S T A T E O F N E W Y O R K

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 Education

AN ACT to amend the education law, in relation to the practice of naturopathic medicine

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

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

ARTICLE 132-A
PRACTICE OF NATUROPATHIC MEDICINE

SECTION 6575. INTRODUCTION.
6576. DEFINITION OF PRACTICE OF NATUROPATHIC MEDICINE.
6577. PRACTICE OF NATUROPATHIC MEDICINE AND USE OF TITLE "NATUROPATHIC PHYSICIAN".
6578. STATE BOARD FOR NATUROPATHIC MEDICINE.
6579. REQUIREMENTS FOR A PROFESSIONAL LICENSE.
6580. EXEMPT PERSONS.
6581. SPECIAL PROVISIONS.
6582. QUALIFICATION OF CERTAIN APPLICANTS FOR LICENSURE.
6583. POWER OF BOARD OF REGENTS REGARDING CERTAIN NATUROPATHS.

S 6575. INTRODUCTION. THIS ARTICLE APPLIES TO THE PROFESSION OF NATUROPATHIC MEDICINE. THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN ARTICLE ONE HUNDRED THIRTY OF THIS TITLE APPLY TO THIS ARTICLE.

S 6576. DEFINITION OF PRACTICE OF NATUROPATHIC MEDICINE. "NATUROPATHIC MEDICINE" OR "NATUROPATHY" MEANS A SYSTEM OF PRIMARY HEALTH CARE FOR THE PREVENTION, DIAGNOSIS, AND CARE OF HUMAN HEALTH CONDITIONS, INJURIES, 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

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

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

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

3. "NATURAL ANTIBIOTICS" MEANS ANTIMICROBIAL, ANTIFUNGAL, AND ANTIPROTOZOAL AGENTS THAT ARE NATURALLY OCCURRING SUBSTANCES OR MANUFACTURED SUBSTANCES THAT ARE SUBSTANTIALLY IDENTICAL TO THE NATURALLY OCCURRING SUBSTANCES.

4. "NATURAL MEDICINES" MEANS:

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

B. HOMEOPATHIC REMEDIES;

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

D. OVER-THE-COUNTER MEDICATIONS;

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

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

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

6. "NATUROPATHIC CHILDBIRTH" MEANS UNCOMPLICATED NATURAL CHILDBIRTH ASSISTED BY A NATUROPATHIC PHYSICIAN. THE TERM INCLUDES THE USE OF NATURAL SUBSTANCES, OPHTHALMIC ANTIBIOTICS, EMERGENCY CHILDBIRTH MEDICINES, AND SIMPLE UNCOMPLICATED EPISIOTOMIES, BUT DOES NOT INCLUDE THE USE OF FORCEPS DELIVERY, GENERAL OR SPINAL ANESTHESIA, CAESAREAN SECTION, OR INDUCED ABORTION.

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

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

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

NATUROPATHIC MOBILIZATION THERAPY, AND EXERCISE. THE TERM DOES NOT INCLUDE THE PRACTICE OF PHYSICAL THERAPY, ACUPUNCTURE, OR CHIROPRACTIC.

10. "TOPICAL PREPARATIONS" MEANS TOPICAL ANALGESICS, ANESTHETICS, ANTISEPTICS, SCABICIDES, ANTIFUNGALS, AND ANTIBACTERIALS.

S 6577. PRACTICE OF NATUROPATHIC MEDICINE AND USE OF TITLE "NATUROPATHIC PHYSICIAN". ONLY A PERSON LICENSED OR OTHERWISE AUTHORIZED UNDER THIS ARTICLE SHALL PRACTICE NATUROPATHIC MEDICINE OR USE THE TITLE "NATUROPATH", "DOCTOR OF NATUROPATHY", "DOCTOR OF NATUROPATHIC MEDICINE", OR USE THE INITIALS, "ND", OR "NMD" OR HOLD HIMSELF OR HERSELF OUT TO THE PUBLIC THAT THEY PRACTICE NATUROPATHY IN ANY OF ITS FORMS.

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

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

3. THERE SHALL BE TWO MEMBERS OF THE BOARD FROM THE MEDICAL OR OSTEOPATHIC COMMUNITY AND NO ONE DISCIPLINE SHALL COMPRISE BOTH MEMBERS.

