

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 843 Naturopathic Medicine
SPONSOR(S): Smith
TIED BILLS: HB 845 **IDEN./SIM. BILLS:** SB 898

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Healthcare Regulation Subcommittee	12 Y, 4 N	Guzzo	McElroy
2) Appropriations Committee		Aderibigbe	Pridgeon
3) Health & Human Services Committee			

SUMMARY ANALYSIS

Naturopathic physicians diagnose, treat, and care for patients using a system of practice that bases treatment on natural laws governing the human body. These practitioners may provide treatment to patients using psychological, mechanical, and other means to purify, cleanse, and normalize human tissues for the preservation and restoration of health. This may include the use of air, water, light, heat, earth, food and herb therapy, psychotherapy, electrotherapy, physiotherapy, minor surgery, and naturopathic manipulation. Naturopathic physicians are trained in standard medical sciences and in the use and interpretation of standard diagnostic instruments. Naturopathic medicine stresses a holistic approach to health care, which involves studying, and working with the patient mentally and spiritually, as well as physically, and developing an understanding of the patient in the patient’s chosen environment.

Naturopathic practitioners were licensed in Florida from 1927 to 1959, when the Legislature abolished the licensing authority for naturopathy. Only those naturopathic practitioners licensed at that time who had been residents of Florida for two years were authorized to renew their licenses.

HB 843 reestablishes licensure and regulation of naturopathic physicians, and establishes new standards for the practice. The bill provides licensure authority over naturopathic physicians to the Department of Health (DOH). The bill creates the Board of Naturopathic Medicine to assist DOH in the regulation of naturopathic physicians.

The bill has no fiscal impact on state or local government.

The bill provides an effective date of December 31, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Naturopathy

The term “naturopathy” was used in the late nineteenth century to refer to an emerging system of natural therapies and philosophy to treat disease. Naturopathic physicians diagnose, treat, and care for patients using a system of practice that bases treatment on natural laws governing the human body. These practitioners may provide treatment to patients using psychological, mechanical, and other means to purify, cleanse, and normalize human tissues for the preservation and restoration of health. This may include the use of air, water, light, heat, earth, food and herb therapy, psychotherapy, electrotherapy, physiotherapy, minor surgery, and naturopathic manipulation. Naturopathic physicians are trained in standard medical sciences and in the use and interpretation of standard diagnostic instruments. Naturopathic medicine stresses a holistic approach to health care, which involves studying, and working with the patient mentally and spiritually, as well as physically, and developing an understanding of the patient in the patient’s chosen environment.

Florida Licensure and Regulation of Naturopathy

Naturopathy was initially recognized by the Legislature in the Medical Act of 1921¹, which defined the practice of medicine and exempted naturopaths from the medical practice act. Naturopathic practitioners were first licensed in Florida in 1927.² Doctors of Naturopathy were required to observe state, county, and municipal regulations regarding the control of communicable diseases, the reporting of births and deaths, and all matters relating to the public health as was required of other “practitioners of the healing arts.” Between 1947 and 1954, legal cases were decided regarding the rights of naturopaths to prescribe narcotic drugs. The Circuit Court in Pinellas County held that practitioners of naturopathy had the right to prescribe narcotic drugs.³ On appeal, the Florida Supreme Court affirmed the lower court’s decision.⁴

In 1957, the Legislature abolished the Board of Naturopathic Examiners, significantly revised the regulation of naturopathy, and placed the regulation under the Florida State Board of Health.⁵ Naturopaths were classified into three groups based on the length of time that the practitioner was licensed in the state. Under that law, those licensed less than two years could not renew their licenses; those licensed more than two years but less than 15 years could not prescribe medicine in any form; and those licensed more than 15 years could not prescribe narcotic drugs. The Florida Supreme Court held that the naturopathic laws, as amended by ch. 57-129, L.O.F., were unconstitutional and void.⁶

In 1959, the Legislature abolished the licensing authority for naturopathy.⁷ Only those naturopathic practitioners licensed at that time who had been residents of Florida for two years prior to enactment of ch. 59-164, L.O.F., were authorized to renew their licenses.

