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## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Sen. Johnson

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### SUMMARY

- Prohibits an individual from practicing naturopathic medicine or representing oneself as a practitioner of naturopathic medicine unless the individual is licensed by the State Medical Board.
- Establishes a criminal penalty for violating that prohibition.
- Creates licensing requirements for the practice of naturopathic medicine and requires the State Medical Board to regulate the licensing of naturopathic medicine.
- Establishes services an individual licensed to practice naturopathic medicine can and cannot perform.
- Outlines circumstances in which the State Medical Board may limit, revoke, suspend, or refuse to issue, renew, or reinstate a license.

### DETAILED ANALYSIS

#### License to practice naturopathic medicine

The bill prohibits an individual from knowingly practicing naturopathic medicine or representing oneself as any of the following unless the individual holds a current, valid license to practice naturopathic medicine:

- A naturopathic physician;
- A naturopathic doctor;
- A naturopath;
- A doctor of naturopathic medicine or naturopathy;
- A "N.D." or "ND";

- A practitioner or provider of naturopathic medicine, naturopathic health care, or naturopathy;
- Someone who is authorized to practice naturopathic medicine.<sup>1</sup>

An individual who violates this prohibition is guilty of a felony of the fifth degree on a first offense and a felony of the fourth degree on each subsequent offense.<sup>2</sup> A physician, physician assistant, registered nurse (including an advanced practice registered nurse), or a dietitian is not required to be separately licensed as a naturopath to perform tasks that fall under a naturopath's scope of practice.<sup>3</sup>

The State Medical Board must implement and administer the Naturopathic Medicine Licensing Law, including by adopting any rules necessary to govern the practice of naturopathic medicine and to administer and enforce the bill's requirements. Those rules may not limit the naturopathic devices, substances, and therapies that the holder of a license to practice naturopathic medicine may administer, furnish, order, perform, or prescribe.<sup>4</sup>

### **Application and eligibility**

To obtain a naturopathic medicine license, applicants must apply to the State Medical Board and pay an application fee of \$305 (no part of the fee is returned if a license is denied). An applicant also must provide information showing that the applicant:

- Is at least 18 years old;
- Meets one of the education requirements described under "**Education requirements**," below;
- Passed a competency-based national naturopathic licensing examination administered by the North American Board of Naturopathic Examiners or a successor organization recognized by the State Medical Board;
- Demonstrates a good, ethical, and professional reputation (notwithstanding a current law prohibition against considering one's moral character);
- Has not had a license to practice naturopathic medicine or other health care-related license, registration, or certificate suspended, refused, or revoked by any other jurisdiction for reasons related to the applicant's ability to skillfully and safely practice naturopathic medicine unless that license, registration, or certification has been restored to good standing by that jurisdiction; and

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<sup>1</sup> R.C. 4789.02.

<sup>2</sup> R.C. 4789.99.

<sup>3</sup> R.C. 4789.02(A)(2).

<sup>4</sup> R.C. 4789.03.

- Has completed a criminal records check.<sup>5</sup>

The Board must review each application it receives and, after receiving an application it considers complete, determine whether the applicant meets the requirements described above. If so, it must issue the license.<sup>6</sup> An application cannot be withdrawn without Board approval.<sup>7</sup>

### **Out-of-state applicants**

The Board must issue a license to an out-of-state applicant to practice naturopathic medicine in Ohio in accordance with the Out-of-State Applicants Law<sup>8</sup> if either of the following applies:

- The applicant is licensed in another state;
- The applicant has satisfactory work experience, a government certification, or a private certification in a state that does not issue a license to practice naturopathic medicine.<sup>9</sup>

### **Educational requirements**

An applicant must meet one of the following educational requirements to be eligible for a license under the bill:

- Hold a doctoral degree of naturopathy or naturopathic medicine from a naturopathic medical education program in the U.S. or a degree-equivalent diploma from a naturopathic medical education program offered by a college or university in Canada, provided the following apply to the program at the time the degree or diploma was conferred:
  - The program offered graduate-level full-time didactic and supervised clinical training;
  - The program was accredited, or reached candidacy status for accreditation, by the Council on Naturopathic Medical Education;
  - If the program is in the U.S., the program was, or was part of, a college or university that was accredited, or reached candidacy status for accreditation, by a regional or national institutional accrediting agency recognized by the U.S. Secretary of Education;
  - If the program is in Canada, the program had provincial approval for participation in government-funded student aid programs.<sup>10</sup>

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<sup>5</sup> R.C. 109.572, 4776.01, 4789.04(A) and (B) and R.C. 4776.02 to 4776.04, not in the bill.