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

1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

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

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

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

C. HAS BEEN APPROVED BY THE BOARD AFTER THE COLLEGE OR RESIDENTIAL PROGRAM WAS INVESTIGATED AND FOUND TO MEET EDUCATION STANDARDS EQUIVALENT TO THOSE ESTABLISHED BY THE ACCREDITING AGENCY AND WHICH MEETS THE STANDARDS GENERALLY RECOGNIZED AND BEING MET BY OTHER LICENSING JURISDICTIONS IN THE UNITED STATES;

3. EXPERIENCE: HAVE EXPERIENCE AS A NATUROPATHIC PHYSICIAN SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

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

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

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

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

7. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT; AND

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

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

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

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

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

4. ANY NATUROPATHIC PHYSICIAN WHO IS LICENSED IN ANOTHER STATE OR COUNTRY, WHO IS VISITING A MEDICAL SCHOOL OR TEACHING HOSPITAL IN THIS STATE TO RECEIVE NATUROPATHIC MEDICAL OR MEDICAL INSTRUCTION FOR A PERIOD NOT TO EXCEED SIX MONTHS OR TO CONDUCT NATUROPATHIC MEDICAL OR MEDICAL INSTRUCTION, PROVIDED SUCH PRACTICE IS LIMITED TO SUCH INSTRUCTION AND IS UNDER THE SUPERVISION OF A LICENSED NATUROPATHIC PHYSICIAN OR OTHER LICENSED PHYSICIAN;

5. ANY NATUROPATHIC PHYSICIAN WHO IS AUTHORIZED BY A FOREIGN GOVERNMENT TO PRACTICE IN RELATION TO ITS DIPLOMATIC, CONSULAR OR MARITIME STAFFS, PROVIDED SUCH PRACTICE IS LIMITED TO SUCH STAFFS;

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

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

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

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

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

AND FOOD INGREDIENTS, INCLUDING DIETARY SUPPLEMENTS, EXCEPT THAT PROVIDING NUTRITIONAL ADVICE UNDER THIS SUBDIVISION DOES NOT INCLUDE THE AUTHORITY TO PRACTICE MEDICINE OR SURGERY, TO UNDERTAKE THE TREATMENT OR CURE OF A DISEASE, PAIN, INJURY, DEFORMITY, OR PHYSICAL OR MENTAL CONDITION, OR TO STATE THAT A PRODUCT MIGHT CURE A DISEASE, PAIN, INJURY, DEFORMITY, OR OTHER CONDITION OTHER THAN PROVIDING NUTRITIONAL SUPPORT FOR THE PERSON.

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

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

3. NO INDIVIDUAL WHO SERVES AS A MEMBER OF:

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

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

C. ANY MEDICAL REVIEW COMMITTEE OR SUBCOMMITTEE THEREOF OF A LOCAL, COUNTY OR STATE MEDICAL, DENTAL, PODIATRY OR OPTOMETRICAL SOCIETY, ANY SUCH SOCIETY ITSELF, A PROFESSIONAL STANDARDS REVIEW ORGANIZATION OR AN INDIVIDUAL WHEN SUCH COMMITTEE, SUBCOMMITTEE, SOCIETY, ORGANIZATION OR INDIVIDUAL IS PERFORMING ANY MEDICAL OR QUALITY ASSURANCE REVIEW FUNCTION INCLUDING THE INVESTIGATION OF AN INCIDENT REPORTED PURSUANT TO SECTION 29.29 OF THE MENTAL HYGIENE LAW, EITHER DESCRIBED IN PARAGRAPHS A AND B OF THIS SUBDIVISION, REQUIRED BY LAW, OR INVOLVING ANY CONTROVERSY OR DISPUTE BETWEEN (I) A NATUROPATH, PHYSICIAN, DENTIST, PODIATRIST, OPTOMETRIST OR CHIROPRACTOR OR HOSPITAL ADMINISTRATOR AND A PATIENT CONCERNING THE DIAGNOSIS, TREATMENT OR CARE OF SUCH PATIENT OR THE FEES OR CHARGES THEREFOR OR (II) A NATUROPATHIC PHYSICIAN, PHYSI-

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

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

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

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

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

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

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

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

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

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

D. THE ORGANIZATION OF A NATUROPATHIC MEDICAL CORPORATION UNDER ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW, THE ORGANIZATION OF A UNIVERSITY FACULTY PRACTICE CORPORATION UNDER SECTION FOURTEEN HUNDRED TWELVE OF THE NOT-FOR-PROFIT CORPORATION LAW OR THE ORGANIZATION OF A PROFESSIONAL SERVICE CORPORATION UNDER ARTICLE FIFTEEN OF THE BUSINESS CORPORATION LAW; AND

