



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health- Board of Naturopathy

- Preproposal Statement of Inquiry was filed as WSR 11-23-108 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _ ; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

Chapter 246-836 WAC amending sections to change the regulatory authority to the Board of Naturopathy, update the scope of practice, general housekeeping, and amend requirements to approve naturopathic medical education institutions.

Hearing location(s): Department of Health
20435 72nd Ave. South
Suite 200
Kent, WA 98032

Date: 05/11/2012

Time: 9:00 am

Submit written comments to:

Name: Susan Gragg
Address: Department of Health
PO Box 47852
Olympia, WA 98504-7852
Website: <http://www3.doh.wa.gov/policyreview/>
fax 360-236-2901 by (date) 05/11/2012

Assistance for persons with disabilities: Contact

Susan Gragg by 05/07/2012

TTY (800) 833-6388 or () 711

Date of intended adoption: 05/11/2012

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The proposed rules amend existing rules to implement House Bill 1181 (chapter 41, Laws of 2011), which created the Board of Naturopathy; and Substitute Senate Bill 5152 (chapter 40, Laws of 2011), which modified portions of naturopathic scope of practice. The proposed rules make general housekeeping edits and, because of the change in authority, add language for temporary practice permits and sexual misconduct. The proposed rules also update the education program standards and accept accreditation from national organizations as meeting the approval standards. This would allow on-site evaluations by national organizations, thereby eliminating duplication and inefficiencies.

Reasons supporting proposal:

The proposed rules reflect the change of regulatory authority from the Secretary of Health to the Board of Naturopathy and the modification to scope of practice. In addition, the changes to education standards provide flexibility for evolving educational institutions to continue to meet Washington standards.

Statutory authority for adoption:

Chapter 18.36A.160 RCW, HB1181 (2011), SSB5152 (2011)

Statute being implemented:

Chapter 18.36A RCW

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

DATE 03/30/12

NAME (type or print)
Susan Teil-Boyer

SIGNATURE

TITLE
Executive Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 30, 2012

TIME: 3:42 PM

WSR 12-08-042

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: (person or organization) Department of Health, Board of Naturopathy

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Susan Gragg, Program Manager	PO Box 47852, Olympia, WA 98504-7852	360-236-4941
Implementation.... Susan Gragg, Program Manager	PO Box 47852, Olympia, WA 98504-7852	360-236-4941
Enforcement..... Susan Gragg, Program Manager	PO Box 47852, Olympia, WA 98504-7852	360-236-4941

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement was not prepared. The proposed rule would not impose more than minor costs on businesses in an industry.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Susan Gragg

Address: Department of Health

PO Box 47852

Olympia, WA 98504-7852

phone 360-236-4941

fax 360-236-2901

e-mail susan.gragg@doh.wa.gov

No: Please explain:

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-836-010 Definitions. (~~For the purposes of this chapter, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise.~~) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "~~(Department)~~ Board" means the ~~((department of health))~~ board of naturopathy, whose address is:

Department of Health
~~((Professional Licensing Service))~~
P.O. Box 1099
Olympia, Washington 98507-1099

(2) "Department" means the department of health.

(3) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

~~((3) "Mentally or physically disabled naturopath" means a naturopath who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice naturopathy with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.))~~

(4) "Naturopath" or "naturopathic physician" means a person licensed pursuant to chapter 18.36A RCW.

(5) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(6) "Unprofessional conduct" means the conduct described in RCW 18.130.180.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-836-020 Eligibility for licensure examination. (1) Graduates holding a degree/diploma from a college of naturopathic medicine approved by ~~((Washington state department of health))~~ the board shall be eligible to take the examination, provided all other requirements of RCW 18.36A.090 are met.

(2) All applicants shall file with the ~~((department))~~ board a completed application, with the required fee, at least ~~((60))~~ sixty days prior to the exam.

(3) Applicants shall request that the college of naturopathic

medicine send official transcripts directly to the ((department)) board.

(4) Applicants who have filed the required applications, whose official transcript has been received by the ((department)) board, and who meet all qualifications shall be notified of their eligibility, and only such applicants will be admitted to the exam.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-836-030 Licensure examination. (1) The licensure examination shall consist of the following components and tests:

(a) Basic science component which may include but not be limited to tests in the following subjects: Pathology, anatomy, physiology, microbiology and biochemistry.

(b) Clinical science component which may include but not be limited to tests in the following subjects: Physical diagnosis; nutrition; physical medicine; botanical medicines and toxicology; psychological and lifestyle counseling; emergency medicine, basic skills and public health; lab and X-ray diagnosis.

(c) Law of the state and administrative regulations as they relate to the practice of naturopathic medicine.

