

**A-Engrossed**  
**Senate Bill 206**

Ordered by the House May 17  
Including House Amendments dated May 17

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for Board of Naturopathic Examiners)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

*[Requires examination for licensure as naturopathic physician to include sections on basic sciences and clinical sciences. Authorizes Board of Naturopathic Examiners to specify by rule additional naturopathic subjects required for licensure.]* **Requires applicant for licensure by Board of Naturopathic Examiners to provide evidence of having successfully passed basic science and core clinical science examinations administered by North American Board of Naturopathic Examiners and to pass additional examinations required for licensure by state board by rule. Allows state board to waive basic science examination if applicant has passed other examination determined by board to be comparable.** Requires application for examination for licensure to be filed not less than 20 days before date of examination.

Requires board to employ or appoint executive director. Requires executive director to issue license renewal notice to licensee by first day of November of each year.

**A BILL FOR AN ACT**

1  
2 Relating to regulation of naturopathic medicine; amending ORS 685.060, 685.070, 685.080, 685.100,  
3 685.102, 685.104 and 685.170.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 685.060 is amended to read:

6 685.060. (1) The minimum educational requirements for a license under the provisions of this  
7 chapter shall be:

8 (a) At least two years' satisfactory liberal arts and sciences study, or either, in a college or  
9 university accredited by either the Northwest Association of Schools and Colleges or a like regional  
10 association or in a college or university in Oregon approved for granting degrees by the Oregon  
11 Student Assistance Commission as evidenced by certificate or transcript of credits from the college  
12 or university; and

13 (b) Graduation from an accredited naturopathic school or college.

14 (2)(a) The *[studies]* **areas of study** required of *[the]* **an** applicant for a license to practice  
15 naturopathic medicine in this state shall include *[anatomy, histology, embryology, physiology, chem-*  
16 *istry, pathology, bacteriology, public health and hygiene, toxicology, obstetrics and gynecology, diag-*  
17 *nosis, theory, practice and philosophy of naturopathic medicine, electrotherapy, hydrotherapy,*  
18 *physiotherapy, clinics, eye-ear-nose-throat, minor surgery, first aid, herbology, proctology, dietetics,*  
19 *jurisprudence, and such other]* **basic sciences, clinical sciences and any** naturopathic subjects  
20 *[as]* **specified by** the Board of Naturopathic Examiners *[may require, except major surgery, with a*  
21 *total of not less than 4,000 lecture or recitation hours]* **by rule.**

22 **(b) The board may not include major surgery as a required area of study under paragraph**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **(a) of this subsection.**

2 **SECTION 2.** ORS 685.070 is amended to read:

3 685.070. Any person who wishes to practice naturopathic medicine in this state shall make ap-  
4 plication to the Board of Naturopathic Examiners for an examination for a license to practice  
5 naturopathic medicine. The application shall be filed with the board not less than [10] **20** days before  
6 the date of the examination upon blanks provided by the board. The applicant shall pay to the board  
7 the appropriate nonrefundable examination fee.

8 **SECTION 3.** ORS 685.080 is amended to read:

9 685.080. (1) *[For the purpose of determining the qualifications of applicants for license under this*  
10 *chapter, the Board of Naturopathic Examiners shall hold meetings and conduct examinations of appli-*  
11 *cants for licenses at such time and places and under such rules as a majority of the board may deter-*  
12 *mine. The time and place of holding such an examination shall be published at least 30 days prior to*  
13 *the date of the examination.]* **An applicant for licensure under this chapter shall:**

14 **(a) Provide evidence satisfactory to the Board of Naturopathic Examiners of having**  
15 **successfully passed the basic science and the core clinical science examinations administered**  
16 **by the North American Board of Naturopathic Examiners; and**

17 **(b) Pass any additional examinations required for licensure by the Board of Naturopathic**  
18 **Examiners by rule.**

19 *[(2) At the time and place the board has previously designated, the applicant shall appear before*  
20 *the board to be examined as to the fitness of the applicant to practice naturopathic medicine. The ex-*  
21 *amination shall be in writing and embrace and be restricted to the subjects listed in ORS 685.060.]*

22 **(2) Notwithstanding subsection (1)(a) of this section, the board may waive the basic sci-**  
23 **ence examination requirement for licensure for an applicant who is qualified in basic science**  
24 **as a result of successful performance on an examination determined by the board to be**  
25 **comparable to the basic science examination required under subsection (1)(a) of this section**  
26 **and to have been taken recently enough to ensure the currency of the applicant's knowledge.**

