

**A-Engrossed**  
**House Bill 3301**

Ordered by the House April 23  
Including House Amendments dated April 23

Sponsored by Representative LIVELY

**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 insurer to permit naturopathic physician to [*determine whether naturopathic physician is*] **apply to be** primary care provider or specialty care provider for purposes of insurer credentials. [*Adds primary care to definition of "naturopathic medicine."*] **Permits naturopathic physician to represent that naturopathic physician is medical specialist or practices medical specialty.**

**A BILL FOR AN ACT**

1  
2 Relating to naturopathic physicians; creating new provisions; and amending ORS 685.010, 685.110,  
3 750.055 and 750.333.

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

5 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of the Insurance Code.**

6 **SECTION 2. (1) An insurer shall provide a naturopathic physician the choice of applying**  
7 **to be credentialed by the insurer as a primary care provider or as a specialty care provider.**

8 **(2) To be credentialed by an insurer as a primary care provider, a naturopathic physician**  
9 **must meet the credentialing requirements as established by the insurer.**

10 **SECTION 3. ORS 685.010 is amended to read:**

11 685.010. As used in this chapter:

12 (1) "Accredited naturopathic school or college" means [*any*] **a** naturopathic school or college  
13 [*offering*] **that offers** a four-year full-time resident program of study in naturopathy **that:**

14 **(a) Leads** [*leading*] to a doctoral degree in naturopathic medicine[.]; **and**

15 **(b) Is** [*such program having been*] approved by the Oregon Board of Naturopathic Medicine to  
16 meet the standards specifically incorporated into board rules.

17 (2) "Drugs" includes:

18 (a) Substances recognized as drugs in the official United States Pharmacopoeia, official National  
19 Formulary, official Homeopathic Pharmacopoeia of the United States, other drug compendium or any  
20 supplement to any of them;

21 (b) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of  
22 disease in a human;

23 (c) Substances, other than food, intended to affect the structure or any function of the body of  
24 humans; and

25 (d) Substances intended for use as a component of any substance specified in paragraph (a), (b)  
26 or (c) of this subsection.

27 (3) "Minor surgery" means the use of electrical or other methods for the surgical repair and

**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 care incident thereto of superficial lacerations and abrasions, benign superficial lesions[,] and the  
2 removal of foreign bodies located in the superficial structures; and the use of antiseptics and local  
3 anesthetics in connection therewith.

4 (4) "Naturopathic medicine" means the discipline that includes physiotherapy, natural healing  
5 processes and minor surgery and has as its objective the maintaining of the body in, or of restoring  
6 it to, a state of normal health.

7 (5) "Naturopathic physician" means a person who holds a degree of Doctor of Naturopathic  
8 Medicine and is licensed under this chapter.

9 **SECTION 4.** ORS 685.110 is amended to read:

10 685.110. The Oregon Board of Naturopathic Medicine may refuse to grant a license, may suspend  
11 or revoke a license, may limit a license, may impose probation, may issue a letter of reprimand and  
12 may impose a civil penalty not to exceed \$5,000 for each offense for any of the following reasons:

13 (1) Using fraud or deception in securing a license.

14 (2) Impersonating another physician.

15 (3) Practicing naturopathic medicine under an assumed name.

16 (4) Performing an abortion.

17 (5) Being convicted of a crime involving moral turpitude.

18 (6) Any other reason that renders the applicant or licensee unfit to perform the duties of a  
19 naturopathic physician.

20 (7) Being convicted of a crime relating to practice of naturopathic medicine.

21 (8) Committing negligence related to the practice of naturopathic medicine.

22 (9) Having an impairment as defined in ORS 676.303.

23 (10) Prescribing or dispensing drugs outside the scope of practice.

24 (11) Obtaining a fee through fraud or misrepresentation.

25 (12) Committing gross or repeated malpractice.

26 (13) Representing to a patient that a manifestly incurable condition of sickness, disease or injury  
27 can be permanently cured.

28 (14) Engaging in any conduct or practice contrary to a recognized standard of ethics of the  
29 profession or any conduct or practice that does or might constitute a danger to the health or safety  
30 of a patient or the public or any conduct, practice or condition that does or might adversely affect  
31 a physician's ability safely and skillfully to practice naturopathic medicine.

