

Clearinghouse Rule 23-074

STATE OF WISCONSIN
NATUROPATHIC MEDICINE EXAMINING BOARD

IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : NATUROPATHIC MEDICINE
NATUROPATHIC MEDICINE : EXAMINING BOARD
EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Naturopathic Medicine Examining Board to create Nat Med 1 to 6, relating to naturopathic doctors.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Ch. 466, Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), 227.21 (2), 466.03 (1) and (2), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., states that an examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 227.11 (2) (a), Stats., states that “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...”

Section 227.21 (2), Stats., states that “an agency may, with the consent of the attorney general, adopt standards established by technical societies and organizations of recognized national standing by incorporating the standards in its rules by reference to the specific issue or issues of the publication in which they appear, without reproducing the standards in full.”

Section 466.03 (1), Stats., states that the Naturopathic Medicine Examining Board shall establish administrative rules to determine a code of ethics governing professional conduct, standards of practice, continuing education requirements, and examination standards.

Section 466.03 (2), Stats., states that the Naturopathic Medicine Examining Board may establish administrative rules to further interpret s. 466.01 (6) (a) and (c) to identify diagnostic, therapeutic, or other practices or procedures that may be used by naturopathic doctors; prohibit diagnostic, therapeutic, or other practices; establish character and fitness requirements for initial licensure or renewal of a license and evidence required to demonstrate satisfaction of such requirements; establish physical and mental competency requirements for initial licensure or renewal of a license and evidence required to demonstrate satisfaction of such requirements; establish evidence of professional competency requirements for initial licensure or renewal of a license including evidence relating to an applicant's licensure status in other states; establish additional clinical, practical, or residency requirements for initial licensure; and adopt minimum malpractice insurance requirements for naturopathic doctors and limited-scope naturopathic doctors.

Related statute or rule:

None.

Plain language analysis:

The objective of the proposed rules is to implement the statutory changes from 2021 Wisconsin Act 130, which created the Naturopathic Medicine Examining Board. The act allows for the licensure, discipline, and practice of naturopathic doctors and limited-scope naturopathic doctors. The board is creating all Administrative Code chapters necessary to establish provisions for the practice, licensing, and conduct of naturopathic doctors and limited-scope naturopathic doctors.

Summary of, and comparison with, existing or proposed federal regulation:

N/A.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:

The Naturopathic Medicine Examining Board held a preliminary hearing on the statement of scope for this rule at its February 17, 2023 meeting. The following comment from Dr. Sara Norris, Legislative Chair of the Wisconsin Naturopathic Doctors Association, was received:

“The Wisconsin Naturopathic Doctors Association (WNDA) is a non-profit, membership organization advocating for naturopathic medicine in Wisconsin. WNDA fully supports

the timely creation and adoption of rules governing the practice of naturopathic medicine and the licensure of naturopathic doctors (NDs) in Wisconsin.

The passage of 2021 Act 130 created the Naturopathic Medical Examining Board (NMEB) to provide oversight of NDs, uphold the ethical standards of naturopathic medical practice, determine penalties for non-compliance, and ensure NDs are physically, mentally, and professionally competent. The licensing of NDs in Wisconsin will increase public safety, increase access to qualified providers, and give the public greater choice in their own health care.

The role of the NMEB is identical to other professional boards of other licensed professions and WNDa urges the use of existing professional boards in the health care field (such as the Pharmacy Examining Board) as a model for the NMEB.

WNDa asks that the promulgated rules preserve the ability for the NMEB to interpret the practices identified under the bill, that are included and excluded from the practices and procedures, that may be used by an ND without expanding the scope of practice of an ND or a limited license ND.

We thank you for your stewardship of this process and ask that you include the expertise and input of the WNDa members as you establish these rules.”

Comparison with rules in adjacent states:

Illinois:

Naturopathic doctors are not currently licensed in the state of Illinois. Bills have been introduced in the state legislature to create laws that will allow the licensure of naturopathic doctors.

Iowa:

Iowa does not currently license naturopathic doctors. The state is currently working on advocacy initiatives to start bill projects that will allow for the licensure of naturopathic doctors.

Michigan:

Michigan does not currently license naturopathic doctors. The state is currently working on advocacy initiatives to start bill projects that will allow for the licensure of naturopathic doctors.

