

SECOND REGULAR SESSION

HOUSE BILL NO. 2446

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RICHEY.

4569H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 324, RSMo, by adding thereto fifteen new sections relating to naturopathic medicine.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 324, RSMo, is amended by adding thereto fifteen new sections, to
2 be known as sections 324.1900, 324.1905, 324.1910, 324.1915, 324.1920, 324.1925,
3 324.1930, 324.1935, 324.1940, 324.1945, 324.1950, 324.1955, 324.1960, 324.1965, and
4 324.1970, to read as follows:

2 **324.1900. Sections 324.1900 to 324.1970 shall be known and may be cited as the**
2 **"Naturopathic Physicians Practice Act".**

2 **324.1905. As used in sections 324.1900 to 324.1970, the following terms mean:**

2 **(1) "Approved naturopathic medical education program", an education**
3 **program that the board has approved as meeting the requirements of section**
4 **324.1930 and that prepares naturopathic physicians for the practice of naturopathic**
5 **medicine;**

6 **(2) "Board", the board of naturopathic medicine;**

7 **(3) "Clinical laboratory procedure", the use of venipuncture consistent with**
8 **naturopathic medical practice, commonly used diagnostic modalities consistent with**
9 **naturopathic practice, the recording of a patient's health history, physical examination,**
10 **ordering and interpretation of radiographic diagnostics and other standard imaging,**
11 **and examination of body orifices, excluding endoscopy and colonoscopy. The term**
12 **"clinical laboratory procedure" includes the practice of obtaining samples of human**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

13 tissues, except surgical excision beyond surgical excision that is authorized as a minor
14 office procedure;

15 (4) "Controlled substance", a drug, substance, or immediate precursor
16 enumerated in Schedules I through V of section 195.017;

17 (5) "Division", the division of professional registration of the department of
18 commerce and insurance;

19 (6) "Drug", the same meaning given to the term in section 195.010;

20 (7) "Laboratory examination", phlebotomy, a clinical laboratory procedure, an
21 official examination, a physiological function test, or a screening or test that is
22 consistent with naturopathic education and training;

23 (8) "Legend drug", the same meaning given to the term in section 338.330;

24 (9) "License", a license issued by the board to an individual in accordance with
25 sections 324.1900 to 324.1970 and rules of the board authorizing that individual to
26 practice naturopathic medicine in this state;

27 (10) "Licensee", an individual who holds a license;

28 (11) "Minor office procedure", minor surgical care and procedures including,
29 but not limited to, the following:

30 (a) Surgical care incidental to superficial laceration, lesion, or abrasion,
31 excluding surgical care to treat a lesion suspected of malignancy;

32 (b) The removal of foreign bodies located in superficial structures, excluding the
33 globe of the eye;

34 (c) Trigger point therapy;

35 (d) Dermal stimulation;

36 (e) Allergy testing and treatment; and

37 (f) The use of antiseptics and topical or local anesthetics;

38 (12) "Naturopathic medicine", a system of health care for the prevention,
39 diagnosis, and treatment of human health conditions, injury, and disease; the promotion
40 or restoration of health; and the support and stimulation of a patient's inherent self-
41 healing processes through patient education and the use of naturopathic therapies and
42 therapeutic substances;

43 (13) "Naturopathic physical medicine", the use of one or more of the following
44 physical agents or treatments in a manner consistent with naturopathic medical practice
45 on a part or the whole of the body, by hand or by mechanical means, in the resolution of
46 a human ailment or condition: air, water, heat, cold, sound, light, electromagnetism,
47 nondiagnostic ultrasound, cold laser, colon hydrotherapy, soft tissue therapy, joint
48 mobilization, therapeutic exercise, naturopathic manipulation, and treatments taught in
49 any approved naturopathic medical education program that are not otherwise

50 prohibited by sections 324.1900 to 324.1970. The term "naturopathic physical
51 medicine" does not include the practice of physical therapy, the application of
52 chiropractic adjustments, or the principles or techniques of chiropractic science;

53 (14) "Naturopathic physician", an individual licensed in accordance with
54 sections 324.1900 to 324.1970 as a naturopathic physician to practice naturopathic
55 medicine in this state;

56 (15) "Nutritional counseling", the prevention and treatment of disease or other
57 human conditions through the use of food, water, herbs, roots, bark, or natural food
58 elements;

59 (16) "Prescription", the same meaning given to the term in section 338.095;

60 (17) "Therapeutic substance", any of the following exemplified in a standard
61 naturopathic medical text, journal, or pharmacopeia: a botanical medicine, a drug, a
62 homeopathic medicine, a hormone, a hormonal or pharmaceutical contraceptive device,
63 a mineral, a nutraceutical, oxygen, a vitamin, or any other physiologic substance.

