



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5620/1
MED:kjf

2019 SENATE BILL 866

February 20, 2020 - Introduced by Senators BERNIER, RINGHAND, TIFFANY and BEWLEY, cosponsored by Representatives FELZKOWSKI, RODRIGUEZ, MACCO, BOWEN, DITTRICH, GUNDRUM, KULP, L. MYERS, SKOWRONSKI and WICHGERS. Referred to Committee on Health and Human Services.

1 **AN ACT** *to renumber* 252.14 (1) (ar) 4q.; *to amend* 15.08 (1m) (b), 36.25 (11) (b),
2 46.03 (44), 48.981 (2m) (b) 1., 60.23 (9), 69.01 (6g), 77.54 (14) (b), 77.54 (14) (d),
3 118.15 (3) (a), 118.25 (1) (a), 118.29 (1) (e), 146.82 (3) (a), 146.89 (1) (r) 1., 155.01
4 (7), 252.11 (10), 255.06 (1) (d), 255.07 (1) (d), 257.01 (5) (a) and (b), 448.03 (2)
5 (a), 448.035 (2) to (4), 448.56 (1), 448.56 (1m) (b), 450.03 (1) (e), 450.11 (7) (b),
6 462.04, 895.48 (1m) (a) (intro.) and 2., 905.04 (1) (b) and (c), (2) and (3), 961.01
7 (19) (a), 961.23 (6) and 961.41 (3j); and *to create* 15.08 (1m) (bm), 15.405 (7f),
8 48.981 (2) (a) 1m., 69.18 (1) (cj), 77.54 (14) (f) 1m., 146.81 (1) (dc), 146.997 (1)
9 (d) 4m., 180.1901 (1m) (h), 252.14 (1) (ar) 4s., 440.03 (13) (b) 39g., 440.08 (2) (a)
10 47g., 446.02 (9) (e), 450.10 (3) (a) 12., 450.11 (8) (f), chapter 466, 905.04 (1) (br),
11 961.397 and 990.01 (22m) of the statutes; **relating to:** the regulation and

SENATE BILL 866

- 1 licensure of naturopathic doctors, creating a naturopathic medicine examining
2 board, granting rule-making authority, and providing a penalty.
-

Analysis by the Legislative Reference Bureau

This bill provides for regulation and licensing for the practice of naturopathic medicine. Current law does not regulate the practice of naturopathic medicine specifically, but does require a license in order to engage in anything that falls within the scope of certain other health care practices, including the practice of medicine and surgery.

Under the bill, subject to certain exceptions, no one may practice naturopathic medicine, as defined in the bill, or use the title “naturopathic doctor” or “naturopathic physician” or make similar representations without a license to practice naturopathic medicine. A license is granted by the seven-member Naturopathic Medicine Examining Board, which is created in the bill. Under the bill, the board must grant an initial license to a person who has completed a qualifying naturopathic medical program specified in the bill, has passed examinations specified in the bill, meets certain requirements that the board may establish, does not have an arrest or conviction record, and pays a fee. The bill allows the board to disqualify a naturopathic medical program that the board determines does not adequately prepare students to practice naturopathic medicine. Biennial renewal of a license requires completion of continuing education requirements established by the board, as well as satisfaction of other requirements the board may establish.

A naturopathic doctor licensed under the bill may practice naturopathic medicine, which is defined in the bill and includes a number of specific practices, as well as a number of practices that are excluded from the definition. The bill also allows the board to further define the scope of practice of naturopathic medicine by expressly authorizing or prohibiting certain practices. The practice of naturopathic medicine includes prescribing drugs, but the bill expressly prohibits naturopathic doctors from prescribing Schedule I and II controlled substances and narcotics classified under Schedule III.

The bill requires the board to promulgate rules that establish standards of practice for and a code of ethics governing the professional conduct of naturopathic doctors, continuing education requirements for licensure renewal, and examination standards for licensure, including required passing scores. The bill allows the board to establish other requirements for initial licensure or renewal of a license and also allows the board to adopt minimum malpractice insurance requirements for naturopathic doctors. The bill includes provisions for the professional discipline of licensees, which allow the board to take certain actions against a licensee who violates certain prohibitions in the bill.

Finally, the bill also applies certain other laws, such as the law providing for confidentiality of health care records and the health care workers whistleblowers protection law, to licensed naturopathic doctors and allows naturopathic doctors to perform certain actions that can be performed by physicians or other health care

SENATE BILL 866

providers, including allowing a naturopathic doctor who is directly involved with the care of a patient to pronounce a patient's date, time, and place, but not cause, of death.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 **SECTION 1.** 15.08 (1m) (b) of the statutes is amended to read:
- 2 15.08 (**1m**) (b) The public members of the chiropractic examining board, the
- 3 dentistry examining board, the hearing and speech examining board, the medical
- 4 examining board, the naturopathic medicine examining board, the physical therapy
- 5 examining board, perfusionists examining council, respiratory care practitioners
- 6 examining council and council on physician assistants, the board of nursing, the
- 7 nursing home administrator examining board, the veterinary examining board, the
- 8 optometry examining board, the pharmacy examining board, the marriage and
- 9 family therapy, professional counseling, and social work examining board, the
- 10 psychology examining board, and the radiography examining board shall not be
- 11 engaged in any profession or occupation concerned with the delivery of physical or
- 12 mental health care.
- 13 **SECTION 2.** 15.08 (1m) (bm) of the statutes is created to read:
- 14 15.08 (**1m**) (bm) The public members of the naturopathic medicine examining
- 15 board may not have any financial interest in naturopathic education, business, or
- 16 practice.

