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1 A bill to be entitled

2 An act relating to the practice of naturopathic medicine;  
3 redesignating ch. 462, F.S., as "Naturopathic Medicine,"  
4 rather than "Naturopathy"; creating s. 462.001, F.S.;  
5 providing legislative findings and purpose; amending s.  
6 462.01, F.S.; defining and redefining terms used in ch.  
7 462, F.S.; creating s. 462.0215, F.S.; creating the Board  
8 of Naturopathic Medicine; providing membership and duties  
9 of the board; providing guidelines for probable cause  
10 panels and disciplinary decisions; providing applicability  
11 of ch. 456, F.S.; amending s. 462.023, F.S.; providing  
12 powers and duties of the board; amending s. 462.08, F.S.;  
13 conforming terminology; revising the maximum amount of the  
14 biennial license fee; amending s. 462.11, F.S.; conforming  
15 terminology; amending s. 462.13, F.S.; conforming  
16 terminology; providing duties of the board; providing  
17 additional duties of the Department of Health; providing  
18 requirements for license applications; providing  
19 conditions under which applications are considered  
20 withdrawn; amending s. 462.14, F.S.; amending grounds for  
21 disciplinary action; authorizing the department to file a  
22 petition for enforcement, as specified; defining terms;  
23 reassigning certain department responsibilities to the  
24 board; providing for rulemaking; providing evidentiary  
25 standards; allowing the Division of Medical Quality  
26 Assurance to bring a legal action in certain  
27 circumstances; providing for investigations by the  
28 department; providing procedures; providing requirements  
29 for orders; amending ss. 462.16, 462.17, F.S.; conforming  
30 terminology; amending s. 462.18, F.S., relating to



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31 educational requirements; providing that the section  
32 applies only to naturopathic physicians licensed before a  
33 specified date; providing that certain rights and  
34 privileges are retained; amending s. 462.19, F.S. ;  
35 increasing the inactive status fee; creating s. 462.195,  
36 F.S. ; providing requirements for licensure as a  
37 naturopathic physician; providing fees; providing grounds  
38 for denying or restricting licenses; providing for the  
39 applicability of certain rights to naturopathic physicians  
40 who have certain qualifications; creating s. 462.196,  
41 F.S. ; providing educational requirements for naturopathic  
42 physicians licensed on or after a specified date;  
43 providing exemptions from licensure requirements;  
44 providing an effective date.

45

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

47

48 Section 1. Chapter 462, Florida Statutes, which is  
49 presently entitled "Naturopathy," is redesignated as  
50 "Naturopathic Medicine."

51 Section 2. Section 462.001, Florida Statutes, is created  
52 to read:

53 462.001 Legislative findings; purpose.--The Legislature  
54 finds that the practice of naturopathic medicine by unskilled  
55 and incompetent practitioners presents a danger to the public  
56 health and safety. The Legislature further finds that it is  
57 difficult for the public to make an informed choice about  
58 doctors of naturopathic medicine or naturopathic physicians and  
59 that the consequences of a wrong choice could seriously endanger  
60 the public's health and safety. The sole legislative purpose for



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61 enacting this chapter is to ensure that each doctor of  
62 naturopathic medicine or naturopathic physician practicing in  
63 this state meets minimum requirements for safe practice. It is  
64 the intent of the Legislature that doctors of naturopathic  
65 medicine or naturopathic physicians who fall below minimum  
66 competency or who otherwise present a danger to the public  
67 health be prohibited from practicing in this state.

68 Section 3. Section 462.01, Florida Statutes, is amended to  
69 read:

70 462.01 Definitions.--As used in this chapter, the term:

71 (1) "Approved clinical training program" or "clinical  
72 training program" means a program for naturopathic medical  
73 students in which the training occurred or is being conducted by  
74 or in conjunction with an approved school of naturopathic  
75 medicine.

76 (2) "Approved internship program" or "internship" means a  
77 program of training to practice naturopathic medicine which has  
78 been approved for internship training for physicians or for  
79 graduates of a school of naturopathic medicine by the board or  
80 has been approved or accredited by an educational or  
81 professional association recognized by the board or approved by  
82 another state's or country's licensing agency recognized by the  
83 board.

84 (3) "Approved postdoctoral training" or "postdoctoral  
85 training" means training that is part of a program that has been  
86 approved for specialty training or for graduate medical  
87 education in naturopathic medicine by the board or approved or  
88 accredited by an educational or professional association  
89 recognized by the board or by another state's or country's  
90 licensing agency recognized by the board. Postdoctorate



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91 residency programs in this state must be approved by the Council  
 92 on Naturopathic Medical Education(CNME) or be a Florida-licensed  
 93 naturopathic medical school.

94 (4) "Approved preceptorship program" or "preceptorship"  
 95 means a preceptorship program that has been approved for  
 96 preceptorship training for physicians or for graduates of a  
 97 school of naturopathic medicine by the board or has been  
 98 approved or accredited by an educational or professional  
 99 association recognized by the board or by another state's or  
 100 country's licensing agency recognized by the board.

101 (5) "Board" means the Board of Naturopathic Medicine.

102 ~~(1) "Natureopathy" and "Naturopathy" shall be construed as~~  
 103 ~~synonymous terms and mean the use and practice of psychological,~~  
 104 ~~mechanical, and material health sciences to aid in purifying,~~  
 105 ~~cleansing, and normalizing human tissues for the preservation or~~  
 106 ~~restoration of health, according to the fundamental principles~~  
 107 ~~of anatomy, physiology, and applied psychology, as may be~~  
 108 ~~required. Naturopathic practice employs, among other agencies,~~  
 109 ~~phytotherapy, dietetics, psychotherapy, suggestotherapy,~~  
 110 ~~hydrotherapy, zone therapy, biochemistry, external applications,~~  
 111 ~~electrotherapy, mechanotherapy, mechanical and electrical~~  
 112 ~~appliances, hygiene, first aid, sanitation, and heliotherapy;~~  
 113 ~~provided, however, that nothing in this chapter shall be held or~~  
 114 ~~construed to authorize any naturopathic physician licensed~~  
 115 ~~hereunder to practice materia medica or surgery or chiropractic~~  
 116 ~~medicine, nor shall the provisions of this law in any manner~~  
 117 ~~apply to or affect the practice of osteopathic medicine,~~  
 118 ~~chiropractic medicine, Christian Science, or any other treatment~~  
 119 ~~authorized and provided for by law for the cure or prevention of~~  
 120 ~~disease and ailments.~~



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121        ~~(6)~~(2) "Department" means the Department of Health.