Minnesota:

Minnesota naturopathic doctors are regulated under the Minnesota Board of Medical Practice Registered Naturopathic Doctor Advisory Council. The Minnesota Statutes establish definitions, scope of practice, professional conduct, registration and continuing

education requirements, renewal, and discipline for the practice of naturopathic medicine. [MN Stats. ch. 147E]

Summary of factual data and analytical methodologies:

The Board reviewed the statutory changes from 2021 Wisconsin Act 130 and promulgated rules as needed for the profession. While promulgating these rules, the Board referenced chapters from the Medical, Dentistry, and Nursing Examining Boards, as well as the Physician Assistant Affiliated Credentialing Board, among other sources. Standards incorporated by reference in the proposed rule have been submitted to the Attorney General for approval pursuant to s. 227.21 (2), Stats.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rule was posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Jemifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing, held on February 16, 2024, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Nat Med 1 to 6 are created to read:

Nat Med 1

Authority and definitions

Nat Med 1.01 Authority. The rules in chs. Nat Med 1 to 6 are adopted by the naturopathic medicine examining board pursuant to the authority delegated by ss. 15.08 (5) (b), 227.11 (2), and 466.03, Stats.

Nat Med 1.02 Definitions. As used in chs. Nat Med 1 to 6:

- (1) “Board” means the naturopathic medicine examining board.
- (2) “Department” means the department of safety and professional services.
- (3) “Jurisprudence exam” means the board approved examination on the state law related to the practice of naturopathic medicine.
- (4) “Licensee” means a person licensed to practice as a naturopathic doctor or limited-scope naturopathic doctor in this state.
- (5) “Limited-scope naturopathic doctor” means a person licensed under s. 466.04 (2), Stats.
- (6) “Modes of treatment” means treatment, including diagnostic procedures, generally considered to be within the scope of current and acceptable standards of care.
- (7) “NABNE” means the North American Board of Naturopathic Examiners.
- (8) “Naturopathic doctor” means a person licensed under s. 466.04 (1), Stats.
- (9) “Naturopathic medicine” has the meaning given in s. 466.01 (6), Stats.
- (10) “Naturopathic physical medicine” has the meaning given in s. 466.01 (7), Stats.
- (11) “NPLEX” means the Naturopathic Physicians Licensing Examination administered by the North American Board of Naturopathic Examiners.
- (12) “Telehealth” has the meaning given in s. 440.01 (1) (hm), Stats.

Nat Med 2

Scope of Practice

Nat Med 2.01 Informed consent. (1) Any naturopathic doctor who treats a patient shall inform the patient about the availability of reasonable alternate modes of treatment and about the benefits and risks of these treatments. The reasonable naturopathic doctor standard is the standard for informing a patient. The reasonable naturopathic doctor

standard requires disclosure only of information that a reasonable naturopathic doctor in the same or a similar medical specialty would know and disclose under the circumstances.

(2) Under this section, a naturopathic doctor's duty to inform the patient does not require disclosure of any of the following:

(a) Detailed technical information that in all probability a patient would not understand.

(b) Risks apparent or known to the patient.

(c) Extremely remote possibilities that might falsely or detrimentally alarm the patient.

(d) Information in cases where the patient is incapable of consenting.

(e) Information about alternate modes of treatment for any condition the naturopathic doctor has not included in the diagnosis at the time the naturopathic doctor informs the patient.

(f) In an emergency, a naturopathic doctor is not required to communicate alternate modes of treatment to a patient if failure to provide immediate treatment would be more harmful to a patient than immediate treatment.

(g) A naturopathic doctor may not be held responsible for failure to inform a patient of a possible complication or benefit not generally known to reasonably well-qualified naturopathic doctors in a similar medical classification.

(3) When informed consent is refused or withdrawn, no retaliation may be threatened or carried out.

(4) A patient may withdraw informed consent at any time.

Nat Med 2.02 Recordkeeping. (1) A naturopathic doctor shall maintain complete and accurate patient health care records on every patient for a period of not less than 5 years after the date of the last entry, or for a longer period as may be otherwise required by law.

(2) A patient health care record prepared by a naturopathic doctor shall contain, at a minimum, the following clinical health care information:

(a) Pertinent patient history.

