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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 1724

March 5, 2007

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The bill was read for the first time and referred to the Committee on Health and Human Services

1.1 A bill for an act
1.2 relating to health; providing for licensing of naturopathic doctors; providing
1.3 criminal penalties; amending Minnesota Statutes 2006, sections 116J.70,
1.4 subdivision 2a; 144.335, subdivision 1; 145.61, subdivision 2; 146.23,
1.5 subdivision 7; 148B.60, subdivision 3; 151.01, subdivision 23; 214.23,
1.6 subdivision 1; 604A.01, subdivision 2; 604A.015; proposing coding for new law
1.7 as Minnesota Statutes, chapter 147E.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 ARTICLE 1
1.10 GENERAL

1.11 Section 1. [147E.01] DEFINITIONS.

1.12 Subdivision 1. **Applicability.** The definitions in this section apply to this chapter.

1.13 Subd. 2. **Advisory council.** "Advisory council" means the Licensed Naturopathic
1.14 Doctor Advisory Council established under section 147E.35.

1.15 Subd. 3. **Approved naturopathic medical program.** "Approved naturopathic
1.16 medical program" means a naturopathic medical education program in the United States
1.17 or Canada that meets board approval and meets the requirements for accreditation by
1.18 the Council on Naturopathic Medical Education (CNME) or an equivalent federally
1.19 recognized accrediting body for the naturopathic medical profession recognized by the
1.20 board. This program must offer graduate-level full-time didactic and supervised clinical
1.21 training leading to the degree of Doctor of Naturopathy or Doctor of Naturopathic
1.22 Medicine. The program must be an institution, or part of an institution, of higher education
1.23 that at the time the student completes the program is:

1.24 (1) either accredited or is a candidate for accreditation by a regional institution
1.25 accrediting agency recognized by the United States Secretary of Education; or

2.1 (2) a degree granting college or university that prior to the existence of CNME
2.2 offered a full-time structured curriculum in basic sciences and supervised patient care
2.3 comprising a doctoral naturopathic medical education that is at least 132 weeks in
2.4 duration, must be completed in at least 35 months, and is reputable and in good standing
2.5 in the judgment of the board.

2.6 Subd. 4. **Board.** "Board" means the Board of Medical Practice or its designee.

2.7 Subd. 5. **Contact hour.** "Contact hour" means an instructional session of 50
2.8 consecutive minutes, excluding coffee breaks, registration, meals without a speaker, and
2.9 social activities.

2.10 Subd. 6. **Homeopathic preparations.** "Homeopathic preparations" means
2.11 medicines prepared according to the Homeopathic Pharmacopoeia of the United States.

2.12 Subd. 7. **Licensed naturopathic doctor.** "Licensed naturopathic doctor" means a
2.13 person authorized and licensed to practice naturopathic medicine under this chapter.

2.14 Subd. 8. **Minor office procedures.** "Minor office procedures" means the use
2.15 of operative, electrical, or other methods for the surgical repair and care incidental to
2.16 superficial lacerations and abrasions, superficial lesions, and the removal of foreign
2.17 bodies located in the superficial tissues and the use of antiseptics and local anesthetics
2.18 in connection with such methods, except that it shall not include general or spinal
2.19 anesthetics, major surgery, surgery of the body cavities, or specialized surgeries such as
2.20 plastic surgery, surgery involving the eye, or surgery when tendons are involved.

2.21 Subd. 9. **Naturopathic childbirth.** "Naturopathic childbirth" means natural
2.22 childbirth which includes the use of natural obstetrical medicines, ophthalmic antibiotics,
2.23 obstetrical emergency medicines, and minor office procedures including episiotomies and
2.24 repair of first and second degree perineal tears, but which does not include the use of
2.25 forceps delivery, general or spinal anesthesia, or cesarean section.

2.26 Subd. 10. **Naturopathic licensing examination.** "Naturopathic licensing
2.27 examination" means the Naturopathic Physicians Licensing Examination or its successor
2.28 administered by the North American Board of Naturopathic Examiners or its successor as
2.29 recognized by the board.

2.30 Subd. 11. **Naturopathic medicine.** "Naturopathic medicine" means a system
2.31 of primary health care practiced by licensed naturopathic doctors for the prevention,
2.32 diagnosis, and treatment of human health conditions, injuries, and diseases that uses:

2.33 (1) medical diagnostics and treatments as described in section 147E.05; and

2.34 (2) natural health procedures and treatments that do not require licensure as defined
2.35 in chapter 146A.

3.1 Subd. 12. **Naturopathic physical medicine.** "Naturopathic physical medicine"
 3.2 includes, but is not limited to, the therapeutic use of the physical agents of air, water,
 3.3 heat, cold, sound, light, and electromagnetic nonionizing radiation and the physical
 3.4 modalities of electrotherapy, diathermy, ultraviolet light, ultrasound, hydrotherapy,
 3.5 massage, stretching, colon hydrotherapy, frequency specific microcurrent, electrical
 3.6 muscle stimulation, transcutaneous electrical nerve stimulation, and therapeutic exercise.

3.7 **Sec. 2. [147E.05] SCOPE OF PRACTICE.**

3.8 Subdivision 1. **Practice parameters.** (a) The practice of naturopathic medicine by a
 3.9 licensed naturopathic doctor includes the following services:

3.10 (1) ordering, administering, prescribing, or dispensing for preventive and therapeutic
 3.11 purposes: food, extracts of food, nutraceuticals, vitamins, minerals, amino acids,
 3.12 enzymes, botanicals and their extracts, botanical medicines, herbal remedies, homeopathic
 3.13 medicines, all dietary supplements and nonprescription drugs as defined by the federal
 3.14 Food, Drug, and Cosmetic Act, glandulars, protomorphogens, lifestyle counseling,
 3.15 hypnotherapy, biofeedback, dietary therapy, electrotherapy, ultrasound, galvanic therapy,
 3.16 naturopathic physical medicine, oxygen, therapeutic devices, barrier devices for
 3.17 contraception, and minor office procedures;

3.18 (2) performing or ordering for diagnostic purposes physical and orificial
 3.19 examinations, electrocardiograms, ultrasound, phlebotomy, clinical laboratory tests and
 3.20 examinations, and physiological function tests;

3.21 (3) ordering diagnostic imaging studies including x-ray, ultrasound, mammogram,
 3.22 bone densitometry, and referring the studies to an appropriately licensed health care
 3.23 professional to conduct the study and interpret the results;

3.24 (4) prescribing nonprescription medications and therapeutic devices or ordering
 3.25 noninvasive diagnostic procedures commonly used by physicians in general practice;

3.26 (5) utilizing routes of administration that include oral, nasal, auricular, ocular, rectal,
 3.27 vaginal, transdermal, intradermal, subcutaneous, intravenous, and intramuscular;

3.28 (6) prescribing or performing naturopathic physical medicine; and

3.29 (7) prescribing all legend and schedule III, IV, and V controlled substances.

