

HOUSE BILL No. 5594

May 3, 2012, Introduced by Reps. Lyons, Lipton and Haveman and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16326 and part 171.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16326. THE DEPARTMENT SHALL ANNUALLY ESTABLISH A SCHEDULE
2 OF FEES FOR A PERSON LICENSED OR SEEKING A LICENSE AS A
3 NATUROPATHIC PHYSICIAN UNDER PART 171 TO OFFSET THE DEPARTMENT'S
4 ADMINISTRATIVE EXPENSES UNDER THAT PART.

PART 171

NATUROPATHIC PHYSICIANS

7 SEC. 17101. (1) FOR PURPOSES OF THIS PART, THE WORDS AND
8 PHRASES DEFINED IN SECTIONS 17103 TO 17109 HAVE THE MEANINGS
9 ASCRIBED TO THEM IN THOSE SECTIONS.

10 (2) IN ADDITION TO THE DEFINITIONS IN THIS PART, ARTICLE 1
11 CONTAINS GENERAL DEFINITIONS AND PRINCIPLES OF CONSTRUCTION

1 APPLICABLE TO ALL ARTICLES IN THE CODE AND PART 161 CONTAINS
2 DEFINITIONS APPLICABLE TO THIS PART.

3 SEC. 17103. (1) "APPROVED NATUROPATHIC MEDICAL PROGRAM" MEANS
4 ANY OF THE FOLLOWING:

5 (A) A NATUROPATHIC MEDICAL EDUCATION PROGRAM THAT IS LOCATED
6 IN THE UNITED STATES, THAT PROVIDES THE DEGREE OF DOCTOR OF
7 NATUROPATHY OR DOCTOR OF NATUROPATHIC MEDICINE, AND THAT MEETS ALL
8 OF THE FOLLOWING REQUIREMENTS:

9 (i) OFFERS GRADUATE-LEVEL FULL-TIME DIDACTIC AND SUPERVISED
10 CLINICAL TRAINING.

11 (ii) IS ACCREDITED OR HAS ACHIEVED CANDIDACY STATUS FOR
12 ACCREDITATION BY THE CNME OR AN EQUIVALENT FEDERALLY RECOGNIZED
13 ACCREDITING BODY FOR NATUROPATHIC MEDICAL PROGRAMS APPROVED BY THE
14 BOARD.

15 (iii) IS AN INSTITUTION OR PART OF AN INSTITUTION OF HIGHER
16 EDUCATION THAT IS ACCREDITED OR IS A CANDIDATE FOR ACCREDITATION BY
17 A REGIONAL OR NATIONAL INSTITUTIONAL ACCREDITING AGENCY RECOGNIZED
18 BY THE UNITED STATES SECRETARY OF EDUCATION.

19 (B) A NATUROPATHIC MEDICAL EDUCATION PROGRAM OFFERED BY A
20 DEGREE-GRANTING COLLEGE OR UNIVERSITY THAT WAS IN EXISTENCE BEFORE
21 THE EXISTENCE OF THE CNME AND THAT MEETS ALL OF THE FOLLOWING
22 REQUIREMENTS:

23 (i) OFFERED A FULL-TIME STRUCTURED CURRICULUM IN BASIC SCIENCES
24 AND SUPERVISED PATIENT CARE COMPRISING A DOCTORAL NATUROPATHIC
25 MEDICAL EDUCATION.

26 (ii) THE PROGRAM WAS AT LEAST 132 WEEKS IN DURATION AND
27 REQUIRED COMPLETION OF THE PROGRAM WITHIN A PERIOD OF AT LEAST 35

1 MONTHS AS A PREREQUISITE TO GRADUATION.

2 (iii) THE COLLEGE OR UNIVERSITY WAS REPUTABLE AND IN GOOD
3 STANDING IN THE JUDGMENT OF THE BOARD.

4 (iv) IF THE PROGRAM IS STILL IN EXISTENCE, IT IS ACCREDITED BY
5 THE CNME OR AN EQUIVALENT FEDERALLY RECOGNIZED ACCREDITING BODY FOR
6 NATUROPATHIC MEDICAL PROGRAMS APPROVED BY THE BOARD.

7 (C) A NATUROPATHIC MEDICAL EDUCATION PROGRAM OFFERED BY A
8 DIPLOMA-GRANTING, DEGREE-EQUIVALENT COLLEGE OR UNIVERSITY LOCATED
9 IN CANADA THAT WAS IN EXISTENCE BEFORE THE EXISTENCE OF THE CNME
10 AND THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

11 (i) HAD PROVINCIAL APPROVAL FOR PARTICIPATION IN GOVERNMENT-
12 FUNDED STUDENT AID PROGRAMS.

13 (ii) OFFERED A FULL-TIME STRUCTURED CURRICULUM IN BASIC
14 SCIENCES AND SUPERVISED PATIENT CARE COMPRISING A DOCTORAL
15 NATUROPATHIC MEDICAL EDUCATION.

16 (iii) THE PROGRAM WAS AT LEAST 132 WEEKS IN DURATION AND
17 REQUIRED COMPLETION OF THE PROGRAM WITHIN A PERIOD OF AT LEAST 35
18 MONTHS AS A PREREQUISITE TO GRADUATION.

19 (iv) THE COLLEGE OR UNIVERSITY WAS REPUTABLE AND IN GOOD
20 STANDING IN THE JUDGMENT OF THE BOARD.

21 (v) IF THE PROGRAM IS STILL IN EXISTENCE, IT IS ACCREDITED BY
22 THE CNME OR AN EQUIVALENT FEDERALLY RECOGNIZED ACCREDITING BODY FOR
23 NATUROPATHIC MEDICAL PROGRAMS, APPROVED BY THE BOARD.

24 (vi) IF THE PROGRAM IS STILL IN EXISTENCE, THE COLLEGE OR
25 UNIVERSITY HAS PROVINCIAL APPROVAL FOR PARTICIPATION IN GOVERNMENT-
26 FUNDED STUDENT AID PROGRAMS.