¹ See chapter 8415, Laws of Florida.

² See chapter 12286, Laws of Florida.

³ *In re: Complaint of Melser*, 32 So.2d 742 (Fla.1947). See also *State Department of Public Works v. Melser*, 69 So.2d 347 at 353 (Fla. 1954).

⁴ *Supra*. See also Attorney General Opinion 54-96 and s. 893.02(19), F.S., relating to controlled substances, which defines “practitioner” to include “... a naturopath licensed pursuant to chapter 462, F.S.” In 1939, the 5th Circuit Fed. Ct. (which includes Louisiana, Mississippi, and Texas) interpreted the Federal Narcotic Drug Act which determined that a “naturopath” was not a “physician;” therefore, they were prohibited from prescribing narcotic drugs. The court determined that even under phytotherapy, they could not prescribe drugs. *Perry v. Larson*, 104 F.2d 728 (1939).

⁵ Ch. 57-129, Laws of Fla.

⁶ See *Eslin v. Collins*, 108 So.2d 889 (Fla. 1959).

⁷ See ch. 59-164, Laws of Fla.

Currently, chapter 462, F.S., governs the practice of naturopathy within the Department of Health (DOH). The current practice act includes a wide variety of healing techniques but prohibits surgery, chiropractic medicine, and the practice of “materia medica”, a term that includes the prescription of drugs.⁸

Chapter 462, F.S., prohibits the issuance of a license to any person who was not practicing naturopathy in Florida as of July 1, 1959.⁹ The chapter also authorizes DOH to adopt rules to implement the regulation of naturopathic medicine including the establishment of fees.¹⁰ Additionally, it provides procedures for naturopathic physicians licensed prior to 1959 to renew their license.

Draft legislation proposed by the Florida Naturopathic Physician Association was introduced in 2004 and 2006 to reestablish regulation of naturopathic medicine through licensure. A 2004 Sunrise Report on Proposed Licensure of Naturopathic Physicians, by the Florida House of Representatives, Committee on Health Care, concluded that “while there is evidence for support of licensure based on the existence of accredited training programs and licensure examinations, there is no documented evidence of substantial risk from not licensing naturopathic physicians. Moreover, there is potential risk from licensing naturopathic physicians and allowing them to provide a broad range of primary care services.”¹¹

National Accreditation

The Council on Naturopathic Medical Education (CNME) accredits four-year, campus-based doctoral programs in naturopathic medicine (ND programs) that qualify graduates for licensure in the U.S. and Canada. CNME-accredited ND programs may also incorporate online/distance education coursework, as well as hybrid courses that combine online and in-person components. The CNME does not accredit ND programs that are taught entirely or primarily using online/distance instruction, and these types of programs do not qualify individuals for licensure. CNME’s accreditation standards cover areas such as ND program length and content, clinical training requirements, faculty qualifications, student services, student and program assessment, facilities, and library resources.¹²

There are five accredited colleges of naturopathic medicine in the United States: Bastyr University, San Diego, California; Bastyr University, Kenmore, Washington; National University of Health Sciences, Chicago, Illinois; National University of Natural Medicine, Portland, Oregon; and Sonoran University of Health Sciences, Tempe, Arizona.¹³ The graduates of these programs receive a Doctor of Naturopathic Medicine degree after four years of professional study. Admission requirements include completion of a bachelor’s degree before matriculation into the naturopathic medicine program with specified exceptions, including the following courses: inorganic chemistry with lab, organic chemistry with lab, biology with lab, physics, and psychology.