122        (7) "Doctor of naturopathic medicine" means a person who

123 is licensed to practice naturopathic medicine under this

124 chapter.

125        (8) "Letter of reprimand" means a disciplinary letter that

126 is issued by the board and that informs a person who is

127 regulated under this chapter that the person's conduct violates

128 state or federal law but does not require the board to restrict

129 the person's license, certificate, or registration because the

130 person's conduct did not result in harm to a patient or to the

131 public.

132        (9) "Naturopathic medical student" means a person who is

133 enrolled in a course of study at an approved school of

134 naturopathic medicine.

135        (10) "Naturopathic physician" means a person licensed to

136 practice naturopathic medicine under this chapter. The term,

137 "Doctor of Naturopathic Medicine," or "Naturopath," is

138 synonymous with "Naturopathic Physician," and each term means a

139 practitioner of naturopathic medicine as defined in this

140 section, and is subject to the educational licensing

141 requirements stated in this chapter. "Natureopathy" and

142 "Naturopathy" are synonymous terms.

143        (11) "Practice of naturopathic medicine" means the

144 diagnosis, treatment, operation, or prescription for any human

145 disease, pain, injury, deformity, or other physical or mental

146 condition, which practice is based in part upon educational

147 standards and requirements that emphasize the importance of the

148 natural healing arts and natural processes of the human body.

149 The practice of naturopathic medicine includes the practice of

150 psychological, mechanical, and material health sciences to aid



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151 in purifying, cleansing, and normalizing human tissues for the  
152 preservation or restoration of health, according to the  
153 fundamental principles of anatomy, physiology, and applied  
154 psychology, as may be required. Naturopathic practice employs,  
155 among other agencies, materia medica, minor surgery,  
156 phytotherapy, dietetics, acupuncture, psychotherapy, diathermy,  
157 suggestotherapy, natural manipulation and mobilization therapy,  
158 hydrotherapy, homeopathy, zone therapy, biochemistry, external  
159 applications, electrotherapy, mechanotherapy, mechanical and  
160 electrical appliances, hygiene, first aid, sanitation,  
161 heliotherapy, and other allied modalities. Naturopathic medicine  
162 does not include the practice of chiropractic medicine or  
163 osteopathic medicine.

164 Section 4. Section 462.0215, Florida Statutes, is created  
165 to read:

166 462.0215 Board of Naturopathic Medicine.--

167 (1) There is created within the department the Board of  
168 Naturopathic Medicine, composed of seven members appointed by  
169 the Governor and confirmed by the Senate.

170 (2) Five members of the board must be licensed  
171 naturopathic physicians in good standing in this state who are  
172 residents of the state and who have been engaged in the active  
173 practice or teaching of naturopathic medicine for at least 5  
174 years, or persons holding a doctorate of naturopathic medicine  
175 degree who have been teaching naturopathic medicine at an  
176 approved college of naturopathic medicine in the state for at  
177 least 1 year immediately preceding their appointments. One of  
178 the members of the board must be on the full-time faculty of a  
179 naturopathic medical school in this state, one must be a  
180 physician who holds both an M.D. and a doctorate of naturopathic



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181 medicine, one must be licensed as a chiropractic physician or  
182 D.O., and one of the naturopathic physicians must be in private  
183 practice at the time of his or her appointment. The remaining  
184 two members must be residents of the state who are not, and  
185 never have been, licensed health care practitioners. At least  
186 one member of the board must be 60 years of age or older.

187 (3) As the terms of the members expire, the Governor shall  
188 appoint successors for terms of 4 years, and such members shall  
189 serve until their successors are appointed.

190 (4) The board, in conjunction with the department, shall  
191 establish a disciplinary training program for board members. The  
192 program shall provide for initial and periodic training in the  
193 grounds for disciplinary action, the actions that may be taken  
194 by the board and the department, changes in relevant statutes  
195 and rules, and any relevant judicial and administrative  
196 decisions. A member of the board may not participate on a  
197 probable cause panel or in a disciplinary decision of the board  
198 unless he or she has completed the disciplinary training  
199 program.

200 (5) During the time members are appointed to a probable  
201 cause panel, they shall attempt to complete their work on every  
202 case presented to them. If consideration of a case is begun but  
203 is not completed during the term of the members on the panel,  
204 they may reconvene as a probable cause panel for the purpose of  
205 completing their deliberations on that case.

206 (6) All provisions of chapter 456 relating to activities  
207 of the board are applicable.

208 Section 5. Section 462.023, Florida Statutes, is amended  
209 to read:



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210           462.023 Powers and duties of the board ~~department~~.--The  
 211 board ~~department~~ may adopt such rules as are necessary to carry  
 212 out the purposes of this chapter, may initiate disciplinary  
 213 action as provided by this chapter, and shall establish fees  
 214 based on its estimates of the revenue required to administer  
 215 this chapter which may ~~but shall~~ not exceed the fee amounts  
 216 provided in this chapter. ~~The department shall not adopt any~~  
 217 ~~rules which would cause any person who was not licensed in~~  
 218 ~~accordance with this chapter on July 1, 1959, and had not been a~~  
 219 ~~resident of the state for 2 years prior to such date, to become~~  
 220 ~~licensed.~~

221           Section 6. Section 462.08, Florida Statutes, is amended to  
 222 read:

223           462.08 Renewal of license to practice naturopathic  
 224 medicine ~~naturopathy~~.--Each licenseholder shall biennially renew  
 225 her or his license to practice naturopathic medicine  
 226 ~~naturopathy~~. The applicant must furnish to the board ~~department~~  
 227 such evidence as it requires of the applicant's compliance with  
 228 s. 462.195 ~~s. 462.18~~, relating to educational requirements. The  
 229 biennial renewal fee, the amount of which shall be determined by  
 230 the board ~~department~~ but which may not exceed \$3,000 ~~\$1,000~~,  
 231 must be paid at the time the application for renewal of the  
 232 license is filed.

