

**KANSAS STATE BOARD
OF
HEALING ARTS**



**KANSAS STATUTES
ANNOTATED**

AND

**KANSAS ADMINISTRATIVE
REGULATIONS**

Relating to the practice of

NATUROPATHY

Revised March 2009

FOREWORD

In 2002, the Kansas Legislature enacted the Naturopathic Doctor Registration Act. The bill was included in the Kansas Statutes Annotated as K.S.A. 65-7201 *et seq.* The statutes designated the Kansas State Board of Healing Arts as the agency responsible for registering naturopathic doctors commencing January 1, 2003. After that date, it became unlawful for anyone not registered by the Board to use the words “doctor of naturopathy”, “doctor of naturopathic medicine”, or “naturopathic medical doctor” or any other words, letters or abbreviations indicating or implying that the person is a naturopathic doctor. Effective, July 1, 2004 it became unlawful to use the term “naturopath” unless the person is registered by the Board.

The following is a compilation of the current statutes and rules and regulations relating to naturopathy.

If you have any questions concerning naturopathy, please contact the Board office.

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KANSAS STATUTES ANNOTATED

CHAPTER 65

Article 72.—NATUROPATHIC DOCTORS

K.S.A. 65-7201. Citation of act. (a) K.S.A. 65-7201 to 65-7218, inclusive, and amendments thereto shall be known and may be cited as the naturopathic doctor registration act.

(b) The provisions of this section shall take effect on and after January 1, 2003.

History: L. 2002, ch. 203, § 20; July 1.

K.S.A. 65-7202. Definitions. (a) As used in K.S.A. 65-7201 to 65-7218, inclusive, and amendments thereto:

(1) “Naturopathic doctor” means a doctor of naturopathic medicine who is authorized and registered pursuant to this act.

(2) “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:

(A) Food, food extracts, vitamins, minerals, enzymes, whole gland thyroid, botanicals, homeopathic preparations, nonprescription drugs, plant substances that are not designated as prescription drugs or controlled substances, topical drugs as defined in subsection (a)(9) of this section, and amendments thereto;

(B) health care counseling, nutritional counseling and dietary therapy, naturopathic physical applications, barrier contraceptive devices;

(C) substances on the naturopathic formulary which are authorized for intramuscular or intravenous administration pursuant to a written protocol entered into with a physician who has entered

into a written protocol with a naturopathic doctor registered under this act;

(D) noninvasive physical examinations, venipuncture to obtain blood for clinical laboratory tests and orificial examinations, excluding endoscopies;

(E) minor office procedures; and

(F) 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 except those listed on the naturopathic formulary adopted by the board pursuant to this act.

(3) “Board” means the state board of healing arts.

(4) “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 act and which college and program requires at a minimum a four-year, full-time resident program of academic and clinical study.

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

(6) “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.

(7) “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” includes 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 do not include anesthetics or surgery.

(8) “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, naturopathic musculoskeletal technique and therapeutic exercise.

(9) “Topical drugs” means topical analgesics, antiseptics, scabicides, antifungals and antibacterials but does not include prescription only drugs.

(10) “Physician” means a person licensed to practice medicine and surgery.

(11) “Written protocol” means a formal written agreement between a naturopathic doctor registered under this act and a person licensed to practice medicine and surgery. Any licensee of the board entering into a written protocol with a registered naturopathic doctor shall notify the board in writing of such relationship by providing such information as the board may require.

(b) The provisions of this section shall take effect on and after January 1, 2003.

History: L. 2002, ch. 203, § 21; July 1.

K.S.A. 65-7203. Administration of act by state board of healing arts; qualifications of applicants; registration of certain naturopathic doctors; records of proceedings. (a) The board, as hereinafter provided, shall administer the provisions of this act.

(b) The board shall judge the qualifications of all applicants for examination and registration, determine the applicants who successfully pass the examination, duly register such applicants and adopt rules and regulations as may be necessary to administer the provisions of this act.

(c) The board shall issue a registration as a naturopathic doctor to an individual who prior to the effective date of this act (1) graduated from a school of naturopathy that required four years of attendance and was at the time of such individual’s graduation accredited or a candidate for accreditation by the board approved accrediting body, (2) passed an examination approved by the board covering appropriate naturopathic subjects including basic and clinical sciences and (3) has not committed an act which would subject such person to having a registration suspended or revoked under K.S.A. 65-7208, and amendments thereto.

(d) The board shall keep a record of all proceedings under this act and a roster of all individuals registered under this act. Only an individual may be registered under this act.