⁸ S. 462.01(1), F.S., “Natureopathy” and “naturopathy” are defined as synonymous terms and mean the use and practice of psychological, mechanical, and material health sciences to aid in purifying, cleansing, and normalizing human tissues for the preservation or restoration of health, according to the fundamental principles of anatomy, physiology, and applied psychology, as may be required. Naturopathic practice employs, among other agencies, phytotherapy (botanical/herbal medicine), dietetics, psychotherapy, suggestotherapy (process of influencing attitudes and behaviors by suggestions), hydrotherapy (scientific use of water in the treatment of diseases), zone therapy (a process of using various points on the human body causing a reflex action in another part of the body to treat disease and relieve pain), biochemistry, external applications, electrotherapy (generation of heat in the body by use of electrical current), mechanotherapy (manipulation of the body tissues and joints), mechanical and electrical appliances, hygiene, first aid, sanitation, and heliotherapy (the use of sun rays in the treatment).

⁹ S. 462.023, F.S.

¹⁰ *Id.*

¹¹ Florida House of Representatives, Committee on Health Care, *Sunrise Report on Proposed Licensure of Naturopathic Physicians* (Jan. 2004), available at https://centerforinquiry.org/wp-content/uploads/sites/33/quackwatch/fl_sunrise_2004.pdf (last visited January 21, 2024).

¹² Council on Naturopathic Medical Education, Naturopathic Program Accreditation, available at <https://cnme.org/naturopathic-accreditation/#overview> (last visited January 21, 2024).

¹³ Council on Naturopathic Medical Education, Accredited Naturopathic Schools, available at <https://cnme.org/accredited-programs/#schools> (last visited January 21, 2024).

Other State Licensure of Naturopathy

Currently, 24 states regulate naturopathic doctors.¹⁴

According to the Association of Accredited Naturopathic Medical Colleges, to be licensed as a primary care naturopathic physician by a state which requires licensing, one must:¹⁵

- Graduate from a four-year, professional-level program at an accredited naturopathic medical school that is recognized by the United States Department of Education;
- Pass the two-part Naturopathic Physicians Licensing Exam, which covers basic sciences, diagnostic and therapeutic subjects, and clinical sciences; and
- Pass jurisprudence examinations and meet other state requirements for regulated professions including background checks and continuing education.

Effect of the Bill

The bill creates standards for the licensure and regulation of naturopathic physicians.

Board of Naturopathic Medicine

The bill creates the Board of Naturopathic Medicine within DOH. The bill provides for the composition of the seven-member board, appointed by the Governor and confirmed by the Senate, to include the following:

- Five licensed naturopathic physicians who are Florida residents.
- Two who are not health care practitioners and who are Florida residents.
- At least one who is 55 years of age or older.

The bill provides for staggered terms by requiring three members to be initially appointed for four-year terms, two members for three-year terms, and two members for two-year terms. As the terms expire, the Governor must appoint successors for terms of 4 years.

The bill requires the board, in conjunction with DOH, to establish a disciplinary training program for board members. The disciplinary training program must provide initial and periodic training on the grounds for disciplinary action, the actions that may be taken by the board and DOH, changes in relevant statutes and rules, and any relevant judicial and administrative decisions. A member of the board may not participate on a probable cause panel or in a disciplinary decision of the board unless they have completed the disciplinary training program.

Board members must attempt to complete their work on a probable cause panel during their terms of service. However, if consideration of a case has begun but it is not completed during a board members term of service, the board may reconvene as a probable cause panel to complete their deliberations on the case.

Scope of Practice

The bill establishes the scope of practice for naturopathic physicians to include the diagnosis, prevention, and treatment of any human disease, pain, injury, deformity, or other physical or mental condition for therapeutic or preventative purposes. Treatment by a naturopathic physician may include the prescription of lifestyle changes, natural medicines, vitamins, minerals, dietary supplements, botanical medicines, medicinal fungi, and homeopathic medicines. Naturopathic physicians may prescribe legend drugs as specified by the Naturopathic Medical Formulary established under s.

¹⁴ Association of Accredited Naturopathic Medical Colleges, Naturopathic Doctor Licensure, available at <https://aanmc.org/licensure/> (last visited January 21, 2024). The states include Alaska, Arizona, California, Colorado, Connecticut, Hawaii, Idaho, Kansas, Maine, Maryland, Massachusetts, Minnesota, Montana, New Hampshire, New Mexico, North Dakota, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Washington, and Wisconsin (plus the District of Columbia and Puerto Rico).