SENATE BILL 866**SECTION 3**

1 **SECTION 3.** 15.405 (7f) of the statutes is created to read:

2 15.405 (7f) NATUROPATHIC MEDICINE EXAMINING BOARD. There is created a
3 naturopathic medicine examining board in the department of safety and professional
4 services consisting of the following members appointed for 4-year terms:

5 (a) Four naturopathic doctors licensed under ch. 466.

6 (b) One physician licensed under ch. 448 who works as a primary care physician
7 and who has experience in naturopathic medicine or working with naturopathic
8 doctors.

9 (c) Two public members.

10 **SECTION 4.** 36.25 (11) (b) of the statutes is amended to read:

11 36.25 (11) (b) The laboratory shall provide complete laboratory services in the
12 areas of water quality, air quality, public health and contagious diseases for
13 appropriate state agencies, and may perform examinations for licensed physicians,
14 naturopathic doctors, veterinarians, local health officers, as defined in s. 250.01 (5),
15 and resource management officials as may be necessary for the prevention and
16 control of those diseases and environmental hazards which cause concern for public
17 health and environmental quality.

18 **SECTION 5.** 46.03 (44) of the statutes is amended to read:

19 46.03 (44) SEXUALLY TRANSMITTED DISEASE TREATMENT INFORMATION. Prepare and
20 keep current an information sheet to be distributed to a patient by a physician,
21 naturopathic doctor, physician assistant, or certified advanced practice nurse
22 prescriber providing expedited partner therapy to that patient under s. 448.035. The
23 information sheet shall include information about sexually transmitted diseases and
24 their treatment and about the risk of drug allergies. The information sheet shall also
25 include a statement advising a person with questions about the information to

SENATE BILL 866

1 contact his or her physician, pharmacist, or local health department, as defined in
2 s. 250.01 (4).

3 **SECTION 6.** 48.981 (2) (a) 1m. of the statutes is created to read:

4 48.981 (2) (a) 1m. A naturopathic doctor.

5 **SECTION 7.** 48.981 (2m) (b) 1. of the statutes is amended to read:

6 48.981 (2m) (b) 1. "Health care provider" means a physician, as defined under
7 s. 448.01 (5), a naturopathic doctor, as defined under s. 466.01 (4), a physician
8 assistant, as defined under s. 448.01 (6), or a nurse holding a license under s. 441.06
9 (1) or a license under s. 441.10.

10 **SECTION 8.** 60.23 (9) of the statutes is amended to read:

11 60.23 (9) ~~RESIDENT PHYSICIANS, PHYSICIAN ASSISTANTS AND NURSES~~ HEALTH CARE
12 PROVIDERS IN CERTAIN TOWNS. In a town comprised entirely of one or more islands,
13 annually appropriate money to retain a physician or, if no physician is available, a
14 physician assistant, naturopathic doctor, or nurse practitioner, as a resident within
15 the town.

16 **SECTION 9.** 69.01 (6g) of the statutes is amended to read:

17 69.01 (6g) "Date of death" means the date that a person is pronounced dead by
18 a physician, naturopathic doctor, coroner, deputy coroner, medical examiner, deputy
19 medical examiner, or hospice nurse.

20 **SECTION 10.** 69.18 (1) (cj) of the statutes is created to read:

21 69.18 (1) (cj) 1. For purposes of preparation of the certificate of death and in
22 accordance with accepted medical standards, a naturopathic doctor who is directly
23 involved with the care of a patient who dies may pronounce the date, time, and place
24 of the patient's death if the patient was generally under the care of a naturopathic
25 doctor at the time of death.

SENATE BILL 866**SECTION 10**

1 2. Subdivision 1. may not be construed to authorize a naturopathic doctor to
2 certify under sub. (2) (b) the cause of the patient's death.

3 **SECTION 11.** 77.54 (14) (b) of the statutes is amended to read:

4 77.54 (14) (b) Furnished by a licensed physician, naturopathic doctor, surgeon,
5 podiatrist, or dentist to a patient who is a human being for treatment of the patient.

6 **SECTION 12.** 77.54 (14) (d) of the statutes is amended to read:

7 77.54 (14) (d) Sold to a licensed physician, naturopathic doctor, surgeon,
8 podiatrist, dentist, or hospital for the treatment of a human being.

9 **SECTION 13.** 77.54 (14) (f) 1m. of the statutes is created to read:

10 77.54 (14) (f) 1m. A naturopathic doctor.

11 **SECTION 14.** 118.15 (3) (a) of the statutes is amended to read:

12 118.15 (3) (a) Any child who is excused by the school board because the child
13 is temporarily not in proper physical or mental condition to attend a school program
14 but who can be expected to return to a school program upon termination or
15 abatement of the illness or condition. The school attendance officer may request the
16 parent or guardian of the child to obtain a written statement from a licensed
17 physician, naturopathic doctor, dentist, chiropractor, optometrist, psychologist,
18 physician assistant, or nurse practitioner, as defined in s. 255.06 (1) (d), or certified
19 advanced practice nurse prescriber or Christian Science practitioner living and
20 residing in this state, who is listed in the Christian Science Journal, as sufficient
21 proof of the physical or mental condition of the child. An excuse under this paragraph
22 shall be in writing and shall state the time period for which it is valid, not to exceed
23 30 days.

24 **SECTION 15.** 118.25 (1) (a) of the statutes is amended to read:

SENATE BILL 866

1 118.25 (1) (a) “Practitioner” means a person licensed as a physician,
2 naturopathic doctor, naturopathic medical doctor, naturopathic physician, or as a
3 physician assistant in any state or licensed or certified as an advanced practice nurse
4 prescriber in any state. In this paragraph, “physician” has the meaning given in s.
5 448.01 (5).

6 **SECTION 16.** 118.29 (1) (e) of the statutes is amended to read:

7 118.29 (1) (e) “Practitioner” means any physician, naturopathic doctor,
8 naturopathic medical doctor, naturopathic physician, dentist, optometrist, physician
9 assistant, advanced practice nurse prescriber, or podiatrist licensed in any state.

