8/8/2019 Naturopathic Rules Draft
IDAPA _______ TITLE 01 CHAPTER ________
RULES FOR THE LICENSURE OF NATUROPATHIC MEDICAL DOCTORS

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000. LEGAL AUTHORITY. Pursuant to Section 54-5104(2), Idaho Code, the Idaho State Board
of Medicine is authorized to promulgate rules to implement provisions of the Naturopathic
Medicine Act.

001. TITLE AND SCOPE. These rules shall be cited as IDAPA?, “Rules for the Licensure of
Naturopathic Medical Doctors.”

002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES. Written interpretations of these
rules in the form of explanatory comments accompanying the notice of proposed rulemaking
that originally proposed the rules and review of comments submitted in the rulemaking process
in the adoption of these rules are available for review and copying at cost from the Board of
Medicine, 345 West Bobwhite Court, Suite 150, Boise, Idaho 83706.

003. ADMINISTRATIVE APPEAL. All contested cases shall be governed by the provisions of
IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General,” and IDAPA
22.01.07, “Rules of Practice and Procedure of the Board of Medicine.”
004. PUBLIC RECORD ACT COMPLIANCE. These rules have been adopted in accordance with Title 67, Chapter 52, Idaho Code, and are public records.

005. INCORPORATION BY REFERENCE. There are no documents incorporated by reference into this rule.

006. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS. The central office of the Board shall be in Boise, Idaho. The Board’s mailing address, unless otherwise indicated, shall be Idaho State Board of Medicine, Statehouse Mail, Boise, Idaho 83720. The Board’s street address is 345 W. Bobwhite Court, Suite 150, Boise, Idaho 83706. The telephone number of the Board is (208) 327-7000. The Board’s facsimile (FAX) number is (208) 377-7005. The Board’s website is www.bom.idaho.gov. The Board’s office hours for filing documents are 8:00 a.m. to 5:00 p.m.

007. FILING OF DOCUMENTS -- NUMBER OF COPIES. All documents in rulemaking or contested case proceedings must be filed with the office of the Board. The original and one (1) electronic copy of all documents must be filed with the office of the Board.

008. SEVERABILITY. The sections and subsections of these administrative rules are presumed severable unless specifically provided to the contrary. If any rule, or part thereof, or the application of such rule to any person or circumstance is declared invalid, that invalidity does not affect the validity of any remaining portion.

009. LICENSURE NATUROPATHIC MEDICAL BOARD APPOINTMENTS. Appointments to the naturopathic medical board shall be made by the Board of Medicine, pursuant to Idaho Code § 54-5104. For the initial board a medical doctor and a naturopathic medical doctor shall be appointed for a 2-year term, a public member and naturopathic medical doctor shall be appointed for a 3-year term, and a naturopathic medical doctor shall be appointed for a 4-year term. Thereafter, all naturopathic medical board terms shall be for three years each.

010. DEFINITIONS.

01. Board. The Idaho Board of Medicine.

02. Licensure Board. The Naturopathic Medical Board.

03. Council on Naturopathic Medical Education or “CNME” means the accrediting organization that is recognized by the United States Department of Education as the accrediting agency for education programs that prepare naturopathic medical doctors.

04. North American Board of Naturopathic Examiners or “NABNE” is the independent, nonprofit organization that qualifies applicants to take the Naturopathic Physicians Licensing Exam and submits those results to the regulatory authority.

05. Naturopathic Physicians Licensing Exam or “NPLEX” is the board examination for naturopathic medical doctors.
06. Naturopathic Medical Doctor. A person who meets all of the requirements of and is licensed under the provisions of the definition in Section 54-5101(5), Idaho Code, Title 54, Chapter 51, Idaho Code, to engage in the practice of naturopathic medicine as set forth in Section 54-5102, Idaho Code. Licensed naturopathic physician, physician of naturopathic medicine, naturopathic medical doctor and NMD are interchangeable terms.