32 (15) Willfully and consistently utilizing any naturopathic service, X-ray equipment or treatment  
33 contrary to recognized standards of practice of the naturopathic profession.

34 (16) Failing to notify the board within 30 days of a change in the location of practice or of  
35 mailing address.

36 (17) Attempting to practice naturopathic medicine or practicing or claiming to practice  
37 naturopathic medicine or any of its components in this state without first complying with the pro-  
38 visions of this chapter.

39 (18) Having a license to practice naturopathic medicine in another jurisdiction suspended or  
40 revoked.

41 (19) Employing unlicensed persons to practice naturopathic medicine.

42 (20) Practicing natural childbirth without first obtaining a certificate of special competency.

43 *[(21) Representing that the licensee is a medical specialist or practices a medical specialty.]*

44 *[(22)]* (21) Failing to respond in a timely manner to a request for information regarding a com-  
45 plaint or the investigation of a complaint by the board.

1 [(23)] **(22)** Failing to pay a civil penalty in the time specified by the order imposing the penalty.

2 [(24)] **(23)** Violating any provision of this chapter or rules adopted by the board.

3 **SECTION 5.** ORS 750.055, as amended by section 5, chapter 25, Oregon Laws 2014, and section  
4 80, chapter 45, Oregon Laws 2014, is amended to read:

5 750.055. (1) The following provisions of the Insurance Code apply to health care service con-  
6 tractors to the extent not inconsistent with the express provisions of ORS 750.005 to 750.095:

7 (a) ORS 705.137, 705.139, 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385, 731.386,  
8 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454, 731.488, 731.504, 731.508, 731.509, 731.510,  
9 731.511, 731.512, 731.574 to 731.620, 731.592, 731.594, 731.640 to 731.652, 731.730, 731.731, 731.735,  
10 731.737, 731.750, 731.752, 731.804, 731.844 to 731.992, 731.870 and 743.061.

11 (b) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and 732.517 to 732.592, not  
12 including ORS 732.582.

13 (c) ORS 733.010 to 733.050, 733.080, 733.140 to 733.170, 733.210, 733.510 to 733.680 and 733.695  
14 to 733.780.

15 (d) ORS chapter 734.

16 (e) ORS 742.001 to 742.009, 742.013, 742.061, 742.065, 742.150 to 742.162, 742.400, 742.520 to  
17 742.540, 743.010, 743.013, 743.018 to 743.030, 743.050, 743.100 to 743.109, 743.402, 743.472, 743.492,  
18 743.495, 743.498, 743.499, 743.522, 743.523, 743.524, 743.526, 743.527, 743.528, 743.529, 743.550 to  
19 743.552, 743.560, 743.600 to 743.610, 743.650 to 743.656, 743.764, 743.804, 743.807, 743.808, 743.814 to  
20 743.839, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862, 743.863, 743.864,  
21 743.894, 743.911, 743.912, 743.913, 743.917, 743A.010, 743A.012, 743A.020, 743A.034, 743A.036,  
22 743A.048, 743A.058, 743A.062, 743A.064, 743A.065, 743A.066, 743A.068, 743A.070, 743A.080, 743A.082,  
23 743A.084, 743A.088, 743A.090, 743A.100, 743A.104, 743A.105, 743A.110, 743A.140, 743A.141, 743A.144,  
24 743A.148, 743A.150, 743A.160, 743A.164, 743A.168, 743A.170, 743A.175, 743A.184, 743A.185, 743A.188,  
25 743A.190, 743A.192 and 743A.250 and section 2, chapter 771, Oregon Laws 2013, and section 2,  
26 chapter 25, Oregon Laws 2014, **and section 2 of this 2015 Act.**

27 (f) The provisions of ORS chapter 744 relating to the regulation of insurance producers.

28 (g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605, 746.607, 746.608, 746.610,  
29 746.615, 746.625, 746.635, 746.650, 746.655, 746.660, 746.668, 746.670, 746.675, 746.680 and 746.690.

30 (h) ORS 743A.024, except in the case of group practice health maintenance organizations that  
31 are federally qualified pursuant to Title XIII of the Public Health Service Act unless the patient is  
32 referred by a physician, physician assistant or nurse practitioner associated with a group practice  
33 health maintenance organization.

