

SENATE BILL 314

J2

4r0916
CF 4r0914

By: **Senators Pugh, Gladden, Kelley, Madaleno, Middleton, Montgomery, and Young**

Introduced and read first time: January 17, 2014

Assigned to: Education, Health, and Environmental Affairs

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 a licensee for certain reasons; requiring
30 an individual to meet certain requirements to qualify for a license; requiring an

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 applicant to submit certain information to the Board and pay a certain fee;
2 requiring the Board to issue a license to any applicant who meets the
3 requirements of this Act; specifying that a license authorizes a licensee to order
4 and perform certain examinations, order and interpret the reports of certain
5 studies, and dispense, administer, order or perform certain other therapies and
6 medicines, utilize certain routes of administration, provide certain education
7 and counseling, and perform naturopathic musculoskeletal mobilization;
8 specifying that a license does not authorize a licensee to prescribe or administer
9 certain substances or devices, perform certain procedures, use certain
10 anesthetics, practice or claim to practice as a certain health care professional, or
11 take certain other actions; specifying that the Board may authorize a licensee to
12 perform certain procedures under certain circumstances; specifying the term of
13 a license; requiring the Board to send certain information to licensees a certain
14 time period before a license expires; requiring the Board to renew a license
15 under certain circumstances; authorizing the Board to place a licensee on
16 inactive status under certain circumstances; requiring the Board to issue a
17 license to a naturopathic doctor who is on inactive status under certain
18 circumstances; requiring the Board to reinstate the license of a naturopathic
19 doctor who failed to renew the license under certain circumstances; prohibiting
20 a licensed naturopathic doctor from surrendering a license under certain
21 circumstances; authorizing the Board to take certain disciplinary action against
22 an applicant or a licensee for certain reasons; requiring certain persons to file a
23 certain report with the Board within a certain time period; requiring the Board
24 to investigate certain complaints; authorizing the Board to commence
25 disciplinary action under certain circumstances; specifying that certain
26 investigations, reports, and recommendations are confidential under certain
27 circumstances; requiring the Board to give a certain individual an opportunity
28 for a hearing before the Board and to give certain notice and hold the hearing in
29 accordance with certain provisions of law; authorizing a certain individual to be
30 represented by counsel; authorizing the Board to issue subpoenas, administer
31 oaths, and issue certain orders under certain circumstances; authorizing a
32 certain court to take certain action against an individual who disobeys a
33 subpoena from the Board or an order by the Board; authorizing the Board to
34 hear and determine a matter, under certain circumstances; requiring certain
35 individuals to pay certain costs under certain circumstances; requiring the
36 Board to pass an order under certain circumstances; requiring the Board to
37 expunge certain charges after a certain time period; requiring the holder of a
38 license to surrender the license to the Board under certain circumstances;
39 requiring the Board to return a license under certain circumstances;
40 authorizing a person aggrieved by a decision of the Board to take certain action
41 under certain circumstances; prohibiting the Board from reinstating a certain
42 license under certain circumstances; requiring a licensed naturopathic doctor to
43 follow certain federal, State, and local laws; authorizing a licensed naturopathic
44 doctor to receive a certain fee; requiring a naturopathic doctor to display a
45 certain notice under certain circumstances; prohibiting an individual from
46 practicing naturopathic medicine in the State without a license; prohibiting
47 certain individuals from making certain representations to the public, using

1 certain titles, and using certain initials; establishing a certain short title;
2 specifying that this Act does not limit certain rights of certain individuals;
3 specifying the purposes of certain provisions of this Act; providing that a person
4 is not civilly liable for certain actions under certain circumstances; requiring the
5 Board to hold its first Board meeting within a certain time period after the
6 Governor has appointed the initial Board members; providing for the terms of
7 the initial Board members; stating the intent of the General Assembly
8 regarding the initial funding of the Board; requiring the Board to reimburse the
9 General Fund under certain circumstances; providing for the termination of this
10 Act under certain circumstances; requiring the Board to convene a certain
11 workgroup to study the development of a naturopathic formulary in the State;
12 providing for the membership of the workgroup; requiring the workgroup to
13 conduct a certain review, make certain recommendations, and provide a certain
14 report to certain committees of the General Assembly on or before a certain
15 date; defining certain terms; and generally relating to the State Board of
16 Naturopathic Medicine and the licensing of naturopathic doctors.

