

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

**H**

**1**

**HOUSE BILL 969\***

Short Title: Naturopathic Physician Licensing Act. (Public)

---

Sponsors: Representatives Hill, Earle, Clary, Parmon (Primary Sponsors); Bordsen, Bryant, Fisher, Goodwin, Harrison, Insko, Jeffus, Luebke, McLawhorn, and Walend.

---

Referred to: Health, if favorable, Judiciary III and, if favorable, to the Com on Finance.

---

March 22, 2007

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE NORTH CAROLINA NATUROPATHIC PHYSICIANS LICENSURE ACT.

The General Assembly of North Carolina enacts:

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

"Article 42.

"Naturopathic Physicians.

**"§ 90-801. Short title.**

This Article may be cited as the 'North Carolina Naturopathic Physicians Licensure Act'.

**"§ 90-802. Intent; purpose.**

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

(b) Purpose. – The purpose of this act is to provide standards for the licensure of naturopathic physicians desiring to practice naturopathic medicine in this State and to ensure the maintenance of professional competence and acceptable standards of practice. This act recognizes that many of the therapies used by naturopathic physicians, such as the use of nutritional supplements, herbs, foods, homeopathic preparations, and such physical forces as heat, cold, water, touch, and light are not the exclusive privilege

1 of naturopathic physicians. This act does not prohibit the use, practice, or administration  
2 of these therapies by a person not licensed or registered to practice naturopathic  
3 medicine as long as that person does not diagnose or treat disease or hold himself or  
4 herself out as being qualified to diagnose or treat disease.

5 **"§ 90-803. Definitions.**

6 The following definitions apply in this act:

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

9 a. A program that provides graduate-level full-time didactic and  
10 supervised clinical training that is accredited, or has achieved  
11 candidacy status for accreditation, by the Council on  
12 Naturopathic Medical Education Program or its federally  
13 recognized successor agency.

14 b. A program that is offered by an institution of higher education  
15 that is either accredited, or is a candidate for accreditation, by a  
16 regional or national institutional accrediting agency recognized  
17 by the United States Secretary of Education.

18 c. If the program is offered in the United States, it must be a  
19 program that awards the degree of Doctor of Naturopathy or  
20 Doctor of Naturopathic Medicine. If the program is offered in  
21 Canada, it must be a program that awards the degree or diploma  
22 of Doctor of Naturopathy or Doctor of Naturopathic Medicine,  
23 and the program must be offered by an institution of higher  
24 education that has provincial approval for participation in  
25 government-funded student aid programs.

26 (2) Board. – The North Carolina Naturopathic Medicine Licensing Board.

27 (3) Criminal history. – A history of conviction of a State crime, whether a  
28 misdemeanor or felony.

29 (4) Integrative medicine. – Same as defined in G.S. 90-2.1.

30 (5) Natural medicines. – Any herbal, nutritional, supplemental,  
31 homeopathic, or other nonprescription remedies.

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

36 a. Administering or providing any of the following for  
37 preventative and therapeutic purposes: natural medicines,  
38 natural therapies, natural topical medicines, counseling,  
39 hydrotherapy, dietary therapy, and naturopathic physical  
40 medicine.

41 b. Using diagnostic procedures including physical and official  
42 examination but excluding endoscopy, sigmoidoscopy, and  
43 colonoscopy.

1           c.       Ordering laboratory tests and diagnostic imaging, but excluding  
2                   electrocardiograms, echocardiograms, electroencephalograms,  
3                   nuclear imagings, MRIs, and CT scans and other tests that  
4                   should be conducted and interpreted by an appropriate medical  
5                   specialist.

6           (7)   Naturopathic physical medicine. – The manual use of massage,  
7                   stretching, or resistance.

8           (8)   Naturopathic physician. – A person licensed to practice naturopathic  
9                   medicine under this act.

