

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL DRS45461-NBf-88

Short Title: Enact Naturopathic Doctors Licensure Act. (Public)

Sponsors: Senators Krawiec, Burgin, and Newton (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH LICENSURE AND EDUCATION STANDARDS FOR THE
3 PRACTICE OF NATUROPATHIC MEDICINE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Chapter 90 of the General Statutes is amended by adding a new Article
6 to read:

7 "Article 43.

8 "Naturopathic Doctors.

9 **"§ 90-730. Short title.**

10 This Article may be cited as the "North Carolina Naturopathic Doctors Licensure Act."

11 **"§ 90-731. Intent; purpose.**

12 (a) Intent. – The General Assembly finds that a significant number of residents of the
13 State of North Carolina choose complementary and alternative health care and declares that
14 naturopathic medicine is a distinct health care profession that affects the public health, safety,
15 and welfare and provides for choices in health care. The General Assembly concludes that
16 licensure is in the current interest of North Carolina citizens to aid in protecting citizens from
17 deception, fraud, and damage to their health status. Licensure can provide a process in which
18 citizens may more confidently rely on the level of skill, education, and competency possessed by
19 licensed persons.

20 (b) Purpose. – The purpose of this Article is to provide standards for the licensure of
21 naturopathic doctors desiring to practice naturopathic medicine in this State and to ensure the
22 maintenance of professional competence and acceptable standards of practice.

23 **"§ 90-732. Definitions.**

24 The following definitions apply in this Article:

25 (1) Approved program of naturopathic medicine. – A program that meets all of
26 the following conditions:

27 a. A program that provides graduate-level, full-time didactic and
28 supervised clinical training in naturopathic medicine that is accredited,
29 or has achieved candidacy status for accreditation, by the Council on
30 Naturopathic Medical Education or an equivalent federally recognized
31 accrediting body for the naturopathic medical profession recognized
32 by the North Carolina Naturopathic Doctors Licensure Board, or if the
33 program existed prior to the existence of the Council on Naturopathic
34 Medical Education, the program must (i) have provided
35 graduate-level, full-time didactic and supervised clinical training in
36 naturopathic medicine for a duration of not less than 132 weeks and



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1 required completion within a period of not less than 35 months, (ii) be
 2 recognized as a reputable program by, and in good standing with, the
 3 North Carolina Naturopathic Doctors Licensure Board, and (iii) if the
 4 program is still in existence, be currently accredited, or have achieved
 5 candidacy status for accreditation by the Council on Naturopathic
 6 Medical Education or an equivalent federally recognized accrediting
 7 body for the naturopathic medical profession recognized by the North
 8 Carolina Naturopathic Doctors Licensure Board.

9 b. A program that is offered by an institution of higher education that is
 10 accredited by a regional or national institutional accrediting body
 11 recognized by the United States Secretary of Education.

12 c. If the program is offered in the United States, a program that awards
 13 the degree of Doctor of Naturopathy or Doctor of Naturopathic
 14 Medicine. If the program is offered in Canada, a program that awards
 15 the degree or diploma of Doctor of Naturopathy or Doctor of
 16 Naturopathic Medicine and is offered by an institution of higher
 17 education that has provincial approval for participation in
 18 government-funded student aid programs.

19 d. A program that has been approved by the North Carolina Naturopathic
 20 Doctors Licensure Board to meet the standards established by its rules.

21 (2) Board. – The North Carolina Naturopathic Doctors Licensure Board.

22 (3) Council. – The Naturopathic Doctors Formulary Council.

23 (4) Criminal history. – A history of conviction, or of having pled guilty or no
 24 contest to a State or federal crime, whether a misdemeanor or felony.

25 (5) Integrative medicine. – As defined in G.S. 90-1.1.

26 (6) Natural medicines. – Any herbal, nutritional, supplemental, homeopathic, or
 27 other nonprescription remedies.