10 **SECTION 17.** 146.81 (1) (dc) of the statutes is created to read:

11 146.81 (1) (dc) A naturopathic doctor licensed under ch. 466.

12 **SECTION 18.** 146.82 (3) (a) of the statutes is amended to read:

13 146.82 (3) (a) Notwithstanding sub. (1), a physician, naturopathic doctor,
14 physician assistant, as defined in s. 448.01 (6), or advanced practice nurse prescriber
15 certified under s. 441.16 (2) who treats a patient whose physical or mental condition
16 in the physician’s, naturopathic doctor’s, physician assistant’s, or advanced practice
17 nurse prescriber’s judgment affects the patient’s ability to exercise reasonable and
18 ordinary control over a motor vehicle may report the patient’s name and other
19 information relevant to the condition to the department of transportation without
20 the informed consent of the patient.

21 **SECTION 19.** 146.89 (1) (r) 1. of the statutes is amended to read:

22 146.89 (1) (r) 1. Licensed as a physician under ch. 448, naturopathic doctor
23 under ch. 466, a dentist or dental hygienist under ch. 447, a registered nurse,
24 practical nurse, or nurse-midwife under ch. 441, an optometrist under ch. 449, a
25 physician assistant under ch. 448, a pharmacist under ch. 450, a chiropractor under

SENATE BILL 866**SECTION 19**

1 ch. 446, a podiatrist under subch. IV of ch. 448, or a physical therapist under subch.
2 III of ch. 448.

3 **SECTION 20.** 146.997 (1) (d) 4m. of the statutes is created to read:

4 146.997 (1) (d) 4m. A naturopathic doctor licensed under ch. 466.

5 **SECTION 21.** 155.01 (7) of the statutes is amended to read:

6 155.01 (7) "Health care provider" means a nurse licensed or permitted under
7 ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a
8 physician, physician assistant, perfusionist, podiatrist, physical therapist, physical
9 therapist assistant, occupational therapist, or occupational therapy assistant
10 licensed under ch. 448, a naturopathic doctor licensed under ch. 466, a person
11 practicing Christian Science treatment, an optometrist licensed under ch. 449, a
12 psychologist licensed under ch. 455, a partnership thereof, a corporation or limited
13 liability company thereof that provides health care services, a cooperative health
14 care association organized under s. 185.981 that directly provides services through
15 salaried employees in its own facility, or a home health agency, as defined in s. 50.49
16 (1) (a).

17 **SECTION 22.** 180.1901 (1m) (h) of the statutes is created to read:

18 180.1901 (1m) (h) Naturopathic medicine examining board under ch. 466.

19 **SECTION 23.** 252.11 (10) of the statutes is amended to read:

20 252.11 (10) The state laboratory of hygiene shall examine specimens for the
21 diagnosis of sexually transmitted diseases for any physician, naturopathic doctor,
22 physician assistant, advanced practice nurse prescriber, or local health officer in the
23 state, and shall report the positive results of the examinations to the local health
24 officer and to the department. All laboratories performing tests for sexually
25 transmitted diseases shall report all positive results to the local health officer and

SENATE BILL 866

1 to the department, with the name of the physician, naturopathic doctor, physician
2 assistant, or advanced practice nurse prescriber to whom reported.

3 **SECTION 24.** 252.14 (1) (ar) 4q. of the statutes is renumbered 252.14 (1) (ar) 4n.

4 **SECTION 25.** 252.14 (1) (ar) 4s. of the statutes is created to read:

5 252.14 (1) (ar) 4s. A naturopathic doctor licensed under ch. 466.

6 **SECTION 26.** 255.06 (1) (d) of the statutes is amended to read:

7 255.06 (1) (d) “Nurse practitioner” means a registered nurse who is licensed
8 under ch. 441 or who holds a multistate license, as defined in s. 441.51 (2) (h), issued
9 in a party state, as defined in s. 441.51 (2) (k), and whose practice of professional
10 nursing under s. 441.001 (4) includes performance of delegated medical services
11 under the supervision of a physician, naturopathic doctor, dentist, or podiatrist.

12 **SECTION 27.** 255.07 (1) (d) of the statutes is amended to read:

13 255.07 (1) (d) “Health care practitioner” means a physician, a naturopathic
14 doctor, a physician assistant licensed under s. 448.04 (1) (f), or an advanced practice
15 nurse who is certified to issue prescription orders under s. 441.16.

16 **SECTION 28.** 257.01 (5) (a) and (b) of the statutes are amended to read:

17 257.01 (5) (a) An individual who is licensed as a physician, a physician
18 assistant, or a podiatrist under ch. 448, licensed as a naturopathic doctor under ch.
19 466, licensed as a registered nurse, licensed practical nurse, or nurse-midwife under
20 ch. 441, licensed as a dentist under ch. 447, licensed as a pharmacist under ch. 450,
21 licensed as a veterinarian or certified as a veterinary technician under ch. 89, or
22 certified as a respiratory care practitioner under ch. 448.

23 (b) An individual who was at any time within the previous 10 years, but is not
24 currently, licensed as a physician, a physician assistant, or a podiatrist under ch. 448,
25 licensed as a naturopathic doctor under ch. 466, licensed as a registered nurse,

SENATE BILL 866**SECTION 28**

1 licensed practical nurse or nurse-midwife, under ch. 441, licensed as a dentist under
2 ch. 447, licensed as a pharmacist under ch. 450, licensed as a veterinarian or certified
3 as a veterinary technician under ch. 89, or certified as a respiratory care practitioner
4 under ch. 448, if the individual's license or certification was never revoked, limited,
5 suspended, or denied renewal.

6 **SECTION 29.** 440.03 (13) (b) 39g. of the statutes is created to read:

7 440.03 (13) (b) 39g. Naturopathic doctor.

