



State of Wisconsin
2021 - 2022 LEGISLATURE

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MED:cjs&amn

**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 532**

December 22, 2021 - Offered by Senator BERNIER.

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

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

Analysis by the Legislative Reference Bureau

This substitute amendment differs from 2021 Senate Bill 532 in the following respects:

1. The substitute amendment makes various changes relating to the scope of practice for naturopathic medicine, including a) removing the authority for naturopathic doctors to prescribe drugs and various other provisions concerning the authority of naturopathic doctors with respect to prescription drugs and controlled substances, while providing that naturopathic doctors may recommend, dispense, or administer nonprescription drug products; b) further excluding certain spinal and joint adjustments and manipulations; c) expressly prohibiting the board from expanding the scope of practice of naturopathic medicine; d) providing that the board's rules may interpret the scope of practice of a naturopathic doctor, but may not expand that scope of practice beyond what is specified under the bill; and e) expressly providing that the scope of practice for a naturopathic doctor is distinct from the practice of medicine and surgery.

2. The substitute amendment a) removes the authority of naturopathic doctors to use the additional title "naturopathic medical doctor" and b) clarifies that the bill does not prohibit or restrict persons from using or assuming the title "naturopath."

3. The substitute amendment makes various changes regarding the licensing of limited-scope naturopathic doctors, including a) modifying the licensure criteria and the period to apply for a limited-scope naturopathic doctor license, and b) allowing the board to establish minimum malpractice insurance requirements for limited-scope naturopathic doctors.

4. The substitute amendment clarifies that a naturopathic medical education program must be accredited, or have achieved candidacy status for such accreditation, by an accrediting body for naturopathic medical programs that is recognized by the federal Department of Education.

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

3 **SECTION 1.** 15.08 (1m) (b) of the statutes is amended to read:

4 15.08 (1m) (b) The public members of the chiropractic examining board, the
5 dentistry examining board, the hearing and speech examining board, the medical
6 examining board, the naturopathic medicine examining board, the physical therapy
7 examining board, perfusionists examining council, respiratory care practitioners

1 examining council and council on physician assistants, the board of nursing, the
2 nursing home administrator examining board, the veterinary examining board, the
3 optometry examining board, the pharmacy examining board, the marriage and
4 family therapy, professional counseling, and social work examining board, the
5 psychology examining board, and the radiography examining board shall not be
6 engaged in any profession or occupation concerned with the delivery of physical or
7 mental health care.

8 **SECTION 2.** 15.08 (1m) (bm) of the statutes is created to read:

9 15.08 **(1m)** (bm) The public members of the naturopathic medicine examining
10 board may not have any financial interest in naturopathic education, business, or
11 practice.

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

13 15.405 **(7f)** NATUROPATHIC MEDICINE EXAMINING BOARD. There is created a
14 naturopathic medicine examining board in the department of safety and professional
15 services consisting of the following members appointed for 4-year terms:

16 (a) Four naturopathic doctors licensed under s. 466.04 (1).

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

20 (c) Two public members.

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

22 36.25 **(11)** (b) The laboratory shall provide complete laboratory services in the
23 areas of water quality, air quality, public health and contagious diseases for
24 appropriate state agencies, and may perform examinations for licensed physicians,
25 naturopathic doctors, veterinarians, local health officers, as defined in s. 250.01 (5),

1 and resource management officials as may be necessary for the prevention and
2 control of those diseases and environmental hazards which cause concern for public
3 health and environmental quality.

4 **SECTION 5.** 48.981 (2) (a) 1m. of the statutes is created to read:

5 48.981 (2) (a) 1m. A naturopathic doctor.

6 **SECTION 6.** 48.981 (2m) (b) 1. of the statutes is amended to read:

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

11 **SECTION 7.** 60.23 (9) of the statutes is amended to read:

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

17 **SECTION 8.** 69.01 (6g) of the statutes is amended to read:

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

21 **SECTION 9.** 69.18 (1) (cj) of the statutes is created to read:

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

1 of the patient's death if the patient was generally under the care of a naturopathic
2 doctor at the time of death.

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

5 **SECTION 10.** 77.54 (14) (b) of the statutes is amended to read:

6 77.54 (14) (b) Furnished by a licensed physician, naturopathic doctor, surgeon,
7 podiatrist, or dentist to a patient who is a human being for treatment of the patient.

