

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-419

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 5, 2004

Codification
District of
Columbia
Official Code

2001 Edition

2004 Fall
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West Group
Publisher

To amend the District of Columbia Health Occupations Revision Act of 1985 to define the practice of naturopathic medicine, to establish the Advisory Committee on Naturopathic Medicine to advise the Board of Medicine on the licensure of naturopathic physicians and regulation of the practice of naturopathic medicine, to establish the requirements for licensure, and to delineate prohibited acts.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Practice of Naturopathic Medicine Licensing Amendment Act of 2004".

Sec. 2. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) The table of contents is amended as follows:

(1) Strike the phrase "Sec. 203. Board of Medicine; Advisory Committees on Acupuncture and Physician Assistants." and insert the phrase "Sec. 203. Board of Medicine; Advisory Committees on Acupuncture, Naturopathic Medicine, and Physician Assistants." in its place.

(2) Add the following after "Sec. 608. Qualifications, certification.":

"TITLE VI-A

"NATUROPATHIC MEDICINE; SCOPE OF PRACTICE; REQUIRED DISCLOSURES.

"Sec. 621. Scope of practice.

"Sec. 622. Required disclosures."

(b) Section 102 (D.C. Official Code § 3-1201.02) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase, "The practice of acupuncture by a nonphysician acupuncturist shall be carried out in general collaboration with a licensed physician or osteopath." and inserting the phrase "A licensed acupuncturist does not need to enter into a collaboration agreement with a licensed physician or osteopath to practice acupuncture." in its place.

(2) A new paragraph (7A) is added to read as follows:

Amend
§ 3-1201.02

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"(7A)(A) "Practice of naturopathic medicine" means a system of health care that utilizes education, natural medicines, and natural therapies to support and stimulate a patient's intrinsic self-healing processes to prevent, diagnose, and treat human conditions and injuries."

"(B) The term "practice of naturopathic medicine" does not include the practices of physical therapy, physical rehabilitation, acupuncture, or chiropractic."

(c) Section 203 (D.C. Official Code § 3-1202.03) is amended as follows:

Amend
§ 3-1201.03

(1) The section heading is amended by striking the word "and" and inserting the phrase ", Naturopathic Medicine, and" in its place.

(2) Subsection (a) is amended as follows:

(A) Paragraph(2) is amended by adding the phrase "the practice of naturopathic medicine with the advice of the Advisory Committee on Naturopathic Medicine" after the phrase "Advisory Committee on Acupuncture".

(B) Paragraph (8) is amended as follows:

(i) Subparagraph (A) is amended by striking the word "and".

(ii) A new subparagraph (B-1) is added to read as follows:

"(B-1) The practice of naturopathic medicine in accordance with guidelines approved by the Advisory Committee on Naturopathic Medicine; and".

(3) A new subsection (c-1) is added to read as follows:

"(c-1)(1) There is established an Advisory Committee on Naturopathic Medicine to consist of 3 members appointed by the Mayor.

"(2) The Advisory Committee on Naturopathic Medicine shall develop and submit to the Board guidelines for the licensing of naturopathic physicians and the regulation of the practice of naturopathic medicine in the District.

"(3) Of the members of the Advisory Committee on Naturopathic Medicine, 1 shall be a licensed physician with experience in naturopathic medicine or in working with naturopathic physicians, 1 shall be a licensed naturopathic physician, and 1 shall be the Director of the Department of Health or his or her designee.

"(4) An individual who is eligible for licensure to practice naturopathic medicine and is currently registered to practice naturopathy in the District may be appointed as the initial naturopathic physician member of the Advisory Committee on Naturopathic Medicine.

"(5) The Advisory Committee on Naturopathic Medicine shall submit initial guidelines to the Board within 180 days of the effective date of the Practice of Naturopathic Medicine Licensing Amendment Act of 2004, passed on 2nd reading on April 6, 2004 (Enrolled version of Bill 15-57), and shall subsequently meet at least annually to review the guidelines and make necessary revisions for submission to the Board."

