

State of Wisconsin



2021 Assembly Bill 529

Date of enactment:
Date of publication*:

2021 WISCONSIN ACT

AN ACT *to renumber* 252.14 (1) (ar) 4q.; *to amend* 15.08 (1m) (b), 36.25 (11) (b), 48.981 (2m) (b) 1., 60.23 (9), 69.01 (6g), 77.54 (14) (b), 77.54 (14) (d), 118.15 (3) (a), 118.25 (1) (a), 118.29 (1) (e), 146.82 (3) (a), 146.89 (1) (r) 1., 155.01 (7), 252.11 (10), 255.06 (1) (d), 257.01 (5) (a) and (b), 448.03 (2) (a), 448.56 (1), 448.56 (1m) (b), 450.03 (1) (e), 462.04, 895.48 (1m) (a) (intro.) and 2. and 905.04 (1) (b) and (c), (2) and (3); *to repeal and recreate* 905.04 (title); and *to create* 15.08 (1m) (bm), 15.405 (7f), 48.981 (2) (a) 1m., 69.18 (1) (cj), 146.81 (1) (dc), 146.997 (1) (d) 4m., 180.1901 (1m) (h), 252.14 (1) (ar) 4s., 440.03 (13) (b) 39g. and 39h., 440.08 (2) (a) 47g. and 47h., 446.02 (9) (e), 450.10 (3) (a) 12., chapter 466, 905.04 (1) (br) and 990.01 (22m) of the statutes; **relating to**: the regulation and licensure of naturopathic doctors, creating a naturopathic medicine examining board, granting rule-making authority, and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 15.08 (1m) (b) of the statutes is amended to read:

15.08 (1m) (b) The public members of the chiropractic examining board, the dentistry examining board, the hearing and speech examining board, the medical examining board, the naturopathic medicine examining board, the physical therapy examining board, perfusionists examining council, respiratory care practitioners examining council and council on physician assistants, the board of nursing, the nursing home administrator examining board, the veterinary examining board, the optometry examining board, the pharmacy examining board, the marriage and family therapy, professional counseling, and social work examining board, the psychology examining board, and the radiography examining board shall not be engaged in any profession or occupation concerned with the delivery of physical or mental health care.

SECTION 2. 15.08 (1m) (bm) of the statutes is created to read:

15.08 (1m) (bm) The public members of the naturopathic medicine examining board may not have any financial interest in naturopathic education, business, or practice.

SECTION 3. 15.405 (7f) of the statutes is created to read:

15.405 (7f) NATUROPATHIC MEDICINE EXAMINING BOARD. There is created a naturopathic medicine examining board in the department of safety and professional services consisting of the following members appointed for 4-year terms:

(a) Four naturopathic doctors licensed under s. 466.04 (1).

(b) One physician licensed under ch. 448 who works as a primary care physician and who has experience in naturopathic medicine or working with naturopathic doctors.

(c) Two public members.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

SECTION 4. 36.25 (11) (b) of the statutes is amended to read:

36.25 (11) (b) The laboratory shall provide complete laboratory services in the areas of water quality, air quality, public health and contagious diseases for appropriate state agencies, and may perform examinations for licensed physicians, naturopathic doctors, veterinarians, local health officers, as defined in s. 250.01 (5), and resource management officials as may be necessary for the prevention and control of those diseases and environmental hazards which cause concern for public health and environmental quality.

SECTION 5. 48.981 (2) (a) 1m. of the statutes is created to read:

48.981 (2) (a) 1m. A naturopathic doctor.

SECTION 6. 48.981 (2m) (b) 1. of the statutes is amended to read:

48.981 (2m) (b) 1. "Health care provider" means a physician, as defined under s. 448.01 (5), a naturopathic doctor, as defined under s. 466.01 (5), a physician assistant, as defined under s. 448.01 (6), or a nurse holding a license under s. 441.06 (1) or a license under s. 441.10.

SECTION 7. 60.23 (9) of the statutes is amended to read:

60.23 (9) ~~RESIDENT PHYSICIANS, PHYSICIAN ASSISTANTS AND NURSES~~ HEALTH CARE PROVIDERS IN CERTAIN TOWNS. In a town comprised entirely of one or more islands, annually appropriate money to retain a physician or, if no physician is available, a physician assistant, naturopathic doctor, or nurse practitioner, as a resident within the town.

SECTION 8. 69.01 (6g) of the statutes is amended to read:

69.01 (6g) "Date of death" means the date that a person is pronounced dead by a physician, naturopathic doctor, coroner, deputy coroner, medical examiner, deputy medical examiner, or hospice nurse.

SECTION 9. 69.18 (1) (cj) of the statutes is created to read:

69.18 (1) (cj) 1. For purposes of preparation of the certificate of death and in accordance with accepted medical standards, a naturopathic doctor who is directly involved with the care of a patient who dies may pronounce the date, time, and place of the patient's death if the patient was generally under the care of a naturopathic doctor at the time of death.

2. Subdivision 1. may not be construed to authorize a naturopathic doctor to certify under sub. (2) (b) the cause of the patient's death.

SECTION 10. 77.54 (14) (b) of the statutes is amended to read:

77.54 (14) (b) Furnished by a licensed physician, naturopathic doctor, surgeon, podiatrist, or dentist to a patient who is a human being for treatment of the patient.

