

By Senators Dawson and Futch

30-1359-02

1 A bill to be entitled
2 An act relating to naturopathy; creating s.
3 462.001, F.S.; specifying legislative purpose;
4 creating s. 462.005, F.S.; providing licensure
5 exceptions; amending s. 462.005, F.S.;
6 providing licensure exceptions; amending
7 462.01, F.S.; revising definitions; creating s.
8 462.012, F.S.; creating the Board of
9 Naturopathic Medicine and providing for its
10 membership; providing for the adoption of
11 rules; creating s. 462.015, F.S.; providing
12 general licensure requirements; amending s.
13 462.023, F.S.; providing general powers of the
14 board; amending ss. 462.08, 462.09, F.S.;
15 conforming provisions; amending s. 462.11,
16 F.S.; providing that licensees have the same
17 rights and obligations as other health care
18 professionals; creating s. 462.125, F.S.;
19 providing a statement of rights and
20 professional status; amending s. 462.13, F.S.;
21 conforming provisions; amending s. 462.14,
22 F.S.; revising grounds for disciplinary action;
23 eliminating restrictions against soliciting
24 patients, advertising, practicing under an
25 assumed name, and prescribing or dispensing
26 certain growth hormones; conforming provisions;
27 amending s. 462.17, F.S.; conforming
28 provisions; amending s. 462.18, F.S.; revising
29 continuing education requirements; providing
30 for biennial licenses; providing an effective
31 date.

1 Be It Enacted by the Legislature of the State of Florida:

2

3 Section 1. Section 462.001, Florida Statutes, is
4 created to read:

5 462.001 Purpose.--The Legislature recognizes that the
6 practice of naturopathic medicine is potentially dangerous if
7 conducted by unsafe and incompetent practitioners; that it is
8 difficult to make an informed choice when selecting a
9 naturopathic physician; and that the consequences of a wrong
10 decision could seriously harm the public health and safety.
11 The primary legislative purpose of this chapter is to ensure
12 that every naturopathic physician practicing in this state
13 meets minimum requirements for safe and effective practice.

14 Section 2. Section 462.005, Florida Statutes, is
15 created to read:

16 462.005 Exceptions.--This chapter does not apply to:

17 (1) Licensed health care practitioners, other than
18 naturopathic physicians and naturopathic physician assistants,
19 acting within their scope of practice.

20 (2) Any physician licensed in another jurisdiction
21 when consulting with a physician licensed in this state.

22 (3) Naturopathic medical students practicing under the
23 direct supervision of a licensed physician in extern or intern
24 programs approved by a college recognized and approved by the
25 board or The American Association of Naturopathic Medicine.

26 (4) Any person furnishing medical assistance in an
27 emergency.

28 (5) The domestic administration of recognized family
29 remedies.

30 (6) The practice of Christian Science.

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1 This chapter does not prohibit any service rendered by a
2 person under the direct supervision and control of a licensed
3 naturopathic physician, who must be available when needed,
4 must provide specific direction for any service to be
5 performed, and must give final approval to all services
6 performed.

7 Section 3. Section 462.01, Florida Statutes, is
8 amended to read:

9 462.01 Definitions.--As used in this chapter, the
10 term:

11 (1) "Board" means the Board of Naturopathic Medicine.

12 ~~"Natureopathy" and "Naturopathy" shall be construed as~~
13 ~~synonymous terms and mean the use and practice of~~
14 ~~psychological, mechanical, and material health sciences to aid~~
15 ~~in purifying, cleansing, and normalizing human tissues for the~~
16 ~~preservation or restoration of health, according to the~~
17 ~~fundamental principles of anatomy, physiology, and applied~~
18 ~~psychology, as may be required. Naturopathic practice~~
19 ~~employs, among other agencies, phytotherapy, dietetics,~~
20 ~~psychotherapy, suggestotherapy, hydrotherapy, zone therapy,~~
21 ~~biochemistry, external applications, electrotherapy,~~
22 ~~mechanotherapy, mechanical and electrical appliances, hygiene,~~
23 ~~first aid, sanitation, and heliotherapy; provided, however,~~
24 ~~that nothing in this chapter shall be held or construed to~~
25 ~~authorize any naturopathic physician licensed hereunder to~~
26 ~~practice materia medica or surgery or chiropractic medicine,~~
27 ~~nor shall the provisions of this law in any manner apply to or~~
28 ~~affect the practice of osteopathic medicine, chiropractic~~
29 ~~medicine, Christian Science, or any other treatment authorized~~
30 ~~and provided for by law for the cure or prevention of disease~~
31 ~~and ailments.~~

1 (2) "Department" means the Department of Health.