(b) Pertinent objective findings related to examination and test results.

(c) Assessment or diagnosis.

(d) Plan of treatment for the patient.

(e) Any written documentation of informed consent.

(3) Each patient health care record entry shall be dated, identify the practitioner, and be sufficiently legible to allow interpretation by other practitioners for the benefit of the patient.

Nat Med 2.03 Practice standards for naturopathic doctors. A naturopathic doctor may practice naturopathic medicine and naturopathic physical medicine as specified in ss. 69.18

(1) (cj), 146.82 (3) (a), 255.06 (1) (d), 448.56 (1), 462.04, 466.01 (6) (a) and (b), 466.01 (7) (a), and 466.05 (1) (a) and (b), Stats.

Nat Med 2.04 Prohibited practices. A naturopathic doctor may not engage in any practices specified in ss. 466.01 (6) (c) and (7) (b), Stats.

Nat Med 2.05 Telehealth practice. (1) A naturopathic doctor who uses telehealth in the diagnosis and treatment of a patient located in this state shall be licensed to practice as a naturopathic doctor by the board under s. 466.04 (1), Stats.

(2) A naturopathic doctor shall be held to the same standards of practice and conduct including patient confidentiality and recordkeeping, regardless of whether health care services are provided in person or by telehealth.

Nat Med 2.06 Advertising. Any advertisement, marketing, or other public representation by or referring to a licensee shall clearly state the licensee's authorized scope of practice, including the specific license held by the provider.

Nat Med 3

Licensure requirements and renewal

Nat Med 3.01. License not required. Pursuant s. 466.02 (2), Stats., certain individuals are not required to obtain a license under this chapter to engage in practice or activities relating to naturopathic medicine.

Nat Med 3.02 Licensure requirements. An applicant for licensure as a naturopathic doctor shall submit all of the following requirements:

(1) A complete application for the license on a form provided by the department including any information required by the board to determine an applicant's minimal competency to practice.

Note: Instructions for initial licensure applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

(2) The fee specified in s. 440.05 (1), Stats.

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

(4) Verified documentary evidence that the applicant has complied with at least one of the educational requirements specified in s. 466.04 (1) (d), Stats.

(5) Evidence satisfactory to the board that the applicant has satisfied the examination requirements under s. Nat Med 3.04.

(6) If required by the board, completion of an oral examination as specified in s. Nat Med 3.05.

Nat Med 3.03. Reciprocal credentials for service members, former service members, and their spouses. A reciprocal license to practice naturopathic medicine shall be granted to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this section.

Note: Instructions for applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

Nat Med 3.04. Examinations.

(1) EXAMINATIONS REQUIRED. Each applicant for licensure under this chapter must provide evidence satisfactory to the board that the applicant has passed all of the following:

(a) One of the following for the competency-based examination:

1. Part I Biomedical Science Examination and Part II Core Clinical Science Examination of the NPLEX.

2. For graduates of approved naturopathic medical programs prior to 1978, a competency-based state naturopathic medicine licensing examination or equivalent Canadian provincial licensing examination for the practice of naturopathic medicine approved by the board.

(b) Part II Core Clinical Science Examination of the NPLEX for the pharmacology exam.

(c) Except as specified in par. (d), evidence of a passing score on a jurisprudence exam approved by the board. The passing score is 85 percent.

(d) For licenses issued prior to the effective date of the permanent rule, a signed statement by the applicant committing to satisfying the requirement under par. (c) before the end of the first renewal period.

(2) FAILURE AND REEXAMINATION. If an applicant has failed any of the exams required under sub. (1) 4 or more times in this state or another licensing jurisdiction in the United States or Canada, the board may require the applicant to submit evidence satisfactory to the board of further professional training or education in examination areas in which the applicant had previously demonstrated deficiencies. If the evidence provided by the applicant is not satisfactory to the board, the board may require the applicant to obtain further professional training or education as the board deems necessary to establish the applicant's fitness to practice naturopathic medicine in this state. In order to determine any further professional training or education requirement, the board shall consider any information available relating to the quality of the applicant's previous practice, including the results of the applicant's performance on any oral examination required under s. Nat Med 3.05.