(d) The ((department)) board, at its discretion, may require tests in other subjects. Candidates will receive information concerning additional tests prior to the examination.

(2) Candidates may take the basic science component of the exam after two years of training. A candidate who has achieved a passing score on the basic science component after two years of training must achieve a passing score on the clinical science component and the state law test within twenty-seven months after graduation; otherwise, the candidate's basic science component exam results will be null and void and the candidate must again take the basic science component of the exam. All exam candidates are required to obtain a passing score on all tests before a license is issued. A candidate who takes the basic science component of the exam after two years of training must submit an application for reexamination, along with reexamination fees, to take the clinical science component and the state law test at a later exam administration.

(3) Examinations shall be conducted twice a year.

(4) The minimum passing score for each test in the examination is seventy-five.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-836-050 Reexaminations. (1) A candidate wishing to retake the examination or any portion thereof must file with the ((department)) board the required reexamination fees and an application to retake the examination at least sixty days before the administration of the exam.

(2) A candidate must retake the entire basic science component if he or she failed to achieve a passing score in three or more basic science tests. A candidate must retake the entire clinical science component if he or she failed to achieve a passing score in four or more clinical science tests. A candidate must retake any test(s) for which the candidate failed to achieve a passing score.

(3) A candidate who failed to achieve a passing score in three or more basic science tests and/or four or more clinical science tests must achieve a passing score on those tests within the next two administrations of the examination. A candidate who does not achieve a passing score within those next two administrations of the exam will be required to retake the entire component.

(4) A candidate must achieve passing scores on all tests in the entire exam within a twenty-seven month period; otherwise the candidate's exam results are null and void and the candidate must retake the entire exam. Provided: WAC 246-836-030(2) shall apply to a candidate who took the basic science component of the exam after two years in training.

(5) A candidate is required to pay a reexamination fee to retake the exam or any portion thereof.

(6) A candidate who took the basic science component of the exam after two years of training must submit an application for reexamination, along with reexamination fees, to take the clinical science component and the state law test at a later exam administration.

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-836-080 Continuing competency program. (1) Licensed naturopathic physicians must demonstrate completion of ((20)) twenty hours of continuing education as provided in chapter 246-12 WAC, Part 7. Only courses in diagnosis and therapeutics as listed in RCW 18.36A.040 shall be eligible for credit.

(2) In emergency situations, such as personal or family illness, the ((department)) board may in its discretion, for good cause shown, waive all or part of the continuing education requirement for a particular one year period for an individual licensee. The ((department)) board may require such verification of the emergency as is necessary to prove its existence.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-836-100 Applicants educated and/or licensed in another country. (1) Applicants for licensure educated in a country outside the United States or its territories shall meet the following requirements for licensure.

(a) Satisfactory completion of a basic naturopathic medical program in a naturopathic school or college officially approved by the country where the school is located.

(i) The naturopathic education program at the time of graduation shall be equivalent to or exceed the minimum required standards for Washington state approved colleges of naturopathic medicine.

(ii) Any deficiencies in the naturopathic medical program shall be satisfactorily completed in a Washington state approved college of naturopathic medicine.

(b) Applicants licensed under the laws of a country outside of the United States or its territories shall be required to take the current licensing examinations noted in WAC 246-836-030: Provided, That those persons meeting the requirements of WAC 246-836-110, (Licensing by endorsement), are exempt from this requirement.

(c) All other requirements of chapter 18.36A RCW and this chapter must be met, including the requirement that the applicant be of good moral character; not have engaged in unprofessional conduct; and not be unable to practice with reasonable skill and safety as a result of a physical or mental impairment.

(2) Applicants for examination shall:

(a) File with the ((department)) board a completed notarized license application with the required fee at least sixty days prior to examination.

(b) Request the college of naturopathic medicine to submit an official transcript directly to the ((department)) board.

(c) Request the licensing agency in the country of original license to submit evidence of licensure to the ((department)) board.

(d) If the applicant's original documents (education and licensing) are on file in another state, the applicant may request that the other state send to the ((department)) board notarized copies in lieu of the originals.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-836-110 Licensing by endorsement. A license to practice as a naturopathic physician in the state of Washington may be issued without examination at the discretion of the ((secretary)) board provided the applicant meets all of the following requirements:

(1) The candidate has graduated from and holds a degree/diploma from a college of naturopathic medicine approved by the state or jurisdiction where the school is located and which prepares candidates for licensure as a naturopathic physician: Provided, That such program at the time of the candidate's graduation is equivalent to or exceeds the minimum naturopathic medical educational standards required for Washington state approved schools;

(2) The candidate holds a current valid license in good standing to practice as a naturopathic physician in another state or jurisdiction. Official written verification of such licensure status must be received by the ((department)) board from the other state or jurisdiction;

