

R156. Commerce, Occupational and Professional Licensing.

R156-71. Naturopathic Physician Practice Act Rule.

R156-71-101. Title.

This rule is known as the "Naturopathic Physician Practice Act Rule."

R156-71-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 71, as used in Title 58, Chapters 1 and 71, or this rule:

(1) "Approved clinical experience program" or "residency program" as used in Subsections 58-71-302(1)(e) and 58-71-304.2(1)(b), means a Council of Naturopathic Medical Education (CNME) approved residency program (i.e. a residency program under the auspices of a CNME-accredited or CNME candidate Naturopathic Doctorate (ND) program that is recognized by the CNME as a residency program sponsor), that is at a minimum one year in length.

(2) "Direct supervision" as used in Subsection 58-71-304.2(1)(b), means the supervising naturopathic physician, physician and surgeon, or osteopathic physician is responsible for the naturopathic activities and services performed by the naturopathic physician intern and is normally present in the facility and when not present in the facility is available by voice communication to direct and control the naturopathic activities and services performed by the naturopathic physician intern.

(3) "Direct and immediate supervision" of a medical naturopathic assistant ("assistant") as used in Subsections 58-71-102(6) and 58-71-305(7), means that the licensed naturopathic physician is responsible for the activities and services performed by the assistant and will be in the facility and immediately available for advice, direction and consultation.

(4) "Distance learning" means the acquisition of knowledge and skills through information and instruction encompassing all technologies and other forms of learning at a distance, including internet, audio/visual recordings, mail or other correspondence.

(5) "Naturopathic physician intern" or "intern" means an individual who qualifies for a temporary license under Section 58-71-304.2 to engage in a naturopathic physician residency program recognized by the division under the direct supervision of an approved naturopathic physician, physician and surgeon, or osteopathic physician.

(6) "NPLEX" means the Naturopathic Physicians Licensing Examinations.

(7) "Primary health care", as referenced in Subsection 58-71-102(12), means basic or general health care provided at the patient's first contact with the naturopathic physician.

(8) "Qualified continuing education," as used in this rule, means continuing education that meets the standards set forth in Subsection R156-71-304.

(9) "Unprofessional conduct," as defined in Title 58, Chapters 1 and 71, is further defined, in accordance with Subsection 58-1-203(5), in Section R156-71-502.

R156-71-103. Authority - Purpose.

This rule is adopted by the division under the authority of

Subsection 58-1-106(1) (a) to enable the division to administer Title 58, Chapter 71.

R156-71-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-71-202. Naturopathic Physician Formulary.

(1) In accordance with Subsections 58-71-102(8) and (12)(a) and Section 58-71-202, the naturopathic physician formulary which consists of noncontrolled substance legend medications deemed appropriate for the primary health care of patients within the scope of practice of naturopathic physicians, the prescription of which is approved by the Division in collaboration with the Naturopathic Formulary Advisory Peer Committee, consists of the following legend drugs, listed by category, with reference numbers identified in the American Hospital Formulary Service (AHFS), published by the American Society of Health System Pharmacists, 2008 edition or the current edition available on AHFS Drug Information website, which is <http://www.ahfsdruginformation.com>:

- 4:00 Antihistamines
- 8:08 Antihelminthics
- 8:12 Antibacterials, limited to oral, topical and intramuscular administration
- 8:14 Antifungals, oral and topical forms
- 8:16.92 Miscellaneous Antimycobacterials
- 8:18 Antivirals limited to oral and topical dosage forms, excluding:
 - 8:18:08 Antiretrovirals
 - 8:18:20 Interferons
 - 8:18:24 Monoclonal Antibodies
 - 8:18:32 Nucleosides and Nucleotides
 - 8:30.04 Amebicides
 - 8:30.92 Miscellaneous Antiprotozoals excluding those whose primary indication is the treatment of infection in immunosuppressed patients (i.e. Pentamidine and Trimetrexate)
- 8:36 Urinary anti-infectives
- 12:12.08.12 Selective Beta 2 Adrenergic Agonists
- 12:12.12 Alpha and Beta Adrenergic Agonists
- 12:16 Sympatholytic (Adrenergic Blocking) Agents, limited to ergot derivatives
- 12:20 Skeletal Muscle Relaxants, excluding scheduled medications
- 20:12.04.16 Heparins
- 20:24 Hemorrhologic Agents
- 24:04.08 Cardiotonic Agents - limited to Digoxin
- 24:06 Antilipemic Agents
- 24:08 Hypotensive Agents - limited to oral dosage forms
- 24:20 Alpha Adrenergic Blocking Agents
- 24:24 Beta Adrenergic Blocking Agents - limited to oral dosage forms
- 24:28 Calcium Channel Blocking Agents - limited to oral dosage forms
- 24:32 Renin-Angiotensive-Aldosterone System Inhibitors - limited to oral dosage forms

