The Committee on Human Services, to which Bill 15-57, the "Practice of Naturopathic Medicine Licensing Amendment Act of 2003," was referred, reports favorably on the bill, now titled the "Practice of Naturopathic Medicine Licensing Amendment Act of 2004," and recommends its approval by the Council of the District of Columbia.

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I. PURPOSE AND EFFECT

The purpose of this legislation is to amend the District of Columbia Health Occupations Revision Act of 1985 to define the practice of naturopathic medicine, to establish the Advisory Committee on Naturopathic Medicine to advise the Board of Medicine on the licensure of naturopathic physicians and regulation of the practice of naturopathic medicine, to establish the requirements for licensure, to delineate prohibited acts, and to redefine the practice of naturopathy.

II. LEGISLATIVE HISTORY

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<td>January 7, 2003</td>
<td>Introduction of Bill 15-57 by Chairman Cropp and Councilmembers Evans and Patterson Co-sponsored by Councilmembers Allen and Mendelson</td>
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<td>June 19, 2003</td>
<td>Notice of public hearing filed in the Office of Secretary to the Council for a public hearing on Bill 15-57.</td>
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<td>September 29, 2003</td>
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III. SECTION-BY-SECTION ANALYSIS

Section 1 States the long and short titles of Bill 15-57.

Section 2 Contains the substantive provisions of Bill 15-57, which are organized into nine separate subsections as described below.

Section 2(a) Amends Section 102 (D.C. Official Code § 3-1201.02) by defining the practice of naturopathic medicine, defining the scope of practice of a naturopathic physician, requiring written notice that a naturopathic physician is not a medical doctor, and listing residency requirements.
Section 2(b) Amends Section 203 (D.C. Official Code § 3-1202.03) by creating the Advisory Committee on Naturopathic Medicine under the Board of Medicine.

Section 2(c) Amends Section 401(b)(2) (D.C. Official Code § 3-1204.01 (b)(2)) by inserting the phrase "the naturopathic physician member initially appointed to the Advisory Committee on Naturopathic Medicine," after the phrase "Board of Professional Counseling, ".

Section 2(d) Amends Section 501 (D.C. Official Code § 3-1205.01) by inserting the phrase "naturopathic medicine," after the phrase "chiropractic,".

Section 2(e) Amends Section 504 (D.C. Official Code § 3-1205.04) by establishing the educational and exam requirements for becoming a naturopathic physician in the District of Columbia.

Section 2(f) Amends Section 901(D.C. Official Code § 3-1209.01) by requiring unlicensed naturopaths to register in the District and submit a list of their credentials, defining the scope of practice of a registered naturopath, requiring a list of items to be disclosed in writing, listing the titles a registered naturopath can and cannot use, and listing residency requirements.

Section 2(g) Amends Section 1003 (D.C. Official Code § 3-1210.03) by prohibiting individuals from implying, advertising, or falsely leading any person to believe that the practitioner authorized to practice naturopathic medicine if they are not licensed to do so in the District of Columbia.

Section 3 Is the standard fiscal impact statement clause.

Section 4 Is the standard effective date clause, namely after Congressional review.

IV. IMPACT ON EXISTING LAW

The approval of Bill 15-57 will amend:
- Section 102 (D.C. Official Code § 3-1201.02)
- Section 203 (D.C. Official Code § 3-1202.03)
- Section 401(b)(2) (D.C. Official Code § 3-1204.01 (b)(2))
- Section 501 (D.C. Official Code § 3-1205.01)
- Section 504 (D.C. Official Code § 3-1205.04)
- Section 901(D.C. Official Code § 3-1209.01)
- Section 1003 (D.C. Official Code § 3-1210.03)
V. **EXECUTIVE BRANCH COMMENTS**

1. **Bonnie Rampersaud**, Executive Director for the Boards of Allied and Behavioral Health at Department of Health, Health Professional Licensing Administration, testified in support of this legislation.

2. **Dr. William Matory**, Chairman of the Board of Medicine, testified in support of creating standards for naturopathic practitioners but listed several modifications to the scope of practice of naturopathic physicians in Bill 15-57 that he believed were necessary in order to fully support the bill.

3. **Senora Simpson**, Chairperson of the Board of Physical Therapy, supported the spirit of regulating health providers, but testified in opposition to the legislation, saying the legislation in its introduced format was far too broad and overreaching.

4. **Larry Brown**, member of the Board of Chiropractic, testified in support of this legislation, if the term "spinal manipulation" was removed from the naturopathic physicians' scope of practice.

VI. **PUBLIC COMMENTS**

1. **Peter Martin**, ND (G.B.) DC; Dean of the University of Bridgeport, College of Naturopathy testified in support of this legislation.

2. **Paul Mittman**, ND, President of the American Association of Naturopathic Medical Colleges and President of Southwest College of Naturopathic Medicine, testified in support of this legislation.

3. **Marcia Prenguber**, N.D.; Director of Integrative Care Center for Cancer Care at Goshen Health System Executive and Committee Council on Naturopathic Medical Education, testified in support of this legislation.

4. **Andrea Sullivan**, PhD, ND; President of the Washington DC Association of Naturopathic Physicians and member of the Washington DC Board of Medicine, testified in support of this legislation.

5. **Susan Bonfield-Herschkowitz**, natural health consumer activist, testified in opposition to this legislation.

