

**TITLE 112
INTEGRATIVE HEALTH CARE**

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**ARTICLE 112-01
GENERAL ADMINISTRATION**

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**CHAPTER 112-01-01
ORGANIZATION OF BOARD**

Section	
112-01-01-01	Organization and Functions of the Board of Integrative Health Care

112-01-01-01. Organization and functions of the board of integrative health care.

1. **History.** The board of integrative health care was established in 2011 under North Dakota Century Code chapter 43-57 to provide a means to regulate integrative health care practitioners. The first integrative health care practitioners to be licensed and regulated by the board are naturopaths in accordance with North Dakota Century Code chapter 43-58, and music therapists in accordance with North Dakota Century Code chapter 43-59. North Dakota is the sixteenth state of the United States to license naturopaths.
2. **Functions.** The function of the board is to determine if naturopaths and music therapists meet the qualifications to practice in the state of North Dakota, and to prevent unqualified naturopaths and music therapists from practicing in North Dakota. The board establishes and enforces the education, licensing examinations and professional conduct of naturopaths and music therapists in accordance with North Dakota Century Code chapters 43-58 and 43-59.

3. **Board membership.** The initial board consists of five to seven members appointed by the governor: one naturopath, one music therapist, one medical or osteopathic doctor, one advanced practice registered nurse, one pharmacist and up to two public members. Members of the board serve three-year terms, except for the initial board members which shall be staggered. Two to three three-year terms expire each year. Board members annually elect from board membership the chairman, vice chairman, secretary, and treasurer of the board.
4. **Secretary and Treasurer.** The secretary and the treasurer are/is elected by the board.
5. **Executive director.** The board may hire an executive director to oversee the clerical needs of the board, and who will answer to the board chairman.
6. **Inquiries.** Any questions or suggestions concerning these rules should be sent to the executive director or to the secretary during any time period that the executive director position is unfilled.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-02, 43-57-03

CHAPTER 112-01-02 BOARD MEETINGS

Section

112-01-02-01	Regular or Special Meetings
112-01-02-02	Committees and Advisory Groups
112-01-02-03	Board Expenses
112-01-02-04	Petition to the Board

112-01-02-01. Regular or special meetings. The board will hold regular meetings at least twice a year. Regular or special meetings may be called at any time when the opinion of the board justifies such action.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-03

112-01-02-02. Committees and advisory groups.

1. In order to carry out the duties and functions of the board, the chairman may establish committees from the board membership and define the duties of committees.
2. Pursuant to North Dakota Century Code section 43-57-04, the chairman shall assign an advisory group of three to five members for each profession licensed and regulated by the board.
 - a. In all consultations requested by the board, the advisory group shall provide written recommendations to the executive director within thirty calendar days of receipt of the request. The executive director shall make a copy available to each board member seven calendar days prior to the board making a final decision. An electronic copy is acceptable if the board member has given prior approval and acknowledges receipt.
 - b. The advisory group may bring new matters before the board by contacting any member of the board. The advisory group shall follow up with a written statement to the executive director within seven calendar days of contacting the board member. The executive director shall provide a copy to the chairman to determine whether it requires a special meeting.
 - c. If the board chooses not to implement the advisory group recommendations or take action on a new matter brought before the board by the advisory group, the chairman of the board is required to provide a written letter of explanation to the board member representing the profession and a copy to the advisory group within three business days.
 - d. If the advisory group believes the board has unreasonably disregarded the advisory group recommendations or new concerns brought before the board, the advisory group may seek recourse through an administrative law judge. If a member of the board has established a pattern of unreasonable disregard, the advisory committee may submit a request to the Governor's office to reconsider the board member's appointment for cause.

History:

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-04, 43-57-02

112-01-02-03. Board expenses. Each member of the board shall be reimbursed for the member's mileage and travel expenses for each day the member is actually engaged in performing the duties of the member's office as provided for in North Dakota Century Code sections 43-57-02 and 54-06-09. Each member of the board shall receive per diem in the amount of one hundred dollars for each day or portion thereof spent in the discharge of the member's duties on behalf of current licensees. Per diem compensation for duties related to newly regulated professions begins after the first license has been issued. No per diem shall be paid to board members for duties pertaining to petitions for inclusion.

History: Effective

General Authority: NDCC 28-32-02, NDCC 43-57-03

Law Implemented: NDCC 43-57-02

112-01-02-04. Petition of the board. Pursuant to North Dakota Century Code section 43-57-05,

1. A petition to request inclusion under the board must be received by the executive director no later than October first of an even year in order to be considered for the next legislative assembly.
 - a. The petition shall be in the form of a signed letter submitted by an officer of a regulatory board or an association representing the profession or occupation being considered for inclusion under the board. The letter shall include notification of the number of current or eligible licensees within North Dakota. For an occupation or profession already licensed and regulated within North Dakota, the letter shall also state the reason for the request.
 - b. The petition shall include a copy of the proposed bill draft. The bill draft shall include proposed education and testing requirements, title restriction provisions, disciplinary measures, and a means to pay start-up costs.
2. The board may request additional information from the petitioner as needed. The board may make further requests as necessary to carry out its duties.
3. The board shall provide a written recommendation to the petitioner within thirty calendar days of receipt of all requested information. The recommendation shall be made available to the public upon request.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-05