28 (7) Naturopathic doctor. – A person licensed to practice naturopathic medicine
 29 under this Article.

30 (8) Naturopathic medicine. – A system of natural health care that employs
 31 diagnosis and treatment using diagnostic techniques and natural therapies for
 32 the promotion, maintenance, and restoration of health and the prevention of
 33 disease, including all of the following:

34 a. The administration or provision of any of the following for preventive
 35 and therapeutic purposes: natural medicines, natural therapies, natural
 36 topical medicines, hydrotherapy, dietary therapy, and naturopathic
 37 physical medicine.

38 b. The use of diagnostic procedures, including physical and orificial
 39 examination, but excluding endoscopy, sigmoidoscopy, and
 40 colonoscopy.

41 c. The ordering, performing, and interpretation of laboratory tests and
 42 diagnostic imaging.

43 (9) Naturopathic physical medicine. – The manual use of massage, stretching,
 44 resistance, or naturopathic manipulation.

45 **"§ 90-733. Practice of naturopathic medicine; scope of practice.**

46 (a) Practice of Naturopathic Medicine. – A naturopathic doctor is a licensed health care
 47 provider having the same responsibilities as other licensed or registered health care providers
 48 regarding public health laws, reportable diseases and conditions, communicable disease control
 49 and prevention, and the recording of vital statistics. In diagnosing and treating an individual, a
 50 naturopathic doctor may employ the following therapies:

- 1 (1) Dispense, administer, order, and advise the use of natural remedies derived
2 from or substantially similar to molecular structure or function to natural
3 sources for preventive and therapeutic purposes, including food, extracts of
4 food, nutraceuticals, vitamins, minerals, amino acids, enzymes, botanicals and
5 their extracts, homeopathic remedies prepared according to the Homeopathic
6 Pharmacopoeia of the United States, and all dietary supplements and
7 nonprescription drugs as defined by the Federal Food, Drug, and Cosmetic
8 Act, 21 U.S.C. § 301, et seq.
- 9 (2) Order and perform physical examinations and physiological function tests.
- 10 (3) Order, perform, and interpret laboratory tests, including performing waived
11 tests as defined by the United States Food and Drug Administration Clinical
12 Laboratory Improvement Amendments of 1988 (CLIA), including obtaining
13 specimens to access and treat disease.
- 14 (4) Order diagnostic imaging, including X-ray, MRI, CT scan, ultrasound,
15 mammogram, and bone densitometry. Scope excludes electrocardiograms,
16 echocardiograms, electroencephalograms, and nuclear imaging.
- 17 (5) Perform hot or cold hydrotherapy, naturopathic physical medicine,
18 electromagnetic therapy, and therapeutic exercise.
- 19 (6) Perform health education and health counseling, including dietary and
20 lifestyle counseling.
- 21 (7) Utilize routes of administration for substances, including oral, nasal, auricular,
22 ocular, rectal, vaginal, and transdermal.
- 23 (8) Perform care incidental to superficial lacerations and abrasions, including the
24 application of topical and local anesthetics and antimicrobials.

25 (b) Prohibitions. – A naturopathic doctor may practice only within the scope of practice
26 authorized in subsection (a) of this section. A naturopathic doctor may not practice as any other
27 health care professional licensed or registered under another Article of this Chapter unless
28 otherwise licensed or registered by this State to do so. A naturopathic doctor may not perform
29 any of the following functions unless otherwise licensed by this State to do so:

- 30 (1) Prescribe, dispense, or administer any prescription drug or controlled
31 substance, except as authorized by this Article.
- 32 (2) Use general or spinal anesthetics.
- 33 (3) Perform surgical procedures.
- 34 (4) Administer ionizing radioactive substances for therapeutic purposes.
- 35 (5) Child delivery.
- 36 (6) Diagnose and treat cancer. Prohibition does not apply to adjunctive or
37 complementary care of patients who have previously been or are currently
38 diagnosed with cancer.

