

# Enrolled Senate Bill 206

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)

CHAPTER .....

AN ACT

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

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

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

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

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

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

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

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

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

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

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

685.080. (1) *[For the purpose of determining the qualifications of applicants for license under this chapter, the Board of Naturopathic Examiners shall hold meetings and conduct examinations of ap-*

*plicants for licenses at such time and places and under such rules as a majority of the board may determine. The time and place of holding such an examination shall be published at least 30 days prior to the date of the examination.] An applicant for licensure under this chapter shall:*

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

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

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

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

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

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

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

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

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

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

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

(a) A completed board renewal form containing any information required by the board to determine the applicant's eligibility for license renewal;

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

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

(3) Failure to submit a completed renewal application **annually** by December 31 shall result in the lapse of the license. A lapsed license may be restored by the board upon receipt, by January

31, of a completed renewal application and payment of the restoration fee under subsection (8) of this section.

(4) A license that has lapsed for more than one month may be restored by the board upon payment of the restoration fee established by the board and submission of a completed renewal application and any other information required by the board.

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

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

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

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

(8) The board shall assess fees for:

(a) An initial license.

(b) Examination.

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

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

(e) Restoration of an inactive, lapsed or revoked license.

(f) A certificate of special competency in natural childbirth.

(g) A duplicate license.

(h) A wall certificate.

(i) Copies of public documents, mailing labels, lists and diskettes.

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

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

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

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

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

(2) The board may exempt any person holding a license under this chapter from the requirements of subsection (1) of this section upon application showing evidence satisfactory to the board of inability to comply with the requirements because of physical or mental condition or because of

other unusual or extenuating circumstances. However, *[no]* a person *[shall]* **may not** be exempted from the requirements of subsection (1) of this section more than once in any five-year period.

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

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

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

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

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

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

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

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

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

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

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**Passed by Senate March 19, 2007**

**Repassed by Senate May 25, 2007**

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Secretary of Senate

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President of Senate

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Speaker of House

**Received by Governor:**

.....M,....., 2007

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.....M,....., 2007

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Governor

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