CHAPTER 80
HB 1606 - FINAL VERSION

6Mar2018... 0847h
19Apr2018... 1641-EBA

2018 SESSION

18-2439
10/04

HOUSE BILL ***1606***

AN ACT **relative to naturopathic health care practice.**

SPONSORS: **Rep. Cilley, Straf. 4**

COMMITTEE: **Executive Departments and Administration**

AMENDED ANALYSIS

This bill makes various changes to the regulation of doctors of naturopathic medicine including the procedures of the naturopathic board of examiners. The bill also adds a member of the naturopathic board of examiners to the controlled drug prescription health and safety program advisory council.

Explanation: **Matter added to current law appears in *bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT relative to naturopathic health care practice.

Be it Enacted by the Senate and House of Representatives in General Court convened:

80:1 New Paragraph; Definition; Executive Director. Amend RSA 328-E:2 by inserting after paragraph IV the following new paragraph:

IV-a. "Executive director" means the executive director of the office of professional licensure and certification.

80:2 Board Vacancies. Amend RSA 328-E:7, II to read as follows:

II. The terms of office shall be 5 years for all board members. The initial board appointees shall consist of one doctor of naturopathic medicine for a term of 5 years, one doctor of naturopathic medicine for a term of 4 years, one doctor of naturopathic medicine for a term of 3 years, one doctor of naturopathic medicine for a term of 2 years, and one public member for a term of 5 years. A member may be removed from office by the governor if the governor finds the member was guilty of malfeasance, misfeasance or dishonorable conduct. ***A member shall serve until a successor is appointed. If a vacancy occurs, it shall be filled for the unexpired term by a person with the same qualifications as the retiring member.***

80:3 New Paragraph; Duties of the Board; Complaint Procedure. Amend RSA 328-E:8 by inserting after paragraph IV the following new paragraph:

V. The board shall accept written complaints from the public against licensees, conduct necessary investigations of such complaints, and publicize the complaint procedure.

80:4 Naturopathic Board of Examiners; Chairperson. Amend RSA 328-E:7, V to read as follows:

V. ***Members of the board shall elect a chairperson annually from among the members.*** **[~~Four~~]** ***Three*** members of the board constitute a quorum for the transaction of business.

80:5 Qualifications for Licensure; State Jurisprudence Exam. Amend RSA 328-E:9, I(f) to read as follows:

(f) ***Take and pass a New Hampshire jurisprudence examination to ensure that licensed naturopathic doctors understand the laws, rules, and scope of practice.***

(g) File an application and pay the $300 license fee.

80:6 New Section; Criminal History Record Checks. Amend RSA 328-E by inserting after section 9 the following new section:

328-E:9-a Criminal History Record Checks.

I. Every applicant for initial licensure shall submit to the board a notarized criminal history record release form, as provided by the New Hampshire division of state police, department of safety, which authorizes the release of his or her criminal history record, if any, to the board.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the board may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The board shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the board. The board shall maintain the confidentiality of all criminal history records information received pursuant to this section.

IV. The applicant shall bear the cost of a criminal history records check.

80:7 New Section; Display of License. Amend RSA 328-E by inserting after section 10 the following new section:

328-E:10-a Display of License. Any person issued a license under this chapter shall display the license at all times in a conspicuous place in the office where the licensee practices, and shall, whenever requested, exhibit such license to any of the members of the board or its authorized agent.

80:8 Continuing Education Requirement. Amend RSA 328-E:13, II to read as follows:

II. As a condition of renewal of license, the board shall require each licensee to show proof at least every [~~3~~] *2* years that the licensee has completed an approved continuing naturopathic medical education program within the preceding [~~3~~] *2* years. For the purposes of this section an "approved continuing naturopathic medical education program" means a program designed to continue the education of the licensee in current developments, skills, procedures, or treatment in the licensee's field of practice, which has been certified by a national or state naturopathic medical society or college or university and approved by the board. *Such program shall include not less*

than 3 hours of education in pain management or addiction disorders, or a combination thereof.

80:9 New Section; Hearings; Investigation. Amend RSA 328-E by inserting after section 14 the following new section:

328-E:14-a Hearings; Investigations.

I. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by certified mail, with a written copy of the complaint filed and notice of the time and place of hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board, within one year of the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

II.(a) The board shall have the power to administer oaths or affirmations, preserve testimony, subpoena witnesses, and compel, by subpoena duces tecum, the production of all books, records, files, and documents, whether originals, copies, or in electronic or other form, and other materials, relevant to its investigation of any grievance, complaint, or disciplinary proceeding before the board.

(b) The board may issue subpoenas with the approval of the office of the attorney general.

(c) A minimum of 10 business days' notice shall be given for compliance with a subpoena under this chapter.

III. At any hearing, the named person or licensee shall have the right to:

(a) Appear in person, by counsel, or both.

(b) Produce evidence and witnesses.

(c) Cross-examine witnesses.

IV. If the named person fails or refuses to appear, the board may proceed to hear and determine the validity of the charges.

80:10 Council on Doctors of Naturopathic Medicine Formulary; Chairperson. Amend RSA 328-E:16, II to read as follows:

II. The [~~chair~~] ***chairperson*** of the council shall be elected ***annually*** by a majority of the council members.

80:11 Pharmacy Board; Inspectional Services; Board of Naturopathic Examiners Added. Amend RSA 318:9-a to read as follows:

318:9-a Inspectional Services. The pharmacy board shall provide inspectional services under this chapter and RSA 318-B:25 to the board of medicine, the board of

veterinary medicine, the board of podiatry, the board of registration in optometry, the board of dental examiners, [~~and~~] the board of nursing*, and the naturopathic board of examiners*.

80:12 New Subparagraph; Controlled Drug Prescription Health and Safety Program; Advisory Council Member Added. Amend RSA 318-B:38, I by inserting after subparagraph (m) the following new subparagraph:

(n) A representative of the New Hampshire naturopathic board of examiners, appointed by such board.

80:13 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 25, 2018
Effective Date: July 24, 2018