¹⁵ *Id.*

462.025, F.S., in accordance with the educational standards and requirements set by the Council on Naturopathic Medical Education, or an equivalent body.

The bill authorizes the board to establish by rule standards of practice and standards of care for particular practice areas, including, but not limited to, education and training, equipment and supplies, medications as specified by the Naturopathic Medical Formulary under s. 462.025, assistance from and delegation to other personnel, transfer agreements, sterilization, records, performance of complex or multiple procedures, informed consent, and policy and procedure manuals.

The bill prohibits a naturopathic physician from performing any of the following duties:

- Prescribing, dispensing, or administering a legend drug other than those authorized under the Naturopathic Medical Formulary established under s. 462.025, F.S.
- Performing any surgical procedures.
- Practicing or claiming to practice as a medical doctor or physician, osteopathic physician, dentist, podiatric physician, optometrist, psychologist, nurse practitioner, physician assistant, chiropractic physician, physical therapist, acupuncturist, midwife, or any other health care practitioner as defined in s. 456.001, F.S.
- Using general or spinal anesthetics.
- Administering ionizing radioactive substances.
- Performing chiropractic or osteopathic adjustments or manipulations that include high-velocity thrusts at or beyond the end range of normal joint motion, unless the naturopathic physician is also licensed as a chiropractic physician or an osteopathic physician.
- Performing acupuncture, unless also licensed as an acupuncturist.
- Prescribing, dispensing, or administering for cosmetic purposes any nonprescription drug or legend drug listed in the Naturopathic Medical Formulary.

Licensure

Initial Licensure

The bill requires an applicant for licensure as a naturopathic physician to meet the following requirements, which must be certified by the board:

- Be at least 21 years of age.
- Have a bachelor's degree from one of the following:
 - A college or university accredited by an accrediting agency recognized by the United States Department of Education or the Council for Higher Education Accreditation or its successor entity;
 - A college or university in Canada which is a member of Universities Canada; or
 - A college or university in a foreign country and has provided evidence that her or his educational credentials are deemed equivalent to those provided in this country. To have educational credentials deemed equivalent, the applicant must provide her or his foreign educational credentials, including transcripts, course descriptions or syllabi, and diplomas, to a nationally recognized educational credential evaluating agency approved by the board for the evaluation and determination of equivalency of the foreign educational credentials.
- Have a naturopathic doctoral degree from a college or program accredited by the Council on Naturopathic Medical Education or another accrediting agency recognized by the U.S. Department of Education.
- Be physically and mentally fit to practice as a naturopathic physician.
- Be of good moral character.
- Not have committed any act or offense in this or any other jurisdiction which would constitute the basis for disciplining a naturopathic physician pursuant to s. 462.017.
- Not have had an application for licensure in any profession denied or had her or his license to practice any profession revoked or suspended by any other state, district, or territory of the

United States or another country for reasons that relate to her or his ability to practice skillfully and safely as a naturopathic physician.

- Not have been found guilty of a felony.
- Submit fingerprints to DOH for a criminal background check.
- Demonstrate compliance with the financial responsibility requirements of s. 462.015, F.S.
- Obtain a passing score, as determined by the board, on Part I – Biomedical Science Examination, Part II – Core Clinical Science Examination, and Part II – Clinical Elective Pharmacology Examination of the competency-based national Naturopathic Physician Licensing Examination administered by the North American Board of Naturopathic Examiners, or an equivalent exam offered by an equivalent or successor entity, as approved by the board.

The bill also authorizes DOH to issue a license by endorsement to any person who:

- Has been licensed to practice naturopathic medicine for at least five years in another state or territory of the United States or Canada, if the applicant meets all the above licensure requirements.
- Has held an active license to practice naturopathic medicine in another state or territory of the United States or Canada for less than five years immediately preceding the filing of their application, if they have obtained a passing score on the national licensing exam.

