

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS65164-RBfqq-11* (02/14)

Short Title: Naturopathic Physician Licensing Act. (Public)

Sponsors: Senator Kinnaird.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE NORTH CAROLINA NATUROPATHIC
PHYSICIANS LICENSURE ACT.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 90 of the General Statutes is amended by adding a
new Article to read:

"Article 42.

"Naturopathic Physicians.

"§ 90-801. Short title.

This Article may be cited as the 'North Carolina Naturopathic Physicians Licensure
Act'.

"§ 90-802. Intent; purpose.

(a) Intent. – The General Assembly finds that a significant number of residents of
the State of North Carolina choose complementary and alternative health care and
declares that naturopathic medicine is a distinct health care profession that affects the
public health, safety, and welfare and provides for freedom of choice in health care. The
General Assembly concludes that licensure is in the current interest of North Carolina
citizens to aid in protecting them from deception, fraud, and damage to their health
status. Licensure can provide a process by which citizens may more confidently rely
with respect to the level of skill, education, and competency possessed by licensed
persons.

(b) Purpose. – The purpose of this act is to provide standards for the licensure of
naturopathic physicians desiring to practice naturopathic medicine in this State and to
ensure the maintenance of professional competence and acceptable standards of
practice. This act recognizes that many of the therapies used by naturopathic physicians,
such as the use of nutritional supplements, herbs, foods, homeopathic preparations, and
such physical forces as heat, cold, water, touch, and light are not the exclusive privilege

1 of naturopathic physicians. This act does not prohibit the use, practice, or administration
2 of these therapies by a person not licensed or registered to practice naturopathic
3 medicine as long as that person does not diagnose or treat disease or hold himself or
4 herself out as being qualified to diagnose or treat disease.

5 **"§ 90-803. Definitions.**

6 The following definitions apply in this act:

7 (1) Approved program of naturopathic medicine. – A program that meets
8 all of the following conditions:

9 a. A program that provides graduate-level full-time didactic and
10 supervised clinical training that is accredited, or has achieved
11 candidacy status for accreditation, by the Council on
12 Naturopathic Medical Education Program or its federally
13 recognized successor agency.

14 b. A program that is offered by an institution of higher education
15 that is either accredited, or is a candidate for accreditation, by a
16 regional or national institutional accrediting agency recognized
17 by the United States Secretary of Education.

18 c. If the program is offered in the United States, it must be a
19 program that awards the degree of Doctor of Naturopathy or
20 Doctor of Naturopathic Medicine. If the program is offered in
21 Canada, it must be a program that awards the degree or diploma
22 of Doctor of Naturopathy or Doctor of Naturopathic Medicine,
23 and the program must be offered by an institution of higher
24 education that has provincial approval for participation in
25 government-funded student aid programs.

26 (2) Board. – The North Carolina Naturopathic Medicine Licensing Board.

27 (3) Criminal history. – A history of conviction of a State crime, whether a
28 misdemeanor or felony.

29 (4) Integrative medicine. – Same as defined in G.S. 90-2.1.

30 (5) Natural medicines. – Any herbal, nutritional, supplemental,
31 homeopathic, or other nonprescription remedies.

32 (6) Naturopathic medicine. – A system of natural health care that employs
33 diagnosis and treatment using natural therapies and diagnostic
34 techniques for the promotion, maintenance, and restoration of health
35 and the prevention of disease, including the following:

36 a. Administering or providing any of the following for
37 preventative and therapeutic purposes: natural medicines,
38 natural therapies, natural topical medicines, counseling,
39 hydrotherapy, dietary therapy, and naturopathic physical
40 medicine.

41 b. Using diagnostic procedures including physical and orificial
42 examination but excluding endoscopy, sigmoidoscopy, and
43 colonoscopy.

1 c. Ordering laboratory tests and diagnostic imaging, but excluding
2 electrocardiograms, echocardiograms, electroencephalograms,
3 nuclear imagings, MRIs, and CT scans and other tests that
4 should be conducted and interpreted by an appropriate medical
5 specialist.

6 (7) Naturopathic physical medicine. – The manual use of massage,
7 stretching, or resistance.

8 (8) Naturopathic physician. – A person licensed to practice naturopathic
9 medicine under this act.

