SENATE BILL 314

J2 (4lr0916)

ENROLLED BILL

— Education, Health, and Environmental Affairs/Health and Government Operations —

Introduced by **Senators Pugh, Gladden, Kelley, Madaleno, Middleton, Montgomery, and Young**

Read and Examined by Proofreaders:

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Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____M.

_____

President.

CHAPTER _____

AN ACT concerning

Health Occupations – State Board of Physicians – Naturopathic ~~Medicine~~ Doctors

FOR the purpose of establishing the ~~State Board of Naturopathic Medicine~~ Naturopathic Medicine Advisory Committee within the State Board of Physicians; ~~specifying~~ providing for the composition of the ~~Board~~ Committee; ~~specifying~~ providing for the terms of a ~~Board~~ Committee member; ~~requiring the Governor to appoint a new member, under certain circumstances, if a vacancy on the Board occurs; authorizing the Governor to remove a member of the Board under certain circumstances;~~ requiring the ~~Board~~ Committee to elect a chair ~~and any other officers~~ from among its members; ~~requiring the Board to make certain determinations relating to its officers; specifying that a majority of the members then serving on the Board is a quorum; requiring the Board to~~

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW**.

[Brackets**]** indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.

~~determine the times and places of its meetings; specifying that a Board member is entitled to certain compensation and reimbursement; authorizing the Board to employ a staff under certain circumstances; authorizing the Board to adopt certain regulations and appoint certain committees;~~ specifying the duties of the ~~Board~~ Committee; ~~establishing the State Board of Naturopathic Medicine Fund; authorizing the Board to set reasonable fees under certain circumstances; requiring the Board to pay the fees to the Comptroller and requiring the Comptroller to distribute the fees to the Fund; requiring the Fund to be used for certain purposes; specifying that the Fund is a continuing, nonlapsing fund, not subject to a certain provision of law; prohibiting unspent portions of the Fund from reverting to the General Fund; specifying that no other State money may be used to support the Fund, that a designee of the Board is to administer the Fund, and that money in the Fund may be used only for certain purposes; requiring the Legislative Auditor to audit the accounts and transactions of the Fund;~~ requiring the Board to adopt certain regulations; requiring the Board to set certain fees; requiring the Board to pay the fees to the Comptroller; requiring the Comptroller to distribute the fees of the Board; requiring the fees to be used for a certain purpose; specifying that a person who gives information to the ~~Board~~ Committee or otherwise participates in its activities has a certain immunity from liability; requiring, beginning on a certain date, certain individuals to have a certain license before practicing naturopathic medicine in the State; prohibiting the Board from discriminating against an applicant or a licensee for certain reasons; requiring an individual to meet certain requirements to qualify for a license; requiring an applicant to submit certain information to the Board, complete and submit a certain written attestation, and pay a certain fee; requiring the Board to issue a license to any applicant who meets the requirements of this Act; specifying that a license authorizes a licensee to ~~order and perform certain examinations, order and interpret the reports of certain studies, and dispense, administer, order or perform certain other~~ dispense or order certain therapies and medicines, utilize certain routes of administration, provide certain education and counseling, and perform naturopathic musculoskeletal mobilization; specifying that a license does not authorize a licensee to prescribe or administer certain substances or devices, perform certain procedures, use certain anesthetics, practice or claim to practice as a certain health care professional, or take certain other actions; ~~specifying that the Board may authorize a licensee to perform certain procedures under certain circumstances;~~ specifying the term of a license; requiring the Board to send certain information to licensees a certain time period before a license expires; requiring the Board to renew a license under certain circumstances; authorizing the Board to place a licensee on inactive status under certain circumstances; requiring the Board to issue a license to a naturopathic doctor who is on inactive status under certain circumstances; requiring the Board to reinstate the license of a naturopathic doctor who failed to renew the license under certain circumstances; prohibiting a licensed naturopathic doctor from surrendering a license under certain circumstances; authorizing the Board or a disciplinary panel to take certain disciplinary action against an applicant or a licensee for certain reasons; requiring certain persons to file a certain report

with the Board within a certain time period; requiring the Board to investigate certain complaints; ~~authorizing the Board to commence disciplinary action under certain circumstances; specifying that certain investigations, reports, and recommendations are confidential under certain circumstances;~~ requiring the Board or a disciplinary panel to give a certain individual an opportunity for a hearing before the Board and to give certain notice and hold the hearing in accordance with certain provisions of law; requiring a disciplinary panel to order the suspension and the revocation of a license under certain circumstances; authorizing a certain individual to be represented by counsel; authorizing the Board to issue subpoenas, administer oaths, and issue certain orders under certain circumstances; authorizing a certain court to take certain action against an individual who disobeys a subpoena from the Board or an order by the Board; authorizing the Board to hear and determine a matter, under certain circumstances; requiring certain individuals to pay certain costs under certain circumstances; requiring the Board to pass an order under certain circumstances; ~~requiring the Board to expunge certain charges after a certain time period;~~ requiring the holder of a license to surrender the license to the Board under certain circumstances; requiring the Board to return a license under certain circumstances; authorizing a person aggrieved by a decision of the Board or a disciplinary panel to take certain action under certain circumstances; prohibiting an order of the Board or a disciplinary panel from being stayed pending judicial review; authorizing the Board to make a certain appeal; prohibiting the Board from reinstating a certain license under certain circumstances; requiring a licensed naturopathic doctor to follow certain federal, State, and local laws; authorizing a licensed naturopathic doctor to receive a certain fee; requiring a naturopathic doctor to display a certain notice under certain circumstances; prohibiting an individual from practicing, attempting to practice, or offering to practice naturopathic medicine in the State without a license; providing for certain penalties; prohibiting certain individuals from making certain representations to the public, using certain titles, and using certain initials; establishing a certain short title; specifying that this Act does not limit certain rights of certain individuals; specifying the purposes of certain provisions of this Act; providing that a person is not civilly liable for certain actions under certain circumstances; ~~requiring the Board to hold its first Board meeting within a certain time period after the Governor has appointed the initial Board members;~~ providing for the terms of the initial ~~Board~~ Committee members; ~~stating the intent of the General Assembly regarding the initial funding of the Board; requiring the Board to reimburse the General Fund under certain circumstances;~~ providing for the termination of this Act under certain circumstances; providing that the Committee is subject to a certain evaluation in a certain year; requiring the Board to convene a certain workgroup to study the development of a naturopathic formulary in the State and the routes of administration that may be used by a naturopathic doctor when administering natural medicines; providing for the membership of the workgroup; requiring the workgroup to conduct a certain review, make certain recommendations, and provide a certain report to certain committees of the General Assembly on or before a certain date; requiring the Board to conduct a

certain examination and provide certain information to the Naturopathic Medicine Advisory Board; defining certain terms; and generally relating to ~~the State Board of Naturopathic Medicine and~~ the licensing of naturopathic doctors.

