

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H4/27/21
A Bill

HOUSE BILL 1233

By: Representative Penzo
By: Senator B. Ballinger

For An Act To Be Entitled

AN ACT TO CREATE THE ARKANSAS NATUROPATHIC PHYSICIAN
LICENSURE ACT; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE ARKANSAS NATUROPATHIC
PHYSICIAN LICENSURE ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 17-95-301(b)(1)(A), concerning the membership of the Arkansas State Medical Board, as amended by Acts 2021, No. 634, is amended to read as follows:

(b)(1)(A) The board shall consist of ~~fifteen (15)~~ sixteen (16) members appointed by the Governor for terms of six (6) years.

SECTION 2. Arkansas Code § 17-95-301(b), concerning the membership of the Arkansas State Medical Board, is amended to add an additional subdivision to read as follows:

(7) One (1) member shall be a licensed and practicing naturopathic physician and subject to confirmation by the Senate.

SECTION 3. Arkansas Code Title 17, Chapter 95, is amended to add an additional subchapter to read as follows:

Subchapter 12 – Arkansas Naturopathic Physician Licensure Act

17-95-1201. Title.



This subchapter shall be known and may be cited as the "Arkansas Naturopathic Physician Licensure Act".

17-95-1202. Definitions.

As used in this subchapter:

(1) "Naturopathic physician" means an individual who is licensed under this subchapter to engage in the practice of naturopathic medicine; and

(2) "Practice of naturopathic medicine" means the diagnosis and treatment of diseases, injuries, ailments, infirmities, and other conditions of the human mind and body, including by natural means, drugless methods, drugs, nonsurgical methods, devices, physical, electrical, hygienic, and sanitary measures and all forms of physical agents and modalities.

17-95-1203. Exemptions from licensure.

This subchapter does not require licensure as a naturopathic physician of:

(1) An individual who is licensed or lawfully permitted to practice by this state as a healthcare professional and who is practicing within his or her scope of practice;

(2) A physician who is licensed by another state or country and is providing a consultation upon request;

(3) A student enrolled in an approved training program in naturopathic medicine if the practice of naturopathic medicine constitutes a part of a supervised course of study and the student is designated by a title that clearly indicates the student's status as a student or trainee; or

(4) An individual who is not licensed by the Arkansas State Medical Board and who sells a natural substance that does not require a prescription or food articles to supplement the diet of another individual.

17-95-1204. Authority of Arkansas State Medical Board.

The Arkansas State Medical Board shall:

(1) Develop appropriate rules necessary to regulate naturopathic physicians;

(2) Receive, review, and approve applications for naturopathic physicians licensure;

(3) Issue, renew, suspend, revoke, or deny licensure as a naturopathic physician;

(4) Conduct hearings on investigative and disciplinary proceedings;

(5)(A) Maintain a database of all licensees for all individuals who hold active licenses or who hold licenses that have been suspended, revoked, or denied.

(B) Access to a database under subdivision (5)(A) of this section shall be available upon written request and payment of an appropriate fee as determined by the board; and

(6) Perform other functions and duties required to carry out this subchapter.

17-95-1205. Title protection.

An individual shall not use or assume the title “naturopathic physician” or use any words, letters, abbreviations, or insignia indicating or implying that the individual holds a naturopathic physician license unless the individual is licensed by the Arkansas State Medical Board.

17-95-1206. Naturopathic physician licensure.

(a) The Arkansas State Medical Board shall license as a naturopathic physician an applicant who:

(1) Submits an application approved by the Arkansas State Medical Board;

(2) Pays an application fee determined by the Arkansas State Medical Board; and

(3) Provides evidence of:

(A) Having graduated from a school of naturopathic medicine that is approved by the appropriate national accrediting entity for naturopathic physicians;

(B) Having completed an internship, preceptorship, or clinical training program in naturopathic medicine; and

(C) Meeting the examination requirements for licensure by the North American Board of Naturopathic Examiners, or its successor agency.

