

By: Cain

H.B. No. 3979

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of naturopathic physicians; requiring an occupational license; authorizing fees; providing penalties; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 3, Occupations Code, is amended by adding Chapter 207 to read as follows:

CHAPTER 207. NATUROPATHIC PHYSICIANS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 207.001. SHORT TITLE. This chapter may be cited as the Naturopathic Physicians Licensing Act.

Sec. 207.002. DEFINITIONS. In this chapter:

(1) "Executive director" means the executive director of the Texas Medical Board.

(2) "Medical board" means the Texas Medical Board.

(3) "Naturopathic board" means the Naturopathic Medical Board.

(4) "Naturopathic childbirth attendance" means the specialty practice of natural childbirth by a naturopathic physician that includes the management of normal pregnancy, normal labor and delivery, and the normal postpartum period, including normal newborn care.

(5) "Naturopathic clinical elective" means a specialty clinical practice consistent with naturopathic education

1 and training.

2 (6) "Naturopathic medicine" means a system of primary
3 health care for the prevention, diagnosis, and treatment of human
4 health conditions, injury, and disease through the promotion or
5 restoration of health and the support and stimulation of a
6 patient's inherent self-healing processes through patient
7 education and the use of naturopathic therapies and therapeutic
8 substances.

9 (7) "Naturopathic physician" means a person licensed
10 to practice naturopathic medicine under this chapter.

11 (8) "Physician" means a person licensed to practice
12 medicine by the medical board.

13 (9) "Prescription drug" has the meaning assigned by
14 Section [551.003](#).

15 Sec. 207.003. SCOPE OF PRACTICE. (a) For purposes of this
16 chapter, a person practices naturopathic medicine if the person:

17 (1) performs examination, diagnosis, and treatment of
18 disease consistent with naturopathic education and training;

19 (2) performs physical examinations, including
20 orificial examinations;

21 (3) orders or performs diagnostic laboratory tests or
22 physiological function tests;

23 (4) orders diagnostic imaging studies;

24 (5) orders or performs therapies, treatments, or
25 modalities, including hot or cold hydrotherapy, naturopathic
26 physical medicine, electromagnetic energy, colon hydrotherapy, and
27 therapeutic exercise;

1 (6) repairs or provides care incidental to superficial
2 lacerations or abrasions;

3 (7) removes foreign bodies located in the superficial
4 tissue;

5 (8) performs musculoskeletal manipulation;

6 (9) dispenses, administers, or prescribes:

7 (A) food, extracts of food, nutraceuticals,
8 vitamins, amino acids, minerals, enzymes, botanicals and their
9 extracts, botanical medicines, homeopathic medicines, or dietary
10 supplements and nonprescription drugs as defined by the Federal
11 Food, Drug, and Cosmetic Act (21 U.S.C. Section 301 et seq.);

12 (B) prescription drugs as approved by the
13 naturopathic board; or

14 (C) devices, including therapeutic devices,
15 barrier contraception, and durable medical equipment; or

16 (10) provides counseling, behavioral medicine, or
17 health education.

18 (b) A naturopathic physician may administer treatment using
19 various routes of administration, including oral, nasal,
20 auricular, ocular, rectal, vaginal, transdermal, intradermal,
21 subcutaneous, intravenous, and intramuscular routes.

22 (c) A naturopathic physician may practice naturopathic
23 childbirth attendance if the naturopathic physician is authorized
24 by the naturopathic board under Section 207.301.

25 (d) A naturopathic physician may use novel technologies,
26 modalities, and therapies approved by the naturopathic board.

27 (e) The naturopathic board may adopt rules related to the

scope of practice of a naturopathic physician that are consistent with this section.

Sec. 207.004. APPLICABILITY. This chapter does not apply to:

(1) a health care professional licensed under this title acting within the scope of the person's practice;

(2) a person employed in the service of the federal government while performing duties related to that employment;

(3) a student enrolled in an approved naturopathic medical college who performs naturopathic medical acts under the supervision of an instructor who is a licensed naturopathic physician or a health care professional licensed in the area of instruction in which the student is engaged;

(4) a person providing self-care or care to a family member;

(5) a person who sells natural products, including foods, dietary supplements, cosmetics, or homeopathic preparations, and provides information to consumers about the products, except that a person may not represent or assume the character or appearance of a person practicing naturopathic medicine or imply or indicate that the person is licensed to practice naturopathic medicine; or

(6) a person who is a licensed practitioner of naturopathic medicine in another state and who, in this state, consults with a naturopathic physician licensed in this state, provided that the consultation is limited to providing an examination, recommendation, instruction, or testimony.