(4) Subsection (e) is amended as follows:

(A) Strike the word "and Physician" and insert the phrase "Naturopathic Medicine, and Physician" in its place.

(B) Strike the phrase "Commissioner of Public Health or his or her

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designee" and insert the phrase "Commissioner of Public Health or the Director of the Department of Health, or to their designees" in its place.

(5) Subsection (f) is amended to read as follows:

"(f) Upon request by the Board, the Advisory Committees on Acupuncture, Naturopathic Medicine, and Physician Assistants shall review applications for licensure to practice acupuncture or naturopathic medicine, or to practice as a physician assistant, respectively, and shall forward recommendations to the Board for action."

(d) Section 401(b)(2) (D.C. Official Code § 3-1204.01(b)(2)) is amended by striking the phrase "Counseling," and inserting the phrase "Counseling, the naturopathic physician member initially appointed to the Advisory Committee on Naturopathic Medicine," in its place.

Amend § 3-1204.01

(e) Section 501 (D.C. Official Code § 3-1205.01) is amended by striking the phrase "massage therapy," and inserting the phrase "massage therapy, naturopathic medicine," in its place.

Amend § 3-1205.01

(f) Section 504 (D.C. Official Code § 3-1205.04) is amended by adding a new subsection (e-1) to read as follows:

Amend § 3-1205.04

"(e-1)(1) An individual applying for a license to practice naturopathic medicine under this act shall:

"(A) Establish to the satisfaction of the Board of Medicine that the individual has earned a degree of doctor of naturopathic medicine from a college or university which at the time of the awarding of the degree was accredited by or a candidate for accreditation with:

"(i) The Council of Naturopathic Medical Education ("CNME"), so long as the CNME maintains recognition from the United States Department of Education;

"(ii) Any other accrediting agency recognized by the United States Department of Education;

"(B) Have successfully passed the Naturopathic Physicians Licensing Examination ("NPLEX") basic science examination and clinical science examination sections administered by the North American Board of Naturopathic Examiners, or other examination approved by the Board of Medicine or the Mayor; and

"(C) Provide proof of a mailing address demonstrating that the applicant either is a District resident or has an office or location of practice involved in the practice of naturopathic medicine in the District. Post office boxes are not sufficient proof of residency to demonstrate that an applicant either is a District resident or has an office or location of practice in the District for the purposes of this subparagraph.

"(2) The Board of Medicine shall not waive the educational requirements for licensure to practice naturopathic medicine for persons registered to practice naturopathy or naturopathic healing."

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(g) A new Title VI-A is added to read as follows:

"TITLE VI-A

"NATUROPATHIC MEDICINE; SCOPE OF PRACTICE; REQUIRED DISCLOSURES.

"Sec. 621. Scope of practice.

"(a) In connection with the system of health care defined in section 102((7A), an individual licensed to practice naturopathic medicine under this act may:

"(1) Administer or provide for preventive and therapeutic purposes natural medicines by their appropriate route of administration, natural therapies, topical medicines, counseling, hypnotherapy, dietary therapy, naturopathic physical medicine, therapeutic devices, and barrier devices for contraception. For the purposes of this paragraph, the term "naturopathic physical medicine" means the use of the physical agents of air, water, heat, cold, sound, and light, and the physical modalities of electrotherapy, biofeedback, diathermy, ultraviolet light, ultrasound, hydrotherapy, and exercise, and includes naturopathic manipulation and mobilization therapy; and

"(2) Review and interpret the results of diagnostic procedures commonly used by physicians in general practice, including physical and orificial examinations, electrocardiograms, diagnostic imaging techniques, phlebotomy, clinical laboratory tests and examinations, and physiological function tests.

"(b) An individual licensed to practice naturopathic medicine under this act shall not:

"(1) Prescribe, dispense, or administer any controlled substances, except those natural medicines authorized by this act;

"(2) Perform surgical procedures, except for minor office procedures, as defined by rule;

"(3) Use for therapeutic purposes, any device regulated by the United States Food and Drug Administration ("FDA") that has not been approved by the FDA.

