Chapter 685

1967 REPLACEMENT PART

Naturopaths

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685.010 Definitions. As used in this chapter:

(1) "Board" means the Naturopathic Board of Examiners.

(2) "Drugs" means all medicines and preparations and all substances, except nonpoisonous plant substances, food and water, used or intended to be used for the diagnosis, cure, treatment, mitigation or prevention of diseases or abnormalities of man, which are recognized in the latest editions of the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia, official National Formulary, or any supplement to any of them, or otherwise established as drugs.

(3) "Minor surgery" means the use of electrical or other methods for the surgical repair and care incident thereto of superficial lacerations and abrasions, benign superficial lesions, and the removal of foreign bodies located in the superficial structures; and the use of antiseptics and local anesthetics in connection therewith.

(4) "Naturopathy," which includes physiotherapy and minor surgery, is defined as a system of treating the human body by use of drugless methods, which has for its object the maintaining of the body in, or of restoring it to, a state of normal health.
[Amended by 1953 c.557 §4]

685.020 License required to practice naturopathy; title and abbreviations usable by licentiates. (1) No person shall practice, attempt to practice, or claim to practice naturopathy in this state without first complying with the provisions of this chapter.

(2) Licentiates under this chapter may use any or all of the following terms: "Doctor of Naturopathy" or its abbreviation, "N. D.," "Naturopath" or "Naturopathic Physician." However, none of these terms, or any combination of them, shall be so used as to convey the idea that the physician who uses them practices anything other than drugless therapy.

685.030 Application of chapter. Nothing in this chapter shall be construed to:

(1) Apply to any physician and surgeon, osteopath or chiropractor, or to any Christian Scientist or other person who by religious or spiritual means endeavors to prevent or cure disease or suffering in accord with the tenets of any church.

(2) Authorize licentiates to practice optometry or administer chiropractic adjustments, or any system or method of treatment not authorized in this chapter, or to administer or write prescriptions for or dispense drugs, or do major surgery.

(3) Prevent one licensed under this chapter from the administration of the anesthetics or antiseptics authorized in subsection (3) of ORS 685.010 or the use of radiopaque substances administered by mouth or rectum necessary for Roentgen diagnostic purposes.

(4) Authorize the administration of any substance by the penetration of the skin or mucous membrane of the human body for a therapeutic purpose.
[Amended by 1953 c.557 §4]

685.040 Application of health laws. Licentiates under this chapter shall observe and are subject to all state, county and municipal laws and regulations relating to public health.

685.050 Execution of birth and death certificates. Licentiates under this chapter are authorized to sign birth and death certificates. Such certificates so signed shall be accepted as fulfilling all the requirements of the laws dealing with such certificates.

685.060 Minimum educational requirements for license. (1) The minimum educational requirements for license under the provisions of this chapter shall be a high school education, as shown by diploma or certificate of graduation from a standard high school, or the equivalent of such an education, which shall be certified by a Superintendent of Public Instruction or a county school superintendent; and in addition at least two years' satisfactory liberal arts and sciences study, or either, in a college or university accredited by either the Northwest Association of Secondary and Higher Schools or a like regional association or in a college or university in Oregon approved for granting degrees by the Oregon State Board of Education as evidenced by certificate or transcript of credits from said college or university prior to matriculation into a naturopathic college; and in addition subsequent graduation from a naturopathic school or college, which school or college shall be approved by the State Board of Naturopathic Examiners and shall require for graduation a period of actual attendance of four years of at least nine months each, and teaching adequate courses in all subjects necessary to the practice of naturopathy, which shall include all of the subjects named

in this section. The studies required of the applicant for a license to practice naturopathy in this state shall include anatomy, histology, embryology, physiology, chemistry, pathology, bacteriology, public health and hygiene, toxicology, obstetrics and gynecology, diagnosis, theory, practice and philosophy of naturopathy, electrotherapy, hydrotherapy, physiotherapy, clinics, eye-ear-nose-throat, minor surgery, first aid, herbology, proctology, dietetics, jurisprudence, and such other naturopathic subjects as the board may require, except materia medica, pharmacology and major surgery, with a total of not less than 4,000 lecture or recitation hours.