39 **§ 90-734. Licensure required; exemptions.**

40 (a) Licensure Required. – No person shall practice, attempt to practice, or claim to
41 practice naturopathic medicine unless the person has been licensed under the provisions of this
42 Article.

43 (b) Use of Titles. – Only a person licensed under this Article may use the titles
44 "Naturopathic Doctor," "Doctor of Naturopathic Medicine," "Doctor of Naturopathy,"
45 "Naturopathic Medicine," "Naturopath," "Licensed Naturopathic Doctor," or the abbreviations
46 "N.D.," "ND," or any other titles, words, letters, abbreviations, or insignia indicating or implying
47 that the individual is a licensed naturopathic doctor unless the individual has been licensed as a
48 naturopathic doctor under this Article.

49 (c) Exemptions. – Nothing in this Article shall be construed to prohibit or affect any of
50 the following:

- 1 (1) The practice of a profession by an individual who is licensed or registered
2 under other laws of this State and is performing services within the authorized
3 scope of practice.
- 4 (2) The practice of naturopathic medicine by a person employed by the federal
5 government while the person is engaged in the performance of duties
6 prescribed by laws and regulations of the United States.
- 7 (3) A person rendering aid in an emergency situation when no fee or other
8 compensation for the service is received.
- 9 (4) The practice of naturopathic medicine by a naturopathic doctor duly licensed
10 or registered in another state, territory, or the District of Columbia when called
11 into this State to consult with a licensed or registered health care provider for
12 a period not to exceed six months.
- 13 (5) The practice of naturopathic medicine by students completing a clinical
14 requirement for graduation from an approved program of naturopathic
15 medicine, so long as the practice is performed under the supervision of a
16 physician licensed under Article 1 of this Chapter or a naturopathic doctor
17 licensed under this Article and the clinical requirement does not exceed one
18 year.
- 19 (6) A person who does not hold himself or herself out to be a naturopathic doctor
20 as described in subsection (b) of this section when furnishing information to
21 customers or selling, administering, or utilizing nutritional supplements,
22 herbs, food, homeopathic preparations, and such physical forces as heat, cold,
23 water, touch, and light at the person's retail, health spa, or health consulting
24 establishment.

25 (d) Unlawful Act. – A person who violates this section is guilty of a Class 1 misdemeanor.
26 The Board may investigate violations of this section and any rules adopted to implement this
27 section and notify persons of (i) possible violations, (ii) possible civil actions that may be taken
28 against the person, or (iii) possible criminal penalties that may be imposed by a court as a result
29 of any violations. The Board may make an application to superior court for an order enjoining a
30 violation of this section. Upon a showing by the Board that a person has violated or is about to
31 violate this section, the court may grant an injunction, restraining order, or take other appropriate
32 action.

33 **"§ 90-735. North Carolina Naturopathic Doctors Licensure Board.**

34 (a) Composition and Terms. – The North Carolina Naturopathic Doctors Licensure Board
35 is created. The Board consists of seven members serving for staggered terms. The initial Board
36 members shall be appointed on or before January 1, 2021, as follows:

- 37 (1) The General Assembly, upon the recommendation of the President Pro
38 Tempore of the Senate, shall appoint two naturopathic doctors who are
39 licensed under this Article. One member shall serve a term of one year, and
40 one member shall serve a term of three years.
- 41 (2) The General Assembly, upon the recommendation of the Speaker of the House
42 of Representatives, shall appoint two naturopathic doctors who are licensed
43 under this Article. One member shall serve a term of one year, and one
44 member shall serve a term of three years.
- 45 (3) The Governor shall appoint two physicians licensed under Article 1 of Chapter
46 90 of the General Statutes, at least one of whom is involved in the practice of
47 integrative medicine or teaches integrative medicine at a medical school. Both
48 of these members shall serve a term of three years.
- 49 (4) The Governor shall appoint, for a two-year term, a public member who is not
50 a licensed or registered health care professional and is not employed in a
51 health care profession.