2 (3) "Naturopathic medicine" means the diagnosis,
3 treatment, operation, or prescription for any human disease,
4 pain, injury, deformity, or other physical or mental condition
5 which is based in part upon educational standards and
6 requirements that emphasize the importance of the natural
7 healing arts and natural processes and addresses the physical
8 and vitalistic aspects of the human body. Naturopathic
9 medicine includes the practice of psychological, mechanical,
10 and material health sciences to aid in purifying, cleansing,
11 and normalizing human tissues for the preservation or
12 restoration of health, according to the fundamental principles
13 of anatomy, physiology, and applied psychology; and employs,
14 among other agencies, materia medica, pharmacology,
15 toxicology, surgery, obstetrics and gynecology, radiology,
16 phytotherapy, dietetics, nutritional therapy, bioenergetic
17 therapy, acupuncture, ayurvedic therapy, homeopathy,
18 aromatherapy, psychotherapy, suggestotherapy, hypnotherapy,
19 manipulative therapy, manual therapy, myofascial release
20 therapy, physiotherapy, hydrotherapy, diathermy,
21 electrotherapy, mechanotherapy, mechanical and electrical
22 appliance, zone therapy, biochemistry, external applications,
23 hygiene, first aid and CPR, sanitation, heliotherapy, light
24 therapy, infrared laser therapy, and other allied modalities;
25 but does not include the practice of osteopathic or
26 chiropractic medicine.

27 Section 4. Section 462.012, Florida Statutes, is
28 created to read:

29 462.012 Board of Naturopathic Medicine.--
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1 (1) There is created within the department the Board
2 of Naturopathic Medicine, composed of seven members appointed
3 by the Governor and subject to confirmation by the Senate.

4 (2) One member of the board must be a licensed
5 naturopathic physician licensed under chapter 462 in good
6 standing, who is a resident of the state. One member must be a
7 licensed osteopathic physician in good standing, pursuant to
8 chapter 459, and three members must be licensed chiropractic
9 physicians in good standing, pursuant to chapter 460. The four
10 members licensed under chapters 459 and 460 shall serve 2-year
11 terms, after which, they shall be replaced by members who are
12 licensed in good standing under chapter 462. The remaining two
13 members must be residents of the state who are not, and never
14 have been, licensed health care practitioners or members of
15 any closely related profession, but who demonstrate an
16 interest in the health concerns of the state. At least one
17 member must be 60 years of age or older.

18 (3) Except as provided in subsection (2), the terms of
19 office are for 4 years. As the terms of the members expire,
20 the Governor shall appoint successors for terms of 4 years.
21 Members shall hold office until the appointment and
22 qualification of their successors, subject to the following
23 exceptions:

24 (a) A member of the board may be removed from office
25 if the Governor finds the member was guilty of malfeasance,
26 misfeasance, or dishonorable conduct.

27 (b) The term of any member automatically ends upon
28 resignation or permanent removal from this state.

29 (4) There is no monetary liability on the part of and
30 no cause of action shall arise against the members or
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1 employees of the board for any act performed in good faith and
2 in furtherance of this chapter.

3 (5) All provisions of chapter 456 relating to the
4 board shall apply.

5 (6) The board may adopt rules necessary to administer
6 this chapter.

7 Section 5. Section 462.015, Florida Statutes, is
8 created to read:

9 462.015 General licensure requirements.--

10 (1) Any person seeking to be licensed or certified as
11 a naturopathic physician shall:

12 (a) Provide a completed application form and submit
13 the appropriate fee to the department;

14 (b) Be at least 21 years of age;

15 (c) Be of good moral character;

16 (d) Have completed at least 2 years of preprofessional
17 postsecondary education;

18 (e) Have not previously committed any act that would
19 violate this chapter, unless the board determines that such
20 act does not adversely affect the applicant's present ability
21 and fitness to practice naturopathic medicine;

