

Introduced by

Senators Unruh, Dever, Heckaman

Representatives Damschen, Rohr, Boschee

1 A BILL ~~for an Act to create and enact section 43-58-11 of the North Dakota Century Code,~~  
2 ~~relating to the regulation of naturopaths; and to amend and reenact sections 43-58-01 and~~  
3 ~~43-58-08 of the North Dakota Century Code, relating to the regulation of naturopaths.~~for an Act  
4 to provide for a legislative management study regarding the regulation of midwifery.

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

6 ~~**SECTION 1. AMENDMENT.** Section 43-58-01 of the North Dakota Century Code is~~  
7 ~~amended and reenacted as follows:~~

8 ~~**43-58-01. Definitions.**~~

9 ~~As used in this chapter, unless the context otherwise requires:~~

10 ~~1. "Approved naturopathic medical college" means a college and program granting the~~  
11 ~~degree of doctor of naturopathy or naturopathic medicine which must require as a~~  
12 ~~minimum a four-year, full-time resident program of academic and clinical study and~~  
13 ~~which:~~

14 ~~a. Is accredited, or has the status of candidate for accreditation, by an organization~~  
15 ~~approved by the board, such as the council on naturopathic medical education; or~~

16 ~~b. Has been approved by the board after an investigation that determines that the~~  
17 ~~college or program meets education standards equivalent to those established by~~  
18 ~~the accrediting agency under subdivision a and complies with the board's rules.~~

19 ~~2. "Board" means the state board of integrative health care created under chapter 43-57.~~

20 ~~3. "Homeopathic preparations" means nonprescriptive substances prepared according to~~  
21 ~~the official homeopathic pharmacopoeia of the United States. The term does not~~  
22 ~~include prescriptive drugs.~~

23 ~~4. "Licensee" means an individual licensed by the board under this chapter.~~

1 ~~5. "Minor office procedures" means the methods for repair and care incidental to~~  
2 ~~superficial lacerations and abrasions; superficial lesions; the removal of foreign bodies~~  
3 ~~located in the superficial tissues, cysts, ingrown toenails, and skin tags; the treatment~~  
4 ~~and removal of warts; and the incision and drainage of boils. The term does not~~  
5 ~~include skin biopsies, general or spinal anesthetics, major surgery, or surgery of the~~  
6 ~~body cavity.~~

7 ~~6. "Naturopath" means an individual licensed to practice naturopathic health care under~~  
8 ~~this chapter.~~

9 ~~6.7. "Naturopathic health care", "naturopathic medicine", or "naturopathy" means a system~~  
10 ~~of primary health care practiced by naturopaths for the prevention, diagnosis, and~~  
11 ~~treatment of human health conditions, injury, and disease. The purpose of~~  
12 ~~naturopathic health care, naturopathic medicine, or naturopathy is to promote or~~  
13 ~~restore health by the support and stimulation of the individual's inherent self-healing~~  
14 ~~processes. This is accomplished through education of the patient by a naturopath and~~  
15 ~~through the use of natural therapies and therapeutic substances.~~

16 ~~7.8. "Naturopathic physical application" means the therapeutic use by a naturopath of the~~  
17 ~~actions or devices of electrical muscle stimulation, galvanic, diathermy, ultrasound,~~  
18 ~~ultraviolet light, hydrotherapy, and naturopathic manipulative therapy. The term does~~  
19 ~~not include manipulation of the spine.~~

20 ~~**SECTION 2. AMENDMENT.** Section 43-58-08 of the North Dakota Century Code is~~  
21 ~~amended and reenacted as follows:~~

22 ~~**43-58-08. Practice of naturopathic health care.**~~

23 ~~1. A naturopath may practice naturopathic medicine as a limited practice of the healing~~  
24 ~~arts as exempted under section 43-17-02. A naturopath may not:~~

25 ~~a. Prescribe~~~~Except as authorized under subsection 4, prescribe, dispense, or~~  
26 ~~administer any prescription drug;~~

27 ~~b. Administer ionizing radioactive substances for therapeutic purposes;~~

28 ~~c. Perform~~~~Except as authorized under subsection 5, perform a surgical procedure;~~  
29 ~~or~~

30 ~~d. Claim to practice any licensed health care profession or system of treatment~~  
31 ~~other than naturopathic medicine unless holding a separate license in that~~

1                   profession. A naturopath may not hold out to the public that the naturopath is a  
2                   primary care provider.

3 ~~— 2. — A naturopath may prescribe and administer for preventive and therapeutic purposes a~~  
4                   ~~prescriptive device and the following nonprescriptive natural therapeutic substances,~~  
5                   ~~drugs, and therapies:~~

6 ~~— a. — Food, vitamins, minerals, dietary supplements, enzymes, botanical medicines,~~  
7                   ~~and homeopathic preparations;~~

8 ~~— b. — Topical drugs, health care counseling, nutritional counseling and dietary therapy,~~  
9                   ~~naturopathic physical applications, and therapeutic devices; and~~

10 ~~— c. — Barrier devices for contraception.~~

11 ~~— 3. — A naturopath may perform or order for diagnostic purposes a physical or orificial~~  
12                   ~~examination, ultrasound, phlebotomy, clinical laboratory test or examination,~~  
13                   ~~physiological function test, and any other noninvasive diagnostic procedure commonly~~  
14                   ~~used by physicians in general practice and as authorized by the board.~~

15 ~~— 4. — A naturopath may prescribe or administer a prescription drug listed in a naturopathic~~  
16                   ~~formulary established by a subcommittee of the board.~~

17 ~~— a. — The subcommittee under this subsection must be made up of the following four~~  
18                   ~~board members: the doctor of medicine or osteopathy, the naturopath, the~~  
19                   ~~pharmacist, and the advanced practice registered nurse.~~

20 ~~— b. — Except for endogenous anabolic androgenic steroids, the naturopathic formulary~~  
21                   ~~may not include drugs classified in schedules I through IV of chapter 19-03.1.~~

22 ~~— 5. — A naturopath may perform minor office procedures.~~

23 ~~— 6. — A naturopath certified by the board for specialty practice may practice naturopathic~~  
24                   ~~childbirth attendance.~~

25 ~~— **SECTION 3.** Section 43-58-11 of the North Dakota Century Code is created and enacted as~~  
26 ~~follows:~~

27 ~~— **43-58-11. Naturopathic childbirth attendance – Requirements for certification for**~~  
28 ~~**specialty practice.**~~

29 ~~— 1. — A naturopath may not practice naturopathic childbirth attendance unless certified by~~  
30                   ~~the board for specialty practice.~~

1 ~~2. The board shall adopt rules setting forth the requirements a naturopath shall meet to~~  
2 ~~qualify for certification for the specialty practice of naturopathic childbirth attendance.~~

3 ~~3. To qualify for certification for the specialty practice of naturopathic childbirth~~  
4 ~~attendance, a naturopath shall:~~

5 ~~a. Successfully complete a three-year, didactic and clinical, certified professional~~  
6 ~~midwifery curriculum approved by the board.~~

7 ~~b. Successfully complete a national standardized examination in midwifery~~  
8 ~~prescribed or endorsed by the board, such as the North American registry of~~  
9 ~~midwives.~~

10 ~~c. Meet requirements established by the board by rule.~~

11 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY OF MIDWIFERY.** During the 2017-18  
12 interim, the legislative management shall consider studying the feasibility and desirability of  
13 regulating the practice of midwifery by individuals who are not nurse midwives. The legislative  
14 management shall report its findings and recommendations, together with any legislation  
15 required to implement the recommendations, to the sixty-sixth legislative assembly.