

# Chapter 685

## 1985 REPLACEMENT PART

### Naturopaths

#### GENERAL PROVISIONS

- 685.010 Definitions
- 685.020 License required to practice naturopathy; title and abbreviations usable by licentiates
- 685.030 Application of chapter
- 685.040 Application of health laws
- 685.050 Execution of birth and death certificates

#### LICENSING

- 685.060 Minimum educational requirements for license
- 685.070 Application for examination; fee
- 685.080 Examination and reexamination of applicants; issuing license
- 685.085 Reciprocal license
- 685.100 Renewal of license; fees; how determined
- 685.102 Continuing education required; exemptions
- 685.104 Effect of failure to comply with ORS 685.102; reissuance of registration
- 685.106 Approval of continuing education programs
- 685.110 Grounds for discipline
- 685.125 Discipline procedure; adoption of rules and orders
- 685.135 Certificate of special competency in natural childbirth required

#### STATE BOARD

- 685.160 Board of Naturopathic Examiners; appointment; confirmation
- 685.170 President of board; powers; board staff
- 685.190 Compensation and expenses of board members; compensation of secretary
- 685.201 Disposition of receipts

#### ENFORCEMENT

- 685.210 Enforcement; jurisdiction
- 685.220 Report of suspected violation; confidentiality of information; liability of supplier

#### PENALTIES

- 685.990 Penalties

#### CROSS REFERENCES

- Administrative procedures and rules of state agencies, 183.310 to 183.550
- Handicapped child, duty to report, 343.193
- Health certificate, signature by physician licensed by Board of Medical Examiners only, 433.010
- Legislative review of need for agency, 182.615
- Military or naval service, persons relieved from payment of fees, 408.450
- Professional corporations, Ch. 58
- Reporting of abuse:
  - Child, 418.740 to 418.775
  - Elderly, 410.610 to 410.700
  - Patient in nursing home, 441.630 to 441.680

#### 685.020

- Professional designation of licensed naturopath, 676.110
- Use of professional designation by unlicensed person prohibited, 676.120

#### 685.060

- Waiver of educational requirement for admission to examination, 670.010

#### 685.110

- Denial, suspension or revocation of license prohibited solely because of criminal conviction, 670.280
- Injunction against practicing after suspension or revocation of license, 676.220

#### 685.160

- Administrative agencies generally, Ch. 182
- Assistant Director for Health as ex officio member of board, 184.835

#### 685.201

- Expenditures without allotment prohibited in certain cases, 291.238

#### 685.210

- Attorney General to supervise all legal proceedings for state agencies, 180.220, 180.230



## GENERAL PROVISIONS

**685.010 Definitions.** As used in this chapter:

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

(2) "Drugs" means all medicines and preparations and all substances, except nonpoisonous plant substances in therapeutic dosages, food and water, used or intended to be used for the diagnosis, cure, treatment, mitigation or prevention of diseases or abnormalities of humans, 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.

(5) "Nonpoisonous" means a substance taken in accepted therapeutic dosage that by its action on organs or tissue does not adversely impair function or destroy human life. [Amended by 1953 c.557 §4; 1985 c.624 §3]

**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 ORS 685.010 (2) 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; 1985 c.624 §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) 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 Educational Coordinating Commission as evidenced by certificate or transcript of credits from the college or university; and

(b) Graduation from a naturopathic school or college approved by the 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 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, 1985 c.624 §5]

**685.070 Application for examination; 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. The applicant shall pay to the board the appropriate nonrefundable examination fee. [Amended by 1983 c.281 §1, 1985 c.624 §6]

**685.080 Examination and reexamination 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 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 the fitness of the applicant 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 passes the examination, upon payment of the appropriate license fee, the board shall issue to such applicant a license to practice naturopathy.

(4) If an applicant fails to pass either the basic science or clinical section of the examination, without losing credits for subjects passed, the applicant shall be permitted to retake each subject a total of two times within a period of two years. If after three attempts, the applicant has not passed the entire basic science or clinical section of the examination, the applicant shall be required to wait one year and retake the complete section. [Amended by 1985 c.624 §7]

**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 the person 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** [Repealed by 1985 c.624 §21]

**685.100 Renewal of license; fees; how determined.** (1) Every person holding a license under this chapter shall apply to the board for a certificate of biennial registration and at the time of applying shall pay to the board a biennial registration fee. 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 registration and at the time of applying shall pay to the board a registration fee. 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 the licensee claims to be in the application.

(2) Upon receipt of an application for registration, accompanied by the registration fee, the board shall issue to the applicant a certificate of 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 registration fee as required by subsection (1) of this section shall, from the date of expiration, automatically revoke the license. A revoked license shall not be restored except upon written application therefor and the payment of a restoration fee for each period the license remains revoked, which is in addition to the biennial 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 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) The secretary of the board shall notify each person holding a license under this chapter that the registration application and fee are due.

(5) The board shall assess fees for the following:

- (a) License fee.
- (b) Examination fee.
- (c) Certificate of registration, active or retired.
- (d) Restoration fee.