SUBCHAPTER B. NATUROPATHIC MEDICAL BOARD

Sec. 207.051. NATUROPATHIC BOARD MEMBERSHIP. (a) The Naturopathic Medical Board is composed of seven members appointed by the governor with the advice and consent of the senate as follows:

(1) four naturopathic physician members;

(2) one physician member who is licensed to practice medicine in this state and who has experience working with naturopathic doctors;

(3) one pharmacist; and

(4) one member who represents the public and who is not licensed or trained in a health care profession.

(b) A member of the naturopathic board must be a United States citizen and a resident of this state.

(c) Appointments to the naturopathic board shall be made without regard to the race, color, disability, sex, gender, religion, age, or national origin of the appointee.

Sec. 207.052. ELIGIBILITY OF PUBLIC MEMBER. A person is not eligible for appointment as a public member of the naturopathic board if the person or the person's spouse:

(1) is registered, certified, or licensed by an occupational regulatory agency in the field of health care;

(2) is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the medical board or naturopathic board;

(3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other

organization regulated by or receiving money from the medical board or naturopathic board; or

(4) uses or receives a substantial amount of tangible goods, services, or money from the medical board or naturopathic board, other than compensation or reimbursement authorized by law for naturopathic board membership, attendance, or expenses.

Sec. 207.053. MEMBERSHIP AND EMPLOYEE RESTRICTIONS. (a) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person may not be a member of the naturopathic board and may not be a naturopathic board employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of health care; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of health care.

(c) A person may not be a member of the naturopathic board or act as the general counsel to the naturopathic board if the person is required to register as a lobbyist under Chapter 305, Government

1 Code, because of the person's activities for compensation on behalf
2 of a profession related to the operation of the medical board or
3 naturopathic board.

4 Sec. 207.054. GROUNDS FOR REMOVAL. (a) It is a ground for
5 removal from the naturopathic board that a member:

6 (1) does not have at the time of taking office the
7 qualifications required by Section 207.051;

8 (2) does not maintain during service on the
9 naturopathic board the qualifications required by Section 207.051;

10 (3) is ineligible for membership under Section 207.052
11 or 207.053;

12 (4) cannot, because of illness or disability,
13 discharge the member's duties for a substantial part of the member's
14 term; or

15 (5) is absent from more than half of the regularly
16 scheduled naturopathic board meetings that the member is eligible
17 to attend during a calendar year without an excuse approved by a
18 majority vote of the naturopathic board.

19 (b) The validity of an action of the naturopathic board is
20 not affected by the fact that it is taken when a ground for removal
21 of a naturopathic board member exists.

22 (c) If the executive director has knowledge that a potential
23 ground for removal exists, the executive director shall notify the
24 presiding officer of the naturopathic board of the potential
25 ground. The presiding officer shall then notify the governor and
26 the attorney general that a potential ground for removal exists. If
27 the potential ground for removal involves the presiding officer,

1 the executive director shall notify the next highest ranking
2 officer of the naturopathic board, who shall then notify the
3 governor and the attorney general that a potential ground for
4 removal exists.

5 Sec. 207.055. PRESIDING OFFICER OF NATUROPATHIC BOARD. The
6 governor shall appoint a naturopathic board member who is a
7 naturopathic physician to serve as presiding officer of the
8 naturopathic board at the pleasure of the governor. The presiding
9 officer may vote on any matter before the naturopathic board.

10 Sec. 207.056. TERMS; VACANCIES. (a) Members of the
11 naturopathic board serve staggered six-year terms. The terms of
12 two or three members expire on January 31 of each odd-numbered year.

13 (b) A member of the naturopathic board may not serve more
14 than two consecutive terms.

15 (c) A vacancy on the naturopathic board shall be filled by
16 appointment of the governor.

17 Sec. 207.057. REIMBURSEMENT. A member of the naturopathic
18 board may receive reimbursement for travel expenses as provided by
19 the General Appropriations Act.

20 Sec. 207.058. MEETINGS. The naturopathic board shall meet
21 at least annually and at the call of the presiding officer or
22 executive director. The naturopathic board may also meet at the
23 written request of any two members.

24 Sec. 207.059. TRAINING. (a) A person who is appointed to
25 and qualifies for office as a member of the naturopathic board may
26 not vote, deliberate, or be counted as a member in attendance at a
27 meeting of the naturopathic board until the person completes a

1 training program that complies with this section.