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

9 77.54 (14) (d) Sold to a licensed physician, naturopathic doctor, surgeon,
10 podiatrist, dentist, or hospital for the treatment of a human being.

11 **SECTION 12.** 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 13.** 118.25 (1) (a) of the statutes is amended to read:

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

5 **SECTION 14.** 118.29 (1) (e) of the statutes is amended to read:

6 118.29 (1) (e) “Practitioner” means any physician, naturopathic doctor, dentist,
7 optometrist, physician assistant, advanced practice nurse prescriber, or podiatrist
8 licensed in any state.

9 **SECTION 15.** 146.81 (1) (dc) of the statutes is created to read:

10 146.81 (1) (dc) A naturopathic doctor or limited-scope naturopathic doctor
11 licensed under ch. 466.

12 **SECTION 16.** 146.82 (3) (a) of the statutes is amended to read:

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

22 **SECTION 17.** 146.89 (1) (r) 1. of the statutes is amended to read:

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

1 physician assistant under ch. 448, a pharmacist under ch. 450, a chiropractor under
2 ch. 446, a podiatrist under subch. IV of ch. 448, or a physical therapist under subch.
3 III of ch. 448.

4 **SECTION 18.** 146.997 (1) (d) 4m. of the statutes is created to read:

5 146.997 (1) (d) 4m. A naturopathic doctor licensed under ch. 466.

6 **SECTION 19.** 155.01 (7) of the statutes is amended to read:

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

19 **SECTION 20.** 180.1901 (1m) (h) of the statutes is created to read:

20 180.1901 (1m) (h) Naturopathic medicine examining board under ch. 466,
21 except that “health care professional” does not include a limited-scope naturopathic
22 doctor licensed by the naturopathic medicine examining board under ch. 466.

23 **SECTION 21.** 252.11 (10) of the statutes is amended to read:

24 252.11 (10) The state laboratory of hygiene shall examine specimens for the
25 diagnosis of sexually transmitted diseases for any physician, naturopathic doctor,

1 physician assistant, advanced practice nurse prescriber, or local health officer in the
2 state, and shall report the positive results of the examinations to the local health
3 officer and to the department. All laboratories performing tests for sexually
4 transmitted diseases shall report all positive results to the local health officer and
5 to the department, with the name of the physician, naturopathic doctor, physician
6 assistant, or advanced practice nurse prescriber to whom reported.

7 **SECTION 22.** 252.14 (1) (ar) 4q. of the statutes is renumbered 252.14 (1) (ar) 4n.

8 **SECTION 23.** 252.14 (1) (ar) 4s. of the statutes is created to read:

9 252.14 (1) (ar) 4s. A naturopathic doctor licensed under ch. 466.

10 **SECTION 24.** 255.06 (1) (d) of the statutes is amended to read:

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

16 **SECTION 25.** 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,

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 26.** 440.03 (13) (b) 39g. and 39h. of the statutes are created to read:

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

8 39h. Naturopathic doctor, limited-scope.

9 **SECTION 27.** 440.08 (2) (a) 47g. and 47h. of the statutes are created to read:

10 440.08 (2) (a) 47g. Naturopathic doctor: January 1 of each odd-numbered year.

11 47h. Naturopathic doctor, limited-scope: January 1 of each odd-numbered
12 year.

13 **SECTION 28.** 446.02 (9) (e) of the statutes is created to read:

14 446.02 (9) (e) A naturopathic doctor or limited-scope naturopathic doctor
15 acting within the scope of his or her license under ch. 466.

16 **SECTION 29.** 448.03 (2) (a) of the statutes is amended to read:

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

24 **SECTION 30.** 448.56 (1) of the statutes is amended to read:

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 31.** 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 32.** 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

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 33.** 450.10 (3) (a) 12. of the statutes is created to read:

7 450.10 (3) (a) 12. A naturopathic doctor or limited-scope naturopathic doctor
8 licensed under ch. 466.

