

Wisconsin Naturopathic Doctors Rules TEMPLATE

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SECTION 1 - PROCEDURAL RULES

1-1 Notice of Rulemaking

Before the adoption, amendment, or repeal of any rule relating to the practice of naturopathic medicine, with the exception of temporary rules, the Board will give public notice of the intended action in a manner prescribed by the Board.

1-2 Model Rules of Practice and Procedure

The Model Rules of Practice and Procedure promulgated by the Attorney General of the State of Wisconsin under the [Administrative Procedure Act] are by this reference adopted as the rules of procedure of the Naturopathic Medicine Examining Board.

1-3 Public Request for Board Records

(1) All requests for copies of public records pertaining to Board records and available at the Board's office shall be in writing and may be delivered in person, by mail, or by email. Fees may apply.

1-4 Hearing Request and Answers

(1) A hearing request shall be made in writing to the board by the party or the parties' attorney.
(2) An answer, when required, shall be made in writing to the board by the party or the parties' attorney.

SECTION 2 - ADMINISTRATION OF THE BOARD

2-1 Board Terms

The term for each member of the Board will be four years, with no more than [three?] Board member terms expiring in the same year. Exceptions are made for creation of the initial Board as described in Act 130.

2-2 Board Member Compensation

- (1) Board members of the Wisconsin Naturopathic Medicine Examining Board do not receive compensation for time spent in the performance of their official duties.
- (2) Board members are authorized to receive actual and necessary travel or other expenses actually incurred in the performance of their official duties as determined by the Board. Mileage reimbursement will be provided at the rate established by the Internal Revenue Service for privately owned vehicles.
- (3) No Board member will be required to accept compensation or reimbursement of travel expenses while performing their official duties as a Board member.

2-3 Board Meeting Attendance

SECTION 3 - GENERAL; PRACTICE

3-1 Definitions

As used in [Rule Reference] unless otherwise required by context:

- (1) "Board" means the naturopathic medicine examining board.
- (2) "Drug" has the meaning given in s. 450.01 (10).
- (3) "Full Scope naturopathic doctor" means an individual licensed under s. 466.04 (1).
- (4) "Limited-scope naturopathic doctor" means an individual licensed under s. 466.04 (2).
- (5) "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.
- (6) "Naturopathic doctor" means an individual licensed under s. 466.04 (1).
- (7) (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.
- (7) (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).
- (7) (c) "Naturopathic medicine" is distinct from the practice of medicine and surgery, as defined in s. 448.01 (9).
- (8) "Nonprescription drug product" has the meaning given in s. 450.01 (13m).

3-2 Standards

It shall be the object of the Board to foster higher professional standards as rapidly as is consistent with the best interests of the profession, and in this, it shall not be swayed or influenced by any school or other interests whatsoever.

3-3 Practice: Full Scope License

(1) The full scope of practice of naturopathic medicine and naturopathic healthcare is distinct from that of a limited scope licensee.

(2) Full scope naturopathic practice includes 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:
 - a. Diagnostic or evaluation methods.
 - b. Physical examinations.
 - c. Clinical laboratory tests.
 - d. Diagnostic sonography.
 - e. Electrocardiography.
 - f. Phlebotomy.
2. Ordering diagnostic imaging studies.
3. Dispensing, administering, ordering, or performing any of the following:
 - a. Health education and health counseling.
 - b. Food, extracts of food, nutraceuticals, vitamins, amino acids, minerals, enzymes, botanical medicines, homeopathic medicines, and dietary supplements.
 - c. Hot or cold hydrotherapy, naturopathic physical medicine, the use of therapeutic medical equipment, and therapeutic exercise.
 - d. Naturopathic physical medicine;
 1. Includes, except as provided in item 2. below, 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.
 2. Does not include 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), or 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.
 - e. Devices, including therapeutic devices, barrier contraception, and durable medical equipment.
4. Recommending, dispensing, and administering nonprescription drug products.
5. Performing minor office procedures.
6. Performing phlebotomy or other medical procedures in accordance with naturopathic medical training.
7. Delegation to practitioners duties as their training and certification or license allows.
8. Signing and attesting to any certificates, cards, forms or other required documentation that a doctor 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.

(3) 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.

(4) The practice of 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 [Rule Reference].

3-4 Practice: Limited Scope License

(1) The scope of practice for a limited scope licensee includes 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:
 - a. Diagnostic or evaluation methods.
 - b. Physical examinations.
 - c. Clinical laboratory tests.
2. Dispensing, administering, ordering, or performing any of the following:
 - a. Health education and health counseling.
 - b. Food, extracts of food, nutraceuticals, vitamins, amino acids, minerals, enzymes, botanical medicines, homeopathic medicines, and dietary supplements.
 - c. Hot or cold hydrotherapy, the use of therapeutic medical equipment, and therapeutic exercise.
 - d. Naturopathic physical medicine;
 1. Includes, except as provided in item 2. below, 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.
 2. Does not include 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), or 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.

(2) Limited scope naturopathic practice does not include any of the following:

1. Diagnostic sonography.
2. Electrocardiography.
3. Phlebotomy.
4. Dispensing, administering, ordering, or performing any of the following:
 - a. Devices, including therapeutic devices, barrier contraception, and durable medical equipment.