(2) Any person who prior to October 31, 1953, has entered into a course of study in an approved naturopathic college which would have permitted him to take the examination under the provision of chapter 63, Oregon Laws 1941, shall be permitted to be examined for a license to practice naturopathy in the State of Oregon under the terms of chapter 63, Oregon Laws 1941, providing he shall make application therefor and shall pass said examination prior to March 1, 1958.

[Amended by 1953 c.557 §4]

685.070 Application for examination; license fee. Any person who wishes to practice naturopathy in this state shall make application to the board for an examination for a license to practice naturopathy. The application shall be filed with the board not less than 10 days before the date of the examination upon blanks provided by the board. All persons licensed under this chapter shall pay to the board a license fee of $25, $10 of which must accompany the application for examination. The balance shall be paid when the applicant has been granted a license. Under no condition will the application fee of $10 be returned to the applicant. Affidavits of two reputable citizens of the state attesting the good moral character of the applicant shall be filed with the application for examination.

685.080 Examination of applicants; issuing license. (1) For the purpose of determining the qualifications of applicants for license under this chapter, the board shall hold meetings and conduct examinations of applicants for licenses at such time and places and under such rules and regulations as a majority of the board may determine. The time and place of holding such an examination shall be published at least 30 days prior to the date of the examination.

(2) At the time and place the board has previously designated, the applicant shall appear before the board to be examined as to his fitness to practice naturopathy. The examination shall be in writing and embrace and be restricted to the subjects listed in ORS 685.060.

(3) If the applicant answers correctly 75 percent of the questions asked on each of the subjects of the examination, the board shall issue to such applicant a license to practice naturopathy. If, however, an applicant fails to pass an examination, the applicant shall, without losing credits for subjects passed and without paying another fee, be permitted, within one year from date of failure to pass, to take another examination at the convenience of the board, but the applicant shall, not less than 10 days before the date of the examination, notify the board of his intention to take the examination.

685.090 Recording license with county clerk. Before engaging in practice in any part of the state, the holder of a license under this chapter shall present such license, or a certified copy, for record to the county clerk of the county in which the holder of the license resides. A county clerk is entitled to collect a fee of $1 for recording the license or for making a certified copy of it. Annually, on January 1, county clerks shall, when requested by the board, furnish the board with a list of such licenses on record in their respective counties.

685.100 Annual renewal of license. (1) On or before January 1 of each year, every person holding a license under this chapter shall apply to the board for a certificate of annual registration and at the time of applying shall pay to the board an annual registration fee not to exceed $20, as determined by the board and approved by the Department of Finance and Administration. The application shall be made upon a blank form furnished by the board, and shall contain such information as may be necessary to enable the board to identify the applicant for registration and the licensee to be what he claims to be in the application.

(2) Upon receipt of an application for annual registration, accompanied by the annual registration fee, the board shall issue to the applicant a certificate of annual registration. The certificate shall, at all times, be

displayed in the office of the person to whom it was issued.

(3) The failure, neglect or refusal of any licentiate, holding a license under this chapter, to pay the annual registration fee as required by subsection (1) of this section shall, after 30 days from January 1 of each year, automatically revoke the license of such licentiate, and such revoked license shall not be restored except upon written application therefor and the payment of a restoration fee of $10. However, an applicant for the restoration of a license so revoked shall not be required to submit to any examination as to his qualification to practice under this chapter.

(4) On or before December 1 of each year the secretary of the board shall notify each licentiate that the annual registration application and fee are due on or before January 1 following.

[Amended by 1967 c.44 §2]

Note: The 1967 amendment to ORS 685.100 does not apply to the license year ending December 31, 1968. See 1967 c.44 §4.

The duties, powers and functions of the Department of Finance and Administration were transferred to the Department of Finance or the Department of General Services. See 1967 c.419 §31.

685.110 Denial or revocation of license by board. (1) The board may refuse to grant or may revoke a license to practice naturopathy in this state for any of the following reasons:

(a) The use of fraud or deception in securing a license.

(b) The impersonation of another physician.

(c) Practicing naturopathy under an assumed name.

(d) The procuring, aiding or abetting in procuring an abortion; provided, that for the purpose of this subsection an abortion means the removal from the womb of a woman the product of conception at any time prior to delivery of the child; provided further, that nothing in this chapter shall be construed to authorize any licentiate under this chapter to perform an abortion.

(e) The conviction of a crime involving moral turpitude.