34 (i) ORS 735.600 to 735.650.

35 (j) ORS 743.680 to 743.689.

36 (k) ORS 744.700 to 744.740.

37 (L) ORS 743.730 to 743.773.

38 (m) ORS 731.485, except in the case of a group practice health maintenance organization that  
39 is federally qualified pursuant to Title XIII of the Public Health Service Act and that wholly owns  
40 and operates an in-house drug outlet.

41 (2) For the purposes of this section, health care service contractors shall be deemed insurers.

42 (3) Any for-profit health care service contractor organized under the laws of any other state that  
43 is not governed by the insurance laws of the other state is subject to all requirements of ORS  
44 chapter 732.

45 (4) The Director of the Department of Consumer and Business Services may, after notice and

1 hearing, adopt reasonable rules not inconsistent with this section and ORS 750.003, 750.005, 750.025  
2 and 750.045 that are deemed necessary for the proper administration of these provisions.

3 **SECTION 6.** ORS 750.055, as amended by section 33, chapter 698, Oregon Laws 2013, section  
4 6, chapter 25, Oregon Laws 2014, and section 81, chapter 45, Oregon Laws 2014, is amended to read:

5 750.055. (1) The following provisions of the Insurance Code apply to health care service con-  
6 tractors to the extent not inconsistent with the express provisions of ORS 750.005 to 750.095:

7 (a) ORS 705.137, 705.139, 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385, 731.386,  
8 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454, 731.488, 731.504, 731.508, 731.509, 731.510,  
9 731.511, 731.512, 731.574 to 731.620, 731.592, 731.594, 731.640 to 731.652, 731.730, 731.731, 731.735,  
10 731.737, 731.750, 731.752, 731.804, 731.844 to 731.992, 731.870 and 743.061.

11 (b) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and 732.517 to 732.592, not  
12 including ORS 732.582.

13 (c) ORS 733.010 to 733.050, 733.080, 733.140 to 733.170, 733.210, 733.510 to 733.680 and 733.695  
14 to 733.780.

15 (d) ORS chapter 734.

16 (e) ORS 742.001 to 742.009, 742.013, 742.061, 742.065, 742.150 to 742.162, 742.400, 742.520 to  
17 742.540, 743.010, 743.013, 743.018 to 743.030, 743.050, 743.100 to 743.109, 743.402, 743.472, 743.492,  
18 743.495, 743.498, 743.499, 743.522, 743.523, 743.524, 743.526, 743.527, 743.528, 743.529, 743.550, 743.552,  
19 743.560, 743.600 to 743.610, 743.650 to 743.656, 743.764, 743.804, 743.807, 743.808, 743.814 to 743.839,  
20 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862, 743.863, 743.864, 743.894,  
21 743.911, 743.912, 743.913, 743.917, 743A.010, 743A.012, 743A.020, 743A.034, 743A.036, 743A.048,  
22 743A.058, 743A.062, 743A.064, 743A.065, 743A.066, 743A.068, 743A.070, 743A.080, 743A.082, 743A.084,  
23 743A.088, 743A.090, 743A.100, 743A.104, 743A.105, 743A.110, 743A.140, 743A.141, 743A.144, 743A.148,  
24 743A.150, 743A.160, 743A.164, 743A.168, 743A.170, 743A.175, 743A.184, 743A.185, 743A.188, 743A.190,  
25 743A.192 and 743A.250 and section 2, chapter 771, Oregon Laws 2013, and section 2, chapter 25,  
26 Oregon Laws 2014, **and section 2 of this 2015 Act.**

27 (f) The provisions of ORS chapter 744 relating to the regulation of insurance producers.

28 (g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605, 746.607, 746.608, 746.610,  
29 746.615, 746.625, 746.635, 746.650, 746.655, 746.660, 746.668, 746.670, 746.675, 746.680 and 746.690.

30 (h) ORS 743A.024, except in the case of group practice health maintenance organizations that  
31 are federally qualified pursuant to Title XIII of the Public Health Service Act unless the patient is  
32 referred by a physician, physician assistant or nurse practitioner associated with a group practice  
33 health maintenance organization.

34 (i) ORS 743.680 to 743.689.