2 (b) The training program must provide the person with
3 information regarding:

4 (1) the law governing naturopathic board operations;

5 (2) the programs, functions, rules, and budget of the
6 naturopathic board;

7 (3) the scope of and limitations on the rulemaking
8 authority of the naturopathic board;

9 (4) the results of the most recent formal audit of the
10 naturopathic board;

11 (5) the requirements of:

12 (A) laws relating to open meetings, public
13 information, administrative procedure, and disclosing conflicts of
14 interest; and

15 (B) other laws applicable to members of the
16 naturopathic board in performing their duties; and

17 (6) any applicable ethics policies adopted by the
18 medical board, naturopathic board, or the Texas Ethics Commission.

19 (c) A person appointed to the naturopathic board is entitled
20 to reimbursement, as provided by the General Appropriations Act,
21 for the travel expenses incurred in attending the training program
22 regardless of whether the attendance at the program occurs before
23 or after the person qualifies for office.

24 (d) The executive director shall create a training manual
25 that includes the information required by Subsection (b). The
26 executive director shall distribute a copy of the training manual
27 annually to each naturopathic board member. On receipt of the

training manual, each naturopathic board member shall sign and submit to the executive director a statement acknowledging receipt of the training manual.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 207.101. POWERS AND DUTIES. (a) The naturopathic board shall:

(1) administer and enforce this chapter;
(2) establish qualifications for obtaining a license;
(3) evaluate and approve clinical, practical, or naturopathic medicine residency requirements;

(4) approve a national naturopathic medicine licensing examination;

(5) establish procedures for applying for or renewing a license;

(6) evaluate the qualifications of license applicants;

(7) establish minimum continuing education requirements and approve continuing education courses;

(8) establish qualifications for naturopathic clinical electives;

(9) establish qualifications and standards relating to prescribing authority;

(10) establish requirements relating to malpractice insurance;

(11) investigate credible complaints made against a license holder; and

(12) deny, revoke, or suspend a license or otherwise

1 discipline a license holder.

2 (b) In addition to the advisory committee required under
3 this subchapter, the naturopathic board may appoint advisory
4 committees to perform advisory functions as determined necessary by
5 the naturopathic board. An advisory committee appointed under this
6 subsection is subject to Chapter 2110, Government Code.

7 Sec. 207.102. GENERAL RULEMAKING AUTHORITY. The
8 naturopathic board shall adopt rules as necessary to perform the
9 naturopathic board's duties and implement this chapter.

10 Sec. 207.103. ASSISTANCE BY MEDICAL BOARD. (a) The medical
11 board shall provide administrative and clerical employees as
12 necessary to enable the naturopathic board to administer this
13 chapter.

14 (b) Subject to the advice and approval of the medical board,
15 the naturopathic board shall develop and implement policies that
16 clearly separate the policy-making responsibilities of the
17 naturopathic board and the management responsibilities of the
18 executive director and the staff of the medical board.

19 Sec. 207.104. FEES. The naturopathic board by rule shall
20 set fees in amounts reasonable and necessary to cover the costs of
21 administering this chapter.

22 Sec. 207.105. NATUROPATHIC CHILDBIRTH ATTENDANCE ADVISORY
23 COMMITTEE. (a) The naturopathic board shall establish a
24 naturopathic childbirth attendance advisory committee to provide
25 specific recommendations to the naturopathic board about
26 requirements for a naturopathic physician to receive authorization
27 from the naturopathic board to practice naturopathic childbirth

1 attendance.

2 (b) The naturopathic childbirth attendance advisory
3 committee shall be composed of five members appointed by the
4 naturopathic board as follows:

5 (1) three naturopathic physician members who are
6 qualified to practice naturopathic childbirth attendance;

7 (2) one physician member who specializes or is
8 board-certified in obstetrics; and

9 (3) one licensed midwife or nurse midwife member.

10 (c) The naturopathic board must consult with the
11 naturopathic childbirth attendance advisory committee and consider
12 the committee's recommendations before adopting rules establishing
13 the requirements to receive authorization from the naturopathic
14 board to practice naturopathic childbirth attendance.

15 (d) At least once each year or on the request of the
16 naturopathic board, the naturopathic childbirth attendance
17 advisory committee shall review the rules for naturopathic
18 childbirth attendance and recommend changes to the requirements to
19 receive authorization from the naturopathic board to practice
20 naturopathic childbirth attendance.

21 SUBCHAPTER D. PUBLIC INTEREST INFORMATION AND COMPLAINT

22 PROCEDURES

23 Sec. 207.151. PUBLIC INTEREST INFORMATION. (a) The
24 naturopathic board shall prepare information of public interest
25 describing the functions of the naturopathic board and the
26 procedures by which complaints are filed with and resolved by the
27 naturopathic board.

1 (b) The naturopathic board shall make the information
2 available to the public and appropriate state agencies.