27 (D) A NATUROPATHIC MEDICAL EDUCATION PROGRAM OFFERED BY A

1 DIPLOMA-GRANTING, DEGREE-EQUIVALENT COLLEGE OR UNIVERSITY LOCATED
2 IN CANADA THAT PROVIDES THE DEGREE OF DOCTOR OF NATUROPATHY OR
3 DOCTOR OF NATUROPATHIC MEDICINE AND THAT MEETS ALL OF THE FOLLOWING
4 REQUIREMENTS:

5 (i) OFFERS GRADUATE-LEVEL FULL-TIME DIDACTIC AND SUPERVISED
6 CLINICAL TRAINING.

7 (ii) IS ACCREDITED OR HAS ACHIEVED CANDIDACY STATUS FOR
8 ACCREDITATION BY THE CNME OR AN EQUIVALENT FEDERALLY RECOGNIZED
9 ACCREDITING BODY FOR NATUROPATHIC MEDICAL PROGRAMS APPROVED BY THE
10 BOARD.

11 (iii) THE COLLEGE OR UNIVERSITY HAS PROVINCIAL APPROVAL FOR
12 PARTICIPATION IN GOVERNMENT-FUNDED STUDENT AID PROGRAMS.

13 (2) "BOARD" MEANS THE BOARD OF NATUROPATHIC MEDICINE CREATED
14 IN SECTION 17123.

15 (3) "CNME" MEANS THE COUNCIL ON NATUROPATHIC MEDICAL
16 EDUCATION.

17 SEC. 17105. "MINOR OFFICE PROCEDURE" MEANS ANY OF THE
18 FOLLOWING:

19 (A) THE USE OF OPERATIVE, ELECTRICAL, OR OTHER METHODS FOR THE
20 REPAIR AND CARE INCIDENTAL TO SUPERFICIAL LACERATIONS AND
21 ABRASIONS, SUPERFICIAL LESIONS, AND THE REMOVAL OF FOREIGN BODIES
22 LOCATED IN THE SUPERFICIAL TISSUES AND THE USE OF ANTISEPTICS AND
23 LOCAL TOPICAL ANESTHETICS IN CONNECTION WITH THOSE METHODS.

24 (B) OBTAINING SPECIMENS TO DIAGNOSE, ASSESS, AND TREAT
25 DISEASE.

26 SEC. 17107. (1) "NATUROPATHIC FORMULARY" OR "FORMULARY" MEANS
27 THE LIST OF MEDICINES, NONPRESCRIPTION AND PRESCRIPTION, THAT

1 NATUROPATHIC PHYSICIANS USE IN THE PRACTICE OF THEIR PROFESSION, AS
2 DETERMINED BY THE FORMULARY COUNCIL AND REVIEWED BY THE BOARD.

3 (2) "NATUROPATHIC FORMULARY COUNCIL" OR "FORMULARY COUNCIL"
4 MEANS THE FORMULARY COUNCIL ESTABLISHED UNDER SECTION 17127 TO
5 DETERMINE AND AUTHORIZE THE NATUROPATHIC FORMULARY.

6 (3) "NATUROPATHIC MEDICINE" MEANS A SYSTEM OF PRACTICE THAT IS
7 BASED ON THE NATURAL HEALING CAPACITY OF INDIVIDUALS FOR THE
8 DIAGNOSIS, TREATMENT, AND PREVENTION OF DISEASES.

9 (4) "NATUROPATHIC PHYSICIAN" MEANS AN INDIVIDUAL WHO ENGAGES
10 IN THE PRACTICE OF NATUROPATHIC MEDICINE AND WHO IS REQUIRED TO BE
11 LICENSED OR OTHERWISE AUTHORIZED UNDER THIS PART TO ENGAGE IN THAT
12 PRACTICE.

13 SEC. 17109. "PRESCRIPTION DRUG" MEANS THAT TERM AS DEFINED IN
14 SECTION 17708.

15 SEC. 17111. (1) BEGINNING 180 DAYS AFTER THE EFFECTIVE DATE OF
16 THIS SECTION, AND EXCEPT AS OTHERWISE PROVIDED IN THIS PART, AN
17 INDIVIDUAL SHALL NOT ENGAGE IN THE PRACTICE OF NATUROPATHIC
18 MEDICINE UNLESS LICENSED OR OTHERWISE AUTHORIZED UNDER THIS
19 ARTICLE.

20 (2) THE FOLLOWING WORDS, TITLES, OR LETTERS OR A COMBINATION
21 THEREOF, WITH OR WITHOUT QUALIFYING WORDS OR PHRASES, ARE
22 RESTRICTED IN USE ONLY TO THOSE INDIVIDUALS AUTHORIZED UNDER THIS
23 PART TO USE THE TERMS AND IN A WAY PRESCRIBED IN THIS PART: "DOCTOR
24 OF NATUROPATHIC MEDICINE", "DOCTOR OF NATUROPATHY", "NATUROPATHIC
25 PHYSICIAN", "NATUROPATHIC DOCTOR", "NATUROPATH", "NATUROPATHIC
26 MEDICINE", "NATUROPATHIC HEALTH CARE", "NATUROPATHY", "N.D.", AND
27 "N.M.D".

1 SEC. 17113. (1) TO BE ELIGIBLE FOR A LICENSE TO ENGAGE IN THE
2 PRACTICE OF NATUROPATHIC MEDICINE IN THIS STATE, AN APPLICANT SHALL
3 SUBMIT ALL OF THE FOLLOWING TO THE BOARD, AS APPLICABLE:

4 (A) AN APPLICATION FOR LICENSURE DESIGNED AND APPROVED BY THE
5 DEPARTMENT.

6 (B) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (C), EVIDENCE
7 THAT HE OR SHE IS A GRADUATE OF AN APPROVED NATUROPATHIC MEDICAL
8 PROGRAM AND THAT HE OR SHE HAS SUCCESSFULLY PASSED A COMPETENCY-BASED
9 NATIONAL NATUROPATHIC PHYSICIANS LICENSING EXAMINATION ADMINISTERED BY
10 THE NORTH AMERICAN BOARD OF NATUROPATHIC EXAMINERS, OR BY A SUCCESSOR
11 AGENCY THAT IS NATIONALLY RECOGNIZED TO ADMINISTER A NATUROPATHIC
12 PHYSICIANS LICENSING EXAMINATION THAT REPRESENTS FEDERAL STANDARDS OF
13 EDUCATION AND TRAINING AND THAT IS APPROVED BY THE BOARD.

