

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 154(EC)

Introduced by:

L.A. Leon Guerrero *LLG*

AN ACT TO ADMIT THE PRACTICE OF
NATUROPATHY BY AMENDING SECTION 12101(b),
ADDING A NEW SUBSECTION 12101(y) AND A NEW
ARTICLE 9 TO CHAPTER 12 OF TITLE 10, GUAM CODE
ANNOTATED.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan*
3 finds that as the number of new diseases and the cost of health care
4 continue to rise on Guam, as well as around the nation, individuals are
5 constantly looking towards alternative methods of treatment and care
6 for their health problems.

7 One of the steps that individuals are taking is the science of
8 Naturopathic medicine. This practice of Naturopathic medicine is one
9 of the fastest rising forms of treatment in America today. Presently,
10 twelve states recognize and allow the practice of Naturopathic medicine.
11 These states include Alaska, Arizona, Connecticut, Hawaii, Kansas,
12 Maine, Montana, New Hampshire, Utah, Vermont, Washington D.C.
13 and Washington. Puerto Rico and the U.S. Virgin islands have also

1 enacted laws enabling the practice of Naturopathic medicine in their
2 islands.

3 The licensing of certified practitioners in Naturopathic medicine is
4 regulated by the American Association of Naturopathic Physicians
5 (AANP) which was founded in 1986. The American Naturopathic
6 Medical Association (ANMA), founded in 1981, represents
7 approximately 2,000 practicing professionals in the field of Naturopathic
8 medicine. These organizations, together with the Alliance for the State
9 Licensing of Naturopathic Physicians, have continued monitoring and
10 pressing for the licensure of Naturopathic medicine in all 50 states.
11 Licensing of this profession is needed to protect the general population
12 and to create accountability created by law, which affirms that the
13 people who are licensed are under the scrutiny of the examiners whose
14 purpose is to protect the public by maintaining professional standards.

15 It is the intent of *I Liheslaturan Guahan* to make available significant
16 reduction in health care cost by authorizing the practice of Naturopathic
17 medicine, plus provide standards of quality of care which would
18 adequately protect the public health and safety and the general welfare
19 of the patient.

20 **Section 2.** A new Article 9 is hereby *added* to Chapter 12 of Title
21 10, Guam Code Annotated, to read as follows:

22 **“Article 9. Naturopathy Act.**

23 **§12901. Definitions.**

24 **§12902. Licensing application; fees.**

25 **§12903. Education requirements.**

1 §12904. License requirements.

2 §12905. Penalty.

3 §12906. Remedies or penalties cumulative.

4 §12908. Discipline; grounds; proceedings; hearings.

5 §12901. Definitions. As used in this Chapter:

6 (a) "Board" means the Guam Board of Allied Health Examiners.

7 (b) "Diagnosis" means using all recognized and accepted physical
8 and laboratory diagnostic procedures including the taking of blood for
9 diagnostic purposes.

10 (c) "Homeopathic" means minute doses of natural medicine.

11 (d) "Natural medicine" encompasses substances of botanical,
12 mineral, and animal origin, homeopathic preparations thereof, and
13 substances whose natural state has been improved by any process that
14 does not substantially alter the molecular structure found in nature,
15 including vitamins, minerals, and amino acids; excluding prescription
16 drugs, with the following exceptions: vitamins, minerals, amino acids,
17 and fatty acids.

18 (e) "Naturopathic physician" means a person who holds a current
19 license issued under this chapter to practice naturopathy.

20 (f) "Naturopathy" means the practice of:

21 (1) Natural medicine, natural therapeutics, and natural
22 procedures, for the purpose of removing toxic conditions from the
23 body and improving the quality, quantity, harmony, balance, and
24 flow of the vital fluids, vital tissues, and vital energy; and

25 (2) Diagnosing, treating, and caring for patients using a

1 system of practice that bases its treatment of physiological
2 functions and abnormal conditions on natural laws governing the
3 human body; utilizing physiological, psychological, and
4 mechanical methods, such as air, water, light, sunshine, heat and
5 cold, earth, phytotherapy, physiotherapy, mechano-therapy,
6 naturopathic corrections and manipulation, and natural methods
7 or modalities, together with natural or homeopathic medicines,
8 natural foods, and herbs, and nature's remedies of the type taught
9 in education and training at naturopathic medical colleges. The
10 practice of naturopathy excludes surgery, application of x-rays,
11 and prescribing, dispensing, or using prescription drugs except as
12 provided for in the definition of natural medicine.

13 **§12902. Licensing application; fees.**

14 (a) Any person desiring to practice naturopathy shall be licensed
15 under this chapter. To obtain a license under this chapter, a person shall
16 submit a completed application prescribed by the Board, provide the
17 information required under this chapter, rules of the Board, and other
18 applicable laws and rules, and pay a nonrefundable application fee and
19 other fees provided in rules adopted by the Board.

20 (b) To qualify for licensure, an applicant shall have met the
21 education and other requirements prescribed by this chapter, the rules
22 of the Board, and other applicable laws and rules.