If the board determines that an applicant for licensure, including licensure by endorsement, has failed to meet any of the above requirements, it may enter an order imposing one or more of the following:

- Refusal to certify an application for licensure to DOH;
- Certification to DOH of an application for licensure with restrictions on the scope of practice of the naturopathic physician; or
- Certification to DOH of an application for licensure with a probationary period for the applicant, subject to such conditions as the board specifies, including, requiring the naturopathic physician to submit to treatment, attend continuing education courses, submit to reexamination, or work under the supervision of another naturopathic physician.

The bill prohibits DOH from issuing a license, including a license by endorsement, to any individual who:

- Is under investigation in another jurisdiction for an offense that would constitute a violation of ch. 462, F.S., or ch. 456, F.S., until the investigation has been completed;
- Has committed an act or offense in any jurisdiction which would constitute the basis for disciplining a naturopathic physician under s. 462.017, F.S., until the investigation has been completed;

If the board finds that an applicant for licensure, including licensure by endorsement, has committed an act or offense in any jurisdiction which would constitute the basis for disciplining a naturopathic physician under s. 462.017, F.S., the board may enter an order imposing one or more of the sanctions set forth in that section and s. 456.072(2), F.S., as applicable, including refusing to certify an application for licensure or certifying an application for licensure with conditions.

Licensure Renewal

The bill requires licensed naturopathic physicians to renew their licenses biennially in order to continue practicing naturopathic medicine. The amount of the biennial renewal fee, which may not be more than \$1,000, must be determined by DOH. Upon licensure renewal, an applicant must also provide proof of compliance with continuing education requirements and financial responsibility requirements. The bill requires DOH to adopt rules to establish standards for biennial licensure renewal.

An applicant for licensure renewal must complete 60 hours of continuing education during each biennial renewal period, which must include at least 10 hours in pharmacology, addressing the use of legend drugs that are consistent with the education and training of naturopathic physicians. The board must

approve organizations that accredit naturopathic continuing education providers, including, but not limited to, the American Association of Naturopathic Physicians, the North American Naturopathic Continuing Education Accreditation Council, and the Oregon Association of Naturopathic Physicians.

Reactivating an Inactive License

The bill authorizes a licensee to reactivate an inactive license by paying any applicable fees, and submitting proof of compliance with the financial responsibility requirements of s. 462.015, F.S.

The bill requires the board to adopt rules relating to reactivation of inactive licenses, which must address requirements for continuing education and may not require less than 20 classroom hours for each year the license was inactive. The board may also adopt rules to determine fees, including a fee for placing a license in inactive status, a biennial renewal fee for licenses in inactive status, a delinquency fee, and a fee for the reactivation of a license. None of these fees may exceed the biennial renewal fee established by the board (which may not be more than \$1,000).

Patient Records

The bill requires the board to adopt rules for the handling of medical records by licensed naturopathic physicians, including when a naturopathic physician sells or otherwise terminates their practice. The rules must provide for notification of the naturopathic physician's patients and for an opportunity for the patients to request the transfer of their medical records to another physician or health care practitioner upon payment of actual costs for such transfer.

Disciplinary Action

The bill authorizes the board to take disciplinary action¹⁶ against a naturopathic physician who commits any of the following acts:

- Giving false testimony in the course of any legal or administrative proceedings related to the practice of naturopathic medicine or the delivery of health care services.
- Refusing to provide health care based on a patient's participation in pending or past litigation or participation in any disciplinary action conducted pursuant to this chapter, unless such litigation or disciplinary action directly involves the naturopathic physician requested to provide services.
- Fraudulently altering or destroying records relating to patient care or treatment, including, but not limited to, patient histories, examination results, test results, X rays, records of medicine prescribed, dispensed, or administered, and reports of consultations and hospitalizations.
- Committing medical malpractice or gross medical malpractice.
- Failing to adequately supervise the activities of any persons acting under the supervision of the naturopathic physician.
- Misrepresenting or concealing a material fact at any time during any phase of a licensing or disciplinary process or procedure.
- Interfering with an investigation or with any disciplinary proceeding.
- Failing to report to DOH any person licensed under chapter 458, chapter 459, whom the naturopathic physician knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the naturopathic physician also provides services.
- Being found by any court in this state to have provided, without reasonable investigation, corroborating written medical expert opinion attached to any statutorily required notice of claim or intent, or to any statutorily required response rejecting a claim.