(3) The candidate has completed and filed with the ((department)) board a notarized application for licensure by endorsement, a true and correct copy of the current valid license, and the required application fee;

(4) The candidate has successfully passed a naturopathic physician licensure examination in another state or jurisdiction. Written official verification of successful completion of the licensure examination and of licensure in good standing must be requested of the state or jurisdiction by the candidate and must be received by the ((department)) board directly from the state or jurisdiction;

(5) The candidate must meet all other requirements of chapter 18.36A RCW and this chapter, including the requirement that the applicant be of good moral character; not have engaged in unprofessional conduct; and not be unable to practice with reasonable skill and safety as a result of a physical or mental impairment; and

(6) The state or jurisdiction in which the candidate is currently licensed grants similar privilege of licensure without examination to candidates who are licensed in Washington as naturopathic physicians.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-836-130 Approval of colleges of naturopathic medicine. (1) For the purposes of this chapter, "college" means a

college, university, educational institution, or educational program.

(2) The minimum educational requirement for licensure to practice naturopathic medicine in Washington is graduation from a naturopathic college approved by the ~~((secretary))~~ board which teaches adequate courses in all subjects necessary to the practice of naturopathic medicine.

~~((+2))~~ (3) These rules provide the standards and procedures by which naturopathic colleges may obtain approval by the ~~((secretary))~~ board in order that graduates of those schools may be permitted to take examinations for license.

(4) The board determines the accreditation standards adopted June 2009 by the Council on Naturopathic Medical Education (CNME) to be substantially equivalent to the requirements of RCW 18.36A.100 and this chapter. Any naturopathic college holding current CNME accreditation shall be deemed to have met all requirements for approval.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-836-140 Provisional approval of colleges of naturopathic medicine. Provisional approval is ~~((the initial))~~ approval given to ~~((a previously))~~ an unapproved program while the program is undergoing the process of gaining full program approval. The ~~((secretary))~~ board may grant provisional approval to a naturopathic college which has been in continuous operation for at least one year. Provisional approval may be granted for a period not to exceed two and one-half years and may not be renewed or extended. Provisional approval shall neither imply nor assure eventual full approval.

(1) In order to obtain provisional approval, a naturopathic college must demonstrate compliance with, or adequate planning and resources to achieve compliance with, the standards contained in this chapter and ~~((chapter 18.36A))~~ RCW 18.36A.100.

(2) The procedures for application, examination, review and revocation of provisional approval shall be the same as those specified for full approval in this chapter.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-836-150 Full approval of colleges of naturopathic medicine. (1) Full approval of a college of naturopathic medicine

is the approval given a program that meets the requirements of ((chapter 18.36A)) RCW 18.36A.100 and this chapter.

(a) Colleges of naturopathic medicine seeking full approval shall apply to the ((secretary)) board on a form and in a manner prescribed by the ((secretary)) board.

(b) Those naturopathic colleges holding current accreditation by the CNME need only reference their current CNME accreditation, which will be verified by the board; however, such colleges shall be subject to all other provisions of this chapter.

(2) The ((secretary)) board may grant full approval to naturopathic colleges which have demonstrated compliance with the standards contained in this chapter and ((chapter 18.36A)) RCW 18.36A.100.

(3) To be eligible for full approval a naturopathic college must have been in continuous operation for a period of at least three years.

(4) After approval by the ((secretary)) board, periodic reports may be required. Failure to conform to or maintain established standards may result in loss of approval. No naturopathic college shall receive full approval for a period longer than five years. Prior to the expiration of the period of approval, the college must apply to the ((secretary)) board for renewal of approval using the same criteria required under subsection (1) of this section. The responsibility for renewal rests solely with the naturopathic college. The ((secretary)) board shall review the application and make a final decision of approval or disapproval in not more than one hundred twenty days.

(5) If a naturopathic college fails to maintain the required standards or fails to report significant institutional changes, including changes in location, within ninety days of the change, the ((secretary)) board may revoke or suspend approval. The ((secretary)) board may contact a naturopathic college at any time, either through an evaluation committee or representative, to audit, inspect or gather information concerning the ((operating of the school or college)) college's compliance with the required standards.

(6) After suspension of approval of a naturopathic college, the ((secretary)) board may reinstate approval upon receipt of satisfactory evidence that the college meets the standards of chapter 18.36A RCW and this chapter.

(7) After revocation of approval of a naturopathic college, a college may seek provisional approval, if otherwise qualified.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-836-160 Unapproved college of naturopathic medicine.