07. Primary Care is comprehensive first contact and/or continuing care for persons with any sign, symptom, or health concern not limited by problem of origin, organ system, or diagnosis. It includes health promotion, disease prevention, health maintenance, counseling, patient education, diagnosis and treatment of acute and chronic illness. It includes collaborating with other health professionals and utilizing consultation or referral as appropriate.

011-019. (RESERVED)

020. GENERAL QUALIFICATIONS FOR LICENSURE.
Requirements for licensure and renewal are found in Title 54, Idaho Code, IDAPA 22.01.05, and on Board approved forms.

01. Applicant. An applicant must be of good moral character and shall meet the requirements set forth in Section 54-5106, Idaho Code. The Board may refuse licensure if it finds the applicant has engaged in conduct prohibited by Section 54-5109, Idaho Code, provided, the Board shall take into consideration the rehabilitation of the applicant and other mitigating circumstances.

03. Application Expiration. An application upon which the applicant takes no further action will be held for no longer than one (1) year.

021. APPLICATION FOR LICENSURE.

01. Application. Each applicant for licensure shall submit a completed written application to the board on forms prescribed by the board, together with the nonrefundable application fee. Any certificate or document required to be submitted to the board which is not in the English language must be accompanied by a certified translation thereof into English. The application shall be verified and under oath and shall require the following information:
   a. Verification of successful completion of a naturopathic medical program approved or accredited by the Council on Naturopathic Medical Education or its successor.

02. Licensing examinations. b. Certification of passing Each applicant must provide certification of passing the following 4 NPLEX exams:
   i. Part I Biomedical Science
   ii. Part II Core Clinical Science
   iii. Part II Clinical Elective Minor Surgery
   iv. Part II Clinical Elective Pharmacology. The Director may waive the NPLEX Pharmacology exam requirement if a newly endorsed naturopathic physician can show that they have substantial experience in prescribing prescription medicines under the laws of another jurisdiction that has standards and qualifications for a naturopathic physician to
prescribe prescription medications at least equal to those required under these rules.

e. The disclosure of any criminal convictions, criminal charges or guilty pleas against the applicant other than minor traffic offenses;

d. The disclosure of any disciplinary action against the applicant by any state professional regulatory agency, medical school, hospital, or professional organization;

e. The disclosure of the denial of registration or licensure by any state or district regulatory body;

f. The current mental or physical condition of the applicant if that condition may impact the applicant’s ability to practice naturopathic medicine safely;

g. No fewer than two (2) certificates of recommendation from persons having known the applicant professionally for at least one year.

h. Two (2) unmounted photographs of the applicant, no larger than three inches by four inches (3” x 4”) (head and shoulders), taken not more than one (1) year prior to the date of the application;

i. A certified copy of a full set of the applicant’s fingerprints on forms supplied by the board which shall be forwarded to the Idaho Department of Law Enforcement and to the FBI Identification Division for the purpose of a fingerprint-based criminal history check of the Idaho Central Criminal Data database and the Federal Bureau of Investigation criminal history database;

j. A copy of the applicant’s birth certificate or current passport; and

k. Such other information as deemed necessary for the Board to identify and evaluate the applicant’s credentials and competency.

02. Personal Interview. The licensure board may, at its discretion, require the applicant to appear for a personal interview. This interview shall be limited to a review of the applicant’s qualifications and professional credentials.

022. LICENSE EXPIRATION AND RENEWAL.

01. License Expiration. Each license to practice naturopathic medicine shall be issued for a period not to exceed two (2) years.

02. Renewal. Each license to practice naturopathic medicine may be renewed prior to its expiration date by the payment of a renewal fee to the Board and by completion of a renewal form provided by the Board. To be eligible for renewal, a licensee must provide both a current mail and e-mail address to the Board and must notify the Board of any change of mail or e-mail address prior to the renewal period. Licenses not renewed by their expiration date shall will be canceled.