SECTION 11. 77.54 (14) (d) of the statutes is amended to read:

77.54 (14) (d) Sold to a licensed physician, naturopathic doctor, surgeon, podiatrist, dentist, or hospital for the treatment of a human being.

SECTION 12. 118.15 (3) (a) of the statutes is amended to read:

118.15 (3) (a) Any child who is excused by the school board because the child is temporarily not in proper physical or mental condition to attend a school program but who can be expected to return to a school program upon termination or abatement of the illness or condition. The school attendance officer may request the parent or guardian of the child to obtain a written statement from a licensed physician, naturopathic doctor, dentist, chiropractor, optometrist, psychologist, physician assistant, or nurse practitioner, as defined in s. 255.06 (1) (d), or certified advanced practice nurse prescriber or Christian Science practitioner living and residing in this state, who is listed in the Christian Science Journal, as sufficient proof of the physical or mental condition of the child. An excuse under this paragraph shall be in writing and shall state the time period for which it is valid, not to exceed 30 days.

SECTION 13. 118.25 (1) (a) of the statutes is amended to read:

118.25 (1) (a) "Practitioner" means a person licensed as a physician, naturopathic doctor, or ~~as a~~ physician assistant in any state or licensed or certified as an advanced practice nurse prescriber in any state. In this paragraph, "physician" has the meaning given in s. 448.01 (5).

SECTION 14. 118.29 (1) (e) of the statutes is amended to read:

118.29 (1) (e) "Practitioner" means any physician, naturopathic doctor, dentist, optometrist, physician assistant, advanced practice nurse prescriber, or podiatrist licensed in any state.

SECTION 15. 146.81 (1) (dc) of the statutes is created to read:

146.81 (1) (dc) A naturopathic doctor or limited-scope naturopathic doctor licensed under ch. 466.

SECTION 16. 146.82 (3) (a) of the statutes is amended to read:

146.82 (3) (a) Notwithstanding sub. (1), a physician, a naturopathic doctor, a limited-scope naturopathic doctor, a physician assistant, as defined in s. 448.01 (6), or an advanced practice nurse prescriber certified under s. 441.16 (2) who treats a patient whose physical or mental condition in the physician's, naturopathic doctor's, limited-scope naturopathic doctor's, physician assistant's, or advanced practice nurse prescriber's judgment affects the patient's ability to exercise reasonable and ordinary control over a motor vehicle may report the patient's name and other information relevant to the condition to the department of transportation without the informed consent of the patient.

SECTION 17. 146.89 (1) (r) 1. of the statutes is amended to read:

146.89 (1) (r) 1. Licensed as a physician under ch. 448, naturopathic doctor under ch. 466, a dentist or dental hygienist under ch. 447, a registered nurse, practical nurse, or nurse–midwife under ch. 441, an optometrist under ch. 449, a physician assistant under ch. 448, a pharmacist under ch. 450, a chiropractor under ch. 446, a podiatrist under subch. IV of ch. 448, or a physical therapist under subch. III of ch. 448.

SECTION 18. 146.997 (1) (d) 4m. of the statutes is created to read:

146.997 (1) (d) 4m. A naturopathic doctor licensed under ch. 466.

SECTION 19. 155.01 (7) of the statutes is amended to read:

155.01 (7) “Health care provider” means a nurse licensed or permitted under ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a physician, physician assistant, perfusionist, podiatrist, physical therapist, physical therapist assistant, occupational therapist, or occupational therapy assistant licensed under ch. 448, a naturopathic doctor licensed under ch. 466, a person practicing Christian Science treatment, an optometrist licensed under ch. 449, a psychologist licensed under ch. 455, a physical therapist or physical therapist assistant who holds a compact privilege under subch. X of ch. 448, a partnership thereof, a corporation or limited liability company thereof that provides health care services, a cooperative health care association organized under s. 185.981 that directly provides services through salaried employees in its own facility, or a home health agency, as defined in s. 50.49 (1) (a).

SECTION 20. 180.1901 (1m) (h) of the statutes is created to read:

180.1901 (1m) (h) Naturopathic medicine examining board under ch. 466, except that “health care professional” does not include a limited–scope naturopathic doctor licensed by the naturopathic medicine examining board under ch. 466.

SECTION 21. 252.11 (10) of the statutes is amended to read:

252.11 (10) The state laboratory of hygiene shall examine specimens for the diagnosis of sexually transmitted diseases for any physician, naturopathic doctor, physician assistant, advanced practice nurse prescriber, or local health officer in the state, and shall report the positive results of the examinations to the local health officer and to the department. All laboratories performing tests for sexually transmitted diseases shall report all positive results to the local health officer and to the department, with the name of the physician, naturopathic doctor, physician assistant, or advanced practice nurse prescriber to whom reported.

SECTION 22. 252.14 (1) (ar) 4q. of the statutes is renumbered 252.14 (1) (ar) 4n.

SECTION 23. 252.14 (1) (ar) 4s. of the statutes is created to read:

252.14 (1) (ar) 4s. A naturopathic doctor licensed under ch. 466.