10 **"§ 90-804. License required; exemptions.**

11 (a) License Required. – On or after May 1, 2009, no person shall practice or offer
12 to practice as a naturopathic physician, perform naturopathic medicine, or use any card,
13 title, or abbreviation, to indicate that the person is a naturopathic physician unless the
14 person has been licensed under the provisions of this act. Persons licensed under this act
15 have the exclusive right to use the terms: 'naturopathic physician', 'naturopathic doctor',
16 'doctor of naturopathic medicine', 'doctor of naturopathy', 'naturopathic medicine',
17 'naturopath', 'N.D.', 'ND', and 'NMD'.

18 (b) Exemptions. – Nothing in this act shall be construed to prohibit or affect:

19 (1) The practice of a profession by an individual who is licensed, certified,
20 or registered under other laws of this State and is performing services
21 within the authorized scope of practice.

22 (2) The practice of naturopathic medicine by a person employed by the
23 federal government while the person is engaged in the performance of
24 duties prescribed by laws and regulations of the United States.

25 (3) A person giving advice in the use of a therapy that is within the scope
26 of practice of a naturopathic physician so long as the person is not
27 otherwise prohibited by law from providing that advice.

28 (4) A person rendering aid in an emergency situation, when no fee or other
29 compensation for the service is received.

30 (5) A person engaged in the sale of vitamins, health foods, dietary
31 supplements, herbs, or other products of nature, if the sale of these
32 products is not otherwise prohibited by State or federal law and the
33 person offering the products provides truthful and nonmisleading
34 information about the products. However, this subdivision does not
35 allow a person to diagnose any human disease, ailment, injury,
36 infirmity, deformity, pain, or other condition.

37 (6) The ability of a person engaged in the practice of complementary and
38 alternative healthcare from continuing that practice, so long as the
39 person does not make the representation of being licensed under this
40 act and does not use one of the terms listed in subsection (a) of this
41 section.

42 (7) A person, who in good faith, offers naturopathic services for religious
43 reasons.

1 (8) The practice of naturopathic medicine by a naturopathic physician duly
2 licensed in another state, territory, or the District of Columbia when
3 incidentally called into this State to consult with a licensed physician.

4 (9) The practice of naturopathic medicine by students enrolled in an
5 approved naturopathic medicine program as described in
6 G.S. 90-687(a) while completing a clinical requirement for graduation
7 that is performed under the supervision of an instructor.

8 (c) Unlawful Act. – A person who violates this section is guilty of a Class 1
9 misdemeanor. The Board may make application to superior court for an order enjoining
10 a violation of this section. Upon a showing by the Board that a person has violated or is
11 about to violate this section, the court may grant an injunction, restraining order, or take
12 other appropriate action.

13 **"§ 90-805. Practice of naturopathic medicine; prohibitions.**

14 (a) Scope of Practice. – A naturopathic physician is a licensed health care
15 provider having the same responsibilities as other licensed doctors regarding public
16 health laws, reportable diseases and conditions, communicable disease control and
17 prevention, and recording vital statistics. In treating an individual, a naturopathic
18 physician may employ the following naturopathic therapies, modalities, and remedies
19 consistent with naturopathic education and training:

20 (1) Dispense, administer, and advise the use of natural remedies derived
21 from or substantially similar in molecular structure or function to
22 natural sources for preventive and therapeutic purposes, including
23 food, extracts of food, nutraceuticals, vitamins, minerals, enzymes,
24 botanicals and their extracts, homeopathic remedies prepared
25 according to the Homeopathic Pharmacopoeia of the United States,
26 and all dietary supplements and nonprescription drugs as defined by
27 the Federal Food, Drug, and Cosmetic Act, 21 U.S.C.A. § 301, et seq.

28 (2) Order and perform physical and laboratory examinations and
29 diagnostic imaging studies.

30 (3) Perform hot or cold hydrotherapy, colon hydrotherapy, naturopathic
31 physical medicine, electromagnetic energy, and therapeutic exercise.

32 (4) Perform health education and health counseling.

33 (5) Perform musculoskeletal manipulation.

34 (6) Perform utilization routes of administration that include oral, nasal,
35 auricular, ocular, rectal, vaginal, transdermal, intradermal, and
36 subcutaneous.

37 (7) Perform repair and care incidental to superficial lacerations and
38 abrasions.

39 (8) Remove foreign bodies located in the superficial tissues.

40 (9) Perform topical and local anesthetics and antimicrobials incidental to
41 minor in-office procedures allowed under this section.

42 (10) Other Board-approved therapies for which the licensee has been
43 trained and educated.