3 Sec. 207.152. COMPLAINTS. (a) The naturopathic board by
4 rule shall establish methods by which consumers and service
5 recipients are notified of the name, mailing address, and telephone
6 number of the naturopathic board for the purpose of directing
7 complaints to the naturopathic board. The naturopathic board may
8 provide for that notice:

9 (1) on each registration form, application, or written
10 contract for services of a person regulated by the naturopathic
11 board;

12 (2) on a sign prominently displayed in the place of
13 business of a person regulated by the naturopathic board; or

14 (3) in a bill for services provided by a person
15 regulated by the naturopathic board.

16 (b) The naturopathic board shall list with its regular
17 telephone number any toll-free telephone number that may be called
18 to present a complaint about a person regulated by the naturopathic
19 board.

20 Sec. 207.153. INFORMATION ABOUT COMPLAINT ACTIONS. (a)
21 The naturopathic board shall maintain a system to promptly and
22 efficiently act on complaints filed with the naturopathic board.
23 The naturopathic board shall maintain information about parties to
24 the complaint, the subject matter of the complaint, a summary of the
25 results of the review or investigation of the complaint, and its
26 disposition.

27 (b) The naturopathic board shall make information available

1 describing its procedures for complaint investigation and
2 resolution.

3 (c) The naturopathic board shall periodically notify the
4 parties to a complaint of the status of the complaint until final
5 disposition of the complaint.

6 Sec. 207.154. GENERAL RULES REGARDING COMPLAINT
7 INVESTIGATION. (a) The naturopathic board shall adopt rules
8 concerning the investigation of a complaint filed with the
9 naturopathic board. The rules adopted under this section must:

10 (1) distinguish between categories of complaints;

11 (2) ensure that a complaint is not dismissed without
12 appropriate consideration;

13 (3) require that the naturopathic board be advised of
14 a complaint that is dismissed and that a letter be sent to the
15 person who filed the complaint explaining the action taken on the
16 complaint;

17 (4) ensure that the person who files a complaint has an
18 opportunity to explain the allegations made in the complaint; and

19 (5) prescribe guidelines concerning the categories of
20 complaints that require the use of a private investigator and
21 prescribe the procedures for the naturopathic board to obtain the
22 services of a private investigator.

23 (b) The naturopathic board shall:

24 (1) dispose of a complaint in a timely manner; and

25 (2) establish a schedule for conducting each phase of
26 the disposition of a complaint that is under the control of the
27 naturopathic board not later than the 30th day after the date the

naturopathic board receives the complaint.

(c) The naturopathic board shall notify the parties to a complaint of the projected time requirements for pursuing the complaint.

(d) The naturopathic board shall notify the parties to a complaint of any change in the schedule not later than the seventh day after the date the change is made.

(e) The executive director shall notify the naturopathic board of a complaint that is unresolved after the time prescribed by the naturopathic board for resolving the complaint so that the naturopathic board may take necessary action on the complaint.

(f) The naturopathic board shall assign priorities and investigate complaints based on:

(1) the severity of the conduct alleged in the complaint; and

(2) the degree of harm to public health and safety.

Sec. 207.155. CONFIDENTIALITY OF COMPLAINT INFORMATION.

(a) Except as provided by Subsection (b), a complaint and investigation and all information and materials compiled by the naturopathic board in connection with the complaint and investigation are not subject to:

(1) disclosure under Chapter 552, Government Code; or

(2) disclosure, discovery, subpoena, or other means of legal compulsion for release of information to any person.

(b) A complaint or investigation subject to Subsection (a) and all information and materials compiled by the naturopathic board in connection with the complaint may be disclosed to:

1 (1) the naturopathic board, the naturopathic board's
2 employees or agents, or the medical board's employees or agents
3 involved in license holder discipline;

4 (2) a party to a disciplinary action against the
5 license holder or that party's designated representative;

6 (3) a law enforcement agency;

7 (4) a governmental agency, if:

8 (A) the disclosure is required or permitted by
9 law; and

10 (B) the agency obtaining the disclosure protects
11 the identity of any patient whose records are examined; or

12 (5) a person engaged in bona fide research, if all
13 information identifying a specific individual has been deleted.

14 (c) Unless good cause for delay is shown to the presiding
15 officer at the hearing, the naturopathic board shall provide the
16 license holder with access to all information that the naturopathic
17 board intends to offer into evidence at the hearing not later than
18 the 30th day after the date the naturopathic board receives a
19 written request from a license holder who is entitled to a hearing
20 under this chapter or from the license holder's attorney of record.

