

STATEMENT OF SCOPE

NATUROPATHIC MEDICINE EXAMINING BOARD

Rule No.: Nat Med 1 to 10

Relating to: Licensure requirements for naturopathic doctors and limited-scope naturopathic doctors

Rule Type: Emergency

1. Finding/nature of emergency (Emergency Rule only):

2021 Wisconsin Act 130 created the Naturopathic Medicine Examining Board and made it necessary to create administrative rules to allow for licensure, discipline, and practice standards for naturopathic doctors and limited-scope naturopathic doctors. The Act also includes a provision that all professionals currently practicing as naturopathic doctors and those wanting to practice as naturopathic doctors be licensed by March of 2024. In order to comply with this provision, the board needs to establish certain standards by rule. An expeditious promulgation of the proposed rule is in the best interest of Wisconsin's economy and public welfare, as it will help ensure continuity of care for individuals already under the care of naturopathic doctors.

2. Detailed description of the objective of the proposed rule:

The board's primary objective is to promulgate an emergency rule that establishes licensure requirements for naturopathic doctors and limited-scope naturopathic doctors in order to allow professionals currently practicing to be licensed by March of 2024 and avoid issues with continuity of care with their current patients.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Chapter 466 of the Wisconsin Statutes contains licensure requirements and standards of practice for naturopathic doctors and limited-scope naturopathic doctors. Some of these requirements need to be established by rule. The board is currently working on creating the chapters for its Administrative Code through a permanent rule project. However, per Act 130 all professionals intending to practice in Wisconsin will need to be licensed by March of 2024. If the licensure requirements are not established before that deadline, professionals will not be able to practice until the permanent rule project is implemented, which could create issues with continuity of care with their current patients and affect the ability of naturopathic doctors to fully practice in Wisconsin.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., provides an examining board "[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . ."

Section 227.11 (2) (a), Stats., states that "[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute..."

Section 227.24 (1) (a), Stats., provides that "[a]n agency may [...] promulgate a rule as an emergency rule without complying with the notice, hearing, and publication requirements under this chapter if

preservation of the public peace, health, safety, or welfare necessitates putting the rule into effect prior to the time it would take effect if the agency complied with the procedures.”

Section 466.03 (1) (c), Stats., states that the Naturopathic Medicine Examining Board shall establish administrative rules to determine “examination standards and requirements for purposes of examinations...”

Section 466.03 (2) (b), (c), and (d), Stats., provides that the Naturopathic Medicine Examining Board may establish administrative rules to determine character and fitness, physical and mental competency, and evidence of professional competency requirements for initial licensure.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

80 hours

6. List with description of all entities that may be affected by the proposed rule:

Naturopathic doctors who are currently practicing and those looking to enter the profession in Wisconsin.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state’s economy as a whole.

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