44 (b) Prohibitions. – A naturopathic physician shall not:

- 1 (1) Prescribe, dispense, or administer a prescription drug or any controlled
2 substance or device identified in the Controlled Substance Act, 21
3 U.S.C.A. § 801, et seq., except as authorized by this Article.
- 4 (2) Practice or attempt to practice as a medical physician, osteopath,
5 acupuncturist, dentist, podiatrist, optometrist, chiropractor,
6 psychologist, advanced practice professional nurse, physician assistant,
7 physical therapist, or any other health care professional not authorized
8 by this Article unless licensed by this State to do so.
- 9 (3) Use general or spinal anesthetics unless licensed by the State to do so.
- 10 (4) Perform surgical procedures using a laser device.
- 11 (5) Perform surgical procedures involving the eye, ear, tendons, nerves,
12 veins, or arteries extending beyond superficial tissue.
- 13 (6) Administer ionizing radioactive substances for therapeutic purposes.
- 14 (7) Perform chiropractic adjustments unless licensed by this State to do so.
- 15 (8) Perform acupuncture, unless licensed by this State to do so.

16 **"§ 90-806. North Carolina Naturopathic Physicians Licensing Board.**

17 (a) Board. – The North Carolina Naturopathic Physicians Licensing Board is
18 created. The Board consists of six members serving for staggered terms. Upon the
19 expiration of the terms of the initial Board members, each member is appointed for a
20 term of three years, beginning on January 1 of each year. A member serves until the
21 member's successor is appointed. No member may serve more than two consecutive full
22 terms.

23 The initial Board members shall be appointed on or before January 1, 2008, as
24 follows:

- 25 (1) The General Assembly, upon the recommendation of the President Pro
26 Tempore of the Senate, shall appoint two naturopathic physicians who
27 are licensed under this act. One member shall serve for a term of one
28 year and one member shall serve a term of three years.
- 29 (2) The General Assembly, upon the recommendation of the Speaker of
30 the House of Representatives, shall appoint two naturopathic
31 physicians who are licensed under this act. One member shall serve for
32 a term of one year and one member shall serve a term of two years.
- 33 (3) The Governor shall appoint for a three-year term a physician licensed
34 under Article 1 of Chapter 90 of the General Statutes who is involved
35 in the practice of integrative medicine or who teaches integrative
36 medicine at a medical school.
- 37 (4) The Governor shall appoint for a two-year term a public member who
38 is not a licensed health care professional and is not employed in the
39 health care profession.

40 (b) Vacancies. – A member of the Board serves at the pleasure of the authority
41 that appointed it. A vacancy must be filled in the same manner as the original
42 appointment. An appointee to fill a vacancy shall serve the remainder of the unexpired
43 term and until its successor has been duly appointed.

1 (c) Removal. – The Board may remove any of its members for neglect of duty,
2 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings
3 as a licensee is disqualified from participating in the official business of the Board until
4 the charges have been resolved.

5 (d) General Administration. – A Board member may not receive compensation,
6 but may receive reimbursement as provided in G.S. 93B-5. The officers of the Board
7 include a chair, a secretary, and any other officer deemed necessary by the Board to
8 carry out the purposes of this act. All officers shall be elected annually by the Board at
9 its first meeting held after appointments to the Board are made. The Board must hold a
10 meeting within 45 days of the appointment of new Board members. All officers serve
11 for one-year terms and shall serve until their successors are elected and qualified. No
12 person shall chair the Board for more than five consecutive years. The Board may adopt
13 rules governing the calling, holding, and conducting of regular and special meetings. A
14 majority of Board members constitutes a quorum.

15 **"§ 90-807. Powers of the Board.**

16 The Board shall have the power and duty to:

- 17 (1) Administer and enforce the provisions of this act.
- 18 (2) Adopt rules as may be necessary to carry out the provisions of this act.
- 19 (3) Establish, examine, and determine the qualifications and fitness of
20 applicants for licensure and renewal of licensure.
- 21 (4) Issue, renew, deny, suspend, or revoke licenses and conduct any
22 disciplinary actions authorized by this act.
- 23 (5) Collect fees for licensure, licensure renewal, and other services
24 deemed necessary to carry out the provisions of this act.
- 25 (6) Recommend and advocate for the establishment of one or more
26 approved programs of naturopathic medicine in this State.
- 27 (7) Establish and approve continuing education requirements for persons
28 licensed under this act.
- 29 (8) Develop and implement a plan for instituting a naturopathic medicine
30 residency program as a condition for licensure no later than July 1,
31 2010.
- 32 (9) Employ and fix the compensation of personnel that the Board
33 determines is necessary to carry out the provisions of this act and incur
34 other expenses necessary to perform the duties of the Board.
- 35 (10) Adopt a seal containing the name of the Board for use on all licenses
36 and official reports issued by the Board.
- 37 (11) Institute corrective measures, as necessary, to rehabilitate naturopathic
38 physicians or limit their practice.