(e) The provisions of this section shall take effect on and after January 1, 2003.

History: L. 2002, ch. 203, § 22; July 1.

K.S.A. 65-7204. Application for registration; criteria for educational programs. (a) An applicant applying for registration as a naturopathic doctor shall file a written application on forms provided by the board, showing to the satisfaction of the board that the applicant meets the following requirements:

(1) Education: The applicant shall present evidence satisfactory to the board of having successfully completed an educational program in naturopathy from an approved naturopathic medical college.

(2) Examination: The applicant shall pass an examination as provided for in K.S.A. 65-7205 and amendments thereto.

(3) Fees: The applicants shall pay to the board all applicable fees established under K.S.A. 65-7207 and amendments thereto.

(b) The board shall adopt rules and regulations establishing the criteria for an educational program in naturopathy to obtain successful recognition by the board under paragraph (1) of subsection (a). The board may send a questionnaire developed by the board to any school or other entity conducting an educational program in naturopathy for which the board does not have sufficient information to determine whether the program should be recognized by the board and whether the program meets the rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the program to be considered for recognition. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about an educational program in naturopathy. In entering such contracts the authority to recognize an educational program in naturopathy shall remain solely with the board.

(c) The provisions of this section shall take effect on and after January 1, 2003.

History: L. 2002, ch. 203, § 23; July 1.

K.S.A. 65-7205. Examination. (a) Each applicant for registration under this act shall be examined by a written examination or examinations chosen by the board to test the applicant's knowledge of the basic and clinical sciences relating to naturopathy, and naturopathy theory and practice, including the applicant's professional skills and judgment in the utilization of naturopathic techniques and methods, and such other subjects as the board may deem useful to determine the applicant's fitness to practice naturopathy.

(b) The provisions of this section shall take effect on and after January 1, 2003.

History: L. 2002, ch. 203, § 24; July 1.

K.S.A. 65-7206. Waiver of examination and other requirements; when waived; temporary registration. (a) The board may waive the examination or education requirements, or both, and grant registration (1) to any applicant who presents proof of current authorization to practice naturopathy in another state, the District of Columbia or territory of the United States which requires standards for authorization to practice determined by the board to be equivalent to the requirements for registration under this act and (2) to any applicant who presents proof that on the day preceding the effective date of this act that the applicant was practicing under K.S.A. 65-2872a and amendments thereto.

(b) At the time of making an application under this section, the applicant shall pay to the board the application fee as required under K.S.A. 65-7207 and amendments thereto.

(c) The board may issue a temporary registration to an applicant for registration as a naturopathic doctor who applies for temporary registration on a form provided by the board, who meets the requirements for registration or who meets all the requirements for registration except examination and who pays to the board the temporary registration fee as required under K.S.A. 65-7207 and amendments thereto. The person who holds a temporary registration shall practice only under the supervision of a registered naturopathic doctor. Such temporary registration shall expire one year from the

date of issue or on the date that the board approves the application for registration, whichever occurs first. No more than one such temporary registration shall be permitted to any one person.

(d) The provisions of this section shall take effect on and after January 1, 2003.

History: L. 2002, ch. 203, § 25; July 1.

K.S.A. 65-7207. Fees. (a) The board shall charge and collect in advance fees provided for in this act as fixed by the board by rules and regulations, subject to the following limitations:

Application fee, not more than	\$200
Temporary registration fee, not more than\$30
Registration renewal fee, not more than	\$150
Registration late renewal fee, not more than	\$250
Registration reinstatement fee, not more than	\$250
Certified copy of registration, not more than	\$30
Written verification of registration, not more than\$25

(b) The board shall charge and collect in advance fees for any examination administered by the board under the naturopathic doctor registration act as fixed by the board by rules and regulations in an amount equal to the cost to the board of the examination. If the examination is not administered by the board, the board may require that fees paid for any examination under the naturopathic doctor registration act be paid directly to the examination service by the person taking the examination.

(c) The provisions of this section shall take effect on and after January 1, 2003.

History: L. 2002, ch. 203, § 26; July 1.