17 BY renumbering

18 Article – State Government
19 Section 8–403(b)(36) through (56), respectively
20 to be Section 8–403(b)(37) through (57), respectively
21 Annotated Code of Maryland
22 (2009 Replacement Volume and 2013 Supplement)

23 BY adding to

24 Article – Courts and Judicial Proceedings
25 Section 5–725
26 Annotated Code of Maryland
27 (2013 Replacement Volume and 2013 Supplement)

28 BY adding to

29 Article – Health Occupations
30 Section 7.5–101 through 7.5–702 to be under the new title “Title 7.5.
31 Naturopathic Doctors”
32 Annotated Code of Maryland
33 (2009 Replacement Volume and 2013 Supplement)

34 BY repealing and reenacting, without amendments,

35 Article – State Government
36 Section 8–403(a)
37 Annotated Code of Maryland
38 (2009 Replacement Volume and 2013 Supplement)

39 BY adding to

40 Article – State Government
41 Section 8–403(b)(36)
42 Annotated Code of Maryland

1 (2009 Replacement Volume and 2013 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That Section(s) 8–403(b)(36) through (56), respectively, of Article – State
4 Government of the Annotated Code of Maryland be renumbered to be Section(s)
5 8–403(b)(37) through (57), respectively.

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

8 **Article – Courts and Judicial Proceedings**

9 **5–725.**

10 (A) IN THIS SECTION, “BOARD” MEANS THE STATE BOARD OF
11 NATUROPATHIC MEDICINE.

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

16 **Article – Health Occupations**

17 **TITLE 7.5. NATUROPATHIC DOCTORS.**

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

19 **7.5–101.**

20 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (B) “APPROVED NATUROPATHIC MEDICAL PROGRAM” MEANS A
23 NATUROPATHIC MEDICAL EDUCATION PROGRAM:

24 (1) IN THE UNITED STATES THAT:

25 (i) PROVIDES THE DEGREE OF DOCTOR OF NATUROPATHY
26 OR DOCTOR OF NATUROPATHIC MEDICINE;

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

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

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

9 **(2) IN A DIPLOMA-GRANTING, DEGREE-EQUIVALENT COLLEGE**
10 **OR UNIVERSITY IN CANADA THAT:**

11 **(I) OFFERS GRADUATE-LEVEL, FULL-TIME DIDACTIC AND**
12 **SUPERVISED CLINICAL TRAINING;**

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

17 **(III) HAS PROVINCIAL APPROVAL FOR PARTICIPATION IN**
18 **GOVERNMENT-FUNDED STUDENT AID PROGRAMS; OR**

19 **(3) IN A DEGREE-GRANTING COLLEGE OR UNIVERSITY THAT:**

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

22 **1. OFFERED A FULL-TIME STRUCTURED**
23 **CURRICULUM IN BASIC SCIENCES AND SUPERVISED PATIENT CARE COMPRISING**
24 **A DOCTORAL NATUROPATHIC MEDICAL EDUCATION;**

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

27 **3. IF IN CANADA, HAD PROVINCIAL APPROVAL FOR**
28 **PARTICIPATION IN GOVERNMENT-FUNDED STUDENT AID PROGRAMS;**

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

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

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

4 2. IF IN CANADA, HAS PROVINCIAL APPROVAL FOR
5 PARTICIPATION IN GOVERNMENT-FUNDED STUDENT AID PROGRAMS.

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

7 (D) “LICENSED NATUROPATHIC DOCTOR” MEANS A NATUROPATHIC
8 DOCTOR WHO IS LICENSED TO PRACTICE NATUROPATHIC MEDICINE.

9 (E) “MINOR OFFICE PROCEDURES” MEANS THE METHODS FOR THE
10 REPAIR AND CARE INCIDENTAL TO THE REPAIR OF SUPERFICIAL LACERATIONS
11 AND ABRASIONS, SUPERFICIAL LESIONS, AND THE REMOVAL OF FOREIGN
12 BODIES LOCATED IN THE SUPERFICIAL TISSUES NOT INCLUDING THE EYE.

13 (F) “NATUROPATHIC DOCTOR” MEANS AN INDIVIDUAL WHO PRACTICES
14 NATUROPATHIC MEDICINE.

15 (G) (1) “NATUROPATHIC MEDICINE” MEANS THE PREVENTION,
16 DIAGNOSIS, AND TREATMENT OF HUMAN HEALTH CONDITIONS, INJURY, AND
17 DISEASE USING PATIENT EDUCATION AND NATUROPATHIC THERAPIES AND
18 THERAPEUTIC SUBSTANCES RECOGNIZED BY THE COUNCIL OF NATUROPATHIC
19 MEDICAL EDUCATION.