39 **"§ 90-808. Qualifications for licensure; renewal; reinstatement.**

40 (a) Licensure. – Upon application to the Board and payment of the required fees,
41 an applicant may be licensed under this act as a naturopathic physician if the applicant
42 meets all of the following qualifications and conditions:

- 43 (1) Is of good moral and ethical character.
- 44 (2) Is a graduate of an approved program of naturopathic medicine.

- 1 (3) Meets one of the following two conditions:
2 a. Has successfully passed a competency-based national
3 naturopathic licensing examination administered by the North
4 American Board of Naturopathic Examiners, or equivalent
5 agency as recognized by the Board.
6 b. Has successfully passed a state competency-based examination
7 or a Canadian provincial examination. The examination must be
8 one that is approved by the Board and by the North American
9 Board of Naturopathic Medical Education or its successor
10 agency. An applicant may qualify for licensure under this
11 sub-subdivision only if the applicant graduated from an
12 approved program of naturopathic medicine prior to 1987.
- 13 (4) Provides the Board with a list of physicians licensed to practice
14 medicine in this State who have agreed to work with the applicant and
15 accept referrals from the applicant. The applicant must also provide the
16 Board with letters of verification from the listed physicians. The list
17 must include physicians with specialties in at least four of the
18 following areas: allergy and immunology, cancer and oncology,
19 cardiology, endocrinology and metabolism, family medicine,
20 gastroenterology, internal medicine, obstetrics and gynecology,
21 pediatrics, psychiatry, and urology.
- 22 (5) Submits any other documentation the Board deems necessary to
23 determine the applicant's fitness for licensure under this act. This
24 documentation may include successful completion of a
25 Board-approved examination on State laws and rules related to
26 naturopathic medicine.
- 27 (b) Renewal. – A license expires two years after the date it is issued unless it is
28 renewed. Failure to renew a license within six months of the date the license expires
29 shall result in automatic forfeiture of the right to practice naturopathic medicine in this
30 State until such time that the license has been reinstated. To renew a license, a licensee
31 must meet all of the following conditions:
- 32 (1) Submit an application for license renewal.
33 (2) Pay the required fees.
34 (3) Complete at least 40 hours of continuing education approved by the
35 Board.
- 36 (c) Reinstatement. – A licensed naturopathic physician who has allowed the
37 license to lapse by failure to renew within the time allowed under subsection (b) of this
38 section may apply for reinstatement. The Board may reinstate the applicant's license if
39 the applicant pays the required fees, furnishes a statement of the reason for failure to
40 apply for renewal prior to the deadline, and complies with any other requirements
41 established in rules adopted by the Board. If the license has lapsed for five years or
42 longer, the Board may require the applicant to complete satisfactorily a refresher course
43 approved by the Board or to provide proof of active licensure within the past five years
44 in another jurisdiction.

"§ 90-809. Reciprocity.

The Board may grant, upon application and payment of fees, a license to a person who resides in this State and has been licensed to practice as a naturopathic physician in another state or a Canadian province if both of the following conditions are met:

- (1) The standards for licensure in the state or province in which the naturopathic physician is licensed are substantially equivalent to those provided in this act.
- (2) The applicant provides proof of licensure in good standing in all states and provinces in which the applicant has been licensed.

"§ 90-810. Fees.

The Board may impose the following fees:

- | | | |
|-----|--|-----------------|
| (1) | <u>Application and examination</u> | <u>\$100.00</u> |
| (2) | <u>License</u> | <u>\$600.00</u> |
| (3) | <u>License renewal</u> | <u>\$400.00</u> |
| (4) | <u>Late renewal</u> | <u>\$200.00</u> |
| (5) | <u>Reinstatement</u> | <u>\$1,000</u> |
| (6) | <u>Reasonable charges for duplication services and material.</u> | |
| (7) | <u>Criminal history record check fee equal to the amount imposed by the Department of Justice to conduct the criminal history record check requested by the Board.</u> | |

"§ 90-811. Disciplinary authority.