1 Upon the expiration of the terms of the initial Board members, each subsequent member shall
2 be appointed for a term of three years. The term of a member shall begin on January 1 of each
3 year. A member shall serve until the member's successor is appointed. No member shall serve on
4 the Board for more than two consecutive terms.

5 (b) Qualifications. – Members of the Board shall be citizens of the United States and
6 residents of the State of North Carolina. The initial naturopathic doctor appointees must have
7 been North Carolina residents for at least two years prior to appointment, must be licensed as a
8 naturopathic doctor in a state, district, territory, or province that licenses this profession, and must
9 be eligible for licensure under G.S. 90-738. Upon appointment, each naturopathic doctor
10 appointee must immediately seek to become licensed under this act and shall remain in good
11 standing with the Board during the appointee's term. Public members of the Board shall not be:

- 12 (1) An agent or employee trained or experienced in the practice of naturopathic
13 medicine.
- 14 (2) An agent or employee of a person engaged in the practice of naturopathic
15 medicine.
- 16 (3) A health care professional licensed under this Chapter or a person enrolled in
17 a program to become a licensed health care professional.
- 18 (4) An agent or employee of a health care institution, a health care insurer, or a
19 health care professional school.
- 20 (5) A member of an allied health profession or a person enrolled in a program to
21 become a member of an allied health profession.
- 22 (6) A spouse of an individual licensed pursuant to this act.
- 23 (7) Any person with significant financial interest in a health service or profession.

24 (c) Vacancies. – A vacancy shall be filled in the same manner as the original appointment.
25 An appointee to fill a vacancy shall serve the remainder of the unexpired term and until the
26 appointee's successor has been duly appointed.

27 (d) Removal. – The Board may remove any of its members for neglect of duty,
28 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings as a
29 licensed or registered health care professional shall be disqualified from participating in the
30 official business of the Board until the charges have been resolved.

31 (e) General Administration. – A Board member may not receive compensation but may
32 receive reimbursement as provided in G.S. 93B-5. The officers of the Board include a chair, a
33 secretary, and any other officer deemed necessary by the Board to carry out the purposes of this
34 Article. All officers shall be elected annually by the Board at its first meeting held after
35 appointments to the Board are made. The Board shall hold a meeting within 45 days after the
36 appointment of new Board members. All officers shall serve one-year terms and shall serve until
37 their successors are elected and qualified. No person shall chair the Board for more than five
38 consecutive years. The Board may adopt rules governing the calling, holding, and conducting of
39 regular and special meetings. A majority of Board members constitutes a quorum.

40 **"§ 90-736. Powers of the Board.**

41 The Board shall have the following powers and duties:

- 42 (1) Administer and enforce the provisions of this Article.
- 43 (2) Issue interpretations of this Article.
- 44 (3) Adopt, amend, or repeal rules in the manner prescribed under Chapter 150B
45 of the General Statutes, as may be necessary to carry out the provisions of this
46 Article.
- 47 (4) Establish, examine, and determine the qualifications and fitness of applicants
48 for licensure and renewal of licensure, and reciprocal licensure.
- 49 (5) Issue, renew, deny, suspend, or revoke licenses, order probation, issue
50 reprimands, and conduct any disciplinary actions authorized by this Article.

- 1 (6) Set fees for licensure, licensure renewal, and other services deemed necessary
2 to carry out the provisions of this Article.
- 3 (7) Establish and approve continuing education requirements for persons licensed
4 under this Article.
- 5 (8) Establish a code of ethics for licensees.
- 6 (9) Maintain a current list of all persons who are licensed under this Article.
- 7 (10) Employ and fix the compensation of personnel that the Board determines is
8 necessary to carry out the provisions of this Article and incur other expenses
9 necessary to perform the duties of the Board.
- 10 (11) Adopt a seal containing the name of the Board for use on all licenses and
11 official reports issued by the Board.
- 12 (12) Maintain a record of all proceedings and make available to all licensees and
13 other concerned parties an annual report of all Board action.
- 14 (13) Institute corrective measures, as necessary and as permitted by Chapter 93B
15 of the General Statutes, to rehabilitate naturopathic doctors or limit their
16 practice.
- 17 (14) Receive complaints and conduct investigations for the purpose of determining
18 whether violations of this Article or grounds for disciplining licensees exist.
- 19 (15) Adopt a formulary based on the recommendations of the Council made under
20 G.S. 90-737. The Board may modify or reject any recommendation of the
21 Council regarding the formulary.