(6) Subject to the review of the Executive Department and the prior approval of the appropriate legislative review agency, the fees and charges established under this section shall not exceed the cost of administering the regulatory program of the board pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative Assembly for the board's budget, as modified by the Emergency Board or future sessions of the Legislative Assembly. [Amended by 1967 c.44 §2; 1969 c.26 §2, 1969 c.381 §6; 1973 c.182 §5; 1983 c.281 §2; 1985 c.624 §9]

**685.102 Continuing education required; exemptions.** (1) Except as provided in subsection (2) of this section, each person holding a license under this chapter shall submit annually by December 31, evidence satisfactory to the board of successful completion of an approved program of continuing education of at least 20 hours 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 application showing evidence satisfactory to the board of inability 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 application showing evidence satisfactory to the board that the applicant 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. [1969 c.381 §2; 1973 c.829 §67; 1985 c.624 §10]

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

(1). The board shall return the biennial registration fee to the person.

(2) After January 1 of any year, the board may issue a certificate of biennial 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 ORS 685.102 (1), 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; 1985 c.624 §11]

**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 ORS 685.102 (1), 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 study covering new, review, experimental, research and specialty subjects in the field of naturopathy. [1969 c.381 §4; 1985 c.624 §12]

**685.110 Grounds for discipline.** The board may refuse to grant a license, may suspend or revoke a license, may limit a license, may impose probation, or may impose a civil penalty not to exceed \$1,000 for each offense 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 performance of an abortion.
- (5) The conviction of a crime involving moral turpitude.

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

(7) Conviction of a crime relating to practice of naturopathy.

(8) Negligence.

(9) Habitual or excessive use of intoxicants, drugs or controlled substances.

(10) Prescribing or dispensing drugs outside the scope of practice.

(11) Commitment to a mental institution.

(12) Obtaining a fee through fraud or misrepresentation.

(13) Gross or repeated malpractice.

(14) Representing to a patient that a manifestly incurable condition of sickness, disease or injury can be permanently cured.

(15) Suspension or revocation of a license to practice naturopathy in another jurisdiction.

(16) Employing unlicensed persons to practice naturopathy.

(17) Practicing natural childbirth without first obtaining a certificate of special competency.

(18) Representing that the licensee is a medical specialist or practices a medical specialty. [Amended by 1953 c.555 §2; 1971 c.734 §132; 1985 c.624 §13]

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

**685.125 Discipline procedure; adoption of rules and orders.** (1) Where the board proposes to refuse to issue or renew except for nonpayment of fees or nonsubmittal of continuing education hours a license, or proposes to impose any of the sanctions set forth in ORS 685.110, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.550.

(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 183.550. [1971 c.734 §134; 1985 c.624 §14]

**685.135 Certificate of special competency in natural childbirth required.** (1) No naturopath shall practice natural childbirth without first obtaining a certificate of special competency in natural childbirth in accordance with the provisions of this section.

(2) The board shall issue a certificate of special competency in natural childbirth to a licensed naturopath who meets the requirements prescribed by the board to practice natural childbirth.

(3) The board may adopt rules applicable to specialty certification:

(a) Which establish education, training and qualifications necessary for certification.

(b) Which limit or restrict specialty practice.

(c) Which define the scope of the specialty practice.

(d) Which establish procedures for maintaining certification.

(4) Only those naturopaths wishing to practice natural childbirth shall be required to satisfy educational and examination standards in these areas. [1985 c.624 §19]

## STATE BOARD

**685.160 Board of Naturopathic Examiners; appointment; confirmation.** (1) There hereby is created the Board of Naturopathic Examiners in the Health Division. The board shall consist of five 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 171.562 and 171.565.

(2) Of the membership of the Board of Naturopathic Examiners:

(a) All members must be citizens of this state.

(b) Four members shall be naturopaths who have each practiced continuously in this state for the five years immediately prior to the date of appointment.

(c) One shall be a member of the general public who does not possess the qualifications set forth in paragraph (b) of this subsection.

(3) 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; 1985 c.624 §15]

**685.170 President of board; powers; board staff.** Annually the board shall elect one of its members president who shall have power during the term of office to summon witnesses, administer oaths and to take testimony and affidavits, certifying thereto, under the president's hand and the seal of the board. The staff of the board shall keep a record of all actions of the board, including a detailed register of applicants

for license. The board may employ or appoint a person to act as staff to the board who shall perform such duties and functions as may be prescribed by the board. [Amended by 1973 c.829 §68; 1983 c.281 §3]

**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 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; jurisdiction.** (1) The district attorneys of the state shall prosecute all persons charged with violation of any of the provisions of this chapter.

(2) Justice courts, municipal courts and circuit courts have concurrent jurisdiction for the prosecution of offenses under this chapter. [Amended by 1985 c.624 §16]

**685.220 Report of suspected violation; confidentiality of information; liability of supplier.** (1) Any board licensee shall, and any other person may, report to the board any suspected violation of the provisions of this chapter.

(2) Information pertaining to the report required by subsection (1) of this section shall remain confidential and not be subject to public disclosure.

(3) Any person who reports or provides information to the board under this section in good faith shall not be subject to an action for civil damages as a result thereof. [1985 c 624 §20]

## 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.