SECTION 24. 255.06 (1) (d) of the statutes is amended to read:

255.06 (1) (d) “Nurse practitioner” means a registered nurse who is licensed under ch. 441 or who holds a multistate license, as defined in s. 441.51 (2) (h), issued in a party state, as defined in s. 441.51 (2) (k), and whose practice of professional nursing under s. 441.001 (4) includes performance of delegated medical services under the supervision of a physician, naturopathic doctor, dentist, or podiatrist.

SECTION 25. 257.01 (5) (a) and (b) of the statutes are amended to read:

257.01 (5) (a) An individual who is licensed as a physician, a physician assistant, or a podiatrist under ch. 448, licensed as a naturopathic doctor under ch. 466, licensed as a registered nurse, licensed practical nurse, or nurse–midwife under ch. 441, licensed as a dentist under ch. 447, licensed as a pharmacist under ch. 450, licensed as a veterinarian or certified as a veterinary technician under ch. 89, or certified as a respiratory care practitioner under ch. 448.

(b) An individual who was at any time within the previous 10 years, but is not currently, licensed as a physician, a physician assistant, or a podiatrist under ch. 448, licensed as a naturopathic doctor under ch. 466, licensed as a registered nurse, licensed practical nurse or nurse–midwife, under ch. 441, licensed as a dentist under ch. 447, licensed as a pharmacist under ch. 450, licensed as a veterinarian or certified as a veterinary technician under ch. 89, or certified as a respiratory care practitioner under ch. 448, if the individual’s license or certification was never revoked, limited, suspended, or denied renewal.

SECTION 26. 440.03 (13) (b) 39g. and 39h. of the statutes are created to read:

440.03 (13) (b) 39g. Naturopathic doctor.

39h. Naturopathic doctor, limited–scope.

SECTION 27. 440.08 (2) (a) 47g. and 47h. of the statutes are created to read:

440.08 (2) (a) 47g. Naturopathic doctor: January 1 of each odd–numbered year.

47h. Naturopathic doctor, limited–scope: January 1 of each odd–numbered year.

SECTION 28. 446.02 (9) (e) of the statutes is created to read:

446.02 (9) (e) A naturopathic doctor or limited–scope naturopathic doctor acting within the scope of his or her license under ch. 466.

SECTION 29. 448.03 (2) (a) of the statutes is amended to read:

448.03 (2) (a) Any person lawfully practicing within the scope of a license, permit, registration, certificate or certification granted to practice midwifery under subch.

XIII of ch. 440, to practice professional or practical nursing or nurse–midwifery under ch. 441, to practice chiropractic under ch. 446, to practice dentistry or dental hygiene under ch. 447, to practice optometry under ch. 449, to practice acupuncture under ch. 451 or under any other statutory provision, to practice naturopathic medicine under ch. 466, or as otherwise provided by statute.

SECTION 30. 448.56 (1) of the statutes is amended to read:

448.56 (1) WRITTEN REFERRAL. Except as provided in this subsection and s. 448.52, a person may practice physical therapy only upon the written referral of a physician, naturopathic doctor, physician assistant, chiropractor, dentist, podiatrist, or advanced practice nurse prescriber certified under s. 441.16 (2). Written referral is not required if a physical therapist provides services in schools to children with disabilities, as defined in s. 115.76 (5), pursuant to rules promulgated by the department of public instruction; provides services as part of a home health care agency; provides services to a patient in a nursing home pursuant to the patient’s plan of care; provides services related to athletic activities, conditioning, or injury prevention; or provides services to an individual for a previously diagnosed medical condition after informing the individual’s physician, naturopathic doctor, physician assistant, chiropractor, dentist, podiatrist, or advanced practice nurse prescriber certified under s. 441.16 (2) who made the diagnosis. The examining board may promulgate rules establishing additional services that are excepted from the written referral requirements of this subsection.

SECTION 31. 448.56 (1m) (b) of the statutes is amended to read:

448.56 (1m) (b) The examining board shall promulgate rules establishing the requirements that a physical therapist must satisfy if a physician, naturopathic doctor, physician assistant, chiropractor, dentist, podiatrist, or advanced practice nurse prescriber makes a written referral under sub. (1). The purpose of the rules shall be to ensure continuity of care between the physical therapist and the health care practitioner.

SECTION 32. 450.03 (1) (e) of the statutes is amended to read:

450.03 (1) (e) Any person lawfully practicing within the scope of a license, permit, registration, certificate, or certification granted to provide home medical oxygen under s. 450.076, to practice professional or practical nursing or nurse–midwifery under ch. 441, to practice dentistry or dental hygiene under ch. 447, to practice medicine and surgery under ch. 448, to practice optometry under ch. 449, to practice naturopathic medicine under ch. 466, or to practice veterinary medicine under ch. 89, or as otherwise provided by statute.

SECTION 33. 450.10 (3) (a) 12. of the statutes is created to read:

450.10 (3) (a) 12. A naturopathic doctor or limited–scope naturopathic doctor licensed under ch. 466.