6. **Victoria Goldsten**, ND from the Washington Institute of Natural Medicine, testified in opposition to this legislation.

7. **Jen Martinez**, ND from the American Naturopathic and Holistic Association, testified in opposition to this legislation.
8. **William von Peters**, PhD, NMD; President of the First National University of Naturopathy, testified in opposition to this legislation.

9. **Lynne Williams**, natural health consumer, testified in support of this legislation.

10. **Montressa Washington**, natural health consumer, testified in support of this legislation.

11. **Patrice Latimer**, natural health consumer, testified in support of this legislation.

12. The panel from the Acupuncture Society of D.C. testified in opposition to acupuncture being included in a naturopathic physician's scope of practice unless a naturopathic physician completes the existing acupuncture licensing requirements.

13. **David Molony**, Vice President of the American Association of Oriental Medicine, testified in opposition to acupuncture being included in a naturopathic physician's scope of practice unless a naturopathic physician completes the existing acupuncture licensing requirements.

14. **Jacob Teitlebaum**, MD; Diplomat for the American Board of Internal Medicine and Medical Director of the Annapolis Research Center for Effective CFS/Fibromyalgia Therapies, testified in support of the legislation but recommended several changes.

15. **Alan Gaby**, MD, testified in support of this legislation.


17. **John C. Reed**, MD, MP(H); Vice President of Medical Affairs American WholeHealth, Inc., testified in support of this legislation.

18. **David Sale**, Executive Director of the Council of Colleges of Acupuncture and Oriental Medicine, testified in opposition to acupuncture being included in a naturopathic physician's scope of practice unless a naturopathic physician completes the existing acupuncture licensing requirements.

19. **Betsy Smith**, Director of State Relations for the National Certification Commission for Acupuncture and Oriental Medicine, testified in opposition to acupuncture being included in a naturopathic physician's scope of practice unless a naturopathic physician completes the existing acupuncture licensing requirements.

20. **John Lynch**, M.D., Chairman of the Legislative Committee of the Medical Society of The District of Columbia, testified in opposition to this legislation.

22. Joseph Scott, Esq., testified in support of this legislation.

23. Karen Howard, Executive Director of the American Association of Naturopathic Physicians, testified in support of this legislation.

24. Margot Longenecker, ND; Clinical Faculty at the University of Bridgeport and member of the American Association of Naturopathic Physicians Board of Directors, testified in support of this legislation.

25. Artis Mooney testified in support of this legislation.

26. Marcia Corey, ND, testified in opposition to this legislation.

27. Ralph Singer, DC, President of the World Natural Health Organization, testified in opposition to this legislation.

28. Benjamin Luna, ND, L.Ac., testified in support of this legislation.

29. Kiki Roumel, ND, testified in support of this legislation.

30. Dr. Irene Catania, Vice President of the New Jersey Association of Naturopathic Physicians, testified in support of this legislation.

31. Taalib-Din Uqdah, Executive Director of the American Hairbraiders and Natural Hair Care Association, testified in opposition to this legislation.

32. Phil Shambaugh, La Clinica Del Pueblo, testified in opposition to this legislation.

33. Virginia Worthington, nutritionist, testified in opposition to this legislation.

34. Sandra "S.S." Seegars, ANC Commissioner and Chairperson of 8E, testified in support of this legislation.

35. Teri Gilbert, ND, testified in support of this legislation.

36. Angela Diop, ND, testified in support of this legislation.

37. Kay A. Adams, ND, testified in opposition to this legislation.

38. Tyrone Hampton, ND, CAC Level 2, testified in opposition to this legislation.
39. Pamela Ferrell, ND; from Cornrose and Company, testified in opposition to this legislation.

40. Brendan Feeley, ND; President of the Maryland State Naturopathic Association, testified in opposition to this legislation.

41. Stephanie Becker, ND; Vice-President of the D.C. Chapter of the American Association of Naturopathic Physicians, testified in support of this legislation.

42. Nael Dagstani, ND, testified in support of this legislation.

43. Katie Roumel, ND, testified in support of this legislation.

44. Lisa Lewis, ND, testified in support of this legislation, but testified in opposition to acupuncture being included in a naturopathic physician’s scope of practice unless a naturopathic physician completes the existing acupuncture licensing requirements, despite the fact that Ms. Lewis is a naturopathic physician.

45. Daemon Jones, ND, testified in support of this legislation.

46. Karen Davis, ND; Chapter Secretary of the D.C. Chapter of the American Association of Naturopathic Physicians, testified in support of this legislation.

47. Victoria Huckenpahler, natural medicine consumer, testified in opposition to this legislation.

48. James Huckenpahler, natural medicine consumer, testified in opposition to this legislation.

49. Jay Hessey, ND, testified in opposition to this legislation.

50. Shidfar Rouhani, student ambassador for Southwest College of Naturopathic Medicine Student Services, testified in support of this legislation.

51. Karen Hurley, student representative to the Board of Trustees for Southwest College of Naturopathic Medicine, testified in support of this legislation.

52. Geovanni Espinosa, University of Bridgeport student, testified in support of this legislation.

53. Scott Bussom, University of Bridgeport student, testified in support of this legislation.

54. Tina Coppola, University of Bridgeport student, testified in support of this legislation.
55. **Samantha Kane Eagle**, University of Bridgeport student, testified in support of this legislation.

56. **Malcolm English**, University of Bridgeport student, testified in support of this legislation.

