



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(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 13-22-060 ; or
- Expedited Rule Making--Proposed notice was filed as WSR ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

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

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

WAC 246-836-020 through 246-836-040 and WAC 246-836-110 through 246-836-120. Amending sections regarding naturopathic physician licensure examinations, and repealing WAC 246-836-050.

**Hearing location(s):** Department of Health  
Creekside Two at CenterPoint  
Suite 310, Room 307  
20425 72nd Avenue South  
Kent, WA 98032

Date: February 27, 2015

Time: 9:00 am

**Submit written comments to:**

Name: Susan Gragg, Program Manager  
Address: Department of Health  
PO Box 47852  
Olympia, WA 98504-7852  
e-mail: <http://www3.doh.wa.gov/policyreview/>  
fax 360-236-2901 by (date) 02/26/2015

**Assistance for persons with disabilities:** Contact

Susan Gragg by 02/20/2015

TTY (800) 833-6388 or () 711

**Date of intended adoption:** 02/27/2015

(Note: This is **NOT** the **effective** date)

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

The Board of Naturopathy (board) is proposing amendments to rules pertaining to acceptable naturopathic physician licensure examinations. The proposed amendments designate the Naturopathic Physician Licensure Examination (NPLEX) as the current, recognized national examination and make Washington State consistent with national standards. The proposal also identifies acceptable previous versions of the NPLEX. In addition, the proposal specifies which pre-NPLEX examinations (other state examinations) qualify an individual for licensure. The proposed rules also clarify the naturopathic physician jurisprudence examination requirement.

**Reasons supporting proposal:**

The naturopath profession was recognized in law in 1987, and the Department of Health was directed to create a state licensure examination. In 1988 various state regulatory agencies sponsored the development of the NPLEX examination. In 1990, the North American Board of Naturopathic Examiners, an independent organization, was established to administer the NPLEX examination. Since then, there have been no state-specific examinations. For these reasons, the board determined it is necessary to amend and update the rules regarding acceptable examinations.

**Statutory authority for adoption:**

RCW 18.36A.110, 18.36A.150, and 18.36A.160

**Statute being implemented:**

RCW 18.36A.110

**Is rule necessary because of a:**

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

**DATE** 01/08/2015

**NAME** (type or print)

Chris Humberson, R.Ph.

**SIGNATURE**

**TITLE**

Executive Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** January 08, 2015

**TIME:** 11:02 AM

**WSR 15-03-012**

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

None.

**Name of proponent:** (person or organization) Board of Naturopathy

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Susan Gragg, Program Manager	111 Israel Road SE, Tumwater, WA 98501	360-236-4941
Implementation.... Susan Gragg, Program Manager	111 Israel Road SE, Tumwater, WA 98501	360-236-4941
Enforcement..... Susan Gragg, Program Manager	111 Israel Road SE, Tumwater, WA 98501	360-236-4941

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

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, Program Manager

Address: Department of Health

Board of Naturopathy

PO Box 47852

Olympia, WA 98504-7852

phone 360-236-4941

fax 360-236-2901

e-mail [susan.gragg@doh.wa.gov](mailto:susan.gragg@doh.wa.gov)

No: Please explain:

AMENDATORY SECTION (Amending WSR 12-13-104, filed 6/20/12, effective 7/21/12)

**WAC 246-836-020 ((Eligibility)) Requirements for licensure ((examination)).** ~~((1) Graduates holding a degree/diploma from a college of naturopathic medicine approved by 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 board a completed application, with the required fee, at least sixty days prior to the exam.~~

~~(3) Applicants shall request that the college of naturopathic medicine send official transcripts directly to the board.~~

~~(4) Applicants who have filed the required applications, whose official transcript has been received by the board, and who meet all qualifications shall be notified of their eligibility, and only such applicants will be admitted to the exam.)~~ Individuals seeking a license to practice as a naturopathic physician must provide the following:

(1) A completed application, with all required fees;

(2) Official transcripts sent directly from a college of naturopathic medicine approved by the board, demonstrating that the applicant has graduated as a naturopathic physician;

(3) Verification of successful passage of the national examination approved by the board under WAC 246-836-030 sent directly from the examination entity;

(4) Successful passage of the jurisprudence examination provided by the board;

(5) A federal background check application, if required, including fingerprint cards and fee per RCW 18.130.064 (2)(b); and

(6) Any other documentation, materials, or information as determined by the board or its designee.

