

Reported Recommending
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Passed Senate
Failed to Pass Senate

House File 357

February 24, 1947.
Public Health.

By SLOANE (By Request).

A BILL FOR

An Act defining Naturopathy; regulating the practice of Naturopathy in the State of Iowa, creating the Iowa State Board of Naturopathic Examiners; fixing terms of office; providing for the appointment of members of said Board, defining their powers and duties, and otherwise allowing them to adopt by-laws and regulations; providing for the issuance and revocation and/or suspension of licenses; regulating the use of professional titles and abbreviations; prohibiting the practice of other methods or systems under the name of Naturopathy as defined in this Act, and to provide penalties for violation of this Act.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 Section 1. Definitions. The following words, terms
- 2 and phrases when used in this act shall, for the purposes
- 3 of this act, have the meanings herein given, unless
- 4 otherwise specifically defined, or unless another intention
- 5 clearly appears, or the context otherwise requires:
- 6 1. The "healing art" includes any method or system,
- 7 treatment, operation, diagnosis, prescription or practice
- 8 for the ascertainment, cure, palliation, adjustment or
- 9 correction of any human disease, ailment, deformity, injury
- 10 or unhealthy or abnormal physical or mental condition.
- 11 2. "Board" means Iowa State Board of Naturopathic

12 Examiners.

13 3. "License" means a certificate issued to a person
14 authorizing him to practice Naturopathy within this state.

15 4. The words "he" or "him" shall be taken to include
16 the feminine as well as the masculine wherever the context
17 of this act shall require such interpretation.

18 5. "Naturopathy", which includes all forms of
19 physiotherapy, is that system of the healing arts which
20 means, "Nature cure or health by natural methods" and is
21 defined as the prevention, diagnosis, and treatment, of
22 human injuries, ailments, and diseases by means of any
23 one or more of the psychological, physical or mechanical,
24 chemical or material, forces or agencies of nature.

1 Sec. 2. Board qualifications. A board is hereby
2 created, to be known as the "Iowa State Board of
3 Naturopathic Examiners". Said board shall be composed of
4 three practicing Naturopathic Physicians of good moral
5 character and with recognized integrity and ability in
6 that profession, residents of this state, who shall have
7 been engaged in the active practice of their profession
8 within this state for at least five (5) years prior to
9 the passage of this act and are members of the Iowa State
10 Association of Naturopathic Physicians, Incorporated
11 and/or the Iowa Physical Therapy Society, Incorporated.

1 Sec. 3. Board—how appointed. The Governor shall,
2 within thirty days after the taking effect of this act

3 appoint three Naturopathic Physicians, who shall possess
4 the qualifications specified in section two (2), selected
5 from a list of names submitted by the Iowa State Association
6 of Naturopathic Physicians, and/or the Iowa Physical Therapy
7 Society, Incorporated. The term of office of the members
8 of said board shall be for six years, except, the first
9 three named members shall serve periods of two, four and
10 six years respectively. Upon the expiration of the term of
11 office each member of said board, or whenever a vacancy
12 shall occur therein, the Governor shall appoint a Naturo-
13 pathic Physician to fill such vacancy. The members of
14 said board shall hold office until their successors are
15 appointed and qualified.

1 Sec. 4. Members—Oath of Office. Members of the
2 board before entering upon their duties, shall respectively
3 take and file an official oath. At its first meeting the
4 board members shall issue to themselves a license under
5 this act to practice Naturopathy, for which each member
6 shall pay a fee of fifty (\$50.00) dollars.

1 Sec. 5. Organization and Meetings. Immediately after
2 appointment and qualification of said members, the board
3 shall meet and organize. Said board shall choose annually,
4 one of its members as Chairman and one as Secretary-
5 Treasurer who shall severally have power to administer
6 oaths and take affidavits, certifying thereto under the
7 seal of the board. The board shall hold two regular

8 meetings each year, one meeting to be in the first week in
9 July, 1947 and one to be in the first week in January, 1948,
10 in Des Moines, Iowa, at the place, date and time to be
11 designated by the Chairman. Special or call meetings may
12 be held at such times and places and upon such notice as
13 the Chairman may determine. Said board shall adopt a seal,
14 of which all courts of this state shall take judicial
15 notice, which must be affixed to all licenses issued by it.
16 The board shall, from time to time, adopt such rules and
17 regulations, not inconsistent with this act, as it may
18 deem necessary for the performance of its duties, and shall
19 examine and pass upon the qualifications of applicants for
20 the practice of Naturopathy in this state as herein
21 provided. The Secretary-Treasurer shall keep a record
22 of all official actions and proceedings of the Board and
23 said record shall be prima facie evidence of matters therein
24 contained. The Secretary-Treasurer shall be the custodian
25 of all funds of the board and shall deposit the same in
26 the name of the board in such bank or banks as the board may
27 designate and shall disburse the same according to the
28 provisions of this act and under such rules and regulations
29 as may be made by the board and he shall perform such
30 other duties as the board may from time to time prescribe.
31 He shall keep a full and accurate account of receipts and
32 disbursements in books belonging to the board and shall
33 see that all expenditures are duly authorized and are

34 evidenced by proper receipts and vouchers. He shall
35 render to the board at its regular meetings, or whenever
36 it may require, an account of all his transactions as
37 Treasurer and of the financial condition of the board.