324.1910. 1. There is hereby created within the division a board to be known as
2 the "Board of Naturopathic Medicine".

3 2. The board of naturopathic medicine shall consist of five members appointed
4 by the governor, all of whom shall be residents of this state. Three members shall be
5 naturopathic physicians as described in subsection 4 of this section, one member shall be
6 a physician licensed under chapter 334, and one member shall be a public member as
7 described in subsection 5 of this section.

8 3. The initial members of the board shall be appointed for staggered terms, the
9 longest of which shall not exceed four years. Following the initial appointments, all
10 terms shall be for three years, and no member of the board shall serve more than three
11 terms.

12 4. (1) The initial three naturopathic physician members shall have at least two
13 years of experience in the practice of naturopathic medicine and shall be eligible to
14 become licensed under sections 324.1900 to 324.1970.

15 (2) Any naturopathic physician member appointed following the initial
16 appointments to the board shall be licensed under sections 324.1900 to 324.1970 and
17 shall actively practice naturopathic medicine in this state for the duration of his or her
18 appointment.

19 5. The public member shall be, at the time of the member's appointment, a
20 citizen of the United States, a resident of this state for a period of one year, and a
21 registered voter. The public member shall not have been a member of any profession
22 licensed or regulated under sections 324.1900 to 324.1970 or an immediate family
23 member of such a person. The public member shall not have had a material financial

24 interest in the provision of naturopathic medicine or in an activity or organization
25 directly related to any profession licensed or regulated under sections 324.1900 to
26 324.1970. The duties of the public member shall not include any determination of the
27 technical requirements to be met for licensure or whether any candidate for licensure
28 meets such technical requirements or any determination of the technical competence or
29 technical judgment of a licensee or candidate for licensure.

30 6. In the event of death, resignation, or removal of any member of the board
31 before the expiration of the term to which he or she was appointed, the vacancy shall be
32 filled for the unexpired portion of the term in the same manner as the original
33 appointment.

34 7. The board shall, within thirty days after the appointment of all members, and
35 at least annually thereafter, hold a meeting and elect from its membership a chair, a vice
36 chair, and a secretary. The board may hold additional meetings as may be required in
37 the performance of its duties at the call of the chair or upon the written request of any
38 two members of the board. Notice of every meeting shall be given to each member at
39 least three days before the date of the meeting.

40 8. The board may appoint such committees as it considers necessary to carry out
41 its duties.

42 9. A quorum of the board shall consist of a majority of its voting members. The
43 affirmative vote of a majority of a quorum of the board shall be required to carry a
44 motion or resolution, to adopt a rule, or to pass a measure.

45 10. The governor may remove a board member for misconduct, incompetence,
46 or neglect of official duties after giving the board member written notice of the charges
47 and an opportunity to be heard.

48 11. Notwithstanding any other provision of law, any appointed member of the
49 board shall receive as compensation an amount established by the director of the
50 division, not to exceed seventy-five dollars per member per day for commission business
51 plus actual and necessary expenses including, but not limited to, travel expenses. The
52 director of the division shall establish by rule guidelines for payment. All staff for the
53 board shall be provided by the division.

324.1915. 1. The board shall adopt rules that are necessary or proper for the
2 administration of sections 324.1900 to 324.1970 including, but not limited to, rules on:

3 (1) Regulating the licensure of naturopathic physicians and determining the
4 hours of continuing education units required for maintaining licensure as a
5 naturopathic physician;

6 (2) Prescribing the manner in which records of examinations and treatments
7 shall be kept and maintained;

