

HOUSE BILL NO. HB0123

Naturopathy licensing board.

Sponsored by: Representative(s) Hunt and Blake and Senator(s) Baldwin and Gierau

A BILL

for

1 AN ACT relating to professions and occupations; establishing
2 a naturopathy licensing board; providing for naturopathy
3 licensing; providing procedures for licensure suspension and
4 revocation; creating an account; providing an appropriation;
5 and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 33-50-101 through 33-50-116 are created
10 to read:

11

CHAPTER 50

12

NATUROPATHY LICENSING ACT

13

14

15 **33-50-101. Short title.**

1

2 This chapter shall be known and may be cited as the
3 "Naturopathy Licensing Act."

4

5 **33-50-102. Definitions.**

6

7 (a) As used in this chapter:

8

9 (i) "Approved naturopathic medical program" means
10 a naturopathic medical education program:

11

12 (A) That is CNME accredited;

13

14 (B) That has achieved candidacy status for
15 CNME accreditation; or

16

17 (C) That existed before CNME accreditation
18 that the board approves.

19

20 (ii) "Board" means the Wyoming board of
21 naturopathy created under this chapter;

22

1 (iii) "CNME" means the council on naturopathic
2 medical education or its successor organization;

3

4 (iv) "License" means a license to practice
5 naturopathy in Wyoming that the board issues under this
6 chapter;

7

8 (v) "Licensee" means a person the board licenses
9 under this chapter;

10

11 (vi) "NABNE" means the North American board of
12 naturopathic examiners or its successor organization;

13

14 (vii) "Naturopathic practice" means a practice of
15 health care that may include the following diagnostic and
16 therapeutic modalities: clinical and laboratory diagnostic
17 testing, nutritional medicine, botanical medicine, public
18 health measures, hygiene, counseling, minor surgery,
19 homeopathy, acupuncture, prescription medication,
20 intravenous and injection therapy, naturopathic obstetrics
21 and naturopathic physical medicine including naturopathic
22 manipulative therapy;

23

1 (viii) "Naturopathic practitioner," "naturopathic
2 doctor" or "naturopath" means a person who is authorized under
3 this chapter to practice naturopathy in Wyoming;

4
5 (ix) "Naturopathy" means a distinct primary health
6 care profession, emphasizing prevention, treatment, and
7 optimal health through therapeutic methods and substances
8 that encourage an individual's inherent self-healing process.
9 The practice of naturopathic medicine includes modern and
10 traditional, scientific and empirical methods.

11
12 **33-50-103. Board created; members; appointment; terms;
13 qualification; removal; vacancies.**

14
15 (a) The Wyoming board of naturopathy is created. The
16 board shall consist of five (5) members who are legal
17 residents of Wyoming. The board shall consist of one (1)
18 member of the public, one (1) member who is a graduate of a
19 CNME accredited program and who has passed a NABNE
20 naturopathic licensing examination, two (2) members who have
21 practiced naturopathy for a period of not less than five (5)
22 years and one (1) member who is a health care provider

1 licensed pursuant to title 33 of the Wyoming statutes, other
2 than this chapter.

3

4 (b) The governor shall appoint the members of the
5 board. Of the initial members the governor appoints, two (2)
6 members shall be appointed for a term of two (2) years and
7 three (3) members shall be appointed for a term of four (4)
8 years. Thereafter, terms of office shall be four (4) years.
9 Each member shall serve until the member's successor is
10 appointed and qualified. No member shall serve more than two
11 (2) consecutive full terms.

12

13 (c) The governor shall fill any vacancy on the board
14 for the balance of the unexpired term.

15

16 (d) The governor may remove any member from the board
17 pursuant to W.S. 9-1-202.

18

19 **33-50-104. Board meetings; elections; quorum.**

20

21 The board shall meet at least once each year and elect a
22 chairperson at the first meeting each year. The board may
23 convene at the chairperson's request or as the board

1 determines necessary to transact its business. A meeting may
2 be carried out via telecommunications. Three (3) board
3 members constitute a quorum.