14 (C) FOR A GRADUATE OF AN APPROVED NATUROPATHIC MEDICAL PROGRAM
15 DESCRIBED IN SECTION 17103(1)(B) OR (C), EVIDENCE OF SUCCESSFUL
16 PASSAGE OF A BOARD-APPROVED STATE COMPETENCY EXAMINATION OR CANADIAN
17 PROVINCIAL EXAMINATION.

18 (D) ANY OTHER INFORMATION OR DOCUMENTS REQUIRED UNDER THIS
19 ARTICLE OR REQUIRED BY THE BOARD.

20 (2) TO BE ELIGIBLE FOR A LICENSE TO ENGAGE IN THE PRACTICE OF
21 NATUROPATHIC MEDICINE IN THIS STATE, AN APPLICANT SHALL BE
22 PHYSICALLY AND MENTALLY CAPABLE OF SAFELY PRACTICING NATUROPATHIC
23 MEDICINE WITH OR WITHOUT REASONABLE ACCOMMODATION.

24 (3) AN APPLICANT IS NOT ELIGIBLE FOR A LICENSE TO ENGAGE IN
25 THE PRACTICE OF NATUROPATHIC MEDICINE IN THIS STATE IF HE OR SHE
26 HAS HAD A LICENSE TO PRACTICE NATUROPATHIC MEDICINE OR OTHER HEALTH
27 CARE LICENSE, REGISTRATION, OR CERTIFICATE REFUSED, REVOKED, OR

1 SUSPENDED BY ANY OTHER JURISDICTION FOR REASONS THAT RELATE TO THE
2 APPLICANT'S ABILITY TO SKILLFULLY AND SAFELY PRACTICE NATUROPATHIC
3 MEDICINE UNLESS THAT LICENSE, REGISTRATION, OR CERTIFICATION HAS
4 BEEN RESTORED TO GOOD STANDING BY THAT JURISDICTION.

5 SEC. 17115. A NATUROPATHIC PHYSICIAN MAY DO ANY OF THE
6 FOLLOWING, CONSISTENT WITH HIS OR HER NATUROPATHIC EDUCATION AND
7 TRAINING:

8 (A) ORDER AND PERFORM PHYSICAL AND LABORATORY EXAMINATIONS FOR
9 DIAGNOSTIC PURPOSES, INCLUDING, BUT NOT LIMITED TO, PHLEBOTOMY,
10 CLINICAL LABORATORY TESTS, ORIFICIAL EXAMINATIONS, OR PHYSIOLOGICAL
11 FUNCTION TESTS.

12 (B) ORDER DIAGNOSTIC IMAGING STUDIES.

13 (C) DISPENSE, ADMINISTER, ORDER, OR PRESCRIBE OR PERFORM ANY
14 OF THE FOLLOWING:

15 (i) FOOD, EXTRACTS OF FOOD, NUTRACEUTICALS, VITAMINS, AMINO
16 ACIDS, MINERALS, ENZYMES, BOTANICALS AND THEIR EXTRACTS, BOTANICAL
17 MEDICINES, HOMEOPATHIC MEDICINES, ALL DIETARY SUPPLEMENTS, OR
18 NONPRESCRIPTION DRUGS AS DEFINED BY THE FEDERAL FOOD, DRUG, AND
19 COSMETIC ACT, 21 USC 301 TO 399D.

20 (ii) PRESCRIPTION OR NONPRESCRIPTION MEDICINES AS DESIGNATED BY
21 THE NATUROPATHIC FORMULARY COUNCIL.

22 (iii) HOT OR COLD HYDROTHERAPY; NATUROPATHIC PHYSICAL MEDICINE;
23 ELECTROMAGNETIC ENERGY; OR THERAPEUTIC EXERCISE.

24 (iv) DEVICES, INCLUDING, BUT NOT LIMITED TO, THERAPEUTIC
25 DEVICES, BARRIER CONTRACEPTION, OR DURABLE MEDICAL EQUIPMENT.

26 (v) HEALTH EDUCATION OR HEALTH COUNSELING.

27 (vi) REPAIR AND CARE INCIDENTAL TO SUPERFICIAL LACERATIONS OR

1 ABRASIONS.

2 (vii) MUSCULOSKELETAL MANIPULATION.

3 (D) UTILIZE ROUTES OF ADMINISTRATION THAT INCLUDE, BUT ARE NOT
4 LIMITED TO, ORAL, NASAL, AURICULAR, OCULAR, RECTAL, VAGINAL,
5 TRANSDERMAL, INTRADERMAL, SUBCUTANEOUS, INTRAVENOUS, OR
6 INTRAMUSCULAR CONSISTENT WITH HIS OR HER NATUROPATHIC EDUCATION AND
7 TRAINING.

8 (E) OTHER NATUROPATHIC THERAPIES AS APPROVED BY THE BOARD.

9 SEC. 17117. A NATUROPATHIC PHYSICIAN SHALL NOT DO ANY OF THE
10 FOLLOWING:

11 (A) PRESCRIBE, DISPENSE, OR ADMINISTER ANY CONTROLLED
12 SUBSTANCE OR DEVICE IDENTIFIED IN THE FEDERAL CONTROLLED SUBSTANCES
13 ACT, 21 USC 801 TO 971, EXCEPT AS AUTHORIZED UNDER THIS PART.

14 (B) PERFORM SURGICAL PROCEDURES EXCEPT THOSE MINOR OFFICE
15 PROCEDURES AUTHORIZED UNDER THIS PART.

16 (C) ENGAGE IN THE PRACTICE OF OR CLAIM TO ENGAGE IN THE
17 PRACTICE OF ANY OTHER HEALTH PROFESSION UNLESS LICENSED TO ENGAGE
18 IN THAT HEALTH PROFESSION UNDER THIS ARTICLE.

19 (D) USE GENERAL OR SPINAL ANESTHETICS.

20 (E) ADMINISTER IONIZING RADIOACTIVE SUBSTANCES FOR THERAPEUTIC
21 PURPOSES.

22 (F) PERFORM SURGICAL PROCEDURES USING A LASER DEVICE.