- 8 **(3) Establishing standards for professional responsibility and conduct;**
9 **(4) Identifying disciplinary actions and circumstances that require disciplinary**
10 **action;**
11 **(5) Developing a means to provide information to all licensees in the state;**
12 **(6) Providing for the investigation of complaints against licensees or persons**
13 **holding themselves out as naturopathic physicians in this state;**
14 **(7) Providing for the publication of information for the public about licensees**
15 **and the practice of naturopathic medicine in this state;**
16 **(8) Providing for an orderly process for reinstatement of a license;**
17 **(9) Establishing criteria for advertising or promotional materials;**
18 **(10) Establishing continuing education requirements related to hours and**
19 **acceptable content;**
20 **(11) Establishing standards for the state jurisprudence examination;**
21 **(12) Establishing schedules for providing licensing examinations and for the**
22 **issuance of examination results;**
23 **(13) Establishing procedures and standards for reviewing licensing examination**
24 **scores;**
25 **(14) Establishing procedures for reviewing transcripts demonstrating**
26 **completion of the approved naturopathic medical education program;**
27 **(15) Establishing the requirements for issuance and renewal of licenses; and**
28 **(16) Regulating any other matter necessary to implement sections 324.1900 to**
29 **324.1970.**
30 **2. The board shall establish and maintain a list of naturopathic medical**
31 **education programs that meet the requirements of section 324.1930.**
32 **3. The board shall administer and enforce all provisions of sections 324.1900 to**
33 **324.1970 and all rules adopted by the board under the authority granted in sections**
34 **324.1900 to 324.1970.**
35 **4. The board shall set the amount of the fees that sections 324.1900 to 324.1970**
36 **authorize and require by rules and regulations promulgated under section 536.021. The**
37 **fees shall be set at a level to produce revenue that shall not substantially exceed the cost**
38 **and expense of administering sections 324.1900 to 324.1970.**
39 **5. All fees payable under sections 324.1900 to 324.1970 shall be collected by the**
40 **division and transmitted to the department of revenue for deposit in the state treasury**
41 **to the credit of the board of naturopathic medicine fund established under section**
42 **324.1920.**

43 **6. The board shall employ permanent or temporary personnel it deems**
44 **necessary to carry out the purposes of sections 324.1900 to 324.1970 and designate their**
45 **duties.**

46 **7. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
47 **created under the authority delegated in this section shall become effective only if it**
48 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
49 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
50 **vested with the general assembly pursuant to chapter 536 to review, to delay the**
51 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
52 **then the grant of rulemaking authority and any rule proposed or adopted after August**
53 **28, 2024, shall be invalid and void.**

324.1920. 1. There is hereby created in the state treasury the "Board of
2 **Naturopathic Medicine Fund". All fees authorized to be charged by the board shall be**
3 **collected by the director of the division and shall be transmitted to the department of**
4 **revenue for deposit in the state treasury for credit to this fund. The state treasurer shall**
5 **be custodian of the fund. In accordance with sections 30.170 and 30.180, the state**
6 **treasurer may approve disbursements. The fund shall be a dedicated fund and, upon**
7 **appropriation, moneys in this fund shall be used solely in payment of expenses of**
8 **maintaining the board and for the enforcement of the provisions of law concerning the**
9 **practice of naturopathic medicine.**

10 **2. Notwithstanding the provisions of section 33.080 to the contrary, moneys in**
11 **this fund shall not be transferred and placed to the credit of general revenue until the**
12 **amount in the fund at the end of the biennium exceeds three times the amount of the**
13 **appropriation from the fund for the preceding fiscal year. The amount, if any, in the**
14 **fund that shall lapse is that amount in the fund that exceeds the appropriate multiple of**
15 **the appropriations from the fund for the preceding fiscal year.**

16 **3. The state treasurer shall invest moneys in the fund in the same manner as**
17 **other funds are invested. Any interest and moneys earned on such investments shall be**
18 **credited to the fund.**

324.1925. The board shall issue a license to an applicant who:

2 **(1) Is of good moral character, in accordance with standards established by rules**
3 **of the board;**

4 **(2) Submits, in accordance with rules of the board, the following items to the**
5 **board:**

6 **(a) An application for licensure designed and approved by the board and**
7 **submitted in accordance with rules of the board;**

8 **(b) An application fee submitted in an amount and manner established by rules**
9 **of the board;**

10 **(c) Evidence that the applicant has graduated from an approved naturopathic**
11 **medical education program;**

12 **(d) Evidence that the applicant has successfully completed a competency-based**
13 **national naturopathic medicine licensing examination;**

14 **(e) Evidence that the applicant has passed a pharmacy examination authorized**
15 **by rules of the board and administered by the North American Board of Naturopathic**
16 **Examiners;**

17 **(f) Evidence that the applicant has passed a state jurisprudence examination**
18 **that meets standards established in rules of the board; and**

19 **(g) Evidence of professional liability insurance with policy limits not less than**
20 **those prescribed by the board;**