<sup>6</sup> R.C. 4789.04(C).

<sup>7</sup> R.C. 4789.10(N)(2).

<sup>8</sup> R.C. Chapter 4796, not in the bill.

<sup>9</sup> R.C. 4789.04(D).

<sup>10</sup> R.C. 4789.05(A).

- Hold a doctoral naturopathic medical degree or degree-equivalent diploma from a college or university that was conferred to the applicant before the Council on Naturopathic Medical Education existed, provided the following apply to the program:
  - The program offered full-time structured curriculum in basic sciences and supervised patient care at the time the degree or diploma was conferred;
  - The program was at least 132 weeks long and required completion of the program within a period of no less than 35 months at the time the degree or diploma was conferred;
  - The program was, or was a part of, a college of naturopathic medicine or a college of liberal arts and naturopathic medicine that was reputable and in good standing with the Board at the time the degree or diploma was conferred;
  - If the program still exists, it must be accredited by the Council on Naturopathic Medical Education at the time the applicant applies for a license;
  - If the program still exists and is in Canada, it must have provincial approval for participation in government-funded student aid programs at the time the applicant applies for a license.<sup>11</sup>

## License renewal

A license is valid for two years after the date of issuance and may be renewed.<sup>12</sup> A licensee who wishes to renew a license must apply for renewal on or before the license's expiration date. The Board is required to provide a renewal notice to a licensee at least once a month prior to the expiration date. A renewal application must be submitted to the Board along with a fee of \$305.

To renew a license, an individual must do the following:

- Complete continuing education requirements established by the Board that are equivalent to the continuing education requirements to practice medicine and surgery or osteopathic medicine and surgery.
- Report any criminal offense in which the individual pleaded guilty, was found guilty, or was found eligible for intervention in lieu of conviction since last signing an application for a license.

The Board may require a random sample of licensees to submit materials documenting compliance with the continuing education requirements. If the Board finds that a licensee has not complied with these requirements, the Board may either (1) take disciplinary action or impose a civil penalty of up to \$5,000, or both, or (2) permit the licensee to agree in writing to complete the continuing education and pay a civil penalty of up to \$5,000.<sup>13</sup>

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<sup>11</sup> R.C. 4789.05(B).

<sup>12</sup> R.C. 4789.04(C).

<sup>13</sup> R.C. 4789.06.

## License restoration and application after inactivity

If a license is not renewed on or before its expiration date, it is automatically suspended on its expiration date. The Board can reinstate a suspended license if the license has been suspended for two years or less, and the individual submits a reinstatement application and pays a \$405 fee.

If the license has been suspended for more than two years, the Board may restore the license if an applicant submits a restoration application, completes a criminal records check, and pays a \$505 reinstatement fee.<sup>14</sup> The Board may impose additional requirements, including:

- Requiring an applicant to pass an oral or written examination, or both;
- Requiring additional training and the passage of an examination when the training is completed;
- Requiring an assessment of the applicant's physical skills to determine if the applicant's coordination, fine motor skills, and dexterity are sufficient for performing evaluations and procedures;
- Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions;
- Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders;
- Restricting or limiting the extent, scope, or type of practice in which an applicant may engage.

The Board also may impose the above requirements, while charging the standard \$305 application fee, on an applicant seeking a license who has not been engaged in the practice of naturopathic medicine for more than two years. Before restoring or issuing a license in either circumstance, the Board must consider the moral background and the activities of the applicant during the period of suspension or inactivity and is not permitted to issue, restore, or reactivate a license unless the applicant completes a criminal records check.<sup>15</sup>

## Authorized services

Under the bill, a licensed individual may perform any of the following services:

- Order and perform physical and laboratory examinations for diagnostic purposes including phlebotomy, clinical laboratory tests, orificial examinations, and physiological function tests;
- Order diagnostic imaging studies;

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<sup>14</sup> R.C. 4789.07(C).