K.S.A. 65-7208. Denial, revocation, limitation or suspension of registration or refusal to renew registration; unprofessional conduct; discipline; civil fines; procedure; reinstatement. (a) The board may deny, refuse to renew, suspend, revoke or limit a registration or the registrant may be publicly or privately censured where the registrant or applicant for registration has been guilty of unprofessional conduct which has endangered or is

likely to endanger the health, welfare or safety of the public. Unprofessional conduct includes:

(1) Obtaining a registration by means of fraud, misrepresentation or concealment of material facts;

(2) being guilty of unprofessional conduct as defined by rules and regulations adopted by the board;

(3) being convicted of a felony if the acts for which such person was convicted are found by the board to have a direct bearing on whether such person should be entrusted to serve the public in the capacity of a naturopathic doctor;

(4) violating any lawful order or rule and regulation of the board; and

(5) violating any provision of this act.

(b) Such denial, refusal to renew, suspension, revocation or limitation of a registration or public or private censure of a registrant may be ordered by the board after notice and hearing on the matter in accordance with the provisions of the Kansas administrative procedure act. Upon the end of the period of time established by the board for the revocation of a registration, application may be made to the board for reinstatement. The board shall have discretion to accept or reject an application for reinstatement and may hold a hearing to consider such reinstatement. An application for reinstatement of a revoked registration shall be accompanied by the registration renewal fee and the registration reinstatement fee established under K.S.A. 65-7207 and amendments thereto.

(c) The board, in addition to any other penalty prescribed in subsection (a), may assess a civil fine, after proper notice and an opportunity to be heard, against a registrant for unprofessional conduct in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

History: L. 2002, ch. 203, § 27; L. 2004, ch. 117, § 23; July

1.

K.S.A. 65-7209. Expiration of registrations; failure to renew; renewal; continuing education; suspended registration; fees.

(a) Registrations issued under this act shall expire on the date of expiration established by rules and regulations of the board unless renewed in the manner prescribed by the board. The request for renewal shall be accompanied by the registration renewal fee established pursuant to K.S.A. 65-7207, and amendments thereto. The board may establish additional requirements for registration renewal which provide evidence of continued competency. The board for registration renewal shall require completion of at least 25 hours annually of continuing education approved by the board.

(b) At least 30 days before the expiration of a registrant's registration, the board shall notify the registrant of the expiration by mail addressed to the registrant's last mailing address as noted upon the office records. If the registrant fails to pay the renewal fee by the date of expiration, the registrant shall be given a second notice that the registration has expired and the registration may be renewed only if the registration renewal fee and the late renewal fee are received by the board within the thirty-day period following the date of expiration and that, if both fees are not received within the thirty-day period, the registration shall be deemed canceled by operation of law without further proceedings for failure to renew and shall be reissued only after the registration has been reinstated under subsection (c).

(c) Any registration canceled for failure to renew as herein provided may be reinstated upon recommendation of the board and upon payment of the registration reinstatement fee and upon submitting evidence of satisfactory completion of any applicable continuing education requirements established by the board. The board shall adopt rules and regulations establishing appropriate continuing education requirements for reinstatement of registrations canceled for failure to renew.

(d) A person whose registration is suspended shall not engage in any conduct or activity in violation of the order or judgment by which the registration was suspended.

History: L. 2002, ch. 203, § 28; L. 2004, ch. 117, § 24; July

1.

K.S.A. 65-7210. Money received by board; disposition; healing arts fee fund. (a) The board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Twenty percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the healing arts fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or by a person designated by the president of the board.

(b) The provisions of this section shall take effect on and after January 1, 2003.

History: L. 2002, ch. 203, § 29; July 1.

K.S.A. 65-7211. Unlawful representations; authority not conferred upon naturopathic doctors to engage in activities not conferred by act. (a) On and after January 1, 2003, and prior to July 1, 2004, it shall be unlawful for any person who is not registered under this act as a naturopathic doctor or whose registration has been suspended or revoked to hold oneself out to the public as a registered naturopathic doctor, or use the abbreviation of “N.D.” or the words “naturopathic doctor,” “doctor of naturopathy,” “doctor of naturopathic medicine,” “naturopathic medical doctor” or any other words, letters, abbreviations or insignia indicating or implying that such person is a naturopathic doctor. A violation of this subsection (a) shall constitute a class B person misdemeanor.

(b) On and after July 1, 2004, it shall be unlawful for any person who is not registered under this act as a naturopathic doctor or whose registration has been suspended or revoked to hold oneself out to the public as a registered naturopathic doctor, or use the abbreviation of “N.D.” or the words “naturopathic doctor,” “doctor of naturopathy,” “doctor of naturopathic medicine,” “naturopath,” “naturopathic medical doctor” or any other words, letters, abbreviations or insignia indicating or implying that such person is a naturopathic doctor. A violation of this subsection (b) shall constitute a class B person misdemeanor.