~~BY renumbering~~
~~Article – State Government~~
~~Section 8–403(b)(36) through (56), respectively~~
~~to be Section 8–403(b)(37) through (57), respectively~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2013 Supplement)~~

~~BY adding to~~
~~Article – Courts and Judicial Proceedings~~
~~Section 5–725~~
~~Annotated Code of Maryland~~
~~(2013 Replacement Volume and 2013 Supplement)~~

BY adding to
Article – Health Occupations
Section ~~7.5–101 through 7.5–702~~ 14–5F–01 through 14–5F–32 to be under the new ~~title~~ subtitle "~~Title 7.5.~~ Subtitle 5F. Naturopathic Doctors"
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section ~~8–403(a)~~ 8–405(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY ~~adding to~~ repealing and reenacting, with amendments,
Article – State Government
Section ~~8–403(b)(36)~~ 8–405(b)(5)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–403(b)(36) through (56), respectively, of Article – State Government of the Annotated Code of Maryland be renumbered to be Section(s) 8–403(b)(37) through (57), respectively.~~

SECTION ~~2. AND BE IT FURTHER ENACTED~~ 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

~~**Article – Courts and Judicial Proceedings**~~

~~**5–725.**~~

~~(A) IN THIS SECTION, "BOARD" MEANS THE STATE BOARD OF NATUROPATHIC MEDICINE.~~

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

Article – Health Occupations

~~TITLE 7.5.~~ SUBTITLE 5F. NATUROPATHIC DOCTORS.

~~SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.~~

~~7.5–101.~~ 14–5F–01.

(A) IN THIS ~~TITLE~~ SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "APPROVED NATUROPATHIC MEDICAL PROGRAM" MEANS A NATUROPATHIC MEDICAL EDUCATION PROGRAM:

(1) IN THE UNITED STATES THAT:

(I) PROVIDES THE DEGREE OF DOCTOR OF NATUROPATHY OR DOCTOR OF NATUROPATHIC MEDICINE;

(II) OFFERS A 4–YEAR GRADUATE–LEVEL, FULL–TIME DIDACTIC AND SUPERVISED CLINICAL TRAINING;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~**(C) "BOARD" MEANS THE STATE BOARD OF NATUROPATHIC MEDICINE.**~~

(C) "BOARD" MEANS THE STATE BOARD OF PHYSICIANS.

(D) "COMMITTEE" MEANS THE NATUROPATHIC MEDICINE ADVISORY COMMITTEE.

~~(D)~~ (E) "LICENSED NATUROPATHIC DOCTOR" MEANS A NATUROPATHIC DOCTOR WHO IS LICENSED TO PRACTICE NATUROPATHIC MEDICINE.

~~(E) "MINOR OFFICE PROCEDURES" MEANS THE METHODS FOR THE REPAIR AND CARE INCIDENTAL TO THE REPAIR OF SUPERFICIAL LACERATIONS AND ABRASIONS, SUPERFICIAL LESIONS, AND THE REMOVAL OF FOREIGN BODIES LOCATED IN THE SUPERFICIAL TISSUES NOT INCLUDING THE EYE.~~

(F) "NATUROPATHIC DOCTOR" MEANS AN INDIVIDUAL WHO PRACTICES NATUROPATHIC MEDICINE.

(G) (1) "NATUROPATHIC MEDICINE" MEANS THE PREVENTION, DIAGNOSIS, AND TREATMENT OF HUMAN HEALTH CONDITIONS, INJURY, AND DISEASE USING ONLY PATIENT EDUCATION AND NATUROPATHIC THERAPIES AND THERAPEUTIC SUBSTANCES RECOGNIZED BY THE COUNCIL OF NATUROPATHIC MEDICAL EDUCATION.

(2) "NATUROPATHIC MEDICINE" INCLUDES:

(I) COUNSELING;

(II) THE PRACTICE OF THE MECHANICAL SCIENCES OF HEALING, INCLUDING MECHANOTHERAPY, ARTICULAR MANIPULATION, CORRECTIVE AND ORTHOPEDIC GYMNASTICS, HYDROTHERAPY, ELECTROTHERAPY, AND PHOTOTHERAPY; AND

(III) THE PRACTICE OF THE MATERIAL SCIENCES OF HEALING, INCLUDING NUTRITION, PHYTOTHERAPY, TREATMENT BY NATURAL SUBSTANCES, AND EXTERNAL APPLICATIONS.

(H) "NATUROPATHIC MUSCULOSKELETAL MOBILIZATION" MEANS THE TREATMENT BY MANUAL AND OTHER MECHANICAL MEANS OF ALL BODY TISSUES EXCLUSIVE OF HIGH–VELOCITY THRUSTS AT OR BEYOND THE END RANGE OF NORMAL JOINT MOTION.

(I) "PRESCRIPTION DRUG" MEANS ANY DRUG DEFINED IN § 503(B) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT IF THE DRUG'S LABEL IS REQUIRED TO BEAR THE STATEMENT "RX ONLY".

~~7.5–102.~~ 14–5F–02.

THE PURPOSES OF THIS ~~TITLE~~ SUBTITLE ARE TO:

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

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

(3) ENSURE THAT THE HEALTH CARE PROVIDED BY QUALIFIED NATUROPATHIC DOCTORS IS ACCESSIBLE AND AVAILABLE TO THE RESIDENTS OF THE STATE; AND

(4) PROVIDE A MEANS OF IDENTIFYING QUALIFIED NATUROPATHIC DOCTORS IN THE STATE.

~~7.5–103.~~ 14–5F–03.

THIS ~~TITLE~~ SUBTITLE DOES NOT LIMIT THE RIGHT OF:

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

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

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

14–5F–04.

THE BOARD SHALL ADOPT REGULATIONS FOR THE LICENSURE AND PRACTICE OF NATUROPATHIC MEDICINE.

14–5F–05.

(A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF LICENSES AND THE OTHER SERVICES THE BOARD PROVIDES TO NATUROPATHIC DOCTORS.

(2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO APPROXIMATE THE COST OF MAINTAINING THE LICENSURE PROGRAM AND THE OTHER SERVICES PROVIDED TO NATUROPATHIC DOCTORS.

(B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER.

(2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE BOARD ESTABLISHED UNDER § 14–201 OF THIS TITLE.

(C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF THIS SUBTITLE.

