

3457

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. PERRY, P. RIVERA -- Multi-Sponsored by -- M. of
A. TOWNS -- read once and referred to the Committee on Higher Educa-
tion

AN ACT to amend the education law, in relation to the practice of natu-
ropathic medicine

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The education law is amended by adding a new article 132-A
2 to read as follows:

3 ARTICLE 132-A
4 PRACTICE OF NATUROPATHIC MEDICINE

5 SECTION 6575. INTRODUCTION.
6 6576. DEFINITION OF PRACTICE OF NATUROPATHIC MEDICINE.
7 6577. PRACTICE OF NATUROPATHIC MEDICINE AND USE OF TITLE "NATU-
8 ROPATHIC PHYSICIAN".
9 6578. STATE BOARD FOR NATUROPATHIC MEDICINE.
10 6579. REQUIREMENTS FOR A PROFESSIONAL LICENSE.
11 6580. EXEMPT PERSONS.
12 6581. SPECIAL PROVISIONS.
13 6582. QUALIFICATION OF CERTAIN APPLICANTS FOR LICENSURE.
14 6583. POWER OF BOARD OF REGENTS REGARDING CERTAIN NATUROPATHS.
15 S 6575. INTRODUCTION. THIS ARTICLE APPLIES TO THE PROFESSION OF NATU-
16 ROPATHIC MEDICINE. THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED
17 IN ARTICLE ONE HUNDRED THIRTY OF THIS TITLE APPLY TO THIS ARTICLE.
18 S 6576. DEFINITION OF PRACTICE OF NATUROPATHIC MEDICINE. "NATUROPATHIC
19 MEDICINE" OR "NATUROPATHY" MEANS A SYSTEM OF PRIMARY HEALTH CARE FOR THE
20 PREVENTION, DIAGNOSIS, AND CARE OF HUMAN HEALTH CONDITIONS, INJURIES,
21 AND DISEASES THAT USES EDUCATION AND NATURAL SUBSTANCES AND REMEDIES TO

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD01963-01-9

1 SUPPORT AND STIMULATE THE INDIVIDUAL'S INTRINSIC SELF-HEALING PROCESSES.
2 FOR PURPOSES OF THIS CHAPTER:

3 1. "DIAGNOSE" MEANS TO EXAMINE IN ANY MANNER ANOTHER PERSON, PARTS OF
4 A PERSON'S BODY, OR SUBSTANCES, FLUIDS, OR MATERIALS EXCRETED, TAKEN, OR
5 REMOVED FROM A PERSON'S BODY OR PRODUCED BY A PERSON'S BODY TO DETERMINE
6 THE SOURCE, KIND, OR EXTENT OF A DISEASE OR OTHER PHYSICAL CONDITION.

7 2. "MINOR OFFICE PROCEDURE" MEANS THE USE OF OPERATIVE, ELECTRICAL, OR
8 OTHER METHODS FOR THE REPAIR OF, AND CARE INCIDENTAL TO, SUPERFICIAL
9 LACERATIONS AND ABRASIONS, THE REMOVAL OF FOREIGN BODIES LOCATED IN
10 SUPERFICIAL TISSUES, AND THE USE OF ANTISEPTICS AND LOCAL ANESTHETICS IN
11 CONNECTION WITH THESE METHODS. THE TERM INCLUDES THE USE OF LOCAL ANES-
12 THESIA APPLIED TOPICALLY OR BY INJECTION, WHETHER NATURAL OR
13 PRESCRIPTION, IN SUPERFICIAL TISSUES ASSOCIATED WITH THE PERFORMANCE OF
14 MINOR OFFICE PROCEDURES. THE TERM SHALL NOT INCLUDE GENERAL OR SPINAL
15 ANESTHESIA, MAJOR SURGERY, SURGERY OF THE BODY CAVITIES, OR SPECIALIZED
16 SURGERIES, INCLUDING PLASTIC SURGERY OR SURGERY INVOLVING THE EYES,
17 TENDONS, LIGAMENTS, OR MAJOR BLOOD VESSELS.

18 3. "NATURAL ANTIBIOTICS" MEANS ANTIMICROBIAL, ANTIFUNGAL, AND ANTIPRO-
19 TOZOAL AGENTS THAT ARE NATURALLY OCCURRING SUBSTANCES OR MANUFACTURED
20 SUBSTANCES THAT ARE SUBSTANTIALLY IDENTICAL TO THE NATURALLY OCCURRING
21 SUBSTANCES.

22 4. "NATURAL MEDICINES" MEANS:

23 A. FOOD, FOOD EXTRACTS, AND DIETARY SUPPLEMENTS AS DEFINED BY THE
24 FEDERAL FOOD, DRUG, AND COSMETIC ACT (21 U.S.C. SECTION 301 ET SEQ.), AS
25 AMENDED;

26 B. HOMEOPATHIC REMEDIES;

27 C. PLANT SUBSTANCES THAT ARE NOT DESIGNATED AS PRESCRIPTION DRUGS OR
28 CONTROLLED SUBSTANCES;

29 D. OVER-THE-COUNTER MEDICATIONS;

30 E. PRESCRIPTIONS THAT ARE CONSISTENT WITH THE COMPETENT PRACTICE OF
31 NATUROPATHY; AND

32 F. SUBSTANCES PREPARED ACCORDING TO THE HOMEOPATHIC PHARMACOPEIA OF
33 THE UNITED STATES.

34 5. "NATUROPATHIC MEDICINE" OR "NATUROPATHY" MEANS A SYSTEM OF PRIMARY
35 HEALTH CARE FOR THE PREVENTION, DIAGNOSIS, AND CARE OF HUMAN HEALTH
36 CONDITIONS, INJURIES, AND DISEASES THAT USES EDUCATION AND NATURAL
37 SUBSTANCES AND REMEDIES TO SUPPORT AND STIMULATE THE INDIVIDUAL'S
38 INTRINSIC SELF-HEALING PROCESSES.