20 (2) “NATUROPATHIC MEDICINE” INCLUDES:

21 (I) COUNSELING;

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

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

29 (H) “NATUROPATHIC MUSCULOSKELETAL MOBILIZATION” MEANS THE
30 TREATMENT BY MANUAL AND OTHER MECHANICAL MEANS OF ALL BODY

1 TISSUES EXCLUSIVE OF HIGH-VELOCITY THRUSTS AT OR BEYOND THE END
2 RANGE OF NORMAL JOINT MOTION.

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

6 7.5-102.

7 THE PURPOSES OF THIS TITLE ARE TO:

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

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

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

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

18 7.5-103.

19 THIS TITLE DOES NOT LIMIT THE RIGHT OF:

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

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

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

27 SUBTITLE 2. STATE BOARD OF NATUROPATHIC MEDICINE.

28 7.5-201.

1 **THERE IS A STATE BOARD OF NATUROPATHIC MEDICINE IN THE**
2 **DEPARTMENT.**

3 **7.5-202.**

4 **(A) (1) THE BOARD CONSISTS OF FIVE MEMBERS.**

5 **(2) OF THE FIVE BOARD MEMBERS:**

6 **(I) THREE SHALL BE LICENSED NATUROPATHIC DOCTORS;**

7 **(II) ONE SHALL BE A LICENSED PHYSICIAN; AND**

8 **(III) ONE SHALL BE A CONSUMER MEMBER.**

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

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

16 **(4) THE GOVERNOR SHALL APPOINT THE CONSUMER MEMBER**
17 **WITH THE ADVICE OF THE SECRETARY AND THE ADVICE AND CONSENT OF THE**
18 **SENATE.**

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

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

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

24 **(C) THE PHYSICIAN MEMBER OF THE BOARD SHALL BE:**

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

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

1 **(D) THE CONSUMER MEMBER OF THE BOARD:**

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

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

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

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

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

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

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

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

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

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

23 **7.5-203.**

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

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

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

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

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

3 **7.5-204.**

4 **(A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD IS A**
5 **QUORUM.**

6 **(B) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF ITS**
7 **MEETINGS.**

8 **(C) A MEMBER OF THE BOARD:**

9 **(1) MAY RECEIVE COMPENSATION AS PROVIDED IN THE STATE**
10 **BUDGET; AND**

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

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

16 **7.5-205.**

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

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

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

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

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

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

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

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

6 **7.5-206.**

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

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

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

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

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

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

19 **(2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE**
20 **FUND.**

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

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

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

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

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

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

5 **(I) FOR ANY LAWFUL PURPOSE AUTHORIZED UNDER THIS**
6 **TITLE; AND**

7 **(II) IN ACCORDANCE WITH THE STATE BUDGET.**

8 **(G) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND**
9 **TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1220 OF THE STATE**
10 **GOVERNMENT ARTICLE.**

11 **7.5-207.**

12 **A PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED**
13 **UNDER § 5-725 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE FOR**
14 **GIVING INFORMATION TO THE BOARD OR OTHERWISE PARTICIPATING IN ITS**
15 **ACTIVITIES.**

16 **SUBTITLE 3. LICENSING.**

17 **7.5-301.**

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

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

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

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

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

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

8 **7.5-302.**

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

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

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

13 **(D) EXCEPT AS PROVIDED IN § 7.5-303 OF THIS SUBTITLE, THE**
14 **APPLICANT SHALL:**

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

17 **(2) (I) PASS A COMPETENCY-BASED NATIONAL**
18 **NATUROPATHIC LICENSING EXAMINATION ADMINISTERED BY THE NORTH**
19 **AMERICAN BOARD OF NATUROPATHIC EXAMINERS, OR ITS SUCCESSOR AGENCY**
20 **THAT HAS BEEN NATIONALLY RECOGNIZED TO ADMINISTER A NATUROPATHIC**
21 **EXAMINATION THAT REPRESENTS FEDERAL STANDARDS OF EDUCATION AND**
22 **TRAINING; OR**