~~SUBTITLE 2. STATE BOARD OF NATUROPATHIC MEDICINE.~~

~~7.5–201.~~

~~THERE IS A STATE BOARD OF NATUROPATHIC MEDICINE IN THE DEPARTMENT.~~

~~7.5–202.~~

~~(A) (1) THE BOARD CONSISTS OF FIVE MEMBERS.~~

~~(2) OF THE FIVE BOARD MEMBERS:~~

~~(I) THREE SHALL BE LICENSED NATUROPATHIC DOCTORS;~~

~~(II) ONE SHALL BE A LICENSED PHYSICIAN; AND~~

~~(III) ONE SHALL BE A CONSUMER MEMBER.~~

~~(3) (I) THE GOVERNOR SHALL APPOINT THE NATUROPATHIC DOCTOR MEMBERS, WITH THE ADVICE OF THE SECRETARY, FROM A LIST OF NAMES SUBMITTED BY THE MARYLAND ASSOCIATION OF NATUROPATHIC PHYSICIANS.~~

~~(II) THE GOVERNOR SHALL APPOINT THE PHYSICIAN MEMBER, WITH THE ADVICE OF THE SECRETARY, FROM A LIST OF NAMES SUBMITTED BY MEDCHI, THE MARYLAND STATE MEDICAL SOCIETY.~~

~~(4) THE GOVERNOR SHALL APPOINT THE CONSUMER MEMBER WITH THE ADVICE OF THE SECRETARY AND THE ADVICE AND CONSENT OF THE SENATE.~~

~~(B) EACH NATUROPATHIC DOCTOR MEMBER OF THE BOARD SHALL BE:~~

~~(1) IN GOOD STANDING WITH THE BOARD; AND~~

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

~~(C) THE PHYSICIAN MEMBER OF THE BOARD SHALL BE:~~

~~(1) IN GOOD STANDING WITH THE BOARD OF PHYSICIANS; AND~~

~~(2) A RESIDENT OF THE STATE WHO HAS BEEN ENGAGED ACTIVELY IN THE PRACTICE OF MEDICINE IN THE STATE FOR AT LEAST 5 YEARS IMMEDIATELY BEFORE APPOINTMENT.~~

~~(D) THE CONSUMER MEMBER OF THE BOARD:~~

~~(1) SHALL BE A RESIDENT OF THE STATE AND A MEMBER OF THE GENERAL PUBLIC;~~

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

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

~~(E) (1) THE TERM OF A MEMBER IS 4 YEARS.~~

~~(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2014.~~

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

~~(4) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL TERMS.~~

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

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

~~(G) THE GOVERNOR MAY REMOVE ANY MEMBER OF THE BOARD FOR CAUSE BEFORE EXPIRATION OF THE MEMBER'S TERM.~~

~~7.5–203.~~

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

~~(B) THE BOARD SHALL DETERMINE:~~

~~(1) THE MANNER OF ELECTION OF OFFICERS;~~

~~(2) THE TERM OF OFFICE OF EACH OFFICER; AND~~

~~(3) THE DUTIES OF EACH OFFICER.~~

~~7.5–204.~~

~~(A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD IS A QUORUM.~~

~~(B) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF ITS MEETINGS.~~

~~(C) A MEMBER OF THE BOARD:~~

~~(1) MAY RECEIVE COMPENSATION AS PROVIDED IN THE STATE BUDGET; AND~~

~~(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.~~

~~(D) THE BOARD MAY EMPLOY A STAFF IN ACCORDANCE WITH THE BUDGET OF THE BOARD.~~

~~7.5–205.~~

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

~~(1) ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS TITLE; AND~~

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

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

~~(1) EVALUATE THE CONTENT OF ANY CLINICAL, PRACTICAL, OR RESIDENCY REQUIREMENT FOR LICENSURE;~~

~~(2) PROVIDE ANY SERVICE AND PERFORM ANY FUNCTION THAT IS NECESSARY TO FULFILL ITS PURPOSES;~~

~~(3) ESTABLISH EXAMINATION STANDARDS, CONSISTENT WITH THE STANDARDS ENUMERATED IN THIS TITLE, FOR LICENSURE AND TIMES AT WHICH THE EXAMINATIONS WILL BE GIVEN; AND~~

~~(4) ADOPT A CODE OF ETHICS FOR LICENSED NATUROPATHIC DOCTORS.~~

~~7.5–206.~~

~~(A) IN THIS SECTION, "FUND" MEANS THE STATE BOARD OF NATUROPATHIC MEDICINE FUND.~~

~~(B) THERE IS A STATE BOARD OF NATUROPATHIC MEDICINE FUND.~~

~~(C) (1) THE BOARD MAY SET REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF LICENSES AND ITS OTHER SERVICES.~~

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

~~(3) FUNDS TO COVER THE COMPENSATION AND EXPENSES OF THE BOARD MEMBERS SHALL BE GENERATED BY FEES SET UNDER THIS SUBSECTION.~~

~~(D) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THIS TITLE TO THE COMPTROLLER OF THE STATE.~~

~~(2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE FUND.~~

~~(E) (1) THE FUND SHALL BE USED TO COVER THE ACTUAL DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES OF THE BOARD UNDER THIS TITLE.~~

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

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

~~(4) NO OTHER STATE MONEY MAY BE USED TO SUPPORT THE FUND.~~

~~(F) (1) A DESIGNEE OF THE BOARD SHALL ADMINISTER THE FUND.~~

~~(2) MONEY IN THE FUND MAY BE EXPENDED ONLY:~~

~~(I) FOR ANY LAWFUL PURPOSE AUTHORIZED UNDER THIS TITLE; AND~~

~~(II) IN ACCORDANCE WITH THE STATE BUDGET.~~

~~(G) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND TRANSACTIONS OF THE FUND AS PROVIDED IN § 2–1220 OF THE STATE GOVERNMENT ARTICLE.~~

14–5F–06.

THERE IS A NATUROPATHIC MEDICINE ADVISORY COMMITTEE WITHIN THE BOARD.

14–5F–07.

(A) (1) THE COMMITTEE CONSISTS OF FIVE MEMBERS APPOINTED BY THE BOARD AS FOLLOWS:

(I) TWO SHALL BE INDIVIDUALS WHO PRACTICE NATUROPATHIC MEDICINE AND WHO:

1. ON OR AFTER OCTOBER 1, 2014:

A. ARE CERTIFIED BY THE NORTH AMERICAN BOARD OF NATUROPATHIC EXAMINERS; AND

B. HAVE A MINIMUM OF 2 YEARS EXPERIENCE; AND

2. ON OR AFTER MARCH 1, 2016, ARE LICENSED NATUROPATHIC DOCTORS;

(II) ONE SHALL BE A PRACTICING LICENSED PHYSICIAN OR PRACTICING DOCTOR OF OSTEOPATHY WHO IS A MEMBER OF THE BOARD;

(III) ONE SHALL BE A PRACTICING LICENSED PHYSICIAN OR PRACTICING LICENSED DOCTOR OF OSTEOPATHY WITH EXPERIENCE WORKING WITH NATUROPATHIC DOCTORS; AND

(IV) ONE SHALL BE A CONSUMER MEMBER.