21 (d) The naturopathic board shall protect the identity of any
22 patient whose records are examined in connection with a
23 disciplinary investigation or proceeding against a license holder,
24 except a patient who:

25 (1) initiates the disciplinary action; or

26 (2) has submitted a written consent to release the
27 records.

1 Sec. 207.156. SUBPOENAS. (a) In the investigation of a
2 complaint filed with the naturopathic board, the executive director
3 or the presiding officer of the naturopathic board may issue a
4 subpoena to compel the attendance of a relevant witness or the
5 production, for inspection or copying, of relevant evidence that is
6 in this state.

7 (b) A subpoena may be served personally or by certified
8 mail.

9 (c) If a person fails to comply with a subpoena, the
10 naturopathic board, acting through the attorney general, may file
11 suit to enforce the subpoena in a district court in Travis County or
12 in the county in which a hearing conducted by the naturopathic board
13 may be held.

14 (d) On finding that good cause exists for issuing the
15 subpoena, the court shall order the person to comply with the
16 subpoena. The court may punish a person who fails to obey the court
17 order.

18 (e) The naturopathic board shall pay a reasonable fee for
19 photocopies subpoenaed under this section in an amount not to
20 exceed the amount the naturopathic board may charge for copies of
21 its records.

22 (f) The reimbursement of the expenses of a witness whose
23 attendance is compelled under this section is governed by Section
24 [2001.103](#), Government Code.

25 (g) Information and materials subpoenaed or compiled by the
26 naturopathic board in connection with the investigation of a
27 complaint may be disclosed only as provided by Section 207.155.

1 Sec. 207.157. PUBLIC PARTICIPATION. The naturopathic board
2 shall develop and implement policies that provide the public with a
3 reasonable opportunity to appear before the naturopathic board and
4 to speak on any issue under the jurisdiction of the naturopathic
5 board.

6 SUBCHAPTER E. LICENSE REQUIREMENTS

7 Sec. 207.201. LICENSE REQUIRED. (a) A person may not
8 practice as a naturopathic physician unless the person holds a
9 license under this chapter.

10 (b) A person may not use the title "naturopath,"
11 "naturopathic physician," "physician of naturopathic medicine,"
12 "naturopathic doctor," "doctor of naturopathic medicine," or
13 "doctor of naturopathy" or the abbreviation "N.D." or "N.M.D."
14 unless the person is licensed under this chapter.

15 Sec. 207.202. LICENSE APPLICATION. Each applicant for a
16 license under this chapter must submit to the naturopathic board an
17 application on a form required by the naturopathic board and the
18 required application fee.

19 Sec. 207.203. REQUIREMENTS FOR LICENSE. An applicant for a
20 license to practice naturopathic medicine must present to the
21 naturopathic board sufficient evidence that the applicant:

22 (1) graduated from a naturopathic medical program that
23 meets the requirements of Section 207.205;

24 (2) passed the licensing examination required by
25 Section 207.206;

26 (3) has not been denied a license to practice
27 naturopathic medicine or another health care profession in this

1 state or another state or had the license suspended or revoked based
2 on the license holder's ability to safely practice the health care
3 profession; and

4 (4) is physically and mentally capable of safely
5 practicing naturopathic medicine with or without reasonable
6 accommodation.

7 Sec. 207.204. ISSUANCE OF LICENSE. The naturopathic board
8 shall issue a license as a naturopathic physician to an applicant
9 who:

10 (1) complies with the requirements of this chapter;

11 (2) meets any additional requirements the
12 naturopathic board establishes by rule; and

13 (3) pays the license fee required by the naturopathic
14 board.

15 Sec. 207.205. NATUROPATHIC MEDICAL PROGRAM. A naturopathic
16 medical program may be approved by the naturopathic board if the
17 program is:

18 (1) an institution or part of an institution of higher
19 education that is accredited or is a candidate for accreditation by
20 a regional or national institutional accrediting agency recognized
21 by the United States secretary of education that:

22 (A) offers a degree of doctor of naturopathy or
23 doctor of naturopathic medicine that includes graduate-level
24 full-time didactic and supervised clinical training; and

25 (B) is accredited or has candidacy status for
26 accreditation by the Council on Naturopathic Medical Education or
27 an equivalent federally recognized accrediting agency for

naturopathic medical programs approved by the naturopathic board;

(2) a degree-granting college or university that:

(A) before the existence of the Council on Naturopathic Medical Education, offered doctoral-level naturopathic medical education that:

(i) provided a full-time structured curriculum in basic sciences and supervised patient care; and

(ii) required the completion of not less than 132 weeks of education within 35 months; and

(B) either:

(i) is found by the naturopathic board to have been reputable and in good standing; or

(ii) if still in existence, has current programmatic accreditation by the Council on Naturopathic Medical Education or another federally recognized accrediting agency;

