

Sixty-seventh
Legislative Assembly
of North Dakota

REENGROSSED SENATE BILL NO. 2274

Introduced by

Senators Dwyer, K. Roers, Bell

Representatives J. Nelson, Rohr, M. Ruby

1 A BILL for an Act to amend and reenact section 43-58-08 of the North Dakota Century Code,
2 relating to the scope of practice of a naturopath.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 43-58-08 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **43-58-08. Practice of naturopathic health care.**

- 7 1. A naturopath may practice naturopathic medicine as a limited practice of the healing
8 arts as exempted under section 43-17-02. A naturopath may not:
- 9 a. ~~Prescribe~~Except as authorized under subsection 3, prescribe, dispense, or
10 administer any prescription drug;
 - 11 b. Administer ionizing radioactive substances for therapeutic purposes;
 - 12 c. Perform a surgical procedure; or
 - 13 d. Claim to practice any licensed health care profession or system of treatment
14 other than naturopathic medicine unless holding a separate license in that
15 profession. A naturopath may not hold out to the public that the naturopath is a
16 primary care provider.
- 17 2. A naturopath may prescribe and administer for preventive and therapeutic purposes a
18 prescriptive device and the following nonprescriptive natural therapeutic substances,
19 drugs, and therapies:
- 20 a. Food, vitamins, minerals, dietary supplements, enzymes, botanical medicines,
21 and homeopathic preparations;
 - 22 b. Topical drugs, health care counseling, nutritional counseling and dietary therapy,
23 naturopathic physical applications, and therapeutic devices; and
 - 24 c. Barrier devices for contraception.

- 1 3. Within the scope of practice, a naturopath:
 - 2 a. May prescribe, dispense, administer, and procure drugs and medical devices.
 - 3 b. May plan and initiate a therapeutic regimen that includes ordering and
4 prescribing nonpharmacological interventions, including durable medical
5 equipment, nutrition, blood and blood products, and diagnostic support services,
6 including home health care, hospice, and physical and occupational therapy.
 - 7 c. May not prescribe or dispense schedule I through V substances as designated by
8 the federal drug enforcement administration except for testosterone and may
9 prescribe and dispense all other legend drugs.
 - 10 d. May not dispense a drug, unless pharmacy services are not reasonably
11 available, dispensing is in the best interest of the patient, or an emergency exists.
 - 12 e. May request, receive, and sign for a professional sample if the naturopath is
13 authorized to prescribe the sample and may distribute the professional sample to
14 a patient.
 - 15 f. If prescribing or dispensing a controlled substance, shall register with the federal
16 drug enforcement administration and shall comply with appropriate state and
17 federal laws.
- 18 4. A naturopath may perform or order for diagnostic purposes a physical or orificial
19 examination, ultrasound, phlebotomy, clinical laboratory test or examination,
20 physiological function test, and any other noninvasive diagnostic procedure commonly
21 used by physicians in general practice and as authorized by the board.