10   **"§ 90-804. License required; exemptions.**

11       (a)   License Required. – On or after May 1, 2009, no person shall practice or offer  
12       to practice as a naturopathic physician, perform naturopathic medicine, or use any card,  
13       title, or abbreviation, to indicate that the person is a naturopathic physician unless the  
14       person has been licensed under the provisions of this act. Persons licensed under this act  
15       have the exclusive right to use the terms: 'naturopathic physician', 'naturopathic doctor',  
16       'doctor of naturopathic medicine', 'doctor of naturopathy', 'naturopathic medicine',  
17       'naturopath', 'N.D.', 'ND', and 'NMD'.

18       (b)   Exemptions. – Nothing in this act shall be construed to prohibit or affect:

19           (1)   The practice of a profession by an individual who is licensed, certified,  
20                   or registered under other laws of this State and is performing services  
21                   within the authorized scope of practice.

22           (2)   The practice of naturopathic medicine by a person employed by the  
23                   federal government while the person is engaged in the performance of  
24                   duties prescribed by laws and regulations of the United States.

25           (3)   A person giving advice in the use of a therapy that is within the scope  
26                   of practice of a naturopathic physician so long as the person is not  
27                   otherwise prohibited by law from providing that advice.

28           (4)   A person rendering aid in an emergency situation, when no fee or other  
29                   compensation for the service is received.

30           (5)   A person engaged in the sale of vitamins, health foods, dietary  
31                   supplements, herbs, or other products of nature, if the sale of these  
32                   products is not otherwise prohibited by State or federal law and the  
33                   person offering the products provides truthful and nonmisleading  
34                   information about the products. However, this subdivision does not  
35                   allow a person to diagnose any human disease, ailment, injury,  
36                   infirmity, deformity, pain, or other condition.

37           (6)   The ability of a person engaged in the practice of complementary and  
38                   alternative healthcare from continuing that practice, so long as the  
39                   person does not make the representation of being licensed under this  
40                   act and does not use one of the terms listed in subsection (a) of this  
41                   section.

42           (7)   A person, who in good faith, offers naturopathic services for religious  
43                   reasons.

1           (8)    The practice of naturopathic medicine by a naturopathic physician duly  
2           licensed in another state, territory, or the District of Columbia when  
3           incidentally called into this State to consult with a licensed physician.

4           (9)    The practice of naturopathic medicine by students enrolled in an  
5           approved naturopathic medicine program as described in  
6           G.S. 90-687(a) while completing a clinical requirement for graduation  
7           that is performed under the supervision of an instructor.

8           (c)    Unlawful Act. – A person who violates this section is guilty of a Class 1  
9           misdemeanor. The Board may make application to superior court for an order enjoining  
10          a violation of this section. Upon a showing by the Board that a person has violated or is  
11          about to violate this section, the court may grant an injunction, restraining order, or take  
12          other appropriate action.

13          **"§ 90-805. Practice of naturopathic medicine; prohibitions.**

14          (a)    Scope of Practice. – A naturopathic physician is a licensed health care  
15          provider having the same responsibilities as other licensed doctors regarding public  
16          health laws, reportable diseases and conditions, communicable disease control and  
17          prevention, and recording vital statistics. In treating an individual, a naturopathic  
18          physician may employ the following naturopathic therapies, modalities, and remedies  
19          consistent with naturopathic education and training:

20               (1)    Dispense, administer, and advise the use of natural remedies derived  
21               from or substantially similar in molecular structure or function to  
22               natural sources for preventive and therapeutic purposes, including  
23               food, extracts of food, nutraceuticals, vitamins, minerals, enzymes,  
24               botanicals and their extracts, homeopathic remedies prepared  
25               according to the Homeopathic Pharmacopoeia of the United States,  
26               and all dietary supplements and nonprescription drugs as defined by  
27               the Federal Food, Drug, and Cosmetic Act, 21 U.S.C.A. § 301, et seq.

28               (2)    Order and perform physical and laboratory examinations and  
29               diagnostic imaging studies.

30               (3)    Perform hot or cold hydrotherapy, colon hydrotherapy, naturopathic  
31               physical medicine, electromagnetic energy, and therapeutic exercise.

32               (4)    Perform health education and health counseling.

33               (5)    Perform musculoskeletal manipulation.