**CHAPTER 112-01-03
DUTIES OF OFFICERS**

Section

112-01-03-01	Duties of Chairman
112-01-03-02	Duties of Secretary and Treasurer
112-01-03-03	Duties of Executive Director
112-01-03-04	Other Duties

112-01-03-01. Duties of chairman. The chairman shall preside at all meetings of the board, and shall perform such other duties as generally devolve upon that office and as prescribed by law. In the chairman's absence, the vice chairman shall preside and perform the duties of the chairman. In the absence of both the chairman and vice chairman, the secretary shall preside and perform the duties of the chairman.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-02

112-01-03-02. Duties of secretary and treasurer. The secretary will review and sign minutes of all meetings as prepared by the executive director. Authorization by the treasurer is required for any checks that exceed five hundred dollars. The treasurer will review the bank statements each month. The secretary will assume the duties of the executive director if the position is unfilled.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-03

112-01-03-04. Duties of executive director. The board may hire an executive director, who may be an individual or a business which functions in this capacity. If an executive director is hired, the executive director will serve as the filing, recording, and corresponding officer of the board. The executive director shall keep on file a register showing names and addresses and complete registration of all integrative health care practitioners who have been licensed by the board. The executive director shall be custodian of the seal and affix the same to documents when necessary. The executive director shall collect and receipt for all money received, keep an accurate account of the same and deposit all such money after each regular or special meeting of the board with the bank selected by the board. The executive director shall keep an accurate record of all money received and disbursed and report the condition of the finances to the board after each board meeting or whenever required to do so. The executive director shall take the minutes of each board meeting and make a complete record of the minutes, to be signed by the secretary, which shall be kept in a book provided for that purpose. The executive director will keep the board compliant with the state's open meetings laws.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-03

112-01-03-05. Other duties. The officers and members of the board shall perform such duties as are enjoined upon them by law.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 28-32-02

CHAPTER 112-01-04 LICENSEE DUTIES AND DISCIPLINARY MATTERS

Section

112-01-04-01	Unlicensed Practice
112-01-04-02	Code of Ethics
112-01-04-03	Unprofessional Conduct
112-01-04-04	Administrative Sanction
112-01-04-05	Report of Disciplinary Actions
112-01-04-06	Reporting Contagious or Infectious Diseases
112-01-04-07	Reporting Child Abuse

112-01-04-01. Unlicensed practice. Upon receipt of a complaint that a person is practicing without a license, the board may make a determination as to whether a person is practicing without a license. In order to make this determination the board may conduct an investigation to make a determination if an individual is unlicensed including reviewing records, interview persons who may have knowledge of the unlicensed practice, contact third parties to verify background, or may request any other information that may help make the determination of unlicensed activity.

If the determination is made that an individual is unlicensed pursuant to this section, the board may send a letter to the person about whom the complaint was made directing that the person immediately cease and desist. The person will be given ten working days to submit an application to practice. If the person does not apply, or continues to practice without a license, he or she may be referred to the state's attorney in the county in which the person is located for prosecution.

The board is not required to follow this procedure, and this procedure does not provide a criminal defendant with any additional rights, nor a defense against prosecution or conviction in a criminal proceeding.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-02, 43-57-03, 43-57-11, 43-59-03

112-01-04-02. Code of ethics.

1. Naturopaths. The board adopts the 2011 edition of the American association of naturopathic physicians code of ethics as the code of ethical conduct governing the practice of naturopathy.
2. Music therapists. The board adopts the 2011 edition of the certification board for music therapist's code of professional practice as the code of ethical conduct governing the practice of music therapy.

History: Effective July 1, 2011.

General Authority: NDCC 43-57-03

Law Implemented: NDCC 43-57-03

112-01-04-03. Unprofessional conduct. The board may revoke, suspend, or deny a license to any person otherwise qualified or licensed by the board who is found to have committed unprofessional conduct. Unprofessional conduct includes the following:

1. Exploitation of patients for financial gain, which includes:
 - a. Overutilization of services. Overutilization is defined as services rendered or goods or appliances sold to a patient for the financial gain of the licensee or a third party, which are excessive in quality or quantity to the justified needs of the patient.
 - b. Ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient.
 - c. Exercising undue influence on a patient or client, including the promotion or the sale of services, goods, or appliances in such a manner as to exploit the patient or client.
 - d. The administration of treatment or the use of diagnostic procedures which are excessive as determined by the customary practices and standards of the local community of licensees.
2. Willfully harassing, abusing, or intimidating a patient, either physically or verbally.
3. Failing to maintain a patient record and a billing record for each patient, which accurately reflects the evaluation or treatment, or both, of the

patient and the fees charged to the patient. Unless otherwise provided, all patient records must be retained for at least ten years.