23 (G) PERFORM SURGICAL PROCEDURES INVOLVING THE EYE, EAR,
24 TENDONS, NERVES, VEINS, OR ARTERIES.

25 (H) PERFORM CHIROPRACTIC ADJUSTMENTS UNLESS LICENSED AS A
26 CHIROPRACTOR UNDER PART 164.

27 (I) PERFORM ACUPUNCTURE, UNLESS REGISTERED AS AN ACUPUNCTURIST

1 UNDER PART 165.

2 SEC. 17119. (1) THIS PART DOES NOT PROHIBIT OR RESTRICT ANY OF
3 THE FOLLOWING:

4 (A) THE PRACTICE OF A PROFESSION OR OCCUPATION BY AN
5 INDIVIDUAL WHO IS LICENSED, CERTIFIED, REGISTERED, OR OTHERWISE
6 AUTHORIZED UNDER THIS ACT OR OTHER LAWS OF THIS STATE AND WHO IS
7 PERFORMING SERVICES WITHIN HIS OR HER AUTHORIZED SCOPE OF PRACTICE.

8 (B) THE PRACTICE OF NATUROPATHIC MEDICINE BY AN INDIVIDUAL
9 EMPLOYED BY THE GOVERNMENT OF THE UNITED STATES WHILE THE
10 INDIVIDUAL IS ENGAGED IN THE PERFORMANCE OF DUTIES PRESCRIBED BY
11 THE LAWS AND REGULATIONS OF THE UNITED STATES.

12 (C) THE PRACTICE OF NATUROPATHIC MEDICINE BY STUDENTS ENROLLED
13 IN AN APPROVED NATUROPATHIC MEDICAL PROGRAM. THE PERFORMANCE OF
14 SERVICES SHALL BE PURSUANT TO A COURSE OF INSTRUCTION OR
15 ASSIGNMENTS FROM AN INSTRUCTOR AND UNDER THE SUPERVISION OF THE
16 INSTRUCTOR. THE INSTRUCTOR SHALL BE A NATUROPATHIC PHYSICIAN
17 LICENSED UNDER THIS PART OR A DULY LICENSED PROFESSIONAL IN THE
18 FIELD OF INSTRUCTION.

19 (D) SELF-CARE BY A PATIENT OR UNCOMPENSATED CARE BY A FRIEND
20 OR FAMILY MEMBER WHO DOES NOT REPRESENT OR HOLD HIMSELF OR HERSELF
21 OUT TO BE A NATUROPATHIC PHYSICIAN.

22 (E) AN INDIVIDUAL WHO SELLS VITAMINS AND HERBS FROM PROVIDING
23 INFORMATION ABOUT HIS OR HER PRODUCTS.

24 (F) AN INDIVIDUAL FROM ADVISING IN THE USE OF A THERAPY,
25 INCLUDING, BUT NOT LIMITED TO, HERBAL MEDICINE, HOMEOPATHY,
26 NUTRITION, OR OTHER NONDRUG OR NONSURGICAL THERAPY THAT IS WITHIN
27 THE SCOPE OF PRACTICE OF NATUROPATHIC PHYSICIANS UNDER THIS PART,

1 IF ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

2 (i) IF THE INDIVIDUAL IS NOT A HEALTH PROFESSIONAL, THE THERAPY
3 IS WITHIN THAT INDIVIDUAL'S LAWFUL RIGHTS TO PERFORM UNDER A HEALTH
4 OCCUPATION. IF THE INDIVIDUAL IS A HEALTH PROFESSIONAL, THE THERAPY
5 IS WITHIN THE SCOPE OF PRACTICE OF THAT PROFESSION UNDER THIS
6 ARTICLE.

7 (ii) THE INDIVIDUAL IS NOT USING A WORD, A TITLE, OR LETTERS
8 PROTECTED UNDER THIS PART AND DOES NOT REPRESENT OR HOLD HIMSELF OR
9 HERSELF OUT TO BE A NATUROPATHIC PHYSICIAN.

10 (2) THIS PART DOES NOT PROHIBIT AN INDIVIDUAL WHO IS LICENSED
11 TO PRACTICE AS A NATUROPATHIC PHYSICIAN IN ANY OTHER STATE OR
12 DISTRICT IN THE UNITED STATES FROM ENTERING THIS STATE TO CONSULT
13 WITH A NATUROPATHIC PHYSICIAN IN THIS STATE, AS LONG AS THAT
14 CONSULTATION IS LIMITED TO EXAMINATION, RECOMMENDATION, OR
15 TESTIMONY IN LITIGATION.

16 SEC. 17121. (1) THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

17 (A) PROMULGATE ALL RULES AND CONDUCT ALL HEARINGS THAT ARE
18 REQUIRED UNDER THIS PART.

19 (B) ADOPT THE COMPETENCY-BASED NATIONAL EXAMINATION CONSISTENT
20 WITH THE REQUIREMENTS DESCRIBED IN SECTION 17113(1)(B) AND (C) AND
21 APPROVED BY THE BOARD AS THE NATUROPATHIC LICENSING EXAMINATION.

22 (C) FORMULATE RULES AND GUIDELINES WITH APPROPRIATE NOTICE TO
23 THOSE AFFECTED IF NOTICE CAN REASONABLY BE GIVEN.

24 (D) DESIGNATE THE APPLICATION FORM USED BY APPLICANTS AND
25 PROCESS ALL APPLICATIONS.

26 (E) ISSUE LICENSES AND LICENSE RENEWALS TO ALL INDIVIDUALS WHO
27 MEET THE QUALIFICATIONS FOR LICENSURE AS DESCRIBED IN THIS PART AND

1 AS RECOMMENDED BY THE BOARD.

2 (F) ESTABLISH PROCEDURES FOR THE ISSUANCE OF LICENSES AND
3 LICENSE RENEWALS TO APPLICANTS WHO QUALIFY FOR LICENSURE BY
4 RECIPROCITY IN THIS STATE, IN LIEU OF TAKING THE WRITTEN
5 EXAMINATION TAKEN BY ALL OTHER INDIVIDUALS APPLYING FOR LICENSURE
6 IN ANY OTHER STATE, PROVIDED THAT THE EDUCATIONAL AND EXAMINATION
7 REQUIREMENTS FOR THE STATE ISSUING THE ORIGINAL LICENSE ARE
8 EQUIVALENT TO THOSE DESCRIBED IN THIS PART.

