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BILL ANALYSIS



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Senate Bill 990 (as introduced 3-24-22)
Sponsor: Senator Jim Runestad
Committee: Health Policy and Human Services

Date Completed: 5-26-22

CONTENT

The bill would add Part 186 (Naturopathic Physicians) to Article 15 (Occupations) of the Public Health Code to provide for the licensure of naturopathic physicians. Specifically, the bill would do the following:

- **Prescribe requirements for naturopathic physician licensure, including an application and examination.**
- **Prescribe the scope of practice for naturopathic medicine.**
- **Create the Michigan Board of Naturopathic Medicine and prescribe its membership and duties, including determining the qualifications of individuals applying for licensure and the scope of practice of naturopathic medicine, establishing continuing education requirements, and promulgating rules for examination standards.**
- **Require the Board to establish a naturopathic formulary, which would have to be reviewed annually, or at any time at the Board's request, and prescribe its scope.**

Additionally, the bill would amend the Code to do the following:

- **Prohibit an individual engaging in the practice of naturopathic medicine from using the term "doctor" or "dr." in any written or printed manner or display without adding "of naturopathic medicine" or a similar term.**
- **Include in the definition of "prescriber" a licensed doctor of naturopathic medicine.**
- **Require the Department of Licensing and Regulatory Affairs (LARA) to annually establish a schedule of fees for an individual licensed or seeking a license as a naturopathic physician to offset LARA's administrative expenses.**

The bill would take effect 90 days after its enactment.

Definitions

The bill specifies that in addition to the definitions in Part 186, Article 1 (Preliminary Provisions) contains general definitions and principles of construction applicable to all articles in the Code and Part 161 (General Provisions) contains definitions applicable to Part 186.

Licensure

The bill would define "naturopathic medicine" as a system of practice that is based on the

natural healing capacity of individuals for the diagnosis, treatment, and prevention of diseases.

Beginning 180 days after rules were promulgated, an individual could not engage in the practice of naturopathic medicine unless he or she was licensed or otherwise authorized under Article 15.

To be eligible for a license to engage in the practice of naturopathic medicine in Michigan, an applicant would have to submit all of the following to the Board of Naturopathic Medicine, as applicable:

- A completed application for licensure.
- Except as otherwise provided, evidence that he or she was a graduate of an approved naturopathic medical program and had successfully passed a competency-based national naturopathic physicians licensing examination administered by an agency that was nationally recognized to administer a naturopathic physicians licensing examination that represented Federal standards of education and training and that was approved by the Board.
- Evidence of successful passage of a Board-approved state competency examination or Canadian provincial examination, for a graduate of an approved naturopathic medical program offered by a degree-granting college or university in the United States or a diploma-granting, degree-equivalent college or university in Canada.
- Any other information or documents required under Article 15 or required by the Board.

"Approved naturopathic medical program" would mean any of the programs described below:

First, the term would mean a naturopathic medical education program that is located in the US, that provides the degree of doctor of naturopathy or doctor of naturopathic medicine, and that meets all of the following requirements: 1) offers graduate-level full-time didactic and supervised clinical training; 2) is accredited or has achieved candidacy status for accreditation by the Council on Naturopathic Medical Education (CNME) or an equivalent federally recognized accrediting body for naturopathic medical programs approved by the Board; and 3) is an institution or part of an institution of higher education that is accredited or is a candidate for accreditation by a regional or national institutional accrediting agency recognized by the U.S. Secretary of Education.

Second, the term would include a naturopathic medical education program offered by a degree-granting college or university that existed before the existence of the CNME and that meets all of the following requirements: 1) offered a full-time structured curriculum in basic sciences and supervised patient care comprising a doctoral naturopathic medical education; 2) was at least 132 weeks in duration and required completion of the program within a period of at least 35 months as a prerequisite to graduation; 3) was offered by a college or university that was reputable and in good standing in the judgment of the Board; and 4) if the program is still offered, is accredited by the CNME or an equivalent federally recognized accrediting body for naturopathic medical programs approved by the Board.

Third, the term would include a naturopathic medical education program offered by a diploma-granting, degree-equivalent college or university located in Canada that was offered before the existence of the CNME and that meets all of the following requirements: 1) was offered by a college or university that had provincial approval for participation in government-funded student aid programs; 2) offered a full-time structured curriculum in basic sciences and supervised patient care comprising a doctoral naturopathic medical education; 3) was at least 132 weeks in duration and required completion of the program within a period of at least 35 months as a prerequisite to graduation; 4) was offered by a college or university that was

reputable and in good standing in the Board's judgment; 5) if the program is still offered, is accredited by the CNME or an equivalent federally recognized accrediting body for naturopathic medical programs approved by the Board; and 6) if the program is still offered, the college or university has provincial approval for participating in government-funded student aid programs.