39 6. "NATUROPATHIC CHILDBIRTH" MEANS UNCOMPLICATED NATURAL CHILDBIRTH
40 ASSISTED BY A NATUROPATHIC PHYSICIAN. THE TERM INCLUDES THE USE OF
41 NATURAL SUBSTANCES, OPHTHALMIC ANTIBIOTICS, EMERGENCY CHILDBIRTH MEDI-
42 CINES, AND SIMPLE UNCOMPLICATED EPISIOTOMIES, BUT DOES NOT INCLUDE THE
43 USE OF FORCEPS DELIVERY, GENERAL OR SPINAL ANESTHESIA, CAESAREAN
44 SECTION, OR INDUCED ABORTION.

45 7. "NATUROPATHIC MOBILIZATION THERAPY" MEANS MANUALLY ADMINISTERING
46 MECHANICAL TREATMENT OF BODY STRUCTURES OR TISSUES TO RESTORE THE NORMAL
47 PHYSIOLOGICAL FUNCTION OF THE BODY BY NORMALIZING AND BALANCING THE
48 MUSCULOSKELETAL SYSTEM OF THE BODY. THE TERM DOES NOT INCLUDE OSSEOUS
49 MANIPULATION.

50 8. "NATUROPATHIC PHYSICIAN" MEANS A PERSON WHO HOLDS HIMSELF OR
51 HERSELF OUT TO THE PUBLIC AS LICENSED TO PRACTICE NATUROPATHIC MEDICINE
52 OR WHO PRACTICES NATUROPATHIC MEDICINE UNDER THIS ARTICLE.

53 9. "NATUROPATHIC PHYSICAL MEDICINE" MEANS THE USE OF THE PHYSICAL
54 AGENTS OF AIR, WATER, HEAT, COLD, SOUND, LIGHT, AND ELECTROMAGNETIC
55 NONIONIZING RADIATION AND THE PHYSICAL MODALITIES OF ELECTROTHERAPY,
56 BIOFEEDBACK, DIATHERMY, ULTRAVIOLET LIGHT, ULTRASOUND, HYDROTHERAPY,

1 NATUROPATHIC MOBILIZATION THERAPY, AND EXERCISE. THE TERM DOES NOT
2 INCLUDE THE PRACTICE OF PHYSICAL THERAPY, ACUPUNCTURE, OR CHIROPRACTIC.
3 10. "TOPICAL PREPARATIONS" MEANS TOPICAL ANALGESICS, ANESTHETICS,
4 ANTISEPTICS, SCABICIDES, ANTIFUNGALS, AND ANTIBACTERIALS.

5 S 6577. PRACTICE OF NATUROPATHIC MEDICINE AND USE OF TITLE "NATURO-
6 PATHIC PHYSICIAN". ONLY A PERSON LICENSED OR OTHERWISE AUTHORIZED UNDER
7 THIS ARTICLE SHALL PRACTICE NATUROPATHIC MEDICINE OR USE THE TITLE
8 "NATUROPATH", "DOCTOR OF NATUROPATHY", "DOCTOR OF NATUROPATHIC MEDI-
9 CINE", OR USE THE INITIALS, "ND", OR "NMD" OR HOLD HIMSELF OR HERSELF
10 OUT TO THE PUBLIC THAT THEY PRACTICE NATUROPATHY IN ANY OF ITS FORMS.

11 S 6578. STATE BOARD FOR NATUROPATHIC MEDICINE. 1. A STATE BOARD FOR
12 NATUROPATHIC MEDICINE SHALL BE APPOINTED BY THE BOARD OF REGENTS ON
13 RECOMMENDATION OF THE COMMISSIONER FOR THE PURPOSE OF ASSISTING THE
14 BOARD OF REGENTS AND THE DEPARTMENT ON MATTERS OF PROFESSIONAL LICENSING
15 IN ACCORDANCE WITH ARTICLE ONE HUNDRED THIRTY OF THIS TITLE.

16 2. THE BOARD SHALL BE COMPOSED OF NOT LESS THAN SEVEN NATUROPATHIC
17 PHYSICIANS LICENSED IN THIS STATE WHO MEET THE REQUIREMENTS SET FORTH IN
18 THIS ARTICLE. AN EXECUTIVE SECRETARY TO THE BOARD SHALL BE APPOINTED BY
19 THE BOARD OF REGENTS ON RECOMMENDATION OF THE COMMISSIONER AND SHALL BE
20 EITHER A NATUROPATHIC PHYSICIAN LICENSED IN THIS STATE OR A NON-PHYSI-
21 CIAN, DEEMED QUALIFIED BY THE COMMISSIONER AND BOARD OF REGENTS.

22 3. THERE SHALL BE TWO MEMBERS OF THE BOARD FROM THE MEDICAL OR OSTEO-
23 PATHIC COMMUNITY AND NO ONE DISCIPLINE SHALL COMPRISE BOTH MEMBERS.

