

KANSAS STATE BOARD

OF

HEALING ARTS



**KANSAS STATUTES
ANNOTATED**

AND

**KANSAS ADMINISTRATIVE
REGULATIONS**

Relating to the practice of

NATUROPATHY

Revised January 2011

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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INDEX

Adjudicative procedures 16
Administration of act 7
Application for registration 8, 18
Citation of the act..... 5
Confidential communications 16
Continuing education 12, 23
Criteria for approval of programs 22
Definitions..... 5
Denial, revocation, limitation or suspension, refusal to renew,
discipline, reinstatement 10
Examination 9, 23
Expiration of registration, renewal 12
Fees 10, 18
Formulary advisory committee 14
Injunctive remedies for violations 16
Money received by the board..... 13
Naturopathic acupuncture specialty certification..... 14
Naturopathic advisory committee; council 15
Naturopathic formulary..... 26
Nothing in act construed to require insurance reimbursement
or indemnity for services as a naturopathic doctor..16
Professional liability insurance 16, 24
Registration renewals..... 24
Temporary registration..... 9
Unlawful representations 13
Unprofessional conduct 10, 20
Waiver of examination..... 9
Written protocol 28

KANSAS STATUTES ANNOTATED

CHAPTER 65

Article 72.—NATUROPATHIC DOCTORS

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 licensure act.

History: L. 2002, ch. 203, § 20; L. 2010, ch. 126, § 1; Jan. 1, 2011.

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

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

(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, nonprescription drugs, plant substances that are not designated as prescription drugs or controlled substances, topical drugs as defined in subsection (i) of this section, and amendments thereto; (2) health care counseling, nutritional counseling and dietary therapy, naturopathic physical applications, barrier contraceptive devices; (3) 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 licensed under this act; (4) noninvasive physical examinations, venipuncture to obtain blood for clinical laboratory tests and oroficial examinations, excluding endoscopies; (5) minor office procedures; and (6) 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.

(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 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” 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 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 hydrotheraphy, naturopathic musculoskeletal technique and therapeutic exercise.

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

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

(k) “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.

History: L. 2002, ch. 203, § 21; L. 2010, ch. 126, § 2; Jan. 1, 2011.

65-7203. Administration of act by state board of healing arts; qualifications of applicants; licensure of certain naturopathic doctors; record 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 licensure, determine the applicants who successfully pass the examination, duly license such applicants and adopt rules and regulations as may be necessary to administer the provisions of this act.

(c) The board shall issue a license 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 license 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 licensed under this act. Only an individual may be licensed under this act.

History: L. 2002, ch. 203, § 22; L. 2010, ch. 126, § 3; Jan. 1, 2011.

65-7204. Application for licensure; criteria for educational programs; registrant under previous act deemed to be licensed.

(a) An applicant applying for licensure 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) An individual holding a valid registration as a naturopathic doctor under the naturopathic doctor registration act on December 31, 2010, shall be deemed to be licensed as a naturopathic doctor under the naturopathic doctor license act, and such individual shall not be required to file an original application for licensure under the naturopathic doctor license act.

History: L. 2002, ch. 203, § 23; L. 2010, ch. 126, § 4; Jan. 1, 2011.

65-7205. Examination. Each applicant for licensure 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.

History: L. 2002, ch. 203, §24; L. 2010, ch. 126, § 5; Jan. 1, 2011.

65-7206. Waiver of examination and other requirements; when waived; temporary licensure. (a) The board may waive the examination or education requirements, or both, and grant licensure (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 licensure 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 license to an applicant for licensure as a naturopathic doctor who applies for temporary licensure on a form provided by the board, who meets the requirements for licensure or who meets all the requirements for licensure except examination and who pays to the board the temporary license fee as required under K.S.A. 65-7207 and amendments thereto. The person who holds a temporary license shall practice only under the supervision of a licensed naturopathic doctor. Such temporary license shall expire one year from the date of issue or on the date that the board approves the application for licensure, whichever occurs first. No more than one such temporary license shall be permitted to any one person.

History: L. 2002, ch. 203, § 25; L. 2010, ch. 126, § 6; Jan. 1, 2011.

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 license fee, not more than	\$30
License renewal fee, not more than	\$150
License late renewal additional fee, not more than	\$250
License reinstatement fee, not more than	\$250
Certified copy of license, not more than	\$30
Written verification of license, 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 licensure 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 licensure act be paid directly to the examination service by the person taking the examination.

History: L. 2002, ch. 203, §26; L. 2010, ch. 126, § 7; Jan. 1, 2011.

65-7208. Denial, revocation, limitation or suspension of license or refusal to renew license; unprofessional conduct; discipline; civil fines; procedure; reinstatement. (a) The board may deny, refuse to renew, suspend, revoke or limit a license or the licensee may be publicly or privately censured where the licensee or applicant for licensure 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 license 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 license or public or private censure of a licensee 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 license, 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 license shall be accompanied by the license renewal fee and the license 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 licensee 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; L. 2010, ch. 126, § 8; Jan. 1, 2011.

65-7209. Expiration of licenses; failure to renew; renewal; continuing education; suspended license; fees. (a) Licenses 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 license renewal fee established pursuant to K.S.A. 65-7207, and amendments thereto. The board may establish additional requirements for license renewal which provide evidence

of continued competency. The board shall require as a condition for renewal of a license completion of at least 25 hours annually of continuing education approved by the board.