(b)(1) The Arkansas State Medical Board may issue a license to an applicant who provides evidence that he or she is licensed to practice as a

naturopathic physician in another state or territory if the requirements for licensure in the other state or territory are equivalent to the requirements for licensure under this subchapter.

(2) The Arkansas State Medical Board has the sole discretion to issue a license by reciprocity.

17-95-1207. Renewal of naturopathic physician license.

(a) Except in the case of a temporary license under § 17-95-1208, a license to practice as a naturopathic physician shall be valid for a one-year period and shall expire on the last day of the birth month of the license holder.

(b) Upon receipt of a renewal application and renewal fees as determined by the Arkansas State Medical Board, the board shall renew a license to practice as a naturopathic physician.

(c)(1) As a condition of licensure renewal, a naturopathic physician shall complete twenty (20) hours of continuing education units approved by the board.

(2) The naturopathic physician is responsible for maintaining:

(A) Competent records of continuing education units completed under subdivision (c)(1) of this section for a period of three (3) years; and

(B) Information sufficient to demonstrate that the continuing education units completed under subdivision (c)(1) of this section meet the continuing education requirement of this subsection.

(3) The board may waive the continuing education requirement or grant an extension of time to complete the continuing education requirement in cases of retirement, illness, disability, or other undue hardship.

17-95-1208. Temporary licensure.

(a) The Arkansas State Medical Board may issue a temporary license to an applicant who does not meet the licensure requirements under this subchapter if the applicant:

(1) Applies for and takes the certification examination within six (6) months of issuance of the temporary license; and

(2) Submits an application and appropriate application fees to the board.

(b) A temporary license is valid for six (6) months from the date of issuance.

(c) A temporary license shall not be renewed.

17-95-1209. Denial, suspension, revocation, or refusal to renew license – Censure.

(a) The Arkansas State Medical Board may deny, suspend, revoke, or refuse to renew a license or may reprimand, censure, place on probation, or otherwise discipline a licensee upon proof that the licensee has:

(1) Obtained or attempted to obtain a license by fraud or deception;

(2) Been convicted of a felony under state or federal law;

(3) Been adjudicated mentally ill or incompetent by a court;

(4) Used illicit drugs or intoxicating liquors, narcotics, controlled substances, or other drugs or stimulants to an extent that adversely affects the practice of naturopathic medicine;

(5) Engaged in unethical or unprofessional conduct, including without limitation willful acts or omissions, negligence, or incompetence in the course of professional practice;

(6) Violated any provision of this subchapter or any rule of the board; or

(7) Been denied licensure or disciplined in another state or territory in connection with a license in the other state or territory.

(b) A licensee under subsection (a) of this section shall promptly deliver his or her license to the board if the licensee:

(1) Has his or her license suspended or revoked; or

(2) Surrenders his or her license with or without prejudice if the surrender is approved by the board.

(c) The board may restore a license or remove a probation on a license upon decision of the board.

17-95-1210. Prescriptive authority.

(a) A naturopathic physician licensed under this subchapter shall have prescriptive authority for Schedule III-V controlled substances as described in the Uniform Controlled Substances Act, § 5-64-101 et seq., and 21 C.F.R. Part 1300, all legend drugs, and all nonschedule prescription medications and

medical devices.

(b) A naturopathic physician who prescribes controlled substances shall register with the United States Drug Enforcement Administration as part of the United States Drug Enforcement Administration's Mid-Level Practitioner Registry, 21 C.F.R. Part 1300, 58 FR 31171-31175, and the Controlled Substances Act.

17-95-1211. Identification requirements.

A naturopathic physician licensed under this subchapter shall keep his or her license available for inspection at his or her primary place of business and when engaged in his or her professional activities shall wear a name tag identifying himself or herself as a naturopathic physician.

SECTION 4. EFFECTIVE DATE.

This act is effective on and after January 1, 2023.

/s/Penzo