¹⁶ S. 456.072(2), F.S. Action taken by the board may include: refusal to certify, or to certify with restrictions, an application for a license; suspension or permanent revocation of a license; restriction of practice or license; imposition of an administrative fine not to exceed \$10,000 for each count or separate offense; issuance of a reprimand or letter of concern; licensure probation; corrective action; imposition of an administrative fine of up to \$100 for non-willful violations and up to \$500 for willful violations; refund of fees billed and collected from the patient; or remedial education.

- Failing to provide patients with information about their patient rights and how to file a patient complaint.
- Providing deceptive or fraudulent expert witness testimony related to the practice of naturopathic medicine.
- Promoting or advertising through any communication medium the use, sale, or dispensing of any controlled substance appearing on any schedule in chapter 893 which is not within the scope of the Naturopathic Medical Formulary established under s. 462.025.

If DOH receives information that a naturopathic physician has had three or more claims filed against them, each with indemnities exceeding \$50,000, within the previous 5-year period, DOH must investigate the occurrences upon which the claims were based and determine if action against the naturopathic physician is warranted.

If any naturopathic physician commits unprofessional conduct or negligence or demonstrates mental or physical incapacity or impairment such that DOH determines that she or he is unable to practice with reasonable skill and safety and presents a danger to patients, DOH may bring an action in circuit court enjoining such naturopathic physician from providing medical services to the public until the naturopathic physician demonstrates the ability to practice with reasonable skill and safety and without danger to patients.

If an investigation of a naturopathic physician is undertaken, DOH must promptly furnish to the naturopathic physician or her or his attorney a copy of the complaint or document that prompted initiation of the investigation. A naturopathic physician may submit to DOH a written response to the information contained in the complaint or document that prompted the initiation of the investigation within 45 days after she or he receives service of such complaint or document. The naturopathic physician's written response must be considered by the probable cause panel, if held on the matter.

The bill provides that certain acts committed by a naturopathic physician constitute a third-degree felony, including:

- Practicing, or attempting to practice, naturopathic medicine without an active license.
- Practicing beyond the scope of practice for a naturopathic physician.
- Obtaining, or attempting to obtain, a license to practice naturopathic medicine by a knowing misrepresentation.
- Obtaining, or attempting to obtain, a position as a naturopathic physician or naturopathic medical resident in a clinic or hospital by knowingly misrepresenting education, training, or experience.
- Dispensing a controlled substance listed in Schedule II or Schedule III of s. 893.03 in violation of s. 465.0276.

The bill provides that certain acts committed by a naturopathic physician constitute a first-degree misdemeanor, including:

- Knowingly concealing information relating to a committed violation.
- Making a false oath or affirmation when an oath or affirmation is required.

The bill provides that certain acts committed by a naturopathic physician constitute a second-degree misdemeanor, including:

- Fraudulently altering, defacing, or falsifying any records relating to patient care or treatment, including, but not limited to, patient histories, examination results, and test results.
- Referring any patient for health care goods or services to any partnership, firm, corporation, or other business entity in which the naturopathic physician or the naturopathic physician's employer has an equity interest of 10 percent or more, unless, before such referral, the naturopathic physician notifies the patient of her or his financial interest and of the patient's right to obtain such goods or services at the location of the patient's choice.

- Paying or receiving any commission, bonus, kickback, or rebate or engaging in any split-fee arrangement in any form with a physician, an organization, an agency, a person, a partnership, a firm, a corporation, or other business entity for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies.

Naturopathic Medical Formulary Council

The bill creates the Naturopathic Medical Formulary Council within DOH. The bill requires the council to establish the Naturopathic Medical Formulary of legend drugs that a licensed naturopathic physician may prescribe in the practice of naturopathic medicine. The bill prohibits the formulary from including the following drugs:

- Drugs that are inconsistent with the education and training provided by approved colleges and programs of naturopathic medicine or board-approved continuing education courses for naturopathic physicians; or
- Drugs the prescription of which requires education and training beyond that of a naturopathic physician.