4. The willful or grossly negligent failure to comply with the substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of the profession.
5. Any conduct which has endangered or is likely to endanger the health, welfare, or safety of the public including habitual alcohol abuse, illegal use of controlled substances, or conducting unauthorized experiments or tests upon patients.
6. Conviction of a crime which is substantially related to the qualifications, functions, or duties of a profession or occupation regulated by the board.
7. Conviction of a felony, or any offense involving moral turpitude, dishonesty, or corruption.
8. Violation of any of the provisions of law regulating the dispensing or administration of narcotics, dangerous drugs, or controlled substances.
9. The commission of any act involving moral turpitude or dishonesty, whether the act is committed in the course of the individual's activities as a license holder or otherwise.
10. Knowingly making or signing any false certificate or other document relating to the practice of patient care which falsely represents the existence or nonexistence of a state of facts.
11. Violating or attempting to violate, directly or indirectly, or assisting in or abetting in the violations of, or conspiring to violate any provision of the law or the rules adopted by the board.
12. Making or giving any false statement or information in connection with the application for issuance of a license.
13. Participation in any act of fraud or misrepresentation.
14. Except as required by law, the unauthorized disclosure of any information about a patient revealed or discovered during the course of examination or treatment.
15. The offering, delivering, receiving, or accepting of any rebate, refund, commission, preference, patronage, dividend, discount, or other consideration as compensation or inducement for referring patients to any person.

16. Practicing or offering to practice beyond the scope permitted by law, or accepting and performing professional responsibilities which a licensee knows or has reason to know that the licensee is not competent to perform, or performing without adequate supervision professional services which a licensee is authorized to perform only under the supervision of a licensed professional, except in an emergency situation where a person's life or health is in danger.
17. Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, by experience, or by licensure, to perform them.
18. Advertising or soliciting for patronage that is not in the public interest, which includes:
 - a. Advertising or soliciting which is false, fraudulent, deceptive, or misleading.
 - b. Advertising or soliciting which guarantees any service or result.
 - c. Advertising or soliciting which makes any claim relating to professional services or products or the cost or price thereof which cannot be substantiated by the licensee.
 - d. Advertising or soliciting which make claims of professional superiority which cannot be substantiated by the licensee.
 - e. Advertising or soliciting which is based upon a claim that the licensee uses a secret or special method of treatment and the licensee refuses to divulge the secret or special method of treatment to the board.
 - f. Advertising no out-of-pocket expenses or practicing same.
19. Violation of any term of suspension or probation imposed by the board.
20. Initiating or engaging in any sexual conduct, sexual activities, or sexualizing behavior involving a current patient, even if the patient attempts to sexualize the relationship, except when the patient is the licensee's spouse.

History: Effective July 1, 2011.
General Authority: NDCC 43-57-03
Law Implemented: NDCC 43-57-08

112-01-04-04. Administrative sanction. An administrative sanction shall be imposed in the amount of three times the application fee for any applicant or licensee regulated by the board who provides false or deceptive information with regard to any material fact concerning eligibility for initial license or renewal after verifying or certifying that the information provided is true. This includes all material information provided in an initial license application, an annual renewal, or a report of compliance with mandatory continuing education requirements. The imposition of an administrative sanction under this section is not a disciplinary action of the board; however, it does not preclude the board from also imposing disciplinary action, or other penalties provided by law, for the same conduct in appropriate cases. An applicant or licensee may challenge the imposition of an administrative sanction under this section in a hearing under North Dakota Century Code chapter 28-32 before an administrative law judge.

History: Effective
General Authority: NDCC 43-57-03, 43-57-08
Law Implemented: NDCC 43-57-08

112-01-04-05. Report of disciplinary actions. The board will report all final disciplinary actions to the federal health care integrity and protection database. The board may also publish all final disciplinary actions in select state newspapers.

History: Effective December 31, 2011.
General Authority: NDCC 43-57-03
Law Implemented: NDCC 43-57-03, 43-57-08

112-01-04-06. Reporting contagious or infectious diseases. To comply with the state law regarding contagious or infectious diseases, medical practitioner licensees of shall immediately notify the health officer of the community of the existence of such diseases.

History: Effective.
General Authority: NDCC 28-32-02, 43-57-03, 43-58-09
Law Implemented: NDCC 43-57-03, 43-58-09, 23-07-01

112-01-04-07. Reporting child abuse. A licensee having knowledge of or reasonable cause to suspect that there is child abuse or neglect is mandated to report the circumstances to the department of human services if the knowledge or suspicion is derived from information received by the licensee in the licensee's professional capacity.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 50-25.1-03

**CHAPTER 112-01-05
LICENSE REVOCATION, SUSPENSION, DENIAL OR LIMITATION**

Section

112-01-05-01 Relicensure After Revocation

112-01-05-02 License Suspension

112-01-05-03 License Denial or Limitation

112-01-05-04 Right to appeal

112-01-05-01. Relicensure after revocation. A licensee who has had his or her license revoked is not eligible to apply for relicensure for at least one year following the date the revocation order was signed by a board official, unless otherwise specified in the order.

History: Effective

General Authority: NDCC 28-32-02, 43-57-08

Law Implemented: NDCC 43-57-11

112-01-05-02. License Suspension. During a period of suspension, the suspended licensee shall not provide or assist in any type of patient care or patient communications.