(a) Authority. – The Board may deny, suspend, revoke, or refuse to issue or renew a license if the licensee or applicant:

- (1) Engages in any act or practice in violation of any of the provisions of this act or of any of the rules adopted by the Board, or aids, abets, or assists any other person in the violation of these provisions or rules.
- (2) Gives false information to or withholds information from the Board in procuring or attempting to procure a license.
- (3) Has been convicted of or pled guilty or no contest to a crime that indicates that the person is unfit or incompetent to practice as a naturopathic physician or that indicates the person has deceived or defrauded the public. A felony conviction shall result in the automatic revocation of a license issued by the Board unless the Board determines otherwise pursuant to rules adopted by the Board.
- (4) Has been declared mentally incompetent by a court of competent jurisdiction.
- (5) Habitually uses or is addicted to drugs or intoxicating liquors to an extent that affects his or her professional competency. If a licensee violates this subdivision, the Board may require the licensee to undergo a mental or physical examination by physicians designated by the Board before or after the licensee has been charged. The results of the examination shall be admissible as evidence in a hearing before the Board.

- 1 (6) Has demonstrated gross negligence, incompetency, or misconduct in
2 the performance of naturopathic medical treatment.
- 3 (7) Has had a license denied, restricted, revoked, or suspended by another
4 state or jurisdiction.
- 5 (8) Fails to consent to a criminal history record check.
- 6 (9) Fails to respond, within a reasonable time, to inquiries from the Board
7 concerning any matter affecting the individual's license to practice
8 naturopathic medicine.
- 9 (10) Fails to complete continuing education requirements within the time
10 prescribed.

11 (b) Hearing. – Denial, refusal to renew, suspension, or revocation of a license, or
12 imposition of probationary conditions upon a licensee may be ordered by the Board
13 after a hearing held in accordance with Article 3A of Chapter 150B of the General
14 Statutes and rules adopted pursuant to this act. An application may be made to the Board
15 for reinstatement of a revoked license if the revocation has been in effect for not less
16 than two years.

17 (c) Confidential Information. – The Board may release confidential or nonpublic
18 information about a licensee to any health care licensure board in this State or another
19 state relating to the issuance, denial, suspension, revocation, or voluntary surrender of
20 the license, including the reasons for the action or any investigative report prepared by
21 the Board. The Board shall notify the naturopathic physician within 60 days after the
22 information is released. The Board shall furnish to the naturopathic physician a
23 summary of the information being released. However, if the naturopathic physician
24 requests, in writing, within 30 days from the date of notice, a copy of the information
25 being released, the Board shall give to the naturopathic physician a copy of all the
26 information being released. Notice or copies shall not be provided by the Board if the
27 information relates to an ongoing criminal investigation by a law enforcement agency or
28 any Department of Health and Human Services personnel with enforcement or
29 investigative responsibilities.

30 **"§ 90-812. Criminal history record check of applicants and licensees.**

31 (a) Criminal History Record Check. – The Board may require a criminal history
32 record check for a person who is either licensed under this act or applying for licensure
33 under this act. The Board is responsible for providing to the North Carolina Department
34 of Justice the fingerprints of the person to be checked, a form signed by the person
35 consenting to the criminal record check and the use of fingerprints and other identifying
36 information required by the State or National Repositories, and any additional
37 information required by the Department of Justice. The Board shall keep all information
38 obtained pursuant to this section confidential.

39 (b) Conviction. – If a criminal history record check reveals one or more
40 convictions, the conviction does not automatically bar licensure. The Board must
41 consider all of the following factors regarding the conviction:

- 42 (1) The level of seriousness of the crime.
- 43 (2) The date of the crime.
- 44 (3) The age of the person at the time of the conviction.

- 1 (4) The circumstances surrounding the commission of the crime, if known.
2 (5) The nexus between the criminal conduct of the person and the job
3 duties of the position to be filled.
4 (6) The person's prison, jail, probation, parole, rehabilitation, and
5 employment records since the date the crime was committed.
6 (7) The subsequent commission by the person of a crime.

7 (c) Denial of Licensure. – If the Board denies, revokes, or suspends a license
8 based on information obtained in a criminal history record check, the Board must
9 disclose to the person the information contained in the criminal history record check
10 that is relevant to the Board's actions. The Board may not provide a copy of the criminal
11 history record check to the person. A person has the right to appear before the Board to
12 appeal the Board's decision. An appearance before the Board shall constitute an
13 exhaustion of administrative remedies in accordance with Chapter 150B of the General
14 Statutes.

