

MAINE STATE LEGISLATURE

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L.D. 1532

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DATE: 6/15/95

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BUSINESS AND ECONOMIC DEVELOPMENT

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12 the House.

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION**

16

18

20 COMMITTEE AMENDMENT "A" to H.P. 1087, L.D. 1532, Bill, "An
22 Act Requiring Doctors of Naturopathic Medicine to Be Licensed by
the Naturopathic Board of Examiners and Regulating Naturopathic
Health Care Practice"

24

Amend the bill by striking out the title and substituting
the following:

26

**'Resolve, Requiring a Study of How the State Should Regulate
28 Naturopaths'**

30

Further amend the bill by striking out everything after the
title and before the statement of fact and inserting in its place
the following:

32

34

**'Emergency preamble. Whereas, Acts and resolves of the
36 Legislature do not become effective until 90 days after
adjournment unless enacted as emergencies; and**

38

**Whereas, unregulated practitioners currently practice
naturopathy in the State; and**

40

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**Whereas, unqualified and incompetent practitioners may
discourage the public from seeking treatment from qualified and
competent health care providers; and**

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46

**Whereas, the citizens of this State currently have little
guidance in determining the credentials of practitioners of
naturopathy; and**

48

50

**Whereas, the law in this State currently prohibits
naturopaths from performing all those functions for which they
consider themselves qualified; and**

52

COMMITTEE AMENDMENT

2 **Whereas**, this may limit access of consumers in this State to
this profession; and

4 **Whereas**, the issues to be resolved to determine what the
scope of practice should be involve many interest groups and are
6 technically complex; and

8 **Whereas**, to adequately study these issues prior to the next
legislative session requires that this resolve be passed as
10 emergency legislation; and

12 **Whereas**, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
14 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
16 safety; now, therefore, be it

18 **Sec. 1. Creation and charge. Resolved:** That the Task Force on
Naturopathy, referred to in this resolve as the "task force," is
20 established and charged with determining the method by which the
State should license naturopaths and making recommendations to
22 the Legislature; and be it further

24 **Sec. 2. Membership. Resolved:** That the task force consists
of 9 members as follows:

26 1. One person with expertise in health care public policy,
28 appointed by the Governor;

30 2. One person with expertise in health care education,
32 appointed by the Governor;

34 3. One medical doctor, appointed by the Governor from
recommendations submitted by the Board of Registration in
36 Medicine;

38 4. One doctor of osteopathy, appointed by the Governor from
recommendations submitted by the Board of Osteopathic Licensure;

40 5. Two naturopaths, appointed by the Governor from
recommendations submitted by the Maine Association for
42 Naturopathic Physicians;

44 6. The Director of the Bureau of Health in the Department
of Human Services or the director's designee;

46 7. The Commissioner of Professional and Financial
48 Regulation or the commissioner's designee with the ability to
speak for the department in terms of departmental policy; and
50

R 118

COMMITTEE AMENDMENT "A" to H.P. 1087, L.D. 1532

2 8. One consumer of naturopathic services who has no family
relationship to a naturopathic practitioner, to be appointed by
the Governor.

4
6 All appointments must be made no later than 30 days
following the effective date of this resolve. The appointing
authorities shall notify the Executive Director of the
8 Legislative Council upon making their appointments. The
Executive Director of the Legislative Council shall contact
10 appointing authorities who have not made their appointments as of
the required date; and be it further

12
Sec. 3. Convening. Resolved: That the Chair of the
14 Legislative Council shall call the task force together for its
first meeting no later than 15 days after adjournment of the
16 first regular session of the 117th Legislature. If the first
meeting is not called within the assigned time, the Governor
18 shall call the first meeting for a date no later than 10 days
after the initially required date. It is not necessary for all
20 members to be appointed in order for the task force to meet. A
quorum consists of a majority of those appointed; and be it
22 further

24 **Sec. 4. Chair. Resolved:** That the task force shall select a
chair from among the members at the first meeting; and be it
26 further

28 **Sec. 5. Study subjects. Resolved:** That the task force shall
study how the State should regulate naturopathic practitioners.
30 In conducting its work, the task force shall include, but is not
limited to, the following issues:

32
34 1. The method of regulation, including practice license,
title license, certification and registration;

36 2. The regulatory and oversight bodies;

38 3. The scope of practice, including, but not limited to,
the following:

40 A. Natural childbirth;

42 B. Diagnostic procedures;

44 C. Prescription and administration of medicines and
46 therapies, including natural antibiotics;

48 D. Surgical procedures; and

50 E. Acupuncture;

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COMMITTEE AMENDMENT "A" to H.P. 1087, L.D. 1532

- 2 4. The authorized professional title, for example, "doctor"
- 4 or "physician" and use of the term "medical";
- 6 5. Qualifications for licensure or certification;
- 8 6. Grandfathering of current practitioners;
- 10 7. Practice by out-of-state licensees;
- 12 8. The grounds for refusing to license, certify or register;
- 14 9. Continuing education requirements and the means of
- ensuring continuing competence; and
- 16 10. Reciprocity with other states.

18 The task force shall provide specific answers to these
 20 issues. The task force may not leave any of these issues to the
 22 determination of the regulatory board. In arriving at its
 24 answers, the task force shall review the answers to the sunrise
 26 questions provided to the Joint Standing Committee on Business
 28 and Economic Development by the naturopathic practitioners who
 supported the licensure before that committee. The task force
 shall also prepare its own answers to the sunrise questions
 required by the Maine Revised Statutes, Title 5, section 12015,
 subsection 3, taking into consideration the answers submitted by
 the naturopathic practitioners.

30 In examining these issues, the task force may hold 5
 32 meetings, including the initial organizational meeting. The task
 force shall hold its last meeting no later than November 15,
 1995; and be it further

34 **Sec. 6. Staffing. Resolved:** That the Department of
 36 Professional and Financial Regulation shall provide staffing to
 the task force from existing departmental personnel; and be it
 38 further

40 **Sec. 7. Compensation. Resolved:** That members are not entitled
 to compensation; and be it further

42 **Sec. 8. Report. Resolved:** That no later than December 15,
 44 1995, the task force shall submit a written report together with
 46 recommended legislation to the Joint Standing Committee on
 Business and Economic Development with a copy to the Executive
 48 Director of the Legislative Council and the Law and Legislative
 Reference Library. The task force shall make an oral report to
 the Joint Standing Committee on Business and Economic Development
 50 no later than January 30, 1996. The Joint Standing Committee on

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 1087, L.D. 1532

2 Business and Economic Development may submit legislation based on
the recommendations of the task force.

4 The task force may take additional time to complete its
6 study beyond the dates specified in this section if necessitated
by a failure of the task force to hold its first meeting on the
8 date specified in this resolve.

10 **Emergency clause.** In view of the emergency cited in the
preamble, this resolve takes effect when approved.'

12 Further amend the bill by inserting at the end before the
14 statement of fact the following:

16 **FISCAL NOTE**

18 The Department of Professional and Financial Regulation and
20 the Department of Human Services will incur some minor additional
costs to participate on the Task Force on Naturopathy. These
22 costs can be absorbed within the departments' existing budgeted
resources.'

24 **STATEMENT OF FACT**

26 The bill required that naturopaths be licensed. This
28 amendment replaces the bill and creates a task force to study the
issue of how naturopaths should be licensed. The task force is
30 composed of 2 physicians, 2 naturopaths, 1 expert in health care
policy, 1 expert in health care education, the Director of the
32 Bureau of Health, a representative of the Department of
Professional and Financial Regulation and a consumer.

34 This amendment also adds a fiscal note to the bill.