9 **SECTION 34.** 462.04 of the statutes is amended to read:

10 **462.04 Prescription or order required.** A person who holds a license or
11 limited X-ray machine operator permit under this chapter may not use diagnostic
12 X-ray equipment on humans for diagnostic purposes unless authorized to do so by
13 prescription or order of a physician licensed under s. 448.04 (1) (a), a naturopathic
14 doctor licensed under s. 466.04 (1), a dentist licensed under s. 447.04 (1), a podiatrist
15 licensed under s. 448.63, a chiropractor licensed under s. 446.02, an advanced
16 practice nurse certified under s. 441.16 (2), a physician assistant licensed under s.
17 448.04 (1) (f), or, subject to s. 448.56 (7) (a), a physical therapist who is licensed under
18 s. 448.53 or who holds a compact privilege under subch. IX of ch. 448.

19 **SECTION 35.** Chapter 466 of the statutes is created to read:

20 **CHAPTER 466**

21 **NATUROPATHIC DOCTORS**

22 **466.01 Definitions.** In this chapter:

23 (1) “Board” means the naturopathic medicine examining board.

24 (2) “Drug” has the meaning given in s. 450.01 (10).

1 **(3)** “Limited-scope naturopathic doctor” means an individual licensed under
2 s. 466.04 (2).

3 **(4)** “Minor office procedure” includes the methods for the repair and care
4 incidental to superficial lacerations, superficial abrasions, and superficial lesions
5 and the removal of foreign bodies located in the superficial tissues.

6 **(5)** “Naturopathic doctor” means an individual licensed under s. 466.04 (1).

7 **(6)** (a) “Naturopathic medicine” means, except as provided in par. (c), a system
8 of primary health care for the prevention, diagnosis, and treatment of human health
9 conditions, injury, and disease; the promotion or restoration of health; and the
10 support and stimulation of a patient’s inherent self-healing processes through
11 patient education and the use of naturopathic therapies and therapeutic substances,
12 including all of the following:

13 1. Ordering and performing physical and laboratory examinations, for
14 diagnostic purposes, consistent with naturopathic education and training, including
15 all of the following:

16 a. Diagnostic or evaluation methods.

17 b. Physical examinations.

18 c. Clinical laboratory tests.

19 d. Diagnostic sonography.

20 e. Electrocardiography.

21 f. Phlebotomy.

22 2. Ordering diagnostic imaging studies.

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

24 a. Health education and health counseling.

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

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

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

7 4. Recommending, dispensing, and administering nonprescription drug
8 products.

9 5. Performing minor office procedures.

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

14 (b) "Naturopathic medicine" includes ordering or performing any other
15 diagnostic, therapeutic, or other procedure or practice identified in rules
16 promulgated rule under s. 466.03 (2) (a).

17 (c) "Naturopathic medicine" does not include any of the following:

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

19 2. Using general or spinal anesthetics.

20 3. Administering ionizing radioactive substances for therapeutic purposes.

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

23 5. Performing any procedure or practice that is prohibited by the board by rule
24 under s. 466.03 (2) (a) or that is excluded from the definition of naturopathic physical
25 medicine under sub. (7) (b).

1 (d) “Naturopathic medicine” is distinct from the practice of medicine and
2 surgery, as defined in s. 448.01 (9).

3 (7) (a) “Naturopathic physical medicine” includes, except as provided in par.
4 (b), manually administering mechanical treatment of body structures or tissues for
5 the purpose of restoring normal physiological function to the body by normalizing
6 and balancing the musculoskeletal system of the body, such as massage, stretching,
7 resistance, or joint play examination.

8 (b) “Naturopathic physical medicine” does not include any of the following:

9 1. The employment or application of chiropractic or spinal adjustments and the
10 principles or techniques of chiropractic science as described in s. 446.01 (2) (b).

11 2. The manipulation or adjustment of the spine or extremity joints of the
12 human body beyond the elastic barrier, including small amplitude movement at or
13 beyond the end range of normal joint motion.

14 (8) “Nonprescription drug product” has the meaning given in s. 450.01 (13m).

15 **466.02 License required; use of titles.** (1) (a) Except as provided in subs.
16 (2) (a) and (b) and (3), no person may practice naturopathic medicine or make a
17 representation that he or she is authorized to do so unless the person is licensed
18 under this chapter.