SECTION 34. 462.04 of the statutes is amended to read:

462.04 Prescription or order required. A person who holds a license or limited X–ray machine operator permit under this chapter may not use diagnostic X–ray equipment on humans for diagnostic purposes unless authorized to do so by prescription or order of a physician licensed under s. 448.04 (1) (a), a naturopathic doctor licensed under s. 466.04 (1), a dentist licensed under s. 447.04 (1), a podiatrist licensed under s. 448.63, a chiropractor licensed under s. 446.02, an advanced practice nurse certified under s. 441.16 (2), a physician assistant licensed under s. 448.04 (1) (f), or, subject to s. 448.56 (7) (a), a physical therapist who is licensed under s. 448.53 or who holds a compact privilege under subch. IX of ch. 448.

SECTION 35. Chapter 466 of the statutes is created to read:

CHAPTER 466 NATUROPATHIC DOCTORS

466.01 Definitions. In this chapter:

(1) “Board” means the naturopathic medicine examining board.

(2) “Drug” has the meaning given in s. 450.01 (10).

(3) “Limited–scope naturopathic doctor” means an individual licensed under s. 466.04 (2).

(4) “Minor office procedure” includes the methods for the repair and care incidental to superficial lacerations, superficial abrasions, and superficial lesions and the removal of foreign bodies located in the superficial tissues.

(5) “Naturopathic doctor” means an individual licensed under s. 466.04 (1).

(6) (a) “Naturopathic medicine” means, except as provided in par. (c), a system of primary health care for the prevention, diagnosis, and treatment of human health conditions, injury, and disease; the promotion or restoration of health; and the support and stimulation of a patient’s inherent self–healing processes through patient education and the use of naturopathic therapies and therapeutic substances, including all of the following:

1. Ordering and performing physical and laboratory examinations, for diagnostic purposes, consistent with naturopathic education and training, including all of the following:

- a. Diagnostic or evaluation methods.
- b. Physical examinations.
- c. Clinical laboratory tests.
- d. Diagnostic sonography.
- e. Electrocardiography.
- f. Phlebotomy.

2. Ordering diagnostic imaging studies.

3. Dispensing, administering, ordering, or performing any of the following:

- a. Health education and health counseling.
 - b. Food, extracts of food, nutraceuticals, vitamins, amino acids, minerals, enzymes, botanical medicines, homeopathic medicines, and dietary supplements.
 - c. Hot or cold hydrotherapy, naturopathic physical medicine, the use of therapeutic medical equipment, and therapeutic exercise.
 - d. Devices, including therapeutic devices, barrier contraception, and durable medical equipment.
4. Recommending, dispensing, and administering nonprescription drug products.
 5. Performing minor office procedures.
 6. Signing and attesting to any certificates, cards, forms or other required documentation that a physician may sign, so long as it is within the naturopathic doctor's scope of practice. This subdivision does not supersede any federal or state statute, rule, or regulation.

(b) "Naturopathic medicine" includes ordering or performing any other diagnostic, therapeutic, or other procedure or practice identified in rules promulgated under s. 466.03 (2) (a).

(c) "Naturopathic medicine" does not include any of the following:

1. Performing any surgical procedure other than a minor office procedure.
2. Using general or spinal anesthetics.
3. Administering ionizing radioactive substances for therapeutic purposes.
4. Performing surgical procedures involving the eye, ear, tendons, nerves, veins, or arteries that extend beyond superficial tissue.
5. Performing any procedure or practice that is prohibited by the board by rule under s. 466.03 (2) (a) or that is excluded from the definition of naturopathic physical medicine under sub. (7) (b).

(d) "Naturopathic medicine" is distinct from the practice of medicine and surgery, as defined in s. 448.01 (9).

(7) (a) "Naturopathic physical medicine" includes, except as provided in par. (b), manually administering mechanical treatment of body structures or tissues for the purpose of restoring normal physiological function to the body by normalizing and balancing the musculoskeletal system of the body, such as massage, stretching, resistance, or joint play examination.

(b) "Naturopathic physical medicine" does not include any of the following:

1. The employment or application of chiropractic or spinal adjustments and the principles or techniques of chiropractic science as described in s. 446.01 (2) (b).
2. The manipulation or adjustment of the spine or extremity joints of the human body beyond the elastic barrier, including small amplitude movement at or beyond the end range of normal joint motion.

(8) "Nonprescription drug product" has the meaning given in s. 450.01 (13m).

466.02 License required; use of titles. (1) (a) Except as provided in subs. (2) (a) and (b) and (3), no person may practice naturopathic medicine or make a representation that he or she is authorized to do so unless the person is licensed under this chapter.

(b) 1. Except as provided in subs. (2) (b) and (3), no person may designate himself or herself as a naturopathic doctor or doctor of naturopathic medicine; use or assume the title "naturopathic doctor," "doctor of naturopathic medicine," or "doctor of naturopathy"; use the words "naturopathic medicine" or "naturopathic health care" in connection with his or her practice; append to the person's name the letters "N.D." or "ND"; use any other titles, words, letters, abbreviations, insignia, or designation that would imply that the individual is licensed, certified, or registered as a naturopathic doctor or doctor of naturopathic medicine; or claim to render naturopathic medicine or naturopathic health care services unless the person is licensed under s. 466.04 (1) or (2).

2. This paragraph does not prohibit or restrict a person from designating himself or herself as a naturopath or from using or assuming the title "naturopath" if that designation or use does not otherwise violate subd. 1.