28:08 Analgesics and Antipyretics, excluding scheduled medications

28:10 Opiate Antagonists

28:16.04.16 Selective Serotonin - and Norepinephrine-Reuptake Inhibitors

28:16.04.20 Selective-Serotonin Reuptake Inhibitors

28:16.04.24 Serotonin Modulators

28:16.04.28 Tricyclics and Other Norepinephrine-Reuptake Inhibitors

28:16.04.92 Antidepressants, Miscellaneous

28:32.28 Selective Serotonin Agonists

40:00 Electrolytic, Caloric, and Water Balance

40:18.92 Other Ion-removing Agents

40:28 Diuretics

44:00 Enzymes, limited to digestive and proteolytic

48:10.24 Leukotriene Modifiers

48:10.32 Mast-Cell Stabilizers

48:16 Expectorants

52:08 Corticosteroids (oral, topical, and injectable), Anti-Inflammatory Agents and DMARDS

52:24 Mydriatics

56:22 Antiemetics

56:28 H₂ Blockers, Anti-ulcer Agents and Acid Suppressants

56:36 Anti-inflammatory Agents

64:00 Heavy Metal Antagonists, in addition to DMPS (2,3-Dimercapto-1-propanesulfonic acid)

68:12 Contraceptives, except implants and injections

68:16.04 Estrogens

68:16.08 Antiestrogens, limited to Anastrozole for use in the setting of hormon replacement therapy

68:16.12 Estrogen Agonists-Antagonists, limited to Raloxifene

68:18 Gonadotropins; limited to Gonadotropin, Chorionic

68:20.02 Alpha-Glucosidase Inhibitors

68:20.04 Biguanides

68:20.08 Insulins

68:20.20 Sulfonylureas

68:24 Parathyroid

68:32 Progestins

68:36 Thyroid and Antithyroid Agents, including Thyroid of glandular extract

72:00 Local Anesthetics

76:00 Oxytocics, limited to Oxytocin

80:00 Serums, Toxoids, Vaccines

84:00 Skin and Mucous Membrane Agents, excluding Depigmenting and Pigmenting Agents (reference number 84:50)

84:92 Skin and Mucous Membrane Agents, Miscellaneous, excluding Isotretinoin

88:00 Vitamins

92:00 Miscellaneous Therapeutic Agents, limited to Botulinum Toxin type A (limited to superficial injections)

92:08 5-Alpha-Reductase Inhibitors

92:16 Antigout Agents

(2) In addition, the following items or substances, although not listed in Subsection (1), are approved for primary health care:

- (a) Amino Acids;
- (b) Minerals;
- (c) Oxygen;
- (d) Silver Nitrate;
- (e) DHEA (dihydroepiandrosterone);
- (f) Pregnenolone; and
- (g) Allergy Testing Agents.

(3) In accordance with Subsections 58-71-102(8) and (12)(a) and Section 58-71-202, the naturopathic physician formulary includes a single controlled substance with the reference number identified in the AHFS, published by the American Society of Health System Pharmacists, 2008 edition:

68:08 Testosterone.

(4) New categories or classes of drugs will need to be approved as part of the formulary prior to prescribing/administering.

(5) The licensed naturopathic physician has the responsibility to be knowledgeable about the medication being prescribed or administered.

R156-71-302. Qualifications for Licensure - Examination Requirements.

In accordance with Subsections 58-71-302(1)(f) and (2)(c), the licensing examination sequence required for licensure is as follows:

- (1) NPLEX Basic Science Series, the State of Washington Basic Science Series or the State of Oregon Basic Science Series;
- (2) NPLEX Clinical Series; and
- (3) NPLEX Minor Surgery.