(2) THE BOARD SHALL APPOINT THE NATUROPATHIC DOCTOR MEMBERS FROM A LIST OF NAMES SUBMITTED BY THE MARYLAND ASSOCIATION OF NATUROPATHIC PHYSICIANS.

(B) EACH NATUROPATHIC DOCTOR MEMBER OF THE COMMITTEE SHALL BE:

(1) IN GOOD STANDING WITH THE BOARD; AND

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

(C) THE PHYSICIAN OR DOCTOR OF OSTEOPATHY MEMBERS OF THE COMMITTEE SHALL BE IN GOOD STANDING WITH THE BOARD.

(D) THE CONSUMER MEMBER OF THE COMMITTEE:

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

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

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

(E) (1) THE TERM OF A MEMBER IS 4 YEARS.

(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON OCTOBER 1, 2014.

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

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

(F) FROM AMONG ITS MEMBERS, THE COMMITTEE SHALL ELECT A CHAIR EVERY 2 YEARS.

14–5F–08.

IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS SUBTITLE, THE COMMITTEE SHALL:

(1) DEVELOP AND RECOMMEND TO THE BOARD REGULATIONS TO CARRY OUT THIS SUBTITLE;

(2) DEVELOP AND RECOMMEND TO THE BOARD PROCEDURES FOR THE ISSUANCE OF LICENSES TO APPLICANTS WHO QUALIFY FOR LICENSURE BY RECIPROCITY;

(3) EVALUATE THE CONTENT OF ANY CLINICAL, PRACTICAL, OR RESIDENCY REQUIREMENT FOR LICENSURE;

(4) PROVIDE ANY SERVICE AND PERFORM ANY FUNCTION THAT IS NECESSARY TO FULFILL ITS PURPOSES;

(5) DEVELOP AND RECOMMEND TO THE BOARD EXAMINATION STANDARDS, CONSISTENT WITH THE STANDARDS ENUMERATED IN THIS SUBTITLE, FOR LICENSURE AND TIMES AT WHICH THE EXAMINATIONS WILL BE GIVEN;

(6) DEVELOP AND RECOMMEND TO THE BOARD A CODE OF ETHICS FOR LICENSED NATUROPATHIC DOCTORS; AND

(7) DEVELOP AND RECOMMEND TO THE BOARD CONTINUING EDUCATION REQUIREMENTS FOR LICENSE RENEWAL.

~~7.5–207.~~ 14–5F–09.

A PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER § 5–725 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE FOR GIVING INFORMATION TO THE ~~BOARD~~ COMMITTEE OR OTHERWISE PARTICIPATING IN ITS ACTIVITIES.

~~SUBTITLE 3. LICENSING.~~

~~7.5–301.~~ 14–5F–10.

(A) BEGINNING ~~JANUARY~~ MARCH 1, 2016, EXCEPT AS OTHERWISE PROVIDED IN THIS ~~TITLE~~ SUBTITLE, AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE NATUROPATHIC MEDICINE IN THE STATE.

(B) THIS SECTION DOES NOT APPLY TO:

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

(2) A STUDENT WHO IS ENROLLED IN AN APPROVED NATUROPATHIC MEDICAL PROGRAM WHILE THE STUDENT IS PARTICIPATING IN A COURSE OF STUDY UNDER THE SUPERVISION OF A LICENSED NATUROPATHIC DOCTOR OR A LICENSED PROFESSIONAL IN THE FIELD OF STUDY; ~~OR~~

(3) AN INDIVIDUAL WHO IS LICENSED IN ANOTHER STATE TO PRACTICE NATUROPATHIC MEDICINE AND WHOSE PRACTICE OF NATUROPATHIC MEDICINE IN THE STATE IS LIMITED TO EXAMINATION, RECOMMENDATION, OR TESTIMONY IN LITIGATION; OR

(4) A NATUROPATHIC DOCTOR LICENSED BY AND RESIDING IN ANOTHER JURISDICTION, IF THE NATUROPATHIC DOCTOR IS ENGAGED IN CONSULTATION WITH THE NATUROPATHIC DOCTOR IN THE STATE ABOUT A PARTICULAR PATIENT AND DOES NOT DIRECT PATIENT CARE.

(C) THE BOARD MAY NOT DISCRIMINATE, IN ANY MANNER, AGAINST ANY APPLICANT OR LICENSEE FOR REASON OF SEX, AGE, RACE, COLOR, CREED, SEXUAL ORIENTATION, GENDER IDENTITY, OR NATIONAL ORIGIN.

~~7.5–302.~~ 14–5F–11.

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

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

(C) THE APPLICANT SHALL BE AT LEAST 21 YEARS OLD.

(D) EXCEPT AS PROVIDED IN ~~§ 7.5–303~~ § 14–5F–12 OF THIS SUBTITLE, THE APPLICANT SHALL:

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

(2) ~~(I)~~ PASS ~~A~~ THE COMPETENCY–BASED NATIONAL NATUROPATHIC LICENSING EXAMINATION PART I AND PART II ADMINISTERED BY THE NORTH AMERICAN BOARD OF NATUROPATHIC EXAMINERS, OR ITS SUCCESSOR AGENCY THAT HAS BEEN NATIONALLY RECOGNIZED TO ADMINISTER A NATUROPATHIC EXAMINATION THAT REPRESENTS FEDERAL STANDARDS OF EDUCATION AND TRAINING~~; OR~~

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

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

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

~~7.5–303.~~ 14–5F–12.

TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

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

(2) PAY TO THE BOARD AN APPLICATION FEE SET BY THE BOARD; ~~AND~~

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

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

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

(4) COMPLETE AND SUBMIT TO THE BOARD A BOARD–APPROVED WRITTEN ATTESTATION THAT:

(I) STATES THAT THE APPLICANT HAS A COLLABORATION AND CONSULTATION AGREEMENT WITH A PHYSICIAN LICENSED UNDER THIS ARTICLE;

(II) INCLUDES THE NAME AND LICENSE NUMBER OF THE PHYSICIAN WITH WHOM THE APPLICANT HAS A COLLABORATION AND CONSULTATION AGREEMENT;

(III) STATES THAT THE APPLICANT WILL REFER PATIENTS TO AND CONSULT WITH PHYSICIANS AND OTHER HEALTH CARE PROVIDERS LICENSED OR CERTIFIED UNDER THIS ARTICLE AS NEEDED; AND

(IV) STATES THAT THE APPLICANT WILL REQUIRE PATIENTS TO SIGN A CONSENT FORM THAT STATES THAT THE APPLICANT'S PRACTICE OF NATUROPATHIC MEDICINE IS LIMITED TO THE SCOPE OF PRACTICE IDENTIFIED IN § 14–5F–14 OF THIS SUBTITLE; AND

(5) INFORM THE PHYSICIAN NAMED IN THE ATTESTATION THAT THE PHYSICIAN HAS BEEN NAMED.

