SENATE BILL No. 88

By Committee on Public Health and Welfare

AN ACT concerning the healing arts; relating to naturopathic medicine; prescription, recommendation or administration of natural medicines; amending K.S.A. 2010 Supp. 65-7202 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2010 Supp. 65-7202 is hereby amended to read as follows: 65-7202. As used in K.S.A. 65-7201 to 65-7218, inclusive, and K.S.A. 2010 Supp. 65-7219, and amendments thereto:

(a) "Naturopathic doctor" means a doctor of naturopathic medicine who is authorized and licensed pursuant to article 72 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

(b) "Naturopathic medicine," or "naturopathy" means a system of health care practiced by naturopathic doctors for the prevention, diagnosis and treatment of human health conditions, injuries and diseases, that uses education, natural medicines and therapies to support and stimulate the individual's intrinsic self-healing processes, and includes prescribing, recommending or administering:

1. Food, food extracts, vitamins, minerals, enzymes, whole gland thyroid, botanicals, homeopathic preparations, immunizations, nonprescription drugs, plant substances that are not designated as prescription drugs or controlled substances; and topical drugs as defined in subsection (i) of this section, and amendments thereto;
2. Prescription vitamins, minerals, enzymes, whole gland thyroid, homeopathic preparations, bioidentical hormones that are not designated as controlled substances, epinephrine, oxygen and topical drugs as defined in subsection (i) of this section, and amendments thereto;
3. Health care counseling, nutritional counseling and dietary therapy, naturopathic physical applications; and barrier contraceptive devices;
4. Substances on the naturopathic formulary which are authorized for intramuscular, subcutaneous or intravenous administration;
5. Noninvasive physical examinations, venipuncture to obtain
blood for clinical laboratory tests and orificial examinations, excluding endoscopies;

(6) minor office procedures; and

(7) naturopathic acupuncture. A naturopathic doctor may not perform surgery, obstetrics, administer ionizing radiation, or prescribe, dispense or administer any controlled substances as defined in K.S.A. 65-4101, and amendments thereto, or any prescription-only drugs.

Naturopathic doctors may prescribe, recommend or administer prescription-only drugs and substances except those listed on the naturopathic formulary adopted by the board pursuant to K.S.A. 65-7212, and amendments thereto, and the prescription-only items listed in paragraph (1)(B) of this act.

(c) "Board" means the state board of healing arts.

(d) "Approved naturopathic medical college" means a college and program granting the degree of doctor of naturopathy or naturopathic medicine that has been approved by the board under this naturopathic doctor licensure act and which college and program requires at a minimum a four-year, full-time resident program of academic and clinical study.

(e) "Homeopathic preparations" means substances and drugs prepared according to the official homeopathic pharmacopoeia recognized by the United States food and drug administration.

(f) "Naturopathic acupuncture" means the insertion of fine metal needles through the skin at specific points on or near the surface of the body with or without the palpation of specific points on the body and with or without the application of electric current or heat to the needles or skin or both to treat human disease and impairment and to relieve pain.

(g) "Minor office procedures" means care incidental to superficial lacerations and abrasions, superficial lesions and the removal of foreign bodies located in the superficial tissues, except eyes, and not involving blood vessels, tendons, ligaments or nerves. "Minor office procedures" include use of antiseptics, but shall not include the suturing, repairing, alteration or removal of tissue or the use of general or spinal anesthesia. Minor office procedures does not include anesthetics or surgery.

(h) "Naturopathic physical applications" means the therapeutic use by naturopathic doctors of the actions or devices of electrical muscle stimulation, galvanic, diathermy, ultrasound, ultraviolet light, constitutional hydrotherapy, constitutional hydrotherapy, naturopathic musculoskeletal technique and therapeutic exercise.

(i) "Topical drugs" means topical prescription bioidentical hormones and topical nonprescription analgesics, antiseptics, scabicides, antifungals and antibacterials. but does not include prescription-only
(j) "Physician" means a person licensed to practice medicine and surgery.

(k) "Bioidentical hormones" means compounds, or salt forms of those compounds, that have exactly the same chemical and molecular structure as hormones that are produced in the human body. "Written protocol" means a formal written agreement between a naturopathic doctor licensed under this act and a person licensed to practice medicine and surgery. Any licensee of the board entering into a written protocol with a licensed naturopathic doctor shall notify the board in writing of such relationship by providing such information as the board may require.

Sec. 2. K.S.A. 2010 Supp. 65-7202 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.