

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1995

Services may not institute case mix reimbursement for residential care facilities prior to July 1, 1997.

Sec. D-4. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Part.

1996-97

**HUMAN SERVICES,
DEPARTMENT OF**

**Bureau of Elder and Adult
Services**

All Other \$3,250

Allocates funds to support the costs associated with licensing assisted living services programs.

Sec. D-5. Effective dates. Sections 1, 2 and 3 of this Part take effect July 15, 1996. Those sections of this Act that repeal the Maine Revised Statutes, Title 22, section 5155 and enact section 7904-B take effect October 1, 1996. The remainder of this Act takes effect January 1, 1997.

Effective January 1, 1997, unless otherwise indicated.

CHAPTER 671

H.P. 1351 - L.D. 1852

**An Act to Establish the Board of
Complementary Health Care
Providers and to Regulate the
Practice of Naturopathic Medicine**

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

Sec. 1. 3 MRSA §959, sub-§1, ¶C, as enacted by PL 1995, c. 488, §2, is amended by repealing subparagraph (46).

Sec. 2. 3 MRSA §959, sub-§1, ¶C, as enacted by PL 1995, c. 488, §2, is amended by amending subparagraphs (47) and (48) to read:

(47) Board of Licensing of Auctioneers in 2005; ~~and~~

(48) Board of Licensing of Dietetic Practice in 2005-; and

Sec. 3. 3 MRSA §959, sub-§1, ¶C, as enacted by PL 1995, c. 488, §2, is amended by enacting a new subparagraph (49) to read:

(49) Board of Complementary Health Care Providers in 2007.

Sec. 4. 5 MRSA §12004-A, sub-§3, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. 5. 5 MRSA §12004-A, sub-§8-A is enacted to read:

8-A. Board of Expenses 32 MRSA
Complementary Only §12502
Health Care
Providers

Sec. 6. 10 MRSA §8001, sub-§38, ¶B, as enacted by PL 1995, c. 397, §11, is repealed.

Sec. 7. 10 MRSA §8001, sub-§38, ¶H-1 is enacted to read:

H-1. Board of Complementary Health Care Providers:

Sec. 8. 24 MRSA §2320-B, as enacted by PL 1991, c. 647, §1, is amended to read:

§2320-B. Acupuncture services

All individual and group nonprofit medical services plan contracts and all nonprofit health care plan contracts providing coverage for acupuncture must provide coverage for those services when performed by an acupuncturist licensed pursuant to Title 32, chapter ~~443-A~~ 113-B, subchapter II, under the same conditions that apply to the services of a licensed physician.

Sec. 9. 24-A MRSA §2745-B, as enacted by PL 1991, c. 647, §2, is amended to read:

§2745-B. Acupuncture services

All individual insurance policies providing coverage for acupuncture must provide coverage for those services when performed by an acupuncturist licensed pursuant to Title 32, chapter ~~443-A~~ 113-B, subchapter II, under the same conditions that apply to the services of a licensed physician.

Sec. 10. 24-A MRSA §2837-B, as enacted by PL 1991, c. 647, §3, is amended to read:

§2837-B. Acupuncture services

All group insurance policies providing coverage for acupuncture must provide coverage for those services when performed by an acupuncturist licensed pursuant to Title 32, chapter ~~443-A~~ 113-B, subchapter

II, under the same conditions that apply to the services of a licensed physician.

Sec. 11. 32 MRSA §3270, first ¶, as amended by PL 1993, c. 600, Pt. A, §204, is further amended to read:

Unless licensed by the board, an individual may not practice medicine or surgery or a branch of medicine or surgery or claim to be legally licensed to practice medicine or surgery or a branch of medicine or surgery within the State by diagnosing, relieving in any degree or curing, or professing or attempting to diagnose, relieve or cure a human disease, ailment, defect or complaint, whether physical or mental, or of physical and mental origin, by attendance or by advice, or by prescribing or furnishing a drug, medicine, appliance, manipulation, method or a therapeutic agent whatsoever or in any other manner unless 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 "Chiropracist."

Sec. 12. 32 MRSA c. 113-A, as amended, is repealed.