4

5 **33-50-105. Reimbursement of expenses and immunity.**

6

7 (a) Members of the board shall not receive compensation
8 for their services but shall receive mileage and per diem as
9 provided in W.S. 33-1-302(a)(vii) while discharging their
10 official duties.

11

12 (b) Members of the board have the same immunities from
13 personal liability as state employees for actions taken in
14 the performance of their duties under this chapter, as
15 provided in W.S. 1-39-104.

16

17 **33-50-106. Board duties and powers; fees.**

18

19 (a) The board shall:

20

21 (i) Administer this chapter;

22

23 (ii) Determine standards for licensees including:

1

2

(A) Scope of practice;

3

4

(B) Practice standards;

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6

(C) Continuing education requirements;

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(D) Professional conduct standards;

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(E) Ethical standards of practice.

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(iii) Approve or disapprove applications for licensure and issue licenses, renewals and reinstatements consistent with the scope of practice a person is qualified to perform as a result of the person's post graduate education, NABNE exam, experience, continuing competence or as the board otherwise authorizes;

(iv) Censure, suspend, revoke or impose conditions on licenses as provided in this chapter and the Wyoming Administrative Procedure Act;

1 (v) Initiate and conduct investigations, hearings
2 and proceedings concerning alleged violations of this chapter
3 and board rules;

4

5 (vi) Keep a record of all proceedings and make
6 available to licensees and other concerned parties an annual
7 report of all board actions;

8

9 (vii) Establish application and licensure fees
10 according to W.S. 33-1-201;

11

12 (viii) Promulgate rules as necessary to carry out
13 this chapter.

14

15 (b) The board may employ or contract with individuals
16 who are necessary to administer its affairs and provide
17 support services.

18

19 (c) There is created a Wyoming board of naturopathy
20 account that shall be under the direction of the board to
21 defray costs incurred in administering this chapter.
22 Disposition of fees and interest shall be according to W.S.
23 33-1-202. Disbursements from the account shall not exceed the

1 monies credited to it. Appropriations shall be based upon
2 submission of a budgetary request as provided by W.S. 9-2-1011
3 and 9-2-1012.

4

5 **33-50-107. Licensure required; components; exemptions;**
6 **other licensed health care professionals.**

7

8 (a) Beginning January 1, 2020, unless the person is
9 licensed to practice naturopathy under this chapter, no
10 person shall:

11

12 (i) Practice naturopathy or hold himself out to be
13 a naturopathic doctor, naturopathic practitioner, naturopath
14 or as being able to practice naturopathy in Wyoming;

15

16 (ii) Use the title of naturopathic doctor,
17 naturopathic practitioner or naturopath or any variant
18 thereof; or

19

20 (iii) Use any words, abbreviations, figures,
21 configuration of letters, including N.D., titles, signs,
22 cards or devices tending to imply that the person is a

1 licensed naturopathic practitioner unless the person is duly
2 licensed.

3

4 (b) Any license issued under this chapter shall:

5

6 (i) Be issued in the name of the licensed
7 naturopathic practitioner;

8

9 (ii) State the issue and expiration dates; and

10

11 (iii) Be displayed at all times in a conspicuous
12 manner in the place of business or employment of the licensee.

13

14 (c) The following persons are exempt from this
15 chapter's licensure requirements:

16

17 (i) A naturopathic practitioner licensed to
18 practice naturopathy in another jurisdiction while teaching,
19 demonstrating or providing naturopathy in connection with
20 teaching or participating in an educational seminar in
21 Wyoming. Any exemption under this paragraph shall not exceed
22 sixty (60) days cumulatively in a calendar year;

23

1 (ii) A naturopathic practitioner licensed in
2 another jurisdiction who enters this state to provide
3 naturopathy during a natural disaster or a public health
4 emergency, as declared by the governor under W.S.
5 35-4-115(a)(i);

6

7 (iii) With board approval, a person in training
8 may practice naturopathy provided all services are performed
9 under the direct supervision of a naturopathic practitioner
10 licensed in this state.

11

12 (d) Nothing in this chapter shall be construed to
13 prohibit or restrict any other licensed health care provider
14 in this state from practicing naturopathy within the
15 provider's scope of practice. However, no person may
16 represent himself or herself to the public as a naturopathic
17 practitioner unless licensed under this chapter.