57. **Binal Shah**, University of Bridgeport student, testified in support of this legislation.

58. **David Mathis**, MD, FAAFP; Associate Professor, Primary Care Medicine at George Washington University School of Medicine, testified in opposition to this legislation.

59. **Debra Wu**, testified in support of this legislation.

60. **Boyd Landry**, Executive Director of the Coalition for Natural Health, testified in opposition to this legislation.

**VII. COMMITTEE REASONING**

The Committee on Human Services finds that this legislation is necessary to protect the health and safety of residents in the District of Columbia who utilize naturopathic services.

**The Existing Doctor of Naturopathy Registration Program**

The Department of Health testified, "the existing program is inadequate to protect public health and safety, and there are no educational, experiential, or examination requirements for registrants." Essentially, anyone who pays the registration fee and fills out the application form can currently advertise themselves as a "Doctor of Naturopathy" or an "ND." The Committee is concerned about the use of the term doctor by individuals who may not have any education, and have merely paid a registration fee.

Furthermore, the Committee is concerned because naturopaths from other states who do not practice nor have any contacts with the District of Columbia are using the District's loose registration system as a way of presenting their credentials to patients as a registered "Doctor of Naturopathy" in the District of Columbia.

**Licensure of Naturopathic Physicians in the District of Columbia**

The Committee feels that a licensure program with meaningful educational requirements would serve to ensure that naturopathic physicians have the credentials necessary to provide quality care to patients. This legislation will allow naturopathic physicians to use some diagnostic procedures commonly used by physicians in general practice, such as: physical exams, clinical laboratory tests, and physiological function tests.
A naturopathic physician will not be allowed to prescribe, dispense, or administer any controlled substances, perform surgical procedures, or participate in naturopathic childbirth without meeting additional requirements. Naturopaths wanting to practice acupuncture must meet the existing requirements.

Licensed naturopathic physicians will be allowed to use the titles "Doctor of Naturopathic Medicine", "Naturopathic Physician", "Licensed Naturopath", "Naturopathic Doctor", "Doctor of Naturopathy", or the initials "ND" or "NMD". Naturopathic physicians will be required under this legislation to adequately inform patients or clients in writing that they are not medical doctors.

This legislation will also establish an Advisory Committee on Naturopathic Medicine that will develop and submit recommended guidelines for licensing naturopathic physicians in the District of Columbia.

Naturopathic physicians will be required to demonstrate that they have earned a degree of doctor of naturopathic medicine from a college or university accredited by the Council of Naturopathic Medical Education (CNME) or other accrediting agency recognized by the United States Department of Education, or from a college that has candidate for accreditation status. Naturopathic physicians will also be required to pass the Naturopathic Physicians Licensing Examination (NPLEX) or other exam approved by the Board of Medicine or the Mayor.

Registered Naturopaths

This legislation will not prevent anyone from practicing their naturopathic business. In fact, registered naturopaths in the District of Columbia who do not meet the higher educational requirements necessary to become a naturopathic physician will still be able to practice their business and perform the identical procedures as they are permitted under current law. The list of prohibited procedures is identical to list that exists under current law.

The Committee recognizes the valid concerns expressed at the hearing regarding the use of the term doctor by persons who have either no educational or clinical training, or may merely have a correspondence degree that reads "Doctor of Naturopathy." The term doctor carries with it the public perception of a professional who has achieved both high levels of education and experience, and allowing people to use the term doctor who do not have education or clinical experience is misleading to the public.

Registered naturopaths will be restricted in how they may use the phrase "Doctor of Naturopathy" or "ND". Those who have a degree that states they are a "Doctor of Naturopathy," but do not meet the requirements to be licensed as a "Doctor of Naturopathy" in the District of Columbia will still be able to display their diploma, list the degree among their credentials, advertise that they hold such degree, and inform clients that they hold such degree, so as long as the naturopath also discloses that the degree does not meet the requirements for licensure as a "Doctor of Naturopathy" or "ND" in the District of Columbia. Registered naturopaths who have no degree as a "Doctor of Naturopathy" will no longer be able to use this term at all.
Residency Requirements for Registration and Licensure

The Committee has added a residency requirement that requires both registered and licensed naturopaths to be either District residents or have an office or location of practice in the District of Columbia. Previously, the District of Columbia was acting as a registration site for naturopaths from across the country whose states did not have any registration or licensure system. This allowed naturopaths to advertise that they were a registered "Doctor of Naturopathy" in the District of Columbia. The problem that exists is that the patients or clients of these naturopaths likely did not know that registration in the District of Columbia carried with it no additional standards for educational or clinical requirements in naturopathy, and that being a "Doctor of Naturopathy" in the District simply meant that the naturopath had paid a registration fee.

Allowing people from across the country to register or become licensed as naturopaths in the District of Columbia is problematic because the District cannot adequately monitor the activities of out-of-state individuals nor adequately investigate complaints, and thus only has the authority to revoke their license or registration if an obvious violation of District law is somehow brought to the attention of District governmental officials.

The requirements of this legislation that a licensed or registered naturopath have an office or location of practice in the District of Columbia would not preclude naturopaths from Maryland or Virginia who deliver naturopathic services through home visits from obtaining registration. Section 3-1205.02 states that the provisions prohibiting the practice of a health occupation without a license do not apply, among other things, to a health professional who is authorized to practice a health occupation in any state adjoining the District who treats patients under certain conditions.