1 Sec. 6. Powers of the Board. The board shall have power
2 from time to time to appoint such assistants and employees as
3 shall be necessary and to fix their compensation. The board
4 may appoint an agent, whose title shall be Inspector of the
5 Iowa State Board of Naturopathic Examiners, who shall hold
6 office at the pleasure of the board. Said inspector shall
7 have power, during his term of office, to enter the office
8 of a naturopathic physician or any place where the practice
9 of Naturopathy is carried on, or where the teaching of
10 Naturopathy is being conducted, for the purpose of inspecting
11 said premises and the license and registration of the
12 Naturopath and/or Naturopaths therein. The State Board of
13 Naturopathic Examiners shall have power to administer oaths,
14 to summon witnesses and to take testimony in all matters
15 relating to its duties. Said board shall issue all licenses
16 to practice Naturopathy to such individuals who shall furnish
17 satisfactory evidence of attainments and qualifications under
18 the provisions of this act and the rules and regulations of
19 the board. Such licenses shall be signed by the Chairman and
20 attested by the Secretary-Treasurer of the board under its
21 adopted seal, and it shall give absolute authority to the
22 individual to whom it is issued to practice Naturopathy

23 within this state. Every unrevoked license shall be
24 presumptive evidence in all courts and places that the person
25 therein named is legally licensed to practice Naturopathy.
26 It shall be the duty of the board to aid the county attorneys
27 of the state in the enforcement of this act.

1 Sec. 7. Compensation of Board Members. All fees received
2 under this act shall be paid to the Secretary-Treasurer, who
3 shall forthwith deposit the same in the bank or banks as so
4 directed by the board, to the credit and for the use of the
5 Iowa State Board of Naturopathic Examiners, and shall pay out
6 the same only upon written vouchers issued and approved by
7 the Chairman and countersigned by the Secretary-Treasurer of
8 said board. The expenses of the board in carrying out the
9 provisions of this act shall be paid out of this fund. Each
10 member of the board shall be entitled to be paid the sum of
11 Fifteen (\$15.00) Dollars a day for examinations conducted by
12 the board and shall be entitled, in addition thereto, to be
13 reimbursed for their reasonable expenses and disbursements
14 in performing the duties required of them under this Act. In
15 no case shall any expense of operation of said board be supplied
16 by the State of Iowa.

1 Sec. 8. Application for License—Examination and
2 Admission. All persons making application for a license to
3 engage in the practice of Naturopathy shall be at least
4 twenty-one years of age, of good moral character and temperate
5 habits, shall have graduated from a high school or secondary

6 school approved by the board or has completed an equivalent
7 course of study, as determined by an examination conducted by
8 the board, shall have graduated from a School of Naturopathy,
9 the curriculum of which includes instruction in the generally
10 accepted basic sciences, such as anatomy, physiology, chemistry,
11 pathology, bacteriology, hygiene, and biological courses
12 deemed by the faculty of such school as the most appropriate
13 and most serviceable studies for the promotion of the public
14 health, and other qualifications as the board may reasonably
15 require. Those persons who have been engaged in the practice
16 of Naturopathy in this state for a period of not less than
17 five (5) years before the passage of this act, and whose
18 qualifications have been approved by the Examiners Board,
19 of the Iowa State Association of Naturopathic Physicians,
20 Incorporated and/or the Examiners Board, of the Iowa Physical
21 Therapy Society, Incorporated, who make application to the Iowa
22 State Board of Naturopathic Examiners within ninety (90) days
23 after the taking effect of this act, shall be licensed without
24 further examination, but he shall pay the regular fee and
25 secure a license under this act. Persons complying with the
26 provisions of this act will in no event be required to take
27 an examination before any other existing board of examiners
28 in Iowa and at no time in the future, as long as this board
29 exists, will he be called on to pass any further examination
30 to practice Naturopathy within this state; and by no manner or
31 means, or in no way whatever, shall this board come under the

32 jurisdiction of any other now existing or hereafter created
33 board, department council, bureau or commission in this state.