(c) No statute granting authority to persons licensed or registered by the state board of healing arts shall be construed to confer authority upon naturopathic doctors to engage in any activity not conferred by this act.

(d) The provisions of this section shall take effect on and after January 1, 2003.

History: L. 2002, ch. 203, § 30; July 1.

K.S.A. 65-7212. Board of healing arts to adopt naturopathic formulary; naturopathic formulary advisory committee. (a) The board shall adopt a naturopathic formulary which lists the drugs and substances which are approved for intramuscular or intravenous administration by a naturopathic doctor pursuant to the order of a physician. The board shall appoint a naturopathic formulary advisory committee which shall advise the board and make recommendations on the list of substances which may be included in the naturopathic formulary. The naturopathic formulary advisory committee shall consist of a licensed pharmacist, a person knowledgeable in medicinal plant chemistry, two persons licensed to practice medicine and surgery, and two naturopathic doctors registered under this act.

(b) The provisions of this section shall take effect on and after January 1, 2003.

History: L. 2002, ch. 203, § 31; July 1.

K.S.A. 65-7213. Naturopathic acupuncture specialty certification. (a) In order to practice naturopathic acupuncture, a naturopathic doctor shall obtain a naturopathic acupuncture specialty certification from the board. The board may issue this specialty certification to a naturopathic doctor who has:

(1) Submitted an application and paid certification fee to be determined by the board;

(2) completed basic oriental medicine philosophy from a college or university approved by the board and 500 hours of supervised clinical training under a trained naturopathic acupuncturist’s supervision.

(b) The provisions of this section shall take effect on and after January 1, 2003.

History: L. 2002, ch. 203, § 32; July 1.

K.S.A. 65-7214. Naturopathic advisory council; membership; expenses; legislature to consider establishing alternative health care board. (a) There is established a naturopathic advisory council to advise the board in carrying out the provisions of this act. The council shall consist of five members, all citizens and residents of the state of Kansas appointed as follows: Three members shall be naturopathic doctors appointed by the state board of healing arts; one member shall be the president of the state board of healing arts or a person designated by the president; and one member appointed by the governor shall be from the public sector who is not engaged, directly or indirectly, in the provision of health services. Insofar as possible persons appointed to the council shall be from different geographic areas. If a vacancy occurs on the council, the appointing authority of the position which has become vacant shall appoint a person of like qualifications to fill the vacant position for the unexpired term, if any. The members of the council appointed by the governor shall be appointed for terms of three years and until a successor is appointed. The members appointed by the state board of healing arts shall serve at the pleasure of the state board of healing arts. If a member is designated by the president of the state board of healing arts, the member shall serve at the pleasure of the president.

(b) Members of the council attending meetings of the council, or attending a subcommittee meeting thereof authorized by the council, shall be paid amounts provided in subsection (e) of K.S.A. 75-3223 and amendments thereto from the healing arts fee fund.

(c) During the 2003 regular session of the legislature the legislature shall consider establishing an alternative health care board composed of representatives as may be designated from existing health care regulatory agencies, alternative health care providers and members of the general public for purposes of advising the legislature on matters relating to alternative health care, administering the naturopathic doctor registration act and performing such other duties as may be established by law.

(d) The provisions of this section shall take effect on and after January 1, 2003.

History: L. 2002, ch. 203, § 33; July 1.

K.S.A. 65-7215. Injunctive remedies for violations. (a) When it appears to the board that any person is violating any of the provisions of this act, the board may bring an action in the name of the state of Kansas in a court of competent jurisdiction for an injunction against such violation without regard to whether proceedings have been or may be instituted before the board or whether criminal proceedings have been or may be instituted.

(b) The provisions of this section shall take effect on and after January 1, 2003.

History: L. 2002, ch. 203, § 34; July 1.

K.S.A. 65-7216. Adjudicative procedures. (a) All state agency adjudicative proceedings under the naturopathic doctor registration act shall be conducted in accordance with the provisions of the Kansas administrative procedure act and shall be reviewable in accordance with the act for judicial review and civil enforcement of agency actions.

(b) The provisions of this section shall take effect on and after January 1, 2003.

History: L. 2002, ch. 203, § 35; July 1.

K.S.A. 65-7217. Professional liability insurance required. Professional liability insurance coverage shall be maintained in effect by each naturopathic doctor as a condition to rendering professional service as a naturopathic doctor in this state. The board shall fix by rules and regulations the minimum level of coverage for such professional liability insurance.