(3) a diploma-granting, degree-equivalent college or university in Canada that:

(A) offers graduate-level full-time didactic and supervised clinical training;

(B) is accredited or has candidacy status for accreditation by the Council on Naturopathic Medical Education or an equivalent federally recognized naturopathic medical program accrediting agency that is approved by the naturopathic board; and

(C) has provincial approval for participation in government-funded student aid programs; or

(4) a diploma-granting, degree-equivalent college or university in Canada that:

1 (A) before the existence of the Council on
2 Naturopathic Medical Education, offered doctoral-level
3 naturopathic medical education that:

4 (i) provided a full-time structured
5 curriculum in basic sciences and supervised patient care; and

6 (ii) required the completion of not less
7 than 132 weeks of education within 35 months; and

8 (B) either:

9 (i) is found by the naturopathic board to
10 have been reputable and in good standing; or

11 (ii) if still in existence, has current
12 programmatic accreditation by the Council on Naturopathic Medical
13 Education or another federally recognized accrediting entity and
14 has provincial approval for participation in a government-funded
15 student aid program.

16 Sec. 207.206. EXAMINATION. To receive a license, an
17 applicant must pass a competency-based national naturopathic
18 physician licensing examination and a naturopathic physician
19 pharmacology examination that are approved by the naturopathic
20 board and administered by the North American Board of Naturopathic
21 Examiners or its successor organization.

22 Sec. 207.207. CRIMINAL HISTORY RECORD INFORMATION
23 REQUIREMENT FOR LICENSE ISSUANCE. (a) The naturopathic board
24 shall require that an applicant for a license submit a complete and
25 legible set of fingerprints, on a form prescribed by the
26 naturopathic board, to the naturopathic board or to the Department
27 of Public Safety for the purpose of obtaining criminal history

record information from the Department of Public Safety and the Federal Bureau of Investigation.

(b) The naturopathic board may not issue a license to a person who does not comply with the requirement of Subsection (a).

(c) The naturopathic board shall conduct a criminal history record information check of each applicant for a license using information:

(1) provided by the individual under this section; and

(2) made available to the naturopathic board by the Department of Public Safety, the Federal Bureau of Investigation, and any other criminal justice agency under Chapter 411, Government Code.

(d) The naturopathic board may:

(1) enter into an agreement with the Department of Public Safety to administer a criminal history record information check required under this section; and

(2) authorize the Department of Public Safety to collect from each applicant the costs incurred by the Department of Public Safety in conducting the criminal history record information check.

Sec. 207.208. RECIPROCITY. The naturopathic board shall issue a license to a person who:

(1) is licensed in good standing as a naturopathic physician in another state that has licensing requirements substantially equivalent to the requirements of this chapter;

(2) has not been the subject of a final disciplinary action and is not the subject of a pending disciplinary action in

any jurisdiction in which the naturopathic physician is or has been licensed;

(3) pays the fee set by the naturopathic board; and

(4) meets any additional criteria established by naturopathic board rule.

SUBCHAPTER F. LICENSE RENEWAL

Sec. 207.251. LICENSE EXPIRATION. A license issued under this chapter expires on the second anniversary of the date of issuance.

Sec. 207.252. LICENSE RENEWAL. Before the expiration of a license, a license may be renewed by:

(1) submitting an application for renewal;

(2) paying the renewal fee set by the naturopathic board; and

(3) providing verification to the naturopathic board that the applicant for renewal has met the continuing education requirements established by the naturopathic board.

Sec. 207.253. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR RENEWAL. (a) An applicant for renewal of a license issued under this chapter shall submit a complete and legible set of fingerprints for purposes of performing a criminal history record information check of the applicant as provided by Section 207.207.

(b) The naturopathic board may administratively suspend or refuse to renew the license of a person who does not comply with the requirement of Subsection (a).

(c) A license holder is not required to submit fingerprints under this section for the renewal of the license if the holder has

previously submitted fingerprints under:

(1) Section 207.207 for the initial issuance of the license; or

(2) this section as part of a prior renewal of a license.

Sec. 207.254. CONTINUING EDUCATION. The naturopathic board shall recognize, prepare, or administer continuing education programs for license holders. A license holder must participate in the programs to the extent required by the naturopathic board to keep the person's license.

SUBCHAPTER G. PRACTICE BY LICENSE HOLDER

Sec. 207.301. NATUROPATHIC CHILDBIRTH ATTENDANCE. (a) The naturopathic board shall establish qualifications required for the naturopathic board to authorize a naturopathic physician to practice naturopathic childbirth attendance.