19 (b) 1. Except as provided in subs. (2) (b) and (3), no person may designate
20 himself or herself as a naturopathic doctor or doctor of naturopathic medicine; use
21 or assume the title “naturopathic doctor,” “doctor of naturopathic medicine,” or
22 “doctor of naturopathy”; use the words “naturopathic medicine” or “naturopathic
23 health care” in connection with his or her practice; append to the person’s name the
24 letters “N.D.” or “ND”; use any other titles, words, letters, abbreviations, insignia,
25 or designation that would imply that the individual is licensed, certified, or

1 registered as a naturopathic doctor or doctor of naturopathic medicine; or claim to
2 render naturopathic medicine or naturopathic health care services unless the person
3 is licensed under s. 466.04 (1) or (2).

4 2. This paragraph does not prohibit or restrict a person from designating
5 himself or herself as a naturopath or from using or assuming the title “naturopath”
6 if that designation or use does not otherwise violate subd. 1.

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

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

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

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

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

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

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

20 1. The practice of naturopathic medicine by an individual employed by the
21 federal government while the individual is engaged in the performance of duties
22 prescribed by federal law.

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

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

6 **(3)** The board may, by rule, establish additional exemptions from the
7 prohibitions under sub. (1).

8 **466.03 Duties and powers of examining board.** (1) The board shall
9 promulgate rules that establish all of the following:

10 (a) Standards of practice for and a code of ethics governing the professional
11 conduct of naturopathic doctors and limited-scope naturopathic doctors.

12 (b) Continuing education requirements for applicants seeking renewal of a
13 naturopathic doctor license under this chapter.

14 (bm) Continuing education requirements for applicants seeking renewal of a
15 limited-scope naturopathic doctor license under this chapter. The board shall accept
16 qualifying training that is completed to satisfy the requirement under s. 466.04 (2)
17 (b) 5. d. as qualifying continuing education under this paragraph.

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

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

22 (a) Further interpret s. 466.01 (6) (a) and (c), including to identify diagnostic,
23 therapeutic, or other practices or procedures that may be used by naturopathic
24 doctors. The board may not authorize a naturopathic doctor to engage in any practice
25 excluded from the definition of naturopathic medicine under s. 466.01 (6) (c) or

1 otherwise expand the scope of practice of a naturopathic doctor or limited-scope
2 naturopathic doctor beyond what is specified under s. 466.01 (6) (a).

3 (am) Expressly prohibit diagnostic, therapeutic, or other practices.

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

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

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

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

15 (f) Adopt minimum malpractice insurance requirements for naturopathic
16 doctors and limited-scope naturopathic doctors.

17 **(3)** The board may, for purposes of s. 466.04 (1) (d) 1. e., 2. d., 3. d., and 4. e.,
18 disqualify any naturopathic medical program if the board determines the program
19 does not adequately prepare students to practice naturopathic medicine.

20 **466.04 License; renewal. (1) NATUROPATHIC DOCTOR LICENSE.** The board shall
21 grant a naturopathic doctor license to a person who does all of the following:

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

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

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

3 (d) Submits evidence satisfactory to the board that he or she has completed one
4 of the following:

5 1. A naturopathic medical education program offered in the United States that
6 satisfies all of the following:

7 a. The program provides the degree of doctor of naturopathy or doctor of
8 naturopathic medicine.

9 b. The program offers graduate-level, full-time, didactic and supervised
10 clinical training.

11 c. The program is accredited, or has achieved candidacy status for such
12 accreditation, by the Council on Naturopathic Medical Education or an equivalent
13 accrediting body for naturopathic medical programs recognized by the federal
14 department of education.

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

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

21 2. A program at a diploma-granting, degree-equivalent institution of higher
22 education located in Canada that satisfies all of the following:

23 a. The program offers graduate-level, full-time didactic and supervised
24 clinical training.

1 b. The program is accredited, or has achieved candidacy status for such
2 accreditation, by the Council on Naturopathic Medical Education or an equivalent
3 accrediting body for naturopathic medical programs recognized by the federal
4 department of education.

5 c. The program has provincial approval for participation in
6 government-funded student aid programs.

7 d. The program has not been disqualified by the board as an approved
8 naturopathic medical educational program under s. 466.03 (3).

9 3. A program at a degree-granting institution of higher education located in
10 the United States that satisfies all of the following:

11 a. The program existed prior to the existence of the Council on Naturopathic
12 Medical Education.

13 b. The program offered a full-time, structured curriculum in basic sciences and
14 supervised patient care comprising a doctoral naturopathic medical education for a
15 duration of not less than 132 weeks and required completion within a period of not
16 less than 35 months.