8 **SECTION 30.** 440.08 (2) (a) 47g. of the statutes is created to read:

9 440.08 (2) (a) 47g. Naturopathic doctor: January 1 of each odd-numbered year.

10 **SECTION 31.** 446.02 (9) (e) of the statutes is created to read:

11 446.02 (9) (e) A naturopathic doctor acting within the scope of his or her license
12 under ch. 466.

13 **SECTION 32.** 448.03 (2) (a) of the statutes is amended to read:

14 448.03 (2) (a) Any person lawfully practicing within the scope of a license,
15 permit, registration, certificate or certification granted to practice midwifery under
16 subch. XIII of ch. 440, to practice professional or practical nursing or
17 nurse-midwifery under ch. 441, to practice chiropractic under ch. 446, to practice
18 dentistry or dental hygiene under ch. 447, to practice optometry under ch. 449, to
19 practice acupuncture under ch. 451 or under any other statutory provision, to
20 practice naturopathic medicine under ch. 466, or as otherwise provided by statute.

21 **SECTION 33.** 448.035 (2) to (4) of the statutes are amended to read:

22 448.035 (2) Notwithstanding the requirements of s. 448.30, a physician,
23 naturopathic doctor, physician assistant, or certified advanced practice nurse
24 prescriber may provide expedited partner therapy if the patient is diagnosed as
25 infected with a chlamydial infection, gonorrhea, or trichomoniasis and the patient

SENATE BILL 866

1 has had sexual contact with a sexual partner during which the chlamydial infection,
2 gonorrhea, or trichomoniasis may have been transmitted to or from the sexual
3 partner. The physician, naturopathic doctor, physician assistant, or certified
4 advanced practice nurse prescriber shall attempt to obtain the name of the patient's
5 sexual partner. A prescription order for an antimicrobial drug prepared under this
6 subsection shall include the name and address of the patient's sexual partner, if
7 known. If the physician, naturopathic doctor, physician assistant, or certified
8 advanced practice nurse prescriber is unable to obtain the name of the patient's
9 sexual partner, the prescription order shall include, in ordinary bold-faced capital
10 letters, the words, "expedited partner therapy" or the letters "EPT."

11 (3) The physician, naturopathic doctor, physician assistant, or certified
12 advanced practice nurse prescriber shall provide the patient with a copy of the
13 information sheet prepared by the department of health services under s. 46.03 (44)
14 and shall request that the patient give the information sheet to the person with
15 whom the patient had sexual contact.

16 (4) (a) Except as provided in par. (b), a physician, naturopathic doctor,
17 physician assistant, or certified advanced practice nurse prescriber is immune from
18 civil liability for injury to or the death of a person who takes any antimicrobial drug
19 if the antimicrobial drug is prescribed, dispensed, or furnished under this section
20 and if expedited partner therapy is provided as specified under this section.

21 (b) The immunity under par. (a) does not extend to the donation, distribution,
22 furnishing, or dispensing of an antimicrobial drug by a physician, naturopathic
23 doctor, physician assistant, or certified advanced practice nurse prescriber whose act
24 or omission involves reckless, wanton, or intentional misconduct.

25 **SECTION 34.** 448.56 (1) of the statutes is amended to read:

SENATE BILL 866**SECTION 34**

1 448.56 (1) WRITTEN REFERRAL. Except as provided in this subsection and s.
2 448.52, a person may practice physical therapy only upon the written referral of a
3 physician, naturopathic doctor, physician assistant, chiropractor, dentist, podiatrist,
4 or advanced practice nurse prescriber certified under s. 441.16 (2). Written referral
5 is not required if a physical therapist provides services in schools to children with
6 disabilities, as defined in s. 115.76 (5), pursuant to rules promulgated by the
7 department of public instruction; provides services as part of a home health care
8 agency; provides services to a patient in a nursing home pursuant to the patient's
9 plan of care; provides services related to athletic activities, conditioning, or injury
10 prevention; or provides services to an individual for a previously diagnosed medical
11 condition after informing the individual's physician, naturopathic doctor, physician
12 assistant, chiropractor, dentist, podiatrist, or advanced practice nurse prescriber
13 certified under s. 441.16 (2) who made the diagnosis. The examining board may
14 promulgate rules establishing additional services that are excepted from the written
15 referral requirements of this subsection.

16 **SECTION 35.** 448.56 (1m) (b) of the statutes is amended to read:

17 448.56 (1m) (b) The examining board shall promulgate rules establishing the
18 requirements that a physical therapist must satisfy if a physician, naturopathic
19 doctor, physician assistant, chiropractor, dentist, podiatrist, or advanced practice
20 nurse prescriber makes a written referral under sub. (1). The purpose of the rules
21 shall be to ensure continuity of care between the physical therapist and the health
22 care practitioner.

23 **SECTION 36.** 450.03 (1) (e) of the statutes is amended to read:

24 450.03 (1) (e) Any person lawfully practicing within the scope of a license,
25 permit, registration, certificate, or certification granted to provide home medical

SENATE BILL 866

1 oxygen under s. 450.076, to practice professional or practical nursing or
2 nurse-midwifery under ch. 441, to practice dentistry or dental hygiene under ch.
3 447, to practice medicine and surgery under ch. 448, to practice optometry under ch.
4 449, to practice naturopathic medicine under ch. 466, or to practice veterinary
5 medicine under ch. 89, or as otherwise provided by statute.

6 **SECTION 37.** 450.10 (3) (a) 12. of the statutes is created to read:

7 450.10 (3) (a) 12. A naturopathic doctor licensed under ch. 466.