24 S 6579. REQUIREMENTS FOR A PROFESSIONAL LICENSE. TO QUALIFY FOR A
25 LICENSE AS A NATUROPATHIC PHYSICIAN, AN APPLICANT SHALL FULFILL THE
26 FOLLOWING REQUIREMENTS:

27 1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

28 2. EDUCATION: HAVE RECEIVED AN EDUCATION, INCLUDING A DEGREE OF DOCTOR
29 OF NATUROPATHIC MEDICINE, "N.D.", FROM AN APPROVED NATUROPATHIC COLLEGE.
30 FOR PURPOSES OF THIS ARTICLE, THE TERM "APPROVED NATUROPATHIC COLLEGE"
31 MEANS A COLLEGE OR RESIDENTIAL PROGRAM GRANTING THE DEGREE OF DOCTOR OF
32 NATUROPATHY OR DOCTOR OF NATUROPATHIC MEDICINE THAT:

33 A. IS ACCREDITED BY AN AGENCY RECOGNIZED BY THE FEDERAL GOVERNMENT,
34 THE COUNCIL FOR NATUROPATHIC MEDICAL EDUCATION OR ITS SUCCESSOR, OR
35 APPROVED BY THE BOARD WHICH MEETS THE STANDARDS GENERALLY RECOGNIZED AND
36 BEING MET BY OTHER LICENSING JURISDICTIONS IN THE UNITED STATES;

37 B. HAS CANDIDATE FOR ACCREDITATION STATUS WITH THE ACCREDITING AGENCY;
38 OR

39 C. HAS BEEN APPROVED BY THE BOARD AFTER THE COLLEGE OR RESIDENTIAL
40 PROGRAM WAS INVESTIGATED AND FOUND TO MEET EDUCATION STANDARDS EQUIV-
41 ALENT TO THOSE ESTABLISHED BY THE ACCREDITING AGENCY AND WHICH MEETS THE
42 STANDARDS GENERALLY RECOGNIZED AND BEING MET BY OTHER LICENSING JURIS-
43 DICTIONS IN THE UNITED STATES;

44 3. EXPERIENCE: HAVE EXPERIENCE AS A NATUROPATHIC PHYSICIAN SATISFAC-
45 TORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

46 4. EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE BOARD AND IN
47 ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS WHICH MAY INCLUDE THE
48 NATUROPATHIC PHYSICIANS LICENSING EXAMINATION OR ITS SUCCESSOR; OR OTHER
49 TEST THAT MAINTAINS THE STANDARDS GENERALLY ACCEPTED NATIONALLY;

50 5. AGE: BE AT LEAST TWENTY-ONE YEARS OF AGE;

51 6. CITIZENSHIP OR IMMIGRATION STATUS: BE A UNITED STATES CITIZEN OR AN
52 ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES;
53 PROVIDED, HOWEVER THAT THE BOARD OF REGENTS MAY GRANT A ONE-TIME THREE
54 YEAR WAIVER FOR AN ALIEN NATUROPATHIC PHYSICIAN TO PRACTICE IN AN AREA
55 WHICH HAS BEEN DESIGNATED BY THE DEPARTMENT AS MEDICALLY UNDERSERVED,
56 EXCEPT THAT THE BOARD OF REGENTS MAY GRANT AN EXTENSION OF SUCH THREE

1 YEAR WAIVER OF NOT MORE THAN THREE YEARS FOR A NATUROPATHIC PHYSICIAN
2 WITH ALIEN CITIZENSHIP STATUS WHO IS COMPLETING A SERVICE OBLIGATION
3 AGREEMENT UNDER AN APPROVED VISA WAIVER PROGRAM;

4 7. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-
5 MENT; AND

6 8. FEES: PAY A FEE AS DETERMINED BY THE COMMISSIONER TO THE DEPARTMENT
7 FOR ADMISSION TO A DEPARTMENT CONDUCTED EXAMINATION AND FOR AN INITIAL
8 LICENSE; A FEE OF TWO HUNDRED SEVENTY-FIVE DOLLARS FOR EACH REEXAMINA-
9 TION; A FEE OF FIVE HUNDRED DOLLARS FOR AN INITIAL LICENSE FOR PERSONS
10 NOT REQUIRING ADMISSION TO A DEPARTMENT CONDUCTED EXAMINATION; A FEE OF
11 FIVE HUNDRED SEVENTY DOLLARS FOR ANY BIENNIAL REGISTRATION PERIOD
12 COMMENCING AUGUST FIRST, TWO THOUSAND NINE AND THEREAFTER.

