEAL ALLOWED BY THE**
27 **ADMINISTRATIVE PROCEDURE ACT.**

28 **(B) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE**
29 **BOARD UNDER § 7.5-501 OF THIS SUBTITLE MAY NOT APPEAL TO THE**
30 **SECRETARY OR BOARD OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.**

1 **(2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL**
2 **REVIEW OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.**

3 **7.5-507.**

4 **(A) IF THE BOARD HAS REVOKED OR SUSPENDED THE LICENSE OF A**
5 **LICENSEE, THE BOARD MAY NOT REINSTATE THE LICENSE UNTIL THE BOARD IS**
6 **SATISFIED THAT THE INDIVIDUAL:**

7 **(1) HAS COMPLIED WITH ALL THE TERMS AND CONDITIONS IN**
8 **THE FINAL ORDER; AND**

9 **(2) IS CAPABLE OF SAFELY ENGAGING IN THE PRACTICE OF**
10 **NATUROPATHIC MEDICINE.**

11 **(B) THE BOARD MAY NOT REINSTATE THE LICENSE OF AN INDIVIDUAL**
12 **WHOSE LICENSE WAS REVOKED BY THE BOARD WITHIN 6 MONTHS AFTER THE**
13 **DATE OF THE REVOCATION.**

14 **SUBTITLE 6. MISCELLANEOUS PROVISIONS.**

15 **7.5-601.**

16 **A LICENSED NATUROPATHIC PHYSICIAN SHALL FOLLOW ANY FEDERAL,**
17 **STATE, OR LOCAL LAW THAT GOVERNS:**

18 **(1) THE CONTROL OF CONTAGIOUS AND INFECTIOUS DISEASES;**
19 **AND**

20 **(2) THE REPORTING OF BIRTHS AND DEATHS.**

21 **7.5-602.**

22 **A LICENSED NATUROPATHIC PHYSICIAN MAY RECEIVE A FEE FOR**
23 **PROFESSIONAL CONSULTATION SERVICES.**

24 **7.5-603.**

25 **IF A NATUROPATHIC PHYSICIAN IS ENGAGED IN THE PRIVATE PRACTICE**
26 **OF NATUROPATHIC MEDICINE IN THIS STATE, THE NATUROPATHIC PHYSICIAN**
27 **SHALL DISPLAY THE NOTICE DEVELOPED UNDER § 1-207 OF THIS ARTICLE**
28 **CONSPICUOUSLY IN EACH OFFICE WHERE THE NATUROPATHIC PHYSICIAN IS**
29 **ENGAGED IN PRACTICE.**

1 **SUBTITLE 7. PROHIBITED ACTS; PENALTIES.**

2 **7.5-701.**

3 **EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY**
4 **NOT PRACTICE NATUROPATHIC MEDICINE IN THIS STATE WITHOUT A LICENSE.**

5 **7.5-702.**

6 **UNLESS AN INDIVIDUAL IS LICENSED TO PRACTICE NATUROPATHIC**
7 **MEDICINE, THE INDIVIDUAL MAY NOT:**

8 **(1) REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF**
9 **SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE INDIVIDUAL**
10 **IS LICENSED BY THE BOARD TO PRACTICE NATUROPATHIC MEDICINE;**

11 **(2) USE THE TITLE “DOCTOR OF NATUROPATHIC MEDICINE”,**
12 **“DOCTOR OF NATUROPATHY”, “NATUROPATHIC PHYSICIAN”, “NATUROPATHIC**
13 **DOCTOR”, “PHYSICIAN OF NATURAL MEDICINE”, “DOCTOR OF NATUROPATHIC**
14 **MEDICINE”, OR “NATUROPATH”; OR**

15 **(3) USE THE INITIALS “N.D.”, “ND”, “NMD”, OR “N.M.D.”**
16 **AFTER THE NAME OF THE INDIVIDUAL.**

17 **SUBTITLE 8. SHORT TITLE; TERMINATION OF TITLE.**

18 **7.5-801.**

19 **THIS TITLE MAY BE CITED AS THE “MARYLAND NATUROPATHIC**
20 **MEDICINE ACT”.**

21 **7.5-802.**

22 **SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF**
23 **THE PROGRAM EVALUATION ACT, THIS TITLE AND ALL RULES AND**
24 **REGULATIONS ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO**
25 **EFFECT AFTER JULY 1, 2021.**

26 **Article – Courts and Judicial Proceedings**

27 **5-722.**

28 **(A) IN THIS SECTION, “BOARD” MEANS THE STATE BOARD OF**
29 **NATUROPATHIC MEDICINE.**

1 **(B) A PERSON WHO ACTS IN GOOD FAITH AND WITHIN THE SCOPE OF**
2 **THE JURISDICTION OF THE BOARD IS NOT CIVILLY LIABLE FOR GIVING**
3 **INFORMATION TO THE BOARD OF OTHERWISE PARTICIPATING IN ITS**
4 **ACTIVITIES.**

5 **Article – State Government**

6 8–403.

7 (a) On or before December 15 of the 2nd year before the evaluation date of a
8 governmental activity or unit, the Legislative Policy Committee, based on a
9 preliminary evaluation, may waive as unnecessary the evaluation required under this
10 section.

11 (b) Except as otherwise provided in subsection (a) of this section, on or before
12 the evaluation date for the following governmental activities or units, an evaluation
13 shall be made of the following governmental activities or units and the statutes and
14 regulations that relate to the governmental activities or units:

15 **(41) NATUROPATHIC MEDICINE, STATE BOARD OF (§ 7.5–201 OF**
16 **THE HEALTH OCCUPATIONS ARTICLE; JULY 1, 2020).**

17 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
18 members of the State Board of Naturopathic Medicine shall expire as follows:

- 19 (1) two members in 2013;
- 20 (2) two members in 2014; and
- 21 (3) three members in 2015.

22 SECTION 4. AND BE IT FURTHER ENACTED, That the State Board of
23 Naturopathic Medicine shall hold its first board meeting within 30 days after the
24 Governor has appointed the initial members of the Board.

25 SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the
26 General Assembly that the Governor provide funds in the fiscal year 2012 budget at a
27 level sufficient to allow the State Board of Naturopathic Medicine to begin operating
28 as a regulatory board, and when special funds become available for the regulation of
29 naturopathic physicians, special funds shall be used to reimburse the General Fund
30 for the cost of starting up the Board.

31 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2011.