8 **SECTION 38.** 450.11 (7) (b) of the statutes is amended to read:

9 450.11 (7) (b) Information communicated to a physician, naturopathic doctor,
10 physician assistant, or advanced practice nurse prescriber in an effort to procure
11 unlawfully a prescription drug or the administration of a prescription drug is not a
12 privileged communication.

13 **SECTION 39.** 450.11 (8) (f) of the statutes is created to read:

14 450.11 (8) (f) The naturopathic medicine examining board, insofar as this
15 section applies to naturopathic doctors.

16 **SECTION 40.** 462.04 of the statutes is amended to read:

17 **462.04 Prescription or order required.** A person who holds a license or
18 limited X-ray machine operator permit under this chapter may not use diagnostic
19 X-ray equipment on humans for diagnostic purposes unless authorized to do so by
20 prescription or order of a physician licensed under s. 448.04 (1) (a), a naturopathic
21 doctor licensed under ch. 466, a dentist licensed under s. 447.04 (1), a podiatrist
22 licensed under s. 448.63, a chiropractor licensed under s. 446.02, an advanced
23 practice nurse certified under s. 441.16 (2), a physician assistant licensed under s.
24 448.04 (1) (f), or, subject to s. 448.56 (7) (a), a physical therapist licensed under s.
25 448.53.

SENATE BILL 866

SECTION 41

1 **SECTION 41.** Chapter 466 of the statutes is created to read:

2 **CHAPTER 466**

3 **NATUROPATHIC MEDICINE**

4 **466.01 Definitions.** In this chapter:

5 (1) "Board" means the naturopathic medicine examining board.

6 (2) "Drug" has the meaning given in s. 450.01 (10).

7 (3) "Minor office procedure" includes the methods for the repair and care
8 incidental to superficial lacerations, superficial abrasions, and superficial lesions
9 and the removal of foreign bodies located in the superficial tissues.

10 (4) "Naturopathic doctor" means an individual licensed under this chapter.

11 (5) (a) "Naturopathic medicine" means, except as provided in par. (b), a system
12 of primary health care for the prevention, diagnosis, and treatment of human health
13 conditions, injury, and disease; the promotion or restoration of health; and the
14 support and stimulation of a patient's inherent self-healing processes through
15 patient education and the use of naturopathic therapies and therapeutic substances,
16 including all of the following:

17 1. Ordering and performing physical and laboratory examinations, for
18 diagnostic purposes, consistent with naturopathic education and training, including
19 diagnostic or evaluation methods, physical examinations, clinical laboratory tests,
20 diagnostic sonography, electrocardiography, and phlebotomy.

21 2. Ordering diagnostic imaging studies.

22 3. Dispensing, administering, ordering, or performing any of the following:

23 a. Health education and health counseling.

SENATE BILL 866

1 b. Food, extracts of food, nutraceuticals, vitamins, amino acids, minerals,
2 enzymes, botanical medicines, homeopathic medicines, dietary supplements, and
3 nonprescription drug products.

4 c. Hot or cold hydrotherapy, naturopathic physical medicine, the use of
5 therapeutic medical equipment, and therapeutic exercise.

6 d. Devices, including therapeutic devices, barrier contraception, and durable
7 medical equipment.

8 e. Any other diagnostic, therapeutic, or other procedure authorized by rule
9 under s. 466.03 (2) (a).

10 4. Prescribing, dispensing, and administering drugs, subject to s. 961.397.

11 5. Performing minor office procedures.

12 6. Signing and attesting to any certificates, cards, forms or other required
13 documentation that a physician may sign, so long as it is within the naturopathic
14 doctor's scope of practice. This subdivision does not supersede any federal or state
15 statute, rule, or regulation.

16 (b) "Naturopathic medicine" does not include any of the following:

17 1. Performing any surgical procedure other than a minor office procedure.

18 2. Using general or spinal anesthetics.

19 3. Administering ionizing radioactive substances for therapeutic purposes.

20 4. Performing surgical procedures involving the eye, ear, tendons, nerves,
21 veins, or arteries that extend beyond superficial tissue.

22 5. Performing any procedure or other practice prohibited by the board by rule
23 under s. 466.03 (2) (a).

24 **(6)** "Nonprescription drug product" has the meaning given in s. 450.01 (13m).

SENATE BILL 866**SECTION 41**

1 **466.02 License required; use of titles. (1)** (a) Except as provided in subs.
2 (2) (a) and (b) and (3), no person may practice naturopathic medicine or make a
3 representation as authorized to do so unless the person is licensed under this
4 chapter.

5 (b) Except as provided in subs. (2) (b) and (3), no person may designate himself
6 or herself as a naturopathic doctor or doctor of naturopathic medicine; use or assume
7 the title “naturopathic physician,” “physician of naturopathic medicine,”
8 “naturopathic doctor,” “doctor of naturopathic medicine,” “naturopathic medical
9 doctor,” or “doctor of naturopathy”; use the words “naturopathic medicine” or
10 “naturopathic health care” in connection with his or her practice; append to the
11 person’s name the letters “N.D.,” “ND,” “N.M.D.,” or “NMD”; use any other titles,
12 words, letters, abbreviations, insignia, or designation that would imply that the
13 individual is licensed, certified, or registered as a naturopathic doctor or doctor of
14 naturopathic medicine; or claim to render naturopathic medicine or naturopathic
15 health care services unless the person is licensed under this chapter.

16 **(2)** (a) Subsection (1) (a) does not require a license for any of the following:

17 1. Any person lawfully practicing within the scope of a license, permit,
18 registration, or certification granted by this state or the federal government.

19 2. The provision of information in connection with the sale of vitamins or herbs.

20 3. The provision of advice regarding the use of a therapy including herbal
21 medicine, homeopathy, nutrition, or other nondrug or nonsurgical therapy.

22 4. Any individual acting under an exemption from the requirement to obtain
23 a license to practice medicine and surgery under s. 448.03 (2), to the extent that the
24 individual’s activities also fall within the practice of naturopathic medicine.