1 Sec. 9. Qualifications for Examination. Every applicant
2 for examination before the board for a license to practice
3 Naturopathy in Iowa, shall fill out and file with the board
4 an application blank, as provided by the board, setting forth
5 such eligibility for examination. The applicant shall remit
6 the sum of Fifty (\$50.00) Dollars with his application as fee
7 for examination and license.

1 Sec. 10. Examinations. The applicant will be notified as
2 to date and place of examination, and, in the event of failure
3 to pass, without payment of further fee he shall be permitted
4 to take not more than three (3) examinations in all. In the
5 event of failure of any applicant to pass an examination, no
6 money will be returned to the applicant. An applicant with
7 proper qualifications shall be permitted to secure a temporary
8 license on the payment of the required fee, but shall not
9 extend past any examination thereafter held, which examination
10 he shall take; except, the board shall have a right to issue
11 by reciprocity to Naturopathic Physicians coming from other
12 states, a license to practice Naturopathy in this state, upon
13 the payment of a fee of One Hundred (\$100.00) Dollars.

1 Sec. 11. License renewal. All persons licensed to practice
2 Naturopathy within this state on or before the tenth day of
3 July, 1947, shall, on or before the first day of January of
4 each year thereafter pay said board a renewal license fee

5 of Ten (\$10.00) Dollars which fee shall be payable to the board
6 and shall accompany an application for renewal and shall be
7 turned over to the Secretary-Treasurer of the board; failure
8 to do so shall automatically suspend said license. Any license
9 so suspended may be renewed after January first upon payment
10 of Twenty-five (\$25.00) Dollars.

1 Sec. 12. Official Register. The board shall keep an official
2 register of all applicants for a license to practice Naturopathy,
3 within this state. The register shall show the name, age,
4 nativity, last place of residence of each applicant and of
5 the time he spent in obtaining a competent academic and
6 Naturopathic education and the name and location of all
7 professional schools and colleges of the healing arts that he
8 attended or graduated from as well as all licensing boards
9 which have granted the applicant any license or certificate.
10 The register shall show whether the applicant was licensed or
11 rejected under this act, and such register shall be prima
12 facie evidence of all matters herein contained.

1 Sec. 13. Observance of Regulations. Doctors of
2 Naturopathy shall be subject to and observe all state, county
3 and municipal regulations in regard to the control of contagious
4 and infectious diseases, and to any and all other matters,
5 pertaining to the public health in the same manner as is
6 required of other practitioners of the healing art, and in
7 the reporting of births and deaths.

1 Sec. 14. Practicing without a License. Penalty. Any

2 person who shall practice or attempt to practice Naturopathy
3 or any of its branches or shall so hold himself out in any
4 way without or who shall use any of the titles or letters
5 “Doctor of Naturopathy”, “Naturopath”, N.D.”, or any other
6 title, terms or letters or the system know as Naturopathy,
7 under any circumstances whatsoever, so as to mislead the
8 public to believe that the person so using such term or terms
9 is engaged in the practice of Naturopathy, without having
10 complied with the provisions of this act, shall be guilty of
11 a misdemeanor, and, upon conviction thereof, shall be fined
12 not less than One Hundred (\$100.00) Dollars, or by a fine of
13 not more than Five Hundred (\$500.00) Dollars, or imprisonment
14 in the county jail for not less than thirty (30) days nor
15 more than six (6) months, or by both such fine and imprisonment
16 in the discretion of the court.

1 Sec. 15. Refusal to Grant License. Revocation. The board
2 may, by a majority vote, refuse to grant a licensé under this
3 act, or it may revoke or suspend any license granted hereunder
4 for the following causes: Conviction of the charge of,
5 and/or chronic and persistent inebriety, of the practice of
6 criminal abortion, of a crime involving moral turpitude, and
7 by the false advertising of special ability to treat and cure
8 incurable diseases, or of the presentation to this board, for
9 the purpose of procuring a license to practice Naturopathy
10 within this state, any Naturopathic diploma, certificate, or
11 credentials which shall have been procured, signed, or issued

12 under unlawful or fraudulent representation, or the procuring
13 of a license to practice Naturopathy within this state through
14 fraud of any kind. Before a license be revoked the accused
15 shall be furnished with a copy of the charges against him and
16 be given an opportunity to be heard before said board in
17 person or by attorney. Any person whose license has been
18 revoked by the board shall surrender his license certificate
19 to the Secretary-Treasurer of the board immediately. The
20 board, at any time after the expiration of one year, may
21 consider the restoration of license to any person whose license
22 was revoked or suspended; provided, the cause for which said
23 license was revoked or suspended had been eliminated, and in
24 this consideration, the majority of the board vote shall be
25 the deciding factor.