(1) An "unapproved college of naturopathic medicine" is a program that has been removed from the ((secretary's)) board's list of

approved colleges of naturopathic medicine for failure to meet the requirements of (~~chapter 18.36A~~) RCW 18.36A.100 and/or this chapter, or a program that has never been approved by the (~~secretary~~) board.

(2) A naturopathic college may be removed from the board's list of approved colleges when they no longer hold current accreditation through the CNME. Any college failing to maintain CNME accreditation is required to apply for approval to the board in accordance with the requirements in WAC 246-836-150.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-836-170 Appeal of (~~secretary's~~) board's decisions.

A college of naturopathic medicine (~~deeming itself aggrieved by a decision of~~) removed from the (~~secretary affecting its approval status~~) board's approved list may appeal that decision in writing within thirty calendar days of the decision. If the board denies the appeal, the college shall have the right to appeal the (~~secretary's decision~~) board's denial in accordance with the provisions of the Administrative Procedure Act, (~~chapter 34.05 RCW~~) brief adjudicative proceedings, RCW 34.05.482 through 34.05.494.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-836-180 Standards for approval of colleges of naturopathic medicine. The following standards shall be used by the (~~secretary~~) board in considering a naturopathic college's application for approval:

(1) Objectives. The objectives of the (~~institution~~) college shall be clearly stated and address the preparation for the naturopathic physician to provide patient care. The implementation of the objectives should be apparent in the administration of the (~~institution~~) college, individual course objectives, and in the total program leading to graduation.

(2) Organization.

(a) For independent naturopathic colleges, the institution shall be incorporated under the laws of the state of its residence as an education corporation. Control shall be vested in a board of directors composed of naturopathic physicians and others. No less than one-third plus one of the directors shall be naturopathic physicians. Under no circumstances shall more than one-third of

the directors have administrative or instructional positions in the college. The directors must demonstrate (~~collective responsibility in~~) their knowledge of (~~and~~) the objectives of the college through policy decisions (~~consistent with, the objectives of the college;~~), support of college programs and active participation in college governance (~~;~~), and selection and oversight of the chief administrative officer.

(b) For naturopathic colleges governed by a multidiscipline university, the institution shall be incorporated under the laws of the state of its residence as an education corporation and control vested in a governing board of directors or trustees composed of qualified members with diverse professional backgrounds. At least one of the directors shall be a naturopathic physician. Under no circumstances shall more than one-third of the directors have administrative or instructional positions in the institute. The institute shall have an established means by which the college can formally, regularly, and effectively communicate to the governing body its needs for resources and provide input on relevant institutional and programmatic issues.

(3) Administration. The education and experience of directors, administrators, supervisors, and instructors should be sufficient to ensure that the student will receive educational services consistent with institutional objectives. The administration of the (~~institution~~) college shall be such that the lines of authority are clearly drawn. The (~~institution~~) college shall present with its application a catalog and a brief, narrative explanation of how the administration of the (~~institution~~) college is, or is to be, organized and how the administrative responsibility for each of the following is, or is to be, managed:

- (a) Faculty and staff recruitment;
- (b) Personnel records management;
- (c) Faculty pay scale and policies;
- (d) Standards and practices relating to evaluation, improvement of instruction, promotion, retention and tenure;
- (e) Admissions policies including procedures used to solicit students;
- (f) Development and administration of policies governing rejection and retention of students, job placement, and student counseling and advising services;
- (g) Curriculum requirements;
- (h) Tuition and fee policies; and
- (i) Financial management policies.

(4) Financial condition. The (~~institution~~) college shall demonstrate its financial stability by submitting certified audits once every three years and, reports, or other appropriate evidence annually.

(5) Records. The (~~institution~~) college shall maintain (~~an adequately~~) a detailed system of records for each student beginning with application credentials through the entire period of attendance. The records, including matriculation, attendance, grades, disciplinary action, and financial accounts, shall be the permanent property of the (~~institution~~) college, to be

safeguarded from all hazards and not to be loaned or destroyed.

(6) Educational credentials.

(a) Upon satisfactory completion of the educational program, the student shall receive a degree from the ((~~institution~~)) college indicating that the course of study has been satisfactorily completed by the student.

(b) In addition, for each student who graduates or withdraws, the ((~~institution~~)) college shall prepare, permanently file, and make available a transcript which specifies all courses completed. Each course entry shall include a title, the number of credits awarded, and a grade. The transcript shall separately identify all credits awarded by transfer or by examination.

(c) Upon request, all student records and transcripts shall be made available to the ((~~secretary~~)) board.