(b) To obtain authorization from the naturopathic board to practice naturopathic childbirth attendance, a naturopathic physician must:

(1) graduate from a naturopathic midwifery or naturopathic obstetrics program that is approved by the naturopathic board;

(2) pass the North American Registry of Midwives examination, American College of Naturopathic Obstetrics examination, or another examination approved by the naturopathic board; and

(3) meet all other requirements established by the naturopathic board in consultation with the naturopathic

childbirth attendance advisory committee established under Section 207.105.

Sec. 207.302. COMPLIANCE WITH STATE LAW AND LOCAL REGULATIONS: PUBLIC HEALTH; REPORTING BIRTHS AND DEATHS. A naturopathic physician shall comply with state law and a political subdivision's regulations concerning infectious diseases and public health and reporting births and deaths to the same extent as a physician.

Sec. 207.303. NATUROPATHIC CLINICAL ELECTIVE. The naturopathic board shall establish qualifications for authorizing a naturopathic physician to practice a naturopathic clinical elective. The qualifications must require that a naturopathic physician:

(1) meet the educational requirements for the naturopathic clinical elective provided by the North American Board of Naturopathic Examiners or another examining entity approved by the naturopathic board;

(2) pass a competency-based national naturopathic physician clinical elective examination approved by the naturopathic board and administered by the North American Board of Naturopathic Examiners or its successor agency; and

(3) meet all other requirements established by the naturopathic board.

SUBCHAPTER H. PROHIBITED PRACTICES

Sec. 207.351. PROHIBITED PRACTICES. (a) A naturopathic physician may not:

(1) practice or claim to practice as a physician,

dentist, podiatrist, optometrist, psychologist, advanced practice registered nurse, physician assistant, chiropractor, physical therapist, acupuncturist, or any other health care professional unless the naturopathic physician holds a license for the profession issued by this state;

(2) perform surgical procedures, including procedures involving the eye, ear, tendons, nerves, veins, or arteries that extend beyond superficial tissue;

(3) administer general or spinal anesthetics; or

(4) administer ionizing radioactive substances for therapeutic purposes.

(b) A naturopathic physician may not treat a lesion that is suspected of being malignant or that requires surgical removal. If a naturopathic physician suspects that a lesion may be malignant or requires surgical removal, the naturopathic physician shall refer the patient to a physician or other appropriate health care provider.

(c) Notwithstanding Subsection (b), a naturopathic physician may provide adjunctive or concurrent treatment to a person who is under the care of a physician for treatment of a malignant lesion.

SUBCHAPTER I. LICENSE DENIAL AND DISCIPLINARY PROCEDURES

Sec. 207.401. GROUNDS FOR LICENSE DENIAL AND DISCIPLINARY ACTION. (a) After a hearing, the naturopathic board may deny a license to an applicant, suspend or revoke a person's license, or place on probation a license holder if the applicant or license holder:

1 (1) violates this chapter or a naturopathic board
2 order or rule;

3 (2) obtains a license by means of fraud,
4 misrepresentation, or concealment of a material fact;

5 (3) sells, barter, or offers to sell or barter a
6 license; or

7 (4) engages in unprofessional conduct that endangers
8 or is likely to endanger public health, welfare, or safety as
9 defined by naturopathic board rule.

10 (b) The naturopathic board may not issue or renew a person's
11 license if the person:

12 (1) has an impairment related to drugs or alcohol that
13 would limit the person's ability to practice naturopathic medicine
14 in a manner consistent with public safety; or

15 (2) is found mentally incompetent by a physician and
16 the mental incompetence impairs the person's ability to undertake
17 the practice of naturopathic medicine in a manner consistent with
18 public safety.

19 Sec. 207.402. INFORMAL PROCEEDINGS. (a) The naturopathic
20 board by rule shall adopt procedures governing:

21 (1) informal disposition of a contested case under
22 Section 2001.056, Government Code; and

23 (2) an informal proceeding held in compliance with
24 Section 2001.054, Government Code.

25 (b) Rules adopted under this section must:

26 (1) provide the complainant and the license holder an
27 opportunity to be heard; and

1 (2) require the presence of a member of the
2 naturopathic board's or medical board's legal staff to advise:

3 (A) the naturopathic board or the naturopathic
4 board's employees; or

5 (B) the medical board or the medical board's
6 employees.

7 Sec. 207.403. HEARING. A license holder is entitled to a
8 hearing before the State Office of Administrative Hearings before a
9 sanction is imposed under this subchapter.

10 Sec. 207.404. SCHEDULE OF SANCTIONS. (a) The naturopathic
11 board by rule shall adopt a broad schedule of sanctions for
12 violations under this chapter.