233           Section 7. Section 462.11, Florida Statutes, is amended to  
 234 read:

235           462.11 Naturopaths to observe regulations.--Doctors of  
 236 naturopathic medicine ~~naturopathy~~ shall observe and be subject  
 237 to all state, county, and municipal regulations in regard to the  
 238 control of contagious and infectious diseases, the reporting of  
 239 births and deaths, and to any and all other matters pertaining





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240 to the public health in the same manner as is required of other  
 241 practitioners of the healing art.

242 Section 8. Section 462.13, Florida Statutes, is amended to  
 243 read:

244 462.13 Additional powers and duties of the department and  
 245 board.--

246 (1) The board and the department may administer oaths,  
 247 summon witnesses, and take testimony in all matters relating to  
 248 its duties pursuant to this chapter. Every unrevoked license  
 249 shall be presumptive evidence in all courts and places that the  
 250 person therein named is legally licensed to practice  
 251 naturopathic medicine ~~naturopathy~~. The board and the department  
 252 shall aid the prosecuting attorneys of the state in the  
 253 enforcement of this chapter.

254 (2) In addition, the board and the department may:

255 (a) Require an applicant to submit credentials or other  
 256 written or oral proof.

257 (b) Conduct investigations as it considers proper to  
 258 adequately advise itself with respect to the qualifications of  
 259 an applicant.

260 (c) Require that the application contain the oath of the  
 261 applicant that:

262 1. All information contained in the application and  
 263 evidence submitted with it are true and correct.

264 2. The credentials submitted were not produced by fraud or  
 265 misrepresentation or any mistake of which the applicant is  
 266 aware.

267 3. The applicant is the lawful holder of the credentials.

268 (3)(a) All applications submitted to the board and any  
 269 attendant evidence, credentials, or other proof submitted with



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270 an application are the property of the board, are part of the  
271 permanent record of the board, and may not be returned to a  
272 withdrawing applicant.

273 (b) The board shall promptly inform an applicant, in  
274 writing, of any deficiencies in the application which prevent it  
275 from being considered by the board as a completed application.

276 (c) An applicant who disagrees with the statement of  
277 deficiencies and believes that he or she has filed a completed  
278 application must submit a request to the board within 30 days  
279 and, on request, shall be granted a hearing. The hearing may not  
280 be held less than 30 days after the board receives the request  
281 but must be held at the first meeting of the board which takes  
282 place thereafter. At the hearing, the burden of proof is on the  
283 applicant to show that he has filed a completed application.

284 (d) The board may interview the applicant to determine  
285 whether the application is sufficient or whether the applicant  
286 otherwise qualifies for licensure.

287 (e) Applications are considered withdrawn if the  
288 applicant:

- 289 1. Requests that the application be withdrawn;
- 290 2. Fails to appear for an interview with the board, except  
291 for good cause shown;
- 292 3. Fails to submit a completed application within 1 year  
293 after the date on which the board mails to him or her a  
294 statement of the deficiencies in his or her application;
- 295 4. Fails to show, at the hearing, that deficiencies do not  
296 exist; or
- 297 5. Fails to show, within 1 year after the interview, that  
298 his or her completed application is true and correct.



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299 Section 9. Section 462.14, Florida Statutes, is amended to  
 300 read:

301 462.14 Grounds for disciplinary action; action by the  
 302 board and the department.--

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

305 (a) Attempting to obtain, obtaining, or renewing a license  
 306 to practice naturopathic medicine by bribery, by fraudulent  
 307 misrepresentation, or through an error of the department or the  
 308 board.

309 (b) Having a license to practice naturopathic medicine  
 310 revoked, suspended, or otherwise acted against, including the  
 311 denial of licensure, by the licensing authority of any  
 312 jurisdiction or its agencies or subdivisions ~~another state,~~  
 313 ~~territory, or country.~~ The licensing authority's acceptance of a  
 314 physician's relinquishment of a license, stipulation, consent  
 315 order, or other settlement, offered in response to or in  
 316 anticipation of the filing of administrative charges against the  
 317 physician's license, constitutes action against the physician's  
 318 license.

319 (c) Being convicted or found guilty of, or entering a plea  
 320 of nolo contendere to, regardless of adjudication, ~~of~~ a crime in  
 321 any jurisdiction which directly relates to the practice of  
 322 naturopathic medicine or to the ability to practice naturopathic  
 323 medicine. ~~Any plea of nolo contendere shall be considered a~~  
 324 ~~conviction for purposes of this chapter.~~

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

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



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328 (f) Failing to report to the department any person who the  
329 licensee knows is in violation of this chapter or of the rules  
330 of the department or the board. A treatment provider approved  
331 under s. 456.076 shall provide the department or the consultant  
332 with information in accordance with the requirements of s.  
333 456.076(3), (4), (5), and (6).

334 (g) Aiding, assisting, procuring, or advising any  
335 unlicensed person to practice naturopathic medicine contrary to  
336 this chapter or to a rule of the department or the board.

337 (h) Failing to perform any statutory or legal obligation  
338 placed upon a licensed naturopathic physician.

339 (i) Making or filing a report which the licensee knows to  
340 be false, intentionally or negligently failing to file a report  
341 or record required by state or federal law, willfully impeding  
342 or obstructing such filing or inducing another person to do so.  
343 Such reports or records shall include only those which are  
344 signed in the capacity as a licensed naturopathic physician.

345 (j) Paying or receiving any commission, bonus, kickback,  
346 or rebate, or engaging in any split-fee arrangement in any form  
347 whatsoever with a physician, organization, agency, or person,  
348 either directly or indirectly, for patients referred to  
349 providers of health care goods and services, including, but not  
350 limited to, hospitals, nursing homes, clinical laboratories,  
351 ambulatory surgical centers, or pharmacies. The provisions of  
352 this paragraph shall not be construed to prevent a naturopathic  
353 physician from receiving a fee for professional consultation  
354 services.