22 (f) Not be under investigation in any jurisdiction for
23 an act that would violate this chapter. If, upon completion of
24 such investigation, it is determined that the applicant has
25 committed an act that would violate this chapter, the
26 applicant shall be ineligible for licensure, unless the board
27 determines that such act does not adversely affect the
28 applicant's present ability and fitness to practice
29 naturopathic medicine;

30 (g) Not have had an application for a license to
31 practice naturopathic medicine denied or a license to practice

1 naturopathic medicine or another healthcare profession
2 revoked, suspended, or otherwise acted against by the
3 licensing authority of any jurisdiction, unless the board
4 determines that the grounds on which such action was taken do
5 not adversely affect the applicant's present ability and
6 fitness to practice naturopathic medicine. A licensing
7 authority's acceptance of a physician's relinquishment of
8 license, stipulation, consent order, or other settlement
9 offered in response to or in anticipation of the filing of
10 administrative charges against the naturopathic physician
11 constitute action against the naturopathic physician's
12 license;

13 (h) Submit to the department a set of fingerprints on
14 a form and under procedures specified by the department, along
15 with a payment in an amount equal to the costs incurred for
16 the criminal-background check of the applicant.

17 (2) The board may require the following:

18 (a) An applicant to submit credentials, other written
19 or oral proof, or any other documentation the board considers
20 necessary to determine the applicant's fitness for licensure
21 under this chapter.

22 (b) Make investigations it considers proper to
23 adequately advise itself with respect to the qualifications of
24 an applicant.

25 (c) A personal appearance of any applicant for
26 licensure or certification. Any applicant of whom a personal
27 appearance is required must be given adequate notice of the
28 time and place of the appearance and a statement of the
29 purpose for the appearance and the reasons requiring such
30 appearance.

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1 (3) An applicant must be a graduate of a school or
2 college of Naturopathic Medicine which is approved by the
3 board and which meets any of the following qualifications:

4 (a) A college or university of Naturopathic Medicine
5 which is accredited by an accrediting agency recognized by the
6 state or Federal Government.

7 (b) A college or university of Naturopathic Medicine
8 which is a candidate for accreditation with an accrediting
9 agency, recognized by the state or Federal Government.

10 (c) A college or university of Naturopathic Medicine
11 which is recognized and legally operating in another state or
12 recognized by the Federal Government.

13 (d) A foreign college or university of Naturopathic
14 Medicine which is recognized by another nation or that is
15 registered with the World Health Organization.

16 (4) If an application is satisfactory to the board,
17 the applicant may be required to pass an examination
18 administered by the board or a national organization. For
19 examinations offered by the board, the board shall establish
20 the scope and subject matter of the examination, and
21 examinations shall be offered at least twice a year at a time
22 and place to be determined by the board. An applicant who
23 fails an examination may be reexamined pursuant to rules
24 adopted by the board.

25 (5) Within 90 days after it receives a completed
26 application and the required fee for initial licensure, the
27 board shall issue a license if the applicant demonstrates to
28 the board's satisfaction that the applicant complies with this
29 chapter and board rules.

30 (6) The department and the board shall investigate
31 applicants for licensure to ensure that they meet the

1 applicable criteria prescribed in this chapter. When the
2 investigation is not completed within the time set out in s.
3 120.60(1) and the department or board has reason to believe
4 that the applicant does not meet the criteria, the secretary
5 may issue a 90-day licensure delay, which shall be in writing
6 and sufficient to notify the applicant of the reason for the
7 delay. This subsection shall prevail over any conflicting
8 provisions of s. 120.60(1).

9 (7) If an applicant has committed an act that
10 constitutes a violation of this chapter or has had an
11 application for a license to practice naturopathic medicine
12 revoked, suspended, or otherwise acted against by the
13 licensing authority of any jurisdiction, notwithstanding the
14 board's determination that the applicant's present ability and
15 fitness to practice naturopathic medicine have not been
16 adversely affected, the board may certify the application to
17 the department with restrictions.

