



VIRTUAL/TELECONFERENCE
NATUROPATHIC MEDICINE EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Brad Wojciechowski (608) 266-2112
December 1, 2023

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of Minutes October 20, 2023 (3)**
- C. Introductions, Announcements and Recognition
- D. Reminder: Conflicts of Interest, Scheduling Concerns
- E. Administrative Matters – Discussion and Consideration**
 - 1. Department, Staff and Board Updates
 - 2. Board Members – Board Member Status
 - a) Becker, Allison R – 7/1/2025
 - b) Crista, Jill – 7/1/2024
 - c) Doege-Brennan, Robyn R. – 7/1/2027
 - d) Kiefer, David S. – 7/1/2025
 - e) Meister, Katarina M. – 7/1/2027
 - f) Nichols, Kristine J. – 7/1/2024
 - g) Ratte, Paul J. – 7/1/2027
- F. Legislation and Policy Matters – Discussion and Consideration
- G. Administrative Rule Matters – Discussion and Consideration (4-32)**
 - 1. Emergency rule draft: Nat Med 1 to 10, relating to licensure requirements for naturopathic doctors and limited-scope naturopathic doctors. **(9-15)**
 - 2. Preliminary rule draft: Nat Med 1 to 10 relating to naturopathic doctors. **(16-32)**
 - 3. Pending and possible rulemaking projects.
- H) Discussion and Consideration of Items Added After Preparation of Agenda:
 - 1. Introductions, Announcements and Recognition
 - 2. Nominations, Elections, and Appointments
 - 3. Administrative Matters

4. Election of Officers
5. Appointment of Liaisons and Alternates
6. Delegation of Authorities
7. Education and Examination Matters
8. Credentialing Matters
9. Practice Matters
10. Legislative and Policy Matters
11. Administrative Rule Matters
12. Liaison Reports
13. Public Health Emergencies
14. Board Liaison Training and Appointment of Mentors
15. Informational Items
16. Division of Legal Services and Compliance (DLSC) Matters
17. Presentations of Petitions for Summary Suspension
18. Petitions for Designation of Hearing Examiner
19. Presentation of Stipulations, Final Decisions and Orders
20. Presentation of Proposed Final Decisions and Orders
21. Presentation of Interim Orders
22. Petitions for Re-Hearing
23. Petitions for Assessments
24. Petitions to Vacate Orders
25. Requests for Disciplinary Proceeding Presentations
26. Motions
27. Petitions
28. Appearances from Requests Received or Renewed
29. Speaking Engagements, Travel, or Public Relation Requests, and Reports

D) Public Comments

ADJOURNMENT

NEXT MEETING: JANUARY 11, 2024

 MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED
 WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board’s agenda, please visit the Department website at <https://dps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or the Meeting Staff at 608-267-7213.

**VIRTUAL/TELECONFERENCE
NATUROPATHIC MEDICINE EXAMINING BOARD
OCTOBER 20, 2023**

PRESENT: Allison Becker, Jill Crista, Robyn Doege-Brennan, David Kiefer (*excused at 11:45*), Katarina Meister, Kristine Nichols, Paul Ratte (*arrived at 9:38*)

STAFF: Brad Wojciechowski, Executive Director; Joseph Ricker, Legal Counsel; Sofia Anderson, Administrative Rules Coordinator; Brenda Taylor, Board Services Supervisor; and other Department Staff

CALL TO ORDER

Jill Crista, Chairperson, called the meeting to order at 9:01 a.m. A quorum was confirmed with six (6) members present.

ADOPTION OF AGENDA

MOTION: Allison Becker moved, seconded by Katarina Meister, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 8, 2023

MOTION: Robyn Doege-Brennan moved, seconded by Kristine Nichols, to approve the Minutes of September 8, 2023 as published. Motion carried unanimously.

*Paul Ratte arrived at 9:38
David Kiefer excused at 11:45*

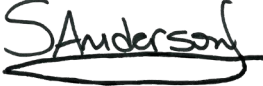
ADJOURNMENT

MOTION: Kristine Nichols moved, seconded by Robyn Doege-Brennan, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:38 p.m.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Sofia Anderson – Administrative Rules Coordinator		2) Date when request submitted: 11/20/2023 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Naturopathic Medicine Examining Board			
4) Meeting Date: December 1, 2023	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rules Matters – Discussion and Consideration 1. Preliminary rule draft: Nat Med 1 to 10 relating to naturopathic doctors. 2. Emergency rule draft: Nat Med 1 to 10, relating to licensure requirements for limited-scope naturopathic doctors and naturopathic doctors. 3. Pending and possible rulemaking projects.	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Attachments: 1. WI Statutes Chapter 466 2. Permanent rule: Nat Med 1 to 6 draft 3. Emergency rule: Nat Med 1 draft			
11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">  <hr/> Signature of person making this request </div> <div style="text-align: right;"> 11/20/2023 <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 60%;"> <hr/> Supervisor (if required) </div> <div style="width: 30%;"> <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 70%;"> <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </div> <div style="width: 25%;"> <hr/> Date </div> </div>			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

CHAPTER 466

NATUROPATHIC DOCTORS

466.01	Definitions.
466.02	License required; use of titles.
466.03	Duties and powers of examining board.
466.04	License; renewal.

466.05	Practice.
466.07	Disciplinary proceedings and actions.
466.09	Penalties.

466.01 Definitions. In this chapter:

(1) “Board” means the naturopathic medicine examining board.

(2) “Drug” has the meaning given in s. 450.01 (10).

(3) “Limited–scope naturopathic doctor” means an individual licensed under s. 466.04 (2).

(4) “Minor office procedure” includes the methods for the repair and care incidental to superficial lacerations, superficial abrasions, and superficial lesions and the removal of foreign bodies located in the superficial tissues.

(5) “Naturopathic doctor” means an individual licensed under s. 466.04 (1).

(6) (a) “Naturopathic medicine” means, except as provided in par. (c), a system of primary health care for the prevention, diagnosis, and treatment of human health conditions, injury, and disease; the promotion or restoration of health; and the support and stimulation of a patient’s inherent self–healing processes through patient education and the use of naturopathic therapies and therapeutic substances, including all of the following:

1. Ordering and performing physical and laboratory examinations, for diagnostic purposes, consistent with naturopathic education and training, including all of the following:

- Diagnostic or evaluation methods.
- Physical examinations.
- Clinical laboratory tests.
- Diagnostic sonography.
- Electrocardiography.
- Phlebotomy.

2. Ordering diagnostic imaging studies.

3. Dispensing, administering, ordering, or performing any of the following:

- Health education and health counseling.
- Food, extracts of food, nutraceuticals, vitamins, amino acids, minerals, enzymes, botanical medicines, homeopathic medicines, and dietary supplements.
- Hot or cold hydrotherapy, naturopathic physical medicine, the use of therapeutic medical equipment, and therapeutic exercise.

d. Devices, including therapeutic devices, barrier contraception, and durable medical equipment.

4. Recommending, dispensing, and administering nonprescription drug products.

5. Performing minor office procedures.

6. Signing and attesting to any certificates, cards, forms or other required documentation that a physician may sign, so long as it is within the naturopathic doctor’s scope of practice. This subdivision does not supersede any federal or state statute, rule, or regulation.

(b) “Naturopathic medicine” includes ordering or performing any other diagnostic, therapeutic, or other procedure or practice identified in rules promulgated under s. 466.03 (2) (a).

(c) “Naturopathic medicine” does not include any of the following:

1. Performing any surgical procedure other than a minor office procedure.

2. Using general or spinal anesthetics.

3. Administering ionizing radioactive substances for therapeutic purposes.

4. Performing surgical procedures involving the eye, ear, tendons, nerves, veins, or arteries that extend beyond superficial tissue.

5. Performing any procedure or practice that is prohibited by the board by rule under s. 466.03 (2) (a) or that is excluded from the definition of naturopathic physical medicine under sub. (7) (b).

(d) “Naturopathic medicine” is distinct from the practice of medicine and surgery, as defined in s. 448.01 (9).