18

19 **33-50-108. Application for license; qualifications;**
20 **renewal; fees; reporting.**

21

22 (a) An applicant for licensure under this chapter
23 shall:

1

2 (i) Submit a written application verified by oath
3 in a form the board prescribes;

4

5 (ii) Submit proof that the applicant:

6

7 (A) Is a graduate of an approved naturopathic
8 medical program and has successfully passed a competency
9 based national naturopathic physician licensing examination
10 administered by the NABNE or other organization the board
11 approves that is nationally recognized to administer a
12 naturopathic practitioner licensing examination that
13 represents federal standards of education and training;

14

15 (B) Completed other practical experience,
16 education, examination or apprenticeship processes as the
17 board determines to be substantively comparable to standards
18 in subparagraph (A) of this paragraph; or

19

20 (C) Was previously licensed or certified,
21 provided that when the applicant secured initial licensure or
22 certification, the requirements for licensure or
23 certification met standards that the board determines are

1 substantively comparable to existing standards and that the
2 license or certificate was not suspended, revoked or
3 otherwise restricted for any reason.

4

5 (iii) Have committed no acts that are grounds for
6 disciplinary action as set forth in W.S. 33-50-113, or if an
7 act has been committed, the board may, at its discretion and
8 after investigation, determine that sufficient restitution
9 has been made;

10

11 (iv) Remit fees as the board specifies;

12

13 (v) If required by board rule, have completed to
14 the satisfaction of a majority of board members a personal
15 interview consisting of inquiry and oral response to
16 naturopathic knowledge, personal and professional history and
17 intentions for practicing naturopathy in this state; and

18

19 (vi) Meet any additional requirements that the
20 board may impose by rule.

21

22 (b) An applicant for licensure under this chapter shall
23 provide the board fingerprints and other information

1 necessary for a criminal history record background check as
2 provided under W.S. 7-19-201.

3

4 (c) Licenses shall be renewed according to a schedule
5 the board establishes. If a licensee fails to renew a license
6 according to the schedule the board establishes, the license
7 shall expire and the licensee shall not practice naturopathy
8 in Wyoming.

9

10 (d) Upon application for licensure, renewal or
11 reinstatement, or not later than thirty (30) days after the
12 licensee becomes aware of proceedings, an applicant for
13 licensure or licensee shall report any pending or final
14 administrative or disciplinary action, or other judgment, as
15 well as the terms of any settlement or other disposition of
16 an action or judgment, against the applicant or licensee
17 involving malpractice or improper practice of naturopathy,
18 whether occurring in Wyoming or in any other jurisdiction.

19

20 **33-50-109. Licensure by endorsement; fees.**

21

22 (a) The board may issue a license by endorsement to
23 practice naturopathy in Wyoming to an applicant who is

1 licensed to practice naturopathy in another state, subject to
2 the following:

3

4 (i) The applicant shall complete an application
5 for licensure by endorsement in a form the board prescribes;

6

7 (ii) The other state shall have substantially
8 equivalent naturopathy licensure requirements as Wyoming,
9 including similar licensure by endorsement provisions for
10 licensees of this state;

11

12 (iii) The applicant shall not have any
13 disciplinary actions pending at the time of application;

14

15 (iv) The applicant shall not have had a license to
16 practice naturopathy suspended or revoked in any state;

17

18 (v) The person shall adhere to all requirements of
19 continuing education and ethical standards the board
20 establishes;

21

22 (vi) The applicant shall remit fees as the board
23 specifies;

1

2 (vii) The applicant shall not have committed any
3 acts that are grounds for disciplinary action as set forth in
4 W.S. 33-50-113, or if an act has been committed, the board
5 may, at its discretion and after investigation, determine
6 that sufficient restitution has been made;

7

8 (viii) If required by board rule, the applicant
9 shall have completed to the satisfaction of a majority of
10 board members a personal interview consisting of inquiry and
11 oral response to naturopathic knowledge, personal and
12 professional history and intentions for practicing
13 naturopathy in this state; and

14

15 (ix) The applicant shall meet any additional
16 requirements that the board may impose by rule.

