

SUBSTITUTE FOR
HOUSE BILL NO. 4531

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 16348a and part 186.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16348A. THE DEPARTMENT SHALL ANNUALLY ESTABLISH A
2 SCHEDULE OF FEES FOR AN INDIVIDUAL LICENSED OR SEEKING A LICENSE AS
3 A NATUROPATHIC PHYSICIAN UNDER PART 186 TO OFFSET THE DEPARTMENT'S
4 ADMINISTRATIVE EXPENSES UNDER THAT PART.

PART 186

NATUROPATHIC PHYSICIANS

7 SEC. 18601. (1) FOR PURPOSES OF THIS PART, THE WORDS AND
8 PHRASES DEFINED IN SECTIONS 18603 TO 18609 HAVE THE MEANINGS
9 ASCRIBED TO THEM IN THOSE SECTIONS.

(2) IN ADDITION TO THE DEFINITIONS IN THIS PART, ARTICLE 1
CONTAINS GENERAL DEFINITIONS AND PRINCIPLES OF CONSTRUCTION
APPLICABLE TO ALL ARTICLES IN THE CODE AND PART 161 CONTAINS
DEFINITIONS APPLICABLE TO THIS PART.

SEC. 18603. (1) "APPROVED NATUROPATHIC MEDICAL PROGRAM" MEANS
ANY OF THE FOLLOWING:

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

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

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

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

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

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

1 (ii) WAS AT LEAST 132 WEEKS IN DURATION AND REQUIRED
2 COMPLETION OF THE PROGRAM WITHIN A PERIOD OF AT LEAST 35 MONTHS AS
3 A PREREQUISITE TO GRADUATION.

4 (iii) WAS OFFERED BY A COLLEGE OR UNIVERSITY THAT WAS
5 REPUTABLE AND IN GOOD STANDING IN THE JUDGMENT OF THE BOARD.

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

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

13 (i) WAS OFFERED BY A COLLEGE OR UNIVERSITY THAT HAD PROVINCIAL
14 APPROVAL FOR PARTICIPATION IN GOVERNMENT-FUNDED STUDENT AID
15 PROGRAMS.

16 (ii) OFFERED A FULL-TIME STRUCTURED CURRICULUM IN BASIC
17 SCIENCES AND SUPERVISED PATIENT CARE COMPRISING A DOCTORAL
18 NATUROPATHIC MEDICAL EDUCATION.

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

22 (iv) WAS OFFERED BY A COLLEGE OR UNIVERSITY THAT WAS REPUTABLE
23 AND IN GOOD STANDING IN THE JUDGMENT OF THE BOARD.

24 (v) IF THE PROGRAM IS STILL OFFERED, IT IS ACCREDITED BY THE
25 CNME OR AN EQUIVALENT FEDERALLY RECOGNIZED ACCREDITING BODY FOR
26 NATUROPATHIC MEDICAL PROGRAMS APPROVED BY THE BOARD.

27 (vi) IF THE PROGRAM IS STILL OFFERED, THE COLLEGE OR

1 UNIVERSITY HAS PROVINCIAL APPROVAL FOR PARTICIPATION IN GOVERNMENT-
2 FUNDED STUDENT AID PROGRAMS.

3 (D) A NATUROPATHIC MEDICAL EDUCATION PROGRAM OFFERED BY A
4 DIPLOMA-GRANTING, DEGREE-EQUIVALENT COLLEGE OR UNIVERSITY LOCATED
5 IN CANADA THAT PROVIDES THE DEGREE OF DOCTOR OF NATUROPATHY OR
6 DOCTOR OF NATUROPATHIC MEDICINE AND THAT MEETS ALL OF THE FOLLOWING
7 REQUIREMENTS:

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

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

14 (iii) IS OFFERED BY A COLLEGE OR UNIVERSITY THAT HAS
15 PROVINCIAL APPROVAL FOR PARTICIPATION IN GOVERNMENT-FUNDED STUDENT
16 AID PROGRAMS.

17 (2) "BOARD" MEANS THE BOARD OF NATUROPATHIC MEDICINE CREATED
18 IN SECTION 18623.

19 (3) "CNME" MEANS THE COUNCIL ON NATUROPATHIC MEDICAL
20 EDUCATION.