VIII. FISCAL IMPACT STATEMENT

A draft budget neutral fiscal impact statement from the Chief Financial Officer is attached. (See Attachment E)

IX. COMMITTEE ACTION

A. Dissenting Views of Committee Members

There were no dissenting views of any member of the Committee on Human Services.

B. Committee Recommendation(s)

None

C. Committee Amendments

None
D. Committee Actions and Votes

The Committee on Human Services met on January 14, 2004 to consider and mark-up Bill 15-57, the "Practice of Naturopathic Medicine Licensing Amendment Act of 2004."

Present and voting were Chairperson Allen and Councilmembers Catania, Graham, and Mendelson. Also, present was Council Chairman Linda Cropp.

Chairperson Allen moved the Committee Print of Bill 15-57; the Committee voted to approve the Bill, with members voting as follows:

YES: Chairperson Allen and Councilmembers Catania, Graham, and Mendelson.

NO:

PRESENT: Chairman Cropp.

ABSENT: Councilmember Schwartz

Chairperson Allen then moved for approval of the Committee Report on Bill 15-57, the "Practice of Naturopathic Medicine Licensing Amendment Act of 2004."

YES: Chairperson Allen and Councilmembers Catania, Graham, and Mendelson.

NO:

PRESENT: Chairman Cropp.

ABSENT: Councilmember Schwartz

X. ATTACHMENTS

A. Bill 15-57, the "Practice of Naturopathic Medicine Licensing Amendment Act of 2003" as introduced by Chairman Cropp and Councilmembers Evans and Patterson
B. Public Hearing Notice
C. Public Hearing Agenda/Witness List
D. District of Columbia Municipal Naturopathy Regulations
E. Fiscal Impact Statement
F. Committee Print of Bill 15-57
G. Witness Testimony, (Separate Attachment)
H. Additional Written Testimony, (Separate Attachment)
ATTACHMENT

A
Memorandum

To: Members of the Council
From: Phyllis Jones, Secretary to the Council
Date: January 8, 2003
Subject: Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Legislative Meeting on January 7, 2003. Copies are available in Room 2, the Legislative Services Division.

TITLE: Practice of Naturopathic Medicine Licensing Amendment Act of 2003, Bill 15-57

INTRODUCED BY: Chairman Cropp and Councilmembers Evans and Patterson
CO-SPONSORED BY: Councilmembers Allen and Mendelson

The Chairman is referring this legislation to the Committee on Human Services.

cc: General Counsel
    Legislative Services
A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Linda W. Cropp, Councilmember Jack Evans, and Councilmember Kathleen Patterson introduced the following bill, which was referred to the Committee on

To amend the District of Columbia Health Occupations Revision Act of 1985 to define the practice of naturopathic medicine, to establish the Advisory Committee on Naturopathic Medicine to advise the Board of Medicine on the licensure of naturopathic physicians and regulation of the practice of naturopathic medicine, to establish the requirements for licensure, to delineate prohibited acts, and to redefine the practice of naturopathy.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act maybe cited as the "Practice of Naturopathic Medicine Licensing Amendment Act of 2003".

Sec. 2. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 et seq.) is amended as follows:

(a) Section 102 (D.C. Official Code § 3-1201.02) is amended by adding a new paragraph (7A) to read as follows:
"(7A)(A) "Practice of naturopathic medicine" means a system of health care that utilizes education, natural medicines, and natural therapies to support and stimulate a patient's intrinsic self-healing processes to prevent, diagnose, and treat human conditions and injuries. In connection with such a system of health care, an individual licensed under this act may:

"(i) Administer or provide for preventive and therapeutic purposes natural medicines by their appropriate route of administration, natural therapies, topical medicines, counseling, hypnotherapy, dietary therapy, naturopathic physical medicine, therapeutic devices, and barrier devices for contraception. For the purposes of this sub-subparagraph, the term "naturopathic physical medicine" means the use of the physical agents of air, water, heat, cold, sound, and light, and the physical modalities of electrotherapy, biofeedback, acupuncture, diathermy, ultraviolet light, ultrasound, hydrotherapy, and exercise, and includes naturopathic manipulation and mobilization therapy; and

"(ii) Use diagnostic procedures commonly used by physicians in general practice, including physical and orificial examinations, electrocardiograms, diagnostic imaging techniques, phlebotomy, clinical laboratory tests and examinations, and physiological function tests.

"(B) A person licensed under this act shall not perform any of the following acts:

"(i) Prescribe, dispense, or administer any controlled substances, except those natural medicines authorized by this act;

"(ii) Perform surgical procedures, except for minor office procedures as defined by rule;

"(iii) Use for therapeutic purposes, any device regulated by the United States
Food and Drug Administration ("FDA") that has not been approved by the FDA.

"(C) Naturopathic medicine does not include the practice of physical therapy, physical rehabilitation, or chiropractic.

"(D) Nothing in this paragraph shall be construed to prohibit the use, practice, prescription, or administration of nutritional supplements, herbs, foods, homeopathic preparations, and such physical forces as heat, cold, touch, and light, as permitted by law, by persons not licensed to practice naturopathic medicine."

