# Chapter 685

## 1977 REPLACEMENT PART
(1979 reprint)

# Naturopaths


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**Note:** Section 41, chapter 842, Oregon Laws 1977, is operative July 1, 1986, and provides:

**Sec. 41.** ORS 685.010, 685.020, 685 030, 685.040, 685.050, 685.060, 685.070, 685.080, 685.085, 685.090, 685.100, 685.102, 685.104, 685.106, 685.110, 685.125, 685.160, 685 170, 685.190, 685.201, 685.210 and 685.990 relating to naturopaths are repealed.

## GENERAL PROVISIONS

**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.

## LICENSING

**685.060 Minimum educational requirements for license.** (1) The minimum educational requirements for license under the provisions of this chapter shall be:

(a) 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; and

(b) 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 the college or university; and

(c) Graduation from a naturopathic school or college approved by the State Board of Naturopathic Examiners and which requires 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.

(2) 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. [Amended by 1953 c.557 §4; 1969 c.381 §5]

**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.

**685.085 Reciprocal license.** A person licensed to practice naturopathy under the laws of another state who demonstrates to the satisfaction of the board that he possesses qualifications at least equal to those required of persons eligible for licensing under this chapter, may be issued a license to practice in this state without written examination upon payment of the license fee required under ORS 685.100. [1973 c.469 §2]

**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 $75, as determined by the board and approved by the Executive Department. A person holding a license under this chapter who is at least 70 years of age and retired from the practice of naturopathy 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 $30, as determined by the board and approved by the Executive Department. 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 unless the person is retired from the practice of naturopathy and does not maintain an office.

(3) The failure, neglect or refusal of any person 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 his license. A revoked license shall not be restored except upon written application therefor and the payment of a restoration fee of $25 for each year the license remains revoked, which is in addition to the annual registration fee for each year the registration fee remains unpaid. 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. However, the board may deny the restoration of any license for which the required registration fees have not been paid during the years for which they are due if it finds that grounds for refusal to grant or for revocation of the license exist under ORS 685.110.

(4) On or before December 1 of each year the secretary of the board shall notify each person holding a license under this chapter that the annual registration application and fee are due on or before January 1 following. [Amended by 1967 c.44 §2; 1969 c.26 §2; 1969 c.381 §6; 1973 c.182 §5]

**685.102 Continuing education course required; exemptions.** (1) Except as provided in subsection (2) of this section, each person holding a license under this chapter shall submit at the time he submits the annual registration fee, evidence satisfactory to the board of his successful completion of an approved program of continuing education in naturopathy, completed in the calendar year preceding the date on which the evidence is submitted.

(2) The board may exempt any person holding a license under this chapter from the requirements of subsection (1) of this section upon an application by him showing evidence satisfactory to the board that he is unable to comply with the requirements because of physical or mental condition or because of other unusual or extenuating circumstances. However, no person shall be exempted from the requirements of subsection (1) of this section more than once in any five-year period.

(3) Notwithstanding subsection (2) of this section, a person holding a license under this chapter may be exempted from the requirements of subsection (1) of this section upon an application by him showing evidence satisfactory to the board that he is or will be in the next calendar year at least 70 years of age and is retired or will retire in the next calendar year from the practice of naturopathy.

(4) A person who is exempted from the requirements of subsection (1) of this section shall not practice naturopathy. A violation of this subsection is grounds for suspension or revocation of the license of the person granted the exemption by the board. [1969 c.381 §2; 1973 c.829 §67]

**685.104 Effect of failure to comply with ORS 685.102; reissuance of registration.** (1) The board shall refuse to issue the certificate of annual registration to any person holding a license under this chapter who fails to submit with his annual registration fee proof required under ORS 685.102, unless it has exempted the person from the requirements of subsection (1) of ORS 685.102. The board shall return the annual registration fee to the person.

(2) After January 1 of any year, the board may issue a certificate of annual registration to any holder of a license under this chapter who had been refused such certificate under subsection (1) of this section upon submission of the evidence required under subsection (1) of ORS 685.102, accompanied by the required registration fees for each year the registration fee remains unpaid and a restoration fee of $25 for each year the license remains revoked.

(3) If the person completes an approved program after January 1 to meet the requirements of ORS 685.102 for the year beginning January 1, such completion does not meet the

requirements of ORS 685.102 for the subsequent year. [1969 c.381 §3; 1973 c.182 §6]

**685.106 Approval of continuing education programs.** (1) The board may offer a program of continuing education in naturopathy to meet the requirements of ORS 685.102. The board may also approve a program to be presented by persons reasonably qualified to do so.

(2) Any person seeking approval of a program of continuing education in naturopathy, to be offered to assist persons holding licenses under this chapter to comply with the requirements of subsection (1) of ORS 685.102, shall submit to the board, at such time as the board may require, copies of courses of study to be offered and proof of such other qualifications as the board may require. Approval granted to any program of continuing education shall be reviewed periodically and approval may be withdrawn from any program that fails to meet the requirements of the board.

(3) Any program of continuing education in naturopathy offered or approved under this section shall consist of at least 20 hours of study covering new, review, experimental, research and specialty subjects in the field of naturopathy. [1969 c.381 §4]

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

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

(2) The impersonation of another physician.

(3) Practicing naturopathy under an assumed name.

(4) 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.

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

(6) Any other reason that renders the applicant or licentiate unfit to perform the duties of a naturopathic physician. [Amended by 1953 c.555 §2; 1971 c.734 §132]

**685.120** [Repealed by 1971 c 734 §21]

**685.125 License denial or revocation procedure; promulgation and review of rules and orders.** (1) Where the board proposes to refuse to issue or renew a license, or proposes to revoke or suspend a license, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.500.

(2) Promulgation of rules, conduct of hearings, issuance of orders and judicial review of rules and orders shall be as provided in ORS 183.310 to 183.500. [1971 c.734 §134]

## STATE BOARD

**685.160 Naturopathic Board of Examiners; appointment; confirmation.** (1) There hereby is created the Naturopathic Board of Examiners in the Health Division. 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. All appointments of members of the board by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.560 and 171.570. 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. [Amended by 1971 c.650 §34; 1973 c.792 §40]

**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 board in lieu of electing one of its

members as secretary, may employ or appoint a person to act as secretary to the board who shall perform such duties and functions as may be prescribed by the board. [Amended by 1973 c.829 §68]

**685.180** [Repealed by 1973 c.829 §71]

**685.190 Compensation and expenses of board members; compensation of secretary.** (1) A member is entitled to compensation and expenses as provided in ORS 292.495.

(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; 1969 c.314 §86]

**685.200** [Amended by 1967 c.637 §32; repealed by 1973 c.427 §28 (685.201 enacted in lieu of 685.200)]

**685.201 Disposition of receipts.** All moneys received by the Health Division under this chapter shall be paid into the General Fund in the State Treasury and placed to the credit of the Health Division Account and such moneys hereby are appropriated continuously and shall be used only for the administration and enforcement of this chapter. [1973 c.427 §29 (enacted in lieu of 685.200)]

## ENFORCEMENT

**685.210 Enforcement; employing attorney; jurisdiction.** (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.

## PENALTIES

**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, Thomas G. Clifford, 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,
October 1, 1977.

Thomas G Clifford
Legislative Counsel