

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

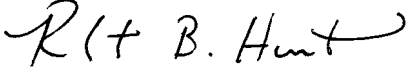
No. 1128

H.P. 747

House of Representatives, March 18, 2025

An Act to Modernize the Formulary for Naturopathic Doctors

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative JULIA of Waterville.
Cosponsored by Senator BEEBE-CENTER of Knox and
Representatives: ARCHER of Saco, FLYNN of Albion, MONTELL of Gardiner, ROEDER of
Bangor, ROLLINS of Augusta, SHAGOURY of Hallowell.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 32 MRSA §12501, sub-§7**, as enacted by PL 1995, c. 671, §13, is repealed.

3 **Sec. 2. 32 MRSA §12522**, as enacted by PL 1995, c. 671, §13, is amended to read:
4 **§12522. Scope of practice**

5 **1. Medicines and therapies.** A naturopathic doctor may use and order for
6 preventative and therapeutic purposes the following natural medicines and therapies: food,
7 food extracts, vitamins, minerals, enzymes, digestive aids, whole gland thyroid and other
8 natural hormones, plant substances, all homeopathic preparations, immunizations,
9 counseling, hypnotherapy, biofeedback, dietary therapy, naturopathic manipulative
10 therapy, naturopathic physical medicine, therapeutic devices, barrier devices for
11 contraception and office procedures. Naturopathic doctors may also prescribe medications,
12 including ~~natural~~ antibiotics and topical medicines, within the limitations set forth in
13 subsection 4. This subsection may not be construed to prevent an individual other than a
14 naturopathic doctor from using, ordering or recommending any of the above listed items as
15 long as the individual is not prohibited from doing so by any other federal or state statute
16 or regulation.

17 **2. Diagnostic procedures.** A naturopathic doctor may use physical examinations for
18 diagnostic purposes including phlebotomy, clinical laboratory tests, speculum
19 examinations and physiological function tests, excluding all endoscopies and ~~physiological~~
20 ~~function tests requiring infusion, injection, inhalation or ingestion of medications to~~
21 ~~perform tests.~~ A naturopathic doctor may order diagnostic imaging, including ultrasound,
22 x-ray and electrocardiogram tests, but must refer to an appropriate licensed health care
23 professional for conducting and interpreting the tests.

24 **3. Other devices and procedures.** A naturopathic doctor may prescribe therapeutic
25 devices or use noninvasive diagnostic procedures commonly used by allopathic or
26 osteopathic physicians in general practice.

27 **4. Prescriptive authority.** ~~Naturopathic~~ As provided in this subsection, naturopathic
28 doctors have a limited scope of prescriptive authority and may use, prescribe and dispense
29 nonlegend agents of vitamin, plant, animal and mineral origin.

30 A. A naturopathic doctor may prescribe nonprescription medications without
31 limitation.

32 B. A naturopathic doctor may only prescribe noncontrolled legend drugs ~~from the~~
33 ~~following categories: homeopathic remedies, vitamins and minerals, hormones, local~~
34 ~~anesthesia and immunizations, except for testosterone, that are designated in a~~
35 formulary adopted by rule by a formulary subcommittee of the board ~~consisting of the~~
36 ~~naturopathic members, the pharmacist member and the allopathic or osteopathic~~
37 ~~physician member, as consistent with a naturopathic doctor's education and training.~~
38 ~~A naturopathic doctor may not prescribe psychotropic medications pursuant to~~
39 ~~subsection 6. In accordance with this paragraph and subsection 6, the rule designating~~
40 the formulary from which a naturopathic doctor may prescribe noncontrolled legend
41 drugs must be updated by the formulary subcommittee at least every 2 years.
42 Notwithstanding section 12506, rules designating the formulary adopted on or after

1 January 1, 2028 are routine technical rules as defined in Title 5, chapter 375, subchapter
2 2-A.

3 C. Prior to independently prescribing noncontrolled legend drugs, a naturopathic
4 doctor shall establish and complete a 12-month collaborative relationship with a
5 licensed allopathic or osteopathic physician to review the naturopathic doctor's
6 prescribing practices. The board shall further define the terms of the collaborative
7 relationship by rule.