(b) Section 203 (D.C. Official Code § 3-1202.03) is amended as follows:

(1) Subsection (a)(2) is amended by inserting the phrase ", the practice of naturopathic medicine with the advice of the Advisory Committee on Naturopathic Medicine" following the phrase "Advisory Committee on Acupuncture";

(2) A new subsection (a)(8)(B-l) is added to read as follows:

"(a)(8)(B-l) The practice of naturopathic medicine in accordance with guidelines approved by the Advisory Committee on Naturopathic Medicine";

(3) A new subsection (c-1) is added to read as follows:

"(c-1)(1) There is established an Advisory Committee on Naturopathic Medicine to consist of 3 members appointed by the Mayor.

"(2) The Advisory Committee on Naturopathic Medicine shall develop and submit to the Board guidelines for the licensing naturopathic physicians and the regulation of naturopathic medicine in the District.

"(3) Of the members of the Advisory Committee on Naturopathic Medicine, 1 shall be a licensed physician with experience in naturopathic medicine or in working with
naturopathic physician's, 1 shall be a licensed naturopathic physician, and 1 shall be the Director of Health or his or her designee.

"(4) For the initial naturopathic physician member, a person who is eligible for licensure to practice naturopathic medicine and is currently registered to practice holistic health counseling in the District maybe appointed.

"(5) The Advisory Committee on Naturopathic Medicine shall submit initial guidelines to the Board within 180 days of the effective date of the Practice of Naturopathic Medicine Licensing Amendment Act of 2003, and shall subsequently meet at least annually to review the guidelines and make necessary revisions for submission to the Board."

(4) Subsection (e) is amended by inserting the phrase "Naturopathic Medicine," after the phrase "Advisory Committees on Acupuncture,"

(5) Subsection (f) is amended to read as follows:

"(f) Upon request by the Board, the Advisory Committees on Acupuncture, Naturopathic Medicine, and Physician Assistants shall review applications for licensure to practice acupuncture, naturopathic medicine, or the practice as a physician assistant, respectively, and shall forward recommendations to the Board for action.".

(c) Section 401(b)(2) (D.C. Official Code § 3-1204.01(b)(2)) is amended by inserting the phrase "the naturopathic physician member initially appointed to the Advisory Committee on Naturopathic Medicine," after the phrase "Board of Professional Counseling,"

(d) Section 501 (D.C. Official Code § 3-1205.01) is amended by inserting the phrase "naturopathic medicine," after the phrase "chiropractic,"

(e) Section 504 (D.C. Official Code § 3-1205.04) is amended by adding a new subsection (e-
1) to read as follows:

"(e-1)(1) An individual applying for a license to practice naturopathic medicine under this act shall establish to the satisfaction of the Board of Naturopathic Medicine that the individual has earned a degree of doctor of naturopathic medicine from a college accredited by the Council of Naturopathic Medical Education ("CNME") or other accrediting agency recognized by the United States Department of Education, or from a college that has candidate for accreditation status with the CNME or other accrediting agency recognized by the United States Department of Education.

"(2) An individual applying for a license to practice naturopathic medicine under this act shall have successfully passed the Naturopathic Physicians Licensing Examination ("NPLEX), basic science exam and clinical science exam sections, administered by the North American Board of Naturopathic Examiners.

"(3) The Board of Naturopathic Medicine shall not waive the educational requirements for licensure to practice naturopathic medicine for persons registered to practice naturopathy or naturopathic healing on the effective date of the Practice of Naturopathic Medicine Licensing Amendment Act of 2003."

(f) Section 901(D.C. Official Code § 3-1209.01) is amended to read as follows:

"(a) Any person who practices or offers to practice holistic health counseling in the District shall register with the Mayor on forms prescribed by the Mayor, registered at intervals the Mayor may require by rule, and pay the registration fee established by the Mayor.

"(b) A person registered to practice holistic health counseling may counsel individuals on the treatment of human conditions through the use of naturally occurring substances in
accordance with the requirements of this section.

"(c) Practitioners of holistic health counseling, unless also licensed by the Board of Medicine to practice medicine or naturopathic medicine in the District, shall provide to all clients or patients a written notice stating that the practitioner is not licensed to practice medicine, and further stating that it is unlawful for a practitioner of holistic health counseling to perform any of the functions listed in subsection (e) of this section which shall be itemized in the notice, and shall be post an identical notice in a prominent place, in printing of a size to be easily readable, in each office or location of practice.

"(d) Practitioners of holistic health counseling who are registered under this section may use the title "Registered Holistic Health Counselor".

"(e) It shall be unlawful for a practitioner of holistic health counseling to:

"(1) By use of title or description of services, falsely lead any person to believe the practitioner practices medicine as defined in § 3-1201.02(7) or practices naturopathic medicine as defined in this act;

"(2) Use x-rays, perform any surgical procedure, inject and substance into another person by needle, or perform any invasive procedure on another person;

"(3) Deliver infants;

"(4) Prescribe for or provide to another person any drug, substance, or device regulated by the laws of the District or federal governments or available by prescription only; or

"(5) File a birth or death certificates or sign claims or authorization for payment of workers' compensation benefits, Medicare or Medicaid benefits, or benefits provided for health care through other publicly assisted programs.
"(f) The Mayor may by rule set forth the standards of education and experience required to qualify for registration as a holistic health counselor, and, in doing so, may adopt the standards of a national professional association of naturopaths.

"(g) A person registered under previous District law to practice naturopathy or naturopathic healing shall, on the effective date of enactment of the Practice of Naturopathic Medicine Licensing Act of 2003, be deemed registered to practice holistic health counseling until his or her registration renewal date, if he or she continues to meet all registration requirements."