13 S 6580. EXEMPT PERSONS. THE FOLLOWING PERSONS UNDER THE FOLLOWING
14 LIMITATIONS MAY PRACTICE NATUROPATHIC MEDICINE WITHIN THE STATE WITHOUT
15 A LICENSE:

16 1. ANY NATUROPATHIC PHYSICIAN WHO IS EMPLOYED AS A RESIDENT IN A
17 PUBLIC HOSPITAL, PROVIDED SUCH PRACTICE IS LIMITED TO SUCH HOSPITAL AND
18 IS UNDER THE SUPERVISION OF A LICENSED NATUROPATHIC PHYSICIAN OR OTHER
19 PHYSICIAN LICENSED IN THE STATE;

20 2. ANY NATUROPATHIC PHYSICIAN WHO IS LICENSED IN A BORDERING STATE AND
21 WHO RESIDES NEAR A BORDER OF THIS STATE, PROVIDED SUCH PRACTICE IS
22 LIMITED IN THIS STATE TO THE VICINITY OF SUCH BORDER AND PROVIDED SUCH
23 NATUROPATHIC PHYSICIAN DOES NOT MAINTAIN AN OFFICE OR PLACE TO MEET
24 PATIENTS OR RECEIVE CALLS WITHIN THIS STATE;

25 3. ANY NATUROPATHIC PHYSICIAN WHO IS LICENSED IN ANOTHER STATE OR
26 COUNTRY AND WHO IS MEETING A NATUROPATHIC PHYSICIAN LICENSED IN THIS
27 STATE, FOR PURPOSES OF CONSULTATION, PROVIDED SUCH PRACTICE IS LIMITED
28 TO SUCH CONSULTATION;

29 4. ANY NATUROPATHIC PHYSICIAN WHO IS LICENSED IN ANOTHER STATE OR
30 COUNTRY, WHO IS VISITING A MEDICAL SCHOOL OR TEACHING HOSPITAL IN THIS
31 STATE TO RECEIVE NATUROPATHIC MEDICAL OR MEDICAL INSTRUCTION FOR A PERI-
32 OD NOT TO EXCEED SIX MONTHS OR TO CONDUCT NATUROPATHIC MEDICAL OR
33 MEDICAL INSTRUCTION, PROVIDED SUCH PRACTICE IS LIMITED TO SUCH INSTRU-
34 CTION AND IS UNDER THE SUPERVISION OF A LICENSED NATUROPATHIC PHYSICIAN
35 OR OTHER LICENSED PHYSICIAN;

36 5. ANY NATUROPATHIC PHYSICIAN WHO IS AUTHORIZED BY A FOREIGN GOVERN-
37 MENT TO PRACTICE IN RELATION TO ITS DIPLOMATIC, CONSULAR OR MARITIME
38 STAFFS, PROVIDED SUCH PRACTICE IS LIMITED TO SUCH STAFFS;

39 6. ANY COMMISSIONED NATUROPATHIC MEDICAL OFFICER WHO IS SERVING IN THE
40 UNITED STATES ARMED FORCES OR PUBLIC HEALTH SERVICE OR ANY NATUROPATHIC
41 PHYSICIAN WHO IS EMPLOYED IN THE UNITED STATES VETERANS ADMINISTRATION,
42 PROVIDED SUCH PRACTICE IS LIMITED TO SUCH SERVICE OR EMPLOYMENT;

43 7. ANY INTERN WHO IS EMPLOYED BY A HOSPITAL AND WHO IS A GRADUATE OF A
44 NATUROPATHIC MEDICAL SCHOOL IN THE UNITED STATES OR CANADA, PROVIDED
45 SUCH PRACTICE IS LIMITED TO SUCH HOSPITAL AND IS UNDER THE SUPERVISION
46 OF A LICENSED NATUROPATHIC PHYSICIAN OR OTHER LICENSED PHYSICIAN;

47 8. ANY NATUROPATHIC MEDICAL STUDENT WHO IS PERFORMING A CLINICAL
48 CLERKSHIP OR SIMILAR FUNCTION IN A HOSPITAL AND WHO IS MATRICULATED IN A
49 NATUROPATHIC MEDICAL SCHOOL WHICH MEETS STANDARDS SATISFACTORY TO THE
50 DEPARTMENT, PROVIDED SUCH PRACTICE IS LIMITED TO SUCH CLERKSHIP OR SIMI-
51 LAR FUNCTION IN SUCH HOSPITAL;

52 9. A PERSON ENGAGED IN THE SALE OF VITAMINS, HEALTH FOODS, DIETARY
53 SUPPLEMENTS, HERBS, OR OTHER PRODUCTS OF NATURE, THE SALE OF WHICH IS
54 NOT OTHERWISE PROHIBITED UNDER STATE OR FEDERAL LAW; OR

55 10. A PERSON PROVIDING NUTRITIONAL ADVICE, GIVING ADVICE CONCERNING
56 PROPER NUTRITION, OR GIVING INFORMATION AS TO THE USE AND ROLE OF FOOD

1 AND FOOD INGREDIENTS, INCLUDING DIETARY SUPPLEMENTS, EXCEPT THAT PROVID-
2 ING NUTRITIONAL ADVICE UNDER THIS SUBDIVISION DOES NOT INCLUDE THE
3 AUTHORITY TO PRACTICE MEDICINE OR SURGERY, TO UNDERTAKE THE TREATMENT OR
4 CURE OF A DISEASE, PAIN, INJURY, DEFORMITY, OR PHYSICAL OR MENTAL CONDI-
5 TION, OR TO STATE THAT A PRODUCT MIGHT CURE A DISEASE, PAIN, INJURY,
6 DEFORMITY, OR OTHER CONDITION OTHER THAN PROVIDING NUTRITIONAL SUPPORT
7 FOR THE PERSON.