9 (G) DETERMINE THE MALPRACTICE LIABILITY COVERAGE REQUIREMENTS
10 FOR NATUROPATHIC PHYSICIANS.

11 (H) INVESTIGATE COMPLAINTS OF UNPROFESSIONAL OR ILLEGAL
12 CONDUCT BY A NATUROPATHIC PHYSICIAN.

13 (I) DETERMINE WHETHER A NATUROPATHIC PHYSICIAN SHALL BE THE
14 SUBJECT OF A DISCIPLINARY HEARING.

15 (J) DESIGNATE AND IMPOSE SANCTIONS AND PENALTIES FOR VIOLATION
16 OF THIS PART OR RULES PROMULGATED UNDER THIS PART.

17 (K) PROVIDE FOR THE RULES FOR CONTINUING EDUCATION OF
18 NATUROPATHIC PHYSICIANS.

19 (L) BRING PROCEEDINGS IN THE COURTS FOR THE ENFORCEMENT OF THIS
20 PART.

21 (M) ESTABLISH PROCEDURES TO GOVERN MATTERS, DIRECTLY OR
22 INDIRECTLY, INVOLVING ANY INDIVIDUAL RELATED TO THE DIRECTOR IN ANY
23 WAY BY BLOOD OR MARRIAGE.

24 (N) DELEGATE TO THE BOARD THE PERFORMANCE OF ANY
25 ADMINISTRATIVE, NONDISCIPLINARY, AND NON-RULE-MAKING FUNCTIONS
26 ASSIGNED TO THE DIRECTOR UNDER THIS PART.

27 (2) THE DIRECTOR SHALL CONSULT THE BOARD ON MATTERS INVOLVING

1 ALL OF THE FOLLOWING:

2 (A) THE QUALIFICATIONS OF CANDIDATES WHO APPLY FOR LICENSURE
3 TO ENGAGE IN THE PRACTICE OF NATUROPATHIC MEDICINE IN THIS STATE.

4 (B) THE CONTENT OF ANY CLINICAL, PRACTICAL, OR RESIDENCY
5 REQUIREMENT.

6 (C) THE CONTENT OF RULES AND GUIDELINES AND PROPOSED RULES AND
7 GUIDELINES GOVERNING THE PRACTICE OF NATUROPATHIC MEDICINE IN THIS
8 STATE.

9 (D) INVESTIGATION OF ALL CREDIBLE COMPLAINTS FROM NATUROPATHIC
10 PHYSICIANS AND THE PUBLIC AND ON THE TECHNICAL ASPECTS OF THE
11 COMPLAINT.

12 (E) THE REQUIREMENTS FOR ISSUANCE AND RENEWAL OF LICENSES
13 UNDER THIS PART.

14 (3) THE DIRECTOR SHALL NOT DISCRIMINATE AGAINST ANY INDIVIDUAL
15 HOLDING OR APPLYING FOR A LICENSE TO ENGAGE IN THE PRACTICE OF
16 NATUROPATHIC MEDICINE BY REASON OF SEX, AGE, RACE, COLOR, CREED, OR
17 NATIONAL ORIGIN.

18 SEC. 17123. (1) THE BOARD OF NATUROPATHIC MEDICINE IS
19 ESTABLISHED WITHIN THE DEPARTMENT. THE BOARD CONSISTS OF 7 MEMBERS
20 APPOINTED BY THE GOVERNOR, AS FOLLOWS:

21 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, 3
22 NATUROPATHIC PHYSICIANS WHO ARE LICENSED AND IN GOOD STANDING IN
23 THIS STATE. FOR THE INITIAL BOARD, A NATUROPATHIC PHYSICIAN
24 LICENSED AND IN GOOD STANDING IN ANOTHER STATE MAY BE APPOINTED TO
25 THE BOARD IF HE OR SHE IS A RESIDENT OF THIS STATE AND HAS BEEN
26 ENGAGED IN THE PRACTICE OR INSTRUCTION OF NATUROPATHIC MEDICINE FOR
27 AT LEAST 5 YEARS.

1 (B) TWO PHYSICIANS WHO ARE LICENSED UNDER PART 170 OR 175.

2 (C) TWO MEMBERS OF THE GENERAL PUBLIC WHO ARE NOT AND NEVER
3 HAVE BEEN LICENSED HEALTH PROFESSIONALS UNDER THIS ACT AND WHO DO
4 NOT HAVE AN INTEREST IN NATUROPATHIC EDUCATION, BUSINESS, OR
5 PRACTICE.

6 (2) THE GOVERNOR SHALL APPOINT NATUROPATHIC PHYSICIANS TO THE
7 BOARD FROM A LIST OF NATUROPATHIC PHYSICIANS ELIGIBLE TO SERVE ON
8 THE BOARD THAT IS SUBMITTED TO THE GOVERNOR BY THE MICHIGAN
9 ASSOCIATION OF NATUROPATHIC PHYSICIANS OR THE AMERICAN ASSOCIATION
10 OF NATUROPATHIC PHYSICIANS OR A SUCCESSOR TO THOSE ASSOCIATIONS.

11 (3) FOR THE PURPOSE OF STAGGERING TERMS, THE GOVERNOR SHALL
12 INITIALLY APPOINT TO THE BOARD 3 MEMBERS FOR TERMS OF 4 YEARS EACH,
13 2 MEMBERS FOR TERMS OF 3 YEARS EACH, AND 2 MEMBERS FOR TERMS OF 2
14 YEARS EACH. AS THE TERMS OF BOARD MEMBERS EXPIRE, THE GOVERNOR
15 SHALL APPOINT SUCCESSORS FOR TERMS OF 4 YEARS, AND THOSE MEMBERS
16 SHALL SERVE UNTIL THEIR SUCCESSORS ARE APPOINTED.

17 (4) THE GOVERNOR MAY REMOVE ANY MEMBER OF THE BOARD FOR CAUSE
18 BEFORE THE EXPIRATION OF THE MEMBER'S TERM.