03. Reinstatement. Licenses canceled for nonpayment of renewal fees may be reinstated by filing a reinstatement application on forms prescribed by the Board and upon payment of a reinstatement fee and applicable renewal fees. If an applicant for reinstatement has not been in active medical practice for a period exceeding one (1) year, the licensure naturopathic medical
board may inquire further into the applicant’s qualifications and request that the applicant complete a re-entry plan acceptable to the licensure naturopathic medical board.

023. Inactive License

01. Issuance of Inactive License. Any applicant who is eligible to be issued a license to practice naturopathic medicine may be issued, upon request, an inactive license to practice naturopathic medicine on the condition that they will not engage in the practice of naturopathic medicine in this state. An inactive license fee shall be collected by the licensing board.

02. Inactive License Renewal. Inactive licenses shall be issued for a period of not more than five (5) years and such licenses may be renewed upon the payment of an inactive license renewal fee. The inactive license certificate shall set forth its date of expiration.

03. Inactive to Active License. An inactive license may be converted to an active license to practice naturopathic medicine by application to the licensure naturopathic medical board and payment of the required fees. Before the license will be converted, the applicant must account for the time during which an inactive license was held. The licensure naturopathic medical board may, in its discretion, require a personal interview.

024. Authority to Prescribe, Dispense, Administer, and Order

Naturopathic medical doctors shall be allowed to prescribe, dispense, administer, and order the following:

1. Laboratory and Diagnostic Procedures: Naturopathic medical doctors licensed under this chapter may perform and order physical examinations, laboratory tests, imaging, and other diagnostic tests consistent with primary care.
   a. All examinations, laboratory, and imaging tests not consistent with primary care shall be referred to an appropriately licensed health care professional for treatment and interpretation.
   b. Any test result or lesion suspicious of malignancy shall be referred to the appropriate physician licensed pursuant to Chapter 18, Title 54 Idaho Code.

2. Naturopathic Formulary
   a. The formulary for naturopathic medical doctors licensed under this chapter consists of non-controlled legend medications (excluding testosterone) deemed appropriate for the primary health care of patients within the scope of practice and training of each naturopathic medical doctor. Prescribing pursuant to the Naturopathic Formulary shall be according to the standard of health care provided by other qualified naturopathic medical doctors in the same community or similar communities, taking into account their training, experience and the degree of expertise to which they hold themselves out to the public.
   b. Formulary Exclusions: the naturopathic formulary does not include:
      i. Scheduled, controlled drugs, except for testosterone used in physiologic doses with regular lab assessment for hormone replacement therapy, gender dysphoria, or hypogonadism.
      ii. General anesthetics,
iii. Blood derivatives except for platelet rich plasma;
iv. Systemic antineoplastic agents, except for the following antineoplastic agents used orally or topically for non-cancer purposes:
   5FU
   Anastrozole
   Letrozole

025. -- 031. (RESERVED)

032. GROUNDS FOR DISCIPLINE OR DENIAL OF A LICENSE.

01. Disciplinary Authority. A new or renewal application may be denied or a license may be suspended or revoked by the Board, and every person licensed pursuant to Title 54, Chapter 51, Idaho Code and these rules is subject to disciplinary actions or probationary conditions pursuant to the procedures and powers established by and set forth in Section 54-5105, Idaho Code, IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General,” and IDAPA 22.01.07, “Rules of Practice and Procedure of the Board of Medicine.”