22 **"§ 90-737. Naturopathic Doctors Formulary Council.**

23 (a) Composition and Terms. – The Naturopathic Doctors Formulary Council is formed
24 within and under the supervision of the Board. The Council shall develop and recommend to the
25 Board, on an ongoing basis, a formulary for naturopathic doctors to use in practice.

- 26 (1) The Board shall appoint the following individuals to the Council who meet
27 the following qualifications:
- 28 a. Two naturopathic doctors who (i) are licensed under this Article, (ii)
29 practice naturopathic medicine in North Carolina, (iii) have a
30 minimum of two years of experience practicing naturopathic
31 medicine, and (iv) have resided in North Carolina for at least two years
32 prior to appointment.
- 33 b. One physician licensed under Article 1 of Chapter 90 of the General
34 Statutes who is involved in the practice of integrative medicine or
35 teaches integrative medicine at a medical school.
- 36 c. One physician licensed under Article 1 of Chapter 90 of the General
37 Statutes who practices in this State.
- 38 d. One pharmacist who has a background in pharmacognosy and who
39 practices in this State.
- 40 e. One member of the public who is not a licensed or registered health
41 care professional and is not employed in a health care profession.

42 Members appointed under this subsection shall serve for a term of three years and shall
43 continue to serve after the expiration of the term until a successor is appointed by the Board.

44 (b) Powers and Duties. – The Council shall have the following powers and duties:

- 45 (1) Develop and recommend to the Board a formulary for use by licensed
46 naturopathic doctors.
- 47 (2) Review, annually and at the discretion of the Board, the formulary adopted by
48 the Board under G.S. 90-736 to determine whether any changes are necessary
49 for compliance with current prescribing standards or the practice of
50 naturopathic standards.

1 (3) Recommend to the Board any changes that, in the Council's discretion, need
2 to be implemented to improve the formulary.

3 (c) The formulary recommended to the Board by the Council shall include natural
4 remedies or a remedy derived from or substantially similar in molecular structure or function to
5 natural sources that may require a prescription. Substances included in the formulary must be
6 allowed within the scope of practice and should be protected within the future scope of practice
7 for naturopathic doctors.

8 (d) The Board shall designate the chair of the Council and shall provide staff necessary
9 to carry out the Council's powers and duties.

10 (e) A Council member may not receive compensation but may receive reimbursement,
11 as provided in G.S. 93B-5.

12 **"§ 90-738. Qualifications for licensure; renewal; reinstatement.**

13 (a) Licensure. – Upon application to the Board and payment of the required fees, an
14 applicant may be licensed under this Article as a naturopathic doctor if the applicant meets all of
15 the following qualifications and conditions:

16 (1) The applicant is of good moral and ethical character.

17 (2) The applicant is a graduate of an approved program of naturopathic medicine,
18 as defined in G.S. 90-732.

19 (3) The applicant meets one, or both, of the following two conditions:

20 a. Has successfully passed the Naturopathic Physicians Licensing
21 Examination (NPLEX), a competency-based national naturopathic
22 licensing examination administered by the North American Board of
23 Naturopathic Examiners or an equivalent successor agency recognized
24 by the Board.

25 b. Has successfully passed a competency-based state or Canadian
26 province naturopathic licensing examination administered prior to the
27 existence of NPLEX and approved by the Board.