17

18 **33-50-110. Temporary license; application;**
19 **qualifications; fee.**

20

21 (a) The board may issue a temporary license for a term
22 that expires at 8:00 a.m. on the first day of the next
23 regularly scheduled board meeting to a person who:

1

2 (i) Completes an application for temporary
3 licensure in a form the board prescribes;

4

5 (ii) Meets all licensing requirements of
6 W.S. 33-50-108 except the interview under
7 W.S. 33-50-108(a)(v) or other requirements that the board may
8 defer until no later than the next regularly scheduled board
9 meeting;

10

11 (iii) Pays a temporary license fee in an amount
12 the board specifies.

13

14 **33-50-111. Duties and authority of practitioners.**

15

16 Naturopathic practitioners shall observe and be subject to
17 all state and municipal regulations relating to the control
18 of contagious and infectious diseases and shall, as to any
19 matters pertaining to public health, report to the proper
20 health officers the same as other practitioners.

21

22 **33-50-112. Violations; penalty; injunctive relief.**

23

1 (a) No person shall:

2

3 (i) Practice naturopathy without a valid license;

4

5 (ii) Practice naturopathy under cover of any
6 diploma, license, certificate or record illegally or
7 fraudulently obtained or signed or issued unlawfully or under
8 fraudulent representation;

9

10 (iii) Use any words, abbreviations, figures,
11 letters, titles, signs, cards or devices tending to imply
12 that the person is a naturopathic practitioner, unless the
13 person is licensed as a naturopathic practitioner under this
14 chapter or holds a license in another state and is practicing
15 as allowed in this chapter;

16

17 (iv) Knowingly employ persons unlicensed in
18 naturopathic practice;

19

20 (v) Knowingly conceal information relating to
21 violations of this chapter; or

22

1 (vi) Otherwise violate or aid or abet another
2 person to violate any provision of this chapter.

3

4 (b) Violation of any provision of this chapter
5 constitutes a misdemeanor and upon conviction, the person is
6 subject to a fine of not more than one thousand dollars
7 (\$1,000.00), imprisonment for not more than one (1) year, or
8 both.

9

10 (c) The attorney general, the board, any county or
11 district attorney or any citizen may obtain an injunction in
12 the name of the state of Wyoming upon the relation of a
13 complainant enjoining any person from engaging in the
14 practice of naturopathy without a license. The district court
15 of the district in which the offending person resides or the
16 district court of Laramie county has original jurisdiction of
17 any such injunction proceedings. An injunction may be issued
18 without proof of actual damage sustained and upon proof of
19 one (1) or more acts constituting the practice of naturopathy
20 without a license. The standard of proof of any violation of
21 this subsection shall be by a preponderance of the evidence.

22

1 (d) Nothing in this section shall limit any additional
2 civil or criminal liability under the laws of this state.

3
4 **33-50-113. Disciplining licensees; grounds.**

5
6 (a) The board may refuse to issue, renew or reinstate
7 a license, may suspend or revoke a license, may impose
8 probationary conditions on a license or may otherwise
9 discipline a licensee, upon proof that the person:

10
11 (i) Has engaged in any act inconsistent with
12 reasonable standards of naturopathic practice as defined by
13 board rules;

14
15 (ii) Is unfit or incompetent to practice
16 naturopathy by reason of negligence, habits, practice
17 standards, physical or mental disability or abuse of drugs,
18 narcotics, chemicals or any other mind altering material;

19
20 (iii) Has been found guilty by a court or has
21 entered a plea of nolo contendere to a felony that relates
22 adversely to naturopathic practice or to the ability to
23 practice naturopathy;

1

2 (iv) Has used fraud, deceit, misrepresentation or
3 concealment of material facts:

4

5 (A) In procuring or attempting to procure a
6 license to practice naturopathy;

7

8 (B) In filing or reporting any health care
9 information, client documentation, agency records or other
10 essential health documents; or

11

12 (C) In submitting any information or record
13 to the board.