3.30 (b) A licensed naturopathic doctor may prescribe any of the following:

3.31 (1) hormones, including human growth hormone; thyroid hormones, including
 3.32 synthetics, armour, T3 and T4; natural estrogens; progesterone; testosterone;
 3.33 dehydroepiandrosterone (DHEA); pregnenolone; hydrocortisone; adrenocorticotrophic
 3.34 hormone (ACTH); and oxytocin;

3.35 (2) prostaglandins;

- 4.1 (3) silver nitrate;
- 4.2 (4) lidocaine;
- 4.3 (5) birth control pills and contraceptive barrier devices;
- 4.4 (6) antibiotics, including penicillins, cephalosporins, macrolides, tetracyclines,
- 4.5 quinolones, nitrofurantoin, clindamycin, trimethoprim, cotrimoxazole, fosfomycin, and
- 4.6 linezolid;
- 4.7 (7) antifungals, including nystatin and azoles;
- 4.8 (8) antiparasitics;
- 4.9 (9) antidiarrheals;
- 4.10 (10) diuretics;
- 4.11 (11) epinephrine;
- 4.12 (12) procaine;
- 4.13 (13) medications used to treat diabetes, including insulins, sulfonylureas,
- 4.14 meglitinides, thiazolidinediones, alpha-glucosidase inhibitors, and biguanides;
- 4.15 (14) oxygen;
- 4.16 (15) antihistamines;
- 4.17 (16) short-acting beta-2 agonists including albuterol;
- 4.18 (17) mast cell stabilizers including cromolyn sodium;
- 4.19 (18) selective estrogen receptor modifiers;
- 4.20 (19) bisphosphonates;
- 4.21 (20) heavy metal therapies: EDTA, DMPS, and penicillamine;
- 4.22 (21) nootropic drugs, including hydergine (ergoloid mesylate), selegiline, piracetam,
- 4.23 and bromocriptine; and
- 4.24 (22) nonhemorrhagic drugs.

4.25 **Subd. 2. Prohibitions on practice.** (a) The practice of naturopathic medicine

4.26 does not include:

- 4.27 (1) administering therapeutic ionizing radiation or radioactive substances;
- 4.28 (2) administering general or spinal anesthesia;
- 4.29 (3) prescribing, dispensing, or administering schedule II controlled substances,
- 4.30 including chemotherapeutic substances;
- 4.31 (4) performing major surgery, plastic surgery, or specialized surgeries; or
- 4.32 (5) performing or inducing abortions.

4.33 (b) A naturopathic physician licensed under this chapter shall not perform surgical

4.34 procedures using a laser device or perform surgical procedures involving the eye, ear,

4.35 tendons, nerves, veins, or arteries extending beyond superficial tissue. A naturopathic

4.36 physician shall not practice or claim to practice as a medical doctor, osteopath, dentist,

5.1 podiatrist, optometrist, psychologist, advanced practice professional nurse, physician
5.2 assistant, chiropractor, physical therapist, acupuncturist, or any other health care
5.3 professional, unless the naturopathic physician also holds a license for another health
5.4 care practice profession.

5.5 **Sec. 3. [147E.06] PROFESSIONAL CONDUCT.**

5.6 Subdivision 1. **Informed consent.** The licensee shall obtain informed consent from
5.7 the patient prior to initiating treatment and after advising the patient of the licensee's
5.8 qualifications including education, license information, and outline of the scope of practice
5.9 of licensed naturopathic doctors in Minnesota. This information must be supplied to
5.10 the patient in writing before or at the time of the initial visit. The licensee shall present
5.11 treatment facts and options accurately to the patient or to the individual responsible for
5.12 the patient's care and make treatment recommendations according to standards of good
5.13 naturopathic medical practice.

5.14 Subd. 2. **Patient records.** (a) A licensed naturopathic doctor shall maintain a record
5.15 for seven years for each patient treated, including:

5.16 (1) a copy of the informed consent;

5.17 (2) evidence of a patient interview concerning the patient's medical history and
5.18 current physical condition;

5.19 (3) evidence of an examination and diagnosis;

5.20 (4) record of the treatment; and

5.21 (5) evidence of evaluation and instructions given to the patient, including
5.22 acknowledgment by the patient in writing that, if deemed necessary by the licensed
5.23 naturopathic doctor, the patient has been advised to consult with another health care
5.24 provider.

5.25 (b) A licensed naturopathic doctor shall maintain the records of minor patients for
5.26 seven years or until the minor's 19th birthday, whichever is longer.

5.27 Subd. 3. **Data practices.** Data maintained on a naturopathic patient by a licensee is
5.28 subject to section 144.335.

5.29 Subd. 4. **State and municipal public health regulations.** A licensed naturopathic
5.30 doctor shall comply with all applicable state and municipal requirements regarding
5.31 public health.

5.32 **Sec. 4. [147E.10] LICENSURE.**

6.1 Subdivision 1. **Licensure required.** After July 1, 2006, persons who practice
6.2 naturopathic medicine, or represent themselves as practicing naturopathic medicine by use
6.3 of a term in subdivision 2, shall conspicuously display the license in the place of practice.

6.4 Subd. 2. **Designation.** No individual may use the title "licensed naturopathic
6.5 doctor," "naturopathic doctor," "doctor of naturopathic medicine," or use, in connection
6.6 with the individual's name, the letters "N.D." and "L.N.D.," or any other titles, words,
6.7 letters, abbreviations, or insignia indicating or implying that the individual is eligible for
6.8 licensure by the state as a licensed naturopath or a licensed naturopathic doctor unless the
6.9 individual has been licensed as a licensed naturopathic doctor according to this chapter.