34               (6)    Perform utilization routes of administration that include oral, nasal,  
35               auricular, ocular, rectal, vaginal, transdermal, intradermal, and  
36               subcutaneous.

37               (7)    Perform repair and care incidental to superficial lacerations and  
38               abrasions.

39               (8)    Remove foreign bodies located in the superficial tissues.

40               (9)    Perform topical and local anesthetics and antimicrobials incidental to  
41               minor in-office procedures allowed under this section.

42               (10) Other Board-approved therapies for which the licensee has been  
43               trained and educated.

44          (b)    Prohibitions. – A naturopathic physician shall not:

- 1           (1)   Prescribe, dispense, or administer a prescription drug or any controlled  
2           substance or device identified in the Controlled Substance Act, 21  
3           U.S.C.A. § 801, et seq., except as authorized by this Article.
- 4           (2)   Practice or attempt to practice as a medical physician, osteopath,  
5           acupuncturist, dentist, podiatrist, optometrist, chiropractor,  
6           psychologist, advanced practice professional nurse, physician assistant,  
7           physical therapist, or any other health care professional not authorized  
8           by this Article unless licensed by this State to do so.
- 9           (3)   Use general or spinal anesthetics unless licensed by the State to do so.
- 10          (4)   Perform surgical procedures using a laser device.
- 11          (5)   Perform surgical procedures involving the eye, ear, tendons, nerves,  
12          veins, or arteries extending beyond superficial tissue.
- 13          (6)   Administer ionizing radioactive substances for therapeutic purposes.
- 14          (7)   Perform chiropractic adjustments unless licensed by this State to do so.
- 15          (8)   Perform acupuncture, unless licensed by this State to do so.

16   **"§ 90-806. North Carolina Naturopathic Physicians Licensing Board.**

17       (a)   Board. – The North Carolina Naturopathic Physicians Licensing Board is  
18       created. The Board consists of six members serving for staggered terms. Upon the  
19       expiration of the terms of the initial Board members, each member is appointed for a  
20       term of three years, beginning on January 1 of each year. A member serves until the  
21       member's successor is appointed. No member may serve more than two consecutive full  
22       terms.

23       The initial Board members shall be appointed on or before January 1, 2008, as  
24       follows:

- 25           (1)   The General Assembly, upon the recommendation of the President Pro  
26           Tempore of the Senate, shall appoint two naturopathic physicians who  
27           are licensed under this act. One member shall serve for a term of one  
28           year and one member shall serve a term of three years.
- 29           (2)   The General Assembly, upon the recommendation of the Speaker of  
30           the House of Representatives, shall appoint two naturopathic  
31           physicians who are licensed under this act. One member shall serve for  
32           a term of one year and one member shall serve a term of two years.
- 33           (3)   The Governor shall appoint for a three-year term a physician licensed  
34           under Article 1 of Chapter 90 of the General Statutes who is involved  
35           in the practice of integrative medicine or who teaches integrative  
36           medicine at a medical school.
- 37           (4)   The Governor shall appoint for a two-year term a public member who  
38           is not a licensed health care professional and is not employed in the  
39           health care profession.

40       (b)   Vacancies. – A member of the Board serves at the pleasure of the authority  
41       that appointed it. A vacancy must be filled in the same manner as the original  
42       appointment. An appointee to fill a vacancy shall serve the remainder of the unexpired  
43       term and until its successor has been duly appointed.

1 (c) Removal. – The Board may remove any of its members for neglect of duty,  
2 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings  
3 as a licensee is disqualified from participating in the official business of the Board until  
4 the charges have been resolved.

