

24.33.04 – RULES FOR THE LICENSURE OF NATUROPATHIC MEDICAL DOCTORS

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections 54-5102, 54-5105(2), and 54-5108 Idaho Code. (3-28-23)

001. SCOPE.

These rules govern the licensure, scope of practice, and discipline of the Naturopathic Medical Doctors in Idaho. (3-28-23)

~~002. – 009. (RESERVED)~~

~~010002. DEFINITIONS.~~

~~01. Council on Naturopathic Medical Education (CNME). The accrediting organization that is recognized by the United States Department of Education as the accrediting agency for education programs that prepare naturopathic medical doctors. (3-28-23)~~

~~02. North American Board of Naturopathic Examiners (NABNE). The independent, nonprofit organization that qualifies applicants to take the Naturopathic Physicians Licensing Exam and submits those results to the regulatory authority. (3-28-23)~~

~~03. Naturopathic Physicians Licensing Exam (NPLEX). The board examination for naturopathic medical doctors. (3-28-23)~~

~~04.01. Naturopathic Medical Doctor. A person who meets the definition in Section 54-5101(5), Idaho Code, is a term interchangeable with Licensed naturopathic physician, physician of naturopathic medicine, naturopathic medical doctor and NMD are interchangeable terms. (3-28-23)~~

~~05. Primary Care. Comprehensive first contact and/or continuing care for persons with any sign, symptom, or health concern not limited by problem of origin, organ system, or diagnosis. It includes health promotion, disease prevention, health maintenance, counseling, patient education, diagnosis and treatment of acute and chronic illness. It includes collaborating with other health professionals and utilizing consultation or referral as appropriate. (3-28-23)~~

~~00311. – 09920. (RESERVED)~~

100. LICENSURE.

021. APPLICATION FOR LICENSURE.

~~01. Application. Each applicant for licensure will submit a completed written application to the Board on forms prescribed by the Board, together with the nonrefundable application fee. (3-28-23)~~

~~01.2. Licensing Examinations. Each applicant must provide certification of passing the following four (4) Naturopathic Physicians Licensing Exam (NPLEX) exams: (3-28-23)~~

- a. Part I Biomedical Science; (3-28-23)
- b. Part II Core Clinical Science; (3-28-23)
- c. Part II Clinical Elective Minor Surgery; and (3-28-23)
- d. Part II Clinical Elective Pharmacology. (3-28-23)

Commented [RS1]: Both of these terms are never used in either the rest of the rule, nor are they used in statute. So they could be struck.

Commented [SL2]: Removed from definitions and added to 021.02.

Commented [RS3]: I think this is a commonly understood term.

Commented [RS4]: Duplicative of 54-5106.

02033. CONTINUING MEDICAL EDUCATION (CME) REQUIREMENTS RENEWAL OF LICENSE.

01. Renewal Continuing Medical Education. Every two (2) years, a total of forty-eight (48) hours (twenty (20) of which is pharmacology) of Board-approved CME is required as part of the naturopathic medical doctor's license renewal. (3-28-23)

02. Verification of Compliance. Licensees must, at license renewal, provide a signed statement to the Board indicating compliance. The Board, in its discretion, may require such additional evidence as it deems necessary to verify compliance. (3-28-23)

101. – 199. (RESERVED)

200. PRACTICE STANDARDS

0122. PRESCRIPTIVE AUTHORITY TO PRESCRIBE, DISPENSE, ADMINISTER, AND ORDER.
~~Naturopathic medical doctors are allowed to prescribe, dispense, administer, and order the following: (3-28-23)~~

01. Laboratory and Diagnostic Procedures. Naturopathic medical doctors licensed under this chapter may perform and order physical examinations, laboratory tests, imaging, and other diagnostic tests consistent with primary care. (3-28-23)

a. All examinations, laboratory, and imaging tests not consistent with primary care must be referred to an appropriately licensed health care professional for treatment and interpretation. (3-28-23)

b. Any test result or lesion suspicious of malignancy must be referred to the appropriate physician licensed pursuant to Chapter 18, Title 54 Idaho Code. (3-28-23)

02 Naturopathic Formulary. The formulary for naturopathic medical doctors licensed under this chapter consists of non-controlled legend medications (excluding testosterone) deemed appropriate for the primary health care of patients within the scope of practice and training of each naturopathic medical doctor. Prescribing pursuant to the Naturopathic Formulary shall be according to the standard of health care provided by other qualified naturopathic medical doctors in the same community or similar communities, taking into account their training, experience and the degree of expertise to which they hold themselves out to the public. (3-28-23)