- b. Recommending, dispensing, and administering nonprescription drug products.
- c. Performing any surgical procedure.
- d. Signing and attesting to any certificates, cards, forms or other required documentation that a doctor 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.
- e. Using general or spinal anesthetics.
- f. Administering ionizing radioactive substances for therapeutic purposes.
- g. Performing any procedure or practice that is prohibited by the board by rule under s. 466.03 (2) (a).

3-5 Telemedicine

[fill in details]

3-6 Duty to Create, Maintain and Retain Medical Records

(1) Licensee Duty to Maintain Clear, Legible, Complete, Accurate, and Minimally Competent Medical Records. Medical records shall contain the following:

[fill in details]

(2) Licensee Duty to Maintain and Retain Patient Medical Records.

[fill in details re: if employee or employer, who retains]

(3) Failure to keep complete, accurate, and minimally competent medical and billing records on all patients may result in discipline.

(4) A patient's entire health care record shall be kept by the naturopathic doctor a minimum of [time] years from the date of last treatment. However, if a patient is a minor, the records must be maintained at least [time] years from the time they turn 18 years of age

(5) Disposal of all records shall be completed by a process that results in permanent destruction of the records and shall be compliant with all state and federal law.

SECTION 4 - APPROVAL OF NATUROPATHIC SCHOOLS OF MEDICINE

4-1 Scope and Purpose: Full Scope

(1) [Rule Reference] requires that one of the minimum educational requirements for licensure to practice full scope naturopathic medicine in Wisconsin is graduation from a naturopathic school or college approved by the Naturopathic Medicine Examining Board which teaches adequate courses in all subjects necessary to the practice of naturopathic medicine. The statute also specifies required subjects and subjects which the Board may not require, and permits the Board to require other subjects at its discretion.

(2) The Naturopathic Medicine Examining Board approves schools of naturopathic medicine that have met the accreditation standards of the Council on Naturopathic Medical Education (CNME) and meets the standards of [Rule Reference] and any rules promulgated by the Board.

4-2 Scope and Purpose: Limited Scope

(1) [Rule Reference] requires that one of the minimum educational requirements for licensure to practice limited scope naturopathic medicine in Wisconsin is a diploma from a naturopathic health care program offered in the United States issuing the degree of doctor of naturopathy.

4-3 Exercise of Board Authority: Full Scope

(1) The Board retains its authority to review any school for approval even if it has met the standards of the CNME, other Board approved regional accrediting bodies, or both.
[address pre-CNME schools or refer to statute?]

(2) The Board may revoke the approval of a school if it fails to meet the standards of the CNME, other Board approved accrediting bodies, or the Board.

4-4 Exercise of Board Authority: Limited Scope:

(1) The Board retains its authority to review any diploma from a naturopathic health care program offered in the United States issuing the degree of doctor of naturopathy.
[how to make certain the degree granting institution meets the standards if the institution is no longer in existence?]

4-5 Standards: Full Scope

(1) The criteria used by the Board in considering a naturopathic college's application for approval shall include, but not be limited to the following:

- (a) Program's mission and objectives;
- (b) Organization and administration;
- (c) Finances;
- (d) Faculty;
- (e) Student Services;
- (f) Core Curriculum;
- (g) Clinical education;
- (h) Continuing education and Certification programs;
- (i) Library and Information resources;
- (j) Research; and
- (k) Physical resources.

(l) The Board may request any additional information it feels pertinent to qualifying a school of naturopathic medicine.

(2) When appropriate, the Board will evaluate the criteria to ensure that the college is financially stable and that the college has resources and will produce a curriculum and level of instruction that should produce graduates who are competent to practice naturopathic medicine in Wisconsin.

4-5 Review Procedures: Full Scope and Limited Scope

Full Scope:

(1) The Board may acknowledge the adequacy of accreditation by the Council on Naturopathic Medical Education, the Council on Higher Education Accreditation or other accrediting agency approved by resolution of the Board.

(2) Final action for approval by the Board may be held open to the public and the applicant college will be invited to attend.

Limited Scope:

(1) The Board may acknowledge the adequacy of accreditation by the accrediting agency approved by resolution of the Board.

(2) Final action for approval by the Board may be held open to the public and the applicant college will be invited to attend.

4-6 Revocation of Approval

Approval obtained under [Rule Reference] may be revoked for proper cause by the Board at its discretion, after a hearing. Such hearing shall be held in accordance to [Model Rules of Procedure] applicable to contested cases.

SECTION 5 - LICENSURE

5-1 Wisconsin Jurisprudence Examination Application Requirements: Full Scope

(1) Wisconsin Jurisprudence Examination is offered [two] times each year, customarily in [February and August]. [can this be on-demand?]

(2) An applicant must complete and submit the following:

(a) Wisconsin Jurisprudence Examination application, furnished by the Board.

(b) Certified transcripts from a school of naturopathic medicine accredited by the Council of Naturopathic Medical Education (CNME); satisfying the minimum educational requirements for licensure per [Rule Reference].

(3) Payment of non-refundable examination fee per [Rule Reference].

5-2 Wisconsin Jurisprudence Examination Application Requirements: Limited Scope:

(1) Wisconsin Jurisprudence Examination is offered [two] times each year, customarily in [February and August]. [can this be on-demand?]

(2) An applicant must complete and submit the following:

(a) Wisconsin Jurisprudence Examination application, furnished by the Board.