(7) (a) “Naturopathic physical medicine” includes, except as provided in par. (b), manually administering mechanical treatment of body structures or tissues for the purpose of restoring normal physiological function to the body by normalizing and balancing the musculoskeletal system of the body, such as massage, stretching, resistance, or joint play examination.

(b) “Naturopathic physical medicine” does not include any of the following:

1. The employment or application of chiropractic or spinal adjustments and the principles or techniques of chiropractic science as described in s. 446.01 (2) (b).

2. The manipulation or adjustment of the spine or extremity joints of the human body beyond the elastic barrier, including small amplitude movement at or beyond the end range of normal joint motion.

(8) “Nonprescription drug product” has the meaning given in s. 450.01 (13m).

History: 2021 a. 130.

466.02 License required; use of titles. (1) (a) Except as provided in subs. (2) (a) and (b) and (3), no person may practice naturopathic medicine or make a representation that he or she is authorized to do so unless the person is licensed under this chapter.

(b) 1. Except as provided in subs. (2) (b) and (3), no person may designate himself or herself as a naturopathic doctor or doctor of naturopathic medicine; use or assume the title “naturopathic doctor,” “doctor of naturopathic medicine,” or “doctor of naturopathy”; use the words “naturopathic medicine” or “naturopathic health care” in connection with his or her practice; append to the person’s name the letters “N.D.” or “ND”; use any other titles, words, letters, abbreviations, insignia, or designation that would imply that the individual is licensed, certified, or registered as a naturopathic doctor or doctor of naturopathic medicine; or claim to render naturopathic medicine or naturopathic health care services unless the person is licensed under s. 466.04 (1) or (2).

2. This paragraph does not prohibit or restrict a person from designating himself or herself as a naturopath or from using or assuming the title “naturopath” if that designation or use does not otherwise violate subd. 1.

(2) (a) Subsection (1) (a) does not require a license for any of the following:

466.02 NATUROPATHIC DOCTORS

Updated 21–22 Wis. Stats. 2

1. Any person lawfully practicing within the scope of a license, permit, registration, or certification granted by this state or the federal government.

2. The provision of information in connection with the sale of vitamins or herbs.

3. The provision of advice regarding the use of a therapy, including herbal medicine, homeopathy, nutrition, or other non-drug or nonsurgical therapy.

4. Any individual acting under an exemption from the requirement to obtain a license to practice medicine and surgery under s. 448.03 (2), to the extent that the individual's activities also fall within the practice of naturopathic medicine.

5. Any person who is providing patient services as directed, supervised, and inspected by a naturopathic doctor who has the power to direct, decide, and oversee the implementation of the patient services rendered.

(b) Subsection (1) (a) and (b) does not require a license for any of the following:

1. The practice of naturopathic medicine by an individual employed by the federal government while the individual is engaged in the performance of duties prescribed by federal law.

2. A person who is licensed to practice naturopathic medicine in another state or country and is providing consultation to or with or a demonstration to or with a naturopathic doctor who is licensed under this chapter.

3. The practice of naturopathic medicine by a student enrolled in an approved naturopathic medical program that qualifies under s. 466.04 (1) (d) 1., provided that the performance of services is pursuant to a course of instruction or assignments from an instructor and is under the supervision of the instructor. The student shall use the title "ND candidate" with the intended year of graduation.

(3) The board may, by rule, establish additional exemptions from the prohibitions under sub. (1).

NOTE: This section is created eff. 3–1–24 by 2021 Wis. Act 130.
History: 2021 a. 130.

466.03 Duties and powers of examining board. (1) The board shall promulgate rules that establish all of the following:

(a) Standards of practice for and a code of ethics governing the professional conduct of naturopathic doctors and limited–scope naturopathic doctors.

(b) Continuing education requirements for applicants seeking renewal of a naturopathic doctor license under this chapter.

(bm) Continuing education requirements for applicants seeking renewal of a limited–scope naturopathic doctor license under this chapter. The board shall accept qualifying training that is completed to satisfy the requirement under s. 466.04 (2) (b) 5. d. as qualifying continuing education under this paragraph.

(c) Examination standards and requirements for purposes of examinations required under s. 466.04 (1) (e), including required passing scores for examinations and the times when examinations are offered.

(2) The board may promulgate rules to do any of the following:

(a) Further interpret s. 466.01 (6) (a) and (c), including to identify diagnostic, therapeutic, or other practices or procedures that may be used by naturopathic doctors. The board may not authorize a naturopathic doctor to engage in any practice excluded from the definition of naturopathic medicine under s. 466.01 (6) (c) or otherwise expand the scope of practice of a naturopathic doctor or limited–scope naturopathic doctor beyond what is specified under s. 466.01 (6) (a).

(am) Expressly prohibit diagnostic, therapeutic, or other practices.

(b) Establish character and fitness requirements for initial licensure or renewal of a license under this chapter and evidence required to demonstrate satisfaction of such requirements.

(c) Establish physical and mental competency requirements for initial licensure or renewal of a license under this chapter and evidence required to demonstrate satisfaction of such requirements.

(d) Establish evidence of professional competency requirements for initial licensure or renewal of a license under this chapter, including evidence relating to an applicant's licensure status in other states.

(e) Establish additional clinical, practical, or residency requirements for initial licensure under this chapter.

(f) Adopt minimum malpractice insurance requirements for naturopathic doctors and limited–scope naturopathic doctors.

(3) The board may, for purposes of s. 466.04 (1) (d) 1. e., 2. d., 3. d., and 4. e., disqualify any naturopathic medical program if the board determines the program does not adequately prepare students to practice naturopathic medicine.

History: 2021 a. 130.

466.04 License; renewal. (1) NATUROPATHIC DOCTOR LICENSE. The board shall grant a naturopathic doctor license to a person who does all of the following:

(a) Submits an application for the license to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (1).

(c) Subject to ss. 111.321, 111.322, and 111.335, submits evidence satisfactory to the board that the applicant does not have an arrest or a conviction record.

(d) Submits evidence satisfactory to the board that he or she has completed one of the following:

1. A naturopathic medical education program offered in the United States that satisfies all of the following:

a. The program provides the degree of doctor of naturopathy or doctor of naturopathic medicine.

b. The program offers graduate–level, full–time, didactic and supervised clinical training.

c. The program is accredited, or has achieved candidacy status for such accreditation, by the Council on Naturopathic Medical Education or an equivalent accrediting body for naturopathic medical programs recognized by the federal department of education.

d. The program is offered by an institution of higher education or part of an institution of higher education that is accredited, or is a candidate for such accreditation, by a regional accrediting organization or a national institutional accrediting agency recognized by the federal department of education.

e. The program has not been disqualified by the board as an approved naturopathic medical educational program under s. 466.03 (3).

2. A program at a diploma–granting, degree–equivalent institution of higher education located in Canada that satisfies all of the following:

a. The program offers graduate–level, full–time didactic and supervised clinical training.

b. The program is accredited, or has achieved candidacy status for such accreditation, by the Council on Naturopathic Medical Education or an equivalent accrediting body for naturopathic medical programs recognized by the federal department of education.

c. The program has provincial approval for participation in government–funded student aid programs.

d. The program has not been disqualified by the board as an approved naturopathic medical educational program under s. 466.03 (3).

3. A program at a degree–granting institution of higher education located in the United States that satisfies all of the following:

3 Updated 21–22 Wis. Stats.**NATUROPATHIC DOCTORS 466.04**

a. The program existed prior to the existence of the Council on Naturopathic Medical Education.

b. The program offered a full–time, structured curriculum in basic sciences and supervised patient care comprising a doctoral naturopathic medical education for a duration of not less than 132 weeks and required completion within a period of not less than 35 months.

c. If the program is still in existence, the program is currently accredited, or has achieved candidacy status for accreditation by the Council on Naturopathic Medical Education or an equivalent federally recognized accrediting body for the naturopathic medical profession recognized by the board.

d. The program has not been disqualified by the board as an approved naturopathic medical educational program under s. 466.03 (3).