19 (5) WITHIN 30 DAYS AFTER ITS APPOINTMENT, AND AT LEAST
20 ANNUALLY THEREAFTER, THE BOARD SHALL HOLD A MEETING AND ELECT A
21 CHAIRPERSON. THE BOARD MAY HOLD ADDITIONAL MEETINGS ON THE CALL OF
22 THE CHAIR OR AT THE WRITTEN REQUEST OF ANY 2 MEMBERS OF THE BOARD.
23 THE BOARD MAY APPOINT ANY COMMITTEES THAT IT CONSIDERS NECESSARY TO
24 CARRY OUT ITS DUTIES. A MAJORITY OF THE BOARD SHALL CONSTITUTE A
25 QUORUM.

26 (6) THE BOARD POSITIONS SHALL REMAIN UNCOMPENSATED POSITIONS
27 UNLESS AND UNTIL CONSIDERED APPROPRIATE BY THE DIRECTOR.

1 SEC. 17125. THE BOARD MAY ADOPT ANY POLICIES AND PROCEDURES
2 NECESSARY TO CARRY OUT THE PURPOSES OF THIS PART AND MAY RECOMMEND
3 DISCIPLINARY ACTION AS PROVIDED UNDER THIS PART. THE BOARD SHALL DO
4 ALL OF THE FOLLOWING:

5 (A) PERFORM ANY ADMINISTRATIVE, NONDISCIPLINARY, AND NON-RULE-
6 MAKING FUNCTIONS ASSIGNED TO THE BOARD BY THE DIRECTOR AS PROVIDED
7 UNDER THIS PART.

8 (B) DETERMINE THE QUALIFICATIONS OF INDIVIDUALS APPLYING FOR
9 LICENSURE UNDER THIS PART AND DEFINE, BY RULE, THE APPROPRIATE
10 SCOPE OF PRACTICE OF NATUROPATHIC MEDICINE IN THIS STATE. HOWEVER,
11 THE SCOPE OF PRACTICE SHALL NOT EXCEED THAT DESCRIBED IN SECTION
12 17115.

13 (C) REVIEW THE CONTENT OF RULES AND PROPOSED RULES GOVERNING
14 THE PRACTICE OF NATUROPATHIC MEDICINE IN THIS STATE.

15 (D) EVALUATE THE CONTENT OF ANY CLINICAL, PRACTICAL, OR
16 RESIDENCY REQUIREMENT.

17 (E) PROVIDE ANY OTHER SERVICES AND PERFORM ANY OTHER FUNCTIONS
18 AS ARE NECESSARY AND DESIRABLE TO FULFILL ITS PURPOSES.

19 (F) PROPOSE TO THE DEPARTMENT RULES FOR EXAMINATION STANDARDS,
20 CONSISTENT WITH THE STANDARDS UNDER THIS PART, FOR LICENSURE AND
21 WHEN THOSE EXAMINATIONS WILL BE PROVIDED.

22 (G) ESTABLISH A MINIMUM AMOUNT AND KIND OF CONTINUING
23 EDUCATION TO BE REQUIRED ANNUALLY FOR EACH NATUROPATHIC PHYSICIAN
24 SEEKING LICENSURE RENEWAL.

25 (H) LIMIT THE PERFORMANCE OF MINOR OFFICE PROCEDURES TO A
26 NATUROPATHIC PHYSICIAN WHO HAS GRADUATED FROM AN APPROVED
27 NATUROPATHIC MEDICAL PROGRAM THAT INCLUDED MINOR OFFICE PROCEDURES

1 AS PART OF ITS CURRICULUM OR WHO HAS UP-TO-DATE CERTIFICATION OF
2 EQUIVALENT TRAINING, AS DETERMINED BY THE BOARD, IF HE OR SHE
3 GRADUATED FROM AN APPROVED NATUROPATHIC MEDICAL PROGRAM THAT DID
4 NOT INCLUDE MINOR OFFICE PROCEDURES AS PART OF THE CURRICULUM.

5 (I) LIMIT THE PRESCRIBING AUTHORITY FOR PRESCRIPTION DRUGS TO
6 A NATUROPATHIC PHYSICIAN WHO HAS GRADUATED FROM AN APPROVED
7 NATUROPATHIC MEDICAL PROGRAM THAT INCLUDED PHARMACOLOGY AS PART OF
8 ITS CURRICULUM OR WHO HAS UP-TO-DATE CERTIFICATION OF EQUIVALENT
9 TRAINING, AS DETERMINED BY THE BOARD, IF HE OR SHE GRADUATED FROM
10 AN APPROVED NATUROPATHIC MEDICAL PROGRAM THAT DID NOT INCLUDE
11 PHARMACOLOGY AS PART OF THE CURRICULUM.

12 (J) INVESTIGATE ALL CREDIBLE COMPLAINTS FROM NATUROPATHIC
13 PHYSICIANS AND THE PUBLIC AS DIRECTED BY THE DIRECTOR.

14 (K) PROPOSE TO THE DEPARTMENT RULES TO ESTABLISH GUIDELINES
15 FOR THE DISPOSITION OF DISCIPLINARY CASES INVOLVING SPECIFIC TYPES
16 OF VIOLATIONS. THE GUIDELINES MAY INCLUDE MINIMUM AND MAXIMUM
17 FINES, PERIODS OF SUPERVISION OR PROBATION, OR CONDITIONS OF
18 PROBATION OR REISSUANCE OF A LICENSE.

19 (L) PROVIDE EVALUATIONS REGARDING THE REQUIREMENTS FOR ISSUANCE
20 AND RENEWAL OF NATUROPATHIC MEDICAL LICENSES TO THE DEPARTMENT.

21 SEC. 17127. (1) THE NATUROPATHIC FORMULARY COUNCIL IS
22 ESTABLISHED. THE FORMULARY COUNCIL IS SEPARATE AND DISTINCT FROM
23 THE BOARD AND IS COMPOSED OF 5 MEMBERS, AS FOLLOWS:

24 (A) TWO NATUROPATHIC PHYSICIANS APPOINTED BY THE BOARD.