AMENDATORY SECTION (Amending WSR 12-13-104, filed 6/20/12, effective 7/21/12)

**WAC 246-836-030 Licensure examinations accepted by the board.**

(1) ~~((The))~~ Applicants for licensure as a naturopathic physician must pass the Naturopathic Physicians Licensing Examination (NPLEX) administered by the North American Board of Naturopathic Examiners (NABNE). The NPLEX licensure examination ((shall)) consists 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 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 integrated NPLEX Part I biomedical science examination, first administered in August 2009;~~

~~(b) The integrated NPLEX Part II clinical science examination, first administered in August 2007; and~~

~~(c) The NPLEX Part II clinical elective add-on minor surgery examination.~~

~~(2) The acceptable scores for the integrated examinations identified in subsection (1) of this section are those passing scores reported by NABNE.~~

~~(3) For NPLEX examinations administered prior to the integrated examinations identified in subsection (1) of this section, the board accepts a minimum passing score of seventy-five for each component and test in:~~

~~(a) NPLEX Part I;~~

~~(b) NPLEX Part II;~~

~~(c) NPLEX clinical elective add-on minor surgery examination; and~~

~~(d) NPLEX clinical elective add-on homeopathy examination.~~

~~(4) The board will consider passing scores under the compensatory model as reported by NABNE on a case-by-case basis. The minimum passing score for each component and test in the examination is seventy-five.~~

~~(5) Appeals of NPLEX failing scores must be made directly to NABNE.~~

AMENDATORY SECTION (Amending WSR 91-02-049, filed 12/27/90, effective 1/31/91)

**WAC 246-836-040 ((Release of)) Jurisprudence examinations ((results)).** ~~((1) Candidates shall be notified of examination results by mail only.~~

~~(2) Candidates who successfully complete all components and tests of the examination shall receive a license to practice as a naturopathic physician provided all other requirements are met.~~

~~(3) Candidates who fail any test in the examination shall be so notified and shall be sent an application to retake the examination.~~

~~(4) A candidate's examination scores shall be released only to the candidate unless the candidate has requested, in writing, that the~~

~~examination scores also be released to a specific school, individual, or entity.))~~ (1) Individuals taking the jurisprudence examination provided by the board must pay the appropriate fee when submitting it for scoring.

(2) The minimum passing score for the jurisprudence examination is seventy-five.

(3) Individuals who fail the jurisprudence examination may retake the examination provided they submit an additional fee.

(4) An individual's jurisprudence examination score is released only to the individual unless a written request is submitted that authorizes release to a specific third party.

AMENDATORY SECTION (Amending WSR 12-13-104, filed 6/20/12, effective 7/21/12)

**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 board provided the applicant meets all of the ~~((following))~~ requirements in WAC 246-836-020 except for the national examination requirement in subsection (3) of that section. The individual must:

~~(1) ((The candidate has))~~ Have 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))~~ board;

~~(2) ((The candidate holds))~~ Hold 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 board))~~ directly from the other state or jurisdiction;

~~(3) ((The candidate has completed and filed with the 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))~~ Have successfully passed a naturopathic ~~((physician))~~ licensure examination in another state or jurisdiction prior to 1990 when the Naturopathic Physician Licensing Examination (NPLEX) became fully available. 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 board))~~ directly from the state or jurisdiction; ~~((+5) The candidate must))~~ and

(4) Meet all other requirements of chapter 18.36A RCW and this chapter, including the requirement that the applicant be of good moral character; has not ~~((have))~~ engaged in unprofessional conduct; and ~~((not be unable))~~ is able 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 WSR 92-02-018, filed 12/23/91, effective 1/23/92)

**WAC 246-836-120 Reciprocity or waiver of examination requirements.** Reciprocity or waiver of examination requirements may be granted for certain examinations administered by ~~((other states or jurisdictions))~~ the Oregon Board of Naturopathic Medicine in accordance with the reciprocal agreement with that state that was in effect at the time the individual took the examinations. These examinations must ~~((include))~~ have included the clinical and the basic science sections. The minimum passing score ~~((will depend upon the quality of the examination, but))~~ must ~~((be))~~ have been equivalent to or better than the score of seventy-five ~~((which is))~~ as required in WAC 246-836-030. ~~((Reciprocity or waiver shall be in accordance with the reciprocal agreement in place with that state or jurisdiction.))~~ The examinations acceptable in accordance with the Oregon reciprocal agreement are:

(1) Individual basic and clinical examinations from 1927 through 1987 with scores as originally reported;

(2) Individual basic and clinical science examinations given in January 1988 with scores as originally reported;

(3) The basic science examination given in January 1989 with raw scores; and

(4) The Naturopathic Physician Licensure Examinations (NPLEX) for all years prior to 1990 with raw scores as reported by the North American Board of Naturopathic Examiners (NABNE).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-836-050            Reexaminations.