(2) (a) Subsection (1) (a) does not require a license for any of the following:

1. Any person lawfully practicing within the scope of a license, permit, registration, or certification granted by this state or the federal government.
2. The provision of information in connection with the sale of vitamins or herbs.
3. The provision of advice regarding the use of a therapy, including herbal medicine, homeopathy, nutrition, or other nondrug or nonsurgical therapy.
4. Any individual acting under an exemption from the requirement to obtain a license to practice medicine and surgery under s. 448.03 (2), to the extent that the individual's activities also fall within the practice of naturopathic medicine.
5. Any person who is providing patient services as directed, supervised, and inspected by a naturopathic doctor who has the power to direct, decide, and oversee the implementation of the patient services rendered.

(b) Subsection (1) (a) and (b) does not require a license for any of the following:

1. The practice of naturopathic medicine by an individual employed by the federal government while the individual is engaged in the performance of duties prescribed by federal law.
2. A person who is licensed to practice naturopathic medicine in another state or country and is providing consultation to or with or a demonstration to or with a naturopathic doctor who is licensed under this chapter.
3. The practice of naturopathic medicine by a student enrolled in an approved naturopathic medical program that qualifies under s. 466.04 (1) (d) 1., provided that the performance of services is pursuant to a course of instruc-

tion or assignments from an instructor and is under the supervision of the instructor. The student shall use the title “ND candidate” with the intended year of graduation.

(3) The board may, by rule, establish additional exemptions from the prohibitions under sub. (1).

466.03 Duties and powers of examining board. (1) The board shall promulgate rules that establish all of the following:

(a) Standards of practice for and a code of ethics governing the professional conduct of naturopathic doctors and limited-scope naturopathic doctors.

(b) Continuing education requirements for applicants seeking renewal of a naturopathic doctor license under this chapter.

(bm) Continuing education requirements for applicants seeking renewal of a limited-scope naturopathic doctor license under this chapter. The board shall accept qualifying training that is completed to satisfy the requirement under s. 466.04 (2) (b) 5. d. as qualifying continuing education under this paragraph.

(c) Examination standards and requirements for purposes of examinations required under s. 466.04 (1) (e), including required passing scores for examinations and the times when examinations are offered.

(2) The board may promulgate rules to do any of the following:

(a) Further interpret s. 466.01 (6) (a) and (c), including to identify diagnostic, therapeutic, or other practices or procedures that may be used by naturopathic doctors. The board may not authorize a naturopathic doctor to engage in any practice excluded from the definition of naturopathic medicine under s. 466.01 (6) (c) or otherwise expand the scope of practice of a naturopathic doctor or limited-scope naturopathic doctor beyond what is specified under s. 466.01 (6) (a).

(am) Expressly prohibit diagnostic, therapeutic, or other practices.

(b) Establish character and fitness requirements for initial licensure or renewal of a license under this chapter and evidence required to demonstrate satisfaction of such requirements.

(c) Establish physical and mental competency requirements for initial licensure or renewal of a license under this chapter and evidence required to demonstrate satisfaction of such requirements.

(d) Establish evidence of professional competency requirements for initial licensure or renewal of a license under this chapter, including evidence relating to an applicant’s licensure status in other states.

(e) Establish additional clinical, practical, or residency requirements for initial licensure under this chapter.

(f) Adopt minimum malpractice insurance requirements for naturopathic doctors and limited-scope naturopathic doctors.

(3) The board may, for purposes of s. 466.04 (1) (d) 1. e., 2. d., 3. d., and 4. e., disqualify any naturopathic medical program if the board determines the program does not adequately prepare students to practice naturopathic medicine.

466.04 License; renewal. (1) NATUROPATHIC DOCTOR LICENSE. The board shall grant a naturopathic doctor license to a person who does all of the following:

(a) Submits an application for the license to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (1).

(c) Subject to ss. 111.321, 111.322, and 111.335, submits evidence satisfactory to the board that the applicant does not have an arrest or a conviction record.

(d) Submits evidence satisfactory to the board that he or she has completed one of the following:

1. A naturopathic medical education program offered in the United States that satisfies all of the following:

a. The program provides the degree of doctor of naturopathy or doctor of naturopathic medicine.

b. The program offers graduate-level, full-time, didactic and supervised clinical training.

c. The program is accredited, or has achieved candidacy status for such accreditation, by the Council on Naturopathic Medical Education or an equivalent accrediting body for naturopathic medical programs recognized by the federal department of education.

d. The program is offered by an institution of higher education or part of an institution of higher education that is accredited, or is a candidate for such accreditation, by a regional accrediting organization or a national institutional accrediting agency recognized by the federal department of education.

e. The program has not been disqualified by the board as an approved naturopathic medical educational program under s. 466.03 (3).

2. A program at a diploma-granting, degree-equivalent institution of higher education located in Canada that satisfies all of the following:

a. The program offers graduate-level, full-time didactic and supervised clinical training.

b. The program is accredited, or has achieved candidacy status for such accreditation, by the Council on Naturopathic Medical Education or an equivalent accrediting body for naturopathic medical programs recognized by the federal department of education.

c. The program has provincial approval for participation in government-funded student aid programs.

d. The program has not been disqualified by the board as an approved naturopathic medical educational program under s. 466.03 (3).