28 (4) The applicant completes and submits to the Board a written attestation that is
29 approved by the Board and that complies with all of the following criteria:

30 a. The applicant attests to having a collaboration and consultation
31 agreement with a physician licensed under Article 1 of Chapter 90 of
32 the General Statutes and provides the name and license number of the
33 physician identified in the collaboration and consultation agreement.

34 b. An attestation that the physician has been informed of the
35 collaboration and consultation agreement.

36 c. The applicant attests to refer patients to physicians and to consult with
37 physicians and other health care providers licensed or registered in this
38 State.

39 d. The applicant attests that the collaboration and consultation agreement
40 does not require or implement supervision of the applicant by the
41 physician or health care professional identified in the collaboration or
42 consultation agreement.

43 (5) The applicant submits any other documentation the Board deems necessary to
44 determine the applicant's fitness for licensure under this Article. This
45 documentation may include successful completion of a Board-approved
46 jurisprudence examination on State laws and rules related to naturopathic
47 medicine.

48 (b) Renewal. – A license expires one year after the date it is issued unless it is renewed.
49 After the first year, a license is to be renewed annually on or before the date of birth on the
50 license. To renew a licensure, a licensee shall meet all of the following conditions:

51 (1) Submit an application for licensure renewal.

(2) Pay the required fees.

(3) Complete at least 20 hours of continuing education approved by the Board within the one-year period immediately prior to the renewal date.

Failure to renew a licensure within three months of the date the licensure expires shall result in automatic forfeiture of the right to practice naturopathic medicine in this State until the licensure is reinstated.

(c) Reinstatement. – A licensed naturopathic doctor who has allowed the licensure to lapse by failure to renew within the time allowed under subsection (b) of this section may apply for reinstatement. The Board may reinstate the applicant's licensure if the applicant pays the required fees, furnishes a statement of the reason for failure to apply for renewal before the deadline, and complies with any other requirements established in rules adopted by the Board. If the license has lapsed for five years or longer, the Board may require the applicant to satisfactorily complete one or more skills assessment or remediation courses approved by the Board or to provide proof of active licensure, or registration within the past five years in another state, district, territory, or Canadian province.

"§ 90-739. Reciprocity.

The Board may grant, upon application and payment of fees, a license to a person who resides in this State and has been licensed or registered to practice as a naturopathic doctor in another state, district, territory, or Canadian province if both of the following conditions are met:

(1) The standards for licensure or registration in the state, district, territory, or province in which the naturopathic doctor is licensed or registered are substantially equivalent to those provided in this Article.

(2) The applicant provides proof of licensure or registration in good standing in all states, districts, territories, and provinces in which the applicant has been licensed or registered.

"§ 90-740. Expenses and fees.

(a) The Board shall establish fees not exceeding the following amounts:

- (1) Application and examination \$200.00
- (2) License \$300.00
- (3) License renewal..... \$350.00
- (4) Late renewal \$200.00
- (5) Reinstatement..... \$1,000.00
- (6) Reasonable charges for duplication services and material.
- (7) Criminal history record check fee equal to the amount imposed by the Department of Justice to conduct the criminal history record check requested by the Board.

"§ 90-741. Disciplinary authority.

(a) Authority. – The Board may impose probationary conditions upon a licensed naturopathic doctor, or it may deny, suspend, revoke, or refuse to issue or renew a license, if the licensed naturopathic doctor or applicant does any of the following:

(1) Engages in any act or practice in violation of any of the provisions of this Article or of any of the rules adopted by the Board or aids, abets, or assists any other person in the violation of the provisions of this Article or rules adopted by the Board.

(2) Gives false information to or withholds information from the Board in procuring or attempting to procure licensure.

(3) Has been convicted of or pled guilty or no contest to a crime that indicates that the person is unfit or incompetent to practice as a naturopathic doctor or that indicates the person has deceived or defrauded the public. A felony conviction shall result in the automatic revocation of licensure by the Board unless the Board determines otherwise pursuant to rules adopted by the Board.