R156-71-302a. Qualifications for Licensure - Education Requirements for Graduates of Naturopathic Physician Programs or Schools Located Outside the United States.

The satisfactory documentation of compliance with the licensure requirement set forth in Subsection 58-71-302(2)(b) shall be a report submitted to the Division by the International Credentialing Associates, Inc. (ICA) confirming that the applicant's naturopathic physician program or school has met the accreditation standards.

R156-71-303. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two year renewal cycle applicable to licensees under Title 58, Chapter 71 is established by rule in Section R156-1-308a(1).

(2) Renewal procedures shall be in accordance with Section R156-1-308c.

R156-71-304. Qualified Continuing Education.

(1) To be qualified continuing education, a continuing education course shall meet the following standards:

(a) the course shall consist of clinically oriented seminars, lectures, conferences, workshops, mediated instruction, or programmed learning provided by one of the following:

(i) a professional health care licensing agency, hospital, or institution accredited by the Accreditation Council of Continuing Medical Education (ACCME);

(ii) a program sponsored by the American Council of

Pharmaceutical Education (ACPE);

(iii) an accredited college or university;

(iv) a professional association or organization representing a licensed profession whose program objectives are related to naturopathic training; or

(v) any other provider providing a program related to naturopathic education, if the provider has submitted an application to and received approval from the Utah Naturopathic Physicians Licensing Board;

(b) the learning objectives of the course shall be reasonably and clearly stated;

(c) the teaching methods shall be clearly stated and appropriate;

(d) the faculty shall be qualified both in experience and in teaching expertise;

(e) there shall be a written post course or program evaluation;

(f) the documentation of attendance shall be provided; and

(g) the content of the course shall be relevant to naturopathic practice and consistent with the laws and rules of this state.

(2) In accordance with Section 58-71-304, qualified continuing education shall consist of 48 hours of qualified continuing professional education in each preceding two year period of licensure, 20 hours of which shall be specific to pharmacy or pharmacology as it pertains to the Naturopathic Physician Formulary, Section R156-71-202. A minimum of ten of the 20 hours of continuing education specific to pharmacy or pharmacology must be recognized as category 1 credit hours as established by the ACCME in each preceding two year licensure cycle. No more than 20 hours of continuing education in each two-year period of licensure may be through distance learning.

(3) If a licensee allows his license to expire and the application for reinstatement is received by the division within two years after the expiration date the applicant shall:

(a) submit documentation of having completed 48 hours of qualified continuing professional education required for the previous renewal period. The required hours shall meet the criteria set forth in Subsection (2); and

(b) submit documentation of having completed a pro rata amount of qualified continuing professional education based upon one hour of qualified continuing professional education for each month the license was expired for the current renewal period.

(4) If the application for reinstatement is received by the division more than two years after the date the license expired, the applicant shall complete a minimum of 48 hours of qualified continuing professional education and additional hours as determined by the board to clearly demonstrate the applicant is currently competent to engage in naturopathic medicine. The required hours shall meet the criteria set forth in Subsection (2).

(5) Audits of a licensee's continuing education hours may be done on a random basis by the division in collaboration with the board.

(6) A licensee shall be responsible for maintaining competent records of completed qualified professional education for a period of two years after close of the two year period to which the records pertain. It is the responsibility of the licensee to maintain this information with respect to qualified professional education to

demonstrate it meets the requirements under this section.

(7) The division in collaboration with the board may grant a waiver of continuing education requirements to a waiver applicant who documents he is engaged in full time activities or is subjected to circumstances which prevent the licensee from meeting the continuing professional education requirements established under this section. A waiver may be granted for a period of up to four years.

However, it is the responsibility of the licensee to document the reasons and justify why the requirement could not be met.

R156-71-502. Unprofessional Conduct.

"Unprofessional conduct" includes failure to comply with the approved formulary.

KEY: licensing, naturopaths, naturopathic physician

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**Authorizing, and Implemented or Interpreted Law: 58-71-101;
58-1-106(1) (a); 58-1-202(1) (a)**