



H.B. 562

123rd General Assembly
(As Introduced)

Reps. Smith, Sullivan, Pringle, Patton, Barrett, Britton

BILL SUMMARY

- Creates the State Board of Naturopathic Medical Examiners and authorizes the Board to enforce the laws related to the practice of naturopathic medicine.
- Provides that a naturopathic physician may prescribe, administer, and dispense any substance that may be prescribed by a doctor of medicine or osteopathic medicine.
- Prohibits a naturopathic physician from performing surgical procedures, except minor surgery, and prohibits a naturopathic physician from practicing naturopathic childbirth without obtaining a naturopathic childbirth specialty certification.
- Establishes a prohibition against and penalties for the unauthorized practice of naturopathic medicine.
- Provides that a naturopathic physician may receive payment or reimbursement through workers' compensation and Medicaid.
- Permits a naturopathic physician to use an assistant and authorizes the Board to adopt rules governing the practice of naturopathic physician assistants.
- Requires an applicant for a certificate to practice naturopathic medicine to pass an examination conducted by the Board.

- Establishes licensure requirements for practice in Ohio of individuals licensed by other states to practice naturopathic medicine.
- Establishes disciplinary rules for naturopathic physicians and provides that a naturopathic physician's certificate may be revoked, limited, or suspended.
- Establishes continuing education requirements for naturopathic physicians and procedures for renewing a certificate to practice naturopathic medicine.
- Provides that a naturopathic physician may not refer a patient to a person for a health service if the naturopathic physician, or a member of the physician's immediate family, has certain financial relationships with the person.
- Requires the Board to adopt eligibility and educational standards for approval of naturopathic medical schools, colleges, or programs.

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CONTENT AND OPERATION

State Board of Naturopathic Medical Examiners

(sec. 4779.03)

The bill provides that not later than 60 days after its effective date, the Governor, with the advice and consent of the Senate, must appoint a State Board of Naturopathic Medical Examiners consisting of six members, five of whom must hold the degree of Doctor of Naturopathy or Doctor of Naturopathic Medicine from a school or college chartered by the state to grant those degrees. When making appointments to the Board, the Governor must consider the recommendations of the Ohio Academy of Naturopathic Medicine.

Of the initial appointments to the Board, one is for a term ending August 31, 2001; one for a term ending August 31, 2002; one for a term ending August 31, 2003; one for a term ending August 31, 2004; and one for a term ending August 31, 2005. Thereafter, terms of office are five years. Individuals appointed to succeed the members initially appointed must be individuals authorized to practice naturopathic medicine.

One member of the Board is to represent the interests of consumers and may not be a member of, or associated with, any health care provider or profession. The initial term of office for the consumer member commences August 31, 2000 and ends August 31, 2005. Thereafter, the term of office of the consumer member is five years.

Each Board member will hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed will hold office for the remainder of that term. A member will continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of 60 days has elapsed, whichever occurs first.

The Board is required to meet in June and December and at such times and places as the Board may direct. Four members of the Board constitute a quorum. No action of the Board is valid without the concurrence of four members. The Board must have a seal and prescribe rules for its government.

Compensation for Board members

(sec. 4779.031)

Each member of the State Board of Naturopathic Medical Examiners will receive an amount fixed by the Director of Administrative Services for each day employed in the discharge of official duties and necessary expenses but will not receive step advancements.

Practice of naturopathic medicine

(sec. 4779.04(A))

The bill provides that a naturopathic physician may use for preventative and therapeutic purposes naturopathic medicine and any therapeutic or clinical modalities taught at any naturopathic medical college approved by the Board and for diagnostic purposes physical and official examinations, x-rays, electrocardiograms, ultrasound, phlebotomy, clinical laboratory tests and

examinations, physiological function tests, and any diagnostic procedures commonly used by physicians in general practice.¹ A naturopathic physician may prescribe, administer, or dispense nonprescription medications, natural medicines, or therapeutic devices.

Use of titles

(sec. 4779.17)

The bill provides that a person is regarded as practicing naturopathic medicine who uses the words or letters "N.D." or "N.M.D." or any title in connection with the person's name that in any way represents that the person is engaged in the practice of naturopathic medicine, in any of its branches, or who examines or diagnoses for compensation of any kind, or prescribes, advises, recommends, administers, or dispenses for compensation of any kind, direct or indirect, a drug or medicine, appliance, mold or cast, application, operation, or treatment, of whatever nature, for the cure or relief of a wound, fracture or bodily injury, infirmity, or disease, provided that the treatment of human ills through prayer alone by a practitioner of the Christian Science Church, in accordance with the tenets and creeds of the Church, is not to be regarded as the practice of naturopathic medicine. The bill also provides that sanitary and public health laws must be complied with, no practices may be used that may be dangerous or detrimental to life or health, and no person may be denied the benefits of accepted medical and surgical practices.

The bill also provides that the use of any words, letters, or titles in any connection or under any circumstances as to induce the belief that the person who uses them is engaged in the practice of naturopathic medicine is prima-facie evidence of the intent of the person to represent the person as engaged in the practice of naturopathic medicine.

Unauthorized practice

(secs. 4779.02 and 4779.99(A))

¹ "Naturopathic medicine" is defined by the bill as a system of primary health care practiced by naturopathic physicians, including prevention, diagnosis, treatment, and management of human health conditions, injuries, and diseases that uses education, counseling, biofeedback, acupuncture, natural medicine, topical medicine, naturopathic physical medicine, therapeutic devices, chelation, barrier devices for contraception, minor surgery, immunizations, nutritional assessment and counseling, hypnotherapy, mechanotherapy, naprathery, and dietary therapy to support and stimulate intrinsic healing processes. (Sec. 4779.01(H).)

Prohibition

The bill provides that no person may do either of the following:

(1) Announce or advertise as a naturopathic physician, practice naturopathic medicine, or open or conduct an office or other place for the practice of naturopathic medicine without a certificate from the Board and without complying with all the provisions of Ohio law relating to the practice of naturopathic medicine;

(2) Practice naturopathic medicine after a certificate has been revoked, or if suspended, during the time of the suspension.

The bill also provides that no naturopathic physician may do either of the following:

(1) Perform surgical procedures, except minor surgery;²

(2) Practice naturopathic childbirth without obtaining a naturopathic childbirth specialty certification.³

Penalties

A person who violates one of these prohibitions is guilty of a felony of the fourth degree and is subject to six to 18 months in prison and a fine of up to \$5,000.