- 1 (4) Has been declared mentally incompetent by a court of competent jurisdiction.
2 (5) Habitually uses or is addicted to drugs or intoxicating liquors to the extent that
3 it affects the licensed naturopathic doctor's professional competency. If a
4 licensed naturopathic doctor violates this subdivision, the Board may require
5 the licensed naturopathic doctor to undergo a mental or physical examination
6 by physicians designated by the Board before or after the licensed
7 naturopathic doctor has been charged. The results of the examination shall be
8 admissible as evidence in a hearing before the Board.
9 (6) Has demonstrated gross negligence, incompetency, or misconduct in the
10 performance of naturopathic medical treatment.
11 (7) Has had a health care provider license or registration denied, restricted,
12 revoked, or suspended by another state, district, territory, or province.
13 (8) Fails to consent to a criminal history record check.
14 (9) Fails to respond, within a reasonable time, to inquiries from the Board
15 concerning any matter affecting the individual's license to practice
16 naturopathic medicine.
17 (10) Fails to complete continuing education requirements within the time
18 prescribed.

19 (b) Hearing. – Denial, refusal to renew, suspension, or revocation of a license or
20 imposition of probationary conditions upon a licensed naturopathic doctor may be ordered by the
21 Board after a hearing held in accordance with Article 3A of Chapter 150B of the General Statutes
22 and rules adopted pursuant to this Article. An application may be made to the Board for
23 reinstatement of a revoked license if the revocation has been in effect for not less than two years.

24 (c) Records. – The Board shall keep a record of its proceedings. The Board shall, in a
25 closed session, receive evidence regarding the treatment or examination of a patient who has not
26 expressly or impliedly consented to the public disclosure of the treatment when necessary for the
27 protection of the rights of the patient or of the accused naturopathic doctor and the full
28 presentation of relevant evidence. All records, papers, investigative files, investigative reports,
29 and other documents containing information gathered or received by the Board as a result of
30 investigations, inquiries, or interviews conducted in connection with an application for licensure,
31 a complaint, or a disciplinary matter are not considered public documents within the meaning of
32 Chapter 132 of the General Statutes.

33 (d) Confidential Information. – The Board may release confidential or nonpublic
34 information about a licensed naturopathic doctor to any health care licensure or registration board
35 in this State or another state relating to the issuance, denial, suspension, revocation, or voluntary
36 surrender of the license or registration, including the reasons for the action or any investigative
37 report prepared by the Board. The Board shall notify the naturopathic doctor within 60 days after
38 the information is released. The Board shall furnish to the naturopathic doctor a summary of the
39 information being released. However, if the naturopathic doctor requests, in writing, within 30
40 days after the date of notice, a copy of the information being released, the Board shall give to the
41 naturopathic doctor a copy of all the information being released. Notice or copies shall not be
42 provided by the Board if the information relates to an ongoing criminal investigation by a law
43 enforcement agency or any Department of Health and Human Services personnel with
44 enforcement or investigative responsibilities.

45 **"§ 90-742. Criminal history record check of applicants and licensed naturopathic doctors.**

46 (a) Criminal History Record Check. – The Board shall require a criminal history record
47 check for a person who is either licensed as a naturopathic doctor under this Article or applying
48 for license as a naturopathic doctor under this Article. The Board is responsible for providing to
49 the North Carolina Department of Justice the fingerprints of the person to be checked, a form
50 signed by the person consenting to the criminal record check and the use of fingerprints and other
51 identifying information required by the State or national repositories, and any additional

1 information required by the Department of Justice. The Board shall keep all information obtained
 2 pursuant to this section confidential.

3 (b) Conviction. – If a criminal history record check reveals one or more convictions, the
 4 conviction does not automatically bar licensure. The Board shall consider all of the following
 5 factors regarding the conviction:

6 (1) The level of seriousness of the crime.

7 (2) The date of the crime.

