

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. Within the scope of practice, 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 or dispense schedule I through V substances as designated by
- 8 the federal drug enforcement administration except for testosterone and may
- 9 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 if the naturopath is
- 13 authorized to prescribe the sample and may distribute the professional sample to
- 14 a patient.
- 15 f. If prescribing or dispensing a controlled substance, shall register with the federal
- 16 drug enforcement administration and shall comply with appropriate state and
- 17 federal laws.
- 18 4. A naturopath may perform or order for diagnostic purposes a physical or orificial
- 19 examination, ultrasound, phlebotomy, clinical laboratory test or examination,
- 20 physiological function test, and any other noninvasive diagnostic procedure commonly
- 21 used by physicians in general practice and as authorized by the board.