History: Effective

General Authority: NDCC 28-32-02, 43-57-08

Law Implemented: NDCC 43-57-11

112-01-05-03. Denial or limitation of licensure. In the event the board makes an initial determination that an applicant does not meet the requirements for licensure, or that an applicant should be granted a limited or conditioned license, the board shall promptly give the applicant notice, personally or by certified mail, that it has made an informal decision to deny the application or to place conditions or limitations on the applicant's license. The board shall also advise the applicant as follows:

1. The applicant has the right to have the merits of the application considered at a formal hearing in accordance with the provisions of the North Dakota Administrative Agencies Practices Act, North Dakota Century Code chapter 28-32.
2. To secure a formal hearing on the merits of the application, the applicant must contact the board to request the hearing within sixty days of being given notice of the board's informal decision.

3. In the event an applicant does not request a formal hearing within sixty days of the date on which the applicant is given notice that the board has made an informal decision to deny the application or to place conditions or limitations on the applicant's license, then the board's informal decision will become the final order of the board.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-09

112-01-05-04. Right to appeal If a person is aggrieved by a denial, suspension or revocation of a license, the aggrieved person may appeal the decision pursuant to the administrative agencies practice act.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-03, 43-57-09

CHAPTER 112-01-06 PROVISIONAL TEMPORARY LICENSE

Section

112-01-06-01 License for Interval Between Board Meetings

112-01-06-01. License for interval between board meetings.

1. The board may issue a provisional temporary license to an applicant if:
 - a. The applicant holds a valid license in another state, and
 - b. In their judgment the applicant meets all of the requirements for licensure.
2. A provisional temporary license is valid from the date of issue for the shorter of three months or until the time of the next regularly scheduled meeting of the board.

History: Effective.

General Authority: NDCC 43-57-03, 43-58-07, 43-59-03

Law Implemented: NDCC 43-57-03, 43-58-07, 43-59-03

**ARTICLE 112-02
NATUROPATHIC LICENSURE**

Chapter	
112-02-01	Admission to Practice Naturopathic Medicine
112-02-02	Authority of Naturopaths
112-02-03	Continuing Naturopathic Education

**CHAPTER 112-02-01
ADMISSION TO PRACTICE NATUROPATHIC MEDICINE**

Section	
112-02-01-01	Definitions
112-02-01-02	Approval of Schools
112-02-01-03	Applications for Licensure
112-02-01-04	Licensure by Endorsement
112-02-01-05	Photo
112-02-01-06	Examination Requirements
112-02-01-07	License Issued
112-02-01-08	Change of Location--License Displayed
112-02-01-09	License Renewal
112-02-01-10	Lapsed Licenses
112-02-01-11	Fees

112-02-01-01. Definitions. Unless specifically stated otherwise, all definitions found in North Dakota Century Code chapter 43-58 are applicable to this title. In this title, unless the context or subject matter otherwise requires:

1. "Administration" means the intradermal, intramuscular, intravenous, oral, rectal, subcutaneous, sublingual, topical, auricular, nasal, ocular or vaginal routes of administration in accordance with naturopathic medical training.
2. "Council" means the council on naturopathic medical education or its successor. The successor must be an accrediting agency recognized by the United States department of education.
3. "In accordance with naturopathic medical training" means the practice of naturopathic medicine by means that are consistent with the education of an approved naturopathic medical college, are generally recognized as safe and effective and generally considered to be within the accepted practice standards for the naturopathic profession.
4. "Manipulation of the spine" means therapeutic osseous manipulation techniques to realign the cervical, thoracic, lumbar vertebrae and sacrum.

5. "National board" means the North American board of naturopathic examiners or its successor.
6. "National board exams" means the naturopathic physicians licensing exams (NPLEX) or its successor.
7. "Nondrug prescription device" includes: diabetic supplies, intrauterine devices, cold lasers, orthotics and transcutaneous electrical stimulation units.
8. "Nonprescription topical drug" means a topical analgesic, antibacterial, antifungal, antiseptic, antipruritic or hormone that is not a prescription drug.
9. "Prescription drug" means a legend drug as defined by section 503(b) of the Act of Congress entitled the Federal Food, Drug and Cosmetic Act [21 U.S.C 353 et. seq.] and under its definitions its label is required to state "Rx only"

History: Effective July 1, 2011.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-03

112-02-01-02. Approval of schools. The board shall approve a naturopathic medical school if it meets the definition pursuant to North Dakota Century Code section 43-58-01 and is accredited by the council. The board shall maintain an updated list of approved naturopathic medical schools and make it available upon inquiry.

History: Effective July 1, 2011.

General Authority: NDCC 28-32-02, 43-57-03, 43-58-01

Law Implemented: NDCC 43-57-03

112-02-01-03. Application for licensure. Application shall be made on the official form issued by the board.

1. Applicants seeking licensure pursuant to North Dakota Century Code section 43-58-05 shall be considered when all of the following have been received:
 - a. A signed and dated completed official application form.
 - b. An official transcript of the national board exams sent directly to the board from the national board verifying satisfactory passage of both part one and part two.