8 S 6581. SPECIAL PROVISIONS. 1. A NOT-FOR-PROFIT MEDICAL OR DENTAL
9 EXPENSE INDEMNITY CORPORATION OR A HOSPITAL SERVICE CORPORATION ORGAN-
10 IZED UNDER THE INSURANCE LAW MAY EMPLOY LICENSED NATUROPATHS AND ENTER
11 INTO CONTRACTS WITH PARTNERSHIPS OR MEDICAL CORPORATIONS ORGANIZED UNDER
12 ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW, HEALTH MAINTENANCE ORGAN-
13 IZATIONS POSSESSING A CERTIFICATE OF AUTHORITY PURSUANT TO ARTICLE
14 FORTY-FOUR OF THE PUBLIC HEALTH LAW, PROFESSIONAL CORPORATIONS ORGANIZED
15 UNDER ARTICLE FIFTEEN OF THE BUSINESS CORPORATION LAW OR OTHER GROUPS OF
16 NATUROPATHS TO PRACTICE NATUROPATHIC MEDICINE ON ITS BEHALF FOR PERSONS
17 INSURED UNDER ITS CONTRACTS OR POLICIES.

18 2. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF ANY GENERAL, SPECIAL
19 OR LOCAL LAW, ANY LICENSED NATUROPATH WHO VOLUNTARILY AND WITHOUT THE
20 EXPECTATION OF MONETARY COMPENSATION RENDERS FIRST AID OR EMERGENCY
21 TREATMENT AT THE SCENE OF AN ACCIDENT OR OTHER EMERGENCY, OUTSIDE A
22 HOSPITAL, DOCTOR'S OFFICE OR ANY OTHER PLACE HAVING PROPER AND NECESSARY
23 MEDICAL EQUIPMENT, TO A PERSON WHO IS UNCONSCIOUS, ILL OR INJURED, SHALL
24 NOT BE LIABLE FOR DAMAGES FOR INJURIES ALLEGED TO HAVE BEEN SUSTAINED BY
25 SUCH PERSON OR FOR DAMAGES FOR THE DEATH OF SUCH PERSON ALLEGED TO HAVE
26 OCCURRED BY REASON OF AN ACT OR OMISSION IN THE RENDERING OF SUCH FIRST
27 AID OR EMERGENCY TREATMENT UNLESS IT IS ESTABLISHED THAT SUCH INJURIES
28 WERE OR SUCH DEATH WAS CAUSED BY GROSS NEGLIGENCE ON THE PART OF SUCH
29 NATUROPATH. NOTHING IN THIS SUBDIVISION SHALL BE DEEMED OR CONSTRUED TO
30 RELIEVE A LICENSED NATUROPATH FROM LIABILITY FOR DAMAGES FOR INJURIES OR
31 DEATH CAUSED BY AN ACT OR OMISSION ON THE PART OF A NATUROPATH WHILE
32 RENDERING PROFESSIONAL SERVICES IN THE NORMAL AND ORDINARY COURSE OF HIS
33 PRACTICE.

34 3. NO INDIVIDUAL WHO SERVES AS A MEMBER OF:

35 A. A COMMITTEE ESTABLISHED TO ADMINISTER A UTILIZATION REVIEW PLAN OF
36 A HOSPITAL, INCLUDING A HOSPITAL AS DEFINED IN ARTICLE TWENTY-EIGHT OF
37 THE PUBLIC HEALTH LAW OR A HOSPITAL AS DEFINED IN SUBDIVISION TEN OF
38 SECTION 1.03 OF THE MENTAL HYGIENE LAW, OR

39 B. A COMMITTEE HAVING THE RESPONSIBILITY OF THE INVESTIGATION OF AN
40 INCIDENT REPORTED PURSUANT TO SECTION 29.29 OF THE MENTAL HYGIENE LAW OR
41 THE EVALUATION AND IMPROVEMENT OF THE QUALITY OF CARE RENDERED IN A
42 HOSPITAL AS DEFINED IN ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW OR
43 A HOSPITAL AS DEFINED IN SUBDIVISION TEN OF SECTION 1.03 OF THE MENTAL
44 HYGIENE LAW, OR

45 C. ANY MEDICAL REVIEW COMMITTEE OR SUBCOMMITTEE THEREOF OF A LOCAL,
46 COUNTY OR STATE MEDICAL, DENTAL, PODIATRY OR OPTOMETRICAL SOCIETY, ANY
47 SUCH SOCIETY ITSELF, A PROFESSIONAL STANDARDS REVIEW ORGANIZATION OR AN
48 INDIVIDUAL WHEN SUCH COMMITTEE, SUBCOMMITTEE, SOCIETY, ORGANIZATION OR
49 INDIVIDUAL IS PERFORMING ANY MEDICAL OR QUALITY ASSURANCE REVIEW FUNC-
50 TION INCLUDING THE INVESTIGATION OF AN INCIDENT REPORTED PURSUANT TO
51 SECTION 29.29 OF THE MENTAL HYGIENE LAW, EITHER DESCRIBED IN PARAGRAPHS
52 A AND B OF THIS SUBDIVISION, REQUIRED BY LAW, OR INVOLVING ANY CONTRO-
53 VERSY OR DISPUTE BETWEEN (I) A NATUROPATH, PHYSICIAN, DENTIST, PODIA-
54 TRIST, OPTOMETRIST OR CHIROPRACTOR OR HOSPITAL ADMINISTRATOR AND A
55 PATIENT CONCERNING THE DIAGNOSIS, TREATMENT OR CARE OF SUCH PATIENT OR
56 THE FEES OR CHARGES THEREFOR OR (II) A NATUROPATHIC PHYSICIAN, PHYSI-