Nat Med 3.05 Oral Examination. **(1)** An applicant may be required to complete an oral examination if the applicant:

- (a) Has a medical condition which in any way impairs or limits the applicant's ability to practice naturopathic medicine with reasonable skill and safety.
- (b) Uses chemical substances so as to impair in any way the applicant's ability to practice naturopathic medicine with reasonable skill and safety.
- (c) Has been disciplined or had licensure denied by a licensing or regulatory authority in this state or another jurisdiction.
- (d) Has been found to have been negligent in the practice of naturopathic medicine or has been a party in a lawsuit in which it was alleged that the applicant had been negligent in the practice of naturopathic medicine.
- (e) Has been convicted of a crime the circumstances of which substantially relate to the practice of naturopathic medicine.
- (f) Has been diagnosed as suffering from pedophilia, exhibitionism, or voyeurism.
- (g) Has engaged in the illegal use of controlled substances.
- (h) Has been subject to adverse formal action during the course of naturopathic medicine education, postgraduate training, hospital practice, or other naturopathic medicine employment.
- (i) Has not practiced naturopathic medicine for a period of 5 years or more prior to application unless the applicant has graduated from a school of naturopathic medicine within that period.
- (j) Has failed the national examination 4 times or more and the board has determined that further examination is required.

(2) The board will notify each applicant required to complete an oral examination of the time and place scheduled for that applicant's examination. Failure of an applicant to appear for an examination as scheduled may void that applicant's application and require the applicant to reapply for licensure unless prior scheduling arrangements have been made with the board by the applicant.

(3) An oral examination of an applicant is conducted by the board. The purpose of an oral exam is to evaluate the applicant's eligibility for a license.

(4) The grade of an exam shall be the applicant's final grade for the oral examination under this subsection. The passing grade for an oral exam under this subsection is 90 percent.

Nat Med 3.06 Renewal. (1) A licensee shall renew their license as specified by s. 440.08 (2) (a), Stats. and satisfy the following requirements:

- (a) A complete application for the license on a form provided by the department including any information required by the board to determine an applicant's eligibility.

Note: Instructions for renewal applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

(b) Pay the required fee prior to the date specified in s. 440.08 (2) (a), Stats.

(c) Attest to the completion of the requirements under s. Nat Med 4.02.

(2) LATE RENEWAL WITHIN 5 YEARS. If the application for renewal is filed less than 5 years after the expiration of the applicant's last license, the applicant shall pay the late renewal fee in s. 440.08 (3) (a), Stats., and meet the requirements under sub. (1).

(3) LATE RENEWAL AFTER 5 YEARS AND REINSTATEMENT.

(a) *Late renewal after 5 years.* If the application for renewal is 5 years or more after the expiration of the applicant's last license, the board shall make such inquiry as it finds necessary to determine whether the applicant is competent to practice under the license in this state and shall impose any reasonable conditions on reinstatement of the license, including oral examination, as the board deems appropriate. All applicants under this paragraph shall be required to pass the jurisprudence examination, which is the same examination given to initial applicants.

(b) *Reinstatement.* An applicant who has a license with unmet disciplinary requirements which has not been renewed within 5 years of the renewal date or whose license has been surrendered or revoked may apply to have the license reinstated in accordance with all of the following:

1. Evidence of completion of the requirements in par. (a).
2. Evidence of completion of disciplinary requirements, if applicable.
3. Evidence of rehabilitation or change in circumstances warranting reinstatement of the credential.

Nat Med 4

Continuing Education

Nat Med 4.01. Definitions. In this chapter:

(1) “Biennium” means the 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a), Stats.

(2) “Continuing education” means professional educational activity designed to advance the professional skills and knowledge of a licensee in the practice of naturopathic medicine for the improvement of public health, safety, and welfare.

(3) “Continuing education credit hour” means 50 minutes of instruction or participation spent by the licensee in actual attendance or completion of an approved educational activity.

Nat Med 4.02. Continuing education requirements.

(1) During the biennium, unless granted a waiver under sub. (3), a licensee shall complete 30 credit hours of continuing education approved under s. Nat Med 4.03 and related to the practice of naturopathic medicine. The 30 credit hours of continuing education shall include 5 hours in pharmacy and 2 hours in ethics.