~~7.5–304.~~ 14–5F–13.

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

~~7.5–305.~~ 14–5F–14.

(A) A LICENSE AUTHORIZES A LICENSEE, CONSISTENT WITH NATUROPATHIC EDUCATION AND TRAINING AND COMPETENCE DEMONSTRATED BY PASSING THE NATUROPATHIC PHYSICIAN LICENSING EXAMINATION, TO:

(1) ORDER AND PERFORM PHYSICAL AND LABORATORY EXAMINATIONS FOR DIAGNOSTIC PURPOSES, INCLUDING PHLEBOTOMY, CLINICAL LABORATORY TESTS, ORIFICIAL EXAMINATIONS, ELECTROCARDIOGRAMS WITH OVER READ BY A CARDIOLOGIST, AND PHYSIOLOGICAL FUNCTION TESTS;

(2) ORDER DIAGNOSTIC IMAGING STUDIES AND INTERPRET THE REPORTS OF DIAGNOSTIC IMAGING STUDIES;

(3) ~~DISPENSE, ORDER, OR ADMINISTER~~ DISPENSE OR ORDER NATURAL MEDICINES OF MINERAL, ANIMAL, OR BOTANICAL ORIGIN, INCLUDING FOOD, EXTRACTS OF FOOD, NUTRACEUTICALS, VITAMINS, AMINO ACIDS, MINERALS, ENZYMES, BOTANICALS AND THEIR EXTRACTS, BOTANICAL MEDICINES, HOMEOPATHIC MEDICINES, AND ALL DIETARY SUPPLEMENTS AND NONPRESCRIPTION DRUGS AS DEFINED BY THE FEDERAL FOOD, DRUG, AND COSMETIC ACT ~~USING~~ THAT USE VARIOUS ROUTES OF ADMINISTRATION, INCLUDING ORAL, NASAL, AURICULAR, OCULAR, RECTAL, VAGINAL, TRANSDERMAL, AND INTRAMUSCULAR;

(4) ADMINISTER NATURAL MEDICINES OF MINERAL, ANIMAL, OR BOTANICAL ORIGIN, INCLUDING FOOD, EXTRACTS OF FOOD, NUTRACEUTICALS, VITAMINS, AMINO ACIDS, MINERALS, ENZYMES, BOTANICALS AND THEIR EXTRACTS, BOTANICAL MEDICINES, HOMEOPATHIC MEDICINES, AND ALL DIETARY SUPPLEMENTS AND NONPRESCRIPTION DRUGS AS DEFINED BY THE FEDERAL FOOD, DRUG, AND COSMETIC ACT USING TRANSDERMAL ROUTES OF ADMINISTRATION;

~~(4)~~ (5) ADMINISTER OR PERFORM HOT OR COLD HYDROTHERAPY, NATUROPATHIC PHYSICAL MEDICINE, ELECTROMAGNETIC ENERGY, ~~COLON HYDROTHERAPY,~~ AND THERAPEUTIC EXERCISE FOR THE PURPOSE OF PROVIDING BASIC THERAPEUTIC CARE SERVICES, EXCEPT THAT IF A REFERRAL TO ANOTHER LICENSED PROVIDER IS APPROPRIATE FOR ONGOING REHABILITATION OR HABILITATION SERVICES, THE NATUROPATHIC DOCTOR SHALL MAKE THE REFERRAL;

~~(5) DISPENSE, ORDER, OR ADMINISTER DEVICES, INCLUDING THERAPEUTIC DEVICES FOR THE PURPOSE OF PROVIDING BARRIER CONTRACEPTION, AND DURABLE MEDICAL EQUIPMENT EXCEPT FOR THERAPEUTIC DEVICES IF REFERRAL TO ANOTHER LICENSED PROVIDER TO~~

~~DISPENSE, ADMINISTER, OR ORDER THE DEVICE FOR ONGOING REHABILITATIVE OR HABILITATIVE SERVICES IS APPROPRIATE;~~

(6) PROVIDE HEALTH EDUCATION AND HEALTH COUNSELING; AND

(7) PERFORM NATUROPATHIC MUSCULOSKELETAL MOBILIZATION.

~~(B) A LICENSE AUTHORIZES A LICENSEE, CONSISTENT WITH NATUROPATHIC EDUCATION AND TRAINING AS DETERMINED BY THE BOARD, TO:~~

~~(1) PERFORM MINOR OFFICE PROCEDURES IF THE LICENSEE IS AUTHORIZED BY THE BOARD TO DO SO; AND~~

~~(2) USE ROUTES OF ADMINISTRATION, INCLUDING INTRADERMAL, SUBCUTANEOUS, AND INTRAVENOUS.~~

~~(C)~~ (B) **A LICENSE DOES NOT AUTHORIZE A LICENSEE TO:**

(1) PRESCRIBE, DISPENSE, OR ADMINISTER ANY PRESCRIPTION DRUG;

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

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

(4) USE GENERAL OR SPINAL ANESTHETICS;

(5) ADMINISTER IONIZING RADIOACTIVE SUBSTANCES FOR THERAPEUTIC PURPOSES;

(6) PERFORM CHIROPRACTIC ADJUSTMENTS OR MANIPULATIONS THAT INCLUDE HIGH–VELOCITY THRUSTS AT OR BEYOND THE END RANGE OF NORMAL JOINT MOTION UNLESS THE LICENSEE IS ALSO A LICENSED CHIROPRACTOR; OR

(7) PERFORM ACUPUNCTURE UNLESS THE LICENSEE IS ALSO A LICENSED ACUPUNCTURIST~~; OR~~

~~(8) PERFORM MINOR OFFICE PROCEDURES UNLESS THE LICENSEE IS APPROVED BY THE BOARD TO DO SO.~~

~~(D) THE BOARD MAY APPROVE A LICENSEE TO PERFORM MINOR OFFICE PROCEDURES ONLY IF THE LICENSEE:~~

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

~~(2) MEETS THE TRAINING REQUIREMENTS REGARDING MINOR OFFICE PROCEDURES ADOPTED BY THE BOARD~~.

~~7.5–306.~~ 14–5F–15.

(A) (1) THE TERM OF A LICENSE ISSUED BY THE BOARD IS ~~1 YEAR~~ 2 YEARS.