6.10 Subd. 3. **Other health care practitioners.** (a) Nonphysician individuals practicing
6.11 in a health care occupation or profession are not restricted in the provision of services
6.12 included in section 147E.05, as long as they do not hold themselves out as licensed
6.13 naturopathic doctors by or through the use of the titles provided in subdivision 2 in
6.14 association with the provision of these services.

6.15 (b) Nothing in this chapter may be construed to prohibit or to restrict:

6.16 (1) the practice of a profession by individuals who are licensed, certified, or
6.17 registered under other laws of this state and are performing services within their authorized
6.18 scope of practice;

6.19 (2) the practice of naturopathic medicine by an individual licensed in another state
6.20 and employed by the government of the United States while the individual is engaged in
6.21 the performance of duties prescribed by the laws and regulations of the United States;

6.22 (3) the practice by a naturopathic physician duly licensed in another state, territory,
6.23 or the District of Columbia when incidentally called into this state for consultation with a
6.24 Minnesota licensed physician or Minnesota licensed naturopathic doctor;

6.25 (4) the practice of naturopathic medicine by students enrolled in an approved
6.26 naturopathic medical college if the performance of services is according to a course of
6.27 instruction or assignments from, and under the supervision of an instructor who is a
6.28 licensed physician, osteopath, chiropractor, or naturopathic doctor;

6.29 (5) an individual rendering aid in an emergency, when no fee or other consideration
6.30 for the service is charged, received, expected, or contemplated;

6.31 (6) an individual administering a remedy to a family member;

6.32 (7) a person engaged in the sale of vitamins, health foods, dietary supplements, and
6.33 other products of nature, the sale of which is not otherwise prohibited under state or
6.34 federal law except that this clause does not:

6.35 (i) allow that person to diagnose any human disease, ailment, injury, infirmity,
6.36 deformity, or other condition; or

7.1 (ii) prohibit providing truthful and nonmisleading information regarding anything
7.2 in this chapter;

7.3 (8) a person engaged in good faith in the practice of religious tenets of any religious
7.4 belief, without the use of prescription drugs;

7.5 (9) a person acting in good faith for religious reasons as a matter of conscience or as
7.6 a personal belief when obtaining or providing information regarding health care and the
7.7 use of any product under clause (7); and

7.8 (10) persons not licensed by this chapter from the use of individual modalities
7.9 which comprise the practice of naturopathic medicine, such as the use of nutritional
7.10 supplements, herbs, foods, homeopathic preparations, and physical forces such as heat,
7.11 cold, water, touch, and light.

7.12 Subd. 4. **Penalty.** A person violating subdivision 2 is guilty of a gross misdemeanor.

7.13 **Sec. 5. [147E.15] LICENSURE REQUIREMENTS.**

7.14 Subdivision 1. **General requirements for licensure.** To be eligible for licensure,
7.15 an applicant must:

7.16 (1) submit a completed application on forms provided by the board along with all
7.17 fees required under section 147E.40 that includes:

7.18 (i) the applicant's name, Social Security number, home address and telephone
7.19 number, and business address and telephone number;

7.20 (ii) the name and location of the naturopathic medical program the applicant
7.21 completed;

7.22 (iii) a list of degrees received from other educational institutions;

7.23 (iv) a description of the applicant's professional training beyond the first degree
7.24 received;

7.25 (v) a list of registrations, certifications, and licenses held in other jurisdictions;

7.26 (vi) a description of any other jurisdiction's refusal to credential the applicant;

7.27 (vii) a description of all professional disciplinary actions initiated against the
7.28 applicant in any jurisdiction; and

7.29 (viii) any history of drug or alcohol abuse, and any misdemeanor or felony
7.30 conviction;

7.31 (2) submit a copy of a diploma from an approved naturopathic medical education
7.32 program;

7.33 (3) have successfully passed the Naturopathic Physicians Licensing Examination,
7.34 a competency-based national naturopathic licensing examination administered by the
7.35 North American Board of Naturopathic Examiners or successor agency as recognized

8.1 by the board; passing scores are determined by the Naturopathic Physicians Licensing
8.2 Examination;

8.3 (4) submit additional information as requested by the board, including providing
8.4 any additional information necessary to ensure that the applicant is able to practice with
8.5 reasonable skill and safety to the public;

8.6 (5) sign a statement that the information in the application is true and correct to the
8.7 best of the applicant's knowledge and belief; and

8.8 (6) sign a waiver authorizing the board to obtain access to the applicant's records
8.9 in this or any other state in which the applicant has completed an approved naturopathic
8.10 medical program or engaged in the practice of naturopathic medicine.

8.11 Subd. 2. **Licensure by endorsement; reciprocity.** (a) To be eligible for licensure
8.12 by endorsement or reciprocity, the applicant must hold a current naturopathic license in
8.13 another state, Canadian province, the District of Columbia, or territory of the United States,
8.14 whose standards for licensure are at least equivalent to those of Minnesota, and must:

8.15 (1) submit the application materials and fees as required by subdivision 1, clauses
8.16 (1), (2), and (4) to (6);

8.17 (2) have successfully passed either:

8.18 (i) the Naturopathic Physicians Licensing Examination; or

8.19 (ii) if prior to 1986, the state or provincial naturopathic board licensing examination
8.20 required by that regulating state or province;

8.21 (3) provide a verified copy from the appropriate government body of a current
8.22 license for the practice of naturopathic medicine in another jurisdiction that has initial
8.23 licensing requirements equivalent to or higher than the requirements in subdivision 1; and

8.24 (4) provide letters of verification from the appropriate government body in each
8.25 jurisdiction in which the applicant holds a license. Each letter must state the applicant's
8.26 name, date of birth, license number, date of issuance, a statement regarding disciplinary
8.27 actions, if any, taken against the applicant, and the terms under which the license was
8.28 issued.

8.29 (b) An applicant applying for license by endorsement must be licensed in another
8.30 state or Canadian province prior to January 1, 2005, and have completed a 60-hour course
8.31 and examination in pharmacotherapeutics.