21 SEC. 18605. "MINOR OFFICE PROCEDURE" MEANS ANY OF THE
22 FOLLOWING:

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

1 (B) OBTAINING SPECIMENS TO DIAGNOSE, ASSESS, AND TREAT
2 DISEASE.

3 SEC. 18607. (1) "NATUROPATHIC FORMULARY" OR "FORMULARY" MEANS
4 THE LIST OF MEDICINES, NONPRESCRIPTION AND PRESCRIPTION, THAT
5 NATUROPATHIC PHYSICIANS USE IN THE PRACTICE OF THEIR PROFESSION, AS
6 DETERMINED BY THE FORMULARY COUNCIL AND REVIEWED BY THE BOARD.

7 (2) "NATUROPATHIC FORMULARY COUNCIL" OR "FORMULARY COUNCIL"
8 MEANS THE FORMULARY COUNCIL CREATED IN SECTION 18627 TO DETERMINE
9 AND AUTHORIZE THE NATUROPATHIC FORMULARY.

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

13 (4) "NATUROPATHIC PHYSICIAN" MEANS AN INDIVIDUAL WHO ENGAGES
14 IN THE PRACTICE OF NATUROPATHIC MEDICINE AND WHO IS REQUIRED TO BE
15 LICENSED OR OTHERWISE AUTHORIZED UNDER THIS PART TO ENGAGE IN THAT
16 PRACTICE.

17 SEC. 18609. (1) "PRACTICE OF NATUROPATHIC MEDICINE" MEANS
18 PERFORMING ANY OF THE TASKS, FUNCTIONS, OR DUTIES THAT ARE
19 CONSISTENT WITH THE INDIVIDUAL'S NATUROPATHIC EDUCATION AND
20 TRAINING AND DESCRIBED IN SECTION 18615.

21 (2) "PRESCRIPTION DRUG" MEANS THAT TERM AS DEFINED IN SECTION
22 17708.

23 SEC. 18611. (1) BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE OF
24 THIS SECTION, AND EXCEPT AS OTHERWISE PROVIDED IN THIS PART, AN
25 INDIVIDUAL SHALL NOT ENGAGE IN THE PRACTICE OF NATUROPATHIC
26 MEDICINE UNLESS LICENSED OR OTHERWISE AUTHORIZED UNDER THIS
27 ARTICLE.

(2) SUBJECT TO SUBSECTION (3), THE FOLLOWING WORDS, TITLES, OR LETTERS OR COMBINATION OF THE FOLLOWING WORDS, TITLES, OR LETTERS, WITH OR WITHOUT QUALIFYING WORDS OR PHRASES, ARE RESTRICTED IN USE TO ONLY THOSE INDIVIDUALS AUTHORIZED UNDER THIS PART TO USE THE TERMS AND IN A WAY PRESCRIBED IN THIS PART: "DOCTOR OF NATUROPATHIC MEDICINE", "DOCTOR OF NATUROPATHY", "NATUROPATHIC PHYSICIAN", "NATUROPATHIC DOCTOR", "NATUROPATHIC MEDICAL DOCTOR", "NATUROPATHIC MEDICINE", "N.D.", AND "N.M.D.".

(3) IF HE OR SHE DOES NOT USE THE WORD OR TITLE "DOCTOR", "PHYSICIAN", "MEDICAL DOCTOR", OR "MEDICINE", SUBSECTION (2) DOES NOT RESTRICT THE USE OF ANY OF THE FOLLOWING WORDS OR TITLES BY AN INDIVIDUAL DESCRIBED IN SECTION 18619(1)(G) OR (H) IN CONNECTION WITH HIS OR HER PRACTICE: "NATUROPATHY", "NATUROPATHIC HEALTH CARE", "NATUROPATH", "NATUROPATHIC PRACTITIONER", OR "TRADITIONAL NATUROPATHIC PRACTITIONER".