"(4) Participate in naturopathic childbirth, unless the naturopathic physician:

"(A) Passes a specialty examination in obstetrics or natural childbirth approved by the Advisory Committee on Naturopathic Medicine, Board of Medicine, or the Mayor, such as the American College of Nurse Midwives Written Examination or an equivalent national examination;

"(B) Has a minimum of 100 hours of course work, internship, or preceptorship in obstetrics of natural childbirth approved by the Advisory Committee on Naturopathic Medicine;

"(C) Files with the Department of Health and maintains a written collaboration agreement with a licensed obstetrician who is qualified to perform obstetrical surgery; and

"(D) Has assisted in a minimum of 50 supervised births, including prenatal and postnatal care, under the direct supervision of a licensed naturopathic, medical, or osteopathic physician with specialty training in obstetrics or natural childbirth, at least 25 of

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which document the naturopathic physician as the primary birth attendant.

"(c) Nothing in this section shall be construed to prohibit the use, practice, or administration of nutritional supplements, iridology, herbs, vitamins, foods, food extracts, homeopathic preparations, natural therapies and remedies, and such physical forces as heat, cold, touch, and light, as permitted by law, by persons not licensed to practice naturopathic medicine under this act.

"(d) An individual licensed to practice naturopathic medicine under this act may use the titles "Doctor of Naturopathic Medicine", "Naturopathic Physician", "Licensed Naturopath", "Naturopathic Doctor", "Doctor of Naturopathy", "Naturopath", or the initials "ND" or an "NMD".

"Sec. 622. Required disclosures.

"Unless also licensed by the Board of Medicine to practice medicine in the District, practitioners of naturopathic medicine shall:

"(1) Provide to the client or patient, before providing services, a written notice in a language the client or patient understands that the practitioner is not licensed to practice medicine; and

"(2) Obtain written acknowledgment from the client or patient that the client or patient has been provided the notice required in paragraph (1) of this section."

(h) Section 901(D.C. Official Code § 3-1209.01) is amended as follows:

(1) Subsection (a) is amended by striking the word "District" and inserting the phrase "District and is not licensed to practice naturopathic medicine in the District" in its place.

(2) A new subsection (a-1) is added to read as follows:

"(a-1)(1) To be eligible to register to practice naturopathy or naturopathic healing, a person shall submit, along with the registration forms required by subsection (a) of this section,:

"(A) A list of the person's credentials, including education, training, experience, and other qualifications, which shall be kept on file at the Department of Health; and

"(B) Proof of a mailing address demonstrating that the person either is a District resident or has an office or location of practice involved in the practice of naturopathy or naturopathic healing in the District.

"(2) Post office boxes are not sufficient proof of residency to demonstrate that a person either is a District resident or has an office or location of practice in the District for the purposes of paragraph (1) of this subsection.

"(3) All persons registered to practice naturopathy or naturopathic healing in the District on the effective date of the Practice of Naturopathic Medicine Licensing Amendment Act of 2004, passed on 2nd reading on April 6, 2004 (Enrolled version of Bill 15-57), may keep their current registrations until they expire, at which time they will be required to submit proof demonstrating that they are either District residents or have offices or locations of practice in the District in order to renew their current registrations."

Amend
§ 3-1209.01

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(3) Subsection (c) is amended to read as follows:

"(c) Unless also licensed by the Board of Medicine to practice medicine or naturopathic medicine in the District, practitioners of naturopathy or naturopathic healing shall:

"(1) Provide to a client or patient, before providing services to the client or patient, a written notice, in a language the client or patient understands, that:

"(A) Contains the following statement:

"This notice is provided you pursuant to District of Columbia law. I am a registered naturopath, but I am not a licensed medical doctor and therefore do not prevent, diagnose, and treat physical and mental diseases or disorders, and cannot safeguard the life and health of any woman and infant through pregnancy and parturition, nor am I a licensed naturopathic physician."; and

"(B) States:

"(i) That it is unlawful for a practitioner of naturopathy or naturopathic healing to perform any of the functions listed in subsection (e) of this section, which shall be itemized in the notice;

"(ii) The nature of the services to be provided;

"(iii) The theory of treatment upon which the services are based;

and

"(iv) The practitioner's education, training, experience, and other qualifications regarding the services to be provided;

"(2) Obtain written acknowledgment from the client or patient that the client or patient has been provided the notice required in paragraph (1) of this subsection.