15 (d) Limited Immunity. – The Board, its officers and employees, acting in good
16 faith and in compliance with this section, shall be immune from civil liability for its
17 actions based on information provided in a person's criminal history record check.

18 **"§ 90-813. Reports; immunity from suit.**

19 (a) Report. – A person who has reasonable cause to suspect misconduct or
20 incapacity of a licensee, or who has reasonable cause to suspect that a person is in
21 violation of this act, may report the relevant facts to the Board. Upon receipt of a
22 charge, or upon its own initiative, the Board may give notice of an administrative
23 hearing or may, after diligent investigation, dismiss unfounded charges. A person who,
24 in good faith, makes a report pursuant to this section is immune from any criminal
25 prosecution or civil liability resulting from making the report.

26 (b) Immunity. – The Board and its staff are immune from any criminal
27 prosecution or civil liability for exercising, in good faith, the powers and duties given to
28 the Board under this act.

29 **"§ 90-814. Third-party reimbursement.**

30 Nothing in this act shall be construed to require direct third-party reimbursement to
31 persons licensed under this act.

32 **"§ 90-815. Advisory Council.**

33 (a) Created. – An Advisory Council is created to advise the Board and to develop
34 recommendations to foster coordination and collaboration between naturopathic
35 physicians, medical doctors, and other health professionals for the purpose of providing
36 appropriate care for patients. The Council must meet periodically and report its
37 recommendations to the Naturopathic Medicine Licensing Board and the boards of
38 directors for the North Carolina Medical Society and the North Carolina Association of
39 Naturopathic Physicians.

40 (b) Membership. – The Advisory Council consists of the following six members:

- 41 (1) Two licensed physicians appointed by the North Carolina Medical
42 Society.
43 (2) Two licensed naturopathic physicians appointed by the North Carolina
44 Association of Naturopathic Physicians.

1 (3) One licensed pharmacist or pharmacologist appointed by the North
2 Carolina Association of Pharmacists.

3 (4) One licensed advanced practice registered nurse appointed by the
4 North Carolina Nursing Association.

5 (b) General Administration. – Each member is appointed for a term of two years
6 beginning January 1. A member serves until a successor is appointed. The members of
7 the Advisory Council may elect a chairperson by a majority vote. Advisory Council
8 members may not receive compensation for their services, but may receive
9 reimbursement as provided in G.S. 93B-5."

10 **SECTION 2.** G. S. 90-18(c) is amended by adding a new subdivision to
11 read:

12 "(c) The following shall not constitute practicing medicine or surgery as defined
13 in subsection (b) of this section:

14 ...

15 (20) The practice of naturopathic medicine by a licensed naturopathic
16 physician under the provisions of Article 42 of this Chapter."

17 **SECTION 3.** Part 2 of Article 4 of Chapter 114 of the General Statutes is
18 amended by adding a new section to read:

19 **"§ 114-19.20. Criminal record checks for naturopathic physicians.**

20 (a) The Department of Justice may provide to the North Carolina Naturopathic
21 Medicine Licensing Board from the State and National Repositories of Criminal
22 Histories the criminal history of an applicant for licensure by the Board or a licensee of
23 the Board. The Judicial Department shall provide to the Department of Justice, along
24 with the request, the fingerprints of the applicant or licensee, a form signed by the
25 applicant or licensee consenting to the criminal record check and use of fingerprints and
26 other identifying information required by the State and National Repositories, and any
27 additional information required by the Department of Justice. The fingerprints of the
28 applicant or licensee shall be forwarded to the State Bureau of Investigation for a search
29 of the State's criminal history record file, and the State Bureau of Investigation shall
30 forward a set of fingerprints to the Federal Bureau of Investigation for a national
31 criminal history record check. The Judicial Department shall keep all information
32 obtained pursuant to this section confidential.

33 (b) The Department of Justice may charge a fee to offset the cost incurred by it to
34 conduct a criminal record check under this section. The fee shall not exceed the actual
35 cost of locating, editing, researching, and retrieving the information."

36 **SECTION 4.** Notwithstanding the provisions of G.S. 90-806, the initial
37 naturopathic physicians appointed to the North Carolina Naturopathic Physicians
38 Licensing Board must be eligible for licensure under G.S. 90-808 and, upon
39 appointment, must immediately apply for a license.

40 **SECTION 5.** This act is effective when it becomes law.