02. Grounds for Discipline. In addition to statutory grounds for discipline set forth in Section 54-5109, Idaho Code, every person licensed as a naturopathic medical doctor is subject to discipline by the Board under the following grounds:
a. Being guilty of unprofessional conduct, including the provision of care which fails to meet the standard of care provided by other qualified naturopathic medical doctors within the state of Idaho.
b. Violating any provisions of this act or any of the rules promulgated by the Board under the authority of the act.
c. Being convicted of a crime which has or may have a direct and adverse bearing on the licensee’s ability to practice naturopathic medicine with reasonable skill and safety;
d. Demonstrating a manifest incapacity to carry out the functions of the licensee’s ability to practice naturopathic medicine or deemed unfit by the Board to practice naturopathic medicine;
e. Using any controlled substance or alcohol in a manner which has or may have a direct and adverse bearing on the licensee’s ability to practice naturopathic medicine with reasonable skill and safety;
f. Misrepresenting educational or experience attainments;
g. Failing to maintain adequate naturopathic medical records. Adequate naturopathic medical records mean legible records that contain subjective information, an evaluation or report of objective findings, assessment or diagnosis, and the plan of care;
h. Practicing in an area of naturopathic medicine for which the licensee is not trained;
i. Committing any act of sexual contact, misconduct, exploitation, or intercourse with a patient or former patient or related to the licensee’s practice of naturopathic medicine:
   i. Consent of the patient shall not be a defense;
   ii. Subsection 032.02 does not apply to sexual contact between a naturopathic medical doctor and the naturopathic medical doctor’s spouse or a person in a domestic relationship who is also a patient;
   iii. A former patient includes a patient for whom the naturopathic medical doctor has provided naturopathic medical services within the last twelve (12) months; Sexual or romantic
relationships with former patients beyond that period of time may also be a violation if the naturopathic medical doctor uses or exploits the trust, knowledge, emotions or influence derived from the prior professional relationship with the patient;
j. Failing to report to the Board any known act or omission of a licensee, applicant, or any other person, that violates any of the rules promulgated by the Board under the authority of the act;
k. Interfering with an investigation or disciplinary proceeding by willful misrepresentation of facts or by use of threats or harassment against any patient, Board or licensure-naturopathic medical board, Board staff, hearing officer, or witness in an attempt to influence the outcome of a disciplinary proceeding, investigation or other legal action;
l. Failing to obey federal and local laws and rules governing the practice of naturopathic medicine; or
m. Failing to be lawfully present in the United States.

033. DISCIPLINARY SANCTIONS.
01. Sanctions. As stated in Section 54-5105, Idaho Code, if grounds for discipline are found to exist, the Board, upon the recommendation of the licensure board, or upon its own motion may issue an order to:
a. Revoke the naturopathic medical doctor’s license to practice naturopathic medicine;
b. Suspend or restrict the naturopathic medical doctor’s license to practice naturopathic medicine; and/or
c. Impose conditions or probation upon the naturopathic medical doctor’s license to practice naturopathic medicine.

034. CONTINUING MEDICAL EDUCATION (CME) REQUIRED.

01. Renewal. Every two years, a total of 48 hours (20 of which is pharmacology) of Board-approved CME is required as part of the naturopathic medical doctor’s license renewal.

02. Verification of Compliance: Licensees shall must, at license renewal, provide a signed statement to the Board indicating compliance. The board, in its discretion, may require such additional evidence as it is necessary to verify compliance.

035. -- 040. (RESERVED)

041. FEES (WILL BECOME A FEE -- TABLE). Nonrefundable fees are as follows:

<table>
<thead>
<tr>
<th>Fees -- Table</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licensure Fee</td>
</tr>
<tr>
<td>Annual License Renewal Fee</td>
</tr>
<tr>
<td>Reinstatement Fee</td>
</tr>
<tr>
<td>Inactive License Renewal Fee</td>
</tr>
<tr>
<td>Duplicate Wallet License Fee</td>
</tr>
</tbody>
</table>
Duplicate Wall License Fee | Not more than $50

01. Licensure Fee: Shall not be more than $600
02. Renewal of License to Practice Naturopathic Medicine Fee: Not more than $300
03. Reinstatement Licensure Fee: Not more than $200
04. Inactive License Renewal Fee: Not more than $100
05. Duplicate Wallet License: Not more than $20
06. Duplicate Wall License: Not more than $50
07. Administrative Fees for Services: Shall be billed on the basis of time and cost.
08. Application Fees: Necessary fees shall accompany applications.
09. Extraordinary Expenses: In situations where the processing of an application or a change in status requires extraordinary expenses, the Board will charge the applicant with reasonable fees to cover all the extraordinary expenses.

042. – 999. Reserved