27 **(3) At a time and place designated by the board, an applicant for licensure shall take any**  
28 **examinations required by the board by rule. The board shall publish the time and place of the**  
29 **examinations at least 30 days prior to the date of the examinations.**

30 *[(3)]* **(4) If the applicant passes the [examination] required examinations and satisfies all other**  
31 **requirements for licensure under this chapter, upon payment of the [appropriate] initial license**  
32 **fee assessed under ORS 685.100, the board shall issue to [such] the applicant a license to practice**  
33 **naturopathic medicine.**

34 *[(4)]* **(5) If an applicant fails to pass either the basic science or core clinical science section of**  
35 **the examination, or fails to pass the sections of the examination covering those subjects re-**  
36 **quired by the board by rule, then without losing credits for [subjects] sections passed, the appli-**  
37 **cant shall be permitted to retake each [subject] section a total of two times within a period of two**  
38 **years. If, after three attempts, the applicant has not passed the [entire] basic science or core clinical**  
39 **science section of the examination, the applicant shall be required to wait one year and retake the**  
40 **[complete] section.**

41 *[(5)]* **The board may waive the basic science portion of its own examination for an applicant whom**  
42 **it declares qualified in basic science as a result of successful performance on a comparable examina-**  
43 **tion, taken recently enough to assure the currency of the applicant's knowledge. In such cases, the**  
44 **board shall determine the necessary comparability through evaluation of both examination content and**  
45 **testing procedures, and shall determine the appropriate qualifying score for waiver regardless of any**

1 *nominal passing score.]*

2 **SECTION 4.** ORS 685.100 is amended to read:

3 685.100. (1) Upon [*receipt*] **approval** of an application for a [*license*] **licensure**, [*accompanied by*  
4 *the appropriate fee,*] the Board of Naturopathic Examiners shall issue [*to the applicant*] a license  
5 certificate[. *The certificate shall, at all times, be displayed*] **that shall be displayed at all times** in  
6 the office of the person to whom it was issued **while the license is active** [*unless the person has*  
7 *allowed the license to become inactive or is retired from the practice of naturopathic medicine and does*  
8 *not maintain an office*].

9 (2) A person holding an active license issued under this chapter may apply to the board for li-  
10 cense renewal. A completed renewal application consists of:

11 (a) A completed board renewal form containing any information required by the board to de-  
12 termine the applicant's eligibility for license renewal;

13 (b) Proof of compliance with continuing education requirements set by the board; and

14 (c) Payment of the [*biennial*] **active** license renewal fee established by the board under sub-  
15 section (8) of this section.

16 (3) Failure to submit a completed renewal application **annually** by December 31 shall result in  
17 the lapse of the license. A lapsed license may be restored by the board upon receipt, by January  
18 31, of a completed renewal application and payment of the restoration fee under subsection (8) of  
19 this section.

20 (4) A license that has lapsed for more than one month may be restored by the board upon pay-  
21 ment of the restoration fee established by the board and submission of a completed renewal appli-  
22 cation and any other information required by the board.

23 (5) A person holding an active license under this chapter may convert the license to inactive  
24 status by meeting the requirements set by rule of the board and paying any required fees. A person  
25 holding a license issued under this chapter who is at least 70 years of age and retired from the  
26 practice of naturopathic medicine may convert the license to retired status by meeting the require-  
27 ments set by rule of the board and paying any required fees.

28 (6)(a) A person who chooses to allow a license to become inactive may file a written application  
29 to reactivate a license that has been inactive for one year or less by paying the restoration fee and  
30 the [*biennial*] renewal fee for an active license and demonstrating compliance with ORS 685.102. A  
31 fee paid to place the license in inactive status shall not be credited toward payment of the  
32 [*biennial*] renewal fee for an active license. The board may prorate the [*biennial*] renewal fee.

33 (b) A person who chooses to allow a license to become inactive may file a written application  
34 to reactivate a license that has been inactive for more than one year by paying the [*biennial*] re-  
35 newal fee for an active license and demonstrating compliance with the continuing education re-  
36 quirement set by rule of the board under ORS 685.102 (6). The board may prorate the [*biennial*]  
37 renewal fee.

38 (7) The [*secretary*] **executive director** of the board shall [*notify*] **issue a renewal notice** to each  
39 person holding a license under this chapter [*that the registration application and fee are due*] **by the**  
40 **first day of November of each year.**

41 (8) The board shall assess fees for:

42 (a) An initial license.

43 (b) Examination.

44 (c) Renewal of [*a biennial*] **an active** license.