1 Sec. 16. Professional Titles and Abbreviations. A
2 licensee under any such license issued by said board shall
3 have the right to display with his name the title "Doctor" or
4 "Dr." except when so doing, the word "Naturopath" or words
5 "Doctor of Naturopathy" or in lieu thereof the letters "N.D."
6 shall be used in connection therewith; also shall have the
7 right and privilege to sign all certificates, as is granted to
8 practitioners of other branches of the healing arts, as well
9 as in all matters pertaining to public health welfare and to
10 have the right to employ nurses and to employ the aid of
11 assistants.

1 Sec. 17. Operative Surgery. Nothing in this act or any
2 construction thereof, shall permit or authorize any Naturopathic

3 Physician licensed hereunder to perform any surgical work
4 other than minor matters.

1 Sec. 18. Persons not required to qualify. The prohibition
2 features of this act shall not be applicable to the following:

3 (a) A person giving first aid, assistance or relief in
4 emergency or accident cases pending the arrival of a physician,
5 surgeon or Naturopath.

6 (b) Licensed medical physicians, surgeons, osteopaths,
7 osteopaths and surgeons, dentists, optometrists, chiropractors,
8 pharmacists, nurses, chiropodists, and others; provided, however,
9 that each of the above classified practioners do not practice
10 or attempt to practice Naturopathy as set forth in this act and
11 who are exclusively engaged in the practice of their respective
12 professions.

1 Sec. 19. Separability. If any section, paragraph, clause,
2 sentence, phrase or provision of this act is for any reason
3 held to be unconstitutional or invalid, such decision shall
4 not affect the validity of the remaining portions of this
5 act, but shall be confined strictly in its operation to the
6 particular section, paragraph, clause, sentence, phrase or
7 provision thereof so held to be unconstitutional or invalid.
8 The Legislature hereby declares that it would have passed
9 this act and each section, paragraph, clause, sentence,
10 phrase or provision hereof, irrespective of whether any one
11 or more of the sections, paragraphs, clauses, sentences,
12 phrases or provisions be declared unconstitutional or
13 invalid.

EXPLANATION OF H. F. 357

The practice of Naturopathy has not, as yet, been licensed in the State of Iowa, although a large and increasing number of states have authorized its practice. All these laws are substantially the same as the law now proposed for this State. In 1931 Congress passed a bill licensing the practice of Naturopathy in the District of Columbia. Similar bills have been enacted in many jurisdictions, including the states of California, Florida, Connecticut, Tennessee, Oregon, Washington, West Virginia, South Carolina, Utah, Arizona and Pennsylvania.

Naturopathy is a well established and widely recognized science of healing. It is based upon the principles of maintenance of health and treatment of disease by methods which do not include the practice of medicine or drugs or the performance of major surgery.

The practice of these two branches of the healing art is as before in the exclusive hands of the Doctors of Medicine.

By the proposed bill, Naturopathy is given similar recognition as Chiropractic and Osteopathy, each of which is now authorized and regulated in this state.

Eons ago, at the dawn of time, the primitive mother held her sick child to her bosom to keep the spark of life alive, stroked his ailing and aching body to smooth away pain, thereby reviving the failing circulation, and brewed wild herbs for their life giving elements.

Then and there Naturopathy was born.

Priests of Chaldea, Babylon, Egypt, Greece and European country folks have for time immemorial used the forces of nature to alleviate pain and suffering.

The modern Naturopath avails himself of science's latest discoveries in applying cardinal principles of his creed: 1. Nutrition. 2. Circulation. 3. Elimination. 4. Innervation. The perfect co-ordination means health.

The proposed bill defines Naturopathy and contains provisions for licensing only qualified graduates in this field of practice. The standards of education and skill required of all applicants for license are very high.

Under this act, those licensed to practice Naturopathy will not interfere in any way with the medical profession, neither will the practice of chiropractic or osteopathy be interfered with.

The Naturopathic Board of Examiners created under this act will be self sustaining and therefore will not require any support by the State of Iowa.

Several hundred doctors of Naturopathy are now practicing in Iowa without benefit of licensure. Why? Some of these Doctors of Naturopathy have been in the state for more than a quarter of a century. Some of them have been persecuted by the Medical Board for a number of years, but, like the early Christians, they have survived malice, are still here and have a large following of intelligent and grateful citizens.

A number of extremely high caliber practitioners, however, have left Iowa during recent years and are now practicing in other states which do have suitable laws. They passed the examinations required in those states and are highly respected citizens in their respective communities, whereas in Iowa they were hunted like common criminals. Not because they did anything wrong, not because they harmed anyone, but because they could not comply with a medical law which does not cover Naturopathy.

That the public be protected from impostors who may hold themselves out to be graduate Naturopaths, it is fitting at this time that the state of Iowa follow the policy of such other states as mentioned above and enact into law a Naturopathic bill in order that the Naturopathic profession may regulate those practicing in this state and prevent incompetent persons from entering this field of practice.