SEC. 18613. (1) TO BE ELIGIBLE FOR A LICENSE TO ENGAGE IN THE PRACTICE OF NATUROPATHIC MEDICINE IN THIS STATE, AN APPLICANT SHALL SUBMIT ALL OF THE FOLLOWING TO THE BOARD, AS APPLICABLE:

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

(B) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (C), EVIDENCE THAT HE OR SHE IS A GRADUATE OF AN APPROVED NATUROPATHIC MEDICAL PROGRAM AND THAT HE OR SHE HAS SUCCESSFULLY PASSED A COMPETENCY-BASED NATIONAL NATUROPATHIC PHYSICIANS LICENSING EXAMINATION ADMINISTERED BY THE NORTH AMERICAN BOARD OF NATUROPATHIC EXAMINERS, OR BY A SUCCESSOR AGENCY THAT IS NATIONALLY RECOGNIZED TO ADMINISTER A NATUROPATHIC PHYSICIANS LICENSING EXAMINATION THAT

1 REPRESENTS FEDERAL STANDARDS OF EDUCATION AND TRAINING AND THAT IS
2 APPROVED BY THE BOARD.

3 (C) FOR A GRADUATE OF AN APPROVED NATUROPATHIC MEDICAL PROGRAM
4 DESCRIBED IN SECTION 18603(1)(B) OR (C), EVIDENCE OF SUCCESSFUL
5 PASSAGE OF A BOARD-APPROVED STATE COMPETENCY EXAMINATION OR
6 CANADIAN PROVINCIAL EXAMINATION.

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

9 (2) TO BE ELIGIBLE FOR A LICENSE TO ENGAGE IN THE PRACTICE OF
10 NATUROPATHIC MEDICINE IN THIS STATE, AN APPLICANT MUST BE
11 PHYSICALLY AND MENTALLY CAPABLE OF SAFELY ENGAGING IN THE PRACTICE
12 OF NATUROPATHIC MEDICINE WITH OR WITHOUT REASONABLE ACCOMMODATION.

13 (3) AN APPLICANT IS NOT ELIGIBLE FOR A LICENSE TO ENGAGE IN
14 THE PRACTICE OF NATUROPATHIC MEDICINE IN THIS STATE IF HE OR SHE
15 HAS HAD A LICENSE TO PRACTICE NATUROPATHIC MEDICINE OR OTHER HEALTH
16 CARE LICENSE, REGISTRATION, OR CERTIFICATE REFUSED, REVOKED, OR
17 SUSPENDED BY ANY OTHER JURISDICTION FOR REASONS THAT RELATE TO THE
18 APPLICANT'S ABILITY TO SKILLFULLY AND SAFELY PRACTICE NATUROPATHIC
19 MEDICINE UNLESS THAT LICENSE, REGISTRATION, OR CERTIFICATION HAS
20 BEEN RESTORED TO GOOD STANDING BY THAT JURISDICTION.

21 SEC. 18615. A NATUROPATHIC PHYSICIAN MAY DO ANY OF THE
22 FOLLOWING, CONSISTENT WITH HIS OR HER NATUROPATHIC EDUCATION AND
23 TRAINING:

24 (A) ORDER AND PERFORM PHYSICAL AND LABORATORY EXAMINATIONS FOR
25 DIAGNOSTIC PURPOSES, INCLUDING, BUT NOT LIMITED TO, PHLEBOTOMY,
26 CLINICAL LABORATORY TESTS, ORIFICIAL EXAMINATIONS, OR PHYSIOLOGICAL
27 FUNCTION TESTS.

1 (B) ORDER DIAGNOSTIC IMAGING STUDIES.

2 (C) DISPENSE, ADMINISTER, ORDER, OR PRESCRIBE OR PERFORM ANY
3 OF THE FOLLOWING:

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

9 (ii) PRESCRIPTION OR NONPRESCRIPTION MEDICINES AS DESIGNATED
10 BY THE NATUROPATHIC FORMULARY COUNCIL.

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

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

15 (v) HEALTH EDUCATION OR HEALTH COUNSELING.

16 (vi) REPAIR AND CARE INCIDENTAL TO SUPERFICIAL LACERATIONS OR
17 ABRASIONS.

18 (vii) MUSCULOSKELETAL MANIPULATION.

19 (D) UTILIZE ROUTES OF ADMINISTRATION THAT INCLUDE, BUT ARE NOT
20 LIMITED TO, ORAL, NASAL, AURICULAR, OCULAR, RECTAL, VAGINAL,
21 TRANSDERMAL, INTRADERMAL, SUBCUTANEOUS, INTRAVENOUS, OR
22 INTRAMUSCULAR CONSISTENT WITH HIS OR HER NATUROPATHIC EDUCATION AND
23 TRAINING.