<sup>15</sup> R.C. 4789.08.

- Administer, furnish, order, perform, or prescribe specified naturopathic devices, substances, and therapies, including administering nonprescription drugs or homeopathic medicine, performing hydrotherapy, electromagnetic therapy, therapeutic exercises, health education and counseling, repair and care incidental to superficial lacerations and abrasions, removal of foreign bodies located in superficial tissue, and musculoskeletal manipulation;
- Utilize routes of administration that include oral, nasal, auricular, ocular, rectal, vaginal, transdermal, intradermal, subcutaneous, intravenous, and intramuscular routes.<sup>16</sup>

## Unauthorized services

A license issued under the bill does not authorize an individual to do any of the following:

- Prescribe, furnish, or administer prescription drugs or devices;
- Perform surgical procedures, except for repair and care of superficial lacerations and abrasions, superficial lesions, or the removal of foreign bodies located in superficial tissue;
- Practice or claim to practice as a medical doctor, osteopath, dentist, podiatrist, optometrist, psychologist, advanced practice registered nurse, physician assistant, dietitian, chiropractor, physical therapist, acupuncturist, or any other health care professional;
- Use topical and local anesthetics for pain relief or for the repair of superficial lacerations;
- Administer ionizing radioactive substances for therapeutic purposes;
- Perform surgical procedures using a laser device;
- Perform surgical procedures involving the eye, ear, tendons, nerves, veins, or arteries extending beyond superficial tissue;
- Perform chiropractic adjustments or musculoskeletal manipulation;
- Perform acupuncture.<sup>17</sup>

## Board discipline

The reasons for which the Board may discipline a licensee, and the types of disciplinary action the Board may take against licensees, are similar to the reasons the Board may discipline and actions the Board may take against other health care professionals regulated by the Board. The Board, by an affirmative vote of at least six members, may revoke or refuse to issue a license to practice naturopathic medicine to an individual found by the Board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

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<sup>16</sup> R.C. 4789.09(A).

<sup>17</sup> R.C. 4789.09(B).

The bill requires the Board, by an affirmative vote of at least six members, to limit, revoke, suspend, or refuse to issue, renew, or reinstate a license, or reprimand or place on probation a licensee for any of the following reasons:

- Failure to comply with the requirements of the Naturopathic Medicine Licensing Law;
- Permitting the licensee's name or license to be used by another individual;
- Failure to employ acceptable scientific methods in the selection of modalities for treatment provided under a license to practice naturopathic medicine;
- A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a violation of any federal or state law regulating the possession, distribution, or use of any drug;
- Willfully betraying a professional confidence;
- Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients, in relation to the practice of naturopathic medicine, or in securing or attempting to secure any license or certificate issued by the Board;
- A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;
- Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other individual, that an incurable disease or injury, or other incurable condition, can be permanently cured;
- The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of the practice of naturopathic medicine;
- A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;
- Commission of an act that constitutes a felony in Ohio, regardless of the jurisdiction in which the act was committed;
- A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of the practice of naturopathic medicine;
- Commission of an act in the course of the practice of naturopathic medicine that constitutes a misdemeanor in Ohio, regardless of the jurisdiction in which the act was committed;
- A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;
- Commission of an act involving moral turpitude that constitutes a misdemeanor in Ohio, regardless of the jurisdiction in which the act was committed;

- Violation of the conditions of limitation placed by the Board on a license to practice naturopathic medicine;
- Failure to pay required license renewal fees;
- Inability to practice naturopathic medicine according to acceptable and prevailing standards of care by reason of mental or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;
- Impairment of ability to practice naturopathic medicine according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair the ability to practice;
- Failure to maintain the confidentiality of privileged communications without the written consent of a patient or a patient's parent or guardian, as applicable, unless otherwise required by law, court order, or necessity to protect public health and safety;
- Failure to comply with the continuing education requirements necessary to renew a license;
- Failure to comply with any standards for the ethical practice of naturopathic medicine that the Board adopts;
- Failure to cooperate in a disciplinary investigation conducted by the Board, including failure to comply with a Board subpoena or order or failure to answer truthfully a question presented by the Board in an investigative interview.<sup>18</sup>