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

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

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

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

(3) THE AMOUNT OF THE RENEWAL FEE.

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

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

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

(3) IS OTHERWISE ENTITLED TO BE LICENSED;

(4) MEETS THE CONTINUING EDUCATION REQUIREMENTS ADOPTED BY THE BOARD; AND

(5) PROVIDES EVIDENCE OF BIENNIAL CARDIOPULMONARY RESUSCITATION CERTIFICATION.

~~7.5–307.~~ 14–5F–16.

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

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

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

(2) THE BOARD SHALL ISSUE A LICENSE TO A NATUROPATHIC DOCTOR WHO IS ON INACTIVE STATUS IF THE INDIVIDUAL IS OTHERWISE ENTITLED TO BE LICENSED UNDER THIS ~~TITLE~~ SUBTITLE AND SUBMITS TO THE BOARD:

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

(II) A REINSTATEMENT FEE SET BY THE BOARD.

(B) THE BOARD SHALL REINSTATE THE LICENSE OF A NATUROPATHIC DOCTOR WHO HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE NATUROPATHIC DOCTOR:

(1) MEETS THE RENEWAL REQUIREMENTS OF ~~§ 7.5–306~~ § 14–5F–15 OF THIS SUBTITLE;

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

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

~~7.5–308.~~ 14–5F–17.

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

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

~~SUBTITLE 4. DISCIPLINARY ACTIONS.~~

~~7.5–401.~~ 14–5F–18.

(A) **SUBJECT TO THE HEARING PROVISIONS OF ~~§ 7.5–404~~ § 14–405 OF THIS ~~SUBTITLE~~ TITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY ~~OF ITS MEMBERS THEN SERVING~~ OF A QUORUM OF THE BOARD, MAY DENY A LICENSE TO ANY APPLICANT, OR A DISCIPLINARY PANEL, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF A QUORUM OF THE DISCIPLINARY PANEL, MAY REPRIMAND ANY LICENSEE, PLACE ANY LICENSEE ON PROBATION, OR SUSPEND OR REVOKE A LICENSE OF ANY LICENSEE IF THE APPLICANT OR LICENSEE:**

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

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

(1) **IS HABITUALLY INTOXICATED, OR IS ADDICTED TO OR HABITUALLY ABUSES ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE, AS DEFINED IN § 5–101 OF THE CRIMINAL LAW ARTICLE, OR ANY DRUG WITHOUT A VALID PRESCRIPTION OR INDICATION, OR PROVIDES PROFESSIONAL SERVICES WHILE UNDER THE INFLUENCE OF ALCOHOL OR USING ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE, AS DEFINED IN § 5–101 OF THE CRIMINAL LAW ARTICLE;**

~~(3)~~ (2) **HAS BEEN FOUND TO BE MENTALLY INCOMPETENT BY A PHYSICIAN IF THE MENTAL INCOMPETENCE IMPAIRS THE ABILITY OF THE**

APPLICANT OR LICENSEE TO UNDERTAKE THE PRACTICE OF NATUROPATHIC MEDICINE IN A MANNER CONSISTENT WITH THE SAFETY OF THE PUBLIC;

~~(4)~~ (3) HAS ENTERED INTO A CONSENT AGREEMENT WITH OR HAS BEEN ASSESSED AN ADMINISTRATIVE PENALTY BY A LICENSING AUTHORITY IN ANOTHER STATE;

~~(5)~~ (4) FRAUDULENTLY OR DECEPTIVELY OBTAINS ~~OR~~, ATTEMPTS TO OBTAIN, OR USES A LICENSE FOR THE APPLICANT, THE LICENSEE, OR ANOTHER;

~~(6)~~ (5) HAS A LICENSE REVOKED OR SUSPENDED, OR WAS OTHERWISE ACTED AGAINST, INCLUDING THE DENIAL OF LICENSURE, BY THE LICENSING AUTHORITY OF ANOTHER STATE;

~~(7)~~ (6) USES FALSE, DECEPTIVE, OR MISLEADING ADVERTISING;

~~(8)~~ (7) ADVERTISES, PRACTICES, OR ATTEMPTS TO PRACTICE UNDER A NAME OTHER THAN THE APPLICANT'S OR LICENSEE'S OWN NAME;

~~(9)~~ (8) AIDS, ASSISTS, EMPLOYS, OR ADVISES ANY UNLICENSED INDIVIDUAL TO PRACTICE NATUROPATHIC MEDICINE IN VIOLATION OF THIS ~~TITLE~~ SUBTITLE;

~~(10)~~ (9) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE PRACTICE OF NATUROPATHIC MEDICINE;

~~(11)~~ (10) WILLFULLY OR NEGLIGENTLY FAILS TO FILE A REPORT OR RECORD AS REQUIRED BY LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF A REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD A REPORT;

~~(12)~~ (11) PAYS OR RECEIVES ANY COMMISSION, BONUS, KICKBACK, OR REBATE, OR ENGAGES IN ANY SPLIT–FEE ARRANGEMENT IN ANY FORM WITH A LICENSED PHYSICIAN, ORGANIZATION, AGENCY, OR OTHER PERSON, EITHER DIRECTLY OR INDIRECTLY, FOR PATIENTS REFERRED TO HEALTH CARE PROVIDERS;

~~(13)~~ (12) EXERCISES INFLUENCE WITHIN A PATIENT–DOCTOR RELATIONSHIP FOR PURPOSES OF ENGAGING A PATIENT IN SEXUAL ACTIVITY;

~~(14)~~ (13) ENGAGES IN SEXUAL MISCONDUCT WITH A PATIENT;

~~(15)~~ (14) FAILS TO KEEP WRITTEN MEDICAL RECORDS JUSTIFYING THE COURSE OF TREATMENT OF A PATIENT;

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

(15) ENGAGES IN AN ACT OR OMISSION THAT DOES NOT MEET GENERALLY ACCEPTED STANDARDS OF PRACTICE OF NATUROPATHIC MEDICINE OR OF SAFE CARE OF PATIENTS, WHETHER OR NOT ACTUAL INJURY TO A PATIENT IS ESTABLISHED;

~~(17)~~ (16) DELEGATES PROFESSIONAL RESPONSIBILITIES TO AN INDIVIDUAL WHEN THE LICENSEE DELEGATING THE RESPONSIBILITIES KNOWS OR HAS REASON TO KNOW THAT THE INDIVIDUAL IS NOT QUALIFIED BY TRAINING, EXPERIENCE, OR LICENSURE TO PERFORM THE RESPONSIBILITIES; ~~OR~~

(17) PROMOTES THE SALE OF SERVICES, DRUGS, DEVICES, APPLIANCES, OR GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;