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

25 SEC. 18617. A NATUROPATHIC PHYSICIAN SHALL NOT DO ANY OF THE
26 FOLLOWING:

27 (A) PRESCRIBE, DISPENSE, OR ADMINISTER ANY CONTROLLED

1 SUBSTANCE OR DEVICE IDENTIFIED IN THE FEDERAL CONTROLLED SUBSTANCES
2 ACT, 21 USC 801 TO 971, EXCEPT AS AUTHORIZED UNDER THIS PART.

3 (B) PERFORM SURGICAL PROCEDURES EXCEPT, SUBJECT TO SECTION
4 18625(H), MINOR OFFICE PROCEDURES.

5 (C) ENGAGE IN THE PRACTICE OF OR CLAIM TO ENGAGE IN THE
6 PRACTICE OF ANY OTHER HEALTH PROFESSION UNLESS LICENSED TO ENGAGE
7 IN THAT HEALTH PROFESSION UNDER THIS ARTICLE.

8 (D) USE GENERAL OR SPINAL ANESTHETICS.

9 (E) ADMINISTER IONIZING RADIOACTIVE SUBSTANCES FOR THERAPEUTIC
10 PURPOSES.

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

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

14 (H) PERFORM CHIROPRACTIC ADJUSTMENTS UNLESS LICENSED AS A
15 CHIROPRACTOR UNDER PART 164.

16 SEC. 18619. (1) THIS PART DOES NOT PROHIBIT OR RESTRICT ANY OF
17 THE FOLLOWING:

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

22 (B) THE PRACTICE OF NATUROPATHIC MEDICINE BY AN INDIVIDUAL
23 EMPLOYED BY THE GOVERNMENT OF THE UNITED STATES WHILE THE
24 INDIVIDUAL IS ENGAGED IN THE PERFORMANCE OF DUTIES PRESCRIBED BY
25 THE LAWS AND REGULATIONS OF THE UNITED STATES.

26 (C) THE PRACTICE OF NATUROPATHIC MEDICINE BY STUDENTS ENROLLED
27 IN AN APPROVED NATUROPATHIC MEDICAL PROGRAM. THE PERFORMANCE OF

1 SERVICES MUST BE PURSUANT TO A COURSE OF INSTRUCTION OR ASSIGNMENTS
2 FROM AN INSTRUCTOR AND UNDER THE SUPERVISION OF THE INSTRUCTOR. THE
3 INSTRUCTOR MUST BE A NATUROPATHIC PHYSICIAN LICENSED UNDER THIS
4 PART OR A DULY LICENSED PROFESSIONAL IN THE FIELD OF INSTRUCTION.

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

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

10 (F) AN INDIVIDUAL FROM ADVISING IN THE USE OF A THERAPY,
11 INCLUDING, BUT NOT LIMITED TO, HERBAL MEDICINE, HOMEOPATHY,
12 NUTRITION, OR OTHER NONDRUG OR NONSURGICAL THERAPY THAT IS WITHIN
13 THE SCOPE OF PRACTICE OF NATUROPATHIC PHYSICIANS UNDER THIS PART,
14 IF ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

15 (i) THE INDIVIDUAL IS NOT A HEALTH PROFESSIONAL AND THE
16 THERAPY IS WITHIN THAT INDIVIDUAL'S LAWFUL RIGHTS TO PERFORM UNDER
17 A HEALTH OCCUPATION. IF THE INDIVIDUAL IS A HEALTH PROFESSIONAL,
18 THE THERAPY MUST BE WITHIN THE SCOPE OF PRACTICE OF THAT PROFESSION
19 UNDER THIS ARTICLE.

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

23 (G) AN INDIVIDUAL WHO IS EDUCATED AND TRAINED IN NATUROPATHY
24 OR NATUROPATHIC HEALTH CARE AND PROVIDES NATUROPATHIC THERAPY
25 WITHIN THE SCOPE OF THAT EDUCATION AND TRAINING.