1 CIAN, DENTIST, PODIATRIST, CHIROPRACTOR OR OPTOMETRIST OR HOSPITAL
2 ADMINISTRATOR AND A PROVIDER OF MEDICAL, DENTAL, CHIROPRACTIC, PODIATRIC
3 OR OPTOMETRICAL SERVICES CONCERNING ANY MEDICAL OR HEALTH CHARGES OR
4 FEES OF SUCH NATUROPATH, PHYSICIAN, DENTIST, CHIROPRACTOR, PODIATRIST OR
5 OPTOMETRIST, OR

6 D. A COMMITTEE APPOINTED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED
7 FIVE-J OF THE PUBLIC HEALTH LAW TO PARTICIPATE IN THE MEDICAL AND DENTAL
8 MALPRACTICE PREVENTION PROGRAM, OR

9 E. ANY INDIVIDUAL WHO PARTICIPATED IN THE PREPARATION OF INCIDENT
10 REPORTS REQUIRED BY THE DEPARTMENT OF HEALTH PURSUANT TO SECTION TWEN-
11 TY-EIGHT HUNDRED FIVE-L OF THE PUBLIC HEALTH LAW, OR

12 F. A COMMITTEE ESTABLISHED TO ADMINISTER A UTILIZATION REVIEW PLAN, OR
13 A COMMITTEE HAVING THE RESPONSIBILITY OF EVALUATION AND IMPROVEMENT OF
14 THE QUALITY OF CARE RENDERED, IN A HEALTH MAINTENANCE ORGANIZATION
15 ORGANIZED UNDER ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW OR ARTICLE
16 FORTY-THREE OF THE INSURANCE LAW, INCLUDING A COMMITTEE OF AN INDIVIDUAL
17 PRACTICE ASSOCIATION OR MEDICAL GROUP ACTING PURSUANT TO A CONTRACT WITH
18 SUCH A HEALTH MAINTENANCE ORGANIZATION, SHALL BE LIABLE IN DAMAGES TO
19 ANY PERSON FOR ANY ACTION TAKEN OR RECOMMENDATIONS MADE, BY HIM OR HER
20 WITHIN THE SCOPE OF HIS OR HER FUNCTION IN SUCH CAPACITY PROVIDED THAT
21 (I) SUCH INDIVIDUAL HAS TAKEN ACTION OR MADE RECOMMENDATIONS WITHIN THE
22 SCOPE OF HIS FUNCTION AND WITHOUT MALICE, AND (II) IN THE REASONABLE
23 BELIEF AFTER REASONABLE INVESTIGATION THAT THE ACT OR RECOMMENDATION WAS
24 WARRANTED, BASED UPON THE FACTS DISCLOSED.

25 NEITHER THE PROCEEDINGS NOR THE RECORDS RELATING TO PERFORMANCE OF A
26 NATUROPATHIC MEDICAL OR A QUALITY ASSURANCE REVIEW FUNCTION OR PARTIC-
27 IPATION IN A NATUROPATHIC MEDICAL AND DENTAL MALPRACTICE PREVENTION
28 PROGRAM NOR ANY REPORT REQUIRED BY THE DEPARTMENT OF HEALTH PURSUANT TO
29 SECTION TWENTY-EIGHT HUNDRED FIVE-L OF THE PUBLIC HEALTH LAW DESCRIBED
30 HEREIN, INCLUDING THE INVESTIGATION OF AN INCIDENT REPORTED PURSUANT TO
31 SECTION 29.29 OF THE MENTAL HYGIENE LAW, SHALL BE SUBJECT TO DISCLOSURE
32 UNDER ARTICLE THIRTY-ONE OF THE CIVIL PRACTICE LAW AND RULES EXCEPT AS
33 HEREINAFTER PROVIDED OR AS PROVIDED BY ANY OTHER PROVISION OF LAW. NO
34 PERSON IN ATTENDANCE AT A MEETING WHEN A NATUROPATHIC MEDICAL OR A QUAL-
35 ITY ASSURANCE REVIEW OR A NATUROPATHIC MEDICAL AND DENTAL MALPRACTICE
36 PREVENTION PROGRAM OR AN INCIDENT REPORTING FUNCTION DESCRIBED HEREIN
37 WAS PERFORMED, INCLUDING THE INVESTIGATION OF AN INCIDENT REPORTED
38 PURSUANT TO SECTION 29.29 OF THE MENTAL HYGIENE LAW, SHALL BE REQUIRED
39 TO TESTIFY AS TO WHAT TRANSPIRED THEREAT.

40 THE PROHIBITION RELATING TO DISCOVERY OF TESTIMONY SHALL NOT APPLY TO
41 THE STATEMENTS MADE BY ANY PERSON IN ATTENDANCE AT SUCH A MEETING WHO IS
42 A PARTY TO AN ACTION OR PROCEEDING THE SUBJECT MATTER OF WHICH WAS
43 REVIEWED AT SUCH MEETING.