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

5. THERE SHALL BE NO MONETARY LIABILITY ON THE PART OF, AND NO CAUSE OF ACTION FOR DAMAGES SHALL ARISE AGAINST, ANY PERSON, PARTNERSHIP, CORPORATION, FIRM, SOCIETY, OR OTHER ENTITY ON ACCOUNT OF THE COMMUNICATION OF INFORMATION IN THE POSSESSION OF SUCH PERSON OR ENTITY, OR ON ACCOUNT OF ANY RECOMMENDATION OR EVALUATION, REGARDING THE QUALIFICATIONS, FITNESS, OR PROFESSIONAL CONDUCT OR PRACTICES OF A NATUROPATHIC PHYSICIAN, TO ANY GOVERNMENTAL AGENCY, NATUROPATHIC MEDICAL OR SPECIALISTS SOCIETY, A HOSPITAL AS DEFINED IN ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW, A HOSPITAL AS DEFINED IN SUBDIVISION TEN OF SECTION 1.03 OF THE MENTAL HYGIENE LAW, OR A HEALTH MAINTENANCE ORGANIZATION ORGANIZED UNDER ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW OR ARTICLE FORTY-THREE OF THE INSURANCE LAW, INCLUDING A COMMITTEE OF AN INDIVIDUAL PRACTICE ASSOCIATION OR NATUROPATHIC MEDICAL GROUP ACTING PURSUANT TO A CONTRACT WITH A HEALTH MAINTENANCE ORGANIZATION. THE FOREGOING SHALL NOT APPLY TO INFORMATION WHICH IS UNTRUE AND COMMUNICATED WITH MALICIOUS INTENT.

6. A LICENSED NATUROPATH MAY PRESCRIBE AND ORDER A NON-PATIENT SPECIFIC REGIMEN TO A REGISTERED PROFESSIONAL NURSE, AND OTHER QUALIFIED MEDICAL ASSISTANTS PURSUANT TO REGULATIONS PROMULGATED BY THE COMMISSIONER, AND CONSISTENT WITH THE PUBLIC HEALTH LAW, FOR:

A. ADMINISTERING IMMUNIZATIONS; AND

B. THE EMERGENCY TREATMENT OF ANAPHYLAXIS.

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

A. HAS STUDIED MEDICINE IN A NATUROPATHIC MEDICAL SCHOOL LOCATED OUTSIDE THE UNITED STATES WHICH IS RECOGNIZED BY THE WORLD HEALTH ORGANIZATION; FEDERAL ACCREDITING AGENCY, THE COUNCIL FOR NATUROPATHIC MEDICAL EDUCATION OR ITS SUCCESSOR, OR REGIONAL ACCREDITING BODY WHICH WHEN REVIEWED BY THE BOARD IS FOUND TO BE EQUAL TO OR HAVE HIGHER STANDARDS THAN THESE AGENCIES;

B. HAS COMPLETED ALL OF THE FORMAL REQUIREMENTS OF THE FOREIGN NATUROPATHIC MEDICAL SCHOOL EXCEPT INTERNSHIP AND/OR SOCIAL SERVICE;

C. HAS ATTAINED A SCORE SATISFACTORY TO A NATUROPATHIC MEDICAL SCHOOL APPROVED BY THE LIAISON COMMITTEE ON NATUROPATHIC MEDICAL EDUCATION, THE COUNCIL ON NATUROPATHIC MEDICAL EDUCATION OR ITS SUCCESSOR ON A QUALIFYING EXAMINATION ACCEPTABLE TO THE STATE BOARD FOR MEDICINE, AND HAS SATISFACTORILY COMPLETED ONE ACADEMIC YEAR OF SUPERVISED CLINICAL TRAINING UNDER THE DIRECTION OF SUCH NATUROPATHIC MEDICAL SCHOOL OR APPROVED PHYSICIAN CLINICAL TRAINING PROGRAM;

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

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

2. SATISFACTION OF THE REQUIREMENTS OF PARAGRAPHS A, B, AND C OF SUBDIVISION ONE OF THIS SECTION SHALL BE IN LIEU OF THE COMPLETION OF ANY FOREIGN INTERNSHIP AND/OR SOCIAL SERVICE REQUIREMENTS, AND NO SUCH REQUIREMENTS SHALL BE A CONDITION OF LICENSURE AS A NATUROPATHIC PHYSICIAN IN THIS STATE.

3. NO HOSPITAL LICENSED BY THIS STATE, OR OPERATED BY THE STATE OR A POLITICAL SUBDIVISION THEREOF, OR WHICH RECEIVES STATE FINANCIAL ASSISTANCE, DIRECTLY OR INDIRECTLY, SHALL REQUIRE AN INDIVIDUAL WHO HAS SATISFIED THE REQUIREMENTS OF PARAGRAPHS A, B, AND C OF SUBDIVISION ONE OF THIS SECTION, AND WHO AT THE TIME OF HIS OR HER ENROLLMENT IN A NATUROPATHIC MEDICAL SCHOOL OUTSIDE THE UNITED STATES IS A RESIDENT OF THE UNITED STATES, TO SATISFY ANY FURTHER EDUCATION OR EXAMINATION REQUIREMENTS PRIOR TO COMMENCING AN INTERNSHIP OR RESIDENCY.

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

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

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.