26 (H) AN INDIVIDUAL WHO IS EDUCATED AND TRAINED AS A NATUROPATH,
27 NATUROPATHIC PRACTITIONER, OR TRADITIONAL NATUROPATHIC PRACTITIONER

1 AND PROVIDES NATUROPATHIC THERAPY WITHIN THE SCOPE OF THAT
2 EDUCATION AND TRAINING.

3 (2) THIS PART DOES NOT PROHIBIT AN INDIVIDUAL WHO IS LICENSED
4 TO PRACTICE AS A NATUROPATHIC PHYSICIAN IN ANY OTHER STATE OR
5 DISTRICT IN THE UNITED STATES FROM ENTERING THIS STATE TO CONSULT
6 WITH A NATUROPATHIC PHYSICIAN IN THIS STATE, AS LONG AS THAT
7 CONSULTATION IS LIMITED TO EXAMINATION, RECOMMENDATION, OR
8 TESTIMONY IN LITIGATION.

9 SEC. 18621. (1) THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

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

12 (B) ADOPT THE COMPETENCY-BASED NATIONAL EXAMINATION CONSISTENT
13 WITH THE REQUIREMENTS DESCRIBED IN SECTION 18613(1)(B) AND (C) AND
14 APPROVED BY THE BOARD AS THE NATUROPATHIC LICENSING EXAMINATION.

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

17 (D) DESIGNATE THE APPLICATION FORM USED BY APPLICANTS AND
18 PROCESS ALL APPLICATIONS.

19 (E) ISSUE LICENSES AND LICENSE RENEWALS TO ALL INDIVIDUALS WHO
20 MEET THE QUALIFICATIONS FOR LICENSURE AS DESCRIBED IN THIS PART AND
21 AS RECOMMENDED BY THE BOARD.

22 (F) ESTABLISH PROCEDURES FOR THE ISSUANCE OF LICENSES AND
23 LICENSE RENEWALS TO APPLICANTS WHO QUALIFY FOR LICENSURE BY
24 RECIPROCITY IN THIS STATE, IN LIEU OF TAKING THE WRITTEN
25 EXAMINATION TAKEN BY ALL OTHER INDIVIDUALS APPLYING FOR LICENSURE
26 IN ANY OTHER STATE, IF THE EDUCATIONAL AND EXAMINATION REQUIREMENTS
27 FOR THE STATE ISSUING THE ORIGINAL LICENSE ARE EQUIVALENT TO THOSE

1 DESCRIBED IN THIS PART.

2 (G) INVESTIGATE COMPLAINTS OF UNPROFESSIONAL OR ILLEGAL
3 CONDUCT BY A NATUROPATHIC PHYSICIAN.

4 (H) DETERMINE WHETHER A NATUROPATHIC PHYSICIAN WILL BE THE
5 SUBJECT OF A DISCIPLINARY PROCEEDING.

6 (I) DESIGNATE AND IMPOSE SANCTIONS AND PENALTIES FOR VIOLATION
7 OF THIS PART OR RULES PROMULGATED UNDER THIS PART.

8 (J) PROVIDE FOR THE RULES FOR CONTINUING EDUCATION OF
9 NATUROPATHIC PHYSICIANS.

10 (K) BRING PROCEEDINGS IN THE COURTS FOR THE ENFORCEMENT OF
11 THIS PART.

12 (L) ESTABLISH PROCEDURES TO GOVERN MATTERS, DIRECTLY OR
13 INDIRECTLY, INVOLVING ANY INDIVIDUAL WHO IS RELATED TO AN EMPLOYEE
14 OR AGENT OF THE DEPARTMENT IN ANY WAY BY BLOOD OR MARRIAGE.

15 (2) THE DIRECTOR SHALL CONSULT THE BOARD ON MATTERS INVOLVING
16 ALL OF THE FOLLOWING:

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

19 (B) THE CONTENT OF ANY CLINICAL, PRACTICAL, OR RESIDENCY
20 REQUIREMENT.

21 (C) THE CONTENT OF RULES AND GUIDELINES AND PROPOSED RULES AND
22 GUIDELINES GOVERNING THE PRACTICE OF NATUROPATHIC MEDICINE IN THIS
23 STATE.