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

15 **"§ 90-807. Powers of the Board.**

16 The Board shall have the power and duty to:

- 17 (1) Administer and enforce the provisions of this act.
- 18 (2) Adopt rules as may be necessary to carry out the provisions of this act.
- 19 (3) Establish, examine, and determine the qualifications and fitness of  
20 applicants for licensure and renewal of licensure.
- 21 (4) Issue, renew, deny, suspend, or revoke licenses and conduct any  
22 disciplinary actions authorized by this act.
- 23 (5) Collect fees for licensure, licensure renewal, and other services  
24 deemed necessary to carry out the provisions of this act.
- 25 (6) Recommend and advocate for the establishment of one or more  
26 approved programs of naturopathic medicine in this State.
- 27 (7) Establish and approve continuing education requirements for persons  
28 licensed under this act.
- 29 (8) Develop and implement a plan for instituting a naturopathic medicine  
30 residency program as a condition for licensure no later than July 1,  
31 2010.
- 32 (9) Employ and fix the compensation of personnel that the Board  
33 determines is necessary to carry out the provisions of this act and incur  
34 other expenses necessary to perform the duties of the Board.
- 35 (10) Adopt a seal containing the name of the Board for use on all licenses  
36 and official reports issued by the Board.
- 37 (11) Institute corrective measures, as necessary, to rehabilitate naturopathic  
38 physicians or limit their practice.

39 **"§ 90-808. Qualifications for licensure; renewal; reinstatement.**

40 (a) Licensure. – Upon application to the Board and payment of the required fees,  
41 an applicant may be licensed under this act as a naturopathic physician if the applicant  
42 meets all of the following qualifications and conditions:

- 43 (1) Is of good moral and ethical character.
- 44 (2) Is a graduate of an approved program of naturopathic medicine.

- 1           (3) Meets one of the following two conditions:  
2           a. Has successfully passed a competency-based national  
3           naturopathic licensing examination administered by the North  
4           American Board of Naturopathic Examiners, or equivalent  
5           agency as recognized by the Board.  
6           b. Has successfully passed a state competency-based examination  
7           or a Canadian provincial examination. The examination must be  
8           one that is approved by the Board and by the North American  
9           Board of Naturopathic Medical Education or its successor  
10           agency. An applicant may qualify for licensure under this  
11           sub-subdivision only if the applicant graduated from an  
12           approved program of naturopathic medicine prior to 1987.
- 13           (4) Provides the Board with a list of physicians licensed to practice  
14           medicine in this State who have agreed to work with the applicant and  
15           accept referrals from the applicant. The applicant must also provide the  
16           Board with letters of verification from the listed physicians. The list  
17           must include physicians with specialties in at least four of the  
18           following areas: allergy and immunology, cancer and oncology,  
19           cardiology, endocrinology and metabolism, family medicine,  
20           gastroenterology, internal medicine, obstetrics and gynecology,  
21           pediatrics, psychiatry, and urology.
- 22           (5) Submits any other documentation the Board deems necessary to  
23           determine the applicant's fitness for licensure under this act. This  
24           documentation may include successful completion of a  
25           Board-approved examination on State laws and rules related to  
26           naturopathic medicine.
- 27           (b) Renewal. – A license expires two years after the date it is issued unless it is  
28           renewed. Failure to renew a license within six months of the date the license expires  
29           shall result in automatic forfeiture of the right to practice naturopathic medicine in this  
30           State until such time that the license has been reinstated. To renew a license, a licensee  
31           must meet all of the following conditions:
- 32                   (1) Submit an application for license renewal.  
33                   (2) Pay the required fees.  
34                   (3) Complete at least 40 hours of continuing education approved by the  
35                   Board.
- 36           (c) Reinstatement. – A licensed naturopathic physician who has allowed the  
37           license to lapse by failure to renew within the time allowed under subsection (b) of this  
38           section may apply for reinstatement. The Board may reinstate the applicant's license if  
39           the applicant pays the required fees, furnishes a statement of the reason for failure to  
40           apply for renewal prior to the deadline, and complies with any other requirements  
41           established in rules adopted by the Board. If the license has lapsed for five years or  
42           longer, the Board may require the applicant to complete satisfactorily a refresher course  
43           approved by the Board or to provide proof of active licensure within the past five years  
44           in another jurisdiction.

**"§ 90-809. 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 to practice as a naturopathic physician in another state or a Canadian province if both of the following conditions are met:

- (1) The standards for licensure in the state or province in which the naturopathic physician is licensed are substantially equivalent to those provided in this act.
- (2) The applicant provides proof of licensure in good standing in all states and provinces in which the applicant has been licensed.