355 (k) Exercising influence within a patient-physician  
356 relationship for purposes of engaging a patient in sexual  
357 activity. A patient shall be presumed to be incapable of giving



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358 free, full, and informed consent to sexual activity with her or  
359 his physician.

360 (l) Making deceptive, untrue, or fraudulent  
361 representations in the practice of naturopathic medicine or  
362 employing a trick or scheme in the practice of naturopathic  
363 medicine when such scheme or trick fails to conform to the  
364 generally prevailing standards of treatment in the medical  
365 community.

366 (m) Soliciting patients, either personally or through an  
367 agent, through the use of fraud, intimidation, undue influence,  
368 or a form of overreaching or vexatious conduct. A  
369 "solicitation" is any communication which directly or implicitly  
370 requests an immediate oral response from the recipient.

371 (n) Failing to keep legible, as defined by rule by the  
372 department in consultation with the board, ~~written~~ medical  
373 records that identify by name and professional title the  
374 licensed naturopathic physician or the physician extender and  
375 supervising naturopathic physician who are responsible for  
376 rendering, ordering, supervising, or billing for each diagnostic  
377 or treatment procedure and that justify ~~justifying~~ the course of  
378 treatment of the patient, including, but not limited to, patient  
379 histories; ~~;~~ examination results; ~~;~~ test results; records of drugs  
380 prescribed, dispensed, or administered; and reports of  
381 consultations and hospitalizations, ~~X rays, and records of the~~  
382 prescribing, dispensing and administering of drugs.

383 (o) Exercising influence on the patient or client in such  
384 a manner as to exploit the patient or client for the financial  
385 gain of the licensee or of a third party, which shall include,  
386 but not be limited to, the promoting or selling of services,  
387 goods, appliances, or drugs and the promoting or advertising on



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388 any prescription form of a community pharmacy unless the form  
389 also states "This prescription may be filled at any pharmacy of  
390 your choice."

391 (p) Performing professional services which have not been  
392 duly authorized by the patient or client, or her or his legal  
393 representative, except as provided in s. 743.064, s. 766.103, or  
394 s. 768.13.

395 (q) Prescribing, dispensing, administering, mixing, or  
396 otherwise preparing a legend drug, including any controlled  
397 substance, other than in the course of the naturopathic  
398 physician's professional practice. For the purposes of this  
399 paragraph, it shall be legally presumed that prescribing,  
400 dispensing, administering, mixing, or otherwise preparing legend  
401 drugs, including all controlled substances, inappropriately or  
402 in excessive or inappropriate quantities is not in the best  
403 interest of the patient and is not in the course of the  
404 naturopathic physician's professional practice, without regard  
405 to her or his intent.

406 (r) Prescribing, dispensing, or administering any  
407 medicinal drug appearing on any schedule set forth in chapter  
408 893 by the naturopathic physician to herself or himself, except  
409 one prescribed, dispensed, or administered to the naturopathic  
410 physician by another practitioner authorized to prescribe,  
411 dispense, or administer medicinal drugs.

412 (s) Being unable to practice naturopathic medicine with  
413 reasonable skill and safety to patients by reason of illness or  
414 use of alcohol, drugs, narcotics, chemicals, or any other type  
415 of material or as a result of any mental or physical condition.

416 In enforcing this paragraph, the department shall have, upon  
417 probable cause, authority to compel a naturopathic physician to



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418 submit to a mental or physical examination by physicians  
419 designated by the department. If the licensee refuses to comply  
420 with such order, the department's order directing such  
421 examination may be enforced by filing a petition for enforcement  
422 in the circuit court where the licensee resides or does  
423 business. The licensee against whom the petition is filed may  
424 not be named or identified by initials in any public court  
425 records or documents, and the proceedings shall be closed to the  
426 public. The department shall be entitled to the summary  
427 procedure provided in s. 51.011. The failure of a naturopathic  
428 physician to submit to such an examination when so directed  
429 shall constitute an admission of the allegations against her or  
430 him upon which a default and final order may be entered without  
431 the taking of testimony or presentation of evidence, unless the  
432 failure was due to circumstances beyond the naturopathic  
433 physician's control. A naturopathic physician affected under  
434 this paragraph shall at reasonable intervals be afforded an  
435 opportunity to demonstrate that she or he can resume the  
436 competent practice of naturopathic medicine with reasonable  
437 skill and safety to patients. In any proceeding under this  
438 paragraph, neither the record of proceedings nor the orders  
439 entered by the department may be used against a naturopathic  
440 physician in any other proceeding.

441 (t) Gross or repeated malpractice or the failure to  
442 practice naturopathic medicine with that level of care, skill,  
443 and treatment which is recognized by a reasonably prudent  
444 similar physician as being acceptable under similar conditions  
445 and circumstances. The board ~~department~~ shall give great weight  
446 to the provisions of s. 766.102 when enforcing this paragraph.  
447 As used in this paragraph, the term "repeated malpractice"



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448 includes, but is not limited to, three or more claims for  
 449 medical malpractice within the previous 5-year period resulting  
 450 in indemnities being paid in excess of \$25,000 each to the  
 451 claimant in a judgment or settlement and which incidents  
 452 involved negligent conduct by the physician. As used in this  
 453 paragraph, the term "gross malpractice" or "the failure to  
 454 practice medicine with that level of care, skill, and treatment  
 455 which is recognized by a reasonably prudent similar physician as  
 456 being acceptable under similar conditions and circumstances"  
 457 shall not be construed so as to require more than one instance,  
 458 event, or act. Nothing in this paragraph shall be construed to  
 459 require that a naturopathic physician be incompetent to practice  
 460 medicine in order to be disciplined pursuant to this paragraph.

461 (u) Performing any procedure or prescribing any therapy  
 462 which, by the prevailing standards of medical practice in the  
 463 community, constitutes experimentation on a human subject,  
 464 without first obtaining full, informed, and written consent.