44 4. THIS ARTICLE SHALL NOT BE CONSTRUED TO AFFECT OR PREVENT THE
45 FOLLOWING:

46 A. THE FURNISHING OF NATUROPATHIC MEDICAL ASSISTANCE IN AN EMERGENCY;

47 B. THE PRACTICE OF THE RELIGIOUS TENETS OF ANY CHURCH;

48 C. A NATUROPATH FROM REFUSING TO PERFORM AN ACT CONSTITUTING THE PRAC-
49 TICE OF MEDICINE TO WHICH HE OR SHE IS CONSCIENTIOUSLY OPPOSED BY REASON
50 OF RELIGIOUS TRAINING AND BELIEF;

51 D. THE ORGANIZATION OF A NATUROPATHIC MEDICAL CORPORATION UNDER ARTI-
52 CLE FORTY-FOUR OF THE PUBLIC HEALTH LAW, THE ORGANIZATION OF A UNIVERSI-
53 TY FACULTY PRACTICE CORPORATION UNDER SECTION FOURTEEN HUNDRED TWELVE OF
54 THE NOT-FOR-PROFIT CORPORATION LAW OR THE ORGANIZATION OF A PROFESSIONAL
55 SERVICE CORPORATION UNDER ARTICLE FIFTEEN OF THE BUSINESS CORPORATION
56 LAW; AND

1 E. THE NATUROPATH'S USE OF WHATEVER NATUROPATHIC MEDICAL CARE, CONVEN-
2 TIONAL OR NON-CONVENTIONAL, WHICH EFFECTIVELY TREATS HUMAN DISEASE,
3 PAIN, INJURY, DEFORMITY OR PHYSICAL CONDITION.

4 5. THERE SHALL BE NO MONETARY LIABILITY ON THE PART OF, AND NO CAUSE
5 OF ACTION FOR DAMAGES SHALL ARISE AGAINST, ANY PERSON, PARTNERSHIP,
6 CORPORATION, FIRM, SOCIETY, OR OTHER ENTITY ON ACCOUNT OF THE COMMUNI-
7 CATION OF INFORMATION IN THE POSSESSION OF SUCH PERSON OR ENTITY, OR ON
8 ACCOUNT OF ANY RECOMMENDATION OR EVALUATION, REGARDING THE QUALIFICA-
9 TIONS, FITNESS, OR PROFESSIONAL CONDUCT OR PRACTICES OF A NATUROPATHIC
10 PHYSICIAN, TO ANY GOVERNMENTAL AGENCY, NATUROPATHIC MEDICAL OR SPECIAL-
11 ISTS SOCIETY, A HOSPITAL AS DEFINED IN ARTICLE TWENTY-EIGHT OF THE
12 PUBLIC HEALTH LAW, A HOSPITAL AS DEFINED IN SUBDIVISION TEN OF SECTION
13 1.03 OF THE MENTAL HYGIENE LAW, OR A HEALTH MAINTENANCE ORGANIZATION
14 ORGANIZED UNDER ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW OR ARTICLE
15 FORTY-THREE OF THE INSURANCE LAW, INCLUDING A COMMITTEE OF AN INDIVIDUAL
16 PRACTICE ASSOCIATION OR NATUROPATHIC MEDICAL GROUP ACTING PURSUANT TO A
17 CONTRACT WITH A HEALTH MAINTENANCE ORGANIZATION. THE FOREGOING SHALL NOT
18 APPLY TO INFORMATION WHICH IS UNTRUE AND COMMUNICATED WITH MALICIOUS
19 INTENT.

20 6. A LICENSED NATUROPATH MAY PRESCRIBE AND ORDER A NON-PATIENT SPECIF-
21 IC REGIMEN TO A REGISTERED PROFESSIONAL NURSE, AND OTHER QUALIFIED
22 MEDICAL ASSISTANTS PURSUANT TO REGULATIONS PROMULGATED BY THE COMMIS-
23 SIONER, AND CONSISTENT WITH THE PUBLIC HEALTH LAW, FOR:

24 A. ADMINISTERING IMMUNIZATIONS; AND

25 B. THE EMERGENCY TREATMENT OF ANAPHYLAXIS.

26 S 6582. QUALIFICATION OF CERTAIN APPLICANTS FOR LICENSURE. 1.
27 NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ARTICLE OR ANY LAW TO THE
28 CONTRARY, AN INDIVIDUAL WHO AT THE TIME OF HIS OR HER ENROLLMENT IN A
29 NATUROPATHIC MEDICAL SCHOOL OUTSIDE THE UNITED STATES IS A RESIDENT OF
30 THE UNITED STATES SHALL BE ELIGIBLE FOR LICENSURE IN THIS STATE IF HE OR
31 SHE HAS SATISFIED THE REQUIREMENTS OF SUBDIVISIONS ONE, FIVE, SIX, SEVEN
32 AND EIGHT OF SECTION SIXTY-FIVE HUNDRED TWENTY-FOUR OF THIS TITLE AND:

33 A. HAS STUDIED MEDICINE IN A NATUROPATHIC MEDICAL SCHOOL LOCATED
34 OUTSIDE THE UNITED STATES WHICH IS RECOGNIZED BY THE WORLD HEALTH ORGAN-
35 IZATION; FEDERAL ACCREDITING AGENCY, THE COUNCIL FOR NATUROPATHIC
36 MEDICAL EDUCATION OR ITS SUCCESSOR, OR REGIONAL ACCREDITING BODY WHICH
37 WHEN REVIEWED BY THE BOARD IS FOUND TO BE EQUAL TO OR HAVE HIGHER STAND-
38 ARDS THAN THESE AGENCIES;