Finally, "approved naturopathic medical program" would include a naturopathic medical education program offered by a diploma-granting, degree-equivalent college or university located in Canada that provides the degree of doctor of naturopathy or doctor of naturopathic medicine and that meets all of the following requirements: 1) offers graduate-level full-time didactic and supervised clinical training; 2) is accredited or has achieved candidacy status for accreditation by the CNME or an equivalent federally recognized accrediting body for naturopathic medical programs approved by the Board; and 3) is offered by a college or university that has provincial approval for participation in government-funded student aid programs.

Each license granted or renewed would expire four years following the date it was granted or last renewed.

Scope of Practice

The bill would allow a naturopathic physician to do any of the following, consistent with his or her naturopathic education and training:

- Order and perform physical and laboratory examinations for diagnostic purposes, including phlebotomy, clinical laboratory tests, official examinations, or physiological function tests.
- Order diagnostic imaging studies.
- Use routes of administration that included oral, nasal, auricular, ocular, rectal, vaginal, transdermal, intradermal, subcutaneous, intravenous, or intramuscular consistent with his or her education and training.
- Other naturopathic therapies as approved by the Board.

A naturopathic physician also could dispense, administer, order, or prescribe or perform any of the following:

- Food, extracts of food, nutraceuticals, vitamins, amino acids, minerals, enzymes, botanicals and their extracts, botanical medicines, homeopathic medicines, all dietary supplements, or nonprescription drugs as defined by the Federal Food, Drug, and Cosmetic Act (those that do not require a written prescription from a licensed practitioner and are not subject to approval in an application submitted under the Act).
- Prescription or nonprescription medicines as designated by the Board.
- Hot or cold hydrotherapy, naturopathic physical medicine, electromagnetic energy, or therapeutic exercise.
- Devices, including therapeutic devices, barrier contraception, or durable medical equipment.
- Health education or counseling.
- Repair and care incidental to superficial lacerations or abrasions.
- Naturopathic musculoskeletal manipulation.

"Device" would mean that term as defined in Section 17703 of the Code: an instrument, apparatus, or contrivance, including its components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or other animals, or to affect the structure or function of the body of human beings or other animals.

A naturopathic physician could not do any of the following:

- Prescribe, dispense, or administer any controlled substance or device identified in the Federal Controlled Substances Act.
- Prescribe, dispense, or administer a prescription drug or device unless it was included in the naturopathic formulary.
- Perform naturopathic musculoskeletal mobilization involving high-velocity, low-amplitude mobilization at or beyond the end range of joint motion, unless he or she met the requirements to perform high-velocity, low-amplitude mobilization as established by the Board by rule.
- Perform surgical procedures except minor office procedures, subject to limitations of the Board (as described below).
- Engage or claim to engage in the practice of any other health profession, including performing chiropractic adjustments, unless licensed to engage in the profession under Article 15.
- Use general or spinal anesthetics.
- Administer ionizing radioactive substances for therapeutic purposes.
- Perform surgical procedures using a laser device.
- Perform surgical procedures involving the eye, ear, tendons, nerves, veins, or arteries.

"Naturopathic formulary" or "formulary" would mean a list of nonprescription and prescription drugs that naturopathic physicians use in the practice of their profession, as determined by the Board.

"Naturopathic musculoskeletal mobilization" would mean the treatment of all body tissues by manual and other mechanical means, including high-velocity, low-amplitude mobilization at or beyond the end range of normal joint motion.

"Minor office procedure" would mean either of the following: 1) the use of operative, electrical, or other methods for the repair and care incidental to superficial lacerations and abrasions, superficial lesions, and the removal of foreign bodies located in the superficial tissues and the use of antiseptics and local topical anesthetics in connection with those methods; or 2) obtaining specimens to diagnose, assess, and treat disease.

Scope of Part 186

Under the bill, in addition to the exemptions from licensure, Part 186 would not prohibit or restrict any of the following:

- The practice of a profession or occupation by an individual who was licensed, certified, registered, or otherwise authorized under the Code or other Michigan laws and who was performing services within his or her authorized scope of practice.
- The practice of naturopathic medicine by students enrolled in an approved naturopathic medical program who were performing services pursuant to a course of instruction or assignments from an instructor, who was a licensed naturopathic physician or a duly licensed professional in the field of instruction, and under the supervision of the instructor.
- Self-care by a patient or uncompensated care by a friend or family member who did not represent or hold himself or herself out to be a naturopathic physician.
- An individual who sold vitamins and herbs from providing information about his or her products.
- An individual who was educated and trained in naturopathy or naturopathic health care and provided naturopathic therapy within the scope of that education and training.