18 Section 6. Section 462.023, Florida Statutes, is
19 amended to read:

20 462.023 Powers and duties of the board
21 ~~department.~~--The board shall ~~department may~~ adopt ~~such~~ rules
22 ~~as are necessary to administer~~ carry out the purposes of this
23 chapter, initiate disciplinary action as provided by this
24 chapter, and ~~shall~~ establish fees based on its estimates of
25 the revenue required to administer this chapter but shall not
26 exceed the fee amounts provided in this chapter. ~~The~~
27 ~~department shall not adopt any rules which would cause any~~
28 ~~person who was not licensed in accordance with this chapter on~~
29 ~~July 1, 1959, and had not been a resident of the state for 2~~
30 ~~years prior to such date, to become licensed.~~

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1 Section 7. Section 462.08, Florida Statutes, is
2 amended to read:

3 462.08 Renewal of license to practice naturopathic
4 medicine naturopathy.--Each licenseholder shall biennially
5 renew her or his license to practice naturopathic medicine
6 naturopathy. The applicant must furnish to the board
7 ~~department~~ such evidence as it requires of the applicant's
8 compliance with s. 462.18, relating to educational
9 requirements. The biennial renewal fee, the amount of which
10 shall be determined by the board ~~department~~ but which may not
11 exceed \$1,000, must be paid at the time the application for
12 renewal of the license is filed.

13 Section 8. Section 462.09, Florida Statutes, is
14 amended to read:

15 462.09 Disposition of fees.--All fees received under
16 this chapter shall be deposited into the Medical Quality
17 Assurance Trust Fund. The Legislature shall appropriate funds
18 from this trust fund sufficient to carry out the provisions of
19 this chapter. The board ~~department~~ shall prepare and submit a
20 proposed budget in accordance with law.

21 Section 9. Section 462.11, Florida Statutes, is
22 amended to read:

23 462.11 Naturopathic physicians ~~Naturopaths~~ to observe
24 regulations.--Naturopathic physicians ~~Doctors of naturopathy~~
25 shall observe and be subject to all state, county, and
26 municipal regulations in regard to the control of contagious
27 and infectious diseases, the reporting of births and deaths,
28 and to any and all other matters pertaining to the public
29 health in the same manner and with equal rights and
30 obligations as are ~~is~~ required of other health care
31 professionals ~~practitioners of the healing art~~.

1 Section 10. Section 462.125, Florida Statutes, is
2 created to read:

3 462.125 Privileges and status of naturopathic
4 physicians.--(1) Naturopathic physicians have the same rights
5 as physicians of other schools of medicine with respect to the
6 treatment of cases or holding of offices in public
7 institutions and must be accorded equal professional status
8 and privileges as physicians licensed under chapter 458.

9 (2) A health facility may not adopt written bylaws in
10 accordance with legal requirements that circumvent the intent
11 of that chapter or any other nondiscriminatory provisions in
12 either chapter 458 or this chapter.

13 Section 11. Section 462.13, Florida Statutes, is
14 amended to read:

15 462.13 Additional powers and duties of the board and
16 department.--The board and the department may administer
17 oaths, summon witnesses, and take testimony in all matters
18 relating to its duties pursuant to this chapter. Every
19 unrevoked license shall be presumptive evidence in all courts
20 and places that the person therein named is legally licensed
21 to practice naturopathic medicine naturopathy. The board and
22 the department shall aid the prosecuting attorneys of the
23 state in the enforcement of this chapter.

24 Section 12. Section 462.14, Florida Statutes, is
25 amended to read:

26 462.14 Grounds for disciplinary action; action by the
27 board and the department.--

28 (1) The following acts constitute grounds for denial
29 of a license or disciplinary action, as specified in s.
30 456.072(2):

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1 (a) Attempting to obtain, obtaining, or renewing a
2 license to practice naturopathic medicine by bribery or, by
3 fraudulent misrepresentation, ~~or through an error of the~~
4 ~~department.~~

5 (b) Having a license to practice naturopathic medicine
6 revoked, suspended, or otherwise acted against, including the
7 denial of licensure, by the licensing authority of another
8 state, territory, or country.

9 (c) Being convicted or found guilty, regardless of
10 adjudication, of a crime in any jurisdiction which directly
11 relates to the practice of naturopathic medicine or to the
12 ability to practice naturopathic medicine. Any plea of nolo
13 contendere shall be considered a conviction for purposes of
14 this chapter.

15 (d) False, deceptive, or misleading advertising.

16 ~~(e) Advertising, practicing, or attempting to practice~~
17 ~~under a name other than one's own.~~

18 (e)~~(f)~~ Failing to report to the department any person
19 who the licensee knows is in violation of this chapter or of
20 the rules of the department.