25 (B) TWO PHARMACISTS LICENSED UNDER PART 177, APPOINTED BY THE
26 BOARD FROM A LIST OF NOMINEES PROVIDED BY THE MICHIGAN BOARD OF
27 PHARMACY.

1 (C) ONE PHYSICIAN LICENSED UNDER PART 170 OR 175, APPOINTED BY
2 THE BOARD FROM A LIST OF NOMINEES PROVIDED BY THE MICHIGAN BOARD OF
3 MEDICINE OR THE MICHIGAN BOARD OF OSTEOPATHIC MEDICINE AND SURGERY.

4 (2) THE NATUROPATHIC FORMULARY COUNCIL SHALL ESTABLISH A
5 NATUROPATHIC FORMULARY FOR USE BY NATUROPATHIC PHYSICIANS. WHEN IT
6 ADOPTS OR REVISES THE FORMULARY, THE FORMULARY COUNCIL SHALL
7 IMMEDIATELY TRANSMIT THE FORMULARY TO THE BOARD. THE BOARD SHALL
8 REQUEST THAT THE DEPARTMENT ADOPT THE FORMULARY BY RULE.

9 (3) THE FORMULARY COUNCIL SHALL REVIEW THE NATUROPATHIC
10 FORMULARY ANNUALLY OR AT ANY TIME AT THE REQUEST OF THE BOARD.

11 (4) THE NATUROPATHIC FORMULARY SHALL NOT GO BEYOND THE SCOPE
12 OF NATURAL MEDICINES OR PRESCRIPTION DRUGS AND DEVICES COVERED BY
13 APPROVED NATUROPATHIC EDUCATION AND TRAINING OR BOARD-APPROVED
14 CONTINUING EDUCATION.

15 (5) THE NATUROPATHIC FORMULARY SHALL NOT INCLUDE MEDICINES OR
16 DEVICES THAT ARE INCONSISTENT WITH THE TRAINING PROVIDED BY
17 APPROVED NATUROPATHIC MEDICAL PROGRAMS.

18 (6) THIS SECTION DOES NOT ALLOW A NATUROPATHIC PHYSICIAN TO
19 DISPENSE, ADMINISTER, OR PRESCRIBE ANY PRESCRIPTION DRUG OR DEVICE
20 AS DEFINED IN PART 177, UNLESS THAT PRESCRIPTION DRUG OR DEVICE IS
21 SPECIFICALLY INCLUDED IN THE NATUROPATHIC FORMULARY.

22 SEC. 17131. NATUROPATHIC PHYSICIANS SHALL OBSERVE AND BE
23 SUBJECT TO ALL STATE, COUNTY, AND MUNICIPAL RULES, ORDINANCES, OR
24 REGULATIONS IN REGARD TO THE CONTROL OF CONTAGIOUS AND INFECTIOUS
25 DISEASES, THE REPORTING OF BIRTHS AND DEATHS, AND ANY AND ALL OTHER
26 MATTERS PERTAINING TO THE PUBLIC HEALTH IN THE SAME MANNER AS IS
27 REQUIRED OF OTHER HEALTH PROFESSIONALS UNDER THIS ACT. A VIOLATION

1 OF ANY STATE, COUNTY, OR MUNICIPAL RULE, ORDINANCE, OR REGULATION
2 DESCRIBED IN THIS SECTION IS CONSIDERED A VIOLATION OF THIS ACT
3 SUBJECT TO THE INVESTIGATION AND SANCTION PROVISIONS OF SECTIONS
4 16221 AND 16226. THE PENALTIES AND REMEDIES UNDER THIS PART ARE
5 INDEPENDENT AND CUMULATIVE. THE USE OF 1 REMEDY BY A PERSON DOES
6 NOT BAR THE USE OF OTHER LAWFUL PENALTIES OR REMEDIES BY THAT
7 PERSON OR THE USE OF A LAWFUL PENALTY OR REMEDY BY ANOTHER PERSON.

8 SEC. 17133. THE BOARD SHALL NOT REINSTATE THE LICENSE OF A
9 NATUROPATHIC PHYSICIAN UNTIL THE BOARD IS SATISFIED THAT THE
10 INDIVIDUAL HAS COMPLIED WITH ALL OF THE TERMS AND CONDITIONS SET
11 FORTH IN THE FINAL ORDER AND THAT HE OR SHE IS CAPABLE OF SAFELY
12 ENGAGING IN THE PRACTICE OF NATUROPATHIC MEDICINE.

13 SEC. 17135. (1) THE BOARD MAY ISSUE A LICENSE WITHOUT
14 ADDITIONAL EXAMINATION TO ANY APPLICANT WHO SUBMITS AN APPLICATION
15 FOR LICENSURE TOGETHER WITH THE APPROPRIATE FEE AND PROOF
16 ACCEPTABLE TO THE DEPARTMENT OF CURRENT NATUROPATHIC MEDICINE
17 LICENSURE IN GOOD STANDING IN ANOTHER STATE, THE DISTRICT OF
18 COLUMBIA, OR A TERRITORY OF THE UNITED STATES, WHOSE STANDARDS FOR
19 LICENSURE ARE AT LEAST EQUIVALENT TO THOSE OF THIS STATE.

20 (2) ANY APPLICANT SEEKING A LICENSE WITHOUT ADDITIONAL
21 EXAMINATION UNDER THIS SECTION SHALL PROVIDE PROOF OF LICENSURE IN
22 GOOD STANDING IN ALL JURISDICTIONS IN WHICH HE OR SHE IS OR HAS
23 BEEN LICENSED.

24 SEC. 17137. (1) EACH LICENSE ISSUED OR RENEWED UNDER THIS PART
25 EXPIRES 2 YEARS FOLLOWING ITS ISSUANCE OR LAST RENEWAL.

26 (2) THE DIRECTOR MAY RENEW THE LICENSE OF ANY LICENSEE WHOSE
27 LICENSE HAS EXPIRED IF HE OR SHE DOES ALL OF THE FOLLOWING:

- 1 (A) SUBMITS AN APPLICATION FOR RENEWAL.
2 (B) PAYS THE RENEWAL FEE.
3 (C) MEETS THE QUALIFICATIONS FOR LICENSURE UNDER THIS PART.
4 (D) MEETS THE CONTINUING EDUCATION REQUIREMENTS ESTABLISHED BY
5 THE BOARD.