- An individual who was educated and trained as a naturopath, naturopathic practitioner, or traditional naturopathic practitioner and who provided naturopathic therapy within the scope of that education and training.
- A registered dietician or nutritional professional who met certain Federal requirements from doing any of the following upon receiving a referral from a health professional: prescribing dietary treatments; providing nutritional and dietary counseling; conducting nutritional and dietary assessments; or developing, recommending, and ordering nutritional and dietary treatments, including therapeutic diets, for patients or groups of patients.

Additionally, Part 186 would not prohibit or restrict an individual from advising in the use of a therapy, including herbal medicine, homeopathy, nutrition, or other nondrug or nonsurgical therapy that was within the scope of practice of naturopathic physicians, if both of the following were met:

- The individual were not a health care professional and the therapy were within that individual's lawful rights to perform, or, if the individual were a health care professional, the therapy were within the scope of practice of that health care profession.
- The individual were not using a protected word, title, or letters (as discussed below) and did not represent or hold himself or herself out to be a naturopathic physician.

Fee Schedule

The bill would require the Department to annually establish a schedule of fees for an individual licensed or seeking licensure as a naturopathic physician under Part 186 to offset its administrative expenses.

Board of Naturopathic Medicine

The bill would create the Board of Naturopathic Medicine in the Department of Licensing and Regulatory Affairs. The Board would consist of the following eleven members, each of whom would have to meet the requirements of Part 161 (General Provisions):

- Six naturopathic physicians.
- One physician who was licensed under Part 170 (Medicine) or Part 175 (Osteopathic Medicine and Surgery).
- One pharmacist licensed under Part 177 (Pharmacy Practice and Drug Control).
- One chiropractor licensed under Part 164 (Chiropractic).
- Two public members.

The Department, in consultation with the Board, would have to do all of the following:

- Determine the qualifications of individuals applying for licensure under Part 186.
- Review the content of rules and proposed rules governing the practice of naturopathic medicine in Michigan.
- Evaluate the content of any clinical, practice, or residency requirement.
- Establish a minimum amount and kind of continuing education to be required annually for each naturopathic physician as a condition of licensure renewal, subject to Section 16204 (which requires an applicant for renewal to complete an appropriate number of hours or courses in pain and symptom management, if the completion of continuing education is a condition for renewal).
- Limit the performance of minor office procedures to a naturopathic physician who had graduated from an approved naturopathic medical program that included minor office procedures as part of its curriculum or who had up-to-date certification of equivalent

training, as determined by the Board, if he or she graduated from an approved naturopathic medical program that did not include minor office procedures as part of the curriculum.

- Promulgate rules for examination standards, consistent with the standards of Part 186, for licensure and when those examinations would be provided.

The rules for examination standards would have to include competency-based national examination consistent with the requirements described in the bill as the naturopathic licensing examination.

The Department, in consultation with the Board, also would have to establish a naturopathic formulary. All of the following would apply to the formulary:

- The Board would have to review it annually or at any time at the Board's request.
- The formulary could not go beyond the scope of natural medicines or prescription drugs and devices covered by approved naturopathic education and training or Board-approved continuing education.
- The formulary could not include prescription drugs or devices that were inconsistent with the training provided to graduates of an approved naturopathic medical program.

Title Protection

Under the bill, the following words, titles, or letters or combination of them, with or without qualifying words or phrases, would be restricted in use to only those individuals authorized to use the terms and in a way prescribed by Part 186: "doctor of naturopathic medicine", "doctor of naturopathy", "naturopathic physician", "naturopathic doctor", "naturopathic medical doctor", "naturopathic medicine", "N.D.", and "N.M.D.".

If he or she did not use the word or title "doctor", "physician", "medical doctor", or "medicine", an individual who was educated and trained in naturopathy or naturopathic health care or who was educated or trained as a naturopath, naturopathic practitioner, or traditional naturopathic practitioner would not be restricted from using any of the following words or titles in connection with his or her practice: "naturopathy", "naturopathic health care", "naturopathic practitioner", or "traditional naturopathic practitioner".

Other Provisions

The bill would prohibit Part 186 from requiring new or additional third-party reimbursement or mandated worker's compensation benefits for services rendered by a licensed individual.

MCL 333.16141 et al.

Legislative Analyst: Stephen P. Jackson

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on LARA and no fiscal impact on local units of government.

Under the bill, LARA would have to set the schedule of naturopathic physician fees to offset administrative costs. The revenue and expenditures associated with the licensure of naturopathic physicians would depend on the number of licensees as well as the rules promulgated to regulate the occupation. Fees would be paid into the Health Professions Regulatory Fund. The Department estimates that there are currently approximately 30 individuals in Michigan who likely would qualify for licensure.

The bill does not specify a mechanism for members of the Board of Naturopathic Medicine to be reimbursed for expenses incurred during the course of their duties, but the members could apply for reimbursement from LARA.

Fiscal Analyst: Elizabeth Raczowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.