8.32 Subd. 3. **Temporary license.** The board may issue a temporary license to practice
8.33 as a licensed naturopathic doctor to an applicant who is licensed in another state or
8.34 Canadian province and is eligible for licensure under this section, if the application for
8.35 licensure is complete, all applicable requirements in this section have been met, and
8.36 a nonrefundable fee has been paid. The temporary license remains valid only until the

9.1 meeting of the board at which time a decision is made on the licensed naturopathic
9.2 doctor's application for licensure.

9.3 Subd. 4. **Licensure expiration.** Licenses issued under this chapter expire annually.

9.4 Subd. 5. **Renewal.** (a) To be eligible for licensure renewal a licensee must:

9.5 (1) annually, or as determined by the board, complete a renewal application on a
9.6 form provided by the board;

9.7 (2) submit the renewal fee;

9.8 (3) provide evidence of a total of 25 hours of continuing education approved by the
9.9 board as described in section 147E.25; and

9.10 (4) submit any additional information requested by the board to clarify information
9.11 presented in the renewal application. The information must be submitted within 30 days
9.12 after the board's request, or the renewal request is nullified.

9.13 Subd. 6. **Change of address.** A licensee who changes addresses must inform
9.14 the board within 30 days, in writing, of the change of address. All notices or other
9.15 correspondence mailed to or served on a licensee by the board are considered as having
9.16 been received by the licensee.

9.17 Subd. 7. **Licensure renewal notice.** At least 45 days before the licensure renewal
9.18 date, the board shall send out a renewal notice to the last known address of the licensee
9.19 on file. The notice must include a renewal application and a notice of fees required for
9.20 renewal or instructions for online renewal. It must also inform the licensee that licensure
9.21 will expire without further action by the board if an application for licensure renewal is
9.22 not received before the deadline for renewal. The licensee's failure to receive this notice
9.23 does not relieve the licensee of the obligation to meet the deadline and other requirements
9.24 for registration renewal. Failure to receive this notice is not grounds for challenging
9.25 expiration of licensed status.

9.26 Subd. 8. **Renewal deadline.** The renewal application and fee must be postmarked
9.27 on or before December 31 of the year of renewal. If the postmark is illegible, the
9.28 application is considered timely if received by the third working day after the deadline.

9.29 Subd. 9. **Inactive status and return to active status.** (a) A licensee may be placed
9.30 in inactive status upon application to the board by the licensee and upon payment of an
9.31 inactive status fee.

9.32 (b) Licensees seeking restoration to active from inactive status must pay the current
9.33 renewal fees and all unpaid back inactive fees. They must meet the criteria for renewal
9.34 specified in subdivision 5, including continuing education hours.

10.1 (c) Licensees whose inactive status period has been five years or longer must
 10.2 additionally have a period of no less than eight weeks of advisory council-approved
 10.3 supervision by another licensed naturopathic doctor.

10.4 Subd. 10. **Licensing following lapse of licensed status for two years or less.** For
 10.5 any individual whose licensed status has lapsed for two years or less, to regain licensed
 10.6 status, the individual must:

10.7 (1) apply for licensure renewal according to subdivision 5;

10.8 (2) document compliance with the continuing education requirements of section
 10.9 147E.25 since the licensee's initial licensure or last renewal; and

10.10 (3) submit the fees required under section 147E.40 for the period not licensed,
 10.11 including the fee for late renewal.

10.12 Subd. 11. **Cancellation due to nonrenewal.** The board shall not renew, reissue,
 10.13 reinstate, or restore a license that has lapsed and has not been renewed within two annual
 10.14 licensure renewal cycles starting January 2007. A licensee whose license is canceled
 10.15 for nonrenewal must obtain a new license by applying for licensure and fulfilling all
 10.16 requirements then in existence for initial licensure as a licensed naturopathic doctor.

10.17 Subd. 12. **Cancellation of licensure in good standing.** (a) A licensee holding an
 10.18 active license as a licensed naturopathic doctor in the state may, upon approval of the
 10.19 board, be granted licensure cancellation if the board is not investigating the person as a
 10.20 result of a complaint or information received or if the board has not begun disciplinary
 10.21 proceedings against the licensee. Such action by the board must be reported as a
 10.22 cancellation of licensure in good standing.

10.23 (b) A licensee who receives board approval for licensure cancellation is not entitled
 10.24 to a refund of any licensing fees paid for the licensure year in which cancellation of the
 10.25 license occurred.

10.26 (c) To obtain licensure after cancellation, a licensee must obtain a new license by
 10.27 applying for licensure and fulfilling the requirements then in existence for obtaining initial
 10.28 licensing as a licensed naturopathic doctor.

10.29 Subd. 13. **Emeritus status of license.** A licensee may change the status of the
 10.30 license to "emeritus" by filing the appropriate forms and paying the onetime fee of \$50 to
 10.31 the board. This status allows the licensee to retain the title of licensed naturopathic doctor
 10.32 but restricts the licensee from actively seeing patients.

10.33 Subd. 14. **Naturopathic childbirth certification.** (a) To be certified in naturopathic
 10.34 childbirth, a licensed naturopathic doctor shall:

10.35 (1) pass either the American College of Naturopathic Obstetricians examination in
 10.36 natural childbirth, or the North American Registry of Midwives examination in midwifery,

11.1 according to the standards set by the American College of Naturopathic Obstetricians or
11.2 the North American Registry of Midwives for the respective examination;

11.3 (2) submit written documentation that the doctor has actively managed 50 births,
11.4 50 prenatal visits, and 50 postpartum visits, under the direct supervision of a licensed
11.5 physician, osteopath, naturopathic doctor, or other practitioner of natural childbirth who is
11.6 legally recognized in the state or region in which such person practices;

11.7 (3) be a member of the American College of Naturopathic Obstetricians or its
11.8 successor; and

11.9 (4) follow a written plan for licensed naturopathic doctors practicing naturopathic
11.10 childbirth containing guidelines by which the licensed naturopathic doctor will refer
11.11 patients to a physician and will consult with a physician practicing obstetrical care. The
11.12 licensee shall supply a copy of the written plan upon request to the board. The plan must
11.13 be reviewed on an annual basis by the licensee.