4. A program at a diploma–granting, degree–equivalent institution of higher education located in Canada that satisfies all of the following:

a. The program existed prior to the existence of the Council on Naturopathic Medical Education.

b. The program offered a full–time, structured curriculum in basic sciences and supervised patient care comprising a doctoral naturopathic medical education for a duration of not less than 132 weeks and required completion within a period of not less than 30 months.

c. Prior to the existence of the Council on Naturopathic Medical Education, the program had provincial approval for participation in government–funded student aid programs.

d. If the program is still in existence, the program is currently accredited, or has achieved candidacy status for accreditation by the Council on Naturopathic Medical Education or an equivalent federally recognized accrediting body for the naturopathic medical profession recognized by the board and currently has provincial approval for participation in government–funded student aid programs.

e. The program has not been disqualified by the board as an approved naturopathic medical educational program under s. 466.03 (3).

(e) Submits evidence satisfactory to the board that he or she has passed all of the following:

1. Either of the following:

a. A competency–based national naturopathic licensing examination administered by the North American Board of Naturopathic Examiners or its successor organization or another examination approved by the board by rule.

b. For graduates of approved naturopathic medical programs prior to the existence of the Council on Naturopathic Medical Education, a competency–based state naturopathic medicine licensing examination or equivalent Canadian provincial licensing examination for the practice of naturopathic medicine approved by the board.

2. A pharmacology examination approved by the board by rule.

3. Any other competency or jurisprudence examinations required by the board by rule.

(f) Meets any character and fitness, mental and physical competency, and professional competency standards established by the board under s. 466.03 (2) (b) to (d).

(g) Meets any other requirement established by the board under s. 466.03 (2) (e).

(2) LIMITED–SCOPE NATUROPATHIC DOCTOR LICENSE. (a) In this subsection:

1. “Clinical sciences” means body systems and their interactions, cardiology, psychology, dermatology, endocrinology, EENT, gastroenterology, immunology, urology, proctology, gynecology, neurology, orthopedics, pulmonology, natural childbirth and obstetrics, pediatrics, geriatrics, rheumatology, oncology, and hematology.

2. “Qualifying training” means training in clinical sciences that satisfies at least one of the following:

a. It is a course that is either taken for credit or audited and that is provided by an academic institution that is accredited by an agency recognized by the federal department of education.

b. It is a continuing education program or course of study approved by the medical examining board under s. 448.13 (1).

c. It is a continuing education course that is provided by a continuing education provider that meets the continuing education standards for states that regulate naturopathic medicine.

(b) The board shall grant a limited–scope naturopathic doctor license to a person who does all of the following:

1. Submits, no later than the date specified in par. (c), an application for the license to the department on a form provided by the department.

2. Pays the fee specified in s. 440.05 (1).

3. Subject to ss. 111.321, 111.322, and 111.335, submits evidence satisfactory to the board that the applicant does not have an arrest or a conviction record.

4. Submits evidence satisfactory to the board that, prior to 2013, he or she completed a naturopathic health care program offered in the United States that provided the degree of doctor of naturopathy.

5. Satisfies one of the following:

a. The person submits evidence satisfactory to the board that the naturopathic health care program described in subd. 4. provided at least 250 hours of education in 2 or more clinical sciences.

b. The person is, as of the date of application, licensed as a registered nurse under s. 441.06.

c. The person submits evidence satisfactory to the board that the person has completed in 2 or more clinical sciences at least 250 hours of education provided by the naturopathic health care program described in subd. 4., at least 250 hours of qualifying training subsequent to completing the naturopathic health care program described in subd. 4., or a combination of at least 250 hours of such education and training.

d. The person signs a statement committing to satisfying the requirement under subd. 5. c. within 5 years after issuance of an initial license under this subsection.

6. Submits evidence satisfactory to the board that he or she has been continually practicing naturopathic medicine in this state for at least the 10–year period preceding his or her application for a license under this subsection.

7. Submits evidence satisfactory to the board that he or she has passed any competency or jurisprudence examinations required by the board by rule.

8. Satisfies the board that he or she has exhibited a record of safety in the practice of naturopathic medicine or naturopathy.

9. Meets any character and fitness, mental and physical competency, and professional competency standards established by the board under s. 466.03 (2) (b) to (d).

(c) An application for a limited–scope naturopathic doctor license under par. (b) may be submitted no later than the last day of the 12th month beginning after the date on which the board begins accepting applications for licensure under this subsection. The board may not consider an application for a limited–scope naturopathic doctor license under par. (b) submitted after that date. As soon as the date of the deadline described in this paragraph can be ascertained, the department shall send a notice of that date to the legislative reference bureau for publication in the Wisconsin Administrative Register.

(d) A limited–scope naturopathic doctor license granted under par. (b) shall not be considered to be a naturopathic doctor license for purposes of the law of any other state that offers reciprocal licensure or licensure by endorsement in that other state to individuals who are licensed in this state.

(3) RENEWAL. (a) The renewal date for licenses granted under this chapter is specified under s. 440.08 (2) (a). Renewal applica-

466.04 NATUROPATHIC DOCTORS

Updated 21–22 Wis. Stats. 4

tions shall be submitted to the department on a form provided by the department. The application shall include all of the following in order for the license to be renewed:

1. The renewal fee determined by the department under s. 440.03 (9) (a).

2. Proof of compliance with continuing education requirements established by the board under s. 466.03 (1) (b) or (bm), whichever is applicable.

3. Proof of compliance with any requirements established by the board under s. 466.03 (2) (b) to (d).

4. Proof of compliance with any malpractice insurance requirements under s. 466.03 (2) (f).

5. If par. (b) applies, proof of compliance with the requirements under par. (b).

(b) If a limited–scope naturopathic doctor was issued an initial license under sub. (2) by satisfying the requirement under sub. (2) (b) 5. d., the limited–scope naturopathic doctor shall, no later than the first renewal date after the conclusion of the 5–year period under sub. (2) (b) 5. d., submit evidence satisfactory to the board that he or she has completed the education and training required under sub. (2) (b) 5. d.

History: 2021 a. 130.

466.05 Practice. (1) (a) A naturopathic doctor may practice naturopathic medicine.

(b) A naturopathic doctor may, except as otherwise prohibited by the board by rule, utilize routes of administration that include oral, nasal, auricular, ocular, rectal, vaginal, transdermal, intramuscular, intravenous, intradermal, and subcutaneous, consistent with the education and training of a naturopathic doctor.

(2) (a) 1. Subject to subd. 3. and except as provided in subd. 2., a limited–scope naturopathic doctor may practice naturopathic medicine, but limited to what is specified under s. 466.01 (6) (a) 1. and 3. a. to c., except for s. 466.01 (6) (a) 1. d. to f.

2. A limited–scope naturopathic doctor may practice naturopathic medicine beyond what is authorized in subd. 1. if he or she demonstrates to the board that he or she is qualified to expand his or her scope of practice beyond what is authorized under subd. 1. If the limited–scope naturopathic doctor demonstrates to the board that he or she is qualified to expand his or her scope of practice, he or she may, subject to subd. 3., practice as authorized by the board, but not beyond what is authorized under sub. (1).

3. A limited–scope naturopathic doctor shall limit his or her practice to the scope of his or her experience, education, and training.

(b) Paragraph (a) applies notwithstanding any other provision of law that permits a naturopathic doctor to engage in any act that

constitutes naturopathic medicine beyond what is authorized under par. (a).

History: 2021 a. 130.

466.07 Disciplinary proceedings and actions. (1) Subject to the rules promulgated under s. 440.03 (1), the board may make investigations and conduct hearings to determine whether a violation of this chapter or any rule promulgated under this chapter has occurred.

(2) Subject to the rules promulgated under s. 440.03 (1), the board may reprimand a naturopathic doctor or limited–scope naturopathic doctor or may deny, limit, suspend, or revoke a license granted under this chapter if it finds that the applicant, naturopathic doctor, or limited–scope naturopathic doctor has done any of the following:

(a) Made a material misstatement in an application for a license, or for renewal of a license.

(b) Interfered with an investigation or disciplinary proceeding by using threats, harassment, or intentional misrepresentation of facts.

(c) Subject to ss. 111.321, 111.322, and 111.335, been convicted of an offense the circumstances of which substantially relate to the practice of naturopathic medicine.

(d) Been adjudicated mentally incompetent by a court.