(f) Any other reason that renders the applicant or licentiate unfit to perform the duties of a naturopathic physician.

(2) Within 10 days after a refusal or a revocation of a license, the board shall furnish the applicant or licentiate concerned with a detailed statement of the reasons for the refusal or revocation.

[Amended by 1953 c.555 §2]

685.120 Appeal from action of board. Within 90 days from the date of a refusal or revocation of a license, the applicant or licentiate shall have the right to appeal to the circuit court within the county where the board met, when the license was refused, or in the county where the revoked license is recorded, for a reversal of the action of the board. The decision of the circuit court may be appealed to the Supreme Court of the state by either party to the action before the circuit court.

685.160 Naturopathic Board of Examiners. (1) There hereby is created the Naturopathic Board of Examiners. The board shall consist of three members appointed by the Governor for terms of three years commencing July 1, and until their successors are appointed and qualified. A majority of the members of the board constitutes a quorum. The Governor shall fill all vacancies in the membership of the board. No person shall be appointed to membership on the board, who is not a citizen of the State of Oregon, or who has not been in continuous practice of naturopathy in this state for five years immediately prior to the date of appointment, or who is interested financially in any medical or drugless school or college, or who is connected, directly or indirectly, with the dispensing, prescribing or sale of pharmaceutic drugs.

(2) The board shall carry into effect the provisions of this chapter and is authorized to issue licenses to practice naturopathy in this state. The possession of a common seal by the board hereby is authorized.

685.170 Officers of board. Annually the board shall elect one of its members president and one of its members secretary, who severally shall have power during their terms of office to summon witnesses, administer oaths and to take testimony and affidavits, certifying thereto, under their hand and the seal of the board. The secretary of the board shall keep a record of all actions of the board, including a detailed register of applicants for license. The secretary shall be bonded for not less than $1,000, such bond running to the State of Oregon for the faithful performance of his duties and the accounting for all the moneys that may come into his possession.

685.180 Report to Governor. The board shall make a report of its work to the Governor on the first Monday in January of each year. The report shall contain a detailed statement of all moneys received and disbursed by the board during the preceding year.

685.190 Compensation and expenses of board members; compensation of secretary. (1) A member, other than the secretary, or one employed in full-time public service, may receive a payment of $20 for each day or portion thereof during which he is actually engaged in the performance of his official duties. In addition, all members may receive actual and necessary travel and other expenses incurred in the performance of their official duties within limits as provided by law or by the Department of Finance and Administration under ORS 292.220 and 292.230.

(2) The board may fix the compensation of the secretary subject to ORS 240.245. Such compensation shall not prohibit the secretary from receiving reimbursement for actual and necessary travel and other expenses incurred in the performance of his official duties.

[Amended by 1967 c.44 §3]

Note: See note under ORS 685.100.

685.200 Disposition of receipts. All moneys from whatever source that come into possession of the board shall be paid to the secretary who shall, within 30 days of the receipt of such moneys, deposit them with the State Treasurer, who shall credit such moneys to the Naturopathic Board Fund, to be held for the use of the board, and to be paid out only on warrants drawn by the Secretary of State. Such warrants shall be issued only on vouchers signed by the president and secretary of the board and imprinted with the seal of the board. The board shall have power to spend such sums of money as may be necessary to carry on the work of the board, including the payment for bond of the secretary of the board. However, all expenditures of the board shall be paid from moneys remaining in the Naturopathic Board Fund.

[Amended by 1967 c.637 §32]

Note: The 1967 amendment of ORS 685.200 becomes operative July 1, 1969. Until then, ORS 685.200 (1953 part) remains in effect.

685.210 Enforcement of chapter; employing attorney; jurisdiction of courts. (1) The district attorneys of the state shall prosecute all persons charged with violation of any of the provisions of this chapter. However, the board shall have power to retain its own attorney to prosecute or assist in prosecuting any person so charged and to pay such attorney such sums as may be just for such services from the Naturopathic Fund.

(2) Justice courts, municipal courts and circuit courts have concurrent jurisdiction for the prosecution of offenses under this chapter.

685.990 Penalties. Violation of any provision of this chapter is punishable, upon conviction, by a fine of not less than $50 nor more than $500.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1967.

Robert W. Lundy
Legislative Counsel