39 B. HAS COMPLETED ALL OF THE FORMAL REQUIREMENTS OF THE FOREIGN NATURO-
40 PATHIC MEDICAL SCHOOL EXCEPT INTERNSHIP AND/OR SOCIAL SERVICE;

41 C. HAS ATTAINED A SCORE SATISFACTORY TO A NATUROPATHIC MEDICAL SCHOOL
42 APPROVED BY THE LIAISON COMMITTEE ON NATUROPATHIC MEDICAL EDUCATION, THE
43 COUNCIL ON NATUROPATHIC MEDICAL EDUCATION OR ITS SUCCESSOR ON A QUALIFY-
44 ING EXAMINATION ACCEPTABLE TO THE STATE BOARD FOR MEDICINE, AND HAS
45 SATISFACTORILY COMPLETED ONE ACADEMIC YEAR OF SUPERVISED CLINICAL TRAIN-
46 ING UNDER THE DIRECTION OF SUCH NATUROPATHIC MEDICAL SCHOOL OR APPROVED
47 PHYSICIAN CLINICAL TRAINING PROGRAM;

48 D. HAS COMPLETED THE POST-GRADUATE HOSPITAL TRAINING REQUIRED BY THE
49 BOARD OF ALL APPLICANTS FOR LICENSURE IF APPLICABLE; AND

50 E. HAS PASSED THE EXAMINATION REQUIRED BY THE BOARD OF ALL APPLICANTS
51 FOR LICENSURE.

52 2. SATISFACTION OF THE REQUIREMENTS OF PARAGRAPHS A, B, AND C OF
53 SUBDIVISION ONE OF THIS SECTION SHALL BE IN LIEU OF THE COMPLETION OF
54 ANY FOREIGN INTERNSHIP AND/OR SOCIAL SERVICE REQUIREMENTS, AND NO SUCH
55 REQUIREMENTS SHALL BE A CONDITION OF LICENSURE AS A NATUROPATHIC PHYSI-
56 CIAN IN THIS STATE.

1 3. NO HOSPITAL LICENSED BY THIS STATE, OR OPERATED BY THE STATE OR A
2 POLITICAL SUBDIVISION THEREOF, OR WHICH RECEIVES STATE FINANCIAL ASSIST-
3 ANCE, DIRECTLY OR INDIRECTLY, SHALL REQUIRE AN INDIVIDUAL WHO HAS SATIS-
4 FIED THE REQUIREMENTS OF PARAGRAPHS A, B, AND C OF SUBDIVISION ONE OF
5 THIS SECTION, AND WHO AT THE TIME OF HIS OR HER ENROLLMENT IN A NATURO-
6 PATHIC MEDICAL SCHOOL OUTSIDE THE UNITED STATES IS A RESIDENT OF THE
7 UNITED STATES, TO SATISFY ANY FURTHER EDUCATION OR EXAMINATION REQUIRE-
8 MENTS PRIOR TO COMMENCING AN INTERNSHIP OR RESIDENCY.

9 4. A DOCUMENT GRANTED BY A NATUROPATHIC MEDICAL SCHOOL LOCATED OUTSIDE
10 THE UNITED STATES WHICH IS RECOGNIZED BY THE WORLD HEALTH ORGANIZATION,
11 FEDERAL ACCREDITING AGENCY, THE COUNCIL FOR NATUROPATHIC MEDICAL EDUCA-
12 TION OR ITS SUCCESSOR, OR REGIONAL ACCREDITING BODY WHICH WHEN REVIEWED
13 BY THE BOARD IS FOUND TO BE EQUAL TO OR HAVE HIGHER STANDARDS THAN THESE
14 AGENCIES ISSUED AFTER THE COMPLETION OF ALL THE FORMAL REQUIREMENTS OF
15 SUCH FOREIGN NATUROPATHIC MEDICAL SCHOOL EXCEPT INTERNSHIP AND/OR SOCIAL
16 SERVICE SHALL, UPON CERTIFICATION BY THE NATUROPATHIC MEDICAL SCHOOL IN
17 WHICH SUCH TRAINING WAS RECEIVED OF SATISFACTORY COMPLETION BY THE
18 PERSON TO WHOM SUCH DOCUMENT WAS ISSUED OF THE REQUIREMENTS LISTED IN
19 PARAGRAPH C OF SUBDIVISION ONE OF THIS SECTION, BE DEEMED THE EQUIVALENT
20 OF A DEGREE OF DOCTOR OF MEDICINE FOR PURPOSES OF LICENSURE AND PRACTICE
21 AS A NATUROPATHIC PHYSICIAN IN THIS STATE.

22 S 6583. POWER OF BOARD OF REGENTS REGARDING CERTAIN NATUROPATHS.
23 NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE BOARD OF
24 REGENTS IS AUTHORIZED, IN ITS DISCRETION, TO CONFER THE DEGREE OF DOCTOR
25 OF NATUROPATHIC MEDICINE UPON NATUROPATHS WHO ARE LICENSED PURSUANT TO
26 SECTION SIXTY-FIVE HUNDRED SEVENTY-NINE OR SIXTY-FIVE HUNDRED EIGHTY-TWO
27 OF THIS ARTICLE. EACH APPLICANT SHALL PAY A FEE AS DETERMINED BY THE
28 COMMISSIONER TO THE DEPARTMENT FOR THE ISSUANCE OF SUCH DEGREE.

29 S 2. This act shall take effect on the first of November next succeed-
30 ing the date on which it shall have become a law.