(b) Diploma of doctorate of naturopathy from a naturopathic health care program offered in the United States, issued prior to 2013 per [Rule Reference].

(3) Payment of non-refundable examination fee per [Rule Reference].

5-3 Application for Licensure to Practice Naturopathic Medicine: Full Scope

(1) An applicant for full scope licensure must complete and submit all of the following

(a) Licensure application, furnished by the Board;

(b) National criminal record check per [Rule Reference];

(c) Proof of passage of required NPLEX examinations: Part I (Biomedical Science); Part II (Core Clinical Science), Part II (Clinical Elective Minor Surgery) and Part II (Clinical Elective Pharmacology)

(d) Proof of passage of Wisconsin Jurisprudence Examination within [time] months of application;

(e) Payment of the non-refundable licensure application fee under [Rule Reference]

(f) Complete mandatory one-time pharmacy examination as required by [Rule Reference].

5-4 Application for Licensure to Practice Naturopathic Medicine: Limited Scope

(1) An application for a limited-scope naturopathic doctor license 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. The board may not consider an application for a limited-scope naturopathic doctor license after that date.

(2) This license does not apply in any other state other than Wisconsin. A limited-scope naturopathic doctor 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) An applicant for limited scope licensure must complete and submit all of the following:

(a) Licensure application, furnished by the Board;

(b) National criminal record check per [Rule Reference];

(c) Proof of passage of Wisconsin Jurisprudence Examination within [time] months of application;

(d) Payment of the non-refundable licensure application fee under [Rule Reference]

(e) Complete mandatory one-time pharmacy examination as required by [Rule Reference].

(f) Submit evidence 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.

(g) Submit evidence that he or she has been continually practicing naturopathic medicine in Wisconsin for at least the 10-year period preceding his or her application for a license under this subsection, in which he or she has exhibited a record of safety in the practice of naturopathic medicine or naturopathy.

(4) An applicant for limited scope licensure must satisfy one of the following:

(a) Submit evidence that the naturopathic health care program provided at least 250 hours of education in 2 or more clinical sciences. "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.

(b) Submit evidence of licensure as a registered nurse under s. 441.06 as of the date of application.

(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 their naturopathic health care program, at least 250 hours of qualifying training subsequent to completing the naturopathic health care program, or a combination of at least 250 hours of such education and training. "Qualifying training" means training in clinical sciences that satisfies at least one of the following:

1) 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.

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

3) 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.

Submit evidence of completion of subsequent training requirements. These requirements include qualifying training in at least 250 hours of in 2 or more clinical sciences subsequent to completing the naturopathic health care program.

(d) The person signs a statement committing to satisfy the subsequent training requirements within 5 years after issuance of an initial license.

5-5 Applicant Fitness for Licensure

(1) The purpose of this rule is to provide for the reasonable screening of applicants for licensure and of individuals subject to investigation by the Board in order to determine if they have a history of criminal conviction, civil liability, or regulatory violations such that they are not fit to be granted or retain a license or registration issued by the Board. In this rule, "applicant" refers to applicants for licensure or renewal of a license and individuals subject to an investigation by the Board.

(2) Criminal records checks and fitness determinations are conducted according to [Rule Reference? Or do we keep general power of the Board to decide?].

(3) The applicant must disclose all regulatory violations, arrests, charges, and convictions regardless of the outcome or date of occurrence. Disclosure includes any military or criminal records.

(4) The Board may require additional information from the applicant such as, but not limited to, proof of identity, previous names, residential history, pending regulatory, civil or criminal investigations or allegations, or additional criminal, judicial or other background information.

(5) The Board may deny licensure based on conduct that is not undertaken directly in the course of the licensed activity but that is substantially related to the fitness and ability of the applicant to engage in the activity for which the license is required. Notwithstanding [Rule Reference] (Denial, suspension or revocation of license based on criminal conviction), to determine fitness for licensure the Board will consider whether the applicant has a(n):

(a) Impairment as defined in [Rule Reference] (Purposes of health professional regulatory boards);

(b) Conviction of a felony or misdemeanor relating to intoxicants or controlled substances;

(c) Conviction of a felony or misdemeanor involving moral turpitude;

(d) Conviction of a sex crime as defined in [Rule Reference] or has been convicted in another state or jurisdiction of a crime that is substantially equivalent to a sex crime as defined in [Rule Reference].

(e) Conviction of a felony or misdemeanor involving dishonesty or false statement;

(f) Civil liability, regulatory violation for involving dishonesty, false statement, fraud or intentional misrepresentation;

(g) Criminal conviction, civil liability, regulatory violation for unethical or unprofessional conduct;

(h) Criminal conviction, civil liability or regulatory violation for conduct or practice that constitutes a danger to the health or safety of a patient or the public, or conduct, practice or

a condition that adversely affects a Naturopathic Doctor's ability to practice Naturopathic Medicine safely and skillfully;

(i) Criminal conviction, civil liability or regulatory violation for practicing or attempting to practice medicine without being licensed to do so;

(6) In determining fitness for licensure, the Board may consider intervening circumstances relevant to the responsibilities and circumstances of the applicant. Intervening circumstances include but are not limited to:

(a) The passage of time since the conviction, finding of civil liability, or regulatory violation;

(b) The age of the subject individual at the time of the conviction, finding of civil liability, or regulatory violation;

(c) The subsequent conviction of another relevant crime, finding of civil liability, or regulatory violation; and

(d) The recommendation of an employer.