Exemptions

(sec. 4779.18)

The bill specifies that nothing in Ohio law governing the practice of naturopathic medicine prohibits service in the case of emergency or domestic administration of family remedies. Nor does it apply to a commissioned medical

² "Minor surgery" is defined by the bill as the use of operative, electrical, or other methods for the surgical repair and care of superficial lacerations, abrasions, and lesions; the removal of foreign bodies located in the superficial tissues; the performance of episiotomies; and the use of antiseptics and local anesthetics in connection with these methods. (Sec. 4779.01(C).)

³ "Naturopathic childbirth" is defined by the bill as natural childbirth that includes the use of obstetrical naturopathic medicines, ophthalmic antibiotics, and minor surgery, but does not include the use of forceps delivery, general or spinal anesthesia, Cesarean section, or induced abortion. (Sec. 4779.01(F).)

officer in the United States Army, Navy, or Marine Hospital Service in the discharge of the officer's professional duties, or to a licensed dentist or physician.

The bill's licensure requirements do not apply to any student of a naturopathic medical college while performing those acts required in the normal course of the student's instruction or to any graduate of a naturopathic medical college while performing those acts that may be prescribed by or incidental to participation in a naturopathic medical internship, externship, residency, or fellowship program situated in Ohio that is approved by the Board.

Enforcement

(sec. 4779.26)

The bill provides that the secretary of the Board is to enforce the laws relating to the practice of naturopathic medicine. If the secretary has knowledge of a violation, the secretary must investigate the matter and, probable cause appearing, prosecute the offender. When requested by the secretary, the prosecuting attorney of the offender's county must take charge of and conduct the prosecution.

For the purpose of determining an individual's competence to practice naturopathic medicine, and for any purpose it deems appropriate, the Board must recognize and use the standards of the Ohio Academy of Naturopathic Medicine and the International Academy of Naturopathic Physicians. The Board is required by the bill to keep copies of the code of ethics of both of these organizations.

Prescriptive authority

(secs. 2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 4729.01, and 4779.04(B))

The bill provides that a naturopathic physician may prescribe, administer, and dispense any substance that may be prescribed by a doctor of medicine or osteopathic medicine.

The bill authorizes pharmacists to fill prescriptions ordered by a naturopathic physician and exempts a naturopathic physician from certain drug and controlled substance criminal laws as long as the naturopathic physician's conduct is in accordance with Ohio law governing the practice of naturopathic medicine.

Naturopathic physician assistants

(sec. 4779.04(C))

Under the bill, an assistant may be used by a naturopathic physician to assist in a naturopathic physician's practice. The State Board of Naturopathic Medical Examiners may adopt rules in accordance with the Administrative Procedure Act (Chapter 119. of the Revised Code) necessary to govern the practice of naturopathic physician assistants.

Applications for licensure

(sec. 4779.05)

Each individual who desires to practice naturopathic medicine is required by the bill to file with the secretary of the Board a written application for admission to the examination conducted by the Board. The applicant must file the application under oath on a form prescribed by the Board and furnish satisfactory evidence that the applicant meets all of following requirements:

(1) Is more than 18 years of age and of good moral character and pays the examination fee;

(2) Unless the exemption applicable to persons holding doctorates in naturopathy at the time the bill takes effect applies, meets the following requirements:

(a) Has satisfactorily completed at least 4,100 clock hours of education in naturopathic medicine approved by the Board;

(b) Presents a diploma from a naturopathic medical school or college approved by the Board;

(c) Presents an affidavit that the applicant is the person named in the diploma and is the lawful possessor of the diploma, stating age, residence, the school or college at which the applicant obtained education in naturopathic medicine, the time spent in the study of naturopathic medicine, and any other facts the Board requires.

Under the bill, the Board must admit to the licensure examination conducted by the Board an applicant who meets the requirements for admission to the examination and pays the examination fee. The Board is required to establish a fee for the examination that is sufficient to cover the costs it incurs in procuring, administering, and grading the examination. The fee may not be returned, regardless of whether the applicant passes or fails the examination.

Not later than March 15, 2000, and not less often than twice a year each year thereafter, the Board is required to conduct an examination of applicants for

certificates to practice naturopathic medicine. An applicant who holds the degree of Doctor of Naturopathic Medicine must be examined in subjects the Board deems pertinent to current naturopathic medicine educational standards.

Issuing a certificate to practice naturopathic medicine

(sec. 4779.06(A))

The bill requires the Board to issue a certificate to practice naturopathic medicine to each applicant who passes the examination conducted by the Board and pays the treasurer of the Board the certificate issuance fee established by the Board. Each certificate must be signed by the Board's president and secretary and attested by its seal. An affirmative vote of not fewer than four members of the Board is required to issue a certificate.

Current degree holders

(sec. 4779.06(B))

The bill provides that on or before September 30, 2000, and regardless of whether the applicant successfully passes the examination conducted by the Board, the Board must issue to an applicant a certificate of authority to practice naturopathic medicine if the applicant is more than 18 years of age and of good moral character, pays the examination fee, and presents proof of a diploma showing the receipt of a doctorate degree in naturopathy or naturopathic medicine from a college or university approved by the Board or chartered by the state to grant those degrees.

Titles

(sec. 4779.06(C))

The bill provides that a certificate authorizing the practice of naturopathic medicine permits the holder to use the title "Doctor," "Physician," "Naturopathic Physician," "Naturopathic Doctor," "Naturopath," "Doctor of Naturopathic Medicine" or "Doctor of Naturopathy," or to use the terms "N.D." or "N.M.D.," showing that the holder of the certificate is a practitioner of naturopathic medicine.

The certificate must be prominently displayed in the certificate holder's office or the place where the major portion of the holder's practice is conducted.

Medicaid and workers' compensation reimbursement

(sec. 4779.06(D))

The bill provides that an individual who holds a certificate to practice naturopathic medicine is a "physician" who performs "medical services" for the purposes of the workers' compensation and Medicaid programs and must receive payment or reimbursement as provided under Ohio law governing workers' compensation and Medicaid.

Naturopathic physicians licensed in other states

(secs. 4779.07 and 4779.08)

The bill provides that when a naturopathic physician licensed by the licensing authority of another state, province, or country wishes to remove to Ohio to practice naturopathic medicine, the Board may by an affirmative vote of not fewer than four of its members, issue to the applicant a certificate to practice naturopathic medicine without requiring the applicant to submit to examination, provided the applicant meets the requirements for entrance to the licensure examination conducted by the Board and pays a fee established by the Board. Application must be made on a form prescribed by the Board.

The bill also provides that the Board may dispense with the examination of applicants for a certificate to practice naturopathic medicine on the same reciprocal conditions with respect to such practice as are provided under Ohio law for physicians and surgeons. In such cases, the Board may recognize examining boards of any other state, province, or country.

Certificates as evidence

(sec. 4779.09)

Under the bill, a certificate signed by the Board's secretary, under the official seal of the Board to the effect that it appears from the records of the Board that no certificate to practice naturopathic medicine has been issued to any person specified in the certificate, or that a certificate, if issued, has been revoked or suspended, must be received as prima-facie evidence of the record in any court and before any officer of the state.

Specialty certification in naturopathic childbirth

(sec. 4779.10)

The Board is required by the bill to adopt rules in accordance with the Administrative Procedure Act for specialty certification of naturopathic physicians in the practice of naturopathic childbirth. A naturopathic physician is required to meet all of the following requirements to practice naturopathic childbirth:

(1) Pass a specialty examination in obstetrics or natural childbirth approved by the Board;

(2) Have at least 100 hours of course work, internship, or preceptorship in obstetrics or natural childbirth approved by the Board;

(3) Have participated in 40 supervised births, including prenatal and postnatal care, under the direct supervision of an individual who holds a certificate authorizing the holder to practice naturopathic medicine, medicine and surgery, or osteopathic medicine and surgery and has specialty training in obstetrics or natural childbirth acceptable to the Board.

The bill requires the Board to use a standardized naturopathic examination in obstetrics and childbirth for the specialty certification examination.

Continuing education

(sec. 4779.13(A))

The bill provides that on or before July 1, 2000, and the first day of every even-numbered year thereafter, each person holding a certificate to practice naturopathic medicine must certify to the Board that in the preceding 24 months the person completed 30 hours of continuing naturopathic medical education. The certification must be made on the application for registration furnished by the Board. For purposes of meeting this requirement, all continuing naturopathic medical education taken by persons holding a certificate to practice naturopathic medicine must be certified by the Ohio Academy of Naturopathic Medicine. The Board is required by the bill to adopt rules providing for pro rata reductions by month of the hours of continuing education required for persons who are in their first registration period, who have been disabled due to illness or accident, or who have been absent from the country. Each person holding a certificate to practice naturopathic medicine must be given sufficient choice of continuing education programs approved by the Board to ensure that the person has had a reasonable opportunity to participate in continuing education programs that are relevant to the person's naturopathic medical practice in terms of subject matter and level.

Renewal of a certificate

(sec. 4779.13(B))

Every person holding a certificate to practice naturopathic medicine must, on or before July 1, 2002, and on or before the first day of July of every even-numbered year thereafter, apply to the Board for a certificate of registration on an application furnished by the Board and pay a fee established by the Board.

On or before the first day of March of each year of registration, the Board must mail or cause to be mailed to every person registered to practice naturopathic medicine an application for registration addressed to the last known address of the person or may cause the application to be sent to the person through the secretary of a naturopathic professional association approved by the Board. Failure of a person to receive an application from the Board does not excuse the person from registration requirements. The application must contain proper spaces for the applicant's signature and the insertion of required information, including a statement that the person has fulfilled the applicable continuing education requirements.

The bill provides that the applicant must write or cause to be written on the application the applicant's full name, principal practice address and residence address, the number of the applicant's certificate to practice, and any other facts for the identification of the applicant as a person holding a certificate to practice as the Board considers necessary and then deliver the application to the Board by mail or by person. Every person registered must give written notice to the Board of any change of principal practice address or residence address or in the list within 30 days of the change.

The applicant is required to report any criminal offense that constitutes grounds for the Board to refuse to register the applicant and of which the applicant has been found guilty or to which the applicant has entered a plea of guilty or no contest since the signing of the applicant's latest preceding application for a certificate to practice medicine or surgery.

Issuing certificates

(sec. 4779.13(C))

The bill provides that the Board must issue to any person holding a certificate to practice naturopathic medicine, on application and qualification for the certificate, a certificate of registration under the seal of the Board. The certificate is valid for a two-year period, commencing on the first day of October and expiring on the thirtieth day of September in the second year following.

On the first day of November in the year of registration, or as soon as practicable thereafter, the Board is required to publish and, on request, cause to be mailed to each person registered to practice naturopathic medicine a printed list of the persons registered.

Failure to register

(sec. 4779.13(D))

Under the bill, failure of any certificate holder to register and comply with the bill's registration requirements will operate automatically to suspend the holder's certificate to practice on the first day of October in the year registration is required; continued practice after the suspension of the certificate to practice will be considered practicing without a license. A certificate to practice suspended for less than two years for failure to register must be reinstated by the Board on submission of the current and delinquent registration fees, a \$25 penalty for late applications, and certification by signature of the applicant that the applicant has completed the requisite continuing naturopathic medical education.

Professional discipline

(secs. 4779.11 and 4779.14)

Grounds for discipline

The bill provides that the Board may, pursuant to an adjudication under the Administrative Procedure Act and by a vote of not fewer than four of its members, revoke or refuse to grant a certificate to a person found by the Board to have committed fraud in passing the examination or to have committed fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the Board.

The bill also provides that pursuant to an adjudication under the Administrative Procedure Act and by a vote of not fewer than four members, the Board may, to the extent permitted by law, limit, revoke, or suspend a certificate, refuse to register or refuse to reinstate an applicant, or reprimand or place on probation the holder of a certificate for one or more of the following reasons:

(1) Permitting one's name or one's certificate of registration to be used by a person, group, or corporation when the individual concerned is not actually directing the treatment given;

(2) Willfully betraying a professional confidence or intentionally violating a privileged communication, except where required by law. This provision, however, does not prevent the members of the Board from the full and free exchange of information with the agencies of other states, provinces, or countries, or with any professional naturopathic medical association, organization, or society;

(3) A plea of guilty to, or a judicial finding of guilt of, a felony;

(4) A plea of guilty to, or a judicial finding of guilt of, a violation of any federal or state law regulating the possession, distribution, and use of any controlled substance;

(5) Refusal, revocation, or suspension of a health care license or certificate by any other state, province, or country because of the inability of the licensee or certificate holder to safely and skillfully practice or because of a violation of another disciplinary provision;

(6) Failure to use universal blood and body fluid precautions;

(7) A plea of guilty to, or a judicial finding of guilt of, a misdemeanor committed in the course of practice;

(8) Failure to pay license renewal fees as specified by the Board;

(9) Violation of the conditions of limitations placed by the Board on a certificate to practice or violation of the conditions of limitations on which a temporary or limited registration or certificate to practice is issued;

(10) A departure from, or failure to conform to, accepted and prevailing standards of naturopathic care of similar practitioners under the same circumstances, whether or not actual injury to a patient is established.⁴

The bill provides that a certificate holder or applicant is not to be judged by the standards of any other medical profession when appearing before the board for any violation of the law governing naturopaths.

(11) Soliciting patients or publishing as false, fraudulent, deceptive, or misleading statement;⁵

(12) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills. On showing of a possible violation of this provision, the Board may compel any individual certified to practice

⁴ *The bill specifies that "accepted and prevailing standards of naturopathic care" means standards approved by the Board. Under the bill, the Board may use standards or naturopathic examining boards in other states, provinces, or countries, or it may use standards established by any state, national, or international professional naturopathic medical association, organization, or society approved by the Board.*

⁵ *The bill defines a "false, fraudulent, deceptive, or misleading statement" as a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.*

naturopathic medicine or who has applied for certification to practice naturopathic medicine to submit to a mental or physical examination, or both, as required by and at the expense of the Board. Failure of any individual to submit to a mental or physical examination when directed constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default or final order may be entered without the taking of testimony or presentation of evidence. If the Board finds an individual unable to practice according to acceptable or prevailing standards because of mental or physical illness, the Board may require the individual to submit to care, counseling, or treatment by physicians approved or designated by the Board, as a condition for initial, continued, reinstated, or renewed licensure. An individual certified to practice naturopathic medicine who is found by the Board to be unable to practice because of mental or physical illness must be afforded an opportunity to demonstrate to the Board that the individual can resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's certificate. The bill provides that any individual certified to practice naturopathic medicine in Ohio accepts the privilege of practicing in Ohio, and by doing so or by the making or a filing of a registration or application to practice in Ohio is deemed to have given consent to submit to mental or physical examination when directed to do so in writing by the Board and waived all objections to the admissibility or testimony or examination reports that constitute a privileged communication.

(13) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. The bill provides that any individual certified by the Board to practice naturopathic medicine accepts the privilege of practicing in Ohio subject to the supervision of the Board. By filing a registration or by holding a certificate to practice naturopathic medicine, an individual is deemed to have given consent to submit to a mental or physical examination when ordered to do so by the Board in writing and waived all objections to the admissibility of testimony or examination reports that constitute privileged communications. If it has reason to believe that any individual certified to practice naturopathic medicine suffers an impairment, the Board may compel the individual to consent to a mental or physical examination, or both. The examination will be at the expense of the Board and any mental or physical examination required must be undertaken by a treatment provider or physician qualified to conduct the examination and chosen by the Board. Failure of an individual to submit to a mental or physical examination ordered by the Board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control and a default and final order may be entered without the taking of testimony or presentation of evidence. If the Board determines that the individual's ability to practice is impaired, the Board must suspend the individual's certificate or deny the individual's application

and require the individual, as a condition for initial, continued, reinstated, or renewed certification, to submit to treatment.

Before being eligible to apply for reinstatement of a suspended certificate, the individual must demonstrate to the Board that the individual can resume practice in compliance with acceptable and prevailing standards of care under the provisions of the individual's certificate. The individual's demonstration must include the following:

(a) Certification from a treatment provider approved by the Board that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports must be made by individuals or providers approved by the Board for making assessments and describe the basis for the determination.

Under the bill, the Board may reinstate a suspended certificate after the individual demonstrates the ability to resume practice and enters into a written consent agreement. When the impaired individual resumes practice after reinstatement of the certificate, the Board may require continued monitoring of the individual, which must include compliance with the written consent agreement entered into before reinstatement or with conditions imposed by Board order after a hearing and, on termination of the consent agreement, submission to the Board for at least two years of annual written progress reports made under penalty of perjury stating whether the individual has maintained sobriety.

The bill also provides that certificate holders or applicants may not be judged by the standards of any other medical profession when appearing before the Board for impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs.

(14) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the practitioner's services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;

(15) Advertising that the certificate holder will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health care

policy, contract, or plan that covers the practitioner's services, would otherwise be required to pay.

Evidence of criminal acts

The bill provides that when the Board disciplines an individual for committing a criminal act, the commission of the act may be established by a finding by the Board, pursuant to an adjudication under the Administrative Procedure Act, that the applicant or certificate holder committed the act in question. The Board has no jurisdiction in cases where the trial court renders a final judgment in the certificate holder's favor and that judgment is based on an adjudication on the merits. The Board has jurisdiction in cases where the trial court issues an order of dismissal on technical or procedural grounds.

The bill also provides that the sealing of conviction records has no effect on a prior Board order or the Board's jurisdiction to take disciplinary action if a notice of opportunity for hearing has been issued based on conviction, a plea of guilty, or a judicial finding of guilt prior to the court order.

Investigations

The Board is required to investigate evidence that appears to show that any naturopathic physician has violated any provision of Ohio law governing naturopathic medicine. Any person may report to the Board in a signed writing any information regarding a naturopathic physician that the person may have that appears to show a violation of Ohio law governing naturopathic medicine. In the absence of bad faith, a person who reports such information or who testifies before the Board in an adjudication conducted under the Administrative Procedure Act is not liable for civil damages as a result of the report or testimony.

Each complaint or allegation of a violation received by the Board must be assigned a case number and recorded by the Board. Information received by the Board pursuant to an investigation is confidential and not subject to discovery in a civil action. Investigations of alleged violations of Ohio law governing naturopathic medicine must be supervised by the supervising member elected by the Board. The president may designate another member of the Board to supervise the investigation in place of the supervising member. Under the bill, no member of the Board who supervises the investigation of a case may participate in further adjudication of the case.

The bill provides that when the Board seeks to discipline an individual the Board may administer oaths, order the taking or depositions, issue subpoenas, and compel the attendance of witnesses and the production of books, accounts, papers, records, documents, and testimony. Unless the board is investigating a criminal

act, however, a subpoena for patient record information may not be issued without consultation with the Attorney General's office and approval of the secretary of the Board, the supervising member, and a member of the Board who holds a certificate authorizing the practice of naturopathic medicine in Ohio. Before issuance of the subpoena for patient record information, these Board members must determine whether there is probable cause to believe that the complaint filed alleges a violation of Ohio law governing naturopathic medicine and that the records sought are relevant to the alleged violation and material to the investigation. The bill also provides that the requested records must cover a reasonable period of time surrounding the alleged violation.

On failure to comply with any subpoena issued by the Board and after reasonable notice to the person being subpoenaed, the Board may move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure. Each officer who serves a subpoena must receive the same fees as a sheriff and each witness who appears, in obedience of a subpoena, before the Board must receive the fees and mileage provided for witnesses in civil cases in the court of common pleas. The bill specifies that all hearings and investigations of the Board are to be considered civil actions for the purpose of Ohio law.

The bill requires the Board to conduct all investigations and proceedings in such a manner as to protect patient confidentiality. The Board is prohibited from making public names or other identifying information about patients unless proper consent is given or a waiver of the patient privilege exists, except that no such consent or waiver is required if the Board possesses reliable and substantial evidence that no bona fide physician-patient relationship exists.

Immunity

In the absence of fraud or bad faith, neither the Board nor any current or former member, agent, representative, or employee of the Board will be held liable in damages to any person as a result of any act, omission, proceeding, conduct, or decision related to official duties undertaken or performed under Ohio law governing the practice of naturopathic medicine. If a current or former member, agent, representative, or employee requests that the state defend against any claim or action arising out of any act, omission, proceeding, conduct, or decision related to the person's official duties, and if the request is made in writing at a reasonable time before trial and the person requesting defense cooperates in good faith in the defense of the claim or action, the state must provide and pay for the defense and any resulting judgment, compromise, or settlement. At no time, however, will the state pay for that part of a claim or judgment that is for punitive or exemplary damages.

Reports

On a yearly basis, the Board must prepare a report that documents the disposition of all cases during the preceding 12 months. The report must contain the following information for each case with which the Board has completed its activities:

- (1) The case number assigned to the complaint or alleged violation;
- (2) A description of the allegations contained in the complaint;
- (3) The disposition of the case.

The report must state how many cases are still pending and be prepared in such a manner as to protect the identity of each person involved in the case. The bill provides that the report is a public record.

Summary suspensions

The bill provides that if the secretary and supervising member of the Board determine that there is clear and convincing evidence that a certificate holder has committed a criminal violation or has violated any Board rule and that the certificate holder's continued practice presents a danger of immediate and serious harm to the public, they may recommend that the Board suspend the certificate holder's certificate without a prior hearing. Under the bill, written allegations must then be prepared for consideration by the Board members. The Board, on review of the allegations and by a vote of not fewer than four of its members, may suspend a certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote. The Board is required to issue a written order of suspension by certified mail or in person. The order is not subject to suspension by a court during the pendency of any appeal filed under the Administrative Procedure Act. If the certificate holder requests an adjudicatory hearing by the Board, the date set for the hearing must be within 15 days, but not earlier than seven days, after the certificate holder has requested a hearing, unless otherwise agreed to by both the Board and the certificate holder. Any summary suspension will remain in effect, unless reversed on appeal, until a final adjudication order issued by the Board pursuant to the Administrative Procedure Act becomes effective. The Board is required by the bill to issue its final adjudicative order within 60 days after completion of its hearing. Failure to issue the order within 60 days will result in dissolution of the summary suspension order but will not invalidate any subsequent, final adjudicative order.

Appeals of criminal convictions

If the Board takes action against an individual for committing a criminal act and the conviction, judicial finding of guilt, or guilty plea is overturned on appeal, the bill provides that on exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the Board along with appropriate court documents. On receipt of the petition and supporting court documents, the Board must reinstate the petitioner's certificate. The bill provides that the Board has no jurisdiction in criminal cases where the trial court renders a final judgment in the certificate holder's favor and that judgment is based on an adjudication on the merits. The Board does, however, have jurisdiction in cases where the trial court issues an order of dismissal on technical or procedural grounds.

Automatic suspensions

The bill provides that the certificate or license issued to an individual to practice naturopathic medicine and the individual's practice in Ohio are automatically suspended as of the date the individual pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for treatment in lieu of conviction for either of the following:

(1) In Ohio, aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary;

(2) In another jurisdiction, any criminal offense similar to aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary.

Continued practice after suspension

Continued practice after suspension of the individual's certificate is considered to be practicing without a certificate. The Board is required by the bill to notify the individual subject to the suspension by certified mail or in person. If an individual whose certificate is suspended fails to make a timely request for an adjudicatory hearing, the Board is to enter a final order revoking the certificate.

Notice of reinstatement

Any disciplinary action other than a summary suspension taken by the Board that results in a suspension from practice must be accompanied by a written statement of the conditions under which the certificate holder may be reinstated to practice. The Board is required by the bill to adopt rules governing conditions to

be imposed for reinstatement. Reinstatement of a suspended certificate requires an affirmative vote of not fewer than four members of the Board.

Sanctions for waiving deductibles and copayments

Sanctions may not be imposed against a person who waives deductibles and copayments as follows:

(1) In compliance with a health benefit plan that expressly allows the practice. Waiver of the deductibles or copayments may be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent must be made available to the Board on request.

(2) For professional services rendered to any other person authorized to practice under Ohio law governing naturopathic medicine, to the extent allowed by Ohio law.

Inactive practitioners

(sec. 4779.15)

Before renewing the certificate of an applicant who has not been engaged in the active practice of naturopathic medicine for more than three years, the Board may require the applicant or certificate holder to, in a post graduate training program approved by the Board, pass an oral or written examination, or both, to determine the applicant or certificate holder's present fitness to resume practice, unless the applicant or certificate holder can provide evidence that during the period of inactivity, the individual's reasons for the inactivity were directly related to the pursuit of education or research in naturopathic medicine. The authority of the Board to impose terms and conditions includes requiring the applicant to obtain additional training to pass an examination on the completion of the training and restricting or limiting the extent, scope, or type of practice of the applicant.

Reporting claims

(sec. 4779.16)

The bill provides that any insurer providing professional liability insurance to a person holding a valid certificate to practice naturopathic medicine, or any entity that seeks to indemnify the professional liability of a person holding a valid certificate to practice naturopathic medicine, must notify the Board within 30 days after the final disposition of any written claim for damages resulting in a payment exceeding \$25,000. The notice must contain the following information:

(1) The name and address of the person submitting the notification;

- (2) The name and address of the insured who is the subject of the claim;
- (3) The name of the person filing the claim;
- (4) The date of the final disposition;
- (5) If applicable, the identity of the court in which the final disposition of the claim took place.

On the basis of this reporting provision, the Board may investigate possible violations of Ohio law governing naturopathic medicine. The Board may also investigate repeated malpractice. "Repeated malpractice" is defined by the bill as three or more claims for naturopathic medical malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of \$35,000 in favor of the claimant and each involving negligent conduct by the naturopathic physician.

All summaries, reports, and records received and maintained by the Board related to naturopathic medical malpractice claims must be held in confidence and are not subject to discovery or introduction into evidence in any federal or state action involving a health care professional or facility arising out of matters that are the subject of reporting to the Board. The Board may use only the information obtained as the basis for an investigation, as evidence in a disciplinary hearing against the certificate holder, or in any subsequent trial or appeal of a Board action or order.

A copy of any reports or summaries received by the Board must be sent to the certificate holder by the Board. The certificate holder has the right to file a statement with the Board concerning the correctness or relevance of the information. That statement must at all times accompany the part of the record in contention.

In the absence of fraud or bad faith, no professional association of individuals authorized to practice naturopathic medicine that sponsors a committee or program to provide peer assistance to practitioners with substance abuse problems, no representative or agent of the committee or program, and no member of the Board is liable in damages to any person for reason of actions taken to refer a practitioner to a treatment provider approved by the Board for examination or treatment.

Referrals

(secs. 4779.19 and 4779.99(B))

Prohibition

A holder of a certificate to practice naturopathic medicine is prohibited by the bill from referring a patient to a person for a designated health service if the certificate holder, or a member of the certificate holder's immediate family, has either of the following relationships with the person:

(1) An ownership or investment interest in the person whether through debt, equity, or other means;

(2) Any compensation arrangement involving any remuneration, directly or indirectly, overtly or covertly, in cash or kind.⁶

Under the bill, no person to which a certificate holder has referred a patient in violation of these referral requirements may bill the patient, any third-party payer, any governmental health care program, or any other person or governmental entity for the designated health service rendered pursuant to the referral. The bill prohibits a person from knowingly entering into an arrangement or scheme, including a cross-referral arrangement, that has a principal purpose of assuring referrals by a certificate holder to a particular person that, if the certificate holder directly made referrals to the person, would violate the bill's referral limits.

Penalty

A person who violates one of these prohibitions is guilty of a misdemeanor of the fourth degree on the first offense, which is punishable by not more than 30 days in jail and a fine of up to \$250. On each subsequent offense, a person is guilty of a misdemeanor of the first degree, except that the person guilty of a subsequent offense is not subject to imprisonment but to a fine alone of up to \$1,000 for each offense.

Approval of educational programs

(sec. 4779.20)

The bill requires the Board to adopt eligibility and educational standards for the approval of naturopathic medical schools, colleges, or programs. Under the bill, "college" is defined as any college, school, or educational program.

The bill states that it is to be the objective of a naturopathic medical college approved by the Board to prepare the doctor of naturopathic medicine or doctor of naturopathy as a primary health care provider, as a portal of entry into the health

⁶ *The bill does not specify what services are designated health services.*

delivery system, educated to examine, diagnose, and treat the human body in health, disease, or injury and to consult with or refer to, other health care providers and to develop postgraduate education and research.

A naturopathic medical college is to be approved by the Board and designated as a board-approved college if it meets the eligibility requirements and educational standards established by the bill. A naturopathic medical college must be incorporated under the laws of its state of residence. The college must possess the authority to grant the degree of doctor of naturopathy or doctor of naturopathic medicine through the vestment of its authority by the state of its residence. At the time of the college's submission of the initial application for Board approval, a report in six copies must be issued to the Board from the college's executive officer containing the college's articles of incorporation, or charter, if the college is independent, and proof of the college's authority to grant the degree of doctor of naturopathic medicine or doctor of naturopathy.

A naturopathic medical college is required to operate under the supervision of a full-time president, dean, or chief executive officer who is to carry out the objectives and programs of the college. This person must render a report to the Board at the end of each academic year. The report must contain six copies of the documents discussing student enrollment, changes in faculty and administration, curriculum and any changes therein, the current catalog, a financial statement, and approved and tentative plans for the ongoing development of the college. The college must issue annually to the Board its most current catalog and other official publications available to students and the public discussing the college's mission and objectives, admission requirements and procedures, rules and regulations of conduct, academic regulations, completion requirements for the doctor of naturopathy or doctor of naturopathic medicine degree, tuition, fees, and other costs, and refund policies and other information regarding attending, transferring, or withdrawing from the college.

The bill also provides that total number of hours required for graduation, leading to the degree of doctor of naturopathy, may not be less than 4,200 hours distributed over a minimum of eight semesters or the equivalent. The faculty handling the basic science subjects of anatomy, physiology, pathology, biochemistry, environmental or public health, pharmacology, and pharmacognosy must possess at least one of the following:

- (1) A master's or doctoral degree in the faculty member's field of teaching;
- (2) Teaching experience for a period of not less than five years at a graduate or professional level;

(3) Tenure as a professor for not less than four years in an institution accredited by a state, regional, or national association, board, or commission responsible for the accreditation and approval of secondary schools and colleges or in a foreign institution that has equal recognition in the United States.

The bill provides that at least one member of each basic science discipline or group of basic science courses must possess a master's or Ph.D. degree in the discipline. Instructors in the clinical sciences must have a first professional degree and be registered to practice in the state of the college's residence or possess licensure or registration from any other state, province, or country. In addition, the instructors must possess at least one of the following:

- (1) A baccalaureate degree;
- (2) Diplomate status or eligibility for diplomate status for the subject in which the instructor is teaching if certification of specialty status is appropriate for that subject;
- (3) A minimum of three years full-time practice experience;
- (4) Two years teaching experience at a first professional degree granting institution;
- (5) Resident status at the college.

The bill provides that the Board may waive the bill's size and resource requirements for the instructors in order to provide experience in all aspects of the clinical sciences. It also provides that no more than 80% of the faculty with the degree of N.M.D. or N.D. teaching the clinical sciences may hold degrees from the institution in which they are teaching, and that the faculty must be large enough to maintain a faculty student ratio of one to 15.

The bill provides that the college's clinical facilities must be adequate in size and resources to provide experience in all aspects of naturopathic diagnosis and treatment and include a fully equipped patient care room, physical medicine facilities and equipment, a clinical laboratory, and a naturopathic pharmacy. A fully operational site for radiology must be located at the clinic, in the clinical laboratory. The school or college may have off-campus clinical facilities, but they must be approved by the Board and may require on-site inspection.

The college must have at least a core library and the learning resources appropriate to its mission and objectives. The physical facility of the library must contain adequate space for housing its resources. There must be a variety of teaching and learning aids available, both audio and visual. The library must

provide access to specialized library and learning and resources needed for independent work. If the college depends on other institutions for its specialized library and learning resources, they must be adequate and accessible to students and faculty.

The college must own or lease the full use of buildings to accommodate the student body with classrooms, laboratory facilities, clinic and clinical laboratory, x-ray and library facilities, and offices for the administration and faculty. There must be adequate space and equipment for the safekeeping of records and documents. The college must provide well lighted and ventilated laboratory facilities for practical work in anatomy, physiology, biochemistry, clinical pathology, histology, microbiology, gross anatomy, dissection, clinical laboratory diagnosis, and radiological and naturopathic techniques.

A naturopathic medical college is responsible for the content of postgraduate, professional education, and specialty certification courses or seminars for which a naturopathic physician performs services and by whose recommendations the Board will make its determination for approval of the programs. Each naturopathic medical college is required to designate a director of research who must possess a Ph.D. degree in one of the natural sciences or a first professional degree and possess by education, background, or experience expertise in research methodology. The space and resources devoted to naturopathic medical research may be located off-campus at a site approved by the Board.

Standards for applicants

(sec. 4779.21)

Under the bill, a naturopathic medical college must require each applicant to furnish proof of having acquired at least two years, 60 semester hours, or 90 credit hours of education in a college accredited by a state or regional association, board, or commission responsible for the accreditation and approval of secondary schools, a minimum of 30 credit hours of which are in the following upper-level science courses, or their equivalent, as determined by the Board: chemistry (with lab), organic chemistry (with lab), biology (with lab), psychology, English and communications, college-level math, and physics.

A naturopathic medical college must require for graduation a course of instruction of not less than 4,200 academic hours of not less than 45 minutes each, presented over a period of a minimum of eight semesters or 12 quarters consisting of ten to 12 weeks each devoted to the study of naturopathic medicine and clinical training relevant to the preparation of naturopathic physicians. The curriculum must include instruction in the following:

(1) Basic sciences, which must include all of the following:

(a) Anatomy, including gross anatomy, dissection, neuroanatomy, embryology, and histology;

(b) Physiology;

(c) Pathology;

(d) Biochemistry;

(e) Environmental or public health, including public health, environmental health, microbiology, immunology, infectious diseases, and hygiene;

(f) Pharmacology and pharmacognosy;

(g) Principles of naturopathic medicine, including the history and philosophy of natural medicine.

(2) Clinical sciences, which must include all of the following:

(a) Diagnostic courses, including physical, clinical, laboratory, radiological, differential, and physical examination;

(b) Therapeutic courses, including botanical medicine; homeopathy; emergency and legend drugs; nutrition; physical medicine, including naturopathic, osseous and soft tissue manipulative therapy, physiotherapy, sports medicine, hydrotherapy, and therapeutic exercise; psychological counseling; acupuncture and oriental medicine; emergency medical procedures; minor surgery; and emergency drugs.

(c) Specialty courses, including organ systems that includes cardiology, dermatology, endocrinology, eye, ear, nose and throat, gastroenterology, genitourinary system, gynecology, neurology, orthopedics, and pulmonary; natural childbirth and obstetrics; pediatrics; geriatrics; rheumatology; oncology; jurisprudence; marketing principles; and practice management.

(d) A clinical practicum that places the student in a minimum of 1,200 hours of naturopathic practice in a clinical setting under the supervision of instructors and, for externship, under the supervision of practicing naturopathic physicians.

Under the bill, the minimum number of hours required in the courses of instruction by the college for the preparation of naturopathic medical students is to be as follows:

- (1) Anatomy: 450 hours;
- (2) Physiology: 375 hours;
- (3) Biochemistry: 100 hours;
- (4) Microbiology: 65 hours;
- (5) Pathology: 225 hours;
- (6) Diagnosis: 325 hours;
- (7) Hygiene: 40 hours;
- (8) First aid and emergency procedures: 125 hours;
- (9) Pediatrics: 35 hours;
- (10) X-ray technique, diagnostic interpretation, and procedures: 100 hours;
- (11) Obstetrics and gynecology: 50 hours;
- (12) Dermatology, oncology, and genitourinary: 50 hours;
- (13) Therapeutic exercise: 130 hours;
- (14) Principles and practice of naturopathic medicine: 500 hours;
- (15) Nutrition: 50 hours.

A student of a naturopathic medical college who has successfully completed all of the requirements of the college's course of study is to be conferred the degree of doctor of naturopathy (N.D.) or the degree of doctor of naturopathic medicine (N.M.D.).

Process for board approval

(sec. 4779.22)

The bill provides that if a college has obtained full accreditation from, or is recognized as a candidate for accreditation by, an accrediting agency recognized by the Board, the college will be considered to have met the standards required by the bill for Board-approved status. Final approval will, however, be determined by the Board.

The Board may withdraw approval of a college of naturopathic medicine at any time if the college is not in compliance with the Board's rules and educational standards for naturopathic medical colleges. If, in the opinion of the Board, there is evidence that a naturopathic medical college having the status of Board approval is not in compliance with the rules and educational standards adopted by the Board, the Board is to issue a warning letter to the chief administrative officer, stating that the college's Board-approved status may be withdrawn and the reasons for the action. The letter must be sent 90 days prior to action by the Board. Reinstatement of the status of a Board-approved college may be granted if the college furnishes proof of compliance with Board rules and educational standards.

A naturopathic medical college may apply for Board approval by requesting an initial application package from the Board secretary. The college must submit six copies of a completed application for Board approval with proper proof of the college's compliance with the eligibility requirements established by the Board. Within 90 days of the receipt of the college's application, the Board must notify the college by United States mail of its approval or disapproval. On notification of the Board's approval, the college may proceed with submission of a self-study report, using the forms on file with the Board.

Within 90 days of the receipt of the self-study report and payment of all fees associated with the report, the Board must notify the applicant of the date of the on-site visit from members of the committee appointed by the Board. During the application process, if the applicant has any questions pertaining to the initial application, the applicant may contact the Board by phone during normal business hours.

Eligibility for Board approval

(sec. 4779.23)

Under the bill, the eligibility requirements for colleges applying for Board approval are as follows:

- (1) The applicant must have a state charter and bylaws and be a non-profit institution authorized by the state of its residence to grant the degree of doctor of naturopathy or doctor of naturopathic medicine;
- (2) The applicant must have a governing Board;
- (3) The applicant must show in a financial report evidence of a sufficient funding base and a future commitment of funds to carry on its programs;
- (4) The applicant must employ a president, dean, or chief executive officer;

(5) The applicant must meet or exceed the educational standards required by the bill;

(6) The applicant must comply with the eligibility requirements established by the bill;

(7) The applicant's chief executive officer must, on submission of the initial application, and if approved, the self study, certify under oath that the information contained in the initial application and the information contained in the self study is true.