11.14 (b) The certificate of specialty practice in naturopathic childbirth expires
11.15 concurrently with the licensee's naturopathic doctor's license. The certificate may be
11.16 renewed upon submission of the renewal fee and evidence of the completion of 15
11.17 hours of continuing education credits in naturopathic childbirth, midwifery, obstetrics,
11.18 or neonatal resuscitation, of which eight may be applied toward the general naturopathic
11.19 doctor's continuing education requirement.

11.20 (c) Licensees obtaining specialty certification under this subdivision shall submit the
11.21 current fee for specialty certification at each renewal period.

11.22 (d) Only licensed naturopathic doctors who have completed all requirements in
11.23 paragraph (a), and who hold specialty certification in naturopathic childbirth may practice
11.24 naturopathic childbirth.

11.25 (e) Licensed naturopathic doctors practicing naturopathic childbirth may order,
11.26 dispense, obtain, and administer the following for birth-related care: lab work including
11.27 blood work and specimens for routine obstetric care, obstetric ultrasound, vitamin K,
11.28 prophylactic eye ointment for neonates, antihemorrhagic medicines including pitocin
11.29 and methergine, IV fluids, lidocaine for first and second degree lacerations, oxygen, and
11.30 intravenous antibiotics for group B strep prophylaxis.

11.31 **Sec. 6. [147E.20] BOARD ACTION ON APPLICATIONS FOR LICENSURE.**

11.32 (a) The board shall act on each application for licensure according to paragraphs

11.33 (b) to (d).

12.1 (b) The board shall determine if the applicant meets the requirements for licensure
 12.2 under section 147E.15. The board or advisory council may investigate information
 12.3 provided by an applicant to determine whether the information is accurate and complete.

12.4 (c) The board shall notify each applicant in writing of action taken on the application,
 12.5 the grounds for denying licensure if licensure is denied, and the applicant's right to review
 12.6 under paragraph (d).

12.7 (d) Applicants denied licensure may make a written request to the board, within 30
 12.8 days of the board's notice, to appear before the advisory council or the board and for the
 12.9 advisory council to review the board's decision to deny the applicant's licensure. After
 12.10 reviewing the denial, the advisory council shall make a recommendation to the board as
 12.11 to whether the denial shall be affirmed. Each applicant is allowed only one request for
 12.12 review each yearly licensure period.

12.13 **Sec. 7. [147E.25] CONTINUING EDUCATION REQUIREMENT.**

12.14 Subdivision 1. **Number of required contact hours.** (a) A licensee applying for
 12.15 licensure renewal must complete a minimum of 25 contact hours of board-approved
 12.16 continuing education in the year preceding licensure renewal, with the exception of
 12.17 the licensee's first incomplete year, and attest to completion of continuing education
 12.18 requirements by reporting to the board.

12.19 (b) Each licensee must complete at least seven hours of continuing education
 12.20 in pharmacotherapeutics.

12.21 Subd. 2. **Approved programs.** The board shall approve continuing education
 12.22 programs that have been approved for continuing education credit by the American
 12.23 Association of Naturopathic Physicians or any of its constituent state associations, the
 12.24 American Chiropractic Association or any of its constituent state associations, the
 12.25 American Osteopathic Association Bureau of Professional Education, the American
 12.26 Pharmacists Association or any of its constituent state associations, or an organization
 12.27 approved by the Accreditation Council for Continuing Medical Education.

12.28 Subd. 3. **Approval of continuing education programs.** The board shall also
 12.29 approve continuing education programs that do not meet the requirements of subdivision 2
 12.30 but meet the following criteria:

12.31 (1) the program content directly relates to the practice of naturopathic medicine;

12.32 (2) each member of the program faculty is knowledgeable in the subject matter as
 12.33 demonstrated by a degree from an accredited education program, verifiable experience in
 12.34 the field of naturopathic medicine, special training in the subject matter, or experience
 12.35 teaching in the subject area;

13.1 (3) the program lasts at least 50 minutes per contact hour;

13.2 (4) there are specific, measurable, written objectives, consistent with the program,
 13.3 describing the expected outcomes for the participants; and

13.4 (5) the program sponsor has a mechanism to verify participation and maintains
 13.5 attendance records for three years.

13.6 Subd. 4. **Accumulation of contact hours.** A licensee may not apply contact hours
 13.7 acquired in one one-year reporting period to a future continuing education reporting period.

13.8 Subd. 5. **Verification of continuing education credits.** The board shall
 13.9 periodically select a random sample of licensees and require those licensees to supply
 13.10 the board with evidence of having completed the continuing education to which they
 13.11 attested. Documentation may come directly from the licensee or from state or national
 13.12 organizations that maintain continuing education records.

13.13 Subd. 6. **Continuing education topics.** Continuing education program topics
 13.14 may include, but are not limited to, naturopathic medical theory and techniques
 13.15 including diagnostic techniques, nutrition, botanical medicine, homeopathic medicine,
 13.16 physical medicine, lifestyle modification counseling, anatomy, physiology, biochemistry,
 13.17 pharmacology, pharmacognosy, microbiology, medical ethics, psychology, history of
 13.18 medicine, and medical terminology or coding.

13.19 Subd. 7. **Restriction on continuing education topics.** (a) A licensee may apply no
 13.20 more than five hours of practice management to a one-year reporting period.

13.21 (b) A licensee may apply no more than 15 hours to any single subject area.

13.22 Subd. 8. **Continuing education exemptions.** The board may exempt any person
 13.23 holding a license under this chapter from the requirements of subdivision 1 upon
 13.24 application showing evidence satisfactory to the board of inability to comply with the
 13.25 requirements because of physical or mental condition or because of other unusual or
 13.26 extenuating circumstances. However, no person may be exempted from the requirements
 13.27 of subdivision 1 more than once in any five-year period.

13.28 **Sec. 8. [147E.30] DISCIPLINE; REPORTING.**

13.29 For purposes of this chapter, licensed naturopathic doctors and applicants are subject
 13.30 to sections 147.091 to 147.162.