(7) Catalog. The ((~~institution~~)) college shall publish a current catalog at least every two years containing the following information:

(a) Name, mailing address, and physical address of the school;

(b) Date of publication;

(c) Admission requirements and procedures;

(d) A statement of tuition and other fees or charges for which a student is responsible and a statement on refund policies;

(e) A school calendar designating the beginning and ending dates of each term, vacation periods, holidays, and other dates of significance to students;

(f) Objectives of the ((~~institution~~)) college;

(g) A list of trustees (directors), administrative officers and faculty members including titles and academic qualifications;

(h) A statement of policy about standards of progress required of students, including the grading system, minimum satisfactory grades, conditions for interruption for unsatisfactory progress, probation, and reentry, if any;

(i) A description of each course indicating the number of hours and course content, and its place in the total program;

(j) A description of facilities and major equipment, including library, laboratory and clinical training facilities;

(k) Statements on the nature and availability of student financial assistance, counseling, housing, and placement services, if any;

(l) A statement indicating whether the ((~~school~~)) college is recognized by other agencies or associations for the licensing or certification of naturopathic physicians; and

(m) Any other material facts concerning the ((~~institution~~)) college which are reasonably likely to affect the decision of the potential student.

(8) Admission policies and procedures. The ((~~institution~~)) college shall not deny admission to a prospective student because of ((~~sex~~)) gender, race, color, religion, physical handicap and/or ethnic origin.

(9) Attendance. The ((~~institution~~)) college shall have a written attendance policy ((~~relative to attendance~~)).

(10) Curriculum. The curriculum of the ((~~institution~~)) college shall be designed and presented to meet or exceed the

requirements of this chapter. Each student shall complete a minimum of three thousand hours instruction, which shall include no less than two hundred post-graduate hours in the study of mechanotherapy. (~~(A)~~) Minimum (~~(total)~~) clinical training shall be one thousand one hundred hours, of which no less than eight hundred hours shall be training with student actively involved in diagnosis and treatment in accordance with RCW 18.36A.050(3). The remainder, if any, may be preceptorships overseen by the college. The clinical training shall be in naturopathic procedures. The following standards are intended not as an exact description of a college's curriculum, but rather as (~~(guidelines)~~) a guide for the typical acceptable program. It is expected that the actual program taught by each naturopathic college will be prepared by the academic departments of the college to meet the needs of their students and will exceed the outline present here. The (~~(secretary's)~~) board's policy is to preserve the autonomy and uniqueness of each naturopathic college, and to encourage innovative and experimental programs to enhance the quality of education in colleges of naturopathic medicine.

- (a) Basic science
 - Anatomy (includes histology and embryology)
 - Physiology
 - Pathology
 - Biochemistry
 - Public health (includes public health, genetics, microbiology, immunology)
 - Naturopathic philosophy
 - Pharmacology
- (b) Clinical sciences
 - (i) Diagnostic courses
 - Physical diagnosis
 - Clinical diagnosis
 - Laboratory diagnosis
 - Radiological diagnosis
 - (ii) Therapeutic courses
 - Materia medica (botanical medicine)
 - Homeopathy
 - Nutrition
 - Physical medicine
 - (includes mechanical and manual manipulation, hydrotherapy, and electrotherapy)
 - Psychological medicine
 - (iii) Specialty courses
 - Organ systems (cardiology, dermatology, endocrinology, EENT, gastroenterology)
 - Human development (gynecology, obstetrics, pediatrics, geriatrics)
 - State law and regulations as they relate to the practice of naturopathy
 - Medical emergencies
 - Office procedures
 - (iv) Clinical externship/preceptorship

(11) Academic standards. The (~~(institution)~~) college must regularly evaluate the quality of its instruction and have a

clearly defined set of standards of competence required of its students. Promotion to each successive phase of the program and graduation shall be dependent on mastery of the knowledge and skills presented in the program.

(12) Faculty. Faculty members shall be qualified by training and experience to give effective instruction in the subject(s) taught; advanced degrees in their respective disciplines are expected. The faculty should participate in development and evaluation of curriculum instructional methods and facilities; student discipline, welfare, and counseling; establishment of administrative and educational policies; scholarly and professional growth. Provisions shall be made to allow and encourage faculty involvement in these noninstructional functions, including a plan for peer observation and evaluation among faculty. The ((~~institution~~)) college shall not discriminate on the basis of ((~~sex~~)) gender, race, age, color, religion, physical handicap, or national or ethnic origin in the recruitment and hiring of faculty. The ((~~institution~~)) college shall have stated policies on faculty hiring, compensation, fringe benefits, tenure, retirement, firing, grievance, and appeals procedures. The ((~~institution~~)) college shall submit to the ((~~secretary~~)) board for each faculty member a resume which includes the following information.

