

MAINE STATE LEGISLATURE

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M
R.S.

L.D. 1595

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DATE: May 18, 1999

(Filing No. S- 304)

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BUSINESS AND ECONOMIC DEVELOPMENT

Reported by:

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
FIRST REGULAR SESSION**

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COMMITTEE AMENDMENT " A " to S.P. 533, L.D. 1595, Bill, "An
Act Regarding Complementary Health Care Providers"

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Amend the bill by striking out everything after the enacting
clause and before the summary and inserting in its place the
following:

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Sec. 1. 32 MRSA §12522, sub-§1, as enacted by PL 1995, c.
671, §13, is amended to read:

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

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Sec. 2. 32 MRSA §12522, sub-§4, ¶B, as enacted by PL 1995, c.
671, §13, is further amended to read:

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B. A naturopathic doctor may only prescribe noncontrolled
legend drugs from the following categories: homeopathic

COMMITTEE AMENDMENT

R. 08

COMMITTEE AMENDMENT "A" to S.P. 533, L.D. 1595

2 remedies, and vitamins and minerals, ~~---hormones,---local~~
3 ~~anesthesia-and-immunizations~~ that are designated by rule by
4 a subcommittee of the board consisting of the naturopathic
5 members, the pharmacist member and the allopathic or
6 osteopathic physician member, as consistent with a
7 naturopathic doctor's education and training. A
8 naturopathic doctor may not prescribe psychotropic
9 medications or recommend any other substances or drugs
10 requiring prescription.

11 Sec. 3. 32 MRSA §12522, sub-§4, ¶C, as enacted by PL 1995, c.
12 671, §13, is repealed.

13 Sec. 4. 32 MRSA §12523, sub-§1, as enacted by PL 1995, c. 671,
14 §13, is amended to read:

15 1. Practice within authorized scope of practice. The
16 practice of a profession by individuals who are licensed,
17 certified or registered under other laws of this State and are
18 performing services within the authorized scope of practice.
19 This chapter recognizes that many of the therapies used by
20 naturopathic doctors in connection with their practices, such as
21 the use of assessment, education, counseling and natural health
22 modalities, including, but not limited to, foods, food extracts,
23 vitamins, minerals, enzymes, digestive aids, botanical
24 substances, homeopathic preparations, air, water, heat, cold,
25 sound, light, bioenergetic methods and exercise to help stimulate
26 and maintain the body's intrinsic self-healing processes, are not
27 the exclusive privilege of naturopathic doctors. The use,
28 practice, prescription or administration of these therapies in
29 connection with their practices by persons who hold themselves
30 out to their clients as natural health consultants or natural
31 health practitioners who are not licensed to practice
32 naturopathic medicine pursuant to this chapter is authorized and
33 permitted in this State;

34 Sec. 5. Allocation. The following funds are allocated from
35 Other Special Revenue funds to carry out the purposes of this Act.

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39 1999-00

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41 **PROFESSIONAL AND FINANCIAL REGULATION,**
42 **DEPARTMENT OF**

43 **Office of Licensing and Registration**

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45 All Other \$1,000

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Provides funds for the costs associated with revising rules on behalf of the Board of Complementary Health Care Providers.'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

| | 1999-00 | 2000-01 |
|-----------------------------------|---------|---------|
| APPROPRIATIONS/ALLOCATIONS | | |
| Other Funds | \$1,000 | |

This bill includes an Other Special Revenue funds allocation of \$1,000 in fiscal year 1999-00 for the Department of Professional and Financial Regulation, Office of Licensing and Registration, for the cost of revising rules on behalf of the Board of Complementary Health Care Providers.'

SUMMARY

This amendment is the minority report. It replaces the entire text of the original bill. The amendment repeals the language that allowed naturopathic doctors to prescribe "noncontrolled legend" substances. Under this amendment, naturopathic doctors would only be allowed to recommend or prescribe nonprescription drugs, food, food extracts, homeopathic remedies, vitamins, minerals, enzymes, digestive aids and botanical substances. Naturopathic doctors would be prevented from prescribing anything that requires a prescription under state or federal laws. As a result, the provision that would have required collaborative practice with an allopathic or osteopathic physician for a 12-month period prior to being given limited prescriptive authority is not necessary and is repealed by this amendment.

This amendment also clarifies that the law is not intended to prevent the practice of natural health consultation or natural health practice modalities by people other than those licensed to practice naturopathic medicine.

The amendment also adds an allocation and a fiscal note to the bill.