8 (3) The age of the person at the time of the conviction.

9 (4) The circumstances surrounding the commission of the crime, if known.

10 (5) The nexus between the criminal conduct of the person and the job duties of
 11 the position to be filled.

12 (6) The person's prison, jail, probation, parole, rehabilitation, and employment
 13 records since the date the crime was committed.

14 (7) The subsequent commission of a crime by the person.

15 (c) Denial of Licensure. – If the Board denies, revokes, or suspends a license based on
 16 information obtained in a criminal history record check, the Board shall disclose to the person
 17 the information contained in the criminal history record check that is relevant to the Board's
 18 actions. The Board may not provide a copy of the criminal history record check to the person. A
 19 person has the right to appear before the Board to appeal the Board decision. An appearance
 20 before the Board shall constitute an exhaustion of administrative remedies in accordance with
 21 Chapter 150B of the General Statutes.

22 **"§ 90-743. Reports; immunity from suit.**

23 (a) Report. – A person who has reasonable cause to suspect misconduct or incapacity of
 24 a licensed naturopathic doctor, or who has reasonable cause to suspect that a person is in violation
 25 of this Article, may report the relevant facts to the Board. Upon receipt of a charge, or upon its
 26 own initiative, the Board may give notice of an administrative hearing or may, after diligent
 27 investigation, dismiss unfounded charges. A person who, in good faith, makes a report pursuant
 28 to this section is immune from any criminal prosecution or civil liability resulting from making
 29 the report.

30 (b) Limited Immunity. – The Board, its officers, employees, and staff, either personally
 31 or in their official capacity, are immune from any civil liability for exercising, in good faith, the
 32 powers and duties given to the Board under this Article for denying licensure or reinstatement of
 33 a license to an applicant or revoking a licensee's license based on information provided in the
 34 applicant or licensee's criminal history record check.

35 **"§ 90-744. Third-party reimbursement.**

36 Nothing in this Article shall be construed to require direct third-party reimbursement to
 37 persons licensed under this Article."

38 **SECTION 2.** G.S. 90-18(c) is amended by adding a new subdivision to read:

39 "(c) The following shall not constitute practicing medicine or surgery as defined in this
 40 Article:

41 ...

42 (21) The practice of naturopathic medicine by a naturopathic doctor licensed under
 43 the provisions of Article 43 of this Chapter."

44 **SECTION 3.** G.S. 143B-972 reads as rewritten:

45 **"§ 143B-972. Criminal history record checks for naturopathic doctors.**

46 (a) The Department of Justice shall provide to the North Carolina Naturopathic Doctors
 47 Licensure Board from the State and National Repositories of Criminal Histories the criminal
 48 history of an applicant for licensure by the Board or a licensed naturopathic doctor of the Board.
 49 The North Carolina Naturopathic Doctors Licensure Board shall provide to the Department of
 50 Justice, along with the request, the fingerprints of the applicant or licensed naturopathic doctor,
 51 a form signed by the applicant or licensed naturopathic doctor consenting to the criminal history

1 record check and use of fingerprints and other identifying information required by the State and
2 national repositories, and any additional information required by the Department of Justice. The
3 fingerprints of the applicant or licensed naturopathic doctor shall be forwarded to the State
4 Bureau of Investigation for a search of the State's criminal history record file, and the State
5 Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation
6 for a national criminal history record check. The North Carolina Naturopathic Doctors Licensure
7 Board shall keep all information obtained pursuant to this section confidential.

8 (b) The Department of Justice may charge a fee to offset the cost incurred by it to conduct
9 a criminal history record check under this section. The fee shall not exceed the actual cost of
10 locating, editing, researching, and retrieving the information."

11 **SECTION 4.** The North Carolina Naturopathic Doctors Licensure Board may adopt
12 rules to implement the provisions of this act.

13 **SECTION 5.** This act becomes effective January 1, 2021, and applies to licenses
14 granted on or after that date.