(g) Section 1003 (D.C. Official Code § 3-1210.03) is amended by adding a new subsection (w) to read as follows:

"(w) Unless authorized to practice naturopathic medicine under this act, a person shall not use or imply the use of the words or terms "doctor of naturopathic medicine", "naturopathic physician", "naturopathic doctor", "doctor of naturopathy", "naturopath", or the initials "ND", or "NMD", with the intent to represent that the person is a naturopathic physician."

Sec. 3. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.2(c)(3)).

Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(0), and publication in the District of Columbia Register.
ATTACHMENT E
MEMORANDUM

TO: The Honorable Liada W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer

DATE: DRAFT

SUBJECT: Fiscal Impact Statement: "Practice of Naturopathic Medicine Licensing Amendment Act of 2004"

REFERENCE: Bill Number 15-057

Conclusion

Funds are sufficient in the FY 2004 through FY 2007 budget and financial plan to implement the proposed legislation, if program implementation begins in FY 2005.

Background

The proposed legislation would establish an Advisory Committee on Naturopathic Medicine to advise the Board of Medicine on the licensure and regulation of naturopathic physicians. The bill also would require that the practice of naturopathic medicines be limited to those activities defined as naturopathic medicine in the bill. The proposed legislation also establishes the requirements for licensure (including residency), delineates prohibited acts and redefines the practice of naturopathy.

Eleven states and four provinces currently allow the practice of naturopathic medicine (Alaska, Arizona, British Columbia, Connecticut, Hawaii, Kansas, Maine, Manitoba, Montana, New Hampshire, Ontario, Oregon, Saskatchewan, Utah, Vermont, and Washington). Puerto Rico and the U.S. Virgin Islands also have licensing laws for naturopathic doctors. In California, a new naturopathic licensing law took effect on January 1, 2004. There are approximately 1,500 naturopathic physicians practicing nationwide and over 630 naturopaths registered in the District of Columbia, many of which do not reside in the District.
Financial Plan Impact

If program implementation begins in FY 2005, funds are sufficient in the FY 2004 through FY 2007 budget and financial plan to implement the proposed legislation.

According to the Department of Health, sufficient licensing fees would be collected from those licensed to practice naturopathic medicine to regulate the profession as specified in the bill. Current staff in the Health Professional Licensing Administration would administer this legislation. This administration is funded by licensing fees, civil fine; and interest related to the health occupations in the District, and are deposited into a dedicated non-tax revenue fund.
ATTACHMENT

F
IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Health Occupations Revision Act of 1985 to define the practice of naturopathic medicine, to establish the Advisory Committee on Naturopathic Medicine to advise the Board of Medicine on the licensure of naturopathic physicians and regulation of the practice of naturopathic medicine, to establish the requirements for licensure, to delineate prohibited acts, and to redefine the practice of naturopathy.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Practice of Naturopathic Medicine Licensing Amendment Act of 2004".

Sec. 2. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 et seq.), is amended as follows:

(a) Section 102 (D.C. Official Code § 3-1201.02) is amended by adding a new paragraph (7A) to read as follows:

"(7A)(A) "Practice of naturopathic medicine" means a system of health care that utilizes education, natural medicines, and natural therapies to support and stimulate a patient's intrinsic self-healing processes to prevent, diagnose, and treat human conditions and injuries. In connection with such a system of health care, an individual licensed under this act may:
"(i) Administer or provide for preventive and therapeutic purposes natural medicines by their appropriate route of administration, natural therapies, topical medicines, counseling, hypnotherapy, dietary therapy, naturopathic physical medicine, therapeutic devices, and barrier devices for contraception. For the purposes of this sub-subparagraph, the term "naturopathic physical medicine" means the use of the physical agents of air, water, heat, cold, sound, and light, and the physical modalities of electrotherapy, biofeedback, diathermy, ultraviolet light, ultrasound, hydrotherapy, and exercise, and includes naturopathic manipulation and mobilization therapy; and

"(ii) Use diagnostic procedures commonly used by physicians in general practice, including physical and orificial examinations, electrocardiograms, diagnostic imaging techniques, phlebotomy, clinical laboratory tests and examinations, and physiological function tests.

"(B) A person licensed under this act shall not perform any of the following acts:

"(i) Prescribe, dispense, or administer any controlled substances, except those natural medicines authorized by this act;

"(ii) Perform surgical procedures, except for minor office procedures as defined by rule;

"(iii) Use for therapeutic purposes, any device regulated by the United States Food and Drug Administration ("FDA") that has not been approved by the FDA."

"(iv) Participate in naturopathic childbirth, unless the naturopathic physician meets the following additional requirements:

"(I) Pass a specialty examination in obstetrics or natural childbirth
approved by the Advisory Committee, Board of Medicine, or the Mayor, such as the American
College of Nurse Midwives Written Examination or an equivalent national exam;

"(II) Have a minimum of 100 hours of coursework, internship or
preceptorship in obstetrics of natural childbirth approved by the Advisory Committee;

"(III) Have a minimum of 100 hours of coursework, internship or
preceptorship in obstetrics of natural childbirth approved by the Advisory Committee;

"(HT) File, at the Department of Health, and maintain a written
collaborative agreement with a licensed obstetrician who is qualified to perform obstetrical
surgery;

"(IV) Have assisted in a minimum of 50 supervised births, including
prenatal and postnatal care, under the direct supervision of a licensed naturopathic, medical or
osteopathic physician with specialty training in obstetrics or natural childbirth, at least 25 of
which document the naturopathic physician as the primary birth attendant; and

"(C) Practitioners of naturopathy medicine, unless also licensed by the Board of
Medicine to practice medicine in the District, shall provide a written notice stating the following
information to all clients or patients before providing services:

"(i) Disclose to the client or patient through a written notice in a language the
.client or patient understands that the practitioner is not licensed to practice medicine and,

"(ii) Obtain written acknowledgment from the client or patient stating that he or
she has been provided the information required in subparagraph (1) of this paragraph.