- c. An official complete transcript sent directly to the board from the approved naturopathic medical school from which the applicant graduated verifying date of graduation and completion of clinical training.
 - d. The application fee and the initial license fee.
2. Applicants seeking a license or limited license pursuant to North Dakota Century Code section 43-58-06 shall submit the following documents for consideration:
 - a. A signed and dated completed official application form.
 - b. An official school transcript verifying graduation from a school of naturopathy.
 - c. Documentation of supervised clinical training and practical postgraduate clinical experience including dates, clinic contact information and supervisor contact information for verification purposes.
 - d. Documentation of North Dakota residency throughout calendar year 2011.
 - e. Documentation of the practice of naturopathy in North Dakota in 2011.
 - f. The application fee and the licensing fee.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-58-04, 43-58-05, 43-58-06

112-02-01-04. License by Endorsement. An application for license by endorsement will be considered by the board if the following conditions are met:

1. The candidate has graduated from and holds a degree from an approved naturopathic medical school.
2. The candidate holds a current valid license in good standing to practice as a naturopath in another state or jurisdiction. Official written verification of licensure status must be received by the board from the other state or jurisdiction.
3. The examination requirements of the other state or jurisdiction are substantially similar as in North Dakota.

4. The candidate has filed with the board an official application for licensure by endorsement, a copy of the diploma from an approved naturopathic medical school, a copy of the current valid license and the required application fee.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-58-07

112-02-01-05. Photo. An unmounted passport photograph of the applicant must be pasted in the space provided on the application before filing with the board. The photograph must have been taken within one year of the date of application.

Effective:

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-04, 43-58-06

112-02-01-06. Examination requirements.

1. Those applicants for licensure who have obtained a passing score on the naturopathic physicians licensing examination (NPLEX) part one and part two or its successor shall be deemed to have met the examination requirement specified in North Dakota Century Code section 43-58-05.
2. The examination requirements for licensure must be successfully completed within four years from graduation. The board may grant an exception to this requirement for applicants who have concurrently pursued another graduate degree, and the applicant presents a verifiable, rational and compelling explanation for not meeting the four-year time limit.
3. An applicant is permitted a maximum of three attempts to pass each part or component of the national board exam. If the applicant fails to pass each part or component of the national board exam after three attempts, the applicant must wait one year and reapply as a new applicant.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-58-05

112-02-01-07. License issued. When it shall have been determined by the board that any candidate has successfully graduated from an approved school, passed the national board exams, and is a person of good moral character, there shall be issued to such candidate a license to practice naturopathy.

History: Effective

General Authority: NDCC 28-32-02, 43-57-06

Law Implemented: NDCC 43-57-05, 43-57-06

112-02-01-08. Location of Practice--License displayed.

1. If a licensed naturopath moves from the naturopath's primary location, the office of the executive director must be noticed of the change of location of the naturopath. A current certificate or duplicate certificate issued by the board must at all times be displayed in each office location of the naturopath. In case of loss or destruction, a duplicate certificate may be issued by the board upon receipt of satisfactory evidence of the loss or destruction.
2. A licensed naturopath providing temporary services in offsite locations must carry a duplicate license wallet card and show the card upon request.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-58-03

112-02-01-09. License renewal.

1. Every naturopath who has been licensed by the board shall renew the license by remitting a renewal fee on or before December thirty-first of each odd numbered year and completing the questionnaire provided by the board. For applicants who receive an initial license after July first in an odd numbered year, the license will be deemed to be automatically renewed on December thirty-first for an additional two years without payment of an additional renewal fee.
2. The applicant for renewal shall certify on the questionnaire that the continuing education requirements have been or will be met by December thirty-first. The applicant must keep records of completed continuing education. The board shall conduct random compliance audits of licensees. Failure to complete continuing education is considered unprofessional conduct.
3. A license renewal application received on or after January first of an even numbered year is a late renewal and requires a new completed application form, the renewal fee, plus a late fee set by the board. Proof of appropriate continuing education hours must be presented. A license that has not been renewed by December thirty-first in an odd numbered year is a lapsed license.

History: Effective.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-06, 43-57-07, 43-58-03

112-02-01-10. Lapsed licenses. Once a license has lapsed, the person who held the lapsed license may not practice naturopathic medicine or use a title reserved under state law for individuals who are licensed by the board until a new license is issued. A person whose license has lapsed but who continues to practice naturopathic medicine or use a restricted title violates state law and this chapter. Such a violation is grounds for denying an application by the former licensee for renewal of the lapsed license or for a new license.

History: Effective

General Authority: NDCC 43-57-03

Law Implemented: NDCC 43-57-11, 43-58-03

112-02-01-11. Fees. The board charges the following nonrefundable fees:

1. **Application.** The fee for filing an application for an initial license is fifty dollars.
2. **Initial license.** The fee for an initial license is five hundred dollars. The licensing period is biennial, ending on December thirty-first every odd year. The initial license fee shall be prorated quarterly based upon the time period remaining in the two year cycle at application.
3. **Temporary license.** The temporary license fee for naturopaths shall be one hundred dollars. The cost of the temporary license fee will be applied toward the initial license fee upon receipt of application for the initial license.
4. **Renewal.** Licenses renew on December thirty-first every odd year. The renewal fee is four hundred dollars for active status, two hundred dollars for inactive status.
5. **Change of status.** To change from inactive to active status, the fee shall be prorated on a quarterly basis on the time period remaining in the two year cycle.
6. **Late filing.** An additional late filing fee will be charged on renewal applications not received by December thirty-first every odd year. The late filing fee for naturopaths is seventy-five dollars.
7. **Duplicate license.** The duplicate license fee for a naturopath license certificate is twenty-five dollars. The duplicate license fee for a naturopath license wallet card is twenty dollars.