21 **(3) Is determined by the board to be physically and mentally capable of safely**
22 **practicing naturopathic medicine with or without reasonable accommodation; and**

23 **(4) Has not had a license to practice naturopathic medicine or other health care**
24 **license, registration, or certificate refused, revoked, or suspended by any other**
25 **jurisdiction for reasons that relate to the applicant's ability to skillfully and safely**
26 **practice naturopathic medicine unless that license, registration, or certification has been**
27 **restored to good standing by that jurisdiction.**

324.1930. 1. The board shall establish by rule guidelines for the licensure
2 **requirements described in section 324.1925 relating to graduation from an approved**
3 **naturopathic medical education program and successful completion of a competency-**
4 **based national naturopathic medicine licensing examination. The guidelines shall meet**
5 **the requirements of this section and the board's specifications for the education of**
6 **naturopathic physicians.**

7 **2. The requirement for graduation from an approved naturopathic medical**
8 **education program shall be interpreted in the guidelines as requiring, at a minimum,**
9 **graduation from:**

10 **(1) A naturopathic medical education program in the United States providing**
11 **the degree of doctor of naturopathic medicine, which shall:**

12 **(a) Offer graduate-level, full-time didactic and supervised clinical training;**

13 **(b) Be accredited or have achieved candidacy status for accreditation by the**
14 **Council on Naturopathic Medical Education or an equivalent federally recognized**
15 **accrediting body for naturopathic medical programs also recognized by the board; and**

16 **(c) Be an institution of higher education or part of an institution of higher**
17 **education that is either accredited or is a candidate for accreditation by a regional or**

18 national institutional accrediting agency recognized by the United States Secretary of
19 Education;

20 (2) A degree-granting institution of higher education that, prior to the existence
21 of the Council on Naturopathic Medical Education, offered a full-time, structured
22 curriculum in basic sciences and supervised patient care comprising a doctoral
23 naturopathic medical education requiring not less than one hundred thirty-two weeks of
24 coursework to be completed within a period of not less than thirty-five months, which
25 was reputable and in good standing in the judgment of the board and which if still in
26 existence has current programmatic accreditation by the Council on Naturopathic
27 Medical Education or a federally recognized equivalent accrediting agency;

28 (3) A diploma-granting, degree-equivalent institution of higher education
29 located in Canada that, prior to the existence of the Council on Naturopathic Medical
30 Education, had provincial approval for participation in government-funded student aid
31 programs, offered a full-time, structured curriculum in basic sciences and supervised
32 patient care comprising a doctoral naturopathic medical education requiring not less
33 than one hundred thirty-two weeks of coursework to be completed within a period of
34 not less than thirty months, was reputable and in good standing in the judgment of the
35 board, and if still in existence, has current programmatic accreditation by the Council
36 on Naturopathic Medical Education or a federally recognized equivalent accrediting
37 agency and currently has provincial approval for participation in government-funded
38 student aid programs; or

39 (4) A diploma-granting, degree-equivalent institution of higher education
40 located in Canada that has provincial approval for participation in government-funded
41 student aid programs, offers graduate-level, full-time didactic and supervised clinical
42 training, and is accredited or has achieved candidacy status for accreditation by the
43 Council on Naturopathic Medical Education or an equivalent federally recognized
44 accrediting body for naturopathic medical programs also recognized by the board.

45 3. The requirement for successful completion of a competency-based national
46 naturopathic medicine licensing examination shall be interpreted in the guidelines as
47 requiring, at a minimum, successful completion of:

48 (1) A competency-based national naturopathic medicine licensing examination
49 administered by the North American Board of Naturopathic Examiners, or an
50 equivalent agency recognized by the board; or

51 (2) For graduates of approved naturopathic medical programs in the United
52 States prior to the existence of the Council on Naturopathic Medical Education, a
53 competency-based state naturopathic medicine licensing examination or equivalent

54 Canadian provincial licensing examination for the practice of naturopathic medicine
55 approved by the board.

324.1935. 1. A person who holds a license under sections 324.1900 to 324.1970
2 shall display the licensee's license in the licensee's place of business in a location clearly
3 visible to the licensee's patients and shall also display evidence of the licensee having
4 completed an approved naturopathic medical education program.

5 2. A person who practices, conducts affairs, or is employed at more than one
6 location and who maintains a continuing activity as authorized by the license shall
7 display a duplicate of such document issued by the board at each location.