465 (v) Practicing or offering to practice beyond the scope  
 466 permitted by law or accepting and performing professional  
 467 responsibilities which the licensee knows or has reason to know  
 468 that she or he is not competent to perform. The board may by  
 469 rule establish standards of practice and standards of care for  
 470 particular practice settings, including, but not limited to,  
 471 education and training, equipment and supplies, medications,  
 472 including anesthetics, assistance of and delegation to other  
 473 personnel, transfer agreements, sterilization, records,  
 474 performance of complex or multiple procedures, informed consent,  
 475 and policy and procedure manuals.

476 (w) Delegating professional responsibilities to a person  
 477 when the licensee delegating such responsibilities knows or has





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478 reason to know that such person is not qualified by training,  
 479 experience, or licensure to perform them.

480 (x) Violating a lawful order of the board or the  
 481 department which was previously entered in a disciplinary  
 482 hearing or failing to comply with a lawfully issued subpoena of  
 483 the department.

484 (y) Conspiring with another licensee or with any other  
 485 person to commit an act, or committing an act, which would tend  
 486 to coerce, intimidate, or preclude another licensee from  
 487 lawfully advertising her or his services.

488 (z) Procuring, or aiding or abetting in the procuring of,  
 489 an unlawful termination of pregnancy.

490 (aa) Presigning blank prescription forms.

491 (bb) Prescribing ~~by the naturopathic physician for office~~  
 492 ~~use~~ any medicinal drug appearing on Schedule II in chapter 893  
 493 by the naturopathic physician for office use.

494 (cc) Prescribing, ordering, dispensing, administering,  
 495 supplying, selling, or giving any drug that is a Schedule II  
 496 ~~which is an~~ amphetamine or a Schedule II sympathomimetic amine  
 497 drug, or any a compound thereof, ~~designated pursuant to chapter~~  
 498 ~~893 as a Schedule II controlled substance~~ to or for any person  
 499 except for:

500 1. The treatment of narcolepsy; hyperkinesis; behavioral  
 501 syndrome ~~in children~~ characterized by the developmentally  
 502 inappropriate symptoms of moderate to severe distractability,  
 503 short attention span, hyperactivity, emotional lability, and  
 504 impulsivity; or drug-induced brain dysfunction.

505 2. The differential diagnostic psychiatric evaluation of  
 506 depression or the treatment of depression shown to be refractory  
 507 to other therapeutic modalities.



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508 3. The clinical investigation of the effects of such drugs  
509 or compounds when an investigative protocol therefor is  
510 submitted to, reviewed, and approved by the board ~~department~~  
511 before such investigation is begun.

512 (dd) Failing to adequately supervise the activities of  
513 licensed practitioners who are acting under the supervision of  
514 the naturopathic physician.

515 (ee)~~(dd)~~ Prescribing, ordering, dispensing, administering,  
516 supplying, selling, or giving growth hormones, testosterone or  
517 its analogs, human chorionic gonadotropin (HCG), or other  
518 hormones for the purpose of muscle building or to enhance  
519 athletic performance. For the purposes of this subsection, the  
520 term "muscle building" does not include the treatment of injured  
521 muscle. A prescription written for the drug products listed  
522 above may be dispensed by the pharmacist with the presumption  
523 that the prescription is for legitimate medical use.

524 (ff) Prescribing, ordering, dispensing, administering,  
525 supplying, selling, or giving amygdalin (laetrile) to any  
526 person.

527 (gg) Misrepresenting or concealing a material fact at any  
528 time during any phase of a licensing or disciplinary process or  
529 procedure.

530 (hh) Improperly interfering with an investigation or with  
531 any disciplinary proceeding.

532 (ii) Failing to report to the department any licensee  
533 under this chapter, chapter 458, or chapter 459 who the  
534 naturopathic physician knows has violated the grounds for  
535 disciplinary action set out in the law under which that person  
536 is licensed and who provides health care services in a facility  
537 licensed under chapter 395, or a health maintenance organization



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538 certificated under part I of chapter 641, in which the  
539 naturopathic physician also provides services.

540 (jj) Being found by any court in this state to have  
541 provided corroborating written medical expert opinion attached  
542 to any statutorily required notice of claim or intent or to any  
543 statutorily required response rejecting a claim, without  
544 reasonable investigation.

545 (kk) Failing to report to the board, in writing, within 30  
546 days if action as defined in paragraph (b) has been taken  
547 against one's license to practice naturopathic medicine in  
548 another state, territory, or country.

549 (ll) Advertising or holding oneself out as a board-  
550 certified specialist, if not qualified under s. 458.3312, in  
551 violation of this chapter.

552 (mm) Failing to comply with the requirements of ss.  
553 381.026 and 381.0261 to provide patients with information about  
554 their patient rights and how to file a patient complaint.

555 (nn)~~(ee)~~ Violating any provision of this chapter or  
556 chapter 456, or any rules adopted pursuant thereto.

557 (2) The board ~~department~~ may enter an order denying  
558 licensure or imposing any of the penalties in s. 456.072(2)  
559 against any applicant for licensure or licensee who is found  
560 guilty of violating any provision of subsection (1) ~~of this~~  
561 ~~section~~ or who is found guilty of violating any provision of s.  
562 456.072(1). In determining what action is appropriate, the board  
563 must first consider what sanctions are necessary to protect the  
564 public or to compensate the patient. Only after those sanctions  
565 have been imposed may the disciplining authority consider and  
566 include in the order requirements designed to rehabilitate the  
567 naturopathic physician. All costs associated with compliance



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568 with orders issued under this subsection are the obligation of  
569 the naturopathic physician.

570 (3) In any administrative action against a naturopathic  
571 physician which does not involve revocation or suspension of  
572 license, the board or department shall have the burden, by the  
573 greater weight of the evidence, to establish the existence of  
574 grounds for disciplinary action. The board or department shall  
575 establish grounds for revocation or suspension of license by  
576 clear and convincing evidence.