13.31 **Sec. 9. [147E.35] LICENSED NATUROPATHIC DOCTOR ADVISORY**
 13.32 **COUNCIL.**

13.33 Subdivision 1. **Membership.** The board shall appoint a seven-member Licensed
 13.34 Naturopathic Doctor Advisory Council appointed by the governor consisting of one public

14.1 member as defined in section 214.02, five licensed naturopathic doctors who are residents
 14.2 of the state, and one licensed physician or osteopath with expertise in natural medicine.

14.3 Subd. 2. **Organization.** The advisory council shall be organized and administered
 14.4 under section 15.059. The council shall not expire.

14.5 Subd. 3. **Duties.** The advisory council shall:

14.6 (1) advise the board regarding standards for licensed naturopathic doctors;

14.7 (2) provide for distribution of information regarding licensed naturopathic doctors
 14.8 standards;

14.9 (3) advise the board on enforcement of sections 147.091 to 147.162;

14.10 (4) review applications and recommend granting or denying licensure or licensure
 14.11 renewal;

14.12 (5) advise the board on issues related to receiving and investigating complaints,
 14.13 conducting hearings, and imposing disciplinary action in relation to complaints against
 14.14 licensed naturopathic doctors;

14.15 (6) advise the board regarding approval of continuing education programs using the
 14.16 criteria in section 147E.25, subdivision 3;

14.17 (7) perform other duties authorized for advisory councils by chapter 214, as directed
 14.18 by the board; and

14.19 (8) advise the Board of Medical Practice on needed regulatory rules.

14.20 **Sec. 10. [147E.40] FEES.**

14.21 Subdivision 1. **Fees.** Fees are as follows:

14.22 (1) licensure application fee, \$200;

14.23 (2) renewal fee, \$150;

14.24 (3) late fee, \$75;

14.25 (4) inactive status fee, \$50; and

14.26 (5) temporary permit fee, \$25.

14.27 Subd. 2. **Proration of fees.** The board may prorate the initial annual licensure fee.
 14.28 All licensees are required to pay the full fee upon licensure renewal.

14.29 Subd. 3. **Penalty fee for late renewals.** An application for licensure renewal
 14.30 submitted after the deadline must be accompanied by a late fee in addition to the required
 14.31 fees.

14.32 Subd. 4. **Nonrefundable fees.** All of the fees in subdivision 1 are nonrefundable.

14.33 **Sec. 11. EFFECTIVE DATE.**

14.34 This article is effective July 1, 2007.

ARTICLE 2

CONFORMING AMENDMENTS

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Section 1. Minnesota Statutes 2006, section 116J.70, subdivision 2a, is amended to read:

Subd. 2a. **License; exceptions.** "Business license" or "license" does not include the following:

(1) any occupational license or registration issued by a licensing board listed in section 214.01 or any occupational registration issued by the commissioner of health pursuant to section 214.13;

(2) any license issued by a county, home rule charter city, statutory city, township, or other political subdivision;

(3) any license required to practice the following occupation regulated by the following sections:

- (i) abstracters regulated pursuant to chapter 386;
- (ii) accountants regulated pursuant to chapter 326A;
- (iii) adjusters regulated pursuant to chapter 72B;
- (iv) architects regulated pursuant to chapter 326;
- (v) assessors regulated pursuant to chapter 270;
- (vi) athletic trainers regulated pursuant to chapter 148;
- (vii) attorneys regulated pursuant to chapter 481;
- (viii) auctioneers regulated pursuant to chapter 330;
- (ix) barbers and cosmetologists regulated pursuant to chapter 154;
- (x) boiler operators regulated pursuant to chapter 183;
- (xi) chiropractors regulated pursuant to chapter 148;
- (xii) collection agencies regulated pursuant to chapter 332;
- (xiii) dentists, registered dental assistants, and dental hygienists regulated pursuant to chapter 150A;
- (xiv) detectives regulated pursuant to chapter 326;
- (xv) electricians regulated pursuant to chapter 326;
- (xvi) mortuary science practitioners regulated pursuant to chapter 149A;
- (xvii) engineers regulated pursuant to chapter 326;
- (xviii) insurance brokers and salespersons regulated pursuant to chapter 60A;
- (xix) certified interior designers regulated pursuant to chapter 326;
- (xx) midwives regulated pursuant to chapter 147D;
- (xxi) naturopathic doctors licensed pursuant to chapter 147E;

- 16.1 ~~(xxii)~~ nursing home administrators regulated pursuant to chapter 144A;
- 16.2 ~~(xxii)~~ ~~(xxiii)~~ optometrists regulated pursuant to chapter 148;
- 16.3 ~~(xxiii)~~ ~~(xxiv)~~ osteopathic physicians regulated pursuant to chapter 147;
- 16.4 ~~(xxiv)~~ ~~(xxv)~~ pharmacists regulated pursuant to chapter 151;
- 16.5 ~~(xxv)~~ ~~(xxvi)~~ physical therapists regulated pursuant to chapter 148;
- 16.6 ~~(xxvi)~~ ~~(xxvii)~~ physician assistants regulated pursuant to chapter 147A;
- 16.7 ~~(xxvii)~~ ~~(xxviii)~~ physicians and surgeons regulated pursuant to chapter 147;
- 16.8 ~~(xxviii)~~ ~~(xxix)~~ plumbers regulated pursuant to chapter 326;
- 16.9 ~~(xxix)~~ ~~(xxx)~~ podiatrists regulated pursuant to chapter 153;
- 16.10 ~~(xxx)~~ ~~(xxx1)~~ practical nurses regulated pursuant to chapter 148;
- 16.11 ~~(xxx1)~~ ~~(xxx2)~~ professional fund-raisers regulated pursuant to chapter 309;
- 16.12 ~~(xxx2)~~ ~~(xxx3)~~ psychologists regulated pursuant to chapter 148;
- 16.13 ~~(xxx3)~~ ~~(xxx4)~~ real estate brokers, salespersons, and others regulated pursuant to
- 16.14 chapters 82 and 83;
- 16.15 ~~(xxx4)~~ ~~(xxx5)~~ registered nurses regulated pursuant to chapter 148;
- 16.16 ~~(xxx5)~~ ~~(xxx6)~~ securities brokers, dealers, agents, and investment advisers regulated
- 16.17 pursuant to chapter 80A;
- 16.18 ~~(xxx6)~~ ~~(xxx7)~~ steamfitters regulated pursuant to chapter 326;
- 16.19 ~~(xxx7)~~ ~~(xxx8)~~ teachers and supervisory and support personnel regulated pursuant
- 16.20 to chapter 125;
- 16.21 ~~(xxx8)~~ ~~(xxx9)~~ veterinarians regulated pursuant to chapter 156;
- 16.22 ~~(xxx9)~~ ~~(xl)~~ water conditioning contractors and installers regulated pursuant to
- 16.23 chapter 326;
- 16.24 ~~(xl)~~ ~~(xli)~~ water well contractors regulated pursuant to chapter 103I;
- 16.25 ~~(xli)~~ ~~(xlii)~~ water and waste treatment operators regulated pursuant to chapter 115;
- 16.26 ~~(xlii)~~ ~~(xliii)~~ motor carriers regulated pursuant to chapter 221;
- 16.27 ~~(xliii)~~ ~~(xliv)~~ professional firms regulated under chapter 319B;
- 16.28 ~~(xliv)~~ ~~(xlv)~~ real estate appraisers regulated pursuant to chapter 82B;
- 16.29 ~~(xlv)~~ ~~(xlvi)~~ residential building contractors, residential remodelers, residential
- 16.30 roofers, manufactured home installers, and specialty contractors regulated pursuant
- 16.31 to chapter 326; or
- 16.32 ~~(xlvi)~~ ~~(xlvi)~~ licensed professional counselors regulated pursuant to chapter 148B;
- 16.33 (4) any driver's license required pursuant to chapter 171;
- 16.34 (5) any aircraft license required pursuant to chapter 360;
- 16.35 (6) any watercraft license required pursuant to chapter 86B;