324.1940. A licensee may practice naturopathic medicine to provide primary
2 care in alignment with naturopathic medical education by:

- 3 (1) Performing physical examinations;
- 4 (2) Ordering laboratory examinations;
- 5 (3) Performing clinical laboratory procedures;
- 6 (4) Ordering diagnostic imaging studies including, but not limited to, x-ray,
7 ultrasound, mammogram, bone densitometry, computed tomography, magnetic
8 resonance imaging, and electrocardiogram;
- 9 (5) Based on a radiologist's report, taking action on diagnostic imaging studies in
10 a manner consistent with naturopathic training;
- 11 (6) Interpreting the results of laboratory examinations for diagnostic purposes;
- 12 (7) Prescribing, administering, dispensing, and ordering food, extracts of food,
13 nutraceuticals, vitamins, amino acids, minerals, enzymes, botanicals and their extracts,
14 botanical medicines, homeopathic medicines, human cellular and tissue-based products
15 that are not regulated as drugs, and all dietary supplements and nonprescription drugs
16 as defined by the Federal Food, Drug, and Cosmetic Act;
- 17 (8) Prescribing, administering, dispensing, and ordering:
 - 18 (a) All legend drugs within Schedules III, IV, and V of section 195.017; and
 - 19 (b) Durable medical equipment and devices;
- 20 (9) Administering substances authorized for intradermal, subcutaneous,
21 intramuscular, intravenous, ligamentous, tendinous, periarticular, intra-articular,
22 intravaginal, and intrauterine administration consistent with the education and
23 training of a naturopathic physician;
- 24 (10) Using routes of administration for substances that include oral, nasal,
25 auricular, ocular, rectal, vaginal, transdermal, intradermal, subcutaneous, intravenous,
26 intra-articular, and intramuscular consistent with the education and training of a
27 naturopathic physician;
- 28 (11) Performing naturopathic physical medicine;

- 29 (12) Using therapeutic devices, barrier contraception, intrauterine devices,
30 hormonal and pharmaceutical contraception, and durable medical equipment;
31 (13) Performing minor office procedures;
32 (14) Providing biofeedback and neurofeedback therapies; and
33 (15) Providing health care counseling, nutritional counseling, and dietary
34 therapy.

 324.1945. A naturopathic physician who prescribes in accordance with section
2 324.1940 shall:

- 3 (1) Record each prescription order in writing, which may include an
4 electronically recorded and transmitted communication. The order shall include the
5 name, address, and telephone number of the naturopathic physician;
6 (2) Prescribe only when the naturopathic physician has adequate education,
7 training, and experience to safely manage the medical regimen; and
8 (3) Register with the United States Drug Enforcement Administration (DEA) in
9 order to prescribe controlled substances authorized by sections 324.1900 to 324.1970.

 324.1950. A licensee shall refer to a physician licensed and authorized to engage
2 in the practice of medicine as described in section 334.010 any patient whose medical
3 condition should, at the time of evaluation or treatment, be determined to be beyond the
4 scope of practice of the licensee.

 324.1955. A licensee shall not:

- 2 (1) Perform surgery outside of the scope of minor office procedures permitted in
3 the employment of naturopathic therapy;
4 (2) Use general or spinal anesthetics;
5 (3) Administer ionizing radioactive substances for therapeutic purposes;
6 (4) Perform a surgical procedure using a laser device;
7 (5) Perform a surgical procedure involving any of the following areas of the body
8 that extends beyond superficial tissue: eyes, ears, tendons, nerves, veins, or arteries;
9 (6) Perform a surgical abortion;
10 (7) Treat any lesion suspected of malignancy or requiring surgical removal; or
11 (8) Perform chiropractic adjustments.

 324.1960. Nothing in sections 324.1900 to 324.1970 shall be construed to prohibit
2 or to restrict:

- 3 (1) The practice of a health care profession by an individual who is licensed,
4 certified, or registered under other laws of this state and who is performing services
5 within the individual's authorized scope of practice;
6 (2) The practice of naturopathic medicine by a student enrolled in an approved
7 naturopathic medical education program, provided that the practice of naturopathic

8 medicine by a student is performed as specified by a course of instruction or an
9 assignment from an instructor and under the supervision of an instructor who is a
10 licensee or a duly licensed professional in the instructed field;

11 (3) Any person who sells a vitamin or herb from providing information about
12 the vitamin or herb;

13 (4) The practice of naturopathic medicine by persons who are licensed to
14 practice in any other state or district in the United States and who enter this state to
15 consult with a naturopathic physician of this state, provided that the consultation is
16 limited to examination, recommendation, or testimony in litigation; or

17 (5) Any person or practitioner who is not licensed as a naturopathic physician
18 from recommending ayurvedic medicine, herbal remedies, nutritional advice,
19 homeopathy, or other therapy that is within the scope of practice of naturopathic
20 medicine, provided that the person or practitioner shall not:

21 (a) Use a title protected under section 324.1965;

22 (b) Represent or assume the character or appearance of a licensee; or

23 (c) Otherwise use a name, title, or other designation that indicates or implies that
24 the person is a licensee.