"(D) Naturopathic medicine does not include the practice of physical therapy,
physical rehabilitation, acupuncture, or chiropractic.

"(E) Nothing in this paragraph shall be construed to prohibit the use, practice,
prescription, or administration of nutritional supplements, herbs, foods, homeopathic
preparations, and such physical forces as heat, cold, touch, and light, as permitted by law, by 

persons not licensed to practice naturopathic medicine.".

"(F) A person licensed under this act may use the titles "Doctor of Naturopathic Medicine", "Naturopathic Physician", "Licensed Naturopath", "Naturopathic Doctor", "Doctor of Naturopathy", or the initials "ND" or an "NMD".

"(G) Persons licensed under this act must provide proof of a mailing address demonstrating that they are either a District resident or that they have an office or location of practice involved in the practice of naturopathy in the District of Columbia. Post office boxes are not sufficient proof of residency to demonstrate that a person is either a District resident or that they have an office or location of practice in the District of Columbia for the purposes of this Act.

(b) Section 203 (D.C. Official Code § 3-1202.03) is amended as follows:

(1) Subsection (a)(2) is amended by inserting the phrase "the practice of naturopathic medicine with the advice of the Advisory Committee on Naturopathic Medicine" following the phrase "Advisory Committee on Acupuncture";

(2) A new subsection (a)(8)(B-l) is added to read as follows:

"(a)(8)(B-l) The practice of naturopathic medicine in accordance with guidelines approved by the Advisory Committee on Naturopathic Medicine";

(3) A new subsection (c-1) is added to read as follows:

"(c-1)(l) There is established an Advisory Committee on Naturopathic Medicine to consist of 3 members appointed by the Mayor.

"(2) The Advisory Committee on Naturopathic Medicine shall develop and submit
to the Board of Medicine guidelines for the licensing naturopathic physicians and the regulation of naturopathic medicine in the District.

"(3) Of the members of the Advisory Committee on Naturopathic Medicine, 1 shall be a licensed physician with experience in naturopathic medicine or in working with naturopathic physicians, 1 shall be a licensed naturopathic physician, and 1 shall be the Director of Health or his or her designee.

"(4) For the initial naturopathic physician member, a person who is eligible for licensure to practice naturopathic medicine and is currently registered to practice naturopathy in the District may be appointed.

"(5) The Advisory Committee on Naturopathic Medicine shall submit initial guidelines to the Board of Medicine within 180 days of the effective date of the Practice of Naturopathic Medicine Licensing Amendment Act of 2004, and shall subsequently meet at least annually to review the guidelines and make necessary revisions for submission to the Board of Medicine."

(4) Subsection (e) is amended as follows:

(A) Add the phrase "Naturopathic Medicine," after the phrase "Advisory Committees on Acupuncture,"

(B) Strike the phrase "Commissioner of Public Health or his or her designee" and insert the phrase "Commissioner of Public Health or the Director of Health, or to their designees" in its place.

(5) Subsection (f) is amended to read as follows:

"(f) Upon request by the Board, the Advisory Committees on
Acupuncture, Naturopathic Medicine, and Physician Assistants shall review applications for licensure to practice acupuncture, naturopathic medicine, or to practice as a physician assistant, respectively, and shall forward recommendations to the Board for action."

(c) Section 401(b)(2) (D.C. Official Code § 3-1204.01(b)(2)) is amended by inserting the phrase "the naturopathic physician member initially appointed to the Advisory Committee on Naturopathic Medicine," after the phrase "Board of Professional Counseling."

(d) Section 501 (D.C. Official Code § 3-1205.01) is amended by inserting the phrase "naturopathic medicine," after the phrase "chiropractic."

(e) Section 504 (D.C. Official Code § 3-1205.04) is amended by adding a new subsection (e-1) to read as follows:

"(e-1)(1) An individual applying for a license to practice naturopathic medicine under this act shall establish to the satisfaction of the Board of Medicine that the individual has earned a degree of doctor of naturopathic medicine from a college or university accredited by the Council of Naturopathic Medical Education ("CNME"), so long as the CNME maintains recognition from the United States Department of Education, or other accrediting agency recognized by the United States Department of Education, or from a college or university that has candidate for accreditation status with the CNME.

"(2) An individual applying for a license to practice naturopathic medicine under this act shall have successfully passed the Naturopathic Physicians Licensing Examination ("NPLEX"), basic science exam and clinical science exam sections, administered by the North American Board of Naturopathic Examiners or other exam approved by the Board of Medicine or the Mayor."
"(3) The Board of Medicine shall not waive the educational requirements for licensure to practice naturopathic medicine for persons registered to practice naturopathy or naturopathic healing."