23 **§12903. Education requirements.** Each applicant shall be a
24 graduate of a school, university, or college of naturopathy that has
25 received candidacy status with, or has been accredited by, a regional or

1 a national accrediting body recognized by the United States Department
2 of Education; provided that any applicant who graduated from a college
3 of naturopathy shall be deemed qualified if the college was approved by
4 the Board and has been accredited by a regional or national accrediting
5 body recognized by the United States Department of Education.

6 **§12904. License requirements.** In order to receive a license to
7 practice naturopathy in this territory, an applicant must:

8 (1) Provide proof of satisfactory completion of a course of
9 study of at least five hundred (500) hours duration in a school of
10 naturopathy approved by the Board or by a nationally recognized
11 association of professionals trained in naturopathy, which course
12 of study contains the underlying principles of anatomy,
13 physiology, and other subjects as are regularly included in the
14 curriculum of a school so approved.

15 (2) Provide proof of membership in a state or nationally
16 chartered organization devoted to the support and development
17 of the practice of naturopathy, or provide proof of ability to
18 qualify for membership in such organization.

19 (3) Pay an annual fee of Five Hundred Fifty Dollars
20 (\$550.00) and complete all the other requirements of this
21 ordinance.

22 **§12905. Penalty.** Any person except a licensed naturopathic
23 physician who practices, attempts to practice, or advertises the practice
24 of naturopathy, or any person who buys, sells, or fraudulently obtains
25 any diploma or license to practice naturopathy whether recorded or not,

1 or any person who uses the title “natureopath”, “naturopath”, or “N.D”,
2 or any word or title to induce the belief that the person is engaged in the
3 practice of naturopathy without complying with this chapter, or any
4 person who violates this chapter, shall be fined a sum of not less than
5 \$500 nor more than \$10,000 for each violation, which sum shall be
6 collected in a civil action brought by the attorney general or the
7 commission.

8 **§12906. Remedies or penalties cumulative.** Unless otherwise
9 expressly provided, the remedies or penalties provided by this chapter
10 are cumulative to each other and to the remedies or penalties available
11 under all other laws of Guam.

12 **§12907. Discipline; grounds; proceedings; hearings.**

13 (a) In addition to any other actions authorized by law, the board
14 shall have the power to deny, revoke, suspend, or refuse to renew any
15 license to practice naturopathy applied for or issued by the commission
16 in accordance with this chapter, and to fine or otherwise discipline a
17 licensee for any cause authorized by law, including but not limited to
18 the following:

19 (1) Procuring, or aiding or abetting in procuring, a criminal
20 abortion;

21 (2) Employing any person to solicit patients;

22 (3) Obtaining a fee on the assurance that a manifestly
23 incurable disease can be permanently cured;

24 (4) Betraying a patient’s confidence;

1 (5) Making any untruthful and improbable statement in
2 advertising one's naturopathic practice or business."

3 **Section 3.** Section 12101(b) of Article 1 of Chapter 12 of Division 1
4 of Title 10, Guam Code Annotated, is hereby *amended* to read as follows:

5 “(b) the Healing Art means the art of prevention, detecting or
6 attempting to detect the presence of any disease; of determining or
7 attempting to determine the nature and state of any disease, if
8 present; or preventing, relieving, correcting or curing of or
9 attempting to prevent, relieve, correct or cure any disease; of
10 safeguarding or attempting to safeguard the life of any woman or
11 infant through pregnancy and parturition; and of doing or
12 attempting to do any of the acts enumerated in this Subsection.
13 The healing arts include, but are not limited to, optometry,
14 nursing, chiropractic, dentistry, medicine and surgery, physician
15 assistants, podiatry, psychology, osteopathic, pharmacy, physical
16 therapy, acupuncture, speech language pathology, audiology,
17 reparatory therapy, nutritionist/ clinical dietician, cosmetology,
18 ~~and~~ veterinary medicine and naturopathy.”

19 **Section 4.** A new Subsection (y) is hereby *added* to Section 12101
20 of Article 1 of Chapter 12 of Division 1 of Title 10, Guam Code
21 Annotated, to read as follows:

22 “(y) Naturopathy means the practice of:

23 (1) Natural medicine, natural therapeutics, and natural
24 procedures, for the purpose of removing toxic conditions from the

1 body and improving the quality, quantity, harmony, balance, and
2 flow of the vital fluids, vital tissues, and vital energy; and

3 (2) Diagnosing, treating, and caring for patients using a
4 system of practice that bases its treatment of physiological
5 functions and abnormal conditions on natural laws governing the
6 human body; utilizing physiological, psychological, and
7 mechanical methods, such as air, water, light, sunshine, heat and
8 cold, earth, phytotherapy, physiotherapy, mechano-therapy,
9 naturopathic corrections and manipulation, and natural methods
10 or modalities, together with natural or homeopathic medicines,
11 natural foods, and herbs, and nature's remedies of the type taught
12 in education and training at naturopathic medical colleges. The
13 practice of naturopathy excludes surgery, application of x-rays,
14 and prescribing, dispensing, or using prescription drugs except as
15 provided for in the definition of natural medicine."

16 **Section 5. Severability.** If any of the provisions of this Act or the
17 application thereof to any person or circumstance is held invalid, such
18 invalidity shall not affect any other provision or application of this Act
19 which can be given effect without the invalid provision or application,
20 and to this end the provisions of this Act are severable.