

MAINE STATE LEGISLATURE

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DATE: 3/25/99

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BUSINESS AND ECONOMIC DEVELOPMENT

MINORITY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 20, L.D. 30, "Resolve, Regarding Legislative Review of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships; and Chapter 9: Fees, Section 1, Major Substantive Rules of the Department of Professional and Financial Regulation"

Amend the resolve by striking out everything after the title and before the summary and inserting in its place the following:

'Sec. 1. Adoption. Resolved: That final adoption of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; and Chapter 9: Fees, Section 1, provisionally adopted major substantive rules of the Department of Professional and Financial Regulation, submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized; and be it further

Sec. 2. Disapproval. Resolved: That final adoption of Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships, provisionally adopted major substantive rules of the Department of Professional and Financial Regulation, submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is not authorized. The Legislature finds that Chapter 6 exceeds the prescriptive authority of naturopathic doctors described in Title 32, section 12522. As provisionally adopted, Chapter 6 includes controlled substances that naturopathic doctors may not prescribe pursuant to Title 32, section 12522, subsection 5, paragraph A. The Department of Professional and Financial Regulation is directed to reconvene the subcommittee of the Board of

COMMITTEE AMENDMENT

RMS

2 Complementary Health Care Providers described in Title 32,
3 section 12522, subsection 4, paragraph B to develop a revised
4 rule on the scope of prescriptive authority of naturopathic
5 doctors; and be it further

6 **Sec. 3. Appropriation. Resolved:** That the following funds are
7 appropriated from the General Fund to carry out the purposes of
8 this resolve.

10 1999-00

12 **PROFESSIONAL AND FINANCIAL REGULATION,**
13 **DEPARTMENT OF**

14 **Office of Licensing and Registration**

16 All Other \$1,500

18 Provides funds for advertising and printing
19 expenses that will be incurred by the
20 subcommittee of the Board of Complementary
21 Health Care Providers to adopt a revised
22 rule on the scope of prescriptive authority
23 of naturopathic doctors.'

26 Further amend the resolve by inserting at the end before the
27 summary the following:

30 **FISCAL NOTE**

32 1999-00

34 **APPROPRIATIONS/ALLOCATIONS**

36 General Fund \$1,500

38 The cost to reconvene the subcommittee of the Board of
39 Complementary Health Care Providers to develop a revised rule on
40 the scope of prescriptive authority of naturopathic doctors is
41 estimated to be \$1,500 in fiscal year 1999-00. Since the revenue
42 of the board is insufficient to cover these additional costs, the
43 Office of Licensing and Registration of the Department of
44 Professional and Financial Regulation will require a General Fund
45 appropriation in that amount.'

SUMMARY

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This amendment is the minority report. The amendment replaces the original resolve. The amendment strikes the emergency preamble and emergency clause. The amendment authorizes final adoption of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; and Chapter 9: Fees, Section 1. The amendment also disapproves Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships because that rule exceeds the scope of prescriptive authority described in the licensing statute. The amendment also directs the Department of Professional and Financial Regulation to reconvene a subcommittee of the Board of Complementary Health Care Providers to develop a revised rule within the statutory scope of prescriptive authority. This amendment allows the Department of Professional and Financial Regulation to proceed with licensure of naturopathic doctors, but limits naturopathic doctors' prescriptive authority to nonprescription medications. The amendment also adds an appropriation section and a fiscal note.