History: L. 2002, ch. 203, § 36; L. 2004, ch. 117, § 26; July 1.

K.S.A. 65-7218. Confidential communications. (a) The confidential relations and communications between a naturopathic doctor and the naturopathic doctor's patient are placed on the same basis as provided by law as those between a physician and a physician's patient in K.S.A. 60-427, and amendments thereto.

(b) The provisions of this section shall take effect on and after January 1, 2003.

History: L. 2002, ch. 203, § 37; July 1.

KANSAS ADMINISTRATIVE REGULATIONS

Article 72.—NATUROPATHY

K.A.R. 100-72-1. Fees. The following fees shall be collected by the board:

- (a) Application for registration\$130
- (b) registration renewal.....\$100
- (c) registration late renewal additional fee\$15
- (d) registration reinstatement.....\$130
- (e) certified copy of registration\$15
- (f) temporary registration.....\$25
- (g) acupuncture certification.....\$20

(Authorized by K.S.A. 65-7203; implementing K.S.A. 65-7207; effective, T-100-1-2-03, Jan. 2, 2003; effective May 23, 2003.)

K.A.R. 100-72-2. Application. (a) Each individual who desires to register as a naturopathic doctor shall submit an application on a form provided by the board. The form shall contain the following information:

- (1) The applicant’s full name;
- (2) the applicant’s social security number;
- (3) the applicant’s home address and current practice address,

if any;

- (4) the applicant’s date and place of birth;
- (5) the name of the professional school attended, degree received, and date of graduation;

(6) the professional practice history since the date of graduation from a naturopathic program;

(7) for each license, registration, or certification issued to the applicant to practice any health care profession, the following information:

- (A) The issue date;
- (B) the identifying number on the license, registration, or certification; and

(C) the place of issuance, specifying the state, country, territory, or the District of Columbia; and

(8) documentation of any prior acts constituting unprofessional conduct as defined in K.S.A. 65-7208, and amendments thereto, and
K.A.R. 100-72-3.

(b)(1) Each applicant shall submit the following with the application:

(A) The fee required by K.A.R. 100-72-1;

(B) an official transcript for the applicant from an educational program approved by the board, as specified in K.A.R. 100-72-4;

(C) a copy of the applicant’s diploma from an approved educational program. The copy shall be certified by a notarial officer;

(D) a verification from each state or jurisdiction where the applicant has been issued any license, registration, or certification to practice any health care profession; and

(E) a photograph of the applicant.

(2) In addition to meeting the requirements specified in paragraph (1) of this subsection, each applicant shall have the results of the applicant’s written examination, as specified in and required by K.A.R. 100-72-5, provided directly to the board by the testing entity.

(c) Each applicant shall sign the application. (Authorized by K.S.A. 65-7203; implementing K.S.A. 65-7203, 65-7204, and 65-7208; effective, T-100-1-2-03, Jan. 2, 2003; effective May 23, 2003.)

K.A.R. 100-72-3. Unprofessional conduct: defined.

“Unprofessional conduct” means the commission of any of the following by an applicant or a registrant: (a) Unlawfully invading any branch of the healing arts by providing professional services that exceed the statutory definition of naturopathy, unless the professional services are provided under the supervision of or by order of a person who is licensed to practice the healing arts;

(b) identifying the professional services provided under authority of registration by the board as being other than naturopathy;

(c) providing professional services under a false or assumed name or by impersonating another person registered by the board as a naturopath;

(d) practicing as a naturopathic doctor without reasonable skill and safety because of any of the following:

- (1) Illness;

- (2) alcoholism;
- (3) excessive use of drugs, controlled substances, chemicals, or any other type of material; or
- (4) a result of any mental or physical condition;
- (e) having a naturopathic license, registration, or certification revoked, suspended, or limited or having an application for any of these credentials denied by the proper regulatory authority of another state, territory, or country, or of the District of Columbia for conduct that would constitute grounds for denial, refusal to renew, suspension, or revocation of a registration under K.S.A. 65-7208 and amendments thereto;
- (f) cheating or attempting to subvert the validity of the examination required for registration;
- (g) providing professional services within this state without maintaining a policy of professional liability insurance as required by K.S.A. 65-7217 and amendments thereto;
- (h) failing to furnish to the board, or to its investigators or representatives, any information legally requested by the board;
- (i) being sanctioned or disciplined by a review committee for acts or conduct that would constitute grounds for denial, refusal to renew, suspension, or revocation of a registration under K.S.A. 65-7208 and amendments thereto;
- (j) surrendering a license, registration, or certification to practice naturopathy in another state while disciplinary proceedings are pending for acts or conduct that would constitute grounds for denial, refusal to renew, suspension, or revocation of a registration under K.S.A. 65-7208 and amendments thereto;
- (k) more than one instance involving failure to adhere to the applicable standard of care to a degree that constitutes ordinary negligence, as determined by the board;
- (l) representing to a patient that a manifestly incurable disease, condition, or injury can be permanently cured;
- (m) providing naturopathy to a patient without the consent of the patient or the patient's legal representative;
- (n) willfully betraying confidential information;
- (o) advertising the ability to perform in a superior manner any professional service related to naturopathy;