17 c. If the program is still in existence, the program is currently accredited, or has
18 achieved candidacy status for accreditation by the Council on Naturopathic Medical
19 Education or an equivalent federally recognized accrediting body for the
20 naturopathic medical profession recognized by the board.

21 d. The program has not been disqualified by the board as an approved
22 naturopathic medical educational program under s. 466.03 (3).

23 4. A program at a diploma-granting, degree-equivalent institution of higher
24 education located in Canada that satisfies all of the following:

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

3 b. The program offered a full-time, structured curriculum in basic sciences and
4 supervised patient care comprising a doctoral naturopathic medical education for a
5 duration of not less than 132 weeks and required completion within a period of not
6 less than 30 months.

7 c. Prior to the existence of the Council on Naturopathic Medical Education, the
8 program had provincial approval for participation in government-funded student
9 aid programs.

10 d. If the program is still in existence, the program is currently accredited, or
11 has achieved candidacy status for accreditation by the Council on Naturopathic
12 Medical Education or an equivalent federally recognized accrediting body for the
13 naturopathic medical profession recognized by the board and currently has
14 provincial approval for participation in government-funded student aid programs.

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

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

19 1. Either of the following:

20 a. 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 b. For graduates of approved naturopathic medical programs prior to the
24 existence of the Council on Naturopathic Medical Education, a competency-based
25 state naturopathic medicine licensing examination or equivalent Canadian

1 provincial licensing examination for the practice of naturopathic medicine approved
2 by the board.

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

4 3. Any other competency or jurisprudence examinations required by the board
5 by rule.

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

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

11 **(2) LIMITED-SCOPE NATUROPATHIC DOCTOR LICENSE.** (a) In this subsection:

12 1. “Clinical sciences” means body systems and their interactions, cardiology,
13 psychology, dermatology, endocrinology, EENT, gastroenterology, immunology,
14 urology, proctology, gynecology, neurology, orthopedics, pulmonology, natural
15 childbirth and obstetrics, pediatrics, geriatrics, rheumatology, oncology, and
16 hematology.

17 2. “Qualifying training” means training in clinical sciences that satisfies at
18 least one of the following:

19 a. It is a course that is either taken for credit or audited and that is provided
20 by an academic institution that is accredited by an agency recognized by the federal
21 department of education.

22 b. It is a continuing education program or course of study approved by the
23 medical examining board under s. 448.13 (1).

1 c. It is a continuing education course that is provided by a continuing education
2 provider that meets the continuing education standards for states that regulate
3 naturopathic medicine.

4 (b) The board shall grant a limited-scope naturopathic doctor license to a
5 person who does all of the following:

6 1. Submits, no later than the date specified in par. (c), an application for the
7 license to the department on a form provided by the department.

8 2. Pays the fee specified in s. 440.05 (1).

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

11 4. Submits evidence satisfactory to the board that, prior to 2013, he or she
12 completed a naturopathic health care program offered in the United States that
13 provided the degree of doctor of naturopathy.

14 5. Satisfies one of the following:

15 a. The person submits evidence satisfactory to the board that the naturopathic
16 health care program described in subd. 4. provided at least 250 hours of education
17 in 2 or more clinical sciences.

18 b. The person is, as of the date of application, licensed as a registered nurse
19 under s. 441.06.

20 c. The person submits evidence satisfactory to the board that the person has
21 completed in 2 or more clinical sciences at least 250 hours of education provided by
22 the naturopathic health care program described in subd. 4., at least 250 hours of
23 qualifying training subsequent to completing the naturopathic health care program
24 described in subd. 4., or a combination of at least 250 hours of such education and
25 training.

1 d. The person signs a statement committing to satisfying the requirement
2 under subd. 5. c. within 5 years after issuance of an initial license under this
3 subsection.

4 6. Submits evidence satisfactory to the board that he or she has been
5 continually practicing naturopathic medicine in this state for at least the 10-year
6 period preceding his or her application for a license under this subsection.

7 7. Submits evidence satisfactory to the board that he or she has passed any
8 competency or jurisprudence examinations required by the board by rule.

9 8. Satisfies the board that he or she has exhibited a record of safety in the
10 practice of naturopathic medicine or naturopathy.

11 9. Meets any character and fitness, mental and physical competency, and
12 professional competency standards established by the board under s. 466.03 (2) (b)
13 to (d).