21 (f)~~(g)~~ Aiding, assisting, procuring, or advising any
22 unlicensed person to practice naturopathic medicine contrary
23 to this chapter or to a rule of the department.

24 (g)~~(h)~~ Failing to perform any statutory or legal
25 obligation placed upon a licensed naturopathic physician.

26 (h)~~(i)~~ Making or filing a report which the licensee
27 knows to be false, intentionally or negligently failing to
28 file a report or record required by state or federal law,
29 willfully impeding or obstructing such filing or inducing
30 another person to do so. Such reports or records shall

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1 include only those which are signed in the capacity as a
2 licensed naturopathic physician.

3 (i)~~(j)~~ Paying or receiving any commission, bonus,
4 kickback, or rebate, or engaging in any split-fee arrangement
5 in any form whatsoever with a physician, organization, agency,
6 or person, either directly or indirectly, for patients
7 referred to providers of health care goods and services,
8 including, but not limited to, hospitals, nursing homes,
9 clinical laboratories, ambulatory surgical centers, or
10 pharmacies. The provisions of this paragraph shall not be
11 construed to prevent a naturopathic physician from receiving a
12 fee for professional consultation services.

13 (j)~~(k)~~ Exercising influence within a patient-physician
14 relationship for purposes of engaging a patient in sexual
15 activity. A patient shall be presumed to be incapable of
16 giving free, full, and informed consent to sexual activity
17 with her or his physician.

18 (k)~~(l)~~ Making deceptive, untrue, or fraudulent
19 representations in the practice of naturopathic medicine or
20 employing a trick or scheme in the practice of naturopathic
21 medicine when such scheme or trick fails to conform to the
22 generally prevailing standards of treatment in the medical
23 community.

24 (l)~~(m)~~ Coercing prospective ~~Soliciting~~ patients,
25 either personally or through an agent, through the use of
26 fraud, intimidation, undue influence, or a form of
27 overreaching or vexatious conduct. ~~A "solicitation" is any~~
28 ~~communication which directly or implicitly requests an~~
29 ~~immediate oral response from the recipient.~~

30 (m)~~(n)~~ Failing to keep written medical records
31 justifying the course of treatment of the patient, including,

1 but not limited to, patient histories, examination results,
2 test results, X rays, and records of the prescribing,
3 dispensing and administering of drugs.

4 (n)~~(o)~~ Exercising influence on the patient or client
5 in such a manner as to exploit the patient or client for the
6 financial gain of the licensee or of a third party, which
7 shall include, but not be limited to, the promoting or selling
8 of services, goods, appliances, or drugs and the promoting or
9 advertising on any prescription form of a community pharmacy
10 unless the form also states "This prescription may be filled
11 at any pharmacy of your choice."

12 (o)~~(p)~~ Performing professional services which have not
13 been duly authorized by the patient or client, or her or his
14 legal representative, except as provided in s. 743.064, s.
15 766.103, or s. 768.13.

16 (p)~~(q)~~ Prescribing, dispensing, administering, mixing,
17 or otherwise preparing a legend drug, including any controlled
18 substance, other than in the course of the naturopathic
19 physician's professional practice. For the purposes of this
20 paragraph, it shall be legally presumed that prescribing,
21 dispensing, administering, mixing, or otherwise preparing
22 legend drugs, including all controlled substances,
23 inappropriately or in excessive or inappropriate quantities is
24 not in the best interest of the patient and is not in the
25 course of the naturopathic physician's professional practice,
26 without regard to her or his intent.

27 (q)~~(r)~~ Prescribing, dispensing, or administering any
28 medicinal drug appearing on any schedule set forth in chapter
29 893 by the naturopathic physician to herself or himself,
30 except one prescribed, dispensed, or administered to the
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1 naturopathic physician by another practitioner authorized to
2 prescribe, dispense, or administer medicinal drugs.