(18) BREACHES PATIENT CONFIDENTIALITY;

(19) IS GUILTY OF UNPROFESSIONAL OR IMMORAL CONDUCT IN THE PRACTICE OF NATUROPATHIC MEDICINE;

(20) OFFERS, UNDERTAKES, OR AGREES TO CURE OR TREAT A DISEASE BY A SECRET METHOD, TREATMENT, OR MEDICINE;

(21) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN VIOLATION OF § 5–704 OF THE FAMILY LAW ARTICLE;

(22) SELLS, PRESCRIBES, GIVES AWAY, OR ADMINISTERS DRUGS FOR ILLEGAL OR ILLEGITIMATE PURPOSES;

(23) DENIES OR DISCRIMINATES AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES FOR WHICH THE LICENSEE IS LICENSED AND QUALIFIED TO RENDER BECAUSE THE INDIVIDUAL IS HIV POSITIVE;

(24) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION OF THE BOARD;

(25) ABANDONS A PATIENT; OR

~~(18)~~ (26) VIOLATES ANY PROVISION OF THIS TITLE OR ANY REGULATION ADOPTED BY THE BOARD.

(B) EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE BOARD OR A DISCIPLINARY PANEL TAKES ANY ACTION UNDER SUBSECTION (A) OF THIS SECTION, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD OR THE DISCIPLINARY PANEL IN ACCORDANCE WITH THE HEARING REQUIREMENTS OF § 14–405 OF THIS TITLE.

(C) (1) ON THE FILING OF CERTIFIED DOCKET ENTRIES WITH THE BOARD BY THE OFFICE OF THE ATTORNEY GENERAL, A DISCIPLINARY PANEL SHALL ORDER THE SUSPENSION OF A LICENSE IF THE LICENSEE IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE.

(2) AFTER COMPLETION OF THE APPELLATE PROCESS IF THE CONVICTION HAS NOT BEEN REVERSED OR THE PLEA HAS NOT BEEN SET ASIDE WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, A DISCIPLINARY PANEL SHALL ORDER THE REVOCATION OF A LICENSE ON THE CERTIFICATION BY THE OFFICE OF THE ATTORNEY GENERAL.

~~7.5–402.~~ 14–5F–19.

(A) THIS SECTION APPLIES TO:

(1) A LICENSED NATUROPATHIC DOCTOR;

(2) A LICENSED HEALTH CARE PRACTITIONER;

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

(4) A STATE AGENCY~~; AND~~

~~(5) A STATE OR LOCAL LAW ENFORCEMENT AGENCY~~.

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

(1) MEDICALLY OR LEGALLY INCOMPETENT;

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

(3) GUILTY OF UNPROFESSIONAL CONDUCT; OR

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

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

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

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

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

~~7.5–403.~~ 14–5F–20.

(A) THE BOARD SHALL INVESTIGATE ANY COMPLAINT FILED WITH THE BOARD THAT ALLEGES THAT THERE ARE GROUNDS FOR ACTION UNDER ~~§ 7.5–401~~ § 14–5F–18 OF THIS SUBTITLE.

(B) AFTER ITS INVESTIGATION, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN SERVING, MAY COMMENCE ACTION ON ANY OF THE GROUNDS SET FORTH IN ~~§ 7.5–401~~ § 14–5F–18 OF THIS SUBTITLE.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, UNTIL THE BOARD PASSES AN ORDER UNDER ~~§ 7.5–405~~ § 14–5F–22 OF THIS SUBTITLE, EACH RELATED INVESTIGATION, REPORT, AND RECOMMENDATION IS CONFIDENTIAL.

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

~~7.5–404.~~ 14–5F–21.

(A) ~~EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 7.5–401 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.~~

~~(B)~~ ~~THE~~ ~~A~~ *THE* BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

~~(C)~~ (B) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

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

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

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

~~(G)~~ (F) IF, AFTER A HEARING, AN INDIVIDUAL IS FOUND IN VIOLATION OF ~~§ 7.5–401~~ § 14–5F–18 OF THIS SUBTITLE, THE INDIVIDUAL SHALL PAY THE COSTS OF THE HEARING AS SPECIFIED IN A REGULATION ADOPTED BY THE BOARD.

~~7.5–405.~~ 14–5F–22.

(A) ~~(1)~~ IF THE BOARD FINDS THAT THERE ARE GROUNDS FOR ACTION UNDER ~~§ 7.5–401~~ § 14–5F–18 OF THIS SUBTITLE, THE BOARD SHALL PASS AN ORDER IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

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

~~(3) IF THE BOARD ISSUES AN ADVISORY OPINION, THE BOARD, AT THE REQUEST OF THE LICENSEE, SHALL EXPUNGE ALL RECORD OF THE MATTER 5 YEARS AFTER THE ADVISORY OPINION IS ISSUED.~~

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

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

~~7.5–406.~~ 14–5F–23.

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

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

~~(2) TAKE ANY FURTHER APPEAL ALLOWED BY THE ADMINISTRATIVE PROCEDURE ACT.~~

~~(B) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER § 7.5–401 OF THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY OR BOARD OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.~~

(A) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD OR A DISCIPLINARY PANEL UNDER THIS SUBTITLE IN A CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE ACT, MAY TAKE A DIRECT JUDICIAL APPEAL.

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

(B) AN ORDER OF THE BOARD OR A DISCIPLINARY PANEL MAY NOT BE STAYED PENDING JUDICIAL REVIEW.

(C) THE BOARD MAY APPEAL FROM ANY DECISION THAT REVERSES OR MODIFIES AN ORDER OF THE BOARD OR A DISCIPLINARY PANEL.

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

~~7.5–407.~~ 14–5F–24.

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

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

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

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

~~7.5–408.~~ 14–5F–25.

THE BOARD MAY ISSUE A CEASE AND DESIST ORDER FOR:

(1) PRACTICING NATUROPATHIC MEDICINE WITHOUT A LICENSE OR WITH AN UNAUTHORIZED PERSON; OR

(2) SUPERVISING OR AIDING AN UNAUTHORIZED PERSON IN THE PRACTICE OF NATUROPATHIC MEDICINE.

~~SUBTITLE 5. MISCELLANEOUS PROVISIONS.~~

~~7.5–501.~~ 14–5F–26.

A LICENSED NATUROPATHIC DOCTOR SHALL FOLLOW ANY FEDERAL, STATE, OR LOCAL LAW THAT GOVERNS:

(1) THE CONTROL OF CONTAGIOUS AND INFECTIOUS DISEASES; AND

(2) THE REPORTING OF BIRTHS AND DEATHS.

~~7.5–502.~~ 14–5F–27.