(e) Advertised in a manner that is false, deceptive, or misleading.

(f) Advertised, practiced, or attempted to practice under another’s name.

(g) Subject to ss. 111.321, 111.322, and 111.34, practiced or assisted in the practice of naturopathic medicine while the applicant’s or licensee’s ability to practice or assist was impaired by alcohol or other drugs.

(h) Engaged in unprofessional or unethical conduct in violation of the code of ethics established in the rules promulgated under s. 466.03 (1) (a).

(i) Engaged in conduct while practicing naturopathic medicine that evidences a lack of knowledge or ability to apply professional principles or skills.

(j) Violated this chapter or any rule promulgated under this chapter.

History: 2021 a. 130.

466.09 Penalties. Any person who violates this chapter or any rule promulgated under this chapter may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

History: 2021 a. 130.

STATE OF WISCONSIN
NATUROPATHIC MEDICINE EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	NATUROPATHIC MEDICINE
NATUROPATHIC MEDICINE	:	EXAMINING BOARD
EXAMINING BOARD	:	ADOPTING EMERGENCY RULES

The statement of scope for this rule, SS 071-23, was approved by the Governor on September 21, 2023, published in Register 813B on September 25, 2023, and approved by the Naturopathic Medicine Examining Board on October 11, 2023. This emergency rule was approved by the Governor on (date)

ORDER

An order of the Naturopathic Medicine Examining Board to create Nat Med 1 relating to licensure requirements for naturopathic doctors and limited-scope naturopathic doctors.

Analysis prepared by the Department of Safety and Professional Services.

FINDING OF EMERGENCY

The Naturopathic Medicine Examining Board finds that an emergency exists and that this rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is:

2021 Wisconsin Act 130 created the Naturopathic Medicine Examining Board and requires creating administrative rules to establish licensure requirements, discipline, and practice standards for naturopathic doctors and limited-scope naturopathic doctors. The Act also includes a provision that all professionals currently practicing as naturopathic doctors and those wanting to continue practicing as naturopathic doctors be licensed by March of 2024. Before licenses may be issued, the board needs to establish certain standards for initial licensure of naturopathic doctors and limited-scope naturopathic doctors by rule. An expeditious promulgation of the proposed rule is in the best interest of Wisconsin's public peace, health, safety, or welfare, as it will help ensure continuity of care for individuals already under the care of naturopathic doctors.

ANALYSIS

Statutes interpreted:

Chapter 466, Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), 466.03 (1) and (2), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., states that each examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 227.11 (2) (a), Stats., states that “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...”

Section 466.03 (1), Stats., states that the Naturopathic Medicine Examining Board shall establish administrative rules to determine a code of ethics governing professional conduct, standards of practice, continuing education requirements, and examination standards.

Section 466.03 (2), Stats., states that the Naturopathic Medicine Examining Board may establish administrative rules to further interpret s. 466.01 (6) (a) and (c) to identify diagnostic, therapeutic, or other practices or procedures that may be used by naturopathic doctors; prohibit diagnostic, therapeutic, or other practices; establish character and fitness requirements for initial licensure or renewal of a license; establish physical and mental competency requirements for initial licensure or renewal of a license; establish evidence of professional competency requirements for initial licensure or renewal of a license; establish additional clinical, practical, or residency requirements for initial licensure; and adopt minimum malpractice insurance requirements for naturopathic doctors and limited-scope naturopathic doctors.

Related statute or rule:

None.

Plain language analysis:

The objective of the proposed rules is to implement the statutory changes from 2021 Wisconsin Act 130, which created the Naturopathic Medicine Examining Board. The act allows for the licensure, discipline, and practice of naturopathic doctors and limited-scope naturopathic doctors. The board is creating all Administrative Code chapters necessary to establish provisions for the practice, licensing, and conduct of naturopathic doctors and limited-scope naturopathic doctors.

Summary of, and comparison with, existing or proposed federal regulation:

N/A.

Comparison with rules in adjacent states:

Illinois:

Naturopathic doctors are not currently licensed in the state of Illinois. Bills have been introduced in the state legislature to create laws that will allow the licensure of naturopathic doctors.

Iowa:

Iowa does not currently license naturopathic doctors. The state is currently working on advocacy initiatives to start bill projects that will allow for the licensure of naturopathic doctors.

Michigan:

Michigan does not currently license naturopathic doctors. The state is currently working on advocacy initiatives to start bill projects that will allow for the licensure of naturopathic doctors.

Minnesota:

Minnesota naturopathic doctors are regulated under the Minnesota Board of Medical Practice Registered Naturopathic Doctor Advisory Council. The Minnesota Statutes establish definitions, scope of practice, professional conduct, registration and continuing education requirements, renewal, and discipline for the practice of naturopathic medicine. [MN Stats. ch. 147E]

Summary of factual data and analytical methodologies:

The Board reviewed the statutory changes from 2021 Wisconsin Act 130 and promulgated rules as needed for the profession. While promulgating these rules, the Board referenced chapters from the Board of Nursing, the Medical Examining Board, and the Dentistry Examining Board, as well as the Physician Assistant Affiliated Credentialing Board, among other sources.

Fiscal Estimate:

The Fiscal Estimate will be attached upon completion.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-6795.

Agency contact person:

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; email at DSPSAdminRules@wisconsin.gov

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing, held on a date to be determined, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Chapter Nat Med 1 is created to read:

Nat Med 1
AUTHORITY, DEFINITIONS, AND LICENSURE REQUIREMENTS

Nat Med 1.01. Authority. The rules in this chapter are adopted by the naturopathic medicine examining board pursuant to the authority delegated by ss. 15.085 (5) (b), 227.11 (2), and 466.03, Stats.

Nat Med 1.02. Definitions. As used in this chapter:

- (1) “Board” means the naturopathic medicine examining board.
- (2) “Department” means the department of safety and professional services.
- (3) “Jurisprudence exam” means the board approved examination on the state law related to the practice of naturopathic medicine.
- (4) “Licensee” means a person licensed to practice as a naturopathic doctor or limited-scope naturopathic doctor in this state.
- (5) “Limited-scope naturopathic doctor” has the meaning under s. 466.01 (3), Stats.
- (6) “Naturopathic doctor” has the meaning under s. 466.01 (5), Stats.
- (7) “Naturopathic medicine” has the meaning under s. 466.01 (6), Stats.
- (8) “NPLEX” means the Naturopathic Physicians Licensing Examination administered by the North American Board of Naturopathic Examiners.

Nat Med 1.03 Licensure requirements for naturopathic doctors. An applicant for licensure as a naturopathic doctor shall submit all of the following requirements:

- (1) A complete application for the license on a form provided by the department including any information required by the board to determine an applicant’s minimal competency to practice.

Note: Instructions for applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

- (2) The fee specified in s. 440.05 (1), Stats.
- (3) Subject to ss. 111.321, 111.322 and 111.335, Stats, evidence satisfactory to the board that the applicant does not have an arrest or a conviction record.
- (4) Evidence satisfactory to the board that the applicant has complied with at least one of the educational requirements specified in s. 466.04 (1) (d), Stats.
- (5) Evidence satisfactory to the board that the applicant has passed all of the examinations required under sub. 1.06.
- (6) If required by the board, completion of an oral examination as specified under sub. 1.07.

Nat Med 1.04 Licensure requirements for limited-scope naturopathic doctors. An applicant for licensure as a limited-scope naturopathic doctor shall submit all of the following requirements:

- (1) A complete application for the license on a form provided by the department including any information required by the board to determine an applicant's minimal competency to practice. Application forms shall be submitted by the last day of *[February of 2025]*.

Note: Instructions for applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

- (2) The fee specified in s. 440.05 (1), Stats.
- (3) Subject to ss. 111.321, 111.322 and 111.335, Stats., evidence satisfactory to the board that the applicant does not have an arrest or a conviction record.
- (4) Evidence satisfactory to the board that the applicant has satisfied requirements under s. 466.04 (2) (b) 4. and 5., Stats.
- (5) Evidence satisfactory to the board that the applicant has been continually practicing naturopathic medicine in this state for at least 10 years preceding the date of application to obtain a limited-scope naturopathic doctor license.
- (6) A signed statement by the applicant committing to complete a jurisprudence exam approved by the board before the end of the first renewal period.
- (7) Evidence satisfactory to the board that the applicant has exhibited a record of safety in the practice of naturopathic medicine or naturopathy.
- (8) If required by the board, completion of an oral examination as specified under sub. 1.07.