The bill provides an effective date of December 31, 2024.

B. SECTION DIRECTORY:

Section 1: Redesignates chapter 462, Florida Statutes, entitled “Naturopathy,” as “Naturopathic Medicine.

Section 2: Creates s. 462.001, F.S., relating to legislative findings; purpose.

Section 3: Creates s. 462.002, F.S., relating to exceptions.

Section 4: Renumbers s. 462.01, F.S., as s. 462.003, F.S., and amends s. 462.003, relating to definitions.

Section 5: Creates s. 462.004, F.S., relating to board of naturopathic medicine.

Section 6: Renumbers s. 462.023, F.S., as s. 462.005, F.S., and amends s. 462.005, F.S., relating to rulemaking authority; powers and duties of the board.

Section 7: Creates s. 462.006, F.S., relating to licensure required.

Section 8: Creates s. 462.007, F.S., relating to licensure by examination.

Section 9: Creates s. 462.008, F.S., relating to licensure by endorsement.

Section 10: Renumbers s. 462.08, F.S., as s. 462.009, F.S., and amends s. 462.009, F.S., relating to renewal of license to practice naturopathic medicine.

Section 11: Renumbers s. 462.18, F.S., as s. 462.011, F.S., and amends s. 462.011, F.S., relating to continuing education.

Section 12: Renumbers s. 462.19, F.S., as s. 462.012, F.S., and amends s. 462.012, F.S., relating to inactive status; reactivation of license.

Section 13: Renumbers s. 462.11, F.S., as s. 462.013, F.S., and amends s. 462.013, F.S., relating to obligations of naturopathic physicians.

Section 14: Creates s. 462.014, F.S., relating to patient records; termination of practice.

Section 15: Creates s. 462.015, F.S., relating to financial responsibility.

Section 16: Renumbers s. 462.13, F.S., as s. 462.016, F.S., and amends s. 462.016, F.S., relating to additional powers and duties of the board and the department.

Section 17: Renumbers s. 462.14, F.S., as s. 462.017, F.S., and amends s. 462.017, F.S., relating to grounds for disciplinary action; action by the board and department.

Section 18: Creates s. 462.018, F.S., relating to specialties.

Section 19: Renumbers s. 462.17, F.S., as s. 462.019, F.S., and amends s. 462.019, F.S., relating to penalty for offenses.

Section 20: Creates s. 462.024, F.S., relating to disclosure of medications by patients.

Section 21: Creates s. 462.025, F.S., relating to naturopathic medical formulary council; establishment of formulary.

Section 22: Creates s. 462.026, F.S., relating to severability.

Section 23: Renumber s. 462.09, F.S., as s. 462.027, F.S.

Section 24: Repeals s. 462.16, F.S., relating to reissue of license.

Section 25: Repeals s. 462.2001, F.S., relating to saving clause.

Section 26: Amends s. 921.0022, F.S., relating to criminal punishment code; offense severity ranking chart.

Section 27: Provides an effective date of December 31, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

HB 845, which is linked to HB 843, authorizes DOH to collect the following licensure fees:

- Initial licensure fee not to exceed \$2,000;
- Initial licensure by endorsement fee not to exceed \$2,000;
- Biennial licensure renewal fee not to exceed \$1,000;
- Inactive status licensure fee not to exceed \$1,000;
- Biennial renewal fee for inactive status not to exceed \$1,000;
- Delinquency fee not to exceed \$1,000; and a
- Reactivation fee not to exceed \$1,000.

The total revenue DOH will receive from such fees is indeterminate because the number of individuals who will choose to become licensed as a naturopathic physician is unknown.

2. Expenditures:

DOH will incur costs to implement the bill's provisions. Current resources and new revenue from licensure fees are adequate to absorb these costs.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill provides sufficient rule-making authority to DOH to implement the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES