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TITLE 216 – DEPARTMENT OF HEALTH

CHAPTER 40 – PROFESSIONAL LICENSING AND FACILITIES REGULATION

SUBCHAPTER 05 – PROFESSIONAL LICENSING

PART 35 – Doctors of Naturopathy

35.1 Authority

These regulations are promulgated pursuant to the authority conferred under R.I. Gen. Laws § 5-36.1-10(c), for the purpose of establishing prevailing standards governing the licensure and discipline of doctors of naturopathy in Rhode Island.

35.2 Definitions

- A. Wherever used in this Part, the terms listed below shall be construed in the following manner:
1. “Acupuncture” means the insertion of needles into the human body by piercing the skin of the body, for the purpose of controlling and regulating the flow and balance of energy in the body, as defined by R.I. Gen. Laws § 5-37.2-2(1). For the purposes of this Part; “medical acupuncture” means acupuncture as practiced by physicians licensed under the provisions of R.I. Gen. Laws Chapter 5-37.
 2. "Act" means R.I. Gen. Laws Chapter 5-36.1 entitled, "The Licensure of Naturopathy Act".
 3. "Board" means the board of licensure of naturopathy or any committee or subcommittee thereof established under the provisions of R.I. Gen. Laws § 5-36.1-8.
 4. "Collaborative and consultation agreement" means an agreement between a doctor of naturopathy and a physician licensed under R.I. Gen. Laws Chapter 5-37. The collaboration and consultation agreement shall include all requirements set forth in R.I. Gen. Laws § 5-36.1-12.
 5. "Director" means the Director of the Rhode Island Department of Health.
 6. “Doctor of acupuncture” means a person who has been licensed under the provisions of R.I. Gen. Laws Chapter 5-37.2 to practice the art of healing known as acupuncture.

7. "Doctor of naturopathy" means a person who practices naturopathic health care and is licensed pursuant to the provisions of R.I. Gen. Laws § 5-36.1-13.
8. "License" is synonymous with registration certificate.
9. "Medical record" means a record of a patient's medical information and treatment history maintained by physicians and other medical personnel, which includes, but is not limited to, information related to medical diagnosis, immunizations, allergies, x-rays, copies of laboratory reports, records of prescriptions, and other technical information used in assessing the patient's health condition, whether such information is maintained in a paper or electronic format.
10. "Natural" means present in, produced by, or derived from nature.
11. "Naturopathic health care" or "practice of naturopathic health care" means a system of health care that utilizes education, natural substances and natural therapies to support and stimulate a patient's intrinsic self-healing processes and to prevent, and treat human health conditions and injuries.
12. "Person" means any individual, partnership, firm corporation, (including, but not limited to, associations, joint stock companies, limited liability companies, and insurance companies), trust or estate, state or political subdivision or instrumentality of a state.
13. "Physician" means any person licensed to practice allopathic or osteopathic medicine pursuant to the provisions of R.I. Gen. Laws Chapter 5-37.
14. "RIDOH" means the Rhode Island Department of Health.

35.3 License Requirements

- A. The penalty for misrepresentation is set forth in R.I. Gen. Laws § 5-36.1-4. Misrepresentation shall include the holding of oneself out to the public as a practitioner of naturopathic health care, whether by appending to one's name the title of doctor of naturopathy or any abbreviation thereof, or NMD, N.D., ND, or any other title or designation implying one is a practitioner of naturopathic health care.
 1. All naturopathic doctors who are licensed to practice naturopathic health care in Rhode Island must obtain and sustain malpractice coverage prior to seeing patients. Proof of malpractice insurance shall be provided to the Board upon request. It is incumbent upon the licensee to ensure that malpractice coverage does not lapse while engaged in the practice of naturopathic health care.

35.4 Qualifications

- A. Qualifications for licensure: Applicants for licensure as a doctor of naturopathy must satisfy the conditions set forth in R.I. Gen. Laws § 5-36.1-12.
 - 1. The degree of doctor of naturopathy from a board-approved naturopathic medical college required by R.I. Gen. Laws § 5-36.1-12(1) must include completion of at least twelve hundred (1,200) hours of board-approved clinical before graduation.

35.5 Application for License & Fees

35.5.1 Application

- A. Application for licensure shall be made on forms provided by RIDOH which shall be completed, including the doctor of naturopathy's signature, and submitted to RIDOH.
- B. Such application shall be accompanied by the non-refundable, non-returnable license fee as set forth in the rules and regulations pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health (Part 10-05-2 of this Title).
- C. Applications for initial licensure by examination must include:
 - 1. A completed application, in the English language or accompanied by a certified translation thereof into English;
 - 2. Provide license verification letters from every jurisdiction that the candidate holds or has held a license;
 - 3. An official transcript, or other official documentation satisfactory to the Board, verifying that the applicant has graduated from a board approved naturopathic medical college, provided that the applicant completed a minimum of twelve hundred (1,200) hours of board-approved clinical before graduation.
 - 4. Evidence of having passed a competency-based state or national naturopathic licensing examination RIDOH deems necessary to test the applicant's knowledge and skills to practice naturopathic health care in Rhode Island, including but not limited to Part I (biomedical science examination) and Part II (clinical science examination) of the Naturopathic Physicians Licensing Examinations or successor.
 - 5. A written collaboration and consultation agreement with a physician licensed under R.I. Gen. Laws Chapter 5-37, pursuant to R.I. Gen. Laws § 5-36.1-12(4).

6. Such other information as may be deemed necessary and appropriate by RIDOH.
- D. An applicant shall not be eligible for licensure by endorsement if the Board finds that the applicant has engaged in any conduct prohibited by this Part.

35.5.2 Examination

Applicants shall be required to pass such examination as RIDOH deems necessary to test the applicant's knowledge and skills to practice naturopathic health care in Rhode Island pursuant to the Act and this Part.

35.5.3 Continuing Education

- A. Every doctor of naturopathy licensed to practice naturopathic health care in Rhode Island under the provisions of the Act and this Part, before the expiration date which occurs every two (2) years starting from the date of issuance, must earn a minimum of thirty (30) hours of continuing education credits and shall document this to the Board upon request.
- B. It shall be the sole responsibility of the individual doctor of naturopathy to obtain documentation from the approved sponsoring or co-sponsoring organizations, agencies or other, of his or her participation in a learning experience and the number of dated credits earned.
 1. Those documents must be safeguarded, for a period of three (3) years, by the doctor of naturopathy for review by the Board if required. Only a summary list of those documents, not the documents themselves, shall be submitted with the application for renewal of the certification.
- C. Licensure renewal shall be denied to any applicant who fails to provide satisfactory evidence of continuing education as required by this Part.

35.5.4 Issuance and Renewal of License and Fee

- A. Upon completion of the aforementioned requirements and upon submission of the initial application and licensure fee as set forth in the rules and regulations pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health (Part 10-05-2 of this Title), the Director may issue a license to those applicants found to have satisfactorily met all the requirements of this Part. The license, unless sooner suspended or revoked, shall expire biennially on a day two (2) years from the original date of issuance and every two (2) years thereafter on the same month and day.
- B. Every licensed doctor of naturopathy who intends to practice naturopathic health care during the ensuing two (2) years shall file a renewal application with the Board before the expiration date, together with the renewal fee as set forth in the rules and regulations pertaining to the Fee Structure for Licensing, Laboratory

and Administrative Services Provided by the Department of Health (Part 10-05-2 of this Title).

- C. Upon receipt of a renewal application and payment of fee, a license renewal, subject to the terms of the Act and this Part, shall be issued, effective for two (2) years, unless sooner suspended or revoked.
- D. The licenses (registration certificates) of all doctors of naturopathy whose renewals, accompanied by the prescribed fee, are not filed before the expiration date shall be automatically lapsed. The license may be renewed upon the payment by the doctor of naturopathy of the current licensure (registration) fee, plus an additional late fee, as set forth in the rules and regulations pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health (Part 10-05-2 of this Title).
 - 1. If the license has been lapsed for greater than one (1) year, the doctor of naturopathy will be subject to the provisions of § 35.5.5(A)(5) of this Part prior to renewal of the license.

35.5.5 Refusal of License

- A. The Director, after due notice and hearing, in accordance with the procedures set forth in R.I. Gen. Laws § 5-36.1-16, may refuse to grant the original license to any doctor of naturopathy and/or applicant who:
 - 1. Is not of good moral character;
 - 2. Does not meet the requirements for licensure set forth in the Act and/or this Part, who has violated any laws affecting the ability of any doctor of naturopathy and/or applicant to practice naturopathic health care; or
 - 3. Has been found guilty in another state of conduct which if committed in Rhode Island would constitute unprofessional conduct, as defined in R.I. Gen. Laws § 5-36.1-15 and this Part.
 - 4. Has been denied naturopathic health care licensure in another state.
 - 5. A doctor of naturopathy who has been out of clinical practice for a period of time greater than one (1) year may be required to demonstrate competency, as determined by the board prior to issuance or renewal of a license. If the license is allowed to lapse for more than one (1) year, the licensee must re-apply pursuant to § 35.5.1 of this Part.
- B. The Director shall serve a copy of his or her decision or ruling upon any person whose original certificate has been refused.

35.6 Scope of Practice

Scope of practice of a doctor of naturopathy is set forth in R.I. Gen. Laws § 5-36.1-3.

35.7 Prohibited Acts

Prohibited acts by a doctor of naturopathy are set forth in R.I. Gen. Laws § 5-36-1-5.

35.8 Reporting of Contagious and Infectious Diseases

Doctors of naturopathy are subject to the provisions of the rules and regulations for Reporting and Testing of Infectious, Environmental, and Occupational Diseases (Part 30-05-1 of this Title).

35.9 Informed Consent and Disclosure

Requirements for informed consent and disclosure prior to treating any patient by a doctor of naturopathy are set forth in R.I. Gen. Laws § 5-36.1-18.

35.10 Unprofessional Conduct

- A. The Director is authorized to deny or revoke any license to practice naturopathic health care or otherwise discipline a licensee upon finding by the Board that the person is guilty of unprofessional conduct which shall include, but not be limited to those items, or combinations thereof, listed in R.I. Gen. Laws § 5-36.1-15.
- B. Licenses that have been revoked by the Director shall not be eligible for consideration for re-instatement for a period of five (5) years. Re-instatement of revoked licenses shall be at the discretion of RIDOH.

35.10.1 Discharging a Patient from a Practice

Periodically, a doctor of naturopathy may need to terminate the naturopathic doctor-patient relationship. This shall be done via written notice, which shall be documented in the medical record. The doctor of naturopathy/practice must be available to the patient for thirty (30) days for urgent or emergent conditions.

35.11 Closing a Medical Practice

- A. In the event of a planned voluntary closure of a practice, the doctor of naturopathy shall, at least ninety (90) days before closing his or her practice, give public notice as to the disposition of patients' medical records in a media venue with, at a minimum, statewide influence, and shall notify the Board of the location of the records. The public notice shall include the date of the doctor of

naturopathy's retirement, and where and how patients may obtain their records both prior to and after closure of the doctor of naturopathy's practice.

- B. The heirs or estate of a deceased doctor of naturopathy who had been practicing at the time of his or her death shall, within ninety (90) days of the doctor of naturopathy's death, give public notice as to the disposition of patients' medical records in a media venue with a statewide circulation, and shall notify the Board of the location of the records.
- C. Any doctor of naturopathy closing his or her practice, or the heirs or estate of a deceased doctor of naturopathy who had been practicing at the time of his or her death, shall store the doctor of naturopathy's patient records in a location and manner so that the records are maintained and accessible to patients.
- D. Any person or corporation or other legal entity receiving medical records of any retired doctor of naturopathy or deceased doctor of naturopathy who had been practicing at the time of his or her death, shall comply with and be subject to the provisions of R.I. Gen. Laws Chapter 5-37.3, and shall be subject to the rules and regulations promulgated in accordance with R.I. Gen. Laws § 23-1-48 and with the provisions of R.I. Gen. Laws § 5-37-22(c) and (d), even though this person, corporation, or other legal entity is not a doctor of naturopathy.

35.11.1 Medical Records

- A. Medical records and medical bills may be requested by the patient or the patient's personal representative. All medical record requests to doctors of naturopathy shall be made in writing through a properly executed Authorization for Release of Health Care Information.
- B. Reimbursement.
 - 1. Reimbursement to the doctor of naturopathy for providing a patient a copy of their medical record, regardless of format, shall not actual direct labor cost of reproducing the medical records.
 - 2. The doctor of naturopathy may not require prior payment of charges for naturopathic health care services as a condition for obtaining a copy of the medical record. The doctor of naturopathy may not require prepayment of charges for duplicating or retrieving records as a condition prior to fulfilling the patient's request for the medical record if the request is for the purpose of continuity of care. Copying of X-rays or other documents not reproducible by photocopy shall be at the actual cost plus reasonable fees for clerical service not to exceed twenty-five dollars (\$25.00). Charges shall not be made if the record is requested by the applicant or beneficiary or individual representing an applicant or beneficiary for the purposes of supporting a claim or appeal under the provision of the Social Security Act or any federal or state needs-based program such as Medical Assistance,

Rlite Care, Temporary Disability Insurance and Unemployment compensation.

3. No fees shall be charged to an applicant for benefits in connection with a Civil Court Certification Proceeding or a claim under R.I. Gen. Laws § 28-29-38 as reflected in R.I. Gen. Laws § 23-17-19.1(16).
 4. Requested records must be provided within thirty (30) days of the receipt of the written request or signed authorization for records. Requests for medical records made by authorized third parties (e.g., attorneys representing the patient, attorneys not representing the patient, a patient's estate on behalf of the patient, or insurance companies) submitting a properly executed Authorization for Release of Information shall be billed at direct labor cost of reproducing the medical records.
 5. No fees shall be charged when a medical record is being sent from one provider to the next in the context of a consultation.
- C. Medical Records shall be stored by doctors of naturopathy or their authorized agents for a period of at least seven (7) years unless otherwise required by law or regulation.
- D. Medical Records shall be legible and contain the identity of the all health care providers including professional title who is responsible for rendering, ordering, supervising or billing each diagnostic or treatment procedure. The records must contain sufficient information to justify the course of treatment, including, but not limited to: active problem and medication lists; patient histories; examination results; test results; records of medications dispensed, or administered; and reports of consultations and hospitalizations.

35.12 Practices and Procedures

35.12.1 Rules Governing Practices and Procedures

All hearings and reviews required under the provisions of the Act and this Part shall be held in accordance with the provisions of the Rules and Regulations Pertaining to Practices and Procedures Before the Rhode Island Department of Health (Part 10-05-4 of this Title).