History: Effective

General Authority: NDCC 43-57-03

Law Implemented: NDCC 43-57-03, 43-57-07, 43-58-05

CHAPTER 112-02-02 AUTHORITY OF NATUROPATHS

Section

112-02-02-01 Rights and Privileges

112-02-02-02 Signing Death Certificates

112-02-02-03 Advertising

112-02-02-04 Authority to Administer, Prescribe and Dispense

112-02-02-05 Intradermal, Intramuscular, Intravenous and Subcutaneous Administration

112-02-02-01. Rights and privileges. Unless otherwise limited by statute, naturopaths shall be entitled to all rights and privileges of physicians in this state.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-58-08, 43-58-09, 43-58-10

112-02-02-02. Signing death certificates. In case of the death of any patient, the naturopath shall be required to fill out and sign such certificate of death as is required by statute.

History: Effective July 1, 2011

General Authority: NDCC 28-32-02, 43-58-09

Law Implemented: NDCC 43-58-09, 43-58-10

112-02-02-03. Advertising. Naturopaths will be privileged to advertise their practice in any legitimate manner set forth in the code of ethics adopted by the board, except as limited or prohibited by statute.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-58-03, 43-58-08

112-02-02-04. Authority to Administer, Prescribe, Dispense. The practice of naturopathic medicine includes the administration, prescription, dispensing, ordering or performing of:

1. Food, vitamins, minerals, nutritional supplements, digestive enzymes, botanical medicine and homeopathic remedies.

2. Health care counseling, nutritional counseling and dietary therapy, hydrotherapy, and naturopathic physical applications and therapeutic devices. Naturopathic physical application does not include manipulation of the spine. Naturopathic physical application does include osseous manipulation of the extremities, ribs and pelvis.
3. Nondrug prescription devices.
4. Nonprescription topical drugs.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-58-08

112-02-02-05. Intradermal, intramuscular, intravenous and subcutaneous administration.

1. A naturopath may administer vitamins, minerals, amino acids and homeopathic remedies in accordance with naturopathic medical training through intradermal, intramuscular, subcutaneous injection or intravenous therapy. Substances administered by injection or intravenous therapy must be manufactured and supplied by a manufacturer required to register with the United States food and drug department or compounded by a pharmacy licensed by the state health department.
2. A naturopath may use intravenous therapy when they have submitted an attestation of training to the board. The training must be at least sixteen hours of instruction. At least eight hours of instruction must be a graduate level course through an approved naturopathic medical school. Instruction must include:
 - a. Indications
 - b. Contraindications
 - c. Formularies
 - d. Emergency protocols
 - e. Osmolarity calculation
 - f. Aseptic technique
 - g. Proper documentation

3. A naturopath must retain documentation of intravenous training for at least five years from attestation date.
4. Intravenous chelation therapy is limited to use for heavy metal toxicity.
5. A naturopath who uses injection or intravenous therapy must have a plan to manage adverse events including sensitivity, allergy, overdose or other unintended reactions.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-03, 43-57-08

CHAPTER 112-02-03 CONTINUING NATUROPATHIC EDUCATION

Section

112-02-03-01	Requirements
112-02-03-02	Exceptions
112-02-03-03	Board Approval
112-02-03-04	Board Audit
112-02-03-05	Inactive status

112-02-03-01. Requirements.

1. All active licensees shall complete:
 - a. A jurisprudence seminar sponsored by the board within twelve months after an initial license has been issued to practice naturopathy in North Dakota.
 - b. A minimum of forty hours of approved continuing naturopathic education (CNE) credits biennially. Only hours earned at board-approved continuing naturopathic education programs will be acceptable. One hour of credit is earned for every fifty minutes of approved continuing education.
 - c. Five of the forty hours of approved continuing naturopathic education credits must be topics on pharmacology.
 - d. An extension of time or other waiver to complete the hours required in section 1 shall be granted upon written application if the licensee failed to meet the requirements due to illness, military service, medical or religious missionary activity or other extenuating circumstance.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-03, 43-57-07

112-02-03-02. Exceptions. The following naturopaths are not required to meet the requirements of this chapter.

1. Naturopaths who are enrolled in fulltime graduate naturopathic medical education programs (residencies and fellowships).
2. Naturopaths who hold a provisional temporary license and naturopaths who have not renewed their licenses for the first time since being granted a regular permanent license by the board.
3. Naturopaths who have retired from the active practice of medicine. This exception is available only to retired naturopaths who have completely and totally withdrawn from the practice of naturopathic medicine. Any naturopath seeking to be excused from completing continuing naturopathic education requirements under this subsection must submit an affidavit to the board (on the board's form) certifying that the naturopath will render no naturopathic medical services during the term of the next continuing naturopathic education reporting period.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-03, 43-57-07

112-02-03-03. Board Approval.