- (p) using any advertisement that is false, misleading, or deceptive in a material respect;
- (q) committing conduct likely to deceive, defraud, or harm the public;
- (r) making a false or misleading statement regarding the applicant's or registrant's skill;
- (s) committing any act of sexual abuse, misconduct, or exploitation;
- (t) obtaining any fee by fraud, deceit, or misrepresentation;
- (u) charging an excessive fee for services rendered;
- (v) failing to keep written records justifying the course of treatment of the patient;
- (w) delegating naturopathy to a person who the registrant knows or has reason to know is not qualified by training or experience to perform it;
- (x) directly or indirectly giving or receiving any fee, commission, rebate, or other compensation for professional services not actually and personally rendered, other than through the legal functioning of a professional partnership, professional corporation, limited liability company, or similar business entity that may be performed only by designated licensed or registered professionals;
- (y) using experimental forms of diagnosis or treatment without adequate informed consent of the patient or the patient's legal guardian;
- (z) administering, dispensing, or prescribing any natural substance or device for other than an accepted therapeutic purpose;
- (aa) offering, undertaking, or agreeing to cure or treat a disease, injury, ailment, or infirmity by a secret means, method, device, or instrumentality;
- (bb) offering any treatment that has been demonstrated by controlled trials to lack efficacy or that has been demonstrated by controlled trials as likely to harm the patient, except in the course of clinical investigation. If the registrant participates in a clinical investigation, before the investigation is begun, the registrant shall apply for and obtain approval of the investigation from the board, in addition to meeting all other requirements of applicable laws; or
- (cc) violating any provision of these regulations, or any provision of the naturopathic doctor registration act and amendments

thereto. (Authorized by and implementing K.S.A. 65-7208; effective, T-100-1-2-03, Jan. 2, 2003; effective May 23, 2003.)

K.A.R. 100-72-4. Criteria for approval of programs in naturopathy. To be recognized by the board as providing an approved educational program in naturopathy, each school of naturopathy shall meet the following standards: (a) The accreditation standards for naturopathic medical education, as specified in part two of the “handbook of accreditation for naturopathic medicine programs,” 2002 edition, published by the council on naturopathic medical education and hereby adopted by reference; and

(b) the accreditation criteria of the commission on institutions of higher education of the north central association of colleges and schools, or its regional equivalent, as specified in chapter four of the “handbook of accreditation,” second edition, published September 1997, and in the “addendum to the handbook of accreditation, second edition,” published March 2002, which are hereby adopted by reference. (Authorized by K.S.A. 65-7203; implementing K.S.A. 65-7204; effective, T-100-1-2-03, Jan. 2, 2003; effective May 23, 2003.)

K.A.R. 100-72-5. Examinations. (a) Each applicant for registration by examination as a naturopathic doctor shall submit proof of having passed a nationally administered, standardized examination that is approved by the board and consists of written questions and practical questions assessing knowledge and proficiency on subject matter from the following content areas:

- (1) Basic sciences, including the following:
 - (A) Anatomy;
 - (B) biochemistry;
 - (C) microbiology;
 - (D) pathology; and
 - (E) physiology; and
- (2) clinical sciences, including the following:
 - (A) Emergency medicine and public health;
 - (B) laboratory diagnosis and diagnostic imaging;
 - (C) botanical medicine;
 - (D) clinical nutrition;
 - (E) physical and clinical diagnosis;

- (F) physical medicine;
- (G) psychology;
- (H) counseling;
- (I) ethics; and
- (J) homeopathy.

(b) Each applicant for specialty certification in naturopathic acupuncture shall submit proof of having passed a nationally administered, standardized examination that is approved by the board and consists of written and practical questions assessing knowledge and proficiency in acupuncture.