24 (D) THE INVESTIGATION OF ALL CREDIBLE COMPLAINTS FROM
25 NATUROPATHIC PHYSICIANS AND THE PUBLIC AND ON THE TECHNICAL ASPECTS
26 OF THE COMPLAINT.

27 (E) THE REQUIREMENTS FOR ISSUANCE AND RENEWAL OF LICENSES

1 UNDER THIS PART.

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

6 SEC. 18623. (1) THE BOARD OF NATUROPATHIC MEDICINE IS CREATED
7 IN THE DEPARTMENT. THE BOARD CONSISTS OF 7 MEMBERS APPOINTED BY THE
8 GOVERNOR, AS FOLLOWS:

9 (A) THREE NATUROPATHIC PHYSICIANS WHO ARE LICENSED AND IN GOOD
10 STANDING IN THIS STATE. FOR THE INITIAL BOARD, THE GOVERNOR MAY
11 APPOINT A NATUROPATHIC PHYSICIAN WHO IS LICENSED AND IN GOOD
12 STANDING IN ANOTHER STATE TO THE BOARD IF HE OR SHE IS A RESIDENT
13 OF THIS STATE AND HAS BEEN ENGAGED IN THE PRACTICE OR INSTRUCTION
14 OF NATUROPATHIC MEDICINE FOR AT LEAST 5 YEARS.

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

16 (C) TWO MEMBERS OF THE GENERAL PUBLIC WHO ARE NOT AND NEVER
17 HAVE BEEN LICENSED HEALTH PROFESSIONALS UNDER THIS ACT AND WHO DO
18 NOT HAVE A FINANCIAL OR LEGAL INTEREST IN NATUROPATHIC EDUCATION,
19 BUSINESS, OR PRACTICE.

20 (2) FOR THE PURPOSE OF STAGGERING TERMS, THE GOVERNOR SHALL
21 INITIALLY APPOINT TO THE BOARD 3 MEMBERS FOR TERMS OF 4 YEARS EACH,
22 2 MEMBERS FOR TERMS OF 3 YEARS EACH, AND 2 MEMBERS FOR TERMS OF 2
23 YEARS EACH. AS THE TERMS OF BOARD MEMBERS EXPIRE, THE GOVERNOR
24 SHALL APPOINT SUCCESSORS FOR TERMS OF 4 YEARS, AND THOSE MEMBERS
25 SHALL SERVE UNTIL THEIR SUCCESSORS ARE APPOINTED.

26 (3) THE GOVERNOR MAY REMOVE ANY MEMBER OF THE BOARD FOR CAUSE
27 BEFORE THE EXPIRATION OF THE MEMBER'S TERM.

1 (4) WITHIN 30 DAYS AFTER ITS APPOINTMENT, AND AT LEAST
2 ANNUALLY THEREAFTER, THE BOARD SHALL HOLD A MEETING AND ELECT A
3 CHAIRPERSON. THE BOARD MAY HOLD ADDITIONAL MEETINGS ON THE CALL OF
4 THE CHAIR OR AT THE WRITTEN REQUEST OF ANY 2 MEMBERS OF THE BOARD.
5 THE BOARD MAY APPOINT ANY COMMITTEES THAT IT CONSIDERS NECESSARY TO
6 CARRY OUT ITS DUTIES. A MAJORITY OF THE BOARD CONSTITUTES A QUORUM.

7 SEC. 18625. THE BOARD MAY ADOPT ANY POLICIES AND PROCEDURES
8 NECESSARY TO CARRY OUT THE PURPOSES OF THIS PART AND MAY RECOMMEND
9 DISCIPLINARY ACTION AS PROVIDED UNDER THIS PART. THE BOARD SHALL DO
10 ALL OF THE FOLLOWING:

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

14 (B) DETERMINE THE QUALIFICATIONS OF INDIVIDUALS APPLYING FOR
15 LICENSURE UNDER THIS PART AND DEFINE, BY RULE, THE APPROPRIATE
16 SCOPE OF PRACTICE OF NATUROPATHIC MEDICINE IN THIS STATE. HOWEVER,
17 THE SCOPE OF PRACTICE OF NATUROPATHIC MEDICINE MUST NOT EXCEED THE
18 TASKS, FUNCTIONS, AND DUTIES DESCRIBED IN SECTION 18615.