Self-study report

(sec. 4779.24)

The bill provides that a self-study report must be completed by any college applying for Board approval to be a naturopathic medical college. The self-study report must set forth the program of the applicant and show evidence that the applicant is in compliance with the eligibility requirements and educational standards established by the Board. The self-study report must be submitted in six copies to the Board, either in person or by United States mail and must include information pertaining to the following subjects:

(1) The stated mission and objectives;

(2) Control and administration;

(3) The role of the governing board;

(4) The relationship of the governing boards to other boards and committees exercising control over the institution;

(5) Composition of the governing board, including size, term of office, occupation, date of initial appointment for each board member, method of appointment, and organizational chart of the college, including all committees; a list of all administrative officers and their responsibilities, including occupation, experience, appointment procedures, and policies;

(6) A list of faculty, both resident and adjunct, including subjects taught, educational qualifications, teaching experience, faculty duties related to the college's educational program, appointment policies and procedures, teaching loads for full and part-time staff, tenure policies, dismissal policies, data on faculty salaries by rank, retirement and insurance benefits, provisions for sabbatical and other leaves of absence, and faculty participation in professional associations, organizations, or societies;

(7) Student information, including current enrollment, projected enrollment trends, distribution of students by state and foreign country, limitations on size of student body and number of students admitted to each class, student attrition data and reasons for withdrawal, ability level of any entering student as measured by the student's education record, samples of standardized tests and other measures of student achievement, provisions for student orientation, provisions for personal and academic student counseling, room and board arrangements, information on student extracurricular activities and participation, provisions for safety of students, job placement and graduate placement information, provisions for financial assistance, and student participation in institutional policy making, including student membership on committees;

(8) Instructional program, including proof of authority from the college's state of residence to grant the doctor of naturopathy or doctor of naturopathic medicine degree; degrees, certifications, and diplomas offered; degree, certification, and diploma requirements; recent or anticipated changes in the instructional program; class size; description of all off-campus facilities, including address, date of initial procurement by the college, and future appropriations of facilities planned; and description of the library, including size, number of volumes, titles, authors, and publishers, audio-visual aids in use, and projected plans for growth and development;

(9) Physical plan, including description of all facilities; additions to the physical plan in the last five years and plans for financing them; projections of growth of the physical plant and plans for financing; fire, health, and safety approval documentation of all facilities used by the college, including floor plans and fire escape routes; documentation of x-ray safety compliance and registration; and documentation of laboratory safety standards, posted rules for handling chemical substances, and student safety orientation forms;

(10) Financial status, including a financial report in the form of an audit, performed by a certified public accountant or an agency certified to do an audit; financial resources; current operating statement, educational and general income, and expenditures since the date of starting operation; financial plan for implementation of the mission statement and objectives; plans for financing future growth; and proof of exempt status. The bill provides that the Board may recognize status as a 501(c) organization under the Internal Revenue Code as tax exempt status.

Board approval of self-study report

(sec. 4779.25)

On receipt of six copies of the college's self-study report and all fees associated with the report, the Board must review the report and determine whether the applicant meets or exceeds all eligibility and educational requirements established by the Board. Within 180 days of the receipt of the self-study report, the Board must notify the applicant of the Board's approval or disapproval of the self study and, if the self study is approved, the date and time of an approval evaluation visit team on-site visit.

If, in the opinion of the Board, the applicant's self-study report does not contain sufficient documentation to show that the college meets or exceeds the eligibility and educational requirements established by the Board, the Board is to notify the applicant, within 120 days of receipt of the self-study report, as to the specific reasons why. The applicant must, within 90 days, respond to the Board's decision and submit the requested additional material. Within 60 days of the receipt of the submitted additional materials, the Board must notify the applicant of the Board's approval or disapproval of the self study and, if the study is approved, the date and time of an approval evaluation visit team on-site visit.

The approval evaluation visit team is to consist of five members appointed by the Board, including a chairperson appointed by the Board. The approval evaluation visit team must conduct an on-site visit of the applicant for the purpose of evaluation. The team must include three persons who hold the degree of doctor of naturopathic medicine or doctor of naturopathy and are licensed to practice in Ohio, one member who is an academic or administrative officer in an institution of higher learning, and one member who is an administrative officer of a Board-approved naturopathic medical college. The team's report must include a detailed analysis of the applicant and its programs and their relationship to the eligibility and educational standards established by the Board.

All expenses of the on-site visit of the approval evaluation visit team must be paid in advance by the applicant. The visit must be conducted over a minimum of four days on the site of the applicant, but may be extended with the approval of the team or Board. The expenses of the visit may include meals, lodging, and per diem expenses of 24 hours per day, including time for travel to and from the applicant and the time of the on-site visit. Expenses may also include the time required for preparation of the report and presenting the report to the Board. The applicant must be notified in advance of the visit and the actual expenses required by the team. Travel expenses are to be computed at the rate per mile allowed by

the State of Ohio or actual cost of public transportation, at the discretion of the Board.

At the completion of the on-site visit, the team chairperson will prepare a report and present it to the Board. Copies of the report must be filed with the Board and the chief executive officer of the applicant. All clerical, administrative, printing, and related expenses must be paid by the applicant. The Board must review the report and notify the applicant of its approval or disapproval within 120 days of the filing of the report. This time period may be extended at the Board's discretion. Receipts of expenses incurred by the team must be submitted to the Board.

In the event the expenses incurred by the team are less than the amount prepaid by the applicant, the applicant will be reimbursed for this amount. In the event the expenses incurred by the team exceed the amount prepaid by the applicant, the applicant is required to pay this amount before the Board can notify the applicant of the Board's approval or disapproval.

When it is the intention of the Board to withdraw the Board-approved status of a college of naturopathic medicine previously approved by the Board or when it is the intention of the Board to disapprove an applicant, the Board must issue a notice of intent to the naturopathic medical college whose Board approval status may be withdrawn or to the applicant informing it of the disapproval. The bill provides that the notice of intent is not an adjudication order.

The notice of intent must specify that any person or applicant adversely affected by the proposed action must have an opportunity for a hearing before the Board and set forth the procedure for appeal in accordance with the Administrative Procedure Act. The notice of intent must be sent by registered United States mail to the naturopathic medical college affected by the proposed action of the Board informing the college of the opportunity for a hearing before the Board. If no hearing is requested within 30 days of the mailing of the notice of intent, an adjudication order will be issued by the Board as provided in the notice.

Medically underserved areas

(sec. 4731.85)

Current law requires the Department of Health to establish a procedure to provide special recognition annually to one or more physicians who volunteer medical services to medically underserved areas in Ohio or charitable shelters or clinics. The bill makes naturopathic physicians eligible for this special recognition.

Deposit of funds

(sec. 4779.12)

The bill provides that except for fines all moneys received by the Board must be deposited into the state treasury to the credit of the General Revenue Fund. A receipt for any money received by the Board must be filed with the secretary of the Board in the office of the auditor.

One-half of any fine collected for a violation of a law or rule governing the practice of naturopathic medicine is to be deposited in the state treasury to the credit of the General Revenue Fund and one-half deposited in the treasury of the county or municipal corporation in which the offense was committed. The payment of any fee to the Board must be made in a manner acceptable to the Board.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-27-00	p. 1579

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