(c) In order to qualify as board-approved, the following examinations as administered by the North American board of naturopathic examiners shall meet the examination standards established by the board in this regulation:

- (1) Part I, part II, and the homeopathic add-on clinical series of the naturopathic physicians licensing examinations (NPLEX); and
- (2) the acupuncture add-on clinical series of NPLEX.

(d) To pass an approved examination, each applicant for registration shall obtain a criterion-referenced score of at least 75. (Authorized by K.S.A. 65-7203; implementing K.S.A. 65-7205; effective, T-100-1-2-03, Jan. 2, 2003; effective May 23, 2003.)

K.A.R. 100-72-6. Professional liability insurance. (a) Each person registered by the board as a naturopathic doctor shall, before rendering professional services within the state, submit to the board evidence that the person is maintaining professional liability insurance coverage as required by K.S.A. 65-7217 and amendments thereto for which the limit of the insurer’s liability is not less than \$200,000 per claim, subject to an annual aggregate of not less than \$600,000 for all claims made during the period of coverage.

(b) Each person registered by the board as a naturopathic doctor and rendering professional services in this state shall submit, with the annual application for renewal of the registration, evidence that the person is maintaining the professional liability insurance coverage specified in subsection (a). (Authorized by K.S.A. 65-7203; implementing K.S.A. 2004 Supp. 65-7217; effective, T-100-1-2-03, Jan. 2, 2003; effective May 23, 2003; amended July 22, 2005.)

K.A.R. 100-72-7. Registration renewals; continuing education. (a) Each registration initially issued or renewed by the board on or after January 1, 2009 and through December 31, 2009 shall expire on December 31, 2010.

(b) Each registration initially issued or renewed by the board on or after January 1, 2010 shall expire on December 31 of the year of issuance.

(c) Each registered naturopath who wishes to renew the registration shall meet the following requirements:

(1) Submit an application for renewal of registration and the registration renewal fee; and

(2) for the second and each subsequent renewal and for each renewal after reinstatement, submit evidence of satisfactory completion of at least 50 hours of continuing education since the registration was last renewed or was reinstated, whichever is more recent. At least 20 of these hours shall be taken in a professionally supervised setting, and not more than 30 of these hours may be taken in a non-supervised setting.

(d) Continuing education activities shall be designed to maintain, develop, or increase the knowledge, skills, and professional performance of persons registered to practice as a naturopathic doctor. All continuing education shall deal primarily with the practice of naturopathy. Each continuing education activity that occurs in a professionally supervised setting shall be presented by a provider.

(e) One hour shall mean 60 minutes of instruction or the equivalent.

(f) The content of each continuing education activity shall have a direct bearing on patient care.

(g) An activity occurring in a “professionally supervised setting” shall mean any of the following:

(1) Lecture, which means a discourse given before an audience for instruction;

(2) panel discussion, which means the presentation of a number of views by several professional individuals on a given subject;

(3) workshop, which means a series of meetings designed for intensive study, work, or discussion in a specific field of interest;

(4) seminar, which means directed, advanced study or

discussion in a specific field of interest;

(5) symposium, which means a conference that consists of more than a single session and is organized for the purpose of discussing a specific subject from various viewpoints and by various speakers; or

(6) other structured, interactive, and formal learning methods approved by the board on a case-by-case basis.

(h) An activity occurring in a “non-supervised setting” shall mean any of the following:

(1) Teaching health-related courses to practicing naturopathic doctors or other health professionals;

(2) presenting a scientific paper to an audience of health professionals, or publishing a scientific paper in a medical or naturopathic journal;

(3) engaging in self-instruction, including journal reading and the use of television and other audiovisual materials;

(4) receiving instruction from a medical or naturopathic consultant;

(5) participating in programs concerned with review and evaluation of patient care;

(6) spending time in a self-assessment examination, not including examinations and quizzes published in journals; or

(7) engaging in meritorious learning experiences that provide a unique educational benefit to the registrant.

(i) To provide evidence of satisfactory completion of continuing education, each registrant shall submit the following to the board, as applicable:

(1) Documented evidence of attendance at each activity occurring in a professionally supervised setting; and

(2) proof of participation in each activity occurring in a non-supervised setting, which shall include a copy of any professional publication, the certification of a teaching activity, or the personal verification of any other activity occurring in a non-supervised setting. (Authorized by K.S.A. 65-7203; implementing K.S.A. 2007 Supp. 65-7209; effective, T-100-1-2-03, Jan. 2, 2003; effective Nov. 14, 2003; amended March 27, 2009.)