(2) During the time between initial licensure and commencement of a full 2-year licensure period, new licensees are not required to meet continuing education requirements.

(3) The board may grant a waiver, partial waiver, or postponement of the continuing education requirements in cases of hardship.

(4) Continuing education credit hours may be counted for teaching or presenting a course that promotes the development, expansion, or improvement of a licensee's clinical skills and enhances their practice. Two hours of continuing education can be claimed for each credit hour of instruction. However, continuing education credit hours may not be counted for repeat presentations of the same course or program, or for courses or programs whose subject matter is pharmacy or ethics.

Nat Med 4.03. Acceptable continuing education programs. The board may approve a continuing education program that is approved by one of the following:

(1) North American Naturopathic Continuing Education Accreditation Council (NANCEAC) through the Federation of Naturopathic Medicine Regulatory Authority (FNMRA).

(2) American Medical Association (AMA) or American Osteopathic Association (AOA) category 1 courses through Accreditation Council for Continuing Medical Education (ACCME).

(3) American Association of Naturopathic Physicians (AANP).

(4) National Association of Boards of Pharmacy (NABP).

(5) Other recognized organizations devoted to the practice of naturopathic medicine and approved by the board.

Nat Med 4.04. Evidence of compliance.

(1) At the time of each renewal, each licensee shall sign a statement certifying that, within the 2 years immediately preceding the renewal date specified under s. 440.08 (2) (a), Stats., the licensee has completed the continuing education credit hours required under this chapter.

(2) A licensee who fails to complete the continuing education credit hours by the renewal date specified under s. 440.08 (2) (a), Stats., may not practice naturopathic medicine until the license is restored.

Nat Med 4.05. Recordkeeping. Every licensee shall maintain a written record of the continuing education hours required under this chapter for not less than 6 years after completion of each credit. Records required include but are not limited to attendance

verification records in the form of completion certificates or other documents supporting evidence of attendance.

Nat Med 5

Code of ethics and unprofessional conduct

Nat Med 5.01. Adoption of Standards. The American Association of Naturopathic Physicians code of ethics, as approved in August 2012, is incorporated by reference into this chapter.

Note: A copy of the above standards is on file in the office of the legislative reference bureau.

Nat Med 5.02 Unprofessional conduct. “Unprofessional conduct” includes any violation of the code of ethics adopted under s. Nat Med 5.01 or any of the following, or aiding or abetting the same:

(1) DISHONESTY AND CHARACTER.

(a) Violating or attempting to violate any provision or term of ch. 466, Stats., or of any valid rule of the board.

(b) Violating or attempting to violate any term, provision, or condition of any order of the board.

(c) Knowingly engaging in fraud or misrepresentation or dishonesty in applying for or procuring a license, or in connection with applying for or procuring periodic renewal of a license, or in otherwise maintaining such licensure.

(d) Knowingly giving false, fraudulent, or deceptive testimony while serving as an expert witness.

(e) Employing illegal or unethical business practices.

(f) Knowingly, negligently, or recklessly making any false statement, written or oral, which creates an unacceptable risk of harm to a patient, the public, or both.

(g) Engaging in any act of fraud, deceit, or misrepresentation, including acts of omission to the board or any person acting on the board's behalf.

(h) Obtaining any fee by fraud, deceit, or misrepresentation.

(i) Directly or indirectly giving or receiving any fee, commission, rebate, or other compensation for professional services not actually and personally rendered, unless allowed by law. This prohibition does not preclude the legal functioning of lawful professional partnerships, corporations, or associations.

(j) Engaging in uninvited in-person solicitation of actual or potential patients who, because of their circumstances, may be vulnerable to undue influence.

(k) Engaging in false, misleading, or deceptive advertising.

(L) Offering, undertaking, or agreeing to treat or cure a disease or condition by a secret means, method, device, or instrumentality; or refusing to divulge to the board upon demand the means, method, device, or instrumentality used in the treatment of a disease or condition.

(m) Refusing to render services to a person because of race, color, sex, or religion.

(2) DIRECT PATIENT CARE VIOLATIONS.

(a) Practicing or attempting to practice under any license when unable to do so with reasonable skill and safety. A certified copy of an order issued by a court of competent jurisdiction finding that a person is mentally incompetent is conclusive evidence that the licensee was, for any period covered by the order, unable to practice with reasonable skill and safety.