(b) At least 30 days before the expiration of a license, the board shall notify the licensee of the expiration by mail addressed to the licensee's last mailing address as noted upon the office records. If the licensee fails to pay the renewal fee by the date of expiration, the licensee shall be given a second notice that the license has expired and the license may be renewed only if the license 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 license shall be deemed canceled by operation of law without further proceedings for failure to renew and shall be reissued only after the license has been reinstated under subsection (c).

(c) Any license canceled for failure to renew as herein provided may be reinstated upon recommendation of the board and upon payment of the license 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 licenses canceled for failure to renew.

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

History: L. 2002, ch. 203, § 28; L. 2004, ch. 227, § 24; L. 2010, ch. 126, § 9; Jan. 1, 2011.

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.

65-7211. Authorized representations; unlawful representations; authority not conferred upon naturopathic doctors to engage in activities not conferred by act. (a) A person licensed under this act as a naturopathic doctor shall: (1) Use the letters “N.D.”, when using the letters or term “Dr.” or “Doctor” to identify themselves to patients or the public; and (2) be authorized to use the words “naturopathic doctor”, “doctor of naturopathy”, “doctor of naturopathic medicine”, or “naturopath”, to indicate that such person is a naturopathic doctor licensed under this act. A person licensed under this act may not advertise, hold themselves out to the public, refer to themselves or use the terms “naturopathic physician”, “physician” or “naturopathic medical doctor” in conjunction with such licensee’s name. A violation of this subsection (a) shall constitute a class B misdemeanor.

(b) It shall be unlawful for any person who is not licensed under this act as a naturopathic doctor or whose license has been suspended or revoked to hold oneself out to the public in any manner as a licensed 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.

History: L. 2002, ch. 203, § 30; L. 2010, ch. 126, §10; Jan. 1, 2011.

65-7212. Board of healing arts to adopt naturopathic formulary; naturopathic formulary advisory committee. 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 licensed under this act.

History: L. 2002, ch. 203, § 31; L. 2010, ch. 126, § 11; Jan. 1, 2011.

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.

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.

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.

65-7216. Adjudicative procedures. All state agency adjudicative proceedings under the naturopathic doctor licensure act shall be conducted in accordance with the provisions of the Kansas administrative procedure act and shall be reviewable in accordance with the Kansas judicial review act.

History: L. 2002, ch. 203, § 35; L. 2010, ch. 155, § 20; Jan. 1, 2011.

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; July 1.

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.

65-7219. Nothing in act construed to require insurance reimbursement or indemnity for services as a naturopathic doctor. On and after January 1, 2011, nothing in the naturopathic doctor licensure act or in the provisions of K.S.A. 40-2,100 through 40-2,105, and amendments thereto, or K.S.A. 2009 Supp. 40-2,105a through 40-2,105d, and amendments thereto, shall be construed to require that any individual, group or blanket policy of accident and sickness, medical or surgical expense insurance coverage or any provision of a policy, contract, plan or agreement for medical service

issued on or after the effective date of this act, reimburse or indemnify a person licensed under the naturopathic doctor licensure act for services provided as a naturopathic doctor.

History: L. 2010, ch. 126, § 13; Jan. 1, 2011.

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, individual tax identification number, driver's license number, or nondriver identification number, if the applicant is advised that providing a social security number is voluntary pursuant to K.S.A. 74-139 and 74-148, and amendments thereto, and that if the social security number is provided, the agency may provide this number to the Kansas department of social and rehabilitation services for child support enforcement purposes and to the Kansas department of revenue's director of taxation;
- (3) the applicant's mailing address. If the applicant's mailing address is different from the applicant's residential address, the applicant shall also provide the residential address;
- (4) the applicant's date and place of birth;
- (5) the applicant's daytime phone number;
- ~~(5)~~ (6) the names of all educational programs recognized under K.A.R. 100-72-4 that the applicant attended, including the program from which the applicant graduated, the degree awarded to

the applicant, and the date of graduation;

(7) notarized certification that the applicant has completed a program in naturopathy from a postsecondary school recognized under K.A.R. 100-72-4;

(8) the issue date; state, territory, the District of Columbia, or other country of issuance; and the identifying number on any license, registration, or certification issued to the applicant to practice any health care profession;

(9) 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;

(10) the number of times the applicant has taken the examination required by the board for licensure and the date the applicant passed the examination; and

(11) a notarized release authorizing the board to receive any relevant information, files, or records requested by the board in connection with the application.

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

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

(2) an official transcript for the applicant from an educational program approved by the board, as provided in K.A.R. 100-72-4, that specifies the degree awarded to the applicant;

(3) a verification from each state, country, territory, or the District of Columbia where the applicant has been issued any license, registration, or certification to practice any health care profession;

(4) a photograph of the applicant- measuring two inches by three inches and showing the head and shoulder areas only. The photograph shall be taken within 90 days before the date of application; and

(5) evidence provided directly to the board from the testing entity recognized and approved under K.A.R. 100-72-5 that the applicant has passed the examination.

(c) The applicant shall sign the application under oath and shall have the application notarized. (Authorized by K.S.A. 65-7203; implementing K.S.A. 65-7203, 65-7204, and K.S.A. 2008 Supp. 65-7208; effective, T-100-1-2-03, Jan. 2, 2003; effective May 23, 2003; amended June 4, 2010.)

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.)