Nat Med 1.05 Reciprocal credentials for service members, former service members, and their spouses. A reciprocal license to practice naturopathic medicine shall be granted to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this section.

Note: Instructions for applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

Nat Med 1.06 Examinations.

(1) EXAMINATIONS REQUIRED. Each applicant for licensure under s. Nat Med 1.03 must provide evidence satisfactory to the board that the applicant has passed all of the following:

(a) One of the following for the competency based exam:

1. Part I Biomedical Science Examination and Part II Core Clinical Science Examination of the NPLEX.

2. For graduates of approved naturopathic medical programs prior to 1978, a competency-based state naturopathic medicine licensing exam or equivalent Canadian provincial licensing exam for the practice of naturopathic medicine approved by the board.

(b) Part II Core Clinical Science Examination of the NPLEX for the pharmacology exam.

(c) A signed statement by the applicant committing to complete a jurisprudence exam approved by the board before the end of the first renewal period.

(2) FAILURE AND REEXAMINATION. If an applicant has failed any of the exams required under subs. (1) 4 or more times in this state, another licensing jurisdiction in the United States, or Canada, the board may require the applicant to submit evidence satisfactory to the board of further professional training or education in examination areas in which the applicant had previously demonstrated deficiencies. If the evidence provided by the applicant is not satisfactory to the board, the board may require the applicant to obtain further professional training or education as the board deems necessary to establish the applicant's fitness to practice naturopathic medicine in this state. In order to determine any further professional training or education requirement, the board shall consider any information available relating to the quality of the applicant's previous practice, including the results of the applicant's performance on any oral examination required under s. Nat Med 1.07.

Nat Med 1.07 Oral Examination. (1) An applicant may be required to complete an oral examination if the applicant:

(a) Has a medical condition which in any way impairs or limits the applicant's ability to practice naturopathic medicine with reasonable skill and safety.

(b) Uses chemical substances so as to impair in any way the applicant's ability to practice naturopathic medicine with reasonable skill and safety.

(c) Has been disciplined or had licensure denied by a licensing or regulatory authority in this state or another jurisdiction.

(d) Has been found to have been negligent in the practice of naturopathic medicine or has been a party in a lawsuit in which it was alleged that the applicant had been negligent in the practice of naturopathic medicine.

(e) Has been convicted of a crime the circumstances of which substantially relate to the practice of naturopathic medicine.

(f) Has been diagnosed as suffering from pedophilia, exhibitionism, or voyeurism.

(g) Has engaged in the illegal use of controlled substances.

(h) Has been subject to adverse formal action during the course of naturopathic medicine education, postgraduate training, hospital practice, or other naturopathic medicine employment.

(i) Has not practiced naturopathic medicine for a period of 5 years or more prior to application unless the applicant has graduated from a school of naturopathic medicine within that period.

(j) Has failed the national examination 4 times or more and the board has determined that further examination is required.

(2) The board will notify each applicant required to complete an oral examination of the time and place scheduled for that applicant's examination. Failure of an applicant to appear for an examination as scheduled may void that applicant's application and require the applicant to reapply for licensure unless prior scheduling arrangements have been made with the board by the applicant.

(3) An oral examination of an applicant is conducted by the board. The purpose of an oral exam is to evaluate the applicant's eligibility for a license.

(4) The grade of an exam shall be the applicant's final grade for the oral examination under this subsection. The passing grade for an oral exam under this subsection is 90 percent.

SECTION 2. EFFECTIVE DATE. This emergency rule shall take effect on March 1, 2024.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Chairperson
Naturopathic Medicine Examining Board

STATE OF WISCONSIN
NATUROPATHIC MEDICINE EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	NATUROPATHIC MEDICINE
NATUROPATHIC MEDICINE	:	EXAMINING BOARD
EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Naturopathic Medicine Examining Board to create Nat Med 1 to 6, relating to naturopathic doctors.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Ch. 466, Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), 466.03 (1) and (2), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides an examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 227.11 (2) (a), Stats., states that “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...”

Section 466.03 (1), Stats., states that the Naturopathic Medicine Examining Board shall establish administrative rules to determine a code of ethics governing professional conduct, standards of practice, continuing education requirements, and examination standards.

Section 466.03 (2), Stats., states that the Naturopathic Medicine Examining Board may establish administrative rules to further interpret s. 466.01 (6) (a) and (c) to identify diagnostic, therapeutic, or other practices or procedures that may be used by naturopathic doctors; prohibit diagnostic, therapeutic, or other practices; establish character and fitness

requirements for initial licensure or renewal of a license; establish physical and mental competency requirements for initial licensure or renewal of a license; establish evidence of professional competency requirements for initial licensure or renewal of a license; establish additional clinical, practical, or residency requirements for initial licensure; and adopt minimum malpractice insurance requirements for naturopathic doctors and limited-scope naturopathic doctors.

Related statute or rule:

None.

Plain language analysis:

The objective of the proposed rules is to implement the statutory changes from 2021 Wisconsin Act 130, which created the Naturopathic Medicine Examining Board. The act allows for the licensure, discipline, and practice of naturopathic doctors and limited-scope naturopathic doctors. The board is creating all Administrative Code chapters necessary to establish provisions for the practice, licensing, and conduct of naturopathic doctors and limited-scope naturopathic doctors.

Summary of, and comparison with, existing or proposed federal regulation:

N/A.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:

The Naturopathic Medicine Examining Board held a preliminary hearing on the statement of scope for this rule at its February 17, 2023 meeting. The following comment from Dr. Sara Norris, Legislative Chair of the Wisconsin Naturopathic Doctors Association, was received:

“The Wisconsin Naturopathic Doctors Association (WNDA) is a non-profit, membership organization advocating for naturopathic medicine in Wisconsin. WNDA fully supports the timely creation and adoption of rules governing the practice of naturopathic medicine and the licensure of naturopathic doctors (NDs) in Wisconsin.

The passage of 2021 Act 130 created the Naturopathic Medical Examining Board (NMEB) to provide oversight of NDs, uphold the ethical standards of naturopathic medical practice, determine penalties for non-compliance, and ensure NDs are physically, mentally, and professionally competent. The licensing of NDs in Wisconsin will increase public safety, increase access to qualified providers, and give the public greater choice in their own health care.

The role of the NMEB is identical to other professional boards of other licensed professions and WNDA urges the use of existing professional boards in the health care field (such as the Pharmacy Examining Board) as a model for the NMEB.

WNDA asks that the promulgated rules preserve the ability for the WMEB to interpret the practices identified under the bill, that are included and excluded from the practices and procedures, that may be used by an ND without expanding the scope of practice of an ND or a limited license ND.

We thank you for your stewardship of this process and ask that you include the expertise and input of the WNDA members as you establish these rules.”

Comparison with rules in adjacent states:

Illinois:

Naturopathic doctors are not currently licensed in the state of Illinois. Bills have been introduced in the state legislature to create law that will allow the licensure of naturopathic doctors.

Iowa:

Iowa does not currently license naturopathic doctors. The state is currently working on advocacy initiatives to start bill projects that will allow for the licensure of naturopathic doctors.

Michigan:

Michigan does not currently license naturopathic doctors. The state is currently working on advocacy initiatives to start bill projects that will allow for the licensure of naturopathic doctors.

Minnesota:

Minnesota naturopathic doctors are regulated under the Minnesota Board of Medical Practice Registered Naturopathic Doctor Advisory Council. The Minnesota Statutes establish definitions, scope of practice, professional conduct, registration and continuing education requirements, renewal, and discipline for the practice of naturopathic medicine. [MN Stats. ch. 147E]

Summary of factual data and analytical methodologies:

The Board reviewed the statutory changes from 2021 Wisconsin Act 130 and promulgated rules as needed for the profession. While promulgating these rules, the Board referenced chapters from the Medical, Dentistry, and Nursing Examining Boards, as well as the Physician Assistant Affiliated Credentialing Board, among other sources.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rule will be posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis will be attached upon completion.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-6795.