(7) Under no circumstances shall an applicant be denied under these rules because of a juvenile record that has been expunged or set aside pursuant to [Rule Reference].

(8) Under no circumstances shall an applicant be denied under these rules due to the existence or contents of an adult record that has been set aside pursuant to [Rule Reference].

(9) Information obtained from the Wisconsin State Police or the Federal Bureau of Investigation is confidential. Dissemination of information received under this rule may only be made to people with a demonstrated and legitimate need to know the information. When the information is part of the investigation of an applicant or licensee, it is governed by [Rule Reference]. Any fingerprint cards used to conduct a check shall be destroyed by either the Federal Bureau of Investigation or the Wisconsin State Police as specified in [Rule Reference].

(10) The Board will permit the subject individual for whom a fingerprint-based criminal records check was conducted to inspect the individual's own state and national criminal offender records and, if requested by the subject individual, provide the individual with a copy of the individual's own state and national criminal offender records.

(11) If an applicant or licensee is denied a license or is otherwise subject to discipline by the Board, they are entitled to a contested case hearing pursuant to [Rule Reference].

(12) A challenge to the accuracy or completeness of information provided by the Wisconsin State Police, Federal Bureau of Investigation and agencies reporting information must be made through the Wisconsin State Police, Federal Bureau of Investigation or reporting agency and not through the contested case process.

(13) An applicant may make a request for re-evaluation following correction. If the subject individual successfully contests the accuracy or completeness of information provided by the Wisconsin State Police, the Federal Bureau of Investigation or other agency reporting information to the Board, the Board will conduct a new criminal history check and re-evaluate the criminal history upon submission of a new criminal history request form.

(14) The applicant or licensee must pay a criminal records check fee for the actual cost of acquiring and furnishing the criminal offender information.

5-6 Fees for Licensure, Examination and Certification

(1) Fees may be applied up to the following limits:

(a) Wisconsin Jurisprudence Examination; \$x

- (b) Criminal record check; \$x
- (c) License to practice naturopathic medicine; \$x, pro-rated according to receipt of application:
 - (A) Applications received January 1 through March 31, \$x;
 - (B) Applications received April 1 through June 30, \$x;
 - (C) Applications received July 1 through September 30, \$x; and
 - (D) Applications received October 1 through December 31, \$x.
- (d) License renewal fee for an active license; \$x;
- (e) License renewal fee for an inactive license; \$x; [offering an inactive license?]
- (f) Biennial fee Wisconsin [Division of Workforce Development Database] for active and inactive licenses; \$x;
- (g) Change of status:
 - (A) Active license to inactive license; \$x
 - (B) Inactive license to active; \$x
 - (C) Lapsed license restoration fee; \$x
- (h) Mailing list of licensees; \$x.

(2) All Board fees and fines are non-refundable.

(3) The remittance of any application fee, license fee, yearly renewal fee, or fee otherwise imposed by the Board shall be made via [tbd].

5-7 Practice in Wisconsin by Out-of-State Naturopathic Doctors, Naturopathic Physicians, or Naturopathic Medical Doctors In the Event of an Emergency

(1) In the event of a disaster emergency declared by the Governor of Wisconsin, the Naturopathic Medicine Examining Board shall allow naturopathic doctors, naturopathic physicians, or naturopathic medical doctors licensed in another state to provide medical care in Wisconsin under special provisions during the period of the declared disaster emergency, subject to such limitations and conditions as the Governor may prescribe.

(2) The out-of-state naturopathic doctor shall submit to the Board [fill in details].

(3) The naturopathic doctor shall provide the Board documentation demonstrating a request to provide medical care from a hospital, clinic or private medical practice, public health organization, EMS agency, or federal medical facility, or has otherwise made arrangements to provide medical care in Wisconsin as the result of the declaration of a disaster emergency.

(4) The naturopathic doctor shall not practice in Wisconsin under the special disaster emergency provisions beyond the termination date of the emergency. Practice in Wisconsin beyond the termination date of the declared disaster emergency requires licensure through the Board of Naturopathic Medicine.

5-8 Military Spouse Temporary Authorization (MSTA) to Practice Naturopathic Medicine

(1) Pursuant to [State Bill Reference], "military spouse" is the spouse or registered domestic partner of a member of the Armed Forces of the United States who is stationed in Wisconsin.

(2) A military spouse must complete and or submit the following to receive a temporary authorization (MSTA) to practice as a naturopathic doctor in the State of Wisconsin:

[fill in details].

(3) An MSTA issued under this section is valid [fill in details].

- (4) An MSTTA issued under this section only allows practice as a naturopathic doctor in Wisconsin while it is valid.
- (5) The MSTTA is not renewable.
- (6) The MSTTA is only available to full scope naturopathic physicians, naturopathic medical doctors, or naturopathic doctors.

5-9 Display of License

Each licensee of the Board shall display in their office, in a conspicuous place, their license and biennial renewal validation.

[What if the entire practice is virtual?]