Sec. 13. 32 MRSA c. 113-B is enacted to read:

CHAPTER 113-B
COMPLEMENTARY HEALTH CARE
PROVIDERS
SUBCHAPTER I
BOARD OF COMPLEMENTARY HEALTH
CARE PROVIDERS

§12501. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Acupuncture. "Acupuncture" means the insertion of fine metal needles through the skin at specific points on or near the surface of the body with or without the palpitation of specific points on the body and with or without the application of electric current or heat to the needles or skin, or both. The practice of acupuncture is based on traditional oriental theories and serves to normalize physiological function, treat certain diseases and dysfunctions of the body, prevent or modify the perception of pain and promote health and well-being.

2. Acupuncture intern. "Acupuncture intern" means an acupuncture student enrolled in an acupuncture internship program approved by the board that involves practical training, including needle insertion on human subjects.

3. Approved naturopathic medical college. "Approved naturopathic medical college" means a college or program granting the degree of doctor of naturopathic medicine or doctor of naturopathy approved by the board that:

A. Is accredited by an accrediting agency recognized by the Federal Government; or

B. Is a candidate for accreditation with such an agency.

4. Board. "Board" means the Board of Complementary Health Care Providers.

5. Commissioner. "Commissioner" means the Commissioner of Professional and Financial Regulation.

6. Homeopathic preparation. "Homeopathic preparation" means medicine prepared according to the "Homeopathic Pharmacopoeia of the United States Revised Service" (Nov. 1995).

7. Natural antibiotics. "Natural antibiotics" means antimicrobial, antifungal and antiprotozoal agents that are naturally occurring substances or are manufactured substances that are substantially identical to those naturally occurring substances.

8. Naturopathic acupuncture. "Naturopathic acupuncture" means the insertion of acupuncture needles into specific points on the skin to treat human disease and impairment and to relieve pain. The practice of naturopathic acupuncture is only within the scope of practice of naturopathic doctors certified pursuant to section 12525.

9. Naturopathic doctor. "Naturopathic doctor" means a person authorized and licensed to practice naturopathic medicine under this chapter.

10. Naturopathic manipulative therapy. "Naturopathic manipulative therapy" means the manually administered or mechanical treatment of body structures or tissues in accordance with naturopathic principles for the purpose of restoring normal physiological function to the body by normalizing and balancing the musculoskeletal system of the body.

11. Naturopathic medicine. "Naturopathic medicine" means a system of health care for the prevention, diagnosis and treatment of human health conditions, injuries and diseases that uses education, natural medicines and therapies to support and stimulate the individual's intrinsic self-healing processes.

12. Naturopathic physical medicine. "Naturopathic physical medicine" means the therapeutic use of physical agents of air, water, heat, cold, sound, light and electromagnetic nonionizing radiation and the physical modalities of electrotherapy, diathermy, ultraviolet light, ultrasound, hydrotherapy, naturopathic manipulative therapy, therapeutic exercise and acupuncture if the provider is certified pursuant to section 12525, subsection 3.

13. Office procedures. "Office procedures" means methods for the repair and care incidental to superficial lacerations and abrasions, superficial lesions and the removal of foreign bodies located in the superficial tissues. The use of antiseptics and local anesthetics in connection with these methods is permitted. The use of general, regional or spinal anesthetics, major surgery, surgery of the body cavities or specialized surgeries such as plastic surgery, surgery involving the eye or surgery when tendons are involved is not permitted.

14. Person. "Person" means any individual, firm, partnership, corporation or other association or organization.

15. Topical medicine. "Topical medicine" means topical analgesics, anesthetics, antiseptics, scabicides, antifungals and antibacterials.

§12502. Board of Complementary Health Care Providers established

1. Membership. The Board of Complementary Health Care Providers, as established in Title 5, section 12004-A, subsection 8-A, shall regulate the professions of acupuncture and naturopathic medicine according to the provisions of this chapter. The board consists of 7 members appointed by the Governor. The Governor shall make the initial appointments to

the board no later than 60 days after the effective date of this 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 30 days following notification of appointments by the Governor. All members of the board must be residents of this State. Two members of the board must be acupuncturists licensed in this State. Two members of the board must be practitioners of naturopathic medicine who are eligible for licensure under, or are licensed pursuant to, the requirements of subchapter III. One member must be a member of the public who is not a practitioner of any healing art or has no family connection with such a practitioner. One member must be an allopathic or osteopathic physician who is licensed in this State. One member must be a pharmacist who is licensed in this State.