SENATE BILL 866

1 5. Any person who is providing patient services as directed, supervised, and
2 inspected by a naturopathic doctor who has the power to direct, decide, and oversee
3 the implementation of the patient services rendered.

4 (b) Subsection (1) (a) and (b) does not require a license for any of the following:

5 1. The practice of naturopathic medicine by an individual employed by the
6 federal government while the individual is engaged in the performance of duties
7 prescribed by federal law.

8 2. A person who is licensed to practice naturopathic medicine in another state
9 or country and is providing consultation to or with or a demonstration to or with a
10 naturopathic doctor who is licensed under this chapter.

11 3. The practice of naturopathic medicine by a student enrolled in an approved
12 naturopathic medical program that qualifies under s. 466.04 (1) (d) 1., provided that
13 the performance of services is pursuant to a course of instruction or assignments
14 from an instructor and is under the supervision of the instructor. The student shall
15 use the title "ND candidate" with the intended year of graduation.

16 **(3)** The board may, by rule, establish additional exemptions from the
17 requirements under sub. (1).

18 **466.03 Duties and powers of examining board.** (1) The board shall
19 promulgate rules that establish all of the following:

20 (a) Standards of practice for and a code of ethics governing the professional
21 conduct of naturopathic doctors.

22 (b) Continuing education requirements for an applicant seeking renewal of a
23 license to practice naturopathic medicine.

SENATE BILL 866**SECTION 41**

1 (c) Examination standards and requirements for purposes of examinations
2 required under s. 466.04 (1) (e), including required passing scores for examinations
3 and the times when examinations are offered.

4 **(2)** The board may promulgate rules to do any of the following:

5 (a) Further define the scope of practice of naturopathic medicine. The board
6 may expressly authorize diagnostic, therapeutic, or other practices that may be used
7 by naturopathic doctors. The board may expressly prohibit diagnostic, therapeutic,
8 or other practices.

9 (b) Establish character and fitness requirements for initial licensure or
10 renewal of a license under this chapter and evidence required to demonstrate
11 satisfaction of such requirements.

12 (c) Establish physical and mental competency requirements for initial
13 licensure or renewal of a license under this chapter and evidence required to
14 demonstrate satisfaction of such requirements.

15 (d) Establish evidence of professional competency requirements for initial
16 licensure or renewal of a license under this chapter, including evidence relating to
17 an applicant's licensure status in other states.

18 (e) Establish additional clinical, practical, or residency requirements for initial
19 licensure under this chapter.

20 (f) Adopt minimum malpractice insurance requirements for naturopathic
21 doctors.

22 **(3)** The board may, for purposes of s. 466.04 (1) (d) 1. e. and 2. f., disqualify any
23 naturopathic medical program if the board determines the program does not
24 adequately prepare students to practice naturopathic medicine.

SENATE BILL 866

1 **466.04 License; renewal. (1) NATUROPATHIC DOCTOR LICENSE.** The board shall
2 grant a license as a naturopathic doctor to a person who does all of the following:

3 (a) Submits an application for the license to the department on a form provided
4 by the department.

5 (b) Pays the fee specified in s. 440.05 (1).

6 (c) Subject to ss. 111.321, 111.322, and 111.335, submits evidence satisfactory
7 to the board that the applicant does not have an arrest or a conviction record.

8 (d) Submits evidence satisfactory to the board that he or she has completed a
9 naturopathic medical program offered in the United States or in Canada that
10 satisfies one of the following:

11 1. The program satisfies all of the following:

12 a. The program provides the degree of doctor of naturopathy or doctor of
13 naturopathic medicine.

14 b. The program offers full-time, graduate-level, didactic, and supervised
15 residential and clinical training.

16 c. The program is accredited, or has achieved candidacy status for such
17 accreditation, by the Council on Naturopathic Medical Education or an equivalent
18 federally recognized accrediting body for naturopathic medical programs.

19 d. The program is offered by an institution of higher education or part of an
20 institution of higher education that is accredited, or is a candidate for such
21 accreditation, by a regional accrediting organization or a national institutional
22 accrediting agency recognized by the federal department of education.

23 e. The program has not been disqualified by the board as an approved
24 naturopathic medical educational program under s. 466.03 (3).

25 2. The program satisfies all of the following:

SENATE BILL 866**SECTION 41**

1 a. The program existed prior to the existence of the Council on Naturopathic
2 Medical Education.

3 b. The program provided the degree of doctor of naturopathy or doctor of
4 naturopathic medicine.

5 c. The program provided full-time, graduate-level, didactic, and supervised
6 clinical training in naturopathic medicine for a duration of not less than 132 weeks
7 and required completion within a period of not less than 35 months.

8 d. If the program is still in existence, the program is currently accredited, or
9 has achieved candidacy status for accreditation by the Council on Naturopathic
10 Medical Education or an equivalent federally recognized accrediting body for the
11 naturopathic medical profession recognized by the board.

12 e. The program was offered by an institution of higher education or part of an
13 institution of higher education that is accredited, or is a candidate for such
14 accreditation, by a regional accrediting organization or a national institutional
15 accrediting agency recognized by the federal department of education.

16 f. The program has not been disqualified by the board as an approved
17 naturopathic medical educational program under s. 466.03 (3).

18 (e) Submits evidence satisfactory to the board that he or she has passed all of
19 the following:

20 1. A competency-based national naturopathic licensing examination
21 administered by the North American Board of Naturopathic Examiners or its
22 successor organization or another examination approved by the board by rule.

23 2. A pharmacology examination approved by the board by rule.

24 3. Any other competency or jurisprudence examinations required by the board
25 by rule.

SENATE BILL 866

1 (f) Meets any character and fitness, mental and physical competency, and
2 professional competency standards established by the board under s. 466.03 (2) (b)
3 to (d).