**"§ 90-810. Fees.**

The Board may impose the following fees:

- |     |  |                 |
|-----|--|-----------------|
| (1) | <u>Application and examination</u>   | <u>\$100.00</u> |
| (2) | <u>License</u>   | <u>\$600.00</u> |
| (3) | <u>License renewal</u>   | <u>\$400.00</u> |
| (4) | <u>Late renewal</u>  | <u>\$200.00</u> |
| (5) | <u>Reinstatement</u>   | <u>\$1,000</u>  |
| (6) | <u>Reasonable charges for duplication services and material.</u>   |                 |
| (7) | <u>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.</u> |                 |

**"§ 90-811. Disciplinary authority.**

(a) Authority. – The Board may deny, suspend, revoke, or refuse to issue or renew a license if the licensee or applicant:

- (1) Engages in any act or practice in violation of any of the provisions of this act or of any of the rules adopted by the Board, or aids, abets, or assists any other person in the violation of these provisions or rules.
- (2) Gives false information to or withholds information from the Board in procuring or attempting to procure a license.
- (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 physician or that indicates the person has deceived or defrauded the public. A felony conviction shall result in the automatic revocation of a license issued by the Board unless the Board determines otherwise pursuant to rules adopted by the Board.
- (4) Has been declared mentally incompetent by a court of competent jurisdiction.
- (5) Habitually uses or is addicted to drugs or intoxicating liquors to an extent that affects his or her professional competency. If a licensee violates this subdivision, the Board may require the licensee to undergo a mental or physical examination by physicians designated by the Board before or after the licensee has been charged. The results of the examination shall be admissible as evidence in a hearing before the Board.



- 1           (6) Has demonstrated gross negligence, incompetency, or misconduct in  
2 the performance of naturopathic medical treatment.  
3           (7) Has had a license denied, restricted, revoked, or suspended by another  
4 state or jurisdiction.  
5           (8) Fails to consent to a criminal history record check.  
6           (9) Fails to respond, within a reasonable time, to inquiries from the Board  
7 concerning any matter affecting the individual's license to practice  
8 naturopathic medicine.  
9           (10) Fails to complete continuing education requirements within the time  
10 prescribed.

11           (b) Hearing. – Denial, refusal to renew, suspension, or revocation of a license, or  
12 imposition of probationary conditions upon a licensee may be ordered by the Board  
13 after a hearing held in accordance with Article 3A of Chapter 150B of the General  
14 Statutes and rules adopted pursuant to this act. An application may be made to the Board  
15 for reinstatement of a revoked license if the revocation has been in effect for not less  
16 than two years.

17           (c) Confidential Information. – The Board may release confidential or nonpublic  
18 information about a licensee to any health care licensure board in this State or another  
19 state relating to the issuance, denial, suspension, revocation, or voluntary surrender of  
20 the license, including the reasons for the action or any investigative report prepared by  
21 the Board. The Board shall notify the naturopathic physician within 60 days after the  
22 information is released. The Board shall furnish to the naturopathic physician a  
23 summary of the information being released. However, if the naturopathic physician  
24 requests, in writing, within 30 days from the date of notice, a copy of the information  
25 being released, the Board shall give to the naturopathic physician a copy of all the  
26 information being released. Notice or copies shall not be provided by the Board if the  
27 information relates to an ongoing criminal investigation by a law enforcement agency or  
28 any Department of Health and Human Services personnel with enforcement or  
29 investigative responsibilities.

30 **"§ 90-812. Criminal history record check of applicants and licensees.**

31           (a) Criminal History Record Check. – The Board may require a criminal history  
32 record check for a person who is either licensed under this act or applying for licensure  
33 under this act. The Board is responsible for providing to the North Carolina Department  
34 of Justice the fingerprints of the person to be checked, a form signed by the person  
35 consenting to the criminal record check and the use of fingerprints and other identifying  
36 information required by the State or National Repositories, and any additional  
37 information required by the Department of Justice. The Board shall keep all information  
38 obtained pursuant to this section confidential.

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

- 42           (1) The level of seriousness of the crime.  
43           (2) The date of the crime.  
44           (3) The age of the person at the time of the conviction.