2. Terms. Appointments are for 3-year terms. Appointments of members must comply with section 60. The Governor may remove any member for cause.

3. Qualifications. Members of the board must be trustworthy and competent to fulfill the responsibilities imposed by this chapter. Except for initial appointments made under subsection 1, each board member, other than the public member, must have been engaged in the active practice of the member's profession in the State for a minimum of 3 years prior to appointment.

4. Vacancy. Any vacancy in the board must be filled by appointment of a person of the same category as the board member being replaced to hold office for the unexpired term.

5. Quorum. Four members of the board constitute a quorum for the transaction of business.

6. Organization and meetings. The board annually shall elect a chair and a vice-chair from its membership. The board shall meet at least twice a year to conduct its business and elect its officers. Additional meetings may be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. All meetings of the board must be open to the public, except that the board may hold closed sessions to prepare, administer or grade examinations or to prepare or provide a response upon request of an applicant for the review of an examination. The board may form subcommittees to aid in the administration of this chapter.

7. Reporting. No later than August 1st of each year, the board shall submit to the commissioner an annual report of its operations and financial position for the preceding fiscal year ending June 30th.

together with such comments and recommendations as the board considers essential.

§12503. Powers and duties of the board

The board has the following powers and duties in addition to all other powers and duties set forth in this chapter.

1. Duties. The board shall:

A. Make and adopt rules necessary to administer this chapter;

B. Set standards of practice for acupuncturists and naturopathic doctors;

C. Determine fees for application for licensure, for initial licensure and for renewal within fee caps established by sections 12514, 12516 and 12526;

D. Ensure that acupuncturists and naturopathic doctors serving the public meet minimum standards of proficiency and competency to protect the health, safety and welfare of the public;

E. Administer and enforce the provisions of this chapter and any rules adopted by the board under that authority granted in this chapter;

F. Maintain a record of its acts and proceedings including the issuance, refusal, renewal, suspension and revocation of licenses;

G. Maintain a roster of all acupuncturists and naturopathic doctors licensed under this chapter that indicates:

- (1) The name of the licensee;
- (2) The licensee's current professional office address;
- (3) The date of issuance and the number of the licensee's license; and
- (4) Whether the licensee is in good standing with the board including:
 - (a) Any specialty certification required by the board;
 - (b) Any restrictions or limitations to an individual's license;
 - (c) A record of any revocations or suspensions; and
 - (d) Any information that the board directs must be included in a member's record;

H. Keep all applications for licensure as a permanent record;

I. Maintain a permanent record of the results of all the examinations administered by the board;

J. Keep the records of the board open to public inspection at all reasonable times; and

K. Adopt and use a seal, the imprint of which, together with the signatures of the chair or vice-chair of the board, evidences its official acts.

2. Complaints. The board shall investigate, or cause to be investigated, all complaints made to it and all cases of noncompliance with this chapter.

3. Hearings. The board may conduct hearings to assist with investigations, to determine whether grounds exist for suspension, revocation or denial of a license or to fulfill its responsibilities under this chapter as the board otherwise determines necessary.

The board may not refuse to renew a license for any reason other than failure to pay the required fee, unless it has afforded the licensee an opportunity for an adjudicatory hearing. The board shall hold an adjudicatory hearing upon the written request of any person who is denied a license without hearing for any reason other than failure to pay a required fee. The written request for a hearing must be received by the board within 30 days of the applicant's receipt of written notice of the denial of the application. The written notice of denial must set forth the reasons for the denial and the applicant's right to request a hearing. The board must conduct hearings in conformity with the Maine Administrative Procedure Act to the extent applicable.

4. Subpoena power; administration of oaths; power to compel production of documents. The board may subpoena witnesses, administer oaths in any hearing or disciplinary proceedings and compel, by subpoena duces tecum, the production of papers and records.

5. Witness fees. A witness summoned before the board must be paid the same fee as a witness summoned to appear before the Superior Court and that summons has the same effect as though issued for appearance before the Superior Court.