Agency contact person:

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing, held on a date to be determined, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Nat Med 1 to 6 are created to read:

Nat Med 1

Authority and definitions

Nat Med 1.01 Authority. The rules in chs. Nat Med 1 to 6 are adopted by the naturopathic medicine examining board pursuant to the authority delegated by ss. 15.085 (5) (b), 227.11 (2), and 466.03, Stats.

Nat Med 1.02 Definitions. As used in chs. Nat Med 1 to 6:

- (1) “Board” means the naturopathic medicine examining board.
- (2) “Department” means the department of safety and professional services.
- (3) “Jurisprudence exam” means the board approved examination on the state law related to the practice of naturopathic medicine.
- (4) “Licensee” means a person licensed to practice as a naturopathic doctor or limited-scope naturopathic doctor in this state.
- (5) “Limited-scope naturopathic doctor” means a person licensed under s. 466.01 (3), Stats.
- (6) “Modes of treatment” means treatment, including diagnostic procedures, generally considered by the naturopathic medicine profession to be within the scope of current and acceptable standards of care.
- (7) “NABNE” means the North American Board of Naturopathic Examiners.
- (8) “Naturopathic doctor” means a person licensed under s. 466.04 (1), Stats.
- (9) “Naturopathic medicine” has the meaning under s. 466.01 (6), Stats.
- (10) “Naturopathic physical medicine” has the meaning under s. 466.01 (7), Stats.
- (11) “NPLEX” means the Naturopathic Physicians Licensing Examination administered by the North American Board of Naturopathic Examiners.
- (12) “Telehealth” has the meaning given in s. 440.01 (1) (hm), Stats.
- (13) “Telemedicine” is analogous to and has the same meaning as “telehealth” in sub. (12).

Nat Med 2
Scope of Practice

Nat Med 2.01 Informed consent. (1) Any naturopathic doctor who treats a patient shall document in writing at the time of establishing care with the patient and at any time the scope or nature of care is substantially changed about the availability of reasonable alternative modes of treatment and about the benefits and risks of these treatments. The reasonable naturopathic doctor standard is the standard for informing a patient under this section and requires disclosure only of information that a reasonable naturopathic doctor in the same or a similar specialty would know and disclose under the circumstances. Any informed consent document required under this section shall contain a statement by the provider that the patient or the person acting on the patient's behalf has been provided with specific, complete, and accurate information and time to study the information or to seek

additional information concerning the proposed treatment or services made necessary by and directly related to the person's medical condition including:

- (a) The benefits of the proposed treatment and services;
- (b) The way the treatment is to be administered and the services are to be provided;
- (c) The expected treatment side effects or risks of side effects which are a reasonable possibility, including side effects or risks of side effects from medications;
- (d) Alternative treatment modes and services;
- (e) The probable consequences of not receiving the proposed treatment and services;

(2) Under this section, a naturopathic doctor's duty to inform the patient does not require disclosure of any of the following:

- (a) Detailed technical information that in all probability a patient would not understand.
- (b) Risks apparent or known to the patient.
- (c) Extremely remote possibilities that might falsely or detrimentally alarm the patient.
- (d) Information in cases where the patient is incapable of consenting.
- (e) Information about alternative modes of treatment for any condition the naturopathic doctor has not included in the diagnosis at the time the naturopathic doctor informs the patient.

(3) Informed consent is not valid unless the subject patient who has signed it is substantially able to understand all significant information or the consent form has been signed by the legal guardian of an incompetent patient or the parent of a minor, except that the patient's informed consent is always required for the patient's participation in experimental research or as a subject of drastic treatment procedures.

(5) The patient, or the person acting on the patient's behalf, shall be given a copy of the completed informed consent form, upon request.

(6) When informed consent is refused or withdrawn, no retaliation may be threatened or carried out.

(7) A patient may withdraw informed consent at any time.

Nat Med 2.02 Practice standards for naturopathic doctors. A naturopathic doctor may practice naturopathic medicine and naturopathic physical medicine as specified in ss. 466.01 (6) (a) and (b), 466.01 (7) (a), and 466.05 (1) (a) and (b).

Commented [ASD1]: Unsure if I should define "drastic treatment procedures" or maybe just delete it.

Commented [JR2R1]: It should be either defined or removed. Which one probably depends on what the board wants to do.

Commented [JR3]: Check with the board on whether this should be upon request or just mandatory.

Nat Med 2.03 Prohibited practices. A naturopathic doctor may not engage in any practices specified in ss. 466.01 (6) (c) and (7) (b), Stats.

Nat Med 2.04 Recordkeeping. A naturopathic doctor shall maintain complete and accurate records of:

(1) A naturopathic doctor shall maintain patient health care records on every patient for a period of not less than 5 years after the date of the last entry, or for such longer period as may be otherwise required by law.

(2) A patient health care record prepared by a naturopathic doctor shall contain, at a minimum, the following clinical health care information:

- (a) Pertinent patient history.
- (b) Pertinent objective findings related to examination and test results.
- (c) Assessment or diagnosis.
- (d) Plan of treatment for the patient.
- (e) Any written documentation of informed consent.

(3) Each patient health care record entry shall be dated, identify the practitioner, and be sufficiently legible to allow interpretation by other practitioners for the benefit of the patient.

Nat Med 2.05 Telehealth practice. (1) A naturopathic doctor who uses telehealth in the diagnosis and treatment of a patient located in this state shall be licensed to practice as a naturopathic doctor by the board under s. 466.04 (1), Stats.

(2) A naturopathic doctor located in this state treating patients via telehealth who are not physically located in this state at the time of treatment must comply with the regulations in the state the patient is physically located at the time of treatment.

(3) A licensed naturopathic doctor shall be held to the same standards of practice and conduct including patient confidentiality and recordkeeping, regardless of whether health care services are provided in person or by telehealth.

Nat Med 3

Licensure requirements and renewal

Nat Med 3.01. License not required. Pursuant s. 466.02 (2), Stats., certain individuals are not required to obtain a license under this chapter to engage in practice or activities relating to naturopathic medicine.

Nat Med 3.02 Licensure requirements. An applicant for licensure as a naturopathic doctor shall submit all of the following requirements:

(1) A complete application for the license on a form provided by the department including any information required by the board to determine an applicant's minimal competency to practice.

Note: Instructions for initial licensure applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

(2) The fee specified in s. 440.05 (1), Stats.

(3) Subject to ss. 111.321, 111.322 and 111.335, Stats, evidence satisfactory to the board that the applicant does not have an arrest or a conviction record.

(4) Verified documentary evidence that the applicant has complied with at least one of the educational requirements specified in s. 466.04 (1) (d), Stats.

(5) Evidence satisfactory to the board that the applicant has passed all of the examinations required under s. 3.04 and, if required, s. 3.05.

Nat Med 3.03. Reciprocal credentials for service members, former service members, and their spouses. A reciprocal license to practice naturopathic medicine shall be granted to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this section.

Note: Instructions for applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

Nat Med 3.04. Examinations.

(1) EXAMINATIONS REQUIRED. Each applicant for licensure under this chapter must provide evidence satisfactory to the board that the applicant has passed all of the following:

(a) One of the following for the competency based examination:

1. Part I and Part II of the NPLEX.

2. For graduates of approved naturopathic medical programs prior to 1978, a competency-based state naturopathic medicine licensing examination or equivalent Canadian provincial licensing examination for the practice of naturopathic medicine approved by the board.

(b) Part II of the NPLEX for the pharmacology examination.

(c) Jurisprudence examination.

(2) FAILURE AND REEXAMINATION. If an applicant has failed any of the exams required under subs. (1) 5 or more times in this state, another licensing jurisdiction in the United States, or Canada, the board may require the applicant to submit evidence satisfactory to the board of further professional training or education in examination areas in which the applicant had previously demonstrated deficiencies. If the evidence provided by the applicant is not satisfactory to the board, the board may require the applicant to obtain further professional training or education as the board deems necessary to establish the

applicant's fitness to practice naturopathic medicine in this state. In order to determine any further professional training or education requirement, the board shall consider any information available relating to the quality of the applicant's previous practice, including the results of the applicant's performance on any oral examination required under s. Nat Med 3.05.

