

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1595

S.P. 533

In Senate, March 2, 1999

An Act Regarding Complementary Health Care Providers.

Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator PENDLETON of Cumberland.

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

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Sec. 1. 32 MRSA §3270, first ¶, as amended by PL 1995, c. 671, §11, is further amended to read:

6 Unless licensed by the board, an individual may not practice
8 medicine or surgery or a branch of medicine or surgery or claim
10 to be legally licensed to practice medicine or surgery or a
12 branch of medicine or surgery within the State by diagnosing,
14 relieving in any degree or curing, or professing or attempting to
16 diagnose, relieve or cure a human disease, ailment, defect or
18 complaint, whether physical or mental, or of physical and mental
20 origin, by attendance or by advice, or by prescribing or
22 furnishing a drug, medicine, appliance, manipulation, method or a
24 therapeutic agent whatsoever or in any other manner unless
26 otherwise provided by statutes of this State. An individual
licensed under chapter 36 may prefix the title "Doctor" or the
letters "Dr." to that individual's name, as provided in section
2581, or a chiropractor licensed by this State may prefix the
title "Doctor" or the letters "Dr." to that individual's name
when accompanied by the word "Chiropractor," or a dentist duly
licensed by this State may prefix the title "Doctor" or the
letters "Dr." to that individual's name or a ~~naturopathic doctor~~
~~licensed by this State may prefix the title "Doctor" or the~~
~~letters "Dr." to that individual's name when accompanied by the~~
~~word "Naturopathy" or the words "Naturopathic Medicine" or~~ an
optometrist duly licensed under the laws of this State may prefix
the title "Doctor" or the letters "Dr." to that individual's name
when accompanied by the word "Optometrist" or a podiatrist
licensed under the laws of this State may prefix the title
"Doctor" or the letters "Dr." to that individual's name when
accompanied by the word "Podiatrist" or "Chiropodist."

34 **Sec. 2. 32 MRSA §12501, sub-§§3 and 8 to 12**, as enacted by PL
1995, c. 671, §13, are repealed.

36

Sec. 3. 32 MRSA §12502, sub-§1, as amended by PL 1997, c. 727,
Pt. C, §11, is further amended to read:

40 **1. Membership.** The Board of Complementary Health Care
42 Providers, as established in Title 5, section 12004-A, subsection
8-A, shall regulate the ~~profession~~ profession of acupuncture and
44 ~~naturopathic medicine~~ according to the provisions of this
chapter. The board consists of 7 5 members appointed by the
46 Governor. The Governor shall make the initial appointments to
the board no later than 60 days after the effective date of this
48 section and shall inform the Commissioner of Professional and
Financial Regulation of these appointments. The commissioner
shall call the first meeting of the board on a date no later than
50 30 days following notification of appointments by the Governor.

2 All members of the board must be residents of this State. Two
3 members of the board must be acupuncturists licensed in this
4 State. ~~Two members of the board must be practitioners of~~
5 ~~naturepathic medicine who are eligible for licensure under, or~~
6 ~~are licensed pursuant to, the requirements of subchapter III.~~
7 One member must be a member of the public. One member must be an
8 allopathic or osteopathic physician who is licensed in this
9 State. One member must be a pharmacist who is licensed in this
10 State.

11 **Sec. 4. 32 MRSA §12502, sub-§5**, as enacted by PL 1995, c. 671,
12 §13, is amended to read:

13 **5. Quorum.** ~~Four~~ Three members of the board constitute a
14 quorum for the transaction of business.

15 **Sec. 5. 32 MRSA §12503, sub-§1, ¶¶B, D and G**, as enacted by PL
16 1995, c. 671, §13, are amended to read:

17 **B.** Set standards of practice for acupuncturists and
18 ~~naturepathic deeters;~~

19 **D.** Ensure that acupuncturists and ~~naturepathic deeters~~
20 serving the public meet minimum standards of proficiency and
21 competency to protect the health, safety and welfare of the
22 public;

23 **G.** Maintain a roster of all acupuncturists and ~~naturepathic~~
24 ~~deeters~~ licensed under this chapter that indicates:

25 (1) The name of the licensee;

26 (2) The licensee's current professional office address;

27 (3) The date of issuance and the number of the
28 licensee's license; and

29 (4) Whether the licensee is in good standing with the
30 board including:

31 (a) Any specialty certification required by the
32 board;

33 (b) Any restrictions or limitations to an
34 individual's license;

35 (c) A record of any revocations or suspensions;
36 and

2 (d) Any information that the board directs must
be included in a member's record;

4 **Sec. 6. 32 MRSA §12503, sub-§6, ¶¶D and F,** as enacted by PL
1995, c. 671, §13, are amended to read:

6 D. Any gross negligence, incompetence or misconduct in the
8 performance of acupuncture ~~or-naturopathic-medicine;~~

10 F. Any other good cause, relevant to qualifications to
12 practice acupuncture ~~or-naturopathic-medicine.~~

14 **Sec. 7. 32 MRSA §12504,** as enacted by PL 1995, c. 671, §13,
is amended to read:

16 **§12504. Unauthorized employment**

18 A person in the course of business may not employ an
20 acupuncturist ~~or-naturopathic-doctor~~ who does not have a license
unless that person is a student or intern within the meaning of
this chapter.

22 **Sec. 8. 32 MRSA §12505,** as enacted by PL 1995, c. 671, §13,
24 is amended to read:

26 **§12505. Violation**

28 A person who violates section 12504, or 12511 ~~or-12521~~
30 commits a Class E crime. The State may bring an action in
Superior Court to enjoin any person from violating this chapter
32 regardless of whether proceedings have been or may be instituted
in the Administrative Court or whether criminal proceedings have
been or may be instituted.

34 **Sec. 9. 32 MRSA §12506,** as enacted by PL 1995, c. 671, §13,
36 is amended to read:

38 **§12506. Rulemaking**

40 ~~Rules adopted pursuant to section 12522, subsection 4, and~~
42 ~~section 12526, subsection 3 are major substantive rules as~~
defined by Title 5, chapter 375, subchapter II-A. All other
44 rules Rules adopted pursuant to this chapter are routine
technical rules.

46 **Sec. 10. 32 MRSA c. 113-B, sub-c. III,** as amended, is repealed.

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SUMMARY

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This bill amends the laws governing the Board of Complementary Health Care Providers to eliminate the provisions regulating the practice of naturopathic medicine.