3. A program at a degree-granting institution of higher education located in the United States that satisfies all of the following:

a. The program existed prior to the existence of the Council on Naturopathic Medical Education.

b. The program offered a full-time, structured curriculum in basic sciences and supervised patient care comprising a doctoral naturopathic medical education for a duration of not less than 132 weeks and required completion within a period of not less than 35 months.

c. If the program is still in existence, the program is currently accredited, or has achieved candidacy status for accreditation by the Council on Naturopathic Medical Education or an equivalent federally recognized accrediting body for the naturopathic medical profession recognized by the board.

d. The program has not been disqualified by the board as an approved naturopathic medical educational program under s. 466.03 (3).

4. A program at a diploma-granting, degree-equivalent institution of higher education located in Canada that satisfies all of the following:

a. The program existed prior to the existence of the Council on Naturopathic Medical Education.

b. The program offered a full-time, structured curriculum in basic sciences and supervised patient care comprising a doctoral naturopathic medical education for a duration of not less than 132 weeks and required completion within a period of not less than 30 months.

c. Prior to the existence of the Council on Naturopathic Medical Education, the program had provincial approval for participation in government-funded student aid programs.

d. If the program is still in existence, the program is currently accredited, or has achieved candidacy status for accreditation by the Council on Naturopathic Medical Education or an equivalent federally recognized accrediting body for the naturopathic medical profession recognized by the board and currently has provincial approval for participation in government-funded student aid programs.

e. The program has not been disqualified by the board as an approved naturopathic medical educational program under s. 466.03 (3).

(e) Submits evidence satisfactory to the board that he or she has passed all of the following:

1. Either of the following:

a. A competency-based national naturopathic licensing examination administered by the North American Board of Naturopathic Examiners or its successor organization or another examination approved by the board by rule.

b. For graduates of approved naturopathic medical programs prior to the existence of the Council on Naturopathic Medical Education, a competency-based state naturopathic medicine licensing examination or equivalent Canadian provincial licensing examination for the practice of naturopathic medicine approved by the board.

2. A pharmacology examination approved by the board by rule.

3. Any other competency or jurisprudence examinations required by the board by rule.

(f) Meets any character and fitness, mental and physical competency, and professional competency standards established by the board under s. 466.03 (2) (b) to (d).

(g) Meets any other requirement established by the board under s. 466.03 (2) (e).

(2) LIMITED-SCOPE NATUROPATHIC DOCTOR LICENSE.

(a) In this subsection:

1. “Clinical sciences” means body systems and their interactions, cardiology, psychology, dermatology, endocrinology, EENT, gastroenterology, immunology, urology, proctology, gynecology, neurology, orthopedics, pulmonology, natural childbirth and obstetrics, pediatrics, geriatrics, rheumatology, oncology, and hematology.

2. “Qualifying training” means training in clinical sciences that satisfies at least one of the following:

a. It is a course that is either taken for credit or audited and that is provided by an academic institution that is accredited by an agency recognized by the federal department of education.

b. It is a continuing education program or course of study approved by the medical examining board under s. 448.13 (1).

c. It is a continuing education course that is provided by a continuing education provider that meets the continuing education standards for states that regulate naturopathic medicine.

(b) The board shall grant a limited-scope naturopathic doctor license to a person who does all of the following:

1. Submits, no later than the date specified in par. (c), an application for the license to the department on a form provided by the department.

2. Pays the fee specified in s. 440.05 (1).

3. Subject to ss. 111.321, 111.322, and 111.335, submits evidence satisfactory to the board that the applicant does not have an arrest or a conviction record.

4. Submits evidence satisfactory to the board that, prior to 2013, he or she completed a naturopathic health care program offered in the United States that provided the degree of doctor of naturopathy.

5. Satisfies one of the following:

a. The person submits evidence satisfactory to the board that the naturopathic health care program described in subd. 4. provided at least 250 hours of education in 2 or more clinical sciences.

b. The person is, as of the date of application, licensed as a registered nurse under s. 441.06.

c. The person submits evidence satisfactory to the board that the person has completed in 2 or more clinical sciences at least 250 hours of education provided by the naturopathic health care program described in subd. 4., at least 250 hours of qualifying training subsequent to com-

pleting the naturopathic health care program described in subd. 4., or a combination of at least 250 hours of such education and training.

d. The person signs a statement committing to satisfying the requirement under subd. 5. c. within 5 years after issuance of an initial license under this subsection.

6. Submits evidence satisfactory to the board that he or she has been continually practicing naturopathic medicine in this state for at least the 10-year period preceding his or her application for a license under this subsection.

7. Submits evidence satisfactory to the board that he or she has passed any competency or jurisprudence examinations required by the board by rule.

8. Satisfies the board that he or she has exhibited a record of safety in the practice of naturopathic medicine or naturopathy.

9. Meets any character and fitness, mental and physical competency, and professional competency standards established by the board under s. 466.03 (2) (b) to (d).