A LICENSED NATUROPATHIC DOCTOR MAY RECEIVE A FEE FOR PROFESSIONAL CONSULTATION SERVICES.

~~7.5–503.~~ 14–5F–28.

IF A NATUROPATHIC DOCTOR IS ENGAGED IN THE PRIVATE PRACTICE OF NATUROPATHIC MEDICINE IN THE STATE, THE NATUROPATHIC DOCTOR SHALL DISPLAY THE NOTICE DEVELOPED UNDER § 1–207 OF THIS ARTICLE CONSPICUOUSLY IN EACH OFFICE WHERE THE NATUROPATHIC DOCTOR IS ENGAGED IN PRACTICE.

~~SUBTITLE 6. PROHIBITED ACTS; PENALTIES.~~

~~7.5–601.~~ 14–5F–29.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS ~~TITLE~~ SUBTITLE, AN INDIVIDUAL MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE NATUROPATHIC MEDICINE IN THIS STATE WITHOUT A LICENSE.

(B) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO:

(1) A FINE NOT EXCEEDING $10,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH; AND

(2) A CIVIL FINE OF NO MORE THAN $50,000 TO BE LEVIED BY THE BOARD.

~~7.5–602.~~ 14–5F–30.

(A) UNLESS AN INDIVIDUAL IS LICENSED TO PRACTICE NATUROPATHIC MEDICINE, THE INDIVIDUAL MAY NOT:

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

(2) USE THE TITLE "DOCTOR OF NATUROPATHIC MEDICINE", "DOCTOR OF NATUROPATHY", "NATUROPATHIC DOCTOR", OR "NATUROPATH"; OR

(3) USE THE INITIALS "N.D.", "ND", "NMD", OR "N.M.D." AFTER THE NAME OF THE INDIVIDUAL.

(B) AN INDIVIDUAL LICENSED TO PRACTICE NATUROPATHIC MEDICINE IN THE STATE MAY NOT USE THE TITLE "PHYSICIAN".

~~SUBTITLE 7. SHORT TITLE; TERMINATION OF TITLE.~~

~~7.5–701.~~ 14–5F–31.

THIS ~~TITLE~~ SUBTITLE MAY BE CITED AS THE MARYLAND NATUROPATHIC MEDICINE ACT.

~~7.5–702.~~ 14–5F–32.

SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE PROGRAM EVALUATION ACT, THIS ~~TITLE~~ SUBTITLE AND ALL RULES AND REGULATIONS ADOPTED UNDER THIS ~~TITLE~~ SUBTITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY 1, ~~2024~~ 2018.

Article – State Government

~~8–403.~~

~~(a) On or before December 15 of the evaluation year specified, the Department shall:~~

~~(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and~~

~~(2) prepare a report on each preliminary evaluation conducted.~~

~~(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:~~

~~(36) NATUROPATHIC MEDICINE, STATE BOARD OF (§ 7.5–201 OF THE HEALTH OCCUPATIONS ARTICLE: 2021);~~

8–405.

(a) The Department shall:

(1) conduct a full evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each full evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to full evaluation, in the evaluation year specified, without the need for a preliminary evaluation:

(5) Physicians, State Board of (§ 14–201 of the Health Occupations Article: 2016), including:

(i) Athletic Training Advisory Committee (§ 14–5D–04 of the Health Occupations Article: 2016);

(II) NATUROPATHIC MEDICINE ADVISORY COMMITTEE (§ 14–5F–04 OF THE HEALTH OCCUPATIONS ARTICLE: 2016);

[(ii)**] (III)** Perfusion Advisory Committee (§ 14–5E–05 of the Health Occupations Article: 2016);

[(iii)**] (IV)** Physician Assistant Advisory Committee (§ 15–201 of the Health Occupations Article: 2016);

[(iv)**] (V)** Polysomnography Professional Standards Committee (§ 14–5C–05 of the Health Occupations Article: 2016);

[(v)**] (VI)** Radiation Therapy, Radiography, Nuclear Medicine Technology Advisory, and Radiology Assistance Committee (§ 14–5B–05 of the Health Occupations Article: 2016); and

[(vi)**] (VII)** Respiratory Care Professional Standards Committee (§ 14–5A–05 of the Health Occupations Article: 2016).

SECTION ~~3.~~ 2. AND BE IT FURTHER ENACTED, That the terms of the initial members of the ~~State Board of Naturopathic Medicine~~ Naturopathic Medicine Advisory Committee shall expire as follows:

(1) one member in 2016;

(2) two members in 2017; and

(3) two members in 2018.

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

~~SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Governor provide funds in the fiscal year 2015 budget at a level sufficient to allow the State Board of Naturopathic Medicine to begin operating as a regulatory board, and when special funds become available for the regulation of naturopathic doctors, special funds shall be used to reimburse the General Fund for the cost of starting up the Board.~~

SECTION ~~6.~~ 3. AND BE IT FURTHER ENACTED, That:

(a) The State Board of ~~Naturopathic Medicine~~ Physicians shall convene a workgroup to study the development of a naturopathic formulary in the State and the routes of administration that may be used by a naturopathic doctor when administering natural medicines.

(b) The workgroup shall consist of stakeholders, including representatives of:

(1) the Maryland Association of Naturopathic Physicians;

(2) MedChi, the Maryland State Medical Society;

(3) the Nurse Practitioner Association of Maryland;

(4) the Maryland Pharmacists Association; ~~and~~

(5) the Department of Health and Mental Hygiene, including one representative from the Maryland Medical Assistance Program;

(6) the Maryland Board of Physicians;

(7) the Maryland Board of Pharmacy; and

~~(5)~~ (8) any other stakeholder considered necessary by the Board.

(c) The workgroup shall:

(1) review the naturopathic formularies developed in other states;

(2) ~~make recommendations regarding the composition of a naturopathic formulary council; and~~

~~(3)~~ make recommendations regarding the establishment of a naturopathic formulary, including the types of drugs, medicines, and devices to be included on the formulary and the method by which the ~~council will decide which~~ drugs, medicines, and devices will be included on the formulary; and

(3) make recommendations regarding the routes of administration that may be used by a naturopathic doctor when administering natural medicines.

(d) Nothing in this section shall be construed to authorize the establishment of a naturopathic formulary to regulate pharmaceuticals without further action by the General Assembly.

~~(d)~~ (e) On or before July 1, 2015, the workgroup shall report its findings and recommendations, in accordance with § 2–1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee.

SECTION 4. AND BE IT FURTHER ENACTED, That the State Board of Physicians shall examine methods to identify physicians who are willing to collaborate with naturopathic doctors and provide information on the methods to the Naturopathic Medicine Advisory Committee established in Section 1 of this Act.

SECTION ~~7.~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.