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

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

30 **(F) IF AN APPLICANT IS LICENSED, CERTIFIED, OR REGISTERED TO**
31 **PRACTICE NATUROPATHIC MEDICINE OR ANY OTHER HEALTH OCCUPATION IN**
32 **ANOTHER STATE, THE APPLICANT SHALL BE IN GOOD STANDING WITH THE**

1 APPLICABLE STATE LICENSING, CERTIFICATION, OR REGISTRATION
2 AUTHORITY.

3 **7.5-303.**

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

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

7 (2) **PAY TO THE BOARD AN APPLICATION FEE SET BY THE BOARD;**
8 **AND**

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

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

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

20 **7.5-304.**

21 **THE BOARD SHALL ISSUE A LICENSE TO ANY APPLICANT WHO MEETS THE**
22 **REQUIREMENTS OF THIS TITLE.**

23 **7.5-305.**

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

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

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

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

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

18 **(5) DISPENSE, ORDER, OR ADMINISTER DEVICES, INCLUDING**
19 **THERAPEUTIC DEVICES FOR THE PURPOSE OF PROVIDING BARRIER**
20 **CONTRACEPTION, AND DURABLE MEDICAL EQUIPMENT EXCEPT FOR**
21 **THERAPEUTIC DEVICES IF REFERRAL TO ANOTHER LICENSED PROVIDER TO**
22 **DISPENSE, ADMINISTER, OR ORDER THE DEVICE FOR ONGOING REHABILITATIVE**
23 **OR HABILITATIVE SERVICES IS APPROPRIATE;**

24 **(6) PROVIDE HEALTH EDUCATION AND HEALTH COUNSELING;**
25 **AND**

26 **(7) PERFORM NATUROPATHIC MUSCULOSKELETAL**
27 **MOBILIZATION.**

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

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

33 **(2) USE ROUTES OF ADMINISTRATION, INCLUDING**
34 **INTRADERMAL, SUBCUTANEOUS, AND INTRAVENOUS.**

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

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

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

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

13 **(4) USE GENERAL OR SPINAL ANESTHETICS;**

14 **(5) ADMINISTER IONIZING RADIOACTIVE SUBSTANCES FOR**
15 **THERAPEUTIC PURPOSES;**

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

20 **(7) PERFORM ACUPUNCTURE UNLESS THE LICENSEE IS ALSO A**
21 **LICENSED ACUPUNCTURIST; OR**

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

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

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

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

1 **7.5-306.**

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

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

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

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

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

11 (3) THE AMOUNT OF THE RENEWAL FEE.

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

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

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

16 (3) IS OTHERWISE ENTITLED TO BE LICENSED;

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

19 (5) PROVIDES EVIDENCE OF BIENNIAL CARDIOPULMONARY
20 RESUSCITATION CERTIFICATION.

21 **7.5-307.**

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

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

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

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

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

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

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

11 **(1) MEETS THE RENEWAL REQUIREMENTS OF § 7.5-306 OF THIS**
12 **SUBTITLE;**

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

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

18 **7.5-308.**

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

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

27 **SUBTITLE 4. DISCIPLINARY ACTIONS.**

28 **7.5-401.**

29 **SUBJECT TO THE HEARING PROVISIONS OF § 7.5-404 OF THIS SUBTITLE,**
30 **THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN**
31 **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;

1 **(11) WILLFULLY OR NEGLIGENTLY FAILS TO FILE A REPORT OR**
2 **RECORD AS REQUIRED BY LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE**
3 **FILING OR RECORDING OF A REPORT, OR INDUCES ANOTHER TO FAIL TO FILE**
4 **OR RECORD A REPORT;**

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

10 **(13) EXERCISES INFLUENCE WITHIN A PATIENT-DOCTOR**
11 **RELATIONSHIP FOR PURPOSES OF ENGAGING A PATIENT IN SEXUAL ACTIVITY;**

12 **(14) ENGAGES IN SEXUAL MISCONDUCT WITH A PATIENT;**

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

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

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

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

27 **7.5-402.**

28 **(A) THIS SECTION APPLIES TO:**

29 **(1) A LICENSED NATUROPATHIC DOCTOR;**

30 **(2) A LICENSED HEALTH CARE PRACTITIONER;**

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

3 **(4) A STATE AGENCY; AND**

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

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

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

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

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

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

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

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

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

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

28 **7.5-403.**

1 **(A) THE BOARD SHALL INVESTIGATE ANY COMPLAINT FILED WITH THE**
2 **BOARD THAT ALLEGES THAT THERE ARE GROUNDS FOR ACTION UNDER §**
3 **7.5-401 OF THIS SUBTITLE.**