4 (g) Meets any other requirement established by the board under s. 466.03 (2)
5 (e).

6 **(2) RENEWAL.** The renewal dates for licenses granted under this chapter are
7 specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the
8 department on a form provided by the department, and shall include the renewal fee
9 determined by the department under s. 440.03 (9) (a), proof of compliance with
10 continuing education requirements established by the board under s. 466.03 (1) (b),
11 proof of compliance with any requirements established by the board under s. 466.03
12 (2) (b) to (d), and proof of compliance with any malpractice insurance requirements
13 under s. 466.03 (2) (f).

14 **466.05 Practice.** (1) A naturopathic doctor may practice naturopathic
15 medicine and as provided in s. 448.035.

16 (2) Except as otherwise prohibited by a rule promulgated by the board, a
17 naturopathic doctor may utilize routes of administration that include oral, nasal,
18 auricular, ocular, rectal, vaginal, transdermal, intramuscular, intravenous,
19 intradermal, and subcutaneous, consistent with the education and training of a
20 naturopathic doctor.

21 **466.07 Disciplinary proceedings and actions.** (1) Subject to the rules
22 promulgated under s. 440.03 (1), the board may make investigations and conduct
23 hearings to determine whether a violation of this chapter or any rule promulgated
24 under this chapter has occurred.

SENATE BILL 866**SECTION 41**

1 (2) Subject to the rules promulgated under s. 440.03 (1), the board may
2 reprimand a naturopathic doctor or may deny, limit, suspend, or revoke a license
3 granted under this chapter if it finds that the applicant or naturopathic doctor has
4 done any of the following:

5 (a) Made a material misstatement in an application for a license, or for renewal
6 of a license.

7 (b) Interfered with an investigation or disciplinary proceeding by using threats,
8 harassment, or intentional misrepresentation of facts.

9 (c) Subject to ss. 111.321, 111.322, and 111.335, been convicted of an offense the
10 circumstances of which substantially relate to the practice of naturopathic medicine.

11 (d) Been adjudicated mentally incompetent by a court.

12 (e) Advertised in a manner that is false, deceptive, or misleading.

13 (f) Advertised, practiced, or attempted to practice under another's name.

14 (g) Subject to ss. 111.321, 111.322, and 111.34, practiced or assisted in the
15 practice of naturopathic medicine while the applicant's or licensee's ability to
16 practice or assist was impaired by alcohol or other drugs.

17 (h) Engaged in unprofessional or unethical conduct in violation of the code of
18 ethics established in the rules promulgated under s. 466.03 (1) (a). In this paragraph,
19 "unprofessional or unethical conduct" and "unprofessional conduct" do not include
20 providing expedited partner therapy as described in s. 448.035.

21 (i) Engaged in conduct while practicing naturopathic medicine that evidences
22 a lack of knowledge or ability to apply professional principles or skills.

23 (j) Violated this chapter or any rule promulgated under this chapter.

SENATE BILL 866

1 **466.09 Penalties.** Any person who violates this chapter or any rule
2 promulgated under this chapter may be fined not more than \$10,000 or imprisoned
3 for not more than 9 months or both.

4 **SECTION 42.** 895.48 (1m) (a) (intro.) and 2. of the statutes are amended to read:

5 895.48 **(1m)** (a) (intro.) Except as provided in par. (b), any physician,
6 naturopathic doctor, physician assistant, podiatrist, or athletic trainer licensed
7 under ch. 448, chiropractor licensed under ch. 446, dentist licensed under ch. 447,
8 emergency medical services practitioner licensed under s. 256.15, emergency
9 medical responder certified under s. 256.15 (8), registered nurse licensed under ch.
10 441, or a massage therapist or bodywork therapist licensed under ch. 460 who
11 renders voluntary health care to a participant in an athletic event or contest
12 sponsored by a nonprofit corporation, as defined in s. 66.0129 (6) (b), a private school,
13 as defined in s. 115.001 (3r), a tribal school, as defined in s. 115.001 (15m), a public
14 agency, as defined in s. 46.856 (1) (b), or a school, as defined in s. 609.655 (1) (c), is
15 immune from civil liability for his or her acts or omissions in rendering that care if
16 all of the following conditions exist:

17 2. The physician, naturopathic doctor, podiatrist, athletic trainer, chiropractor,
18 dentist, emergency medical services practitioner, as defined in s. 256.01 (5),
19 emergency medical responder, as defined in s. 256.01 (4p), physician assistant,
20 registered nurse, massage therapist or bodywork therapist does not receive
21 compensation for the health care, other than reimbursement for expenses.

22 **SECTION 43.** 905.04 (1) (b) and (c), (2) and (3) of the statutes are amended to
23 read:

24 905.04 **(1)** (b) A communication or information is “confidential” if not intended
25 to be disclosed to 3rd persons other than those present to further the interest of the

SENATE BILL 866**SECTION 43**

1 patient in the consultation, examination, or interview, to persons reasonably
2 necessary for the transmission of the communication or information, or to persons
3 who are participating in the diagnosis and treatment under the direction of the
4 physician, naturopathic doctor, podiatrist, registered nurse, chiropractor,
5 psychologist, social worker, marriage and family therapist or professional counselor,
6 including the members of the patient's family.

7 (c) "Patient" means an individual, couple, family or group of individuals who
8 consults with or is examined or interviewed by a physician, naturopathic doctor,
9 podiatrist, registered nurse, chiropractor, psychologist, social worker, marriage and
10 family therapist or professional counselor.