35 (j) ORS 744.700 to 744.740.

36 (k) ORS 743.730 to 743.773.

37 (L) ORS 731.485, except in the case of a group practice health maintenance organization that is  
38 federally qualified pursuant to Title XIII of the Public Health Service Act and that wholly owns and  
39 operates an in-house drug outlet.

40 (2) For the purposes of this section, health care service contractors shall be deemed insurers.

41 (3) Any for-profit health care service contractor organized under the laws of any other state that  
42 is not governed by the insurance laws of the other state is subject to all requirements of ORS  
43 chapter 732.

44 (4) The Director of the Department of Consumer and Business Services may, after notice and  
45 hearing, adopt reasonable rules not inconsistent with this section and ORS 750.003, 750.005, 750.025

1 and 750.045 that are deemed necessary for the proper administration of these provisions.

2 **SECTION 7.** ORS 750.055, as amended by section 33, chapter 698, Oregon Laws 2013, section  
3 21, chapter 771, Oregon Laws 2013, section 7, chapter 25, Oregon Laws 2014, and section 82, chapter  
4 45, Oregon Laws 2014, is amended to read:

5 750.055. (1) The following provisions of the Insurance Code apply to health care service con-  
6 tractors to the extent not inconsistent with the express provisions of ORS 750.005 to 750.095:

7 (a) ORS 705.137, 705.139, 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385, 731.386,  
8 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454, 731.488, 731.504, 731.508, 731.509, 731.510,  
9 731.511, 731.512, 731.574 to 731.620, 731.592, 731.594, 731.640 to 731.652, 731.730, 731.731, 731.735,  
10 731.737, 731.750, 731.752, 731.804, 731.844 to 731.992, 731.870 and 743.061.

11 (b) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and 732.517 to 732.592, not  
12 including ORS 732.582.

13 (c) ORS 733.010 to 733.050, 733.080, 733.140 to 733.170, 733.210, 733.510 to 733.680 and 733.695  
14 to 733.780.

15 (d) ORS chapter 734.

16 (e) ORS 742.001 to 742.009, 742.013, 742.061, 742.065, 742.150 to 742.162, 742.400, 742.520 to  
17 742.540, 743.010, 743.013, 743.018 to 743.030, 743.050, 743.100 to 743.109, 743.402, 743.472, 743.492,  
18 743.495, 743.498, 743.499, 743.522, 743.523, 743.524, 743.526, 743.527, 743.528, 743.529, 743.550, 743.552,  
19 743.560, 743.600 to 743.610, 743.650 to 743.656, 743.764, 743.804, 743.807, 743.808, 743.814 to 743.839,  
20 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862, 743.863, 743.864, 743.894,  
21 743.911, 743.912, 743.913, 743.917, 743A.010, 743A.012, 743A.020, 743A.034, 743A.036, 743A.048,  
22 743A.058, 743A.062, 743A.064, 743A.065, 743A.066, 743A.068, 743A.070, 743A.080, 743A.082, 743A.084,  
23 743A.088, 743A.090, 743A.100, 743A.104, 743A.105, 743A.110, 743A.140, 743A.141, 743A.144, 743A.148,  
24 743A.150, 743A.160, 743A.164, 743A.168, 743A.170, 743A.175, 743A.184, 743A.185, 743A.188, 743A.190,  
25 743A.192 and 743A.250 and section 2, chapter 25, Oregon Laws 2014, **and section 2 of this 2015**  
26 **Act.**

27 (f) The provisions of ORS chapter 744 relating to the regulation of insurance producers.

28 (g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605, 746.607, 746.608, 746.610,  
29 746.615, 746.625, 746.635, 746.650, 746.655, 746.660, 746.668, 746.670, 746.675, 746.680 and 746.690.

30 (h) ORS 743A.024, except in the case of group practice health maintenance organizations that  
31 are federally qualified pursuant to Title XIII of the Public Health Service Act unless the patient is  
32 referred by a physician, physician assistant or nurse practitioner associated with a group practice  
33 health maintenance organization.

34 (i) ORS 743.680 to 743.689.

35 (j) ORS 744.700 to 744.740.

36 (k) ORS 743.730 to 743.773.