1. In order to receive board approval, a continuing naturopathic education (CNE) program must meet one of the following:
 - a. A program sponsored by the board;
 - b. A program sponsored by an approved naturopathic medical school.
 - c. A health-related seminar sponsored by a college or university accredited by an organization recognized by the United States department of education;
 - d. A health-related seminar qualifying for continuing education credits through the North Dakota board of medical examiners, the North Dakota board of chiropractic examiners, or the North Dakota board of nursing,

- e. An educational program arranged by the North Dakota association of naturopathic doctors or the American association of naturopathic physicians or one of its affiliates and approved by the board.
2. In order to have a program approved, the sponsor shall submit to the board the following information in addition to any other information requested by the board:
 - a. A detailed course outline or syllabus including such items as the method of instruction and the testing materials.
 - b. The qualifications and subjects taught by each instructor appearing in the program.
 - c. The procedure to be used for recording attendance of those attendees seeking to apply for continuing naturopathic education credit.
3. The board shall be the sole determinant of whether the courses are approved for continuing naturopathic education credit. The board shall make that determination based on the information submitted to it. In making its decision, the board shall determine whether or not the course submitted for credit meets the basic goals of continuing naturopathic education. Those basic goals include the growth of knowledge, the cultivation of skills and greater understanding, the continual striving for excellence in naturopathic care, and the improvement of health and welfare of the public.
4. Except for continuing naturopathic education credits subject to section 1(a), it is the responsibility of the licensee to verify the appropriate credit designation with the source of the program, not with the board. All licensees are encouraged to verify eligibility for continuing naturopathic credit and the appropriate credit designation before taking any particular course.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-03, 43-57-07

112-02-03-04. Board Audit. Each biennium the board will audit randomly selected naturopaths to monitor compliance with the continuing education requirements. Any naturopath so audited will be required to furnish documentation of compliance including the name of the accredited continuing naturopathic education provider, name of the program, hours of continuing education completed, dates of attendance and verification of attendance. Any naturopath who fails to provide verification of compliance with the continuing naturopathic education requirements will be subject to revocation of

licensure. In order to facilitate the board's audits, every naturopath is required to maintain a record of all continuing naturopathic education activities in which the naturopath has participated. Every naturopath must maintain those records for a period of at least two years following the time when those continuing naturopathic education activities were reported to the board.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-07, 43-57-08

112-02-03-05. Inactive status. On or before December thirty-first of each odd numbered year, licensees may elect to renew their licenses as inactive. The inactive status is at a reduced fee for those licensees who do not practice, consult, or provide any service relative to the naturopathic medical profession in the state. The inactive licensee does not have to provide proof of continuing naturopathic education hours. Any inactive licensee may activate the license at any time by paying an additional fee and showing proof of thirty hours of continuing naturopathic education in the preceding twenty-four months.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-07, 43-57-08

**ARTICLE 112-03
MUSIC THERAPIST LICENSURE**

**CHAPTER 112-03-01
MUSIC THERAPY**

Section	
112-03-01-01	Definitions
112-03-01-02	Application for Licensure
112-03-01-03	Licensure by Endorsement
112-03-01-04	Examination Requirements
112-03-01-05	License Issued – Approved designation
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112-03-01-08	Lapsed Licenses
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112-03-01-10	Board Approval of Continuing Education
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112-03-01-01. Definitions. Unless specifically stated otherwise, all definitions found in North Dakota Century Code chapter 43-59 are applicable to this title. In this title, unless the context or subject matter otherwise requires:

1. “National association” means the American music therapy association or its successor. The successor may be an accrediting agency recognized by the United States department of education.
2. “National board” means the certification board for music therapists or its successor.
3. “National board exams” means the music therapy examination for board certification or its successor.

History: Effective

General Authority: NDCC 43-57-03

Law Implemented: NDCC 43-57-03, 43-59-03

112-03-01-02. Application for licensure. Application shall be made on the official form issued by the board. The form may be secured from the board’s official website.

1. Applicants holding current board certification from the certification board for music therapists shall be considered when all of the following have been received:

- a. A signed and dated completed official application form including the applicants certification number from the certification board for music therapists.
- b. The application fee and the initial license fee.
- c. Applicants holding a professional designation from the national music therapy registry (RMT-registered music therapist; CMT-certified music therapist; ACMT-advanced certified music therapist) shall submit the following documents for consideration:
- d. A signed and dated completed official application form.
- e. A photocopy of the professional designation granted by the national music therapy registry. The copy must include the type of designation and designation number.
- f. A current curriculum vitae documenting the practice of music therapy, including the contact information for two professional references, one of which must relate to the practice of music therapy.
- g. The application fee and the initial licensing fee.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-03, 43-59-03

112-03-01-03. License by endorsement. An application for license by endorsement will be considered by the board if the following conditions are met:

1. The candidate has received a music therapy degree from a national association-approved school.
2. The candidate holds a current valid license in good standing to practice as a music therapist in another state or jurisdiction. Official written verification of licensure status must be received by the board from the other state or jurisdiction.
3. The board certification requirements of the other state or jurisdiction are the same. Official verification of board certification requirements must be received by the board from the other state or jurisdiction.
4. The candidate has filed with the board an official application for licensure by endorsement, a copy of the diploma from an approved school, a copy of the current valid license and the required application fee.

History: Effective

General Authority: NDCC 43-57-03

Law Implemented: NDCC 43-57-03, 43-59-03

112-03-01-04. Examination requirements.