03. Formulary Exclusions. The naturopathic formulary does not include: (3-28-23)

a. Scheduled, controlled drugs, except for testosterone used in physiologic doses with regular lab assessment for hormone replacement therapy, gender dysphoria, or hypogonadism; (3-28-23)

b. General anesthetics; (3-28-23)

c. Blood derivatives except for platelet rich plasma; or (3-28-23)

d. Systemic antineoplastic agents, except for the following antineoplastic agents used orally or topically for non-cancer purposes: (3-28-23)

i. Fluorouracil (5FU); (3-28-23)

ii. Anastrozole; and (3-28-23)

iii. Letrozole. (3-28-23)

201. – 299. (RESERVED)

300. DISCIPLINE.

Commented [RS5]: We need to reframe this as requirements for renewal. The board has no direct authority to order continuing education; but it is allowed to establish rules for license renewal, and is not prohibited from requiring CE under those rules.

Commented [RS6]: Only applies to sub 01 and is redundant of sub 01.

Commented [SL7]: Is this standard of care? Is this part of a naturopathic medical doctors education, training, and experience? Does this need to be stated explicitly?

032. GROUNDS FOR DISCIPLINE OR DENIAL OF A LICENSE.

In addition to statutory grounds for discipline set forth in Section 54-5109, Idaho Code, every person licensed as a naturopathic medical doctor is subject to discipline by the Board under the following grounds: (3-28-23)

01. Ability to Practice. Demonstrating a manifest incapacity to carry out the functions of the licensee's ability to practice naturopathic medicine or deemed unfit by the Board to practice naturopathic medicine; (3-28-23)

Commented [RS8]: What does this add to 54-5109(b), (d), and (f)?

02. Controlled Substance or Alcohol Abuse. Using any controlled substance or alcohol in a manner which has or may have a direct and adverse bearing on the licensee's ability to practice naturopathic medicine with reasonable skill and safety; (3-28-23)

03. Education or Experience. Misrepresenting educational or experience attainments; (3-28-23)

Commented [RS9]: Is this covered by 54-5109(a)?

04. Medical Records. Failing to maintain adequate naturopathic medical records. Adequate naturopathic medical records mean legible records that contain subjective information, an evaluation or report of objective findings, assessment or diagnosis, and the plan of care; (3-28-23)

05. Untrained Practice. Practicing in an area of naturopathic medicine for which the licensee is not trained; (3-28-23)

Commented [RS10]: Is this covered by 54-5109(d) and (f)?

06. Sexual Misconduct. Committing any act of sexual contact, misconduct, exploitation, or intercourse with a patient or former patient or related to the licensee's practice of naturopathic medicine; (3-28-23)

a. Consent of the patient shall not be a defense. (3-28-23)

b. Subsection 032.06 does not apply to sexual contact between a naturopathic medical doctor and the naturopathic medical doctor's spouse or a person in a domestic relationship who is also a patient. (3-28-23)

c. A former patient includes a patient for whom the naturopathic medical doctor has provided naturopathic medical services within the last twelve (12) months. Sexual or romantic relationships with former patients beyond that period of time may also be a violation if the naturopathic medical doctor uses or exploits the trust, knowledge, emotions, or influence derived from the prior professional relationship with the patient. (3-28-23)

Commented [RS11]: 54-5109, prohibiting abuse or exploitation of a patient, appears broader and does not require the caveat.

07. Failure to Report. Failing to report to the Board any known act or omission of a licensee, applicant, or any other person, that violates any of the rules promulgated by the Board under the authority of the act; (3-28-23)

08. Interfering with or Influencing Disciplinary Outcome. Interfering with an investigation or disciplinary proceeding by willful misrepresentation of facts or by use of threats or harassment against any patient, Board or naturopathic medical board, Board staff, hearing officer, or witness in an attempt to influence the outcome of a disciplinary proceeding, investigation or other legal action; (3-28-23)

09. Failure to Obey Laws and Rules. Failing to obey federal and local laws and rules governing the practice of naturopathic medicine. (3-28-23)

Commented [RS12]: Generally, this whole section needs to be reframed as "Ethical Standards of Practice." Grounds for discipline are already covered under section 54-5109 and there is no statutory authority to expand those grounds. However, the board is authorized to establish ethical standards of practice.

301. – 399. (RESERVED)

400. FEES.

~~041. FEES.~~

Nonrefundable fees are shown in the following table:

Fees – Table (Non-Refundable)	
Licensure Fee	Not more than \$600
Annual License Renewal Fee	Not more than \$300
Reinstatement Fee	Not more than \$200
Inactive License Renewal Fee	Not more than \$100
Duplicate Wallet License Fee	Not more than \$20
Duplicate Wall Certificate Fee	Not more than \$50

(3-28-23)

~~401042.~~ – 999. (RESERVED)