577 (4) The board shall not reinstate the license of a  
578 naturopathic physician, or cause a license to be issued to a  
579 person it deems or has deemed unqualified, until such time as it  
580 is satisfied that he or she has complied with all the terms and  
581 conditions set forth in the final order and that such person is  
582 capable of safely engaging in the practice of naturopathic  
583 medicine.

584 (5) The board shall by rule establish guidelines for the  
585 disposition of disciplinary cases involving specific types of  
586 violations. Such guidelines may include minimum and maximum  
587 finest, periods of supervision or probation, or conditions of  
588 probation or reissuance of a license. "Gross malpractice,"  
589 "repeated malpractice," and "failure to practice medicine with  
590 that level of care, skill, and treatment which is recognized as  
591 being acceptable under similar circumstances" under subsection  
592 (10) shall each be considered distinct types of violations  
593 requiring specific individual guidelines.

594 (6) Upon the department's receipt from an insurer or self-  
595 insurer of a report of a closed claim against a naturopathic  
596 physician pursuant to s. 627.912 or from a health care  
597 practitioner of a report pursuant to s. 456.049, or upon the



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598 receipt from a claimant of a presuit notice against a  
 599 naturopathic physician pursuant to s. 766.106, the department  
 600 shall review each report and determine whether it potentially  
 601 involved conduct by a licensee which is subject to disciplinary  
 602 action, in which case the provisions of s. 456.073 shall apply.  
 603 However, if it is reported that a naturopathic physician has had  
 604 three or more claims with indemnities exceeding \$25,000 each  
 605 within the previous 5-year period, the department shall  
 606 investigate the occurrences upon which the claims were based and  
 607 determine if action by the department against the naturopathic  
 608 physician is warranted.

609 (7) Upon the department's receipt from the Agency for  
 610 Health Care Administration pursuant to s. 395.0197 of the name  
 611 of a naturopathic physician whose conduct may constitute grounds  
 612 for disciplinary action by the department, the department shall  
 613 investigate the occurrences upon which the report was based and  
 614 determine if action by the department against the naturopathic  
 615 physician is warranted.

616 (8) If any naturopathic physician regulated by the  
 617 Division of Medical Quality Assurance is guilty of such  
 618 unprofessional conduct, negligence, or mental or physical  
 619 incapacity or impairment that the division determines that the  
 620 naturopathic physician is unable to practice with reasonable  
 621 skill and safety and presents a danger to patients, the division  
 622 shall be authorized to maintain an action in circuit court  
 623 enjoining such naturopathic physician from providing medical  
 624 services to the public until the naturopathic physician  
 625 demonstrates the ability to practice with reasonable skill and  
 626 safety and without danger to patients.



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627 (9) When an investigation of a naturopathic physician is  
628 undertaken, the department shall promptly furnish to the  
629 naturopathic physician or the naturopathic physician's attorney  
630 a copy of the complaint or document which resulted in the  
631 initiation of the investigation. For purposes of this  
632 subsection, such documents include, but are not limited to: the  
633 pertinent portions of an annual report submitted to the  
634 department pursuant to s. 395.0197(6); a report of an adverse  
635 incident which is provided to the department pursuant to s.  
636 395.0197; a report of peer review disciplinary action submitted  
637 to the department pursuant to s. 395.0193(4), provided that the  
638 investigations, proceedings, and records relating to such peer  
639 review disciplinary action shall continue to retain their  
640 privileged status even as to the licensee who is the subject of  
641 the investigation, as provided by s. 395.0193(8); a report of a  
642 closed claim submitted pursuant to s. 627.912; a presuit notice  
643 submitted pursuant to s. 766.106(2); and a petition brought  
644 under the Florida Birth-Related Neurological Injury Compensation  
645 Plan, pursuant to s. 766.305(2). The naturopathic physician may  
646 submit a written response to the information contained in the  
647 complaint or document which resulted in the initiation of the  
648 investigation within 45 days after service to the naturopathic  
649 physician of the complaint or document. The naturopathic  
650 physician's written response shall be considered by the probable  
651 cause panel.

652 (10) A recommended order by an administrative law judge or  
653 a final order of the board finding a violation under this  
654 section shall specify whether the licensee was found to have  
655 committed "gross malpractice," "repeated malpractice," or  
656 "failure to practice medicine with that level of care, skill,



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657 and treatment which is recognized as being acceptable under  
658 similar conditions and circumstances" or any combination  
659 thereof, and any publication by the board shall so specify.

660 ~~(3) The department shall not reinstate the license of a~~  
661 ~~naturopathic physician until such time as the department is~~  
662 ~~satisfied that such person has complied with all the terms and~~  
663 ~~conditions set forth in the final order and that such person is~~  
664 ~~capable of safely engaging in the practice of naturopathic~~  
665 ~~medicine.~~

666 ~~(4) The department shall by rule establish guidelines for~~  
667 ~~the disposition of disciplinary cases involving specific types~~  
668 ~~of violations. Such guidelines may include minimum and maximum~~  
669 ~~finances, periods of supervision or probation, or conditions of~~  
670 ~~probation or reissuance of a license.~~

671 Section 10. Section 462.16, Florida Statutes, is amended  
672 to read:

673 462.16 Reissue of license.--Any person who practices  
674 naturopathic medicine shall practice naturopathy after her or  
675 his license has been revoked and registration annulled shall be  
676 deemed to have practiced naturopathic medicine ~~naturopathy~~  
677 without a license; ~~provided~~, however, at any time after 6 months  
678 after the date of said conviction, the department may grant a  
679 license to the person affected, restoring to her or him all the  
680 rights and privileges of and pertaining to the practice of  
681 naturopathic medicine ~~naturopathy~~ as defined and regulated by  
682 this chapter. The fee therefor shall not exceed \$250.