4 **(B) AFTER ITS INVESTIGATION, THE BOARD, ON THE AFFIRMATIVE**
5 **VOTE OF A MAJORITY OF ITS MEMBERS THEN SERVING, MAY COMMENCE ACTION**
6 **ON ANY OF THE GROUNDS SET FORTH IN § 7.5-401 OF THIS SUBTITLE.**

7 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
8 **SUBSECTION, UNTIL THE BOARD PASSES AN ORDER UNDER § 7.5-405 OF THIS**
9 **SUBTITLE, EACH RELATED INVESTIGATION, REPORT, AND RECOMMENDATION IS**
10 **CONFIDENTIAL.**

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

14 **7.5-404.**

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

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

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

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

27 **(E) IF, WITHOUT LAWFUL EXCUSE, A PERSON DISOBEYS A SUBPOENA**
28 **FROM THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH OR TO**
29 **TESTIFY OR ANSWER A QUESTION, THEN, ON PETITION OF THE BOARD, A COURT**
30 **OF COMPETENT JURISDICTION MAY PUNISH THE PERSON AS FOR CONTEMPT OF**
31 **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 **7.5-401 OF THIS SUBTITLE, THE INDIVIDUAL SHALL PAY THE COSTS OF THE**
6 **HEARING AS SPECIFIED IN A REGULATION ADOPTED BY THE BOARD.**

7 **7.5-405.**

8 **(A) (1) IF THE BOARD FINDS THAT THERE ARE GROUNDS FOR ACTION**
9 **UNDER § 7.5-401 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 ADVISORY OPINION IS ISSUED.**

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 **7.5-406.**

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) 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 § 7.5-401 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 **7.5-407.**

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 **7.5-408.**

15 **THE BOARD MAY ISSUE A CEASE AND DESIST ORDER FOR:**

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

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

20 **SUBTITLE 5. MISCELLANEOUS PROVISIONS.**

21 **7.5-501.**

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

24 **(1) THE CONTROL OF CONTAGIOUS AND INFECTIOUS DISEASES;**
25 **AND**

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

27 **7.5-502.**

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

3 **7.5-503.**

4 **IF A NATUROPATHIC DOCTOR IS ENGAGED IN THE PRIVATE PRACTICE OF**
5 **NATUROPATHIC MEDICINE IN THE STATE, THE NATUROPATHIC DOCTOR SHALL**
6 **DISPLAY THE NOTICE DEVELOPED UNDER § 1-207 OF THIS ARTICLE**
7 **CONSPICUOUSLY IN EACH OFFICE WHERE THE NATUROPATHIC DOCTOR IS**
8 **ENGAGED IN PRACTICE.**

9 **SUBTITLE 6. PROHIBITED ACTS; PENALTIES.**

10 **7.5-601.**

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

13 **7.5-602.**

14 **UNLESS AN INDIVIDUAL IS LICENSED TO PRACTICE NATUROPATHIC**
15 **MEDICINE, THE INDIVIDUAL MAY NOT:**

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

19 **(2) USE THE TITLE “DOCTOR OF NATUROPATHIC MEDICINE”,**
20 **“DOCTOR OF NATUROPATHY”, “NATUROPATHIC DOCTOR”, OR “NATUROPATH”;**
21 **OR**

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

24 **SUBTITLE 7. SHORT TITLE; TERMINATION OF TITLE.**

25 **7.5-701.**

26 **THIS TITLE MAY BE CITED AS THE MARYLAND NATUROPATHIC MEDICINE**
27 **ACT.**

28 **7.5-702.**

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

5 **Article – State Government**

6 8–403.

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

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

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

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

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

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) one member in 2016;

20 (2) two members in 2017; and

21 (3) two members in 2018.

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 2015 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 doctors, special funds shall be used to reimburse the General Fund for
30 the cost of starting up the Board.

31 SECTION 6. AND BE IT FURTHER ENACTED, That:

1 (a) The Board of Naturopathic Medicine shall convene a workgroup to study
2 the development of a naturopathic formulary in the State.

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

4 (1) the Maryland Association of Naturopathic Physicians;

5 (2) MedChi, the Maryland State Medical Society;

6 (3) the Nurse Practitioner Association of Maryland;

7 (4) the Maryland Pharmacists Association; and

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

9 (c) The workgroup shall:

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

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

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

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

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