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

21 (D) EVALUATE THE CONTENT OF ANY CLINICAL, PRACTICAL, OR
22 RESIDENCY REQUIREMENT.

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

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

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

4 (H) LIMIT THE PERFORMANCE OF MINOR OFFICE PROCEDURES TO A
5 NATUROPATHIC PHYSICIAN WHO HAS GRADUATED FROM AN APPROVED
6 NATUROPATHIC MEDICAL PROGRAM THAT INCLUDED MINOR OFFICE PROCEDURES
7 AS PART OF ITS CURRICULUM OR WHO HAS UP-TO-DATE CERTIFICATION OF
8 EQUIVALENT TRAINING, AS DETERMINED BY THE BOARD, IF HE OR SHE
9 GRADUATED FROM AN APPROVED NATUROPATHIC MEDICAL PROGRAM THAT DID
10 NOT INCLUDE MINOR OFFICE PROCEDURES AS PART OF THE CURRICULUM.

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

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

20 (K) PROPOSE TO THE DEPARTMENT RULES TO ESTABLISH GUIDELINES
21 FOR THE DISPOSITION OF DISCIPLINARY CASES INVOLVING SPECIFIC TYPES
22 OF VIOLATIONS. THE GUIDELINES MAY INCLUDE MINIMUM AND MAXIMUM
23 FINES, PERIODS OF SUPERVISION OR PROBATION, OR CONDITIONS OF
24 PROBATION OR REISSUANCE OF A LICENSE.

25 (L) PROVIDE EVALUATIONS REGARDING THE REQUIREMENTS FOR
26 ISSUANCE AND RENEWAL OF NATUROPATHIC MEDICAL LICENSES TO THE
27 DEPARTMENT.

1 SEC. 18627. (1) THE NATUROPATHIC FORMULARY COUNCIL IS CREATED.
2 THE FORMULARY COUNCIL IS SEPARATE AND DISTINCT FROM THE BOARD AND
3 IS COMPOSED OF 5 MEMBERS, AS FOLLOWS:

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

5 (B) TWO PHARMACISTS WHO ARE LICENSED UNDER PART 177, APPOINTED
6 BY THE BOARD FROM A LIST OF NOMINEES PROVIDED BY THE MICHIGAN BOARD
7 OF PHARMACY.

8 (C) ONE PHYSICIAN WHO IS LICENSED UNDER PART 170 OR 175. THE
9 MICHIGAN BOARD OF MEDICINE AND THE MICHIGAN BOARD OF OSTEOPATHIC
10 MEDICINE AND SURGERY MAY EACH PROVIDE A LIST OF NOMINEES FOR
11 PURPOSES OF THIS SUBDIVISION, AND THE BOARD SHALL APPOINT THIS
12 MEMBER FROM 1 OF THOSE LISTS.

13 (2) THE NATUROPATHIC FORMULARY COUNCIL SHALL ESTABLISH A
14 NATUROPATHIC FORMULARY FOR USE BY NATUROPATHIC PHYSICIANS. WHEN IT
15 ADOPTS OR REVISES THE FORMULARY, THE FORMULARY COUNCIL SHALL
16 IMMEDIATELY TRANSMIT THE FORMULARY TO THE BOARD. THE BOARD SHALL
17 REQUEST THAT THE DEPARTMENT ADOPT THE FORMULARY BY RULE.

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

20 (4) THE NATUROPATHIC FORMULARY MUST NOT GO BEYOND THE SCOPE OF
21 NATURAL MEDICINES OR PRESCRIPTION DRUGS AND DEVICES COVERED BY
22 APPROVED NATUROPATHIC EDUCATION AND TRAINING OR BOARD-APPROVED
23 CONTINUING EDUCATION.

24 (5) THE NATUROPATHIC FORMULARY MUST NOT INCLUDE MEDICINES OR
25 DEVICES THAT ARE INCONSISTENT WITH THE TRAINING PROVIDED BY
26 APPROVED NATUROPATHIC MEDICAL PROGRAMS.

27 (6) THIS SECTION DOES NOT ALLOW A NATUROPATHIC PHYSICIAN TO

1 DISPENSE, ADMINISTER, OR PRESCRIBE ANY PRESCRIPTION DRUG OR DEVICE
2 AS DEFINED IN PART 177, UNLESS THAT PRESCRIPTION DRUG OR DEVICE IS
3 SPECIFICALLY INCLUDED IN THE NATUROPATHIC FORMULARY.