3 (r)~~(s)~~ Being unable to practice naturopathic medicine
4 with reasonable skill and safety to patients by reason of
5 illness or use of alcohol, drugs, narcotics, chemicals, or any
6 other type of material or as a result of any mental or
7 physical condition. In enforcing this paragraph, the board
8 ~~department~~ shall have, upon probable cause, authority to
9 compel a naturopathic physician to submit to a mental or
10 physical examination by physicians designated by an
11 independent panel of naturopathic physicians recommended by
12 the Florida Association of Naturopathic Physicians ~~the~~
13 ~~department~~. Notice to submit to an examination must be given
14 by registered mail.The failure of a naturopathic physician to
15 submit to such an examination when so directed shall
16 constitute an admission of the allegations against her or him
17 upon which a default and final order may be entered without
18 the taking of testimony or presentation of evidence, unless
19 the failure was due to circumstances beyond the naturopathic
20 physician's control. A naturopathic physician affected under
21 this paragraph shall at reasonable intervals be afforded an
22 opportunity to demonstrate that she or he can resume the
23 competent practice of naturopathic medicine with reasonable
24 skill and safety to patients. In any proceeding under this
25 paragraph, neither the record of proceedings nor the orders
26 entered by the department may be used against a naturopathic
27 physician in any other proceeding.

28 (s)~~(t)~~ Gross or repeated malpractice or the failure to
29 practice naturopathic medicine with that level of care, skill,
30 and treatment which is recognized by a reasonably prudent
31 similar physician as being acceptable under similar conditions

1 and circumstances. The department shall give great weight to
2 the provisions of s. 766.102 when enforcing this paragraph.

3 (t)~~(u)~~ Performing any procedure or prescribing any
4 therapy which, by the prevailing standards of medical practice
5 in the community, constitutes experimentation on a human
6 subject, without first obtaining full, informed, and written
7 consent.

8 (u)~~(v)~~ Practicing or offering to practice beyond the
9 scope permitted by law or accepting and performing
10 professional responsibilities which the licensee knows or has
11 reason to know that she or he is not competent to perform.

12 (v)~~(w)~~ Delegating professional responsibilities to a
13 person when the licensee delegating such responsibilities
14 knows or has reason to know that such person is not qualified
15 by training, experience, or licensure to perform them.

16 (w)~~(x)~~ Violating a lawful order of the department
17 previously entered in a disciplinary hearing or failing to
18 comply with a lawfully issued subpoena of the department.

19 (x)~~(y)~~ Conspiring with another licensee or with any
20 other person to commit an act, or committing an act, which
21 would tend to coerce, intimidate, or preclude another licensee
22 from lawfully advertising her or his services.

23 (y)~~(z)~~ Procuring, or aiding or abetting in the
24 procuring of, an unlawful termination of pregnancy.

25 (z)~~(aa)~~ Presigning blank prescription forms.

26 (aa)~~(bb)~~ Prescribing by the naturopathic physician for
27 office use any medicinal drug appearing on Schedule II in
28 chapter 893.

29 (bb)~~(cc)~~ Prescribing, ordering, dispensing,
30 administering, supplying, selling, or giving any drug which is
31 an amphetamine or sympathomimetic amine drug, or a compound

1 designated pursuant to chapter 893 as a Schedule II controlled
2 substance to or for any person except for:

3 1. The treatment of narcolepsy; hyperkinesia;
4 behavioral syndrome in adults or children characterized by the
5 developmentally inappropriate symptoms of moderate to severe
6 distractibility, short attention span, hyperactivity,
7 emotional lability, and impulsivity; or drug-induced brain
8 dysfunction.

9 2. The differential diagnostic psychiatric evaluation
10 of depression or the treatment of depression shown to be
11 refractory to other therapeutic modalities.

12 3. The clinical investigation of the effects of such
13 drugs or compounds when an investigative protocol therefor is
14 submitted to, reviewed, and approved by the department before
15 such investigation is begun.

16 ~~(dd) Prescribing, ordering, dispensing, administering,~~
17 ~~supplying, selling, or giving growth hormones, testosterone or~~
18 ~~its analogs, human chorionic gonadotropin (HCG), or other~~
19 ~~hormones for the purpose of muscle building or to enhance~~
20 ~~athletic performance. For the purposes of this subsection, the~~
21 ~~term "muscle building" does not include the treatment of~~
22 ~~injured muscle. A prescription written for the drug products~~
23 ~~listed above may be dispensed by the pharmacist with the~~
24 ~~presumption that the prescription is for legitimate medical~~
25 ~~use.~~

26 (cc)~~(ee)~~ Violating any provision of this chapter or
27 chapter 456, or any rules adopted pursuant thereto.

28 (2) The board ~~department~~ may enter an order denying
29 licensure or imposing any of the penalties in s. 456.072(2)
30 against any applicant for licensure or licensee who is found
31 guilty of violating any provision of subsection (1) of this

1 section or who is found guilty of violating any provision of
2 s. 456.072(1).

3 (3) The board ~~department~~ shall not reinstate the
4 license of a naturopathic physician until such time as the
5 department is satisfied that such person has complied with all
6 the terms and conditions set forth in the final order and that
7 such person is capable of safely engaging in the practice of
8 naturopathic medicine.

9 (4) The board ~~department~~ shall by rule establish
10 guidelines for the disposition of disciplinary cases involving
11 specific types of violations. Such guidelines may include
12 minimum and maximum fines, periods of supervision or
13 probation, or conditions of probation or reissuance of a
14 license.

15 Section 13. Section 462.17, Florida Statutes, is
16 amended to read:

17 462.17 Penalty for offenses relating to naturopathic
18 medicine ~~naturopathy~~.--Any person who shall:

19 (1) Sell, fraudulently obtain, or furnish any
20 naturopathic medicine diploma, license, record, or
21 registration or aid or abet in the same;

22 (2) Practice naturopathic medicine ~~naturopathy~~ under
23 the cover of any diploma, license, record, or registration
24 illegally or fraudulently obtained or secured or issued
25 unlawfully or upon fraudulent representations;

26 (3) Advertise to practice naturopathic medicine
27 ~~naturopathy~~ under a name other than her or his own or under an
28 assumed name;

29 (4) Falsely impersonate another practitioner of a like
30 or different name;

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1 (5) Practice or advertise to practice naturopathic
2 medicine ~~naturopathy~~ or use in connection with her or his name
3 any designation tending to imply or to designate the person as
4 a practitioner of naturopathic medicine ~~naturopathy~~ without
5 then being lawfully licensed and authorized to practice
6 naturopathic medicine ~~naturopathy~~ in this state; ~~or~~

7 (6) Practice any of the branches of naturopathic
8 medicine, but this shall not be construed to prohibit any
9 other healthcare practitioners' acting within their authorized
10 scope of practice; or

11 (7)~~(6)~~ Practice naturopathic medicine ~~naturopathy~~
12 during the time her or his license is suspended or revoked
13
14 shall be guilty of a felony of the third degree, punishable as
15 provided in s. 775.082, s. 775.083, or s. 775.084.

16 Section 14. Section 462.18, Florida Statutes, is
17 amended to read:

18 462.18 Educational requirements.--

19 (1) At the time each licensee shall renew her or his
20 license as otherwise provided in this chapter, each licensee,
21 beginning with the license renewal due May 1, 1944, in
22 addition to the payment of the regular renewal fee, shall
23 furnish to the department satisfactory evidence that, in the
24 year preceding each such application for renewal, the licensee
25 has attended the 2-day educational program as promulgated and
26 conducted by the Florida Association of Naturopathic
27 Physicians Association, Inc., or, as a substitute therefor,
28 the equivalent of that program as approved by the board
29 ~~department~~. The department shall send a written notice to
30 this effect to every person holding a valid license to
31 practice naturopathy within this state at least 30 days prior

1 to May 1 in each biennial year, directed to the last known
2 address of such licensee, and shall enclose with the notice
3 proper blank forms for application for biennial ~~annual~~ license
4 renewal. All of the details and requirements of the aforesaid
5 educational program shall be adopted and prescribed by the
6 department. In the event of national emergencies, or for
7 sufficient reason, the department shall have the power to
8 excuse the naturopathic physicians as a group or as
9 individuals from taking this postgraduate course.

10 (2) The determination of whether a substitute annual
11 educational program is necessary shall be solely within the
12 discretion of the board ~~department~~.

13 Section 15. This act shall take effect July 1, 2002.

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16 SENATE SUMMARY

17 Revises ch. 462, F.S., relating to naturopathy. Revises
18 definitions of the terms "naturopathic medicine" and
19 "naturopathy." Creates a Board of Naturopathic Medicine
and prescribes its powers and duties. Provides general
licensing and regulatory procedures. (See bill for
20 details.)

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