5-10 Expiration and Renewal Dates of License: Full Scope

[Need to decide on expiration date, may be mandated by DSPS]

- (1) All licenses expire two (2) years from the date of licensure.
- (2) To remain active, all licensees must biennially submit a completed renewal application to the Board office by [date].
 - (a) Licensees will automatically lapse if a renewal application or change of status form is not received by [date].
 - (b) A person who has a lapsed license must immediately stop practicing Naturopathic Medicine until their license is restored to active status.
 - (c) A person who has a lapsed license must immediately stop representing themselves as having an active license to practice Naturopathic Medicine.
- (3) To change status to inactive, licensees must submit a completed change of status application to the Board office by [date].
- (4) To renew inactive status, licensees must submit a completed renewal application to the Board office by [date].
 - (a) Licensees with an inactive license must immediately stop practicing Naturopathic Medicine.
 - (b) Licensees with an inactive license must clearly identify themselves as having inactive status so that no member of the public is misled about the Licensee's ability to practice naturopathic medicine in Wisconsin.

5-11 Expiration and Renewal Dates of License: Limited Scope

- (1) All licenses expire two (2) years from the date of licensure.
- (2) To remain active, all licensees must biennially submit a completed renewal application to the Board office by [date].
 - (a) Licensees will automatically lapse if a renewal application or change of status form is not received by [date].
 - (b) A person who has a lapsed license must immediately stop practicing Naturopathic Medicine until their license is restored to active status.
 - (c) A person who has a lapsed license must immediately stop representing themselves as having an active license to practice Naturopathic Medicine.
- (3) Limited scope license is not renewable or able to be reinstated or restored if lapsed for [time].

5-12 Use of Unauthorized Material and Misrepresentations in Obtaining License

- (1) Any applicant for a license detected in the act of offering or accepting unauthorized assistance or using unauthorized material while the examinations are in progress shall be excluded from further examination and his or her papers rejected in total.
- (2) The Board may refuse to grant a license to any applicant indulging in misrepresentation, fraud, or deception, or to revoke the license granted as a result of these.
- (3) The Board shall carefully and rigidly investigate applicants who attempt to obtain naturopathic license by false statements or representations in their applications or otherwise violate these rules.

5-13 License Renewal and Change of Status Requirements: Full Scope

To maintain an active license all full scope naturopathic doctors licensed under [Rules Reference], must biennially complete a renewal application furnished by the Board. Specific requirements for renewal, to change a license status, reactivate or restore a license are as follows:

- (1) Renewal of an active or inactive license:
 - (a) Complete a renewal application furnished by the Board;
 - (b) Pay renewal fee per [Rules Reference];
 - (c) Submit proof to the Board completion of CE, as required under [Rules Reference].
- (2) Change license status from active to inactive:
 - (a) Complete a change of status application furnished by the Board;
 - (b) Pay change of status fee per [Rules Reference];
 - (c) Submit proof to the Board completion of CE, as required for an active license under [Rules Reference].
- (3) Reactivate a license from inactive to active status:
 - (a) Complete the reactivation application furnished by the Board;
 - (b) Pay license renewal fee for an active license per [Rules Reference], and
 - (c) Submit proof to the Board completion of the biennially required continuing education credits for an inactive license per [Rules Reference].
- (4) Restore a Lapsed License: See [Rules Reference].
- (5) Restore a lapsed inactive or active license if a license has lapsed for less than one (1) calendar year, an applicant must:
 - (a) Submit a completed restoration application;
 - (b) Submit proof to the Board of completion of continuing education as required for license per [Rules Reference];
 - (c) Pay license renewal fee and a restoration fee per [Rules Reference].
- (6) Restore a lapsed license if a license has lapsed for more than one (1) and up to three (3) calendar years, an applicant must:
 - (a) Submit a completed restoration application;
 - (b) Submit proof to the Board completion of [30] continuing education hours as required while the license was lapsed.
 - (c) Pay license renewal fees for an active license and a restoration fee per [Rules Reference].

(7) If a license has been lapsed for more than three (3) and up to seven (7) calendar years; an applicant must:

- (a) Submit a completed restoration application;
- (b) Submit proof to the Board completion of [30] continuing education hours as required while the license was lapsed.
- (c) Take and pass the Wisconsin Jurisprudence Examination per [Rules Reference]
- (d) Pay license renewal fees for an active license and a restoration fee per [Rules Reference].

(9) If a license has been lapsed for more than seven (7) calendar years, the applicant must:

- (a) Take and pass the examinations administered by the North American Board of Naturopathic Examiners
- (b) Take and pass the Wisconsin Jurisprudence Examination per [Rules Reference]
- (c) Submit a restoration application to the Board per [Rules Reference]
- (d) Submit proof to the Board completion of [x] hours of continuing education in pharmacology.

5-14 License Renewal: Limited Scope

To maintain an active license all limited scope naturopathic doctors licensed under [Rules Reference], must biennially complete a renewal application furnished by the Board. Specific requirements for renewal are as follows:

(1) Renewal of an active license:

- (a) Complete a renewal application furnished by the Board;
- (b) Pay renewal fee per [Rules Reference];
- (c) Submit proof to the Board completion of CE, as required under [Rules Reference].

(2) Renewal of lapsed license under [1] year:

- (a) Complete a renewal application furnished by the Board;
- (b) Pay reinstatement fee per [Rules Reference];
- (c) Submit proof to the Board completion of CE, as required under [Rules Reference].

(3) Renewal of lapsed license over [1] year for limited scope license is not available.