If either (1) the Board secretary and supervising member determine there is clear and convincing evidence that a naturopath has committed a disciplinable action and that naturopath's continued practice could endanger the public or (2) the Board receives verifiable information that the naturopath has been charged with a felony in any state or federal court, the Board may suspend the naturopath's license without a hearing. The naturopath may request a hearing on the summary suspension, which must be held within 15 days after the request.<sup>19</sup>

Disciplinary actions taken by the Board must be taken pursuant to an adjudication under the Administrative Procedure Act.<sup>20</sup> However, in lieu of adjudication, the Board may enter into a consent agreement with an individual to resolve an allegation of a violation.<sup>21</sup> An individual's failure to renew a license to practice naturopathic medicine in accordance with the renewal requirements described above does not remove or limit the Board's jurisdiction to take disciplinary action against the individual.<sup>22</sup>

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<sup>18</sup> R.C. 4789.10(A) and (B).

<sup>19</sup> R.C. 4789.10(H).

<sup>20</sup> R.C. Chapter 119, not in the bill.

<sup>21</sup> R.C. 4789.10(D).

<sup>22</sup> R.C. 4789.10(N)(3).

## Regulatory procedures

The bill establishes additional procedures for the regulation of naturopathic medicine licensees that are the same as procedures that apply to the other health care professionals the State Medical Board regulates under continuing law, including the following:

- Immediate suspension of a licensee’s naturopathic medicine license if the licensee is convicted of, or pleads guilty to, the offense of trafficking in persons;<sup>23</sup>
- Compliance with continuing law regarding a licensee in default under a child support order;<sup>24</sup>
- The process for surrendering a license;<sup>25</sup>
- Limitations on the Board’s authority to refuse to issue a license to an applicant because of a conviction of, plea of guilty to, judicial finding of guilt of, or judicial finding of eligibility for intervention in lieu of conviction for an offense;<sup>26</sup>
- Requirements relating to the sealing or expungement of a licensee’s conviction records by a court;<sup>27</sup>
- Determination through adjudication that a licensee has committed a felony or disciplinable misdemeanor;<sup>28</sup>
- Notifications provided to the Board by physicians authorized to practice medicine or surgery or professional associations or societies of those physicians regarding actions taken against a licensee;<sup>29</sup>
- Requirements relating to a licensee suffering impairment from the use of drugs including alcohol;<sup>30</sup>
- Automatic license suspension upon conviction of certain criminal offenses;<sup>31</sup>
- Procedures when an individual who must be notified of an opportunity for a hearing does not request one;<sup>32</sup>

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<sup>23</sup> R.C. 4789.12 and 4776.20.

<sup>24</sup> R.C. 4789.11 and R.C. 3123.41 to 3123.50, not in the bill.

<sup>25</sup> R.C. 4789.10(N)(1).

<sup>26</sup> R.C. 4789.10(C).

<sup>27</sup> R.C. 4789.10(F).

<sup>28</sup> R.C. 4789.10(E) and (I).

<sup>29</sup> R.C. 4731.224.

<sup>30</sup> R.C. 4731.25, 4731.251, and 4789.10(G).

<sup>31</sup> R.C. 4789.10(J).

<sup>32</sup> R.C. 4789.10(K).

- Requirements for written statements specifying the conditions under which a suspended license may be restored;<sup>33</sup>
- Permission for the Board to permanently refuse to issue, renew, or reinstate a license;<sup>34</sup>
- Disclosure of a naturopath’s probation status to a patient or key third party;<sup>35</sup>
- Maintenance of a register of license applicants and naturopathic medicine licenses issued or revoked;<sup>36</sup>
- Internet publication of a directory of the professionals licensed or certified by the Board;<sup>37</sup>
- Deposit of fees, penalties, and other funds in the state treasury to the credit of the existing State Medical Board Operating Fund.<sup>38</sup>

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## HISTORY

Action	Date
Introduced	03-19-26

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ANSB0385IN-136/ar

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<sup>33</sup> R.C. 4789.10(L)

<sup>34</sup> R.C. 4789.10(M).

<sup>35</sup> R.C. 4731.2210.

<sup>36</sup> R.C. 4731.07.

<sup>37</sup> R.C. 4731.071.

<sup>38</sup> R.C. 4731.24.