- (a) Academic rank or title;
- (b) Degree(s) held, the institution(s) that conferred the degree(s), the date(s) thereof, and whether earned or honorary;
- (c) Other qualifying training or experience;
- (d) Name and course number of each course taught;
- (e) Other noninstructional responsibilities, if any, and the proportion of the faculty member's time devoted to them; and
- (f) The length of time associated with the ((~~institution~~)) college.

(13) Library. The library shall be staffed, equipped, and organized to adequately support the instruction, and research of students and faculty.

(14) Clinical training. The clinical facilities shall be adequate in size, number, and resources to provide all aspects of naturopathic diagnosis and treatment. There shall be properly equipped rooms for consultation, physical examination and therapy, and a pharmacy, a laboratory, and radiological equipment each consistent with the definition of practice in chapter 18.36A RCW as now or hereafter amended. A licensed and adequately experienced naturopathic physician must be in direct supervision of and have final decision in the diagnosis and treatment of patients by students, and must be present in the clinic at all times when the clinic is open.

(15) Physical plant, materials and equipment. The ((~~institution~~)) college shall own or enjoy the full use of buildings and equipment adequate to accommodate the instruction of its students, and administrative and faculty offices. There shall be adequate facilities ((~~of~~)) for the safekeeping of valuable records. The plant and grounds, equipment, and facilities shall be maintained in an efficient, sanitary, and presentable condition. All laws relating to safety ((~~and~~)), sanitation, and other

regulations concerning public buildings shall be observed. There shall be sufficient personnel employed to carry out proper maintenance.

(16) Cancellation and refund policy. The ((~~institution~~)) college shall maintain a fair and equitable policy regarding refund of the unused portion of tuition fees and other charges in the event a student fails to enter the course, or withdraws at any time prior to completion of the course. Such a policy shall be in keeping with generally accepted practices of institutions of higher education.

(17) Other information. The applicant ((~~institution~~)) college shall provide any other information about the ((~~institution~~)) college and its programs as required by the ((~~secretary~~)) board.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-836-200 Site review procedures for approval of college of naturopathic medicine. (1) The ((~~secretary~~)) board may send a representative or an examining or evaluation committee to inspect any ((~~institution~~)) college requesting approval or reapproval as a college of naturopathic medicine.

(2) Such inspections may be at any reasonable time during the normal operating hours of the ((~~institution~~)) college. The report of the representative or committee and the ((~~institution's~~)) college's response shall be submitted as part of the documentation necessary for the ((~~secretary's~~)) board's action on the ((~~institution's~~)) college's application for approval.

(3) Expenses incurred for the site review shall be the responsibility of the ((~~program~~)) college requesting approval.

AMENDATORY SECTION (Amending WSR 07-20-101, filed 10/2/07, effective 11/2/07)

WAC 246-836-210 Authority to use, prescribe, dispense and order. (1) Naturopathic medical practice includes the prescription, administration, dispensing, and use of:

(a) Nutrition and food science, physical modalities, minor office procedures, homeopathy, hygiene, and immunizations/vaccinations;

(b) ((~~Nondrug~~)) Contraceptive devices;

(c) Nonlegend medicines including vitamins, minerals, botanical medicines, homeopathic medicines, and hormones;

(d) Legend drugs as defined under RCW 69.41.010 with the

exception of Botulinum Toxin (commonly known as, among other names, Botox, Vistabel, Dysport, or Neurobloc) and inert substances used for cosmetic purposes; and

(e) Codeine and testosterone products that are contained within Schedules III, IV, and V in chapters 69.50 RCW and 246-887 WAC.

(2) In accordance with RCW 69.41.010(13), all prescriptions must be hand-printed, typewritten, or generated electronically.

(3) Prior to being allowed to administer, prescribe, dispense, or order controlled substances, a naturopathic physician must meet the requirements in WAC 246-836-211 and have obtained the appropriate registration issued by the Federal Drug Enforcement Administration.

(4) Naturopathic physicians may not treat malignancies except in collaboration with a practitioner licensed under chapter 18.57 or 18.71 RCW.

AMENDATORY SECTION (Amending WSR 07-20-101, filed 10/2/07, effective 11/2/07)

WAC 246-836-211 Authorization regarding controlled substances. (1) Upon approval by the (~~department~~) board, naturopathic physicians may obtain a current Federal Drug Enforcement Administration registration. The (~~department~~) board may approve naturopathic physicians who have:

(a) Provided documentation of a current Federal Drug Enforcement Administration registration from another state; or

(b) Submitted an attestation of at least four hours of instruction. Instruction must be part of a graduate level course from a school approved under chapter 18.36A, 18.71, 18.57, or 18.79 RCW. Instruction must include the following:

(i) Principles of medication selection;

(ii) Patient selection and therapeutics education;

(iii) Problem identification and assessment;

(iv) Knowledge of interactions, if any;

(v) Evaluation of outcome;

(vi) Recognition and management of complications and untoward reactions; and

(vii) Education in pain management and drug seeking behaviors.