SECTION 6 - CONTINUING EDUCATION

6-1 Continuing Education Approval: Licensee Submissions

Board approval is required for the following continuing education programs and activities. For approval, Applicants shall submit to the Board the following documentation:

[fill in details]

6-2 Continuing Education: Pharmacy Requirement

(1) All Licensees: Complete mandatory pharmacology education as required by [Rule Reference].

- (a) [Number] credit hour of pharmacology every other calendar year.
- (b) Pharmacology credit(s) earned may be applied to continuing education required for license renewal.

(2) Board pre-approved continuing education programs that do not require Board approval:

- (a) Accreditation Council for Continuing Medical Education (ACCME)
- (b) American Council on Pharmaceutical Education (ACPE);
- (c) The Federation of Naturopathic Medicine Regulatory Authority (FNMRA)

(3) Continuing education programs not listed in Section 2, are subject to Board approval based on the following criteria:

[fill in details]

(4) Individuals seeking Board approval for continuing education programs not listed in Section 2 shall complete and submit an CE application to the Board for approval, with the following:

[fill in details]

(5) Continuing Education will not be approved for the following program areas:

[fill in details]

(6) Individuals may resubmit applications that have not been approved with additional substantiating documentation.

(7) Program providers shall provide attendees' proof of continuing education hours completed.

(8) Licensees must retain proof of continuing education hours earned for a minimum of [five] calendar years.

6-3 Continuing Education Program Approval: Professional Development Providers (PDP)

A Professional Development Provider (PDP) is any organization or individual offering CE to naturopathic doctors. PDP approval requests must consist of educational activities that serve to maintain, develop or increase the knowledge, skills and professional performance and relationships of naturopathic doctors in services for patients, the public, the profession. CE must offer education and skills recognized and accepted by the profession in areas pertaining to research, basic medical sciences, clinical practice, or public health care.

(1) Professional Development Provider (PDP) approval requests must be received by the Board at least [time] before the event offering:

[fill in details]

(2) CE credit hours will be determined in quarter hour increments.

(3) PDP approval requests must be submitted on an application form provided by the Board.

- (a) Pharmacy hours must be delineated in each request with supporting documentation and meet the standards set in [Rules Reference].

(4) PDP must maintain attendance records for all approved presentations for at least five years from the date of presentation.

(5) Any changes to an already approved program, including but not limited to, presenter, content, and length of program or sponsorship must be submitted for approval by the Board within two weeks of the changes. Any submission received after this time will be retroactively denied approval.

(6) The Board reserves the right to decline for consideration programs that are not submitted with adequate documentation.

(7) Approved PDP programs are valid for [time].

(8) It is the PDP responsibility to make a new application on a biennial basis from the date of original approval.

(9) CE approval submissions will not be considered for programs that:

[fill in details]

(10) A PDP program that has been submitted to the Board with inaccurate or misleading information will retroactively lose CE approval for the program, even if the program has already occurred.

(11) At its discretion, the Board may appoint a member of the Board or other designee to audit, by attendance, any program in order to verify appropriateness for approval of CE hours.

(12) If a program has been denied approval, the provider may submit a request for review by the Board with additional substantiating documentation.

(13) If a PDP fails to follow the provisions of this rule, the Board may revoke, deny or limit the approval.

Background Information:



Naturopathic Doctors Prescriptive Authority and Continuing Medical Education Requirements

Naturopathic Doctors (NDs) are required to meet similar continuing education requirements (CME) as medical and osteopathic doctors to remain licensed practitioners. CME requirements serve to enhance the knowledge, skills, and professional performance a doctor uses to provide services for patients, the public and profession.

| State | Naturopathic Doctors | | | | Medical / Osteopathic Doctors | |
|---------------|------------------------|--------------|-----------|--------------|-------------------------------|--------------|
| | Prescriptive Authority | CME Required | Pharm CME | Term (years) | CME Required** | Term (years) |
| Alaska | No | 24 | 0 | 2 | 50 | 2 |
| Arizona | Yes | 30 | 10 | 1 | 40/40 | 2 |
| California | Yes* | 60 | 20 | 2 | 50/100 | 2 |
| Colorado | No | 25 | 0 | 1 | 0/0 | |
| Connecticut | No | 15 | N/A | 1 | 50 | 2 |
| DC | Yes* | 30 | 5 | 2 | 40/50 | 2 |
| Hawaii | Yes* | 35 | 15 | 2 | 40 | 2 |
| Idaho | Yes | 48 | 20 | 2 | 40 | 2 |
| Kansas | No | 50 | N/A | 1 | 50 | 2 |
| Maine | Yes* | 30 | N/A | 2 | 100/100 | 2 |
| Massachusetts | No | TBD* | N/A | TBD* | 50 | 1 |
| Minnesota | No | 25 | N/A | 2 | 75 | 3 |
| Montana | Yes | 15 | 5 | 1 | 0 | |
| New Hampshire | Yes* | 45 | 12 | 2 | 100 | 2 |
| New Mexico | Yes* | 75 | 10 | 3 | 75 | 3 |
| North Dakota | No | 40 | N/A | 2 | 60 | 3 |
| Oregon | Yes | 32 | 10 | 1 | 60 | 2 |
| Pennsylvania | No | 50 | 10 | 2 | 100/100 | 2 |
| Rhode Island | No | 30 | N/A | 2 | 40 | 2 |
| Utah | Yes | 48 | 10 | 2 | 40/40 | 2 |
| Vermont | Yes | 30 | 10 | 2 | 30/30 | 2 |
| Washington | Yes* | 60 | 15 | 2 | 200/150 | 4 |

*See individual state practice acts for more detail

**Federation of State Medical Boards, <https://www.fsmb.org/siteassets/advocacy/key-issues/continuing-medical-education-by-state.pdf>

For more information, contact the American Association of Naturopathic Physicians (AANP).

