

Introduced by

Senators Dwyer, K. Roers, Bell

Representatives J. Nelson, Rohr, M. Ruby

1 A BILL for an Act to amend and reenact section 43-58-08 of the North Dakota Century Code,  
2 relating to the scope of practice of a naturopath.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 43-58-08 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **43-58-08. Practice of naturopathic health care.**

7 1. A naturopath may practice naturopathic medicine as a limited practice of the healing  
8 arts as exempted under section 43-17-02. A naturopath may not:

9 a. ~~Prescribe~~Except as authorized under subsection 3, prescribe, dispense, or  
10 administer any prescription drug;

11 b. Administer ionizing radioactive substances for therapeutic purposes;

12 c. Perform a surgical procedure; or

13 d. Claim to practice any licensed health care profession or system of treatment  
14 other than naturopathic medicine unless holding a separate license in that  
15 profession. A naturopath may not hold out to the public that the naturopath is a  
16 primary care provider.

17 2. A naturopath may prescribe and administer for preventive and therapeutic purposes a  
18 prescriptive device and the following nonprescriptive natural therapeutic substances,  
19 drugs, and therapies:

20 a. Food, vitamins, minerals, dietary supplements, enzymes, botanical medicines,  
21 and homeopathic preparations;

22 b. Topical drugs, health care counseling, nutritional counseling and dietary therapy,  
23 naturopathic physical applications, and therapeutic devices; and

24 c. Barrier devices for contraception.

- 1       3. A naturopath:
- 2           a. May prescribe, dispense, administer, and procure drugs and medical devices.
- 3           b. May plan and initiate a therapeutic regimen that includes ordering and
- 4                prescribing nonpharmacological interventions, including durable medical
- 5                equipment, nutrition, blood and blood products, and diagnostic support services,
- 6                including home health care, hospice, and physical and occupational therapy.
- 7           c. May not prescribe ~~and/or~~ dispense schedule ~~II~~ through V substances as
- 8                designated by the federal drug enforcement administration **except for**
- 9                **testosterone** and **may prescribe and dispense** all **other** legend drugs.
- 10          d. May not dispense a drug, unless pharmacy services are not reasonably
- 11                available, dispensing is in the best interest of the patient, or an emergency exists.
- 12          e. May request, receive, and sign for a professional sample and may distribute a
- 13                professional sample to a patient.
- 14          f. If prescribing or dispensing a controlled substance, shall register with the federal
- 15                drug enforcement administration and shall comply with appropriate state and
- 16                federal laws.
- 17        4. A naturopath may perform or order for diagnostic purposes a physical or orificial
- 18                examination, ultrasound, phlebotomy, clinical laboratory test or examination,
- 19                physiological function test, and any other noninvasive diagnostic procedure commonly
- 20                used by physicians in general practice and as authorized by the board.