17.1 (7) any license, permit, registration, certification, or other approval pertaining to a
 17.2 regulatory or management program related to the protection, conservation, or use of or
 17.3 interference with the resources of land, air, or water, which is required to be obtained
 17.4 from a state agency or instrumentality; and

17.5 (8) any pollution control rule or standard established by the Pollution Control
 17.6 Agency or any health rule or standard established by the commissioner of health or any
 17.7 licensing rule or standard established by the commissioner of human services.

17.8 Sec. 2. Minnesota Statutes 2006, section 144.335, subdivision 1, is amended to read:

17.9 Subdivision 1. **Definitions.** For the purposes of this section, the following terms
 17.10 have the meanings given them:

17.11 (a) "Patient" means a natural person who has received health care services from a
 17.12 provider for treatment or examination of a medical, psychiatric, or mental condition, the
 17.13 surviving spouse and parents of a deceased patient, or a person the patient appoints in
 17.14 writing as a representative, including a health care agent acting pursuant to chapter 145C,
 17.15 unless the authority of the agent has been limited by the principal in the principal's health
 17.16 care directive. Except for minors who have received health care services pursuant to
 17.17 sections 144.341 to 144.347, in the case of a minor, patient includes a parent or guardian,
 17.18 or a person acting as a parent or guardian in the absence of a parent or guardian.

17.19 (b) "Provider" means (1) any person who furnishes health care services and is
 17.20 regulated to furnish the services pursuant to chapter 147, 147A, 147B, 147C, 147D,
 17.21 147E, 148, 148B, 148C, 148D, 150A, 151, 153, or 153A; (2) a home care provider
 17.22 licensed under section 144A.46; (3) a health care facility licensed pursuant to this chapter
 17.23 or chapter 144A; (4) a physician assistant registered under chapter 147A; and (5) an
 17.24 unlicensed mental health practitioner regulated pursuant to sections 148B.60 to 148B.71.

17.25 (c) "Individually identifiable form" means a form in which the patient is or can be
 17.26 identified as the subject of the health records.

17.27 Sec. 3. Minnesota Statutes 2006, section 145.61, subdivision 2, is amended to read:

17.28 Subd. 2. **Professional.** "Professional" means a person licensed or registered to
 17.29 practice a healing art under chapter 147, 147E, or 148, to practice dentistry under chapter
 17.30 150A, to practice as a pharmacist under chapter 151, or to practice podiatry under chapter
 17.31 153.

17.32 Sec. 4. Minnesota Statutes 2006, section 146.23, subdivision 7, is amended to read:

18.1 Subd. 7. **Exemption.** The provisions of subdivision 2 do not apply to physicians
 18.2 and doctors of osteopathy licensed under chapter 147 or naturopathic doctors licensed
 18.3 under chapter 147E.

18.4 Sec. 5. Minnesota Statutes 2006, section 148B.60, subdivision 3, is amended to read:

18.5 Subd. 3. **Unlicensed mental health practitioner or practitioner.** "Unlicensed
 18.6 mental health practitioner" or "practitioner" means a person who provides or purports to
 18.7 provide, for remuneration, mental health services as defined in subdivision 4. It does not
 18.8 include persons licensed by the Board of Medical Practice under chapter 147 or 147E or
 18.9 registered by the Board of Medical Practice under chapter 147A; the Board of Nursing
 18.10 under sections 148.171 to 148.285; the Board of Psychology under sections 148.88
 18.11 to 148.98; the Board of Social Work under chapter 148D; the Board of Marriage and
 18.12 Family Therapy under sections 148B.29 to 148B.39; the Board of Behavioral Health and
 18.13 Therapy under sections 148B.50 to 148B.593 and chapter 148C; or another licensing
 18.14 board if the person is practicing within the scope of the license; members of the clergy
 18.15 who are providing pastoral services in the context of performing and fulfilling the salaried
 18.16 duties and obligations required of a member of the clergy by a religious congregation;
 18.17 American Indian medicine men and women; licensed attorneys; probation officers; school
 18.18 counselors employed by a school district while acting within the scope of employment
 18.19 as school counselors; licensed occupational therapists; or licensed occupational therapy
 18.20 assistants. For the purposes of complaint investigation or disciplinary action relating to an
 18.21 individual practitioner, the term includes:

18.22 (1) persons employed by a program licensed by the commissioner of human services
 18.23 who are acting as mental health practitioners within the scope of their employment;

18.24 (2) persons employed by a program licensed by the commissioner of human services
 18.25 who are providing chemical dependency counseling services; persons who are providing
 18.26 chemical dependency counseling services in private practice; and

18.27 (3) clergy who are providing mental health services that are equivalent to those
 18.28 defined in subdivision 4.