(b) Departing from or failing to conform to the standard of minimally competent practice which creates an unacceptable risk of harm to a patient or the public whether or not the act or omission resulted in actual harm to any person.

(c) Prescribing, ordering, dispensing, administering, supplying, selling, giving, or obtaining any prescription medication in any manner that is inconsistent with the standard of minimal competence.

(d) Performing professional services inconsistent with training, education, or experience.

(e) Engaging in sexually explicit conduct, sexual contact, exposure, gratification, or other sexual behavior with or in the presence of a patient, a patient's immediate family, or a person responsible for the patient's welfare.

1. Sexual motivation may be determined from the totality of the circumstances and shall be presumed when the licensee has contact with a patient's intimate parts without legitimate medical justification for doing so.

2. For the purpose of this subsection, an adult receiving treatment shall be considered a patient for 2 years after the termination of professional services.

3. If the person receiving treatment is a child, the person shall be considered a patient for the purposes of this subsection for 2 years after termination of services or for 2 years after the patient reaches the age of majority, whichever is longer.

(f) Engaging in any sexual conduct with or in the presence of a patient or former patient who lacks the ability to consent for any reason, including medication or psychological or cognitive disability.

(g) Engaging in repeated or significant disruptive behavior or interaction with hospital personnel, patients, family members, or others that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered.

(h) Knowingly, recklessly, or negligently divulging privileged communication or other confidential patient health care information except as required or permitted by state or federal law.

(i) Performing services without required informed consent under s. Nat Med 2.01.

(j) Aiding or abetting the practice of an unlicensed, incompetent, or impaired person or allowing another person or organization to use one's license to practice.

(k) Appropriating the identity of another person holding a license issued by this or another board.

(L) Withdrawing from a doctor-patient relationship unilaterally and without reasonable justification by discontinuing a patient's treatment regimen when further treatment is medically indicated and any of the following occur:

1. The licensee fails to give the patient at least 30 days notice in advance of the date on which the licensee's withdrawal becomes effective.

2. The licensee fails to allow for patient access to or transfer of the patient's health record as required by law.

3. The licensee fails to provide for continuity of care during the period between the notice of intent to withdraw from the doctor-patient relationship and the date on which the doctor-patient relationship ends.

(3) LAW VIOLATIONS, ADVERSE ACTION, AND REQUIRED REPORTS TO THE BOARD.

(a) Failing to report within 30 days to the board any final adverse action taken against the licensee's authority to practice by another licensing jurisdiction.

(b) Failing to comply with state and federal laws regarding access to patient health care records.

(d) Failing to establish and maintain patient health care records consistent with the requirements of s. Nat Med 2.02 or as otherwise required by law.

(e) After a request by the board, failing to cooperate in a timely manner with the board's investigation of a complaint filed against a licensee. There is a rebuttable presumption that a licensee who takes longer than 30 days to respond to a request of the board has not acted in a timely manner.

(f) Having a license, certificate, permit, or registration granted by another state to practice naturopathic medicine limited, suspended or revoked, or subject to any other disciplinary action.

Nat Med 5.03. Discipline and penalties.

(1) The board may conduct investigations and hearings to determine whether a licensee has violated this chapter or has violated any state or federal law or any other jurisdiction that substantially relates to the practice of naturopathic medicine.

(2) The board may reprimand a licensee or deny, limit, suspend, or revoke a license if the licensee is found to have violated this chapter, ch. 466, Stats., or any other state or federal law.

(3) The penalty for violations of this chapter or any other related law is specified under s. 466.09, Stats.

Nat Med 6

Licensure requirements for limited-scope naturopathic doctors

Nat Med 6.01 Scope of practice. (1) Notwithstanding any other provision of law that permits a limited-scope naturopathic doctor to engage in any act that constitutes naturopathic medicine beyond what is authorized under this section and except as permitted by sub. (2), a limited-scope naturopathic doctor may only engage in the practices specified in ss. 466.01 (6) (a) 1. a. to c. and 3. a. to c., Stats.

(2) A limited-scope naturopathic doctor may extend their scope of practice by petitioning the board. This petition shall include details of the expansion of scope and proof of qualifications to perform the requested practice pursuant s. 466.05 (2) (a) 2., Stats.