The American Association of Naturopathic Physicians
300 New Jersey Street NW, #900 – Washington, DC 20001
www.naturopathic.org

SECTION 7 - DISCIPLINE

The minimally competent practice of naturopathic medicine requires that the care of the patient is paramount. Naturopathic doctors must therefore act with honesty, respect for the law, reasonable judgment, competence, and respect for patient boundaries. [taken from WI MEB]

7-1 Change of Name and Address

(1) It is the duty of the licensee to maintain updated personal information on file with the Board. Change of address must be reported within [time].

(2) Legal proof of name change, as determined by the Board, must be reported within [time].

7-2 Advertising

Full scope:

While constructive educational publicity shall be encouraged, licensees of the Board shall refrain from using or causing to be used advertising matter which contains misstatements, falsehoods, misrepresentations, distorted, or fabulous statements as to cures.

Limited scope:

In addition to the above statement, Limited Scope licensees shall state the fact that they hold a limited scope license [in what manner?].

7-3 Illegal Practice; Duty to Self-Report

(1) No person, including a graduate of any naturopathic medicine program, other than a licensee complying with the provisions of [Rules Reference to both Full and Limited Scope] shall:

(a) Practice naturopathic medicine or naturopathy in Wisconsin, or

(b) Advertise, hold out to the public or represent in any manner that the person is authorized to practice naturopathy or naturopathic medicine in Wisconsin, or

(c) Use the terms “naturopathic practitioner,” “naturopathic healer,” “naturopathic doctor,” “naturopathic consultant” or any other terms that convey intent to practice naturopathic health care or naturopathic medicine.

(2) Any person convicted of practicing illegally in Wisconsin or any person who, without a license, makes a diagnosis shall not be admitted to examination by the Board at any time.

(3) It shall be the duty of all Board licensees, in the interests of both the public and the profession, to inform the Board, in writing, of anyone practicing naturopathic health care or naturopathic medicine, or using the terms Naturopathic Doctor (ND, N.D.), Naturopathic Medical Doctor (NMD, N.M.D.), or Naturopathic Physician, in Wisconsin without a license or otherwise in violations of the law.

(4) For the purpose of this rule, naturopathic treatment shall be considered as practicing naturopathic health care or naturopathic medicine within the meaning of [Rules Reference], unless under the direct supervision of a licensee of the Board.

(5) Each Board licensee must self-report to the Board in writing as soon as possible, but no later than [10] business days after official action taken against the licensee, of any of the following:

(a) Any conviction of the licensee for a misdemeanor crime;

(b) Any arrest or conviction of the licensee for a felony crime;

- (c) Any action brought against the licensee by a health regulatory agency; and
- (d) Any action brought against the licensee by a patient, former patient, or health care facility, based upon allegations or findings of medical incompetence, malpractice, unprofessional conduct or licensee impairment

7-4 Sanctions for Violations

The following lists the Board's disciplinary practices with respect to most common violations of law. Other less common violations may also result in discipline. The Board will determine the severity of each violation and decide the discipline to impose accordingly.

(1) General violations.

(a) The Board may attempt to resolve by non-disciplinary means, allegations of the following kinds of violations, if the Board determines there are compelling mitigating circumstances and if the licensee has not been the subject of a final order which finds the licensee committed a violation of a similar nature:

- (A) Practicing outside the scope of practice;
- (B) Inadequate charting;
- (C) Failure to report a change of address;
- (D) Prescribing drugs beyond over-the-counter;
- (E) False or misleading advertising; or
- (F) Failure to refer upon termination.

(b) The Board generally will take formal disciplinary action for allegations of the following kinds of violations

- (A) Negligent prescribing;
- (B) Negligent treatment;
- (C) Failure to act in accordance with the American Association of Naturopathic Physicians Code of Ethics as adopted by the Board;
- (D) Failure to refer when referral is appropriate;
- (E) Untimely response to Board investigation;
- (F) Aiding or abetting unlawful practice by an unlicensed person;
- (G) Sexual impropriety with a patient; or
- (H) Conviction of a crime involving moral turpitude.

(c) Discipline for violations listed in (1)(c) may include a letter of reprimand, a civil penalty, probation, license suspension, license limitations, and license revocation.

(d) For violations which are not listed in subsections (1)(a) and (b) of this rule, the Board will determine the appropriate discipline.

(2) Aggravating and Mitigating Factors or Circumstances. Discipline proposed by the Board may increase in severity, possibly up to license revocation, if there are aggravating circumstances. Discipline may decrease in severity if there are mitigating circumstances.