11 (2) GENERAL RULE OF PRIVILEGE. A patient has a privilege to refuse to disclose
12 and to prevent any other person from disclosing confidential communications made
13 or information obtained or disseminated for purposes of diagnosis or treatment of the
14 patient's physical, mental or emotional condition, among the patient, the patient's
15 physician, the patient's naturopathic doctor, the patient's podiatrist, the patient's
16 registered nurse, the patient's chiropractor, the patient's psychologist, the patient's
17 social worker, the patient's marriage and family therapist, the patient's professional
18 counselor or persons, including members of the patient's family, who are
19 participating in the diagnosis or treatment under the direction of the physician,
20 naturopathic doctor, podiatrist, registered nurse, chiropractor, psychologist, social
21 worker, marriage and family therapist or professional counselor.

22 (3) WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the patient,
23 by the patient's guardian or conservator, or by the personal representative of a
24 deceased patient. The person who was the physician, naturopathic doctor,
25 podiatrist, registered nurse, chiropractor, psychologist, social worker, marriage and

SENATE BILL 866

1 family therapist or professional counselor may claim the privilege but only on behalf
2 of the patient. The authority so to do is presumed in the absence of evidence to the
3 contrary.

4 **SECTION 44.** 905.04 (1) (br) of the statutes is created to read:

5 905.04 (1) (br) “Naturopathic doctor” means a naturopathic doctor, as defined
6 in s. 990.01 (22m), or reasonably believed by the patient so to be.

7 **SECTION 45.** 961.01 (19) (a) of the statutes is amended to read:

8 961.01 (19) (a) A physician, naturopathic doctor, advanced practice nurse,
9 dentist, veterinarian, podiatrist, optometrist, scientific investigator or, subject to s.
10 448.21 (3), a physician assistant, or other person licensed, registered, certified or
11 otherwise permitted to distribute, dispense, conduct research with respect to,
12 administer or use in teaching or chemical analysis a controlled substance in the
13 course of professional practice or research in this state.

14 **SECTION 46.** 961.23 (6) of the statutes is amended to read:

15 961.23 (6) No person other than a physician, naturopathic doctor, dentist,
16 veterinarian, or pharmacist may purchase more than 7.5 grams of pseudoephedrine
17 contained in a pseudoephedrine product within a 30-day period without the
18 authorization of a physician, naturopathic doctor, dentist, or veterinarian.

19 **SECTION 47.** 961.397 of the statutes is created to read:

20 **961.397 Limitations on naturopathic doctors.** A naturopathic doctor
21 licensed under ch. 466:

22 (1) May not prescribe, dispense, or administer a controlled substance included
23 in schedule I or II.

24 (2) May not prescribe, dispense, or administer a controlled substance included
25 in schedule III under s. 961.18 (5) or (5m).

SENATE BILL 866**SECTION 48**

1 **SECTION 48.** 961.41 (3j) of the statutes is amended to read:

2 961.41 **(3j)** PURCHASES OF PSEUDOEPHEDRINE PRODUCTS. Whoever purchases
3 more than 7.5 grams of pseudoephedrine contained in a pseudoephedrine product
4 within a 30-day period, other than by purchasing the product in person from a
5 pharmacy or pharmacist, is guilty of a Class I felony. This subsection does not apply
6 to a purchase by a physician, naturopathic doctor, dentist, veterinarian, or
7 pharmacist or a purchase that is authorized by a physician, naturopathic doctor,
8 dentist, or veterinarian.

9 **SECTION 49.** 990.01 (22m) of the statutes is created to read:

10 990.01 **(22m)** NATUROPATHIC DOCTOR. “Naturopathic doctor” means a person
11 holding a license to practice naturopathic medicine under ch. 466.

12 **SECTION 50. Nonstatutory provisions.**

13 (1) INITIAL APPOINTMENTS TO BOARD. Notwithstanding the lengths of the terms
14 specified for the members of the naturopathic medicine examining board under s.
15 15.405 (7f) (intro.), 2 of the initial members under s. 15.405 (7f) (a) and one of the
16 initial members under s. 15.405 (7f) (c) shall be appointed for terms expiring on July
17 1, 2021; one of the initial members under s. 15.405 (7f) (a) and one of the initial
18 members under s. 15.405 (7f) (c) shall be appointed for terms expiring on July 1, 2022;
19 and one of the initial members under s. 15.405 (7f) (a) and the initial member under
20 s. 15.405 (7f) (b) shall be appointed for terms expiring on July 1, 2023.

21 (2) PROVISIONAL APPOINTMENTS TO BOARD. Notwithstanding s. 15.08 (1), the
22 governor may provisionally appoint initial members of the naturopathic medicine
23 examining board under s. 15.405 (7f). Those provisional appointments remain in
24 force until withdrawn by the governor or acted upon by the senate and if confirmed
25 by the senate, shall continue for the remainder of the unexpired term, if any, of the

SENATE BILL 866

1 member and until a successor is chosen and qualifies. A provisional appointee may
2 exercise all the powers and duties of board membership to which the person is
3 appointed during the time in which the appointee qualifies.

4 (3) INITIAL NATUROPATHIC DOCTOR APPOINTMENTS TO BOARD. Notwithstanding s.
5 15.405 (7f) (a), for purposes of an initial appointment to the naturopathic medicine
6 examining board made before the date specified in SECTION 51 (intro.) of this act,
7 including any provisional appointment made under sub. (2), the governor may
8 appoint individuals who satisfy the requirements under s. 466.04 (1) (d) 1. a. to d. or
9 2. a. to e., who are licensed as a naturopathic doctor, naturopathic medical doctor, or
10 naturopathic physician in another state, and who have been engaged in the practice
11 or instruction of naturopathic medicine for at least 3 years.

12 **SECTION 51. Effective dates.** This act takes effect on the first day of the 25th
13 month beginning after publication except as follows:

14 (1) The treatment of s. 15.405 (7f) and SECTION 50 (1), (2), and (3) of this act take
15 effect on the day after publication.

16 (END)