- 1           (4)   The circumstances surrounding the commission of the crime, if known.
- 2           (5)   The nexus between the criminal conduct of the person and the job
- 3               duties of the position to be filled.
- 4           (6)   The person's prison, jail, probation, parole, rehabilitation, and
- 5               employment records since the date the crime was committed.
- 6           (7)   The subsequent commission by the person of a crime.

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

15       (d)   Limited Immunity. – The Board, its officers and employees, acting in good  
16 faith and in compliance with this section, shall be immune from civil liability for its  
17 actions based on information provided in a person's criminal history record check.

18   **"§ 90-813. Reports; immunity from suit.**

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

26       (b)   Immunity. – The Board and its staff are immune from any criminal  
27 prosecution or civil liability for exercising, in good faith, the powers and duties given to  
28 the Board under this act.

29   **"§ 90-814. Third-party reimbursement.**

30       Nothing in this act shall be construed to require direct third-party reimbursement to  
31 persons licensed under this act.

32   **"§ 90-815. Advisory Council.**

33       (a)   Created. – An Advisory Council is created to advise the Board and to develop  
34 recommendations to foster coordination and collaboration between naturopathic  
35 physicians, medical doctors, and other health professionals for the purpose of providing  
36 appropriate care for patients. The Council must meet periodically and report its  
37 recommendations to the Naturopathic Medicine Licensing Board and the boards of  
38 directors for the North Carolina Medical Society and the North Carolina Association of  
39 Naturopathic Physicians.

40       (b)   Membership. – The Advisory Council consists of the following six members:

- 41           (1)   Two licensed physicians appointed by the North Carolina Medical
- 42               Society.
- 43           (2)   Two licensed naturopathic physicians appointed by the North Carolina
- 44               Association of Naturopathic Physicians.

1           (3) One licensed pharmacist or pharmacologist appointed by the North  
2           Carolina Association of Pharmacists.

3           (4) One licensed advanced practice registered nurse appointed by the  
4           North Carolina Nursing Association.

5           (b) General Administration. – Each member is appointed for a term of two years  
6 beginning January 1. A member serves until a successor is appointed. The members of  
7 the Advisory Council may elect a chairperson by a majority vote. Advisory Council  
8 members may not receive compensation for their services, but may receive  
9 reimbursement as provided in G.S. 93B-5."

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

12           "(c) The following shall not constitute practicing medicine or surgery as defined  
13 in subsection (b) of this section:

14           ...

15           (20) The practice of naturopathic medicine by a licensed naturopathic  
16 physician under the provisions of Article 42 of this Chapter."

17           **SECTION 3.** Part 2 of Article 4 of Chapter 114 of the General Statutes is  
18 amended by adding a new section to read:

19 **"§ 114-19.20. Criminal record checks for naturopathic physicians.**

20           (a) The Department of Justice may provide to the North Carolina Naturopathic  
21 Medicine Licensing Board from the State and National Repositories of Criminal  
22 Histories the criminal history of an applicant for licensure by the Board or a licensee of  
23 the Board. The Judicial Department shall provide to the Department of Justice, along  
24 with the request, the fingerprints of the applicant or licensee, a form signed by the  
25 applicant or licensee consenting to the criminal record check and use of fingerprints and  
26 other identifying information required by the State and National Repositories, and any  
27 additional information required by the Department of Justice. The fingerprints of the  
28 applicant or licensee shall be forwarded to the State Bureau of Investigation for a search  
29 of the State's criminal history record file, and the State Bureau of Investigation shall  
30 forward a set of fingerprints to the Federal Bureau of Investigation for a national  
31 criminal history record check. The Judicial Department shall keep all information  
32 obtained pursuant to this section confidential.

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

36           **SECTION 4.** Notwithstanding the provisions of G.S. 90-806, the initial  
37 naturopathic physicians appointed to the North Carolina Naturopathic Physicians  
38 Licensing Board must be eligible for licensure under G.S. 90-808 and, upon  
39 appointment, must immediately apply for a license.

40           **SECTION 5.** This act is effective when it becomes law.