(a) Aggravating circumstances include, but are not limited to, the following:

- (A) The same or similar violation has occurred more than once;
- (B) The violation occurred or was repeated over a significant length of time;
- (C) The licensee has previously been disciplined by the Board or in another jurisdiction;
- (D) The violation was deliberate or grossly negligent;
- (E) The licensee received some benefit from committing the violation;

- (F) The violation involved a significant chance for causing harm to the patient or the public.
- (b) Mitigating circumstances include, but are not limited to, the following:
 - (A) The licensee accepted responsibility for the violation;
 - (B) The licensee practiced a significant period of time without complaints or disciplinary action taken by the Board or any other jurisdiction.
- (3) Probation. Probation may be added where the circumstances indicate that future monitoring, training, or other follow-up is necessary or appropriate. Probation may include completion of an approved treatment program when a licensee is alleged to engage in habitual or excessive use of drugs or alcohol.
- (4) Practice Restriction. Practice restriction or practice limitation may be added where the circumstances warrant more than a civil penalty but less than a license suspension.
- (5) Education. Education may be required when the circumstances indicate that further education is merited to prevent a recurrence of the violation.

7-5 Discipline or Denial of License

The Board may refuse to grant a license to practice Naturopathic medicine in the State of Wisconsin, or may discipline a license, for any of the following reasons:

- (1) Commitment to a mental health institution. A copy of the record of commitment, certified to by the clerk of the court entering the commitment, is conclusive evidence of the commitment.
- (2) Habitual use of ardent spirits, narcotics, or other intoxicants to such an extent as to incapacitate him/her from the performance of his/her professional duties.
- (3) Engaging in conduct or practice contrary to the Code of Ethics of the American Association of Naturopathic Physicians as adopted by the Board.
- (4) Any conduct or practice contrary to recognized standards of ethics which includes but is not limited to:
 - (a) Engaging in any conduct which constitutes a violation of any provision of [Rule Reference], Criminal Sexual Offenses, if proven by at least a preponderance of the evidence in any criminal, civil, or administrative litigation, or admitted to or stipulated by the professional;
 - (b) Engaging in any conduct with a patient that is sexual, or may be reasonably interpreted as sexual, whether initiated by the patient or not;
 - (c) Any behavior, gesture, or expression that is sexually seductive or sexually demeaning to a patient, or any action that shows a lack of respect for the patient's privacy;
 - (d) Entering into an intimate sexual relationship with a patient or with a former patient if within six months after the doctor-patient relationship is terminated, unless a prior sexual relationship existed;
 - (e) Breaching patient confidentiality
- (5) Fraud or misrepresentation related to naturopathic medicine.
- (6) The use of any advertising in which untruthful, improper, misleading, or deceptive statements are made.
- (7) Claiming superiority to or a greater skill than that possessed by fellow naturopathic doctors.
- (8) Aiding or abetting the unlawful practice of any of the healing arts by an unlicensed person.

- (9) The advertising or holding oneself out to diagnose or treat a patient by any secret formula method, treatment, or procedure.
- (10) The guaranteeing of a cure or "results" from any treatment.
- (11) Failure to refer the patient to an appropriate care provider upon termination of treatment where referral is called for, unless termination was the decision of the patient and the licensee had no opportunity to refer the patient.
- (12) Prescribing or dispensing a substance that is not permitted by [Rule Reference].

7-6 Reapplication

An applicant or licensee whose application for license, or whose license, has been denied or revoked, or who voluntarily surrendered the application for license, or the license, may not reapply for a minimum period of [time] years; unless otherwise specified in a Board order denying or revoking or accepting a voluntary surrender of the application, license or certificate.

SECTION 8 - PRESCRIBING AUTHORITY

8-1 Authority to Prescribe, Dispense, Administer, and Order

Naturopathic doctors shall be allowed to prescribe, dispense, administer, and order the following:

- (1) All substances approved by the U.S. Food and Drug Administration for over-the-counter use,
 - (a) All biological substances including extracts and/or their products and residues,
 - (b) All topical preparations,
- (2) All vitamins, minerals, trace minerals, enzymes, and food,
- (3) All mechanical devices, except those that require major surgical intervention,
- (4) All homeopathic preparations,
- (5) All laboratory and diagnostic procedures,
- (6) All applications of supplemental oxygen,

8-2 Pharmacy Examination

Background Information

The Board has access to a national examination repository and examining board from the North American Board of Naturopathic Examiners to conduct the pharmacology exam. The emphasis is on prescribing by primary care physicians. Focus is on primary effects, adverse effects, pharmacokinetics/pharmacodynamics, mechanisms of action, monitoring, and knowledge of the class of drugs to which a particular drug belongs.

The exam drug list has been carefully designed, based on two criteria:

- 1. The drugs that are most commonly prescribed by primary care providers*
- 2. Examples of drugs from every major class (e.g., ACE inhibitors), to ensure that examinees understand the indications and mechanism of actions of all major drug classes*

The exam drug list (approximately 250 drugs) contains prescription drugs only (i.e., there are no OTC drugs on the list).

Items are worded with an orientation toward drugs for which an ND might want to find an alternative (naturopathic) treatment or which an ND might typically prescribe.

The exam has been developed in accordance with accepted psychometric standards and principles: from practice analysis to blueprint development, to training of item writers and getting items written, to multiple reviews of the items by subject matter experts, to standard setting via the Angoff method, to post-test psychometric analysis.

Regulatory authorities decide if they want to require that new licensees pass the exam to be eligible for licensure.