1. Those applicants for licensure who have obtained a passing score on the music therapy examination for board certification or who transitioned into board certification and have remained actively certified by the certification board for music therapists or its successor shall be deemed to have met the examination requirement.
2. Those applicants who hold a professional designation from the national music therapy registry are exempt from the examination requirement when applying for the initial license but must obtain a passing score on the national board exam prior to renewing their license. Official verification of satisfactory passage must be received by the board before a license may be renewed.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-59-03

112-03-01-05. License issued – Approved Designation. When it shall have been determined by the board that any candidate is at least eighteen years of age, has met the examination requirements outlined in section 112-03-01-04, and is a person of good moral character, there shall be issued to such candidate a license to practice music therapy. The licensee may use the designation music therapist.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-06, 43-59-02, 43-59-03

112-03-01-06. License displayed.

1. If a licensed music therapist moves to a new office location, the board must be notified of the change.
2. A current certificate or duplicate certificate issued by the board must at all times be displayed in each office location of the music therapist. In case of loss or destruction, a duplicate certificate may be issued by the board upon receipt of satisfactory evidence of the loss or destruction.
3. A licensed music therapist providing temporary services in off-site locations must carry a duplicate license wallet card and show the card upon request.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-03, 43-59-02

112-03-01-07. License renewal and fees.

1. Every music therapist who has been licensed by the board shall renew the license by remitting a renewal fee on or before December thirty-first of each odd numbered year and completing the questionnaire provided by the board. For applicants who receive an initial license after July first in an odd numbered year, the license will be deemed to be automatically renewed on December thirty-first for an additional two years without payment of an additional renewal fee.
2. The applicant for renewal shall certify on the questionnaire that the continuing education requirements have been or will be met by December thirty-first. The applicant must keep records of completed continuing education. The board shall conduct random compliance audits of licensees. Failure to complete continuing education is considered unprofessional conduct.
3. A license renewal application received on or after January first of an even numbered year is a late renewal and requires a new completed application form, the renewal fee, plus a late fee set by the board. Proof of appropriate continuing education hours must be presented. A license that has not been renewed by December thirty-first in an odd numbered year is a lapsed license.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-07, 43-59-03

112-03-01-08. Lapsed licenses. Once a license has lapsed, the person who held the lapsed license may not practice music therapy or use a title reserved under state law for individuals who are licensed by the board until a new license is issued. A person whose license has lapsed but who continues to practice music therapy or use a restricted title violates state law and this chapter. Such a violation is grounds for denying an application by the former licensee for renewal of the lapsed license or for a new license.

History: Effective

General Authority: NDCC 43-57-03

Law Implemented: NDCC 43-57-03, 43-57-07, 43-59-02

112-03-01-09. Continuing Education Requirements.

1. All active licensees shall complete a minimum of forty hours of approved continuing education (CE) credits biennially. Only hours earned at board-accepted continuing education programs will be allowed. One hour of credit is earned for every 50 minutes of actual class time.
2. An extension of time or other waiver to complete the hours required in section 1 shall be granted upon written application if the licensee failed to meet the requirements due to illness, military service, medical or religious missionary activity or other extenuating circumstance.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-03, 43-57-07, 43-59-03

112-03-01-10. Board approval of continuing education.

1. In order to receive board approval, a continuing education (CE) program must be accepted by the national board.
2. It is the responsibility of the licensee to verify the appropriate credit designation with the source of the program, not with the board. All licensees must verify eligibility for continuing credit and the appropriate credit designation before taking any particular course.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-03, 43-57-07, 43-59-03

112-01-03-11. Board Audit. Each biennium the board will audit randomly selected music therapists to monitor compliance with the continuing education requirements. Any music therapist so audited will be required to furnish documentation of compliance including the name of the continuing education provider, name of the program, hours of continuing education completed, dates of attendance and verification of attendance. Any music therapist who fails to provide verification of compliance with the continuing education requirements will be subject to revocation of licensure. In order to facilitate the board's audits, every music therapist is required to maintain a record of all continuing education activities in which the music therapist has participated. Every music therapist must maintain those records for a period of at least two years following the time when those continuing education activities were reported to the board.

History: Effective

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-07, 43-57-08, 43-59-03

112-01-03-12. Fees. The board charges the following non-refundable fees:

1. **Application.** The fee for filing an application for an initial license is fifty dollars.
2. **Initial License.** The fee for an initial license is one hundred dollars. The licensing period is biennial, ending on December thirty-first every odd year. The initial license fee shall be pro-rated quarterly based upon the time period remaining in the two year cycle at application.
3. **Temporary license.** The temporary license fee shall be one hundred dollars. The cost of the temporary license fee will be applied toward the initial license fee upon receipt of application for the initial license.
4. **Renewal.** Licenses renew on December thirty-first every odd year. The renewal fee is one hundred dollars for active status, seventy-five dollars for inactive status.
5. **Change of Status.** To change from inactive to active status, the fee shall be pro-rated on a quarterly basis on the time period remaining in the two year cycle.
6. **Late filing.** An additional late filing fee will be charged on renewal applications not received by December thirty-first every odd year. The late filing fee is seventy-five dollars.
7. **Duplicate license.** The duplicate license fee for a license certificate is twenty-five dollars. The duplicate license fee for a license wallet card is twenty dollars.

History: Effective

General Authority: NDCC 43-57-03

Law Implemented: NDCC 43-57-03, 43-57-07, 43-59-03