6 SEC. 17139. AN INDIVIDUAL WHO ENGAGES IN THE PRACTICE OF
7 NATUROPATHIC MEDICINE AFTER HIS OR HER LICENSE IS REVOKED IS
8 ENGAGING IN THE PRACTICE OF NATUROPATHIC MEDICINE WITHOUT A
9 LICENSE. HOWEVER, AT ANY TIME AFTER THE EXPIRATION OF 6 MONTHS
10 AFTER THE DATE OF THE CONVICTION THAT RESULTED IN THE LICENSE
11 REVOCATION, THE DEPARTMENT MAY REINSTATE HIS OR HER LICENSE AND
12 RESTORE TO HIM OR HER ALL THE RIGHTS AND PRIVILEGES OF AND
13 PERTAINING TO THE PRACTICE OF NATUROPATHIC MEDICINE UNDER THIS
14 PART. THE REINSTATEMENT FEE SHALL BE SET BY THE BOARD, IN AN AMOUNT
15 THAT DOES NOT EXCEED \$150.00.

16 SEC. 17141. (1) ANY PERSON MAY REPORT TO THE DEPARTMENT IN
17 WRITING ANY INFORMATION THE PERSON HAS REASON TO BELIEVE INDICATES
18 THAT A NATUROPATHIC PHYSICIAN IS OR MAY BE MEDICALLY OR LEGALLY
19 INCOMPETENT, ENGAGED IN THE UNAUTHORIZED OR ILLEGAL PRACTICE OF
20 NATUROPATHIC MEDICINE, GUILTY OF UNPROFESSIONAL CONDUCT, OR
21 MENTALLY OR PHYSICALLY UNABLE TO ENGAGE SAFELY IN THE PRACTICE OF
22 NATUROPATHIC MEDICINE.

23 (2) EACH OF THE FOLLOWING PERSONS SHALL REPORT TO THE
24 DEPARTMENT IN WRITING ANY INFORMATION THE PERSON HAS REASON TO
25 BELIEVE INDICATES THAT A NATUROPATHIC PHYSICIAN IS OR MAY BE
26 MEDICALLY OR LEGALLY INCOMPETENT, ENGAGED IN THE UNAUTHORIZED
27 PRACTICE OF NATUROPATHIC MEDICINE, GUILTY OF UNPROFESSIONAL

1 CONDUCT, OR MENTALLY OR PHYSICALLY UNABLE TO ENGAGE SAFELY IN THE
2 PRACTICE OF NATUROPATHIC MEDICINE, WITHIN 30 DAYS OF BECOMING AWARE
3 OF SUCH INFORMATION:

4 (A) A NATUROPATHIC PHYSICIAN LICENSED UNDER THIS PART.

5 (B) A HEALTH PROFESSIONAL LICENSED UNDER THIS ARTICLE.

6 (C) A HEALTH FACILITY OR AGENCY IN THIS STATE.

7 (D) A STATE DEPARTMENT OR AGENCY.

8 (E) A LAW ENFORCEMENT AGENCY IN THIS STATE.

9 (3) A NATUROPATHIC PHYSICIAN'S VOLUNTARY RESIGNATION FROM THE
10 STAFF OF A HEALTH FACILITY OR AGENCY, VOLUNTARY LIMITATION OF STAFF
11 PRIVILEGES, OR FAILURE TO REAPPLY FOR HOSPITAL PRIVILEGES AT A
12 FACILITY OR AGENCY SHALL BE PROMPTLY REPORTED TO THE DEPARTMENT BY
13 THE HEALTH FACILITY OR AGENCY AND THE LICENSEE IF THAT ACTION
14 OCCURS WHILE THE LICENSEE IS UNDER FORMAL OR INFORMAL INVESTIGATION
15 BY THE FACILITY OR AGENCY OR A COMMITTEE OF THE FACILITY OR AGENCY
16 FOR ANY REASON RELATED TO POSSIBLE MEDICAL INCOMPETENCE,
17 UNPROFESSIONAL CONDUCT, OR MENTAL OR PHYSICAL IMPAIRMENT.

18 (4) IF IT RECEIVES A CREDIBLE COMPLAINT OR REPORT CONCERNING A
19 LICENSEE, OR ON ITS OWN MOTION, THE DEPARTMENT MAY INVESTIGATE AS
20 PROVIDED IN SECTION 16221.

21 (5) A PERSON THAT IN GOOD FAITH COMPLIES WITH THIS SECTION IS
22 NOT LIABLE FOR DAMAGES IN A CIVIL ACTION OR SUBJECT TO PROSECUTION
23 IN A CRIMINAL PROCEEDING AS A RESULT OF A REPORT UNDER THIS
24 SECTION.

25 (6) WITHIN 10 DAYS AFTER RECEIVING A REPORT REQUIRED UNDER
26 THIS SECTION, THE DIRECTOR SHALL ACKNOWLEDGE RECEIPT OF THE REPORTS
27 AND ANY COMPLAINT AGAINST A LICENSEE SUBMITTED TO THE DEPARTMENT.

1 WITHIN 10 DAYS AFTER FINAL DISPOSITION, THE DIRECTOR SHALL INFORM
2 ANY PERSON OR ENTITY WHOSE REPORT OR COMPLAINT HAS RESULTED IN
3 ACTION BY THE DEPARTMENT OF THE FINAL DISPOSITION OF THE MATTER.

4 (7) IF A PERSON FAILS TO MAKE A REPORT REQUIRED UNDER THIS
5 SECTION, THE DIRECTOR, IN HIS OR HER DISCRETION AND AFTER
6 CONSULTATION WITH THE BOARD, MAY ASSESS AN ADMINISTRATIVE FINE OF
7 NOT MORE THAN \$5,000.00 AGAINST THAT PERSON, IF ASSESSMENT OF THAT
8 FINE IS SUPPORTED BY SUBSTANTIAL EVIDENCE. A PERSON MAY APPEAL THE
9 ASSESSMENT OF AN ADMINISTRATIVE FINE UNDER THIS SUBSECTION IN THE
10 MANNER PROVIDED IN THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969
11 PA 306, MCL 24.201 TO 24.328.