14 (c) An application for a limited-scope naturopathic doctor license under par. (b)
15 may be submitted no later than the last day of the 12th month beginning after the
16 date on which the board begins accepting applications for licensure under this
17 subsection. The board may not consider an application for a limited-scope
18 naturopathic doctor license under par. (b) submitted after that date. As soon as the
19 date of the deadline described in this paragraph can be ascertained, the department
20 shall send a notice of that date to the legislative reference bureau for publication in
21 the Wisconsin Administrative Register.

22 (d) A limited-scope naturopathic doctor license granted under par. (b) shall not
23 be considered to be a naturopathic doctor license for purposes of the law of any other
24 state that offers reciprocal licensure or licensure by endorsement in that other state
25 to individuals who are licensed in this state.

1 **(3) RENEWAL.** (a) The renewal date for licenses granted under this chapter is
2 specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the
3 department on a form provided by the department. The application shall include all
4 of the following in order for the license to be renewed:

5 1. The renewal fee determined by the department under s. 440.03 (9) (a).

6 2. Proof of compliance with continuing education requirements established by
7 the board under s. 466.03 (1) (b) or (bm), whichever is applicable.

8 3. Proof of compliance with any requirements established by the board under
9 s. 466.03 (2) (b) to (d).

10 4. Proof of compliance with any malpractice insurance requirements under s.
11 466.03 (2) (f).

12 5. If par. (b) applies, proof of compliance with the requirements under par. (b).

13 (b) If a limited-scope naturopathic doctor was issued an initial license under
14 sub. (2) by satisfying the requirement under sub. (2) (b) 5. d., the limited-scope
15 naturopathic doctor shall, no later than the first renewal date after the conclusion
16 of the 5-year period under sub. (2) (b) 5. d., submit evidence satisfactory to the board
17 that he or she has completed the education and training required under sub. (2) (b)
18 5. d.

19 **466.05 Practice.** (1) (a) A naturopathic doctor may practice naturopathic
20 medicine.

21 (b) A naturopathic doctor may, except as otherwise prohibited by the board by
22 rule, utilize routes of administration that include oral, nasal, auricular, ocular,
23 rectal, vaginal, transdermal, intramuscular, intravenous, intradermal, and
24 subcutaneous, consistent with the education and training of a naturopathic doctor.

1 **(2)** (a) 1. Subject to subd. 3. and except as provided in subd. 2., a limited-scope
2 naturopathic doctor may practice naturopathic medicine, but limited to what is
3 specified under s. 466.01 (6) (a) 1. and 3. a. to c., except for s. 466.01 (6) (a) 1. d. to
4 f.

5 2. A limited-scope naturopathic doctor may practice naturopathic medicine
6 beyond what is authorized in subd. 1. if he or she demonstrates to the board that he
7 or she is qualified to expand his or her scope of practice beyond what is authorized
8 under subd. 1. If the limited-scope naturopathic doctor demonstrates to the board
9 that he or she is qualified to expand his or her scope of practice, he or she may, subject
10 to subd. 3., practice as authorized by the board, but not beyond what is authorized
11 under sub. (1).

12 3. A limited-scope naturopathic doctor shall limit his or her practice to the
13 scope of his or her experience, education, and training.

14 (b) Paragraph (a) applies notwithstanding any other provision of law that
15 permits a naturopathic doctor to engage in any act that constitutes naturopathic
16 medicine beyond what is authorized under par. (a).

17 **466.07 Disciplinary proceedings and actions.** (1) Subject to the rules
18 promulgated under s. 440.03 (1), the board may make investigations and conduct
19 hearings to determine whether a violation of this chapter or any rule promulgated
20 under this chapter has occurred.

21 **(2)** Subject to the rules promulgated under s. 440.03 (1), the board may
22 reprimand a naturopathic doctor or limited-scope naturopathic doctor or may deny,
23 limit, suspend, or revoke a license granted under this chapter if it finds that the
24 applicant, naturopathic doctor, or limited-scope naturopathic doctor has done any
25 of the following:

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

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

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

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

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

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

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

13 (h) Engaged in unprofessional or unethical conduct in violation of the code of
14 ethics established in the rules promulgated under s. 466.03 (1) (a).