18.29 Sec. 6. Minnesota Statutes 2006, section 151.01, subdivision 23, is amended to read:

18.30 Subd. 23. **Practitioner.** "Practitioner" means a licensed doctor of medicine,
 18.31 licensed doctor of osteopathy duly licensed to practice medicine, licensed naturopathic
 18.32 doctor, licensed doctor of dentistry, licensed doctor of optometry, licensed podiatrist, or
 18.33 licensed veterinarian. For purposes of sections 151.15, subdivision 4, 151.37, subdivision
 18.34 2, paragraph (b), and 151.461, "practitioner" also means a physician assistant authorized

19.1 to prescribe, dispense, and administer under chapter 147A, or an advanced practice nurse
19.2 authorized to prescribe, dispense, and administer under section 148.235.

19.3 Sec. 7. Minnesota Statutes 2006, section 214.23, subdivision 1, is amended to read:

19.4 Subdivision 1. **Commissioner of health.** The board shall enter into a contract
19.5 with the commissioner to perform the functions in subdivisions 2 and 3. The contract
19.6 shall provide that:

19.7 (1) unless requested to do otherwise by a regulated person, a board shall refer all
19.8 regulated persons infected with HIV, HBV, or HCV to the commissioner;

19.9 (2) the commissioner may choose to refer any regulated person who is infected
19.10 with HIV, HBV, or HCV as well as all information related thereto to the person's board
19.11 at any time for any reason, including but not limited to: the degree of cooperation and
19.12 compliance by the regulated person; the inability to secure information or the medical
19.13 records of the regulated person; or when the facts may present other possible violations
19.14 of the regulated persons practices act. Upon request of the regulated person who is
19.15 infected with HIV, HBV, or HCV the commissioner shall refer the regulated person and all
19.16 information related thereto to the person's board. Once the commissioner has referred a
19.17 regulated person to a board, the board may not thereafter submit it to the commissioner to
19.18 establish a monitoring plan unless the commissioner of health consents in writing;

19.19 (3) a board shall not take action on grounds relating solely to the HIV, HBV, or HCV
19.20 status of a regulated person until after referral by the commissioner; and

19.21 (4) notwithstanding sections 13.39 and 13.41 and chapters 147, 147A, 147E, 148,
19.22 150A, 153, and 214, a board shall forward to the commissioner any information on a
19.23 regulated person who is infected with HIV, HBV, or HCV that the Department of Health
19.24 requests.

19.25 Sec. 8. Minnesota Statutes 2006, section 604A.01, subdivision 2, is amended to read:

19.26 Subd. 2. **General immunity from liability.** (a) A person who, without
19.27 compensation or the expectation of compensation, renders emergency care, advice, or
19.28 assistance at the scene of an emergency or during transit to a location where professional
19.29 medical care can be rendered, is not liable for any civil damages as a result of acts or
19.30 omissions by that person in rendering the emergency care, advice, or assistance, unless the
19.31 person acts in a willful and wanton or reckless manner in providing the care, advice, or
19.32 assistance. This subdivision does not apply to a person rendering emergency care, advice,
19.33 or assistance during the course of regular employment, and receiving compensation or
19.34 expecting to receive compensation for rendering the care, advice, or assistance.

20.1 (b) For the purposes of this section, the scene of an emergency is an area outside
 20.2 the confines of a hospital or other institution that has hospital facilities, or an office of
 20.3 a person licensed to practice one or more of the healing arts under chapter 147, 147A,
 20.4 147E, 148, 150A, or 153. The scene of an emergency includes areas threatened by or
 20.5 exposed to spillage, seepage, fire, explosion, or other release of hazardous materials,
 20.6 and includes ski areas and trails.

20.7 (c) For the purposes of this section, "person" includes a public or private nonprofit
 20.8 volunteer firefighter, volunteer police officer, volunteer ambulance attendant, volunteer
 20.9 first provider of emergency medical services, volunteer ski patroller, and any partnership,
 20.10 corporation, association, or other entity.

20.11 (d) For the purposes of this section, "compensation" does not include payments,
 20.12 reimbursement for expenses, or pension benefits paid to members of volunteer
 20.13 organizations.

20.14 (e) For purposes of this section, "emergency care" includes providing emergency
 20.15 medical care by using or providing an automatic external defibrillator, unless the person
 20.16 on whom the device is to be used objects; or unless the person is rendering this care
 20.17 during the course of regular employment, the person is receiving or expects to receive
 20.18 compensation for rendering this care, and the usual and regular duties of the person
 20.19 include the provision of emergency medical care. "Automatic external defibrillator"
 20.20 means a medical device heart monitor and defibrillator that:

20.21 (1) has received approval of its premarket notification, filed pursuant to United States
 20.22 Code, title 21, section 360(k), from the United States Food and Drug Administration;

20.23 (2) is capable of recognizing the presence or absence of ventricular fibrillation or
 20.24 rapid ventricular tachycardia, and is capable of determining, without intervention by an
 20.25 operator, whether defibrillation should be performed; and

20.26 (3) upon determining that defibrillation should be performed, automatically charges
 20.27 and requests delivery of an electrical impulse to an individual's heart.

20.28 Sec. 9. Minnesota Statutes 2006, section 604A.015, is amended to read:

20.29 **604A.015 SCHOOL BUS DRIVER IMMUNITY FROM LIABILITY.**

20.30 A school bus driver who, while on duty, provides emergency care, advice, or
 20.31 assistance at the scene of an emergency or during transit to a location where professional
 20.32 medical care can be rendered, is not liable in ordinary negligence, for any civil damages as
 20.33 a result of acts or omissions to the person to whom assistance is rendered by the school
 20.34 bus driver in rendering the emergency care, advice, or assistance. For the purposes of this
 20.35 section, the scene of an emergency is an area outside the confines of a hospital or other

21.1 institution that has hospital facilities, or an office of a person licensed to practice one or
21.2 more of the healing arts under chapter 147, 147E, 148, 150A, or 153.

21.3 Sec. 10. **EFFECTIVE DATE.**

21.4 This article is effective July 1, 2007.