37 (L) ORS 731.485, except in the case of a group practice health maintenance organization that is  
38 federally qualified pursuant to Title XIII of the Public Health Service Act and that wholly owns and  
39 operates an in-house drug outlet.

40 (2) For the purposes of this section, health care service contractors shall be deemed insurers.

41 (3) Any for-profit health care service contractor organized under the laws of any other state that  
42 is not governed by the insurance laws of the other state is subject to all requirements of ORS  
43 chapter 732.

44 (4) The Director of the Department of Consumer and Business Services may, after notice and  
45 hearing, adopt reasonable rules not inconsistent with this section and ORS 750.003, 750.005, 750.025

1 and 750.045 that are deemed necessary for the proper administration of these provisions.

2 **SECTION 8.** ORS 750.333, as amended by section 8, chapter 25, Oregon Laws 2014, is amended  
3 to read:

4 750.333. (1) The following provisions of the Insurance Code apply to trusts carrying out a mul-  
5 tiple employer welfare arrangement:

6 (a) ORS 731.004 to 731.150, 731.162, 731.216 to 731.268, 731.296 to 731.316, 731.324, 731.328,  
7 731.378, 731.386, 731.390, 731.398, 731.406, 731.410, 731.414, 731.418 to 731.434, 731.454, 731.484,  
8 731.486, 731.488, 731.512, 731.574 to 731.620, 731.640 to 731.652, 731.804 to 731.992 and 743.061.

9 (b) ORS 733.010 to 733.050, 733.140 to 733.170, 733.210, 733.510 to 733.680 and 733.695 to 733.780.

10 (c) ORS chapter 734.

11 (d) ORS 742.001 to 742.009, 742.013, 742.061 and 742.400.

12 (e) ORS 743.028, 743.053, 743.499, 743.524, 743.526, 743.527, 743.528, 743.529, 743.530, 743.560,  
13 743.562, 743.600, 743.601, 743.602, 743.610, 743.730 to 743.773 (except 743.766 to 743.773), 743.801,  
14 743.804, 743.807, 743.808, 743.814 to 743.839, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858,  
15 743.859, 743.861, 743.862, 743.863, 743.864, 743.894, 743.912, 743.917, 743A.012, 743A.020, 743A.034,  
16 743A.052, 743A.064, 743A.065, 743A.080, 743A.082, 743A.100, 743A.104, 743A.110, 743A.144, 743A.150,  
17 743A.170, 743A.175, 743A.184, 743A.192 and 743A.250 and section 2, chapter 25, Oregon Laws 2014,  
18 **and section 2 of this 2015 Act.**

19 (f) ORS 743A.010, 743A.014, 743A.024, 743A.028, 743A.032, 743A.036, 743A.040, 743A.048,  
20 743A.058, 743A.066, 743A.068, 743A.070, 743A.084, 743A.088, 743A.090, 743A.105, 743A.140, 743A.141,  
21 743A.148, 743A.168, 743A.180, 743A.185, 743A.188 and 743A.190. Multiple employer welfare arrange-  
22 ments to which ORS 743.730 to 743.773 apply are subject to the sections referred to in this para-  
23 graph only as provided in ORS 743.730 to 743.773.

24 (g) Provisions of ORS chapter 744 relating to the regulation of insurance producers and insur-  
25 ance consultants, and ORS 744.700 to 744.740.

26 (h) ORS 746.005 to 746.140, 746.160 and 746.220 to 746.370.

27 (i) ORS 731.592 and 731.594.

28 (j) ORS 731.870.

29 (2) For the purposes of this section:

30 (a) A trust carrying out a multiple employer welfare arrangement shall be considered an insurer.

31 (b) References to certificates of authority shall be considered references to certificates of mul-  
32 tiple employer welfare arrangement.

33 (c) Contributions shall be considered premiums.

34 (3) The provision of health benefits under ORS 750.301 to 750.341 shall be considered to be the  
35 transaction of health insurance.

36 **SECTION 9. Section 2 of this 2015 Act and the amendments to ORS 750.055 and 750.333**  
37 **by sections 5 to 8 of this 2015 Act apply to contracts entered into, renewed or extended be-**  
38 **tween naturopathic physicians and insurers on and after the effective date of this 2015 Act.**

39