45 (d) Yearly renewal of an inactive or retired license.

- 1 (e) Restoration of an inactive, lapsed or revoked license.
- 2 (f) A certificate of special competency in natural childbirth.
- 3 (g) A duplicate license.
- 4 (h) A wall certificate.
- 5 (i) Copies of public documents, mailing labels, lists and diskettes.

6 (9) Subject to prior approval of the Oregon Department of Administrative Services and a report  
7 to the Emergency Board prior to adopting the fees and charges, the fees and charges established  
8 under this section shall not exceed the cost of administering the regulatory program of the board  
9 pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative  
10 Assembly within the board's budget, as the budget may be modified by the Emergency Board.

11 **SECTION 5.** ORS 685.102 is amended to read:

12 685.102. (1) Except as provided in subsections (2) and (5) of this section, each person holding a  
13 license under this chapter shall submit annually by December 31, evidence satisfactory to the Board  
14 of Naturopathic Examiners of successful completion of an approved program of continuing education  
15 of at least 25 hours in naturopathic medicine, completed in the calendar year preceding the date on  
16 which the evidence is submitted, and completion during the renewal period, or documentation of  
17 previous completion, of:

18 (a) A pain management education program approved by the board and developed in conjunction  
19 with the Pain Management Commission established under ORS 409.500; or

20 (b) An equivalent pain management education program, as determined by the board.

21 (2) The board may exempt any person holding a license under this chapter from the require-  
22 ments of subsection (1) of this section upon application showing evidence satisfactory to the board  
23 of inability to comply with the requirements because of physical or mental condition or because of  
24 other unusual or extenuating circumstances. However, [no] a person [shall] **may not** be exempted  
25 from the requirements of subsection (1) of this section more than once in any five-year period.

26 (3) Notwithstanding subsection (2) of this section, a person holding a license under this chapter  
27 may be exempted from the requirements of subsection (1) of this section upon application showing  
28 evidence satisfactory to the board that the applicant is or will be in the next calendar year at least  
29 70 years of age and is retired or will retire in the next calendar year from the practice of  
30 naturopathic medicine.

31 (4) The board shall require licensees to obtain continuing education for the use of  
32 pharmacological substances for diagnostic, preventive and therapeutic purposes in order to maintain  
33 current licensure.

34 (5) A person whose license is in inactive status must submit by December 31 of each year evi-  
35 dence satisfactory to the board of completion of 10 hours of approved continuing education in the  
36 **calendar** year preceding the date on which the evidence is submitted.

37 (6) Notwithstanding subsections (1), (2) and (5) of this section, in the case of an applicant under  
38 ORS 685.100 (6)(b) for reactivation of an inactive license, the continuing education requirement for  
39 reactivation shall be set by rule of the board.

40 **SECTION 6.** ORS 685.104 is amended to read:

41 685.104. (1) The Board of Naturopathic Examiners shall refuse to issue the certificate of  
42 [biennial] registration to any person holding a license under this chapter who fails to submit with  
43 **any fees due** the [registration fee] proof required under ORS 685.102, unless [it] **the board** has ex-  
44 empted the person from the requirements of ORS 685.102 (1). The board shall return [the biennial  
45 registration fee to the person] **any fees submitted by a person that fails to submit proof required**

1 **under ORS 685.102 or that fails to submit all fees due.**

2 (2) After January 1 of any year, the board may issue a certificate of [*biennial*] registration to  
3 any holder of a license under this chapter who had been refused such certificate under subsection  
4 (1) of this section upon submission of the evidence required under ORS 685.102 (1), accompanied by  
5 the required [*registration fees*] **license renewal fee** for each year the [*registration*] fee remains un-  
6 paid and a restoration fee of \$75 for each year the license remains revoked.

7 (3) If the person completes an approved program after January 1 to meet the requirements of  
8 ORS 685.102 for the year beginning January 1, such completion does not meet the requirements of  
9 ORS 685.102 for the subsequent year.

10 **SECTION 7.** ORS 685.170 is amended to read:

11 685.170. Annually, the Board of Naturopathic Examiners shall elect one of its members chair.  
12 The chair shall have power during the term of office to summon witnesses, administer oaths and  
13 [*to*] take testimony and affidavits. The [*staff*] **executive director** of the board **or a designee of the**  
14 **executive director** shall keep a record of all actions of the board, including a detailed register of  
15 applicants for a license. The board [*may*] **shall** employ or appoint a person to act as [*staff to*]  
16 **executive director of** the board and perform such duties and functions as may be prescribed by the  
17 board.

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