(2) The naturopathic physician must retain training documentation at least five years from attestation date.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-836-330 Mandatory reporting. (1) All reports required by this chapter shall be submitted to the ((department)) board as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the naturopath being reported.

(c) The case number of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the ((department)) board pursuant to RCW 18.130.070.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-836-340 Health care institutions. The chief administrator or executive officer or their designee of any hospital or nursing home shall report to the ((department)) board when any naturopath's services are terminated or are restricted based on a determination that the naturopath has either committed an act or acts which may constitute unprofessional conduct or that the naturopath may be unable to practice with reasonable skill or safety to clients by reason of any mental or physical condition.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-836-350 Naturopathic associations or societies. The president or chief executive officer of any naturopathic association or society within this state shall report to the ((department)) board when the association or society determines that a naturopath has committed unprofessional conduct or that a naturopath may not be able to practice naturopathy with reasonable skill and safety to patients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the license holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-836-360 Health care service contractors and disability insurance carriers. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the ((department)) board all final determinations that a naturopath has engaged in fraud in billing for services.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-836-370 Professional liability carriers. Every institution or organization providing professional liability insurance directly or indirectly to naturopaths shall send a complete report to the ((department)) board of any malpractice settlement, award, or payment in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured naturopath's incompetency or negligence in the practice of naturopathy. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the naturopath's alleged incompetence or negligence in the practice of naturopathy.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-836-380 Courts. The ((department)) board requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of licensed naturopaths, other than minor traffic violations.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-836-390 State and federal agencies. The ((department)) board requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a naturopath is employed to provide patient care services, to report to the ((department)) board whenever such a naturopath has been judged to have demonstrated his/her incompetency or negligence in the practice of naturopathy, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled naturopath. These requirements do not supersede any federal or state law.

NEW SECTION

WAC 246-836-500 Sexual misconduct--Definitions. (1) "Health care information" means any information, whether oral or recorded in any form or medium that identifies or can readily be associated with the identity of, and relates to the health care of, a patient or client.

(2) "Key party" means immediate family members and others who would be reasonably expected to play a significant role in the health care decisions of the patient or client and includes, but is not limited to, the spouse, domestic partner, sibling, parent, child, guardian, and person authorized to make health care decisions of the patient or client.

(3) "Legitimate health care purpose" means activities for examination, diagnosis, treatment, and personal care of patients or clients, including palliative care, as consistent with community standards of practice for the naturopathic profession. The activity must be within the scope of practice of naturopathic medicine.

(4) "Patient" or "client" means an individual who receives health care from a naturopathic physician.

NEW SECTION

WAC 246-836-510 Sexual misconduct. (1) A naturopathic physician shall not engage, or attempt to engage, in sexual misconduct with a current patient, client, or key party, inside or outside the health care setting. Sexual misconduct shall constitute grounds for disciplinary action. Sexual misconduct includes, but is not limited to:

- (a) Sexual intercourse;
- (b) Touching the breasts, genitals, anus, or any sexualized body part except as consistent with accepted community standards of practice for examination, diagnosis, and treatment and within the naturopathic physician's scope of practice;
- (c) Rubbing against a patient or client or key party for sexual gratification;
- (d) Kissing;
- (e) Hugging, touching, fondling, or caressing of a romantic or sexual nature;
- (f) Examination of or touching genitals without using gloves;
- (g) Not allowing a patient or client privacy to dress or undress except as may be necessary in emergencies or custodial situations;
- (h) Not providing the patient or client a gown or draping except as may be necessary in emergencies;
- (i) Dressing or undressing in the presence of the patient, client, or key party;
- (j) Removing patient or client's clothing or gown or draping without consent, emergent medical necessity, or being in a custodial setting;
- (k) Encouraging masturbation or other sex act in the presence of the naturopathic physician;
- (l) Masturbation or other sex act by the naturopathic physician in the presence of the patient, client, or key party;
- (m) Suggesting or discussing the possibility of a dating, sexual, or romantic relationship after the professional relationship ends;
- (n) Terminating a professional relationship for the purpose of dating or pursuing a romantic or sexual relationship;
- (o) Soliciting a date with a patient, client, or key party;
- (p) Discussing the sexual history, preferences, or fantasies of the naturopathic physician;
- (q) Any behavior, gestures, or expressions that may reasonably be interpreted as seductive or sexual;
- (r) Making statements regarding the patient, client, or key party's body, appearance, sexual history, or sexual orientation other than for legitimate health care purposes;
- (s) Sexually demeaning behavior including any verbal or physical contact which may reasonably be interpreted as demeaning, humiliating, embarrassing, threatening, or harming a patient, client, or key party;
- (t) Photographing or filming the body or any body part or pose of a patient, client, or key party, other than for legitimate health care purposes; and

(u) Showing a patient, client, or key party sexually explicit photographs, other than for legitimate health care purposes.