14

15 (v) Has had a license to practice naturopathy or
16 to practice in another health care discipline in another
17 jurisdiction, territory or possession of the United States
18 denied, revoked, suspended or otherwise restricted;

19

20 (vi) Has practiced naturopathy within this state
21 without a valid license or as otherwise permitted under this
22 chapter;

23

1 (vii) Has knowingly and willfully failed to report
2 to the board any violation of this chapter or of board rules;

3

4 (viii) Has violated any of the provisions of this
5 chapter or any lawful order or rule the board has issued or
6 promulgated;

7

8 (ix) Has knowingly performed an act that the
9 licensee knew before committing the act was beyond the scope
10 of the individual's naturopathic practice, or performed acts
11 without sufficient education, knowledge or ability to apply
12 naturopathic principles and skills;

13

14 (x) Has failed to submit to a mental, physical or
15 medical competency examination following a proper request by
16 the board made pursuant to board rules and the Wyoming
17 Administrative Procedure Act.

18

19 (b) Upon receipt from the department of family services
20 of a certified copy of an order from a court to withhold,
21 suspend or otherwise restrict a license issued by the board,
22 the board shall notify the party named in the court order of
23 the withholding, suspension or restriction of the license in

1 accordance with the terms of the court order. No appeal under
2 the Wyoming Administrative Procedure Act shall be allowed for
3 a license withheld, suspended or restricted under this
4 subsection.

5

6 **33-50-114. Disciplining licensees; proceedings.**

7

8 (a) The board may commence a proceeding for discipline
9 of a licensee or applicant when the board has reasonable
10 grounds to substantiate that a person under the board's
11 jurisdiction has committed acts in violation of W.S.
12 33-50-113. In any proceeding the board shall afford the
13 licensee or applicant due process of law. However, the board
14 may summarily suspend a license and institute proceedings
15 concomitantly if the board finds that the licensee presents
16 a clear and immediate danger to the public health, safety and
17 welfare if allowed to continue to practice. For purposes of
18 a suspension or other restriction imposed pursuant to W.S.
19 33-50-113(b), the board may presume that the court imposing
20 the suspension or restriction afforded the licensee or
21 applicant due process of law.

22

1 (b) The board may issue subpoenas for the attendance of
2 witnesses and the production of necessary evidence in any
3 hearing before it. Upon request of the respondent or his
4 counsel, the board shall issue subpoenas on behalf of the
5 respondent. The board may apply to a court of competent
6 jurisdiction to compel compliance with a subpoena.

7

8 (c) Hearings under this section shall be held and a
9 person aggrieved by a decision of the board may appeal
10 according to the Wyoming Administrative Procedure Act.

11

12 **33-50-115. Disciplining licensees; reinstatement.**

13

14 Any person whose license has been denied, suspended, revoked
15 or upon which conditions have been imposed may apply to the
16 board for reinstatement of the license or issuance of a
17 license after fulfilling requirements the board determines.
18 The application shall be made in writing and in a form the
19 board prescribes. The board may grant or deny the application
20 or it may modify its original findings to reflect any
21 circumstances that have changed sufficiently to warrant
22 modifications.

23

1 **33-50-116. Immunity of board members and persons**
2 **reporting information to board.**

3

4 Any member or agent of the board, or any person under oath,
5 is not subject to a civil action for damages as a result of
6 reporting information in good faith, without fraud or malice,
7 relating to alleged violations of this chapter or board rules.

8

9 **Section 2.** For the period beginning with the effective
10 date of this act and ending June 30, 2020, there is
11 appropriated twenty thousand dollars (\$20,000.00) from the
12 general fund to the department of administration and
13 information. This appropriation shall be expended only for
14 providing necessary support and executive secretary services
15 for the licensing board created under section 1 of this act.
16 Notwithstanding any other provision of law, this
17 appropriation shall not be transferred or expended for any
18 other purpose and any unexpended, unobligated funds remaining
19 from this appropriation shall revert as provided by law on
20 June 30, 2020.

21

1 **Section 3.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law as
3 provided by Article 4, Section 8 of the Wyoming Constitution.

4

5

(END)