K.A.R. 100-72-8. Naturopathic formulary. The following list shall constitute the naturopathic formulary for drugs and substances that are approved for intramuscular (IM) or intravenous (IV) administration, or both, by a naturopathic doctor pursuant to a written protocol entered into with a physician:

(a) Electrolytes and carrier solutions:

- (1) Sterile water (IV, IM);
- (2) electrolyte solution (IV);
- (3) lactated ringers (IV);
- (4) saline solution (IV); and
- (5) half normal saline (IV);

(b) vitamins:

- (1) Vitamin C (IV);
- (2) B complex (IV, IM);
- (3) folic acid (IV, IM);
- (4) vitamin D (IV);
- (5) vitamin E (IV);
- (6) vitamin K (IV, IM);
- (7) vitamin A (IV, IM);
- (8) vitamin B12 (IV, IM);

(c) minerals:

- (1) Calcium (IV, IM);
- (2) chromium (IV, IM);
- (3) copper (IV, IM);
- (4) iron (IV, IM);
- (5) zinc (IV, IM);
- (6) iodine (IV, IM);
- (7) magnesium (IV, IM);
- (8) selenium (IV, IM);
- (9) molybdenum (IV, IM);
- (10) vanadium (IV, IM);
- (11) phosphorus (IV, IM); and
- (12) manganese (IV, IM);

(d) amino acids:

- (1) Amino acids, singular or in combination (IV);
- (2) glutathione (IV, IM);;
- (3) tryptophan (IV); and
- (4) 5 hydroxy tryptophan (IV);

(e) botanicals:

- (1) Glycyrrhizin (IV, IM); and
- (2) thujone-free artemisia (IV, IM); and

(f) the following miscellaneous drugs and substances:

- (1) Lipids (IV);
- (2) co-enzyme Q 10 (also known as ubiquinone or Co-Q 10)

(IV, IM);

- (3) alpha lipoic acid (IV, IM);
- (4) hydrochloric acid (IV);
- (5) epinephrine (IM);
- (6) chelators, only with prior board approval:
 - (A) EDTA (IV); and
 - (B) DMPS (IV);
- (7) diphenhydramine hydrochloride (IV, IM); and
- (8) atropine sulfate (IV).

(Authorized by K.S.A. 65-7203; implementing K.S.A. 65-7212; effective Jan. 21, 2005.)

K.A.R. 100-72-9. Written protocol. (a) Each physician entering into a written protocol with a registered naturopathic doctor shall be licensed to practice medicine and surgery in the state of Kansas and shall provide a copy of the protocol to the board within 10 days of entering into the protocol.

(b) Each written protocol between a physician and a naturopathic doctor shall contain the following information:

(1) The date on which the protocol was signed and the signatures of the physician and the naturopathic doctor;

(2) the license number of the physician and the registration number of the naturopathic doctor;

(3) the names of the drugs and substances from the naturopathic formulary, which is specified in K.A.R. 100-72-8, that the naturopathic doctor will be allowed to administer and the method of administration of each drug and substance;

(4) the usage and dosage authorized for each drug and substance;

(5) any warning or precaution associated with the administration of each drug and substance;

(6) a statement that a current copy of the protocol will be maintained at each practice location of the physician and the naturopathic doctor and that any change made to the protocol will be provided to the board within 10 days of making the change;

(7) a statement that the physician is professionally competent to order each drug and substance that the protocol authorizes the naturopathic doctor to administer and that treating the conditions identified in the protocol is within the lawful and customary practice of the physician;

(8) a statement that the authority to administer any drug or substance intravenously is limited to times when the physician either is physically present in the same building or can be present within five minutes at the location where the service is performed;

(9) the identification of any task or service that the physician delegates to any unlicensed person working with the naturopathic doctor;

(10) a statement that emergency procedures have been established by the physician and adopted by the naturopathic doctor to protect the patient in the absence of the physician and that the naturopathic doctor is competent to carry out those emergency procedures; and

(11) any conditions imposed by the physician on the naturopathic doctor before the administration of any of the drugs and substances listed in the protocol.

(c) Each written protocol shall be reviewed by the physician and naturopathic doctor at least annually, and each review shall be signed and dated on the current copy of the protocol.

(Authorized by K.S.A. 65-7203; implementing K.S.A. 65-7202; effective Nov. 19, 2004.)