(2) A naturopathic physician shall not:

(a) Offer to provide health care services in exchange for sexual favors;

(b) Use health care information to contact the patient, client, or key party for the purpose of engaging in sexual misconduct; or

(c) Use health care information or access to health care information to meet or attempt to meet the naturopathic physician's sexual needs.

(3) A naturopathic physician shall not engage, or attempt to engage, in activities listed in subsection (1) of this section with a former patient, client, or key party within two years after the provider-patient/client relationship ends.

(4) After the two-year period of time described in subsection (3) of this section, a naturopathic physician shall not engage, or attempt to engage, in the activities listed in subsection (1) of this section if:

(a) There is a significant likelihood that the patient, client, or key party will seek or require additional services from the naturopathic physician; or

(b) There is an imbalance of power, influence, opportunity, and/or special knowledge of the professional relationship.

(5) When evaluating whether a naturopathic physician is prohibited from engaging, or attempting to engage, in sexual misconduct, the board will consider factors including, but not limited to:

(a) Documentation of a formal termination and the circumstances of termination of the provider-patient relationship;

(b) Transfer of care to another health care provider;

(c) Duration of the provider-patient relationship;

(d) Amount of time that has passed since the last health care services to the patient or client;

(e) Communication between the naturopathic physician and the patient or client between the last health care services rendered and commencement of the personal relationship;

(f) Extent to which the patient's or client's personal or private information was shared with the naturopathic physician;

(g) Nature of the patient or client's health condition during and since the professional relationship;

(h) The patient or client's emotional dependence and vulnerability; and

(i) Normal revisit cycle for the profession and service.

(6) Patient, client, or key party initiation or consent does not excuse or negate the naturopathic physician's responsibility.

(7) These rules do not prohibit:

(a) Providing health care services in case of emergency where the services cannot or will not be provided by another health care provider;

(b) Contact that is necessary for a legitimate health care purpose and that meets the standard of care appropriate to naturopathic medicine; or

(c) Providing health care services for a legitimate health care purpose to a person who is in a preexisting, established personal relationship with the naturopathic physician where there is no evidence of, or potential for, exploiting the patient or client.

NEW SECTION

WAC 246-836-600 How to obtain a temporary practice permit while the national background check is completed. Fingerprint-based national background checks may cause a delay in licensing. Individuals who satisfy all other licensing requirements and qualifications may receive a temporary practice permit while the national background check is completed.

(1) A temporary practice permit may be issued to an applicant who:

(a) Holds an unrestricted, active license as a naturopathic physician in another state that has substantially equivalent licensing standards to those in Washington state;

(b) Is not subject to denial of a license or issuance of a conditional or restricted license; and

(c) Does not have a criminal record in Washington state.

(2) A temporary practice permit grants the individual the full scope of practice under this chapter.

(3) A temporary practice permit will not be renewed, reissued, or extended. A temporary practice permit expires when any one of the following occurs:

(a) The license is granted;

(b) A notice of decision on application is mailed to the applicant, unless the notice of decision on application specifically extends the duration of the temporary practice permit; or

(c) One hundred eighty days after the temporary practice permit is issued.

(4) To receive a temporary practice permit, the applicant must:

(a) Submit the necessary application, fee(s), and documentation for the license;

(b) Meet all requirements and qualifications for the license, except for the results from a fingerprint-based national background check, if required;

(c) Provide verification of having an active unrestricted license as a naturopathic physician from another state that has substantially equivalent licensing standards as Washington state; and

(d) Submit the fingerprint card and a written request for a temporary practice permit when the department notifies the applicant the national background check is required.

AMENDATORY SECTION (Amending WSR 08-15-014, filed 7/7/08, effective 7/7/08)

WAC 246-836-990 Naturopathic physician licensing fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. (~~(The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.)~~)

(2) The following nonrefundable fees will be charged:

Title of Fee	Amount
Application initial/retake	\$100.00
State examination (initial/retake)	100.00
Initial license	100.00
License renewal	325.00
Late renewal penalty	62.50
Expired license reissuance	62.50
Duplicate license	15.00
Certification of license	15.00
UW library access fee	<u>*25.00</u>

* The \$25 access fee for the University of Washington HEAL-WA library web site, required under RCW 43.70.110, is assessed with the initial application fee and the license renewal fee.