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

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

18 **466.09 Penalties.** Any person who violates this chapter or any rule
19 promulgated under this chapter may be fined not more than \$10,000 or imprisoned
20 for not more than 9 months or both.

21 **SECTION 36.** 895.48 (1m) (a) (intro.) and 2. of the statutes are amended to read:

22 895.48 (1m) (a) (intro.) Except as provided in par. (b), any physician,
23 naturopathic doctor, physician assistant, podiatrist, or athletic trainer licensed
24 under ch. 448, chiropractor licensed under ch. 446, dentist licensed under ch. 447,
25 emergency medical services practitioner licensed under s. 256.15, emergency

1 medical responder certified under s. 256.15 (8), registered nurse licensed under ch.
2 441, or a massage therapist or bodywork therapist licensed under ch. 460 who
3 renders voluntary health care to a participant in an athletic event or contest
4 sponsored by a nonprofit corporation, as defined in s. 66.0129 (6) (b), a private school,
5 as defined in s. 115.001 (3r), a tribal school, as defined in s. 115.001 (15m), a public
6 agency, as defined in s. 46.856 (1) (b), or a school, as defined in s. 609.655 (1) (c), is
7 immune from civil liability for his or her acts or omissions in rendering that care if
8 all of the following conditions exist:

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

14 **SECTION 37.** 905.04 (title) of the statutes is repealed and recreated to read:

15 **905.04 (title) Privilege between certain health-care providers and**
16 **patients.**

17 **SECTION 38.** 905.04 (1) (b) and (c), (2) and (3) of the statutes are amended to
18 read:

19 905.04 (1) (b) A communication or information is “confidential” if not intended
20 to be disclosed to 3rd persons other than those present to further the interest of the
21 patient in the consultation, examination, or interview, to persons reasonably
22 necessary for the transmission of the communication or information, or to persons
23 who are participating in the diagnosis and treatment under the direction of the
24 physician, naturopathic doctor, podiatrist, registered nurse, chiropractor,

1 psychologist, social worker, marriage and family therapist or professional counselor,
2 including the members of the patient's family.

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

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

18 (3) WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the patient,
19 by the patient's guardian or conservator, or by the personal representative of a
20 deceased patient. The person who was the physician, naturopathic doctor,
21 podiatrist, registered nurse, chiropractor, psychologist, social worker, marriage and
22 family therapist or professional counselor may claim the privilege but only on behalf
23 of the patient. The authority so to do is presumed in the absence of evidence to the
24 contrary.

25 **SECTION 39.** 905.04 (1) (br) of the statutes is created to read:

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

4 **SECTION 40.** 990.01 (22m) of the statutes is created to read:

5 990.01 (22m) NATUROPATHIC DOCTOR. “Naturopathic doctor” means a
6 naturopathic doctor licensed under s. 466.04 (1). Except where expressly provided,
7 “naturopathic doctor” does not include a limited-scope naturopathic doctor licensed
8 under s. 466.04 (2).

9 **SECTION 41. Nonstatutory provisions.**

10 (1) INITIAL APPOINTMENTS TO BOARD. Notwithstanding the lengths of the terms
11 specified for the members of the naturopathic medicine examining board under s.
12 15.405 (7f) (intro.), 2 of the initial members under s. 15.405 (7f) (a) and one of the
13 initial members under s. 15.405 (7f) (c) shall be appointed for terms expiring on July
14 1, 2023; one of the initial members under s. 15.405 (7f) (a) and one of the initial
15 members under s. 15.405 (7f) (c) shall be appointed for terms expiring on July 1, 2024;
16 and one of the initial members under s. 15.405 (7f) (a) and the initial member under
17 s. 15.405 (7f) (b) shall be appointed for terms expiring on July 1, 2025.

18 (2) PROVISIONAL APPOINTMENTS TO BOARD. Notwithstanding s. 15.08 (1), the
19 governor may provisionally appoint initial members of the naturopathic medicine
20 examining board under s. 15.405 (7f). Those provisional appointments remain in
21 force until withdrawn by the governor or acted upon by the senate and, if confirmed
22 by the senate, shall continue for the remainder of the unexpired term, if any, of the
23 member and until a successor is chosen and qualifies. A provisional appointee may
24 exercise all the powers and duties of board membership to which the person is
25 appointed during the time in which the appointee qualifies.