324.1965. 1. A licensee shall use the title "naturopathic physician" or
2 "naturopathic doctor" and the recognized abbreviation "N.D."

3 2. A licensee has the exclusive right to use the following terms in reference to the
4 licensee's self: "naturopathic physician", "naturopathic doctor", "doctor of
5 naturopathic medicine", "N.D.", "ND", "NMD", and "N.M.D."

6 3. An individual represents the individual's self to be a naturopathic physician or
7 a naturopathic doctor when the individual uses or adopts any of the following terms in
8 reference to the individual's self: "naturopathic physician", "naturopathic doctor",
9 "doctor of naturopathic medicine", "N.D.", "ND", "NMD", and "N.M.D."

10 4. An individual shall not represent the individual's self to the public as a
11 naturopathic physician, a naturopathic doctor, or a doctor of naturopathic medicine, or
12 as being otherwise authorized to practice naturopathic medicine in this state, unless the
13 individual is a licensee.

324.1970. 1. The board may refuse to issue, renew, or reinstate any license
2 required by sections 324.1900 to 324.1970 for one or any combination of causes stated in
3 subsection 2 of this section. The board shall notify the applicant in writing of the
4 reasons for the refusal and shall advise the applicant of his or her right to file a
5 complaint with the administrative hearing commission as provided in chapter 621.

6 2. The board may cause a complaint to be filed with the administrative hearing
7 commission as provided by chapter 621 against any holder of a license issued under

8 sections 324.1900 to 324.1970 or any person who has failed to renew or has surrendered
9 his or her license for any one or any combination of the following causes:

10 (1) The person has been finally adjudicated and found guilty, or entered a plea of
11 guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the
12 United States, or of any country for any offense directly related to the duties and
13 responsibilities of the occupation, as set forth in section 324.012, regardless of whether a
14 sentence is imposed;

15 (2) Use of fraud, deception, misrepresentation, or bribery in securing any license
16 issued under sections 324.1900 to 324.1970 or in obtaining permission to take any
17 examination given or required under sections 324.1900 to 324.1970;

18 (3) Obtaining or attempting to obtain any fee, charge, tuition, or other
19 compensation by fraud, deception, or misrepresentation;

20 (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or
21 dishonesty in the performance of the functions or duties of the profession regulated by
22 sections 324.1900 to 324.1970;

23 (5) Violation of, or assisting or enabling any person to violate, any provision of
24 sections 324.1900 to 324.1970 or of any lawful rule or regulation adopted under sections
25 324.1900 to 324.1970;

26 (6) Impersonation of any person holding a license or allowing any other person
27 to use his or her diploma from any school;

28 (7) Disciplinary action against the holder of a license or other right to practice
29 the profession regulated by sections 324.1900 to 324.1970 granted by another state,
30 territory, federal agency, or country upon grounds for which revocation or suspension is
31 authorized in this state;

32 (8) A person is finally adjudged insane or incompetent by a court of competent
33 jurisdiction;

34 (9) Issuance of a license based upon a material mistake of fact; or

35 (10) Use of any advertisement or solicitation that is false, misleading, or
36 deceptive to the general public or persons to whom the advertisement or solicitation is
37 primarily directed.

38 3. Any person, organization, association, or corporation that reports or provides
39 information to the board or division in accordance with the provisions of sections
40 324.1900 to 324.1970 and that does so in good faith and without negligence shall not be
41 subject to an action for civil damages as a result thereof.

42 4. After the filing of a complaint under subsection 2 of this section, the
43 proceedings shall be conducted in accordance with the provisions of chapter 621. Upon
44 a finding by the administrative hearing commission that one or more of the grounds for

45 **disciplinary action provided in subsection 2 of this section are met, the board may,**
46 **singly or in combination, censure or place the person named in the complaint on**
47 **probation or suspension or revoke the license of the person on such terms and**
48 **conditions as the board deems appropriate.**

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