Nat Med 3.05 Oral Examination. (1) An applicant may be required to complete an oral examination if the applicant:

- (a) Has a medical condition which in any way impairs or limits the applicant's ability to practice naturopathic medicine with reasonable skill and safety.
- (b) Uses chemical substances so as to impair in any way the applicant's ability to practice naturopathic medicine with reasonable skill and safety.
- (c) Has been disciplined or had licensure denied by a licensing or regulatory authority in this state or another jurisdiction.
- (d) Has been found to have been negligent in the practice of naturopathic medicine or has been a party in a lawsuit in which it was alleged that the applicant had been negligent in the practice of naturopathic medicine.
- (e) Has been convicted of a crime the circumstances of which substantially relate to the practice of naturopathic medicine.
- (f) Has been diagnosed as suffering from pedophilia, exhibitionism, or voyeurism.
- (g) Has engaged in the illegal use of controlled substances.
- (h) Has been subject to adverse formal action during the course of naturopathic medicine education, postgraduate training, hospital practice, or other naturopathic medicine employment.
- (i) Has not practiced naturopathic medicine for a period of 5 years or more prior to application unless the applicant has graduated from a school of naturopathic medicine within that period.
- (j) Has failed the national examination 5 times or more and the board has determined that further examination is required.

(2) The board will notify each applicant required to complete an oral examination of the time and place scheduled for that applicant's examination. Failure of an applicant to appear for an examination as scheduled may void that applicant's application and require the applicant to reapply for licensure unless prior scheduling arrangements have been made with the board by the applicant.

(3) An oral examination of an applicant is conducted by one or more naturopathic doctor members of the board. The purpose of an oral exam is to evaluate the applicant's eligibility for a license.

(4) Any applicant who fails the oral examination shall be reexamined by the board. The grade of an exam shall be the applicant's final grade for the oral examination under this

subsection. The passing grade for an exam under this paragraph is 90 percent. The passing grade for an oral exam under this subsection is 90 percent.

Nat Med 3.06 Renewal. (1) A licensee shall renew their license as specified by s. 440.08 (2) (a), Stats. and satisfy the following requirements:

(a) Complete a renewal application on a form provided by the department and approved by the board.

Note: Instructions for renewal applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

(b) Pay the required fee prior to the date specified in s. 440.08 (2) (a), Stats.

(c) Attest to the completion of the requirements under s. Nat Med 4.02.

(2) LATE RENEWAL WITHIN 5 YEARS. If the application for renewal is filed less than 5 years after the expiration of the applicant's last license, the applicant shall pay the late renewal fee in s. 440.08 (3) (a), Stats., and meet the requirements under sub. (1).

(3) LATE RENEWAL AFTER 5 YEARS AND REINSTATEMENT.

(a) If the application for renewal is 5 years or more after the expiration of the applicant's last license, the board in its discretion may require as a condition of renewal _____

(b) *Reinstatement.* An applicant who has a license with unmet disciplinary requirements which has not been renewed within five years of the renewal date or whose license has been surrendered or revoked may apply to have the license reinstated in accordance with all of the following:

1. Evidence of completion of the requirements in par. (a) if the credential has not been renewed within the last 5 years.

2. Evidence of completion of disciplinary requirements, if applicable.

3. Evidence of rehabilitation or change in circumstances warranting reinstatement of the credential.

Nat Med 4

Continuing Education

Nat Med 4.01. Definitions. In this chapter:

(1) "Biennium" means the 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a), Stats.

Commented [SA4]: Would the board consider special requirements for renewals after 5 years? Maybe double the CE requirements?

(2) “Continuing education” means professional educational activity designed to advance the professional skills and knowledge of a licensee in the practice of naturopathic medicine for the improvement of public health, safety, and welfare.

(3) “Continuing education credit hour” means 50 minutes of instruction or participation spent by the licensee in actual attendance or completion of an approved educational activity.

Nat Med 4.02. Continuing education requirements.

(1) During the biennium, a licensee shall complete 30 credit hours of continuing education related to the practice of naturopathic medicine. The 30 credit hours of continuing education shall include 5 hours in pharmacy and 2 hours in ethics. The credit hours required may be satisfied by independent study, correspondence, or internet programs or courses.

(2) Continuing education requirements for license renewal apply to the first full biennium after initial licensure.

(3) The board may grant a waiver, partial waiver, or postponement of the continuing education requirements in cases of hardship.

(4) Continuing education credit hours may be counted for teaching or presenting a course that promotes the development, expansion, or improvement of a naturopathic doctor’s clinical skills and enhances their practice. Two hours of continuing education can be claimed for each credit hour of instruction. However, continuing education credit hours may not be counted for repeat presentations of the same course or program, or for courses or programs whose subject matter is pharmacy or ethics.

Nat Med 4.03. Acceptable continuing education programs. The board may approve a continuing education program that is approved by one of the following:

(1) North American Naturopathic Continuing Education Accreditation Council (NANCEAC) through the Federation of Naturopathic Medicine Regulatory Authority (FNMRA).

(2) American Medical Association (AMA) or American Osteopathic Association (AOA) category 1 courses through Accreditation Council for Continuing Medical Education (ACCME).

(3) American Association of Naturopathic Physicians (AANP).

(4) National Association of Boards of Pharmacy (NABP).

(5) Other recognized organizations devoted to the practice of naturopathic medicine and approved by the board.

Nat Med 4.04. Evidence of compliance.

(1) At the time of each renewal, each licensee shall sign a statement certifying that, within the 2 years immediately preceding the renewal date specified under s. 440.08 (2) (a), Stats.,

the licensee has completed the continuing education credit hours required under this chapter.

(2) A licensee who fails to complete the continuing education credit hours by the renewal date specified under s. 440.08 (2) (a), Stats., shall not practice naturopathic medicine until the license is restored.

Nat Med 4.05. Recordkeeping. Every licensee shall maintain a written record of the continuing education hours required under this chapter for not less than 6 years after completion of each credit. Records required include but are not limited to attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

Nat Med 5

Unprofessional conduct

Commented [SA5]: Board should discuss Code of Ethics.

Nat Med 5.01. Unprofessional conduct. “Unprofessional conduct” includes the following, or aiding or abetting the same:

(1) DISHONESTY AND CHARACTER.

- (a) Violating or attempting to violate any provision or term of ch. 466, Stats., or of any valid rule of the board.
- (b) Violating or attempting to violate any term, provision, or condition of any order of the board.
- (c) Knowingly engaging in fraud or misrepresentation or dishonesty in applying for or procuring a license, or in connection with applying for or procuring periodic renewal of a license, or in otherwise maintaining such licensure.
- (d) Knowingly giving false, fraudulent, or deceptive testimony while serving as an expert witness.
- (e) Employing illegal or unethical business practices.
- (f) Knowingly, negligently, or recklessly making any false statement, written or oral, which creates an unacceptable risk of harm to a patient, the public, or both.
- (g) Engaging in any act of fraud, deceit, or misrepresentation, including acts of omission to the board or any person acting on the board's behalf.
- (h) Obtaining any fee by fraud, deceit, or misrepresentation.
- (i) Directly or indirectly giving or receiving any fee, commission, rebate, or other compensation for professional services not actually and personally rendered, unless allowed by law. This prohibition does not preclude the legal functioning of lawful professional partnerships, corporations, or associations.
- (j) Engaging in uninvited in-person solicitation of actual or potential patients who, because of their circumstances, may be vulnerable to undue influence.

(k) Engaging in false, misleading, or deceptive advertising.

(L) Offering, undertaking, or agreeing to treat or cure a disease or condition by a secret means, method, device, or instrumentality; or refusing to divulge to the board upon demand the means, method, device, or instrumentality used in the treatment of a disease or condition.

(m) Refusing to render services to a person because of race, color, sex, or religion.

(2) DIRECT PATIENT CARE VIOLATIONS.