"(3) Post a notice identical to that described in paragraph (1) of this subsection in a prominent place, in printing size to be easily readable, in each office or location of practice."

(4) Subsection (d) is amended to read as follows:

"(d) Practitioners of naturopathy or naturopathic healing who are registered under this section may use the titles "Naturopath" or "Registered Naturopath"."

(5) Subsection (e) is amended as follows:

(A) The lead-in language is amended to read as follows:

"(e) Unless also licensed by the Board of Medicine to practice medicine or naturopathic medicine in the District, it shall be unlawful for a practitioner of naturopathy or naturopathic healing to:"

(B) Paragraph (1) is amended to read as follows:

"(1) By use of title or description of services, imply, advertise, or falsely lead any person to believe that the practitioner:

"(A) Practices medicine as defined in section 102(7);

"(B) Practices naturopathic medicine as defined in section 102(7A);

"(C) Is a "Doctor of Naturopathic Medicine", " Naturopathic Physician",

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"Licensed Naturopath", "Naturopathic Doctor", "Doctor of Naturopathy", or an "ND" or "NMD".

(6) A new subsection (e-1) is added to read as follows:

"(e-1)(1) Nothing in subsection (e) of this section shall be construed as prohibiting a registered naturopath who has been awarded an academic degree conferring upon them the title of "Naturopathic Doctor" or "Doctor of Naturopathy" or "ND" from:

"(A) Listing the degree awarded among the educational credentials required to be disclosed in subsections (a-1)(1)(B) and (c)(1)(B)(iv) of this section;

"(B) Displaying the diploma awarded in an office or location of practice;

"(C) Advertising that they hold such a degree, so long as the listing of the degree in the advertisement is immediately followed by the phrase: "(This degree for "Naturopathic Doctor", "Doctor of Naturopathy", or "ND" does not meet the requirements for licensure as a "Naturopathic Doctor", "Doctor of Naturopathy", or "ND" in the District of Columbia.)";

"(D) Informing clients or patients that they hold such a degree, so long as the naturopath or naturopathic healer also informs the client or patient that the degree possessed does not meet the requirements for licensure as a "Naturopathic Doctor," "Doctor of Naturopathy", or "ND" in the District.

"(2) For the purposes of this subsection, the term "listing the degree" means stating the degree awarded and the school from which it was obtained."

(i) Section 1003 (D.C. Official Code § 3-1210.03) is amended by adding a new subsection (x) to read as follows:

"(x) Unless authorized to practice naturopathic medicine under this act, a person shall not use the words or terms "Doctor of Naturopathic Medicine", "Naturopathic Physician", "Licensed Naturopath", "Naturopathic Doctor", "Doctor of Naturopathy", "ND", or "NMD", or any similar title or description of services, with the intent to represent that the person practices naturopathic medicine. Nothing in this subsection shall be construed as prohibiting a person registered to practice naturopathy or naturopathic healing under section 901 from using the terms "Naturopath" or "Registered Naturopath".

Amend
§ 3-1210.03

Sec. 3. Fiscal impact statement.

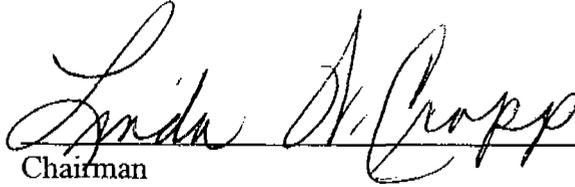
The Council adopts the fiscal impact statement of the Chief Financial Officer of the District of Columbia dated February 10, 2004 as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.2(c)(3)).