4 SEC. 18631. A NATUROPATHIC PHYSICIAN SHALL OBSERVE AND IS
5 SUBJECT TO ALL STATE, COUNTY, AND MUNICIPAL RULES, ORDINANCES, OR
6 REGULATIONS IN REGARD TO THE CONTROL OF CONTAGIOUS AND INFECTIOUS
7 DISEASES, THE REPORTING OF BIRTHS AND DEATHS, AND ANY AND ALL OTHER
8 MATTERS PERTAINING TO THE PUBLIC HEALTH IN THE SAME MANNER AS IS
9 REQUIRED OF OTHER HEALTH PROFESSIONALS UNDER THIS ACT. A VIOLATION
10 OF ANY STATE, COUNTY, OR MUNICIPAL RULE, ORDINANCE, OR REGULATION
11 DESCRIBED IN THIS SECTION IS CONSIDERED A VIOLATION OF THIS ACT
12 SUBJECT TO THE INVESTIGATION AND SANCTION PROVISIONS OF SECTIONS
13 16221 AND 16226. THE PENALTIES AND REMEDIES UNDER THIS PART ARE
14 INDEPENDENT AND CUMULATIVE. THE USE OF 1 REMEDY BY A PERSON DOES
15 NOT BAR THE USE OF OTHER LAWFUL PENALTIES OR REMEDIES BY THAT
16 PERSON OR THE USE OF A LAWFUL PENALTY OR REMEDY BY ANOTHER PERSON.

17 SEC. 18633. THE BOARD SHALL NOT REINSTATE THE LICENSE OF A
18 NATUROPATHIC PHYSICIAN UNTIL THE BOARD IS SATISFIED THAT THE
19 INDIVIDUAL HAS COMPLIED WITH ALL OF THE TERMS AND CONDITIONS SET
20 FORTH IN A FINAL ORDER AND THAT HE OR SHE IS CAPABLE OF SAFELY
21 ENGAGING IN THE PRACTICE OF NATUROPATHIC MEDICINE.

22 SEC. 18635. (1) THE BOARD MAY ISSUE A LICENSE WITHOUT
23 ADDITIONAL EXAMINATION TO AN APPLICANT WHO SUBMITS AN APPLICATION
24 FOR LICENSURE TOGETHER WITH THE APPROPRIATE FEE AND PROOF
25 ACCEPTABLE TO THE DEPARTMENT OF CURRENT NATUROPATHIC MEDICINE
26 LICENSURE IN GOOD STANDING IN ANOTHER STATE, THE DISTRICT OF
27 COLUMBIA, OR A TERRITORY OF THE UNITED STATES, WHOSE STANDARDS FOR

1 LICENSES ARE AT LEAST EQUIVALENT TO THOSE OF THIS STATE.

2 (2) AN APPLICANT SEEKING A LICENSE WITHOUT ADDITIONAL
3 EXAMINATION UNDER THIS SECTION SHALL PROVIDE PROOF OF LICENSE IN
4 GOOD STANDING IN ALL JURISDICTIONS IN WHICH HE OR SHE IS OR HAS
5 BEEN LICENSED.

6 SEC. 18637. (1) EACH LICENSE ISSUED OR RENEWED UNDER THIS PART
7 EXPIRES 4 YEARS FOLLOWING ITS ISSUANCE OR LAST RENEWAL.

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

10 (A) SUBMITS AN APPLICATION FOR RENEWAL.

11 (B) PAYS THE RENEWAL FEE.

12 (C) MEETS THE QUALIFICATIONS FOR LICENSE UNDER THIS PART.

13 (D) MEETS THE CONTINUING EDUCATION REQUIREMENTS ESTABLISHED BY
14 THE BOARD.

15 SEC. 18639. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL THIRD
16 PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION BENEFITS FOR
17 SERVICES RENDERED BY AN INDIVIDUAL WHO IS LICENSED UNDER THIS PART.

18 Enacting section 1. This amendatory act takes effect 90 days
19 after the date it is enacted into law.