(a) Practicing or attempting to practice under any license when unable to do so with reasonable skill and safety. A certified copy of an order issued by a court of competent jurisdiction finding that a person is mentally incompetent is conclusive evidence that the licensee was, for any period covered by the order, unable to practice with reasonable skill and safety.

(b) Departing from or failing to conform to the standard of minimally competent practice which creates an unacceptable risk of harm to a patient or the public whether or not the act or omission resulted in actual harm to any person.

(c) Prescribing, ordering, dispensing, administering, supplying, selling, giving, or obtaining any prescription medication in any manner that is inconsistent with the standard of minimal competence.

(d) Performing professional services inconsistent with training, education, or experience.

(e) Engaging in sexually explicit conduct, sexual contact, exposure, gratification, or other sexual behavior with or in the presence of a patient, a patient's immediate family, or a person responsible for the patient's welfare.

1. Sexual motivation may be determined from the totality of the circumstances and shall be presumed when the licensee has contact with a patient's intimate parts without legitimate medical justification for doing so.

2. For the purpose of this subsection, an adult receiving treatment shall be considered a patient for 2 years after the termination of professional services.

3. If the person receiving treatment is a child, the person shall be considered a patient for the purposes of this subsection for 2 years after termination of services or for 2 years after the patient reaches the age of majority, whichever is longer.

(f) Engaging in any sexual conduct with or in the presence of a patient or former patient who lacks the ability to consent for any reason, including medication or psychological or cognitive disability.

(g) Engaging in repeated or significant disruptive behavior or interaction with hospital personnel, patients, family members, or others that interferes with patient

care or could reasonably be expected to adversely impact the quality of care rendered.

(h) Knowingly, recklessly, or negligently divulging privileged communication or other confidential patient health care information except as required or permitted by state or federal law.

(i) Performing services without required informed consent under s. Nat Med 2.01.

(j) Aiding or abetting the practice of an unlicensed, incompetent, or impaired person or allowing another person or organization to use one's license to practice.

(k) Appropriating the identity of another person holding a license issued by this or another board.

(L) Withdrawing from a doctor-patient relationship unilaterally and without reasonable justification by discontinuing a patient's treatment regimen when further treatment is medically indicated and any of the following occur:

1. The licensee fails to give the patient at least 30 days' notice in advance of the date on which the licensee's withdrawal becomes effective.

2. The licensee fails to allow for patient access to or transfer of the patient's health record as required by law.

3. The licensee fails to provide for continuity of care during the period between the notice of intent to withdraw from the doctor-patient relationship and the date on which the doctor-patient relationship ends.

(3) LAW VIOLATIONS, ADVERSE ACTION, AND REQUIRED REPORTS TO THE BOARD.

(a) Failing to report within 30 days to the board any final adverse action taken against the licensee's authority to practice by another licensing jurisdiction.

(b) Failing to comply with state and federal laws regarding access to patient health care records.

(d) Failing to establish and maintain patient health care records consistent with the requirements of s. Nat Med 2.05, or as otherwise required by law.

(e) After a request by the board, failing to cooperate in a timely manner with the board's investigation of a complaint filed against a licensee. There is a rebuttable presumption that a licensee who takes longer than 30 days to respond to a request of the board has not acted in a timely manner.

(f) Having a license, certificate, permit, or registration granted by another state to practice naturopathic medicine limited, suspended or revoked, or subject to any other disciplinary action.

Nat Med 5.02. Discipline and penalties.

(1) The board may conduct investigations and hearings to determine whether a licensee has violated s. Nat Med 5.01 or has violated any state or federal law or any other jurisdiction that substantially relates to the practice of a physician assistant.

(2) The board may reprimand a licensee or deny, limit, suspend, or revoke a license if the licensee is found to have violated s. Nat Med 5.01, ch. 466, Stats, or any other state or federal law.

(3) The penalty for violations of this chapter or any other related law is specified under s. 466.09, Stats.

Nat Med 6

Licensure requirements for limited-scope naturopathic doctors

Nat Med 6.01 Scope of practice. (1) Notwithstanding any other provision of law that permits a limited-scope naturopathic doctor to engage in any act that constitutes naturopathic medicine beyond what is authorized under this subsection and except as permitted by sub. (2), a limited-scope naturopathic doctor may only engage in the practices specified in ss. 466.01 (6) (a) 1. a. to c. and 3. a. to c., Stats.

(2) A limited-scope naturopathic doctor may extend their scope of practice by petitioning the board. This petition shall include details of the expansion of scope and proof of qualifications to perform the requested practice pursuant s. 466.05 (2) (b), Stats.

Nat Med 6.02 License not required. Pursuant s. 466.02 (2), Stats., certain individuals are not required to obtain a license under this chapter to engage in practice or activities relating to naturopathic medicine.

Nat Med 6.03 Requirements for licensure. (1) An applicant for licensure as a limited-scope naturopathic doctor shall submit all of the following requirements:

(a) A complete application for the license on a form provided by the department including any information required by the board to determine an applicant's minimal competency to practice. Submission of an application shall be done by the last day of *[February of 2025]*.

Commented [SA6]: Date to be determined

Note: Instructions for renewal applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

(b) The fee specified in s. 440.05 (1), Stats.

(c) Subject to ss. 111.321, 111.322 and 111.335, Stats., evidence satisfactory to the board that the applicant does not have an arrest or a conviction record.

(d) Evidence satisfactory to the board that the applicant has satisfied requirements under s. 466.04 (2) (b) 4. and 5., Stats.

(e) Evidence satisfactory to the board that the applicant has been continually practicing naturopathic medicine in this state for at least 10 years preceding the date of application to obtain a limited-scope naturopathic doctor license.

(f) Evidence of a passing score in the jurisprudence exam.

(g) Evidence satisfactory to the board that the applicant has exhibited a record of safety in the practice of naturopathic medicine or naturopathy.

(h) If required by the board, completion of an oral examination as specified under s. Nat Med 3.05.

Nat Med 6.04 Renewal. A licensee shall renew their license as specified by s. 440.08 (2) (a), Stats. and satisfy the following requirements:

(1) Complete a renewal application approved by the board.

Note: Instructions for renewal applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

(2) Pay the required fee prior to the date specified in s. 440.08 (2) (a), Stats.

(3) Attest to the completion of the requirements under s. Nat Med 4.02.

(4) If a limited-scope naturopathic doctor was issued an initial license by satisfying the requirement under s. 466.04 (2) (b) 5. a., Stats., the limited-scope naturopathic doctor shall, no later than the first renewal date after the conclusion of the 5-year period, submit evidence satisfactory to the board that the licensee has completed the education and training specified in the signed statement under s. 466.04 (2) (b) 5. a., Stats.

Nat Med 6.05 Telehealth practice. (1) A limited-scope naturopathic doctor who uses telehealth in the diagnosis and treatment of a patient located in this state shall be licensed to practice as a limited-scope naturopathic doctor by the board and has met all the requirements under ss. 466.04 (2), Stats.

(2) A limited-scope naturopathic doctor located in this state who treats patients via telehealth who are not physically located in this state at the time of treatment, must comply with the regulations in the state the patient is physically located at the time of treatment.

Note: Pursuant to 466.04 (2) (d), "A limited-scope naturopathic doctor license granted under par. (b) shall not be considered to be a naturopathic doctor license for purposes of the law of any other state that offers reciprocal licensure or licensure by endorsement in that other state to individuals who are licensed in this state."

(3) A licensed limited-scope naturopathic doctor shall be held to the same standards of practice and conduct including patient confidentiality and recordkeeping, regardless of whether health care services are provided in person or by telehealth.

Nat Med 6.06 Unprofessional Conduct. All provisions established under ch. Nat Med 5 also apply to the practice of limited-scope naturopathic doctors.

Nat Med 6.02 Informed Consent. The provisions established under s. Nat Med 2.01 also apply to the practice of limited-scope naturopathic doctors with the additional provision

that limited-scope naturopathic doctors shall disclose in the informed consent document about the extent of their scope of practice.

Nat Med 6.03 Recordkeeping. All provisions established under s. Nat Med 2.04 also apply to the practice of limited-scope naturopathic doctors.

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)