13 (b) The State Office of Administrative Hearings shall use
14 the schedule for any sanction imposed under this chapter as the
15 result of a hearing conducted by that office.

16 SUBCHAPTER J. PENALTIES AND ENFORCEMENT PROCEDURES

17 Sec. 207.451. ADMINISTRATIVE PENALTY. (a) The
18 naturopathic board may impose an administrative penalty against a
19 person licensed under this chapter who violates this chapter or a
20 rule or order adopted under this chapter.

21 (b) An administrative penalty may not exceed \$200. Each day
22 a violation continues or occurs is a separate violation for the
23 purpose of imposing a penalty. The amount of the penalty shall be
24 based on:

25 (1) the seriousness of the violation, including the
26 nature, circumstances, extent, and gravity of any prohibited acts,
27 and the hazard or potential hazard created to the health, safety, or

1 economic welfare of the public;

2 (2) the history of previous violations;

3 (3) the amount necessary to deter a future violation;

4 (4) efforts to correct the violation; and

5 (5) any other matter that justice requires.

6 (c) The person may stay enforcement during the time the
7 order is under judicial review if the person pays the penalty to the
8 court clerk or files a supersedeas bond with the court in the amount
9 of the penalty. A person who cannot afford to pay the penalty or
10 file the bond may stay enforcement by filing an affidavit like that
11 required by the Texas Rules of Civil Procedure for a party who
12 cannot afford to file security for costs, except that the
13 naturopathic board may contest the affidavit as provided by those
14 rules.

15 (d) A proceeding to impose an administrative penalty is
16 subject to Chapter 2001, Government Code.

17 Sec. 207.452. CIVIL PENALTY. (a) A person found by a court
18 to have violated this chapter is liable to this state for a civil
19 penalty of \$200 for each day the violation continues.

20 (b) A civil penalty may be recovered in a suit brought by the
21 attorney general, a district attorney, or a county attorney.

22 Sec. 207.453. CRIMINAL OFFENSE. (a) A person commits an
23 offense if the person knowingly violates this chapter.

24 (b) Except as provided by Subsection (c), an offense under
25 this section is a Class A misdemeanor.

26 (c) An offense under this section is a felony of the third
27 degree if the person:

1 (1) obtains a license by means of fraud,
2 misrepresentation, or concealment of a material fact;

3 (2) practices naturopathic medicine without a license
4 issued under this chapter; or

5 (3) sells, barter, or offers to sell or barter a
6 license.

7 (d) Each day a violation occurs constitutes a separate
8 offense.

9 SECTION 2. As soon as practicable after the effective date
10 of this Act, the governor shall appoint seven members to the
11 Naturopathic Medical Board in accordance with Chapter 207,
12 Occupations Code, as added by this Act. In making the initial
13 appointments, the governor shall designate two members for terms
14 expiring January 31, 2027, two members for terms expiring January
15 31, 2029, and three members for terms expiring January 31, 2031.

16 SECTION 3. Notwithstanding Chapter 207, Occupations Code,
17 as added by this Act, a person may be appointed to the Naturopathic
18 Medical Board as an initial naturopathic physician member if the
19 person does not hold a naturopathic physician license under that
20 chapter. A person appointed to the Naturopathic Medical Board as a
21 naturopathic physician member on or after June 1, 2026, must hold a
22 naturopathic physician license under Chapter 207, Occupations
23 Code, as added by this Act.

24 SECTION 4. Notwithstanding Chapter 207, Occupations Code,
25 as added by this Act, a person may be appointed to serve as a
26 naturopathic physician member of the naturopathic childbirth
27 attendance advisory committee if the person does not hold a

1 naturopathic physician license under that chapter. A person
2 appointed to the naturopathic childbirth attendance advisory
3 committee as a naturopathic physician member of the committee on or
4 after June 1, 2028, must hold a naturopathic physician license
5 under Chapter 207, Occupations Code, as added by this Act.

6 SECTION 5. Not later than January 1, 2026, the Naturopathic
7 Medical Board shall adopt the rules, procedures, and fees necessary
8 to administer Chapter 207, Occupations Code, as added by this Act.

9 SECTION 6. Notwithstanding Chapter 207, Occupations Code,
10 as added by this Act, a naturopathic physician is not required to
11 hold a license under that chapter to practice as a naturopathic
12 physician in this state before June 1, 2026.

13 SECTION 7. (a) Except as provided by Subsection (b) of this
14 section, this Act takes effect September 1, 2025.

15 (b) Section 207.201, Occupations Code, and Subchapter J,
16 Chapter 207, Occupations Code, as added by this Act, take effect
17 June 1, 2026.