Nat Med 6.02 License not required. Pursuant s. 466.02 (2), Stats., certain individuals are not required to obtain a license under this chapter to engage in practice or activities relating to naturopathic medicine.

Nat Med 6.03 Requirements for licensure. (1) An applicant for licensure as a limited-scope naturopathic doctor shall submit all of the following requirements:

(a) A complete application for the license on a form provided by the department including any information required by the board to determine an applicant's minimal competency to practice.

Note: Instructions for renewal applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

(b) The fee specified in s. 440.05 (1), Stats.

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

(d) Evidence satisfactory to the board that the applicant has satisfied requirements under s. 466.04 (2) (b) 4. and 5., Stats.

(e) Evidence satisfactory to the board that the applicant has been continually practicing naturopathic medicine in this state for at least 10 years preceding the date of application to obtain a limited-scope naturopathic doctor license.

(f) Except as specified in par. (g), evidence of a passing score on a jurisprudence exam approved by the board. The passing score is 85 percent.

(g) For licenses issued prior to the effective date of the permanent rule, a signed statement by the applicant committing to satisfying the requirement under par. (f) before the end of the first renewal period.

(h) Evidence satisfactory to the board that the applicant has exhibited a record of safety in the practice of naturopathic medicine or naturopathy.

(i) If required by the board, completion of an oral examination as specified under s. Nat Med 3.05.

Nat Med 6.04 Renewal. A licensee shall renew their license as specified by s. 440.08 (2) (a), Stats. and satisfy the following requirements:

(1) A complete application for the license on a form provided by the department including any information required by the board to determine an applicant's eligibility.

Note: Instructions for renewal applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

(2) Pay the required fee prior to the date specified in s. 440.08 (2) (a), Stats.

(3) Attest to the completion of the requirements under s. Nat Med 4.02.

(4) If a limited-scope naturopathic doctor was issued an initial license by satisfying the requirement under s. 466.04 (2) (b) 5. d., Stats., the limited-scope naturopathic doctor shall, no later than the first renewal date after the conclusion of the 5-year period, submit evidence satisfactory to the board that the licensee has completed the education and training specified in the signed statement under s. 466.04 (2) (b) 5. d., Stats.

(3) LATE RENEWAL AFTER 5 YEARS AND REINSTATEMENT.

(a) *Late renewal after 5 years.* If the application for renewal is 5 years or more after the expiration of the applicant's last license, the board shall make such inquiry as it finds necessary to determine whether the applicant is competent to practice under the license in this state and shall impose any reasonable conditions on reinstatement of the license, including oral examination, as the board deems appropriate. All applicants under this paragraph shall be required to pass the jurisprudence examination, which is the same examination given to initial applicants.

(b) *Reinstatement.* An applicant who has a license with unmet disciplinary requirements which has not been renewed within five years of the renewal date or whose license has been surrendered or revoked may apply to have the license reinstated in accordance with all of the following:

1. Evidence of completion of the requirements in par. (a) if the credential has not been renewed within the last 5 years.

2. Evidence of completion of disciplinary requirements, if applicable.

3. Evidence of rehabilitation or change in circumstances warranting reinstatement of the credential.

Nat Med 6.05 Telehealth practice. (1) A limited-scope naturopathic doctor who uses telehealth in the diagnosis and treatment of a patient located in this state shall be licensed to practice as a limited-scope naturopathic doctor by the board under s. 466.04 (2), Stats.

(2) A licensed limited-scope naturopathic doctor shall be held to the same standards of practice and conduct including patient confidentiality and recordkeeping, regardless of whether health care services are provided in person or by telehealth.

Nat Med 6.06 Code of ethics and unprofessional Conduct. All provisions established under ch. Nat Med 5 also apply to the practice of limited-scope naturopathic doctors.

Nat Med 6.07 Informed Consent. The provisions established under s. Nat Med 2.01 also apply to the practice of limited-scope naturopathic doctors with the additional provision that limited-scope naturopathic doctors shall also disclose their license type and authorized scope of practice.

Nat Med 6.08 Recordkeeping. All provisions established under s. Nat Med 2.02 also apply to the practice of limited-scope naturopathic doctors.

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)