683 Section 11. Section 462.17, Florida Statutes, is amended  
684 to read:

685 462.17 Penalty for offenses relating to naturopathic  
686 medicine ~~naturopathy~~.--Any person who shall:



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687 (1) Sell, fraudulently obtain, or furnish any naturopathic  
 688 diploma, license, record, or registration or aid or abet in the  
 689 same;

690 (2) Practice naturopathic medicine ~~naturopathy~~ under the  
 691 cover of any diploma, license, record, or registration illegally  
 692 or fraudulently obtained or secured or issued unlawfully or upon  
 693 fraudulent representations;

694 (3) Advertise to practice naturopathic medicine  
 695 ~~naturopathy~~ under a name other than her or his own or under an  
 696 assumed name;

697 (4) Falsely impersonate another practitioner of a like or  
 698 different name;

699 (5) Practice or advertise to practice naturopathic  
 700 medicine ~~naturopathy~~ or use in connection with her or his name  
 701 any designation tending to imply or to designate the person as a  
 702 practitioner of naturopathic medicine ~~naturopathy~~ without then  
 703 being lawfully licensed and authorized to practice naturopathic  
 704 medicine ~~naturopathy~~ in this state; or

705 (6) Practice naturopathic medicine ~~naturopathy~~ during the  
 706 time her or his license is suspended or revoked

707  
 708 ~~commits shall be guilty of~~ a felony of the third degree,  
 709 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

710 Section 12. Section 462.18, Florida Statutes, is amended  
 711 to read:

712 462.18 Educational requirements for naturopathic  
 713 physicians licensed before January 1, 2006.--

714 (1) At the time each licensee shall renew her or his  
 715 license as otherwise provided in this chapter, each licensee,  
 716 beginning with the license renewal due May 1, 1944, in addition





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717 to the payment of the regular renewal fee, shall furnish to the  
718 board or the department satisfactory evidence that, in the year  
719 preceding each such application for renewal, the licensee has  
720 attended the 2-day educational program as promulgated and  
721 conducted by the Florida Naturopathic Physicians Association,  
722 Inc., or, as a substitute therefor, the equivalent of that  
723 program as approved by the board or the department. The board or  
724 the department shall send a written notice to this effect to  
725 every person holding a valid license to practice naturopathy  
726 within this state at least 30 days prior to May 1 in each  
727 biennial year, directed to the last known address of such  
728 licensee, and shall enclose with the notice proper blank forms  
729 for application for annual license renewal. All of the details  
730 and requirements of the aforesaid educational program shall be  
731 adopted and prescribed by the board or the department. In the  
732 event of national emergencies, or for sufficient reason, the  
733 board or the department shall have the power to excuse the  
734 naturopathic physicians as a group or as individuals from taking  
735 this postgraduate course.

736 (2) The determination of whether a substitute annual  
737 educational program is necessary shall be solely within the  
738 discretion of the board or the department.

739 (3) Licensed naturopathic physicians (N.M.D.'s or N.D.'s)  
740 shall retain the same rights and privileges that they had before  
741 the implementation of amendments to this chapter.

742 Section 13. Section 462.19, Florida Statutes, is amended  
743 to read:

744 462.19 Renewal of license; inactive status.--

745 (1) The board or the department shall renew a license upon  
746 receipt of the renewal application and fee.



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747 (2) The board or the department shall adopt rules  
748 establishing a procedure for the biennial renewal of licenses.

749 (3) A licensee may request that her or his license be  
750 placed in an inactive status by making application to the board  
751 or the department and paying a fee in an amount set by the board  
752 or the department not to exceed \$100 ~~\$50~~.

753 Section 14. Section 462.195, Florida Statutes, is created  
754 to read:

755 462.195 Licensure by examination; requirements; fees.--

756 (1) Any person desiring to be licensed as a naturopathic  
757 physician shall apply to the department on forms furnished by  
758 the department. The department shall license each applicant who  
759 the board certifies:

760 (a) Has completed the application form and remitted a  
761 nonrefundable application fee not to exceed \$500.

762 (b) Is at least 21 years of age.

763 (c) Is of good moral character.

764 (d) Has not committed any act or offense in this or any  
765 other jurisdiction which would constitute the basis for  
766 disciplining a naturopathic physician pursuant to s. 462.14.

767 (e) Meets one of the following naturopathic medical  
768 education training requirements:

769 1. Is a graduate of an approved school of naturopathic  
770 medicine which is licensed by the Florida Commission for  
771 Independent Education to grant the Doctor of Naturopathic  
772 Medicine degree;

773 2. Is a graduate of a regionally accredited college of  
774 naturopathic medicine or of a naturopathic medical school that  
775 is accredited or is a candidate for accreditation by the Council  
776 on Naturopathic Medical Education(CNME);



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777 3. Is a graduate of a naturopathic medical school that was  
778 at the time licensed by a state board of education and approved  
779 by that state's naturopathic licensure board, which has  
780 requirements comparable to those of this state; or

781 4. Is a graduate of an international medical school listed  
782 by the World Health Organization (WHO), approved by the  
783 Educational Commission for Foreign Medical Graduates (ECFMG) to  
784 be examined in the basic and clinical medical sciences, or a  
785 graduate of an accredited United States allopathic or  
786 osteopathic medical school, and has completed a 2-year course in  
787 naturopathic medicine from an approved naturopathic medical  
788 school in the United States.

789 (f) Has submitted to the department a set of fingerprints  
790 on a form and in accordance with procedures specified by the  
791 department, along with payment in an amount equal to the costs  
792 incurred by the department for the criminal background check of  
793 the applicant.

794 (g) Has obtained on the examinations in basic medical and  
795 clinical medical sciences a passing score, as established by  
796 rule of the board, from one of the following:

797 1. Naturopathic Physicians Licensing Examination (NPLEX),  
798 with a converted score of not less than 75 percent on all part  
799 one examinations and a converted score of not less than 75  
800 percent on all part two examinations, or passage under the  
801 compensatory model. North American Board of Naturopathic  
802 Examiners (NABNE) administers the NPLEX examination;

803 2. Federation Licensing Examination (FLEX), medical  
804 examination part one and two, with a minimum score of 70 percent  
805 on part one (basic medical sciences) and a minimum score of 75  
806 percent on part two (clinical medical sciences);



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807 3. United States Medical Licensing Examination (USMLE),  
808 medical examination part one and two, with a minimum score of 70  
809 percent on part one(basic medical sciences) and a minimum score  
810 of 75 percent on part two(clinical medical sciences);

811 4. State or national board examination for licensure in  
812 another state which is comparable to the examination for  
813 licensure in this state;

814 5. A Department of Health special purpose examination  
815 (SPEX) for applicants who are in unusual circumstances; or

816 6. Comprehensive Osteopathic Medical Licensing Examination  
817 (COMLEX), with a minimum score of 70 percent on part one (basic  
818 medical sciences) and a minimum score of 75 percent on part two  
819 (clinical medical sciences).

820 (h) Has satisfactorily completed an approved internship  
821 program, approved preceptorship program, or approved clinical  
822 training program in naturopathic medicine.

823 (i) Is physically and mentally fit to practice as a doctor  
824 of naturopathic medicine.

825 (j) Has not had his or her license to practice any  
826 profession refused, revoked, or suspended by any other state,  
827 district, or territory of the United States or another country  
828 for reasons that relate to his or her ability to skillfully and  
829 safely practice as a naturopathic physician in this state.

830 (k) Has not been found guilty of a felony.

831 (2) As prescribed by board rule, the board may require an  
832 applicant who does not pass the licensing examination after five  
833 attempts to complete additional remedial education or training.

834 The board shall prescribe the additional requirements in a  
835 manner that permits the applicant to complete the requirements  
836 and be reexamined within 2 years after the date the applicant



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837 petitions the board to retake the examination a sixth or  
838 subsequent time.

839 (3) The department and the board shall conduct an  
840 investigation to assure that applicants for licensure meet the  
841 criteria in subsection (1). When the investigation is not  
842 completed within the time set out in s. 120.60(1) and the  
843 department or board has reason to believe that the applicant  
844 does not meet the criteria, the secretary or the secretary's  
845 designee may issue a 90-day licensure delay, which must be in  
846 writing and sufficient to notify the applicant of the reason for  
847 the delay. This subsection controls over any conflicting  
848 provisions of s. 120.60(1).

849 (4) The board may not certify to the department for  
850 licensure any applicant who is under investigation in another  
851 jurisdiction for an offense that would constitute a violation of  
852 this chapter until the investigation has been completed. Upon  
853 completion of the investigation, s. 462.14 applies. Furthermore,  
854 the department may not issue an unrestricted license to any  
855 individual who has committed an act or offense in any  
856 jurisdiction which would constitute the basis for disciplining a  
857 naturopathic physician under s. 462.14. If the board finds that  
858 an individual has committed an act or offense in any  
859 jurisdiction which would constitute the basis for disciplining a  
860 naturopathic physician under s. 462.14, the board may enter an  
861 order imposing one or more of the sanctions set forth in  
862 subsection (7).

863 (5) Each applicant who meets the requirements of this  
864 chapter shall be licensed as a naturopathic physician, with  
865 rights as defined by law.



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866 (6) Upon certification by the board, the department shall  
867 impose conditions, limitations, or restrictions on a license if  
868 the applicant is on probation in another jurisdiction for an act  
869 that would constitute a violation of this chapter.

870 (7) If the board determines that an applicant for  
871 licensure has failed to meet, to the board's satisfaction, any  
872 of the applicable requirements set forth in this section, it may  
873 enter an order that imposes one or more of the following  
874 sanctions:

875 (a) Refusal to certify to the department an application  
876 for licensure, certification, or registration.

877 (b) Certification to the department of an application for  
878 licensure, certification, or registration with restrictions on  
879 the scope of practice of the licensee.

880 (c) Certification to the department of an application for  
881 licensure, certification, or registration with placement of the  
882 naturopathic physician on probation for a period of time and  
883 subject to such conditions as the board specifies, including,  
884 but not limited to, requiring the naturopathic physician to  
885 submit to treatment, attend continuing education courses, submit  
886 to reexamination, or work under the supervision of another  
887 naturopathic physician.

888 (8) A physician who holds the doctor of medicine or doctor  
889 of osteopathy degree and has completed a 1-year M.D.-approved or  
890 D.O.-approved internship and is licensed under this section, has  
891 rights and privileges equal to those of physicians licensed  
892 under chapter 458 or chapter 459.

893 Section 15. Section 462.196, Florida Statutes, is created  
894 to read:



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895 462.196 Educational requirements for naturopathic  
 896 physicians licensed on or after January 1, 2006.--A physician  
 897 who applies for a license to practice naturopathic medicine on  
 898 or after January 1, 2006, must have completed 1 year of approved  
 899 postdoctoral residence training or internship training at a  
 900 residency program approved by the Council of Naturopathic  
 901 Medical Education (CNME), the Accreditation Council for Graduate  
 902 Medical Education (ACGME), or the American Osteopathic  
 903 Association.

904 Section 16. Exemptions from naturopathic licensure  
 905 requirements.--Licensure requirements for practitioners of  
 906 naturopathic medicine are inapplicable to:

907 (1) SUPPLEMENT RETAILERS.--An individual who is engaged in  
 908 selling vitamins, health foods, dietary supplements, herbs, or  
 909 other products of nature, the sale of which is not otherwise  
 910 prohibited under state or federal law. This exemption does not:

911 (a) Allow a person to diagnose any human disease, ailment,  
 912 injury, infirmity, deformity, pain, or other condition; or

913 (b) Prohibit providing information regarding any of the  
 914 products listed in this subsection, which information is  
 915 truthful and is not misleading.

916 (2) RELIGIOUS FREEDOMS.--A person who is:

917 (a) Engaged in good faith in the practice of the religious  
 918 tenets of any church or religious belief, without the use of  
 919 prescription drugs; or

920 (b) Acting in good faith for religious reasons as a matter  
 921 of conscience or on the basis of a personal belief when  
 922 obtaining or providing information regarding health care and the  
 923 use of any product.



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924           (3) FAMILY REMEDIES.--Individuals who are administering a  
925           domestic or family remedy.

926           Section 17. This act shall take effect July 1, 2003.