8 **5. Prohibition.** A naturopathic doctor may not:

9 A. Prescribe, dispense or administer any substance or device identified in Schedule I,
10 II, III, IV or V, except testosterone, as described in the federal Controlled Substance
11 Act, 21 United States Code, Sections 801 to 971 (1988), or any controlled substances
12 or devices;

13 B. Perform surgical procedures except those office procedures authorized by this
14 chapter;

15 C. Practice emergency medicine except when a good Samaritan rendering gratuitous
16 services in the case of emergency and except for the care of minor injuries; or

17 D. Practice or claim to practice medicine and surgery, osteopathy, dentistry, podiatry,
18 optometry, chiropractic, physical therapy or any other system or method of treatment
19 not authorized in this chapter.

20 **6. Formulary subcommittee.** The formulary for a naturopathic doctor must be
21 designated by a formulary subcommittee of the board in accordance with the following.

22 A. The formulary subcommittee consists of the following members:

23 (1) Two naturopathic doctors who are members of the board, appointed by the
24 board;

25 (2) One licensed allopathic or osteopathic physician, appointed jointly by the
26 Board of Licensure in Medicine and the Board of Osteopathic Licensure;

27 (3) One licensed pharmacist, appointed by the Maine Board of Pharmacy; and

28 (4) One member who has an advanced degree in pharmacology or pharmacognosy,
29 appointed by the other subcommittee members.

30 B. Formulary subcommittee members must be appointed for 3-year terms. A
31 subcommittee member may serve until a successor is appointed. If a vacancy occurs
32 during a 3-year term, the newly appointed subcommittee member shall serve until the
33 term expires.

34 C. The chair of the formulary subcommittee must be one of the naturopathic members
35 appointed in paragraph A, subparagraph (1). The subcommittee shall meet at the call
36 of the chair. Three members of the subcommittee constitute a quorum. Staff of the
37 board shall provide administrative support to the subcommittee and keep minutes of
38 subcommittee meetings.

39 D. The formulary subcommittee shall determine the substances to be included in the
40 formulary that may be prescribed by a naturopathic doctor and shall review and update
41 the formulary at least every 2 years. Immediately upon adoption or revision of the

1 formulary by the subcommittee, the subcommittee shall submit the approved formulary
2 to the board for adoption by rule.

3 (1) The formulary subcommittee shall review requests for additions to the
4 formulary in order to determine whether the addition is appropriate for the practice
5 of naturopathic medicine.

6 (2) Upon request, the formulary subcommittee may consider synthetically
7 produced substances and their salts having identical or substantially identical
8 molecular structure to a plant or animal substance to be naturally occurring plant
9 or animal substances.

10 (3) Any person requesting a change to the formulary shall complete and submit a
11 form to the formulary subcommittee, including the name and mailing address of
12 the requester; the license number of the requester, if applicable; whether the request
13 is to add or remove a drug from the formulary; the name and class of the drug;
14 whether the drug is a noncontrolled legend drug; the route and mechanism of
15 administration; an explanation of how the drug complies with the scope of practice
16 of a naturopathic doctor; an explanation of the identical or functional similarity of
17 the drug to a naturally occurring substance; and an explanation of how the drug
18 functions similarly to a naturally occurring substance.

19 **Sec. 3. Board of Complementary Health Care Providers to adopt rules.** No
20 later than January 1, 2026, as authorized by the Maine Revised Statutes, section 12522,
21 subsection 4, paragraph B, the formulary subcommittee of the Board of Complementary
22 Health Care Providers shall update the formulary for naturopathic doctors and the Board
23 of Complementary Health Care Providers shall adopt the formulary by rule. In updating
24 the formulary, the formulary subcommittee shall develop the formulary in a manner that is
25 substantially similar to the formulary that has been adopted by New Hampshire's Council
26 on Doctors of Naturopathic Medicine Formulary, in effect as of January 1, 2025.

27 SUMMARY

28 This bill requires that the rules related to the prescriptive authority of naturopathic
29 doctors must be updated by a formulary subcommittee of the Board of Complementary
30 Health Care Providers at least every 2 years and establishes requirements for the
31 subcommittee. The bill requires that the formulary subcommittee update the formulary and
32 that the board adopt the rule designating the formulary no later than January 1, 2026 in a
33 manner that is substantially similar to the formulary that has been adopted by New
34 Hampshire's Council on Doctors of Naturopathic Medicine Formulary, in effect as of
35 January 1, 2025.