(c) An application for a limited-scope naturopathic doctor license under par. (b) may be submitted no later than the last day of the 12th month beginning after the date on which the board begins accepting applications for licensure under this subsection. The board may not consider an application for a limited-scope naturopathic doctor license under par. (b) submitted after that date. As soon as the date of the deadline described in this paragraph can be ascertained, the department shall send a notice of that date to the legislative reference bureau for publication in the Wisconsin Administrative Register.

(d) A limited-scope naturopathic doctor license granted under par. (b) shall not be considered to be a naturopathic doctor license for purposes of the law of any other state that offers reciprocal licensure or licensure by endorsement in that other state to individuals who are licensed in this state.

(3) **RENEWAL.** (a) The renewal date for licenses granted under this chapter is specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department. The application shall include all of the following in order for the license to be renewed:

1. The renewal fee determined by the department under s. 440.03 (9) (a).

2. Proof of compliance with continuing education requirements established by the board under s. 466.03 (1) (b) or (bm), whichever is applicable.

3. Proof of compliance with any requirements established by the board under s. 466.03 (2) (b) to (d).

4. Proof of compliance with any malpractice insurance requirements under s. 466.03 (2) (f).

5. If par. (b) applies, proof of compliance with the requirements under par. (b).

(b) If a limited-scope naturopathic doctor was issued an initial license under sub. (2) by satisfying the require-

ment under sub. (2) (b) 5. d., the limited-scope naturopathic doctor shall, no later than the first renewal date after the conclusion of the 5-year period under sub. (2) (b) 5. d., submit evidence satisfactory to the board that he or she has completed the education and training required under sub. (2) (b) 5. d.

466.05 Practice. (1) (a) A naturopathic doctor may practice naturopathic medicine.

(b) A naturopathic doctor may, except as otherwise prohibited by the board by rule, utilize routes of administration that include oral, nasal, auricular, ocular, rectal, vaginal, transdermal, intramuscular, intravenous, intradermal, and subcutaneous, consistent with the education and training of a naturopathic doctor.

(2) (a) 1. Subject to subd. 3. and except as provided in subd. 2., a limited-scope naturopathic doctor may practice naturopathic medicine, but limited to what is specified under s. 466.01 (6) (a) 1. and 3. a. to c., except for s. 466.01 (6) (a) 1. d. to f.

2. A limited-scope naturopathic doctor may practice naturopathic medicine beyond what is authorized in subd. 1. if he or she demonstrates to the board that he or she is qualified to expand his or her scope of practice beyond what is authorized under subd. 1. If the limited-scope naturopathic doctor demonstrates to the board that he or she is qualified to expand his or her scope of practice, he or she may, subject to subd. 3., practice as authorized by the board, but not beyond what is authorized under sub. (1).

3. A limited-scope naturopathic doctor shall limit his or her practice to the scope of his or her experience, education, and training.

(b) Paragraph (a) applies notwithstanding any other provision of law that permits a naturopathic doctor to engage in any act that constitutes naturopathic medicine beyond what is authorized under par. (a).

466.07 Disciplinary proceedings and actions. (1) Subject to the rules promulgated under s. 440.03 (1), the board may make investigations and conduct hearings to determine whether a violation of this chapter or any rule promulgated under this chapter has occurred.

(2) Subject to the rules promulgated under s. 440.03 (1), the board may reprimand a naturopathic doctor or limited-scope naturopathic doctor or may deny, limit, suspend, or revoke a license granted under this chapter if it finds that the applicant, naturopathic doctor, or limited-scope naturopathic doctor has done any of the following:

(a) Made a material misstatement in an application for a license, or for renewal of a license.

(b) Interfered with an investigation or disciplinary proceeding by using threats, harassment, or intentional misrepresentation of facts.

(c) Subject to ss. 111.321, 111.322, and 111.335, been convicted of an offense the circumstances of which substantially relate to the practice of naturopathic medicine.

(d) Been adjudicated mentally incompetent by a court.

(e) Advertised in a manner that is false, deceptive, or misleading.

(f) Advertised, practiced, or attempted to practice under another's name.

(g) Subject to ss. 111.321, 111.322, and 111.34, practiced or assisted in the practice of naturopathic medicine while the applicant's or licensee's ability to practice or assist was impaired by alcohol or other drugs.

(h) Engaged in unprofessional or unethical conduct in violation of the code of ethics established in the rules promulgated under s. 466.03 (1) (a).

(i) Engaged in conduct while practicing naturopathic medicine that evidences a lack of knowledge or ability to apply professional principles or skills.

(j) Violated this chapter or any rule promulgated under this chapter.

466.09 Penalties. Any person who violates this chapter or any rule promulgated under this chapter may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

SECTION 36. 895.48 (1m) (a) (intro.) and 2. of the statutes are amended to read:

895.48 (1m) (a) (intro.) Except as provided in par. (b), any physician, naturopathic doctor, physician assistant, podiatrist, or athletic trainer licensed under ch. 448, chiropractor licensed under ch. 446, dentist licensed under ch. 447, emergency medical services practitioner licensed under s. 256.15, emergency medical responder certified under s. 256.15 (8), registered nurse licensed under ch. 441, or a massage therapist or bodywork therapist licensed under ch. 460 who renders voluntary health care to a participant in an athletic event or contest sponsored by a nonprofit corporation, as defined in s. 66.0129 (6) (b), a private school, as defined in s. 115.001 (3r), a tribal school, as defined in s. 115.001 (15m), a public agency, as defined in s. 46.856 (1) (b), or a school, as defined in s. 609.655 (1) (c), is immune from civil liability for his or her acts or omissions in rendering that care if all of the following conditions exist:

2. The physician, naturopathic doctor, podiatrist, athletic trainer, chiropractor, dentist, emergency medical services practitioner, as defined in s. 256.01 (5), emergency medical responder, as defined in s. 256.01 (4p), physician assistant, registered nurse, massage therapist or bodywork therapist does not receive compensation for the health care, other than reimbursement for expenses.