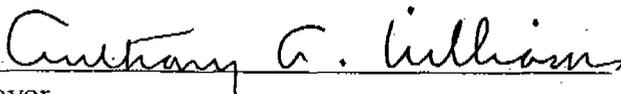
Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as

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provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED
May 5, 2004

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-420

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
APRIL 29, 2004

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2004 Fall
 Supp.

West Group
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To amend, on a temporary basis, the Business Improvement Districts Act of 1996 to approve the establishment of the Mount Vernon Triangle business improvement district.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Mount Vernon Triangle Business Improvement District Temporary Amendment Act of 2004".

Sec. 2. The Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.01 *et seq.*), is amended as follows:

(a) Section 3(18) (D.C. Official Code § 2-1215.02(18)) is amended to read as follows:

Note,
 § 2-1215.02

"(18) "Nonexempt real property" means real property that is not exempt from paying real property taxes pursuant to section 47-1001 *et seq.*, is not residential property, and is not the residential portion of a property used for both residential and nonresidential purposes; except, in the case of the Mount Vernon Triangle BID, "nonexempt real property" means real property that is not:

"(A) Exempt from paying real property taxes pursuant to section 47-1001 *et seq.*;

"(B) A residential building where, upon the effective date of the Business Improvement District Emergency Amendment Act of 2004, passed on 1st reading on March 2, 2004 (Enrolled version of Bill 15-735), 90% or more of the leased units are restricted to households with at least one individual of 62 years of age or older and all individuals of 55 years of age or older;

"(C) A residential building where, upon the effective date of the Business Improvement District Emergency Amendment Act of 2004, passed on 1st reading on March 2, 2004 (Enrolled version of Bill 15-735), 20% or more of the units are subject to a contract for project-based assistance under section 8 of the United States Housing Act of 1937, approved August 22, 1974 (88 Stat. 663; 42 U.S.C. 1437f); or

"(D) A residential building with fewer than 10 residential units."

(b) Section 5 (D.C. Official Code § 2-1215.04) is amended as follows:

Note,
 § 2-1215.04

(1) Subsection (b) is amended by striking the phrase "or Capitol Hill" and inserting the phrase "Capitol Hill or Mount Vernon Triangle" in its place.

(2) A new subsection (e-3) is added to read as follows:

"(e-3)(1) Subject to the review and approval of the Mayor under the provisions of sections 5 and 6, the formation of the Mount Vernon Triangle BID, including all nonexempt real property within the geographic areas set forth in subsection (b) of this section, is hereby authorized and the BID taxes established in subsection (c) of this section are hereby imposed through the expiration date of this act or the termination or dissolution of the BID.

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"(2) The Mount Vernon Triangle BID shall be comprised of the geographic area bounded by a line that begins at the center of the intersection of 7th Street, N.W., and New York Avenue, N.W.; and continues northeast down the middle of New York Avenue, N.W., until it reaches New Jersey Avenue, N.W.; and continues southeast down the middle of New Jersey Avenue, N.W., until it reaches Massachusetts Avenue, N.W.; and continues northwest down the middle of Massachusetts Avenue, N.W., until it reaches 7th Street, N.W.; and continues north down the middle of 7th Street, N.W., until it reaches the center of the intersection of 7th Street, N.W., and L Street, N.W.

"(3) The BID taxes for the nonexempt real properties in the Mount Vernon Triangle BID shall be 20 cents per square foot of land."

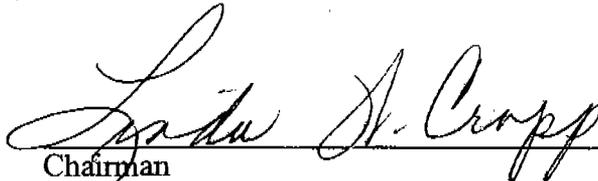
Sec. 3. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

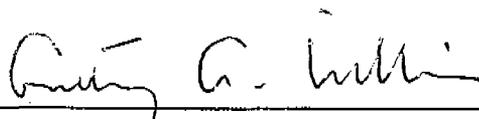
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



 Chairman
 Council of the District of Columbia



 Mayor
 District of Columbia
 APPROVED
 April 29, 2004