(f) Section 901(D.C. Official Code § 3-1209.01) is amended as follows:

(1) Subsection (a) is amended by striking the word "District" and inserting the phrase "District and is not licensed to practice naturopathic medicine" in its place.

(2) A new subsection (a-1) is added to read as follows:

"(a-1)(1) To be eligible to register to practice naturopathy or naturopathic healing, a person shall submit, along with the registration forms required by subsection (a) of this section:

"(A) A list of the person's credentials, including education, training, experience, and other qualifications, which shall be kept on file at the Department of Health; and

"(B) Proof of a mailing address demonstrating that the person either is a District resident or has an office or location of practice involved in the practice of naturopathy or naturopathic healing in the District.

"(2) Post office boxes are not sufficient proof of residency to demonstrate that a person is either a District resident or that they have an office or location of practice in the District for the purposes of paragraph (1) of this subsection.

"(3) All persons registered to practice naturopathy or naturopathic healing in the District on the effective date of the Practice of Naturopathic Medicine Licensing Amendment Act of 2004 may keep their current registration until it expires, at which time they will be required to submit proof demonstrating that they are either a District resident or that they have an office or location of practice in the District of Columbia in order to renew their current registration."
Subsection (c) is amended to read as follows:

"(c) Unless also licensed by the Board of Medicine to practice medicine or naturopathic medicine in the District, practitioners of naturopathy or naturopathic healing shall:

"(1) Provide to all clients or patients, before providing services to those clients, a written notice, in a language the client or patient understands, that:

"(A) Contains the following statement:

"This notice is provided you pursuant to D.C. law. I am a registered naturopath, but I am not a licensed medical doctor and therefore do not practice the application of scientific principles to prevent, diagnose, and treat physical and mental diseases, disorders, and cannot safeguard the life and health of any woman and infant through pregnancy and parturition, nor am I a licensed naturopathic physician."; and

"(B) States:

"(i) That it is unlawful for a practitioner of naturopathy or naturopathic healing to perform any of the functions listed in subsection (e) of this section, which shall be itemized in the notice;

"(ii) The nature of the services to be provided;

"(iii) The theory of treatment upon which the services are based; and

"(iv) The practitioner's education, training, experience, and other qualifications regarding the services to be provided;

"(2) Obtain written acknowledgment from the client or patient stating that he or she has been provided the information required in paragraph (1) of this subsection.

"(3) Post a notice identical to that described in paragraph (1) of this subsection in a
(4) Subsection (d) is amended to read as follows:

"(d) Practitioners of naturopathy or naturopathic healing who are registered under this section may use the titles "Naturopath" or "Registered Naturopath".

(5) Subsection (e) is amended to as follows:

(A) The lead-in language is amended to read as follows:

"(e) Unless also licensed by the Board of Medicine to practice medicine or naturopathic medicine in the District, it shall be unlawful for a practitioner of naturopathy or naturopathic healing to:

(B) Paragraph (1) is amended to read as follows:

"(1) By use of title or description of services, imply, advertise, or falsely lead any person to believe that the practitioner:

(A) Practices medicine as defined in section 102(7);

(B) Practices naturopathic medicine as defined in section 102(7A);

(C) Is a "Doctor of Naturopathic Medicine", "Naturopathic Physician", "Licensed Naturopath", or an "NMD".

(D) Is a "Naturopathic Doctor", "Doctor of Naturopathy", or an "ND" that is licensed in the District of Columbia.

(6) A new subsection (e-1) is added to read as follows:

"(e-1)(1) Nothing in subsection (e) of this section shall be construed as prohibiting a registered naturopath who has been awarded an academic degree conferring upon them the title of "Naturopathic Doctor" or "Doctor of Naturopathy" or "ND" from:
"(A) Listing the degree awarded among the educational credentials required to be disclosed in subsection (a-1) of this section and in subsection (c)(l)(E) of this section;

"(B) Displaying the diploma awarded in an office or location of practice;

"(C) Advertising that they hold such a degree, so long as the listing of the degree in the advertisement is immediately followed by the phrase: "(This degree for "Naturopathic Doctor", "Doctor of Naturopathy", or "ND" does not meet the requirements for licensure as a "Naturopathic Doctor", "Doctor of Naturopathy", or "ND" in the District of Columbia.);

"(D) Informing clients or patients that they hold such a degree, so long as the naturopath or naturopathic healer also informs the client or patient that the degree possessed does not meet the requirements for licensure as a "Naturopathic Doctor," "Doctor of Naturopathy", or "ND" in the District of Columbia.

"(2) For the purposes of this subsection, the term "listing the degree" means stating the degree awarded and the school from which it was obtained."

(g) Section 1003 (D.C. Official Code § 3-1210.03) is amended by adding a new subsection (w) to read as follows:

"(w) Unless authorized to practice naturopathic medicine under this act, a person shall not use the words or terms "Doctor of Naturopathic Medicine", "Naturopathic Physician", "Licensed Naturopath", "Naturopathic Doctor", "Doctor of Naturopathy", "ND", or "NMD", or any similar title or description of services, with the intent to represent that the person practices naturopathic medicine. Nothing in this subsection shall be construed as prohibiting a person
registered to practice naturopathy or naturopathic healing under this act from using the terms "Naturopath" or "Registered Naturopath", or from using the terms "Naturopathic Doctor", "Doctor of Naturopathy", or "ND" in accordance with section 901 (g)."

Sec. 3. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.2(c)(3)).

Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of Columbia Register.