SECTION 37. 905.04 (title) of the statutes is repealed and recreated to read:

905.04 (title) Privilege between certain health-care providers and patients.

SECTION 38. 905.04 (1) (b) and (c), (2) and (3) of the statutes are amended to read:

905.04 (1) (b) A communication or information is "confidential" if not intended to be disclosed to 3rd per-

sons other than those present to further the interest of the patient in the consultation, examination, or interview, to persons reasonably necessary for the transmission of the communication or information, or to persons who are participating in the diagnosis and treatment under the direction of the physician, naturopathic doctor, podiatrist, registered nurse, chiropractor, psychologist, social worker, marriage and family therapist or professional counselor, including the members of the patient's family.

(c) "Patient" means an individual, couple, family or group of individuals who consults with or is examined or interviewed by a physician, naturopathic doctor, podiatrist, registered nurse, chiropractor, psychologist, social worker, marriage and family therapist or professional counselor.

(2) GENERAL RULE OF PRIVILEGE. A patient has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made or information obtained or disseminated for purposes of diagnosis or treatment of the patient's physical, mental or emotional condition, among the patient, the patient's physician, the patient's naturopathic doctor, the patient's podiatrist, the patient's registered nurse, the patient's chiropractor, the patient's psychologist, the patient's social worker, the patient's marriage and family therapist, the patient's professional counselor or persons, including members of the patient's family, who are participating in the diagnosis or treatment under the direction of the physician, naturopathic doctor, podiatrist, registered nurse, chiropractor, psychologist, social worker, marriage and family therapist or professional counselor.

(3) WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the patient, by the patient's guardian or conservator, or by the personal representative of a deceased patient. The person who was the physician, naturopathic doctor, podiatrist, registered nurse, chiropractor, psychologist, social worker, marriage and family therapist or professional counselor may claim the privilege but only on behalf of the patient. The authority so to do is presumed in the absence of evidence to the contrary.

SECTION 39. 905.04 (1) (br) of the statutes is created to read:

905.04 (1) (br) "Naturopathic doctor" means a naturopathic doctor, as defined in s. 990.01 (22m), or an individual reasonably believed by the patient to be a naturopathic doctor.

SECTION 40. 990.01 (22m) of the statutes is created to read:

990.01 (22m) NATUROPATHIC DOCTOR. "Naturopathic doctor" means a naturopathic doctor licensed under s. 466.04 (1). Except where expressly provided, "naturopathic doctor" does not include a limited-scope naturopathic doctor licensed under s. 466.04 (2).

SECTION 41. Nonstatutory provisions.

(1) INITIAL APPOINTMENTS TO BOARD. Notwithstanding the lengths of the terms specified for the members of the naturopathic medicine examining board under s. 15.405 (7f) (intro.), 2 of the initial members under s. 15.405 (7f) (a) and one of the initial members under s. 15.405 (7f) (c) shall be appointed for terms expiring on July 1, 2023; one of the initial members under s. 15.405 (7f) (a) and one of the initial members under s. 15.405 (7f) (c) shall be appointed for terms expiring on July 1, 2024; and one of the initial members under s. 15.405 (7f) (a) and the initial member under s. 15.405 (7f) (b) shall be appointed for terms expiring on July 1, 2025.

(2) PROVISIONAL APPOINTMENTS TO BOARD. Notwithstanding s. 15.08 (1), the governor may provisionally appoint initial members of the naturopathic medicine examining board under s. 15.405 (7f). Those provisional appointments remain in force until withdrawn by the governor or acted upon by the senate and, if confirmed by the senate, shall continue for the remainder of the unexpired term, if any, of the member and until a successor is

chosen and qualifies. A provisional appointee may exercise all the powers and duties of board membership to which the person is appointed during the time in which the appointee qualifies.

(3) INITIAL NATUROPATHIC DOCTOR APPOINTMENTS TO BOARD. Notwithstanding s. 15.405 (7f) (a), for purposes of an initial appointment to the naturopathic medicine examining board made before the date specified in SECTION 42 (1) of this act, including any provisional appointment made under sub. (2), the governor may appoint individuals who the governor determines satisfy the requirements under s. 466.04 (1) (d) 1. a. to d., 2. a. to c., 3. a. to c., or 4. a. to d., who are licensed as a naturopathic doctor, naturopathic medical doctor, or naturopathic physician in another state, and who have been engaged in the practice or instruction of naturopathic medicine for at least 3 years.

SECTION 42. Effective dates. This act takes effect on the day after publication except as follows:

(1) The treatment of s. 466.02 takes effect on the first day of the 25th month beginning after publication.