6. Suspension and revocation. The board may suspend or revoke a license pursuant to Title 5, section 10004. In addition, the board may refuse to issue or renew or the Administrative Court may suspend, revoke or refuse to renew a license on any of the following grounds:

A. The practice of fraud or deceit in obtaining a license under this chapter or in connection with

services rendered as an acupuncturist or naturopathic doctor;

B. A legal finding of mental incompetence;

C. Aiding or abetting a person, not duly licensed under this chapter, in claiming to be an acupuncturist or naturopathic doctor;

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

E. Subject to the limitations of Title 5, chapter 341, conviction of a Class A, Class B or Class C crime or of a crime that, if committed in this State, would be punishable by one year or more of imprisonment; or

F. Any other good cause, relevant to qualifications to practice acupuncture or naturopathic medicine.

§12504. Unauthorized employment

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

§12505. Violation

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

§12506. Rulemaking

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

SUBCHAPTER II

ACUPUNCTURE LICENSING REQUIREMENTS AND SCOPE OF PRACTICE

§12511. Licensure

1. Licensure required. A person may not practice acupuncture or profess to be practicing as an acupuncturist in this State unless that person holds a current and valid license from the board, except that a student of acupuncture who has completed at least one year of full-time study in a board-approved acupuncture school may practice acupuncture in a

board-approved internship program. The student must be supervised by an instructor who is a licensed acupuncturist in this State and be identified as an acupuncture intern when in a clinical setting.

2. Exception. This chapter does not apply to any person who is licensed to practice any healing art or science and who is practicing acupuncture in the course of that practice and within the scope of that license.

§12512. Eligibility requirements for acupuncturists

The eligibility of an applicant for a license to practice acupuncture must be determined in accordance with the following.

1. Eligibility. To be eligible to apply for a license to practice acupuncture, an applicant must:

A. Be least 21 years of age; and

B. Have met requirements regarding education and experience as established by the board. These requirements must include the following:

(1) A baccalaureate degree from an accredited institution of higher learning, a license from the State to practice as a registered professional nurse or successful completion of the training program and any competency examination required by the Board of Licensure in Medicine to be qualified as a physician's assistant;

(2) A minimum of 1,000 hours of classroom instruction in acupuncture and related subjects at an institution approved by the board;

(3) A minimum of 300 hours of clinical experience in the field of acupuncture; and

(4) Certification by the National Commission for the Certification of Acupuncturists or passage of a written examination administered by the board.

2. License from another state. An applicant who holds a current valid license to practice acupuncture from another state with requirements for licensure at least equal to the requirements under this section must be issued a license by the board.

§12513. Licensing

1. Licensed acupuncturist. The board shall issue a license to practice acupuncture to an applicant who has satisfactorily met the following minimal requirements:

A. The eligibility requirements set forth in section 12512; and

B. Any other reasonable criteria the board may prescribe by rule.

§12514. Fees

1. Application. Application for licensing as an acupuncturist must be on forms prescribed and furnished by the board. The application fee is set by the board by rule, is nonrefundable and must be an amount that is reasonable and necessary for its purpose.

2. Licensure. The initial license fee is established by the board and may not exceed \$200 annually.

§12515. Reapplication

Any applicant who is denied a license as an acupuncturist may apply again for licensing after a period of not less than 6 months from the date of the last denial.

§12516. Application for renewal

1. Requirements. Prior to the expiration of a license, a licensee may make an application for renewal upon payment of an annual renewal fee, which may not exceed the initial licensure fee, and upon satisfactory demonstration of completion of continuing education requirements adopted by the board as a condition of renewal. It is not a condition of renewal that an applicant who qualified for licensure as a licensed registered nurse continue to be licensed as a registered nurse.

2. Late renewal. An application for renewal may be made no earlier than 30 days prior to the date of expiration. An application made no more than 90 days past the date of expiration of a license must include a \$10 late fee in addition to the renewal fee. An application received more than 90 days past the expiration date is subject to all requirements covering new applicants under this chapter.

SUBCHAPTER III

NATUROPATHIC MEDICINE LICENSING REQUIREMENTS AND SCOPE OF PRACTICE

§12521. License required; licensee title

1. License required. A person may not practice naturopathic medicine or profess to be a naturopathic doctor in this State unless that person holds a current, valid license from the board to practice naturopathic medicine.

2. Title. A licensee must use the title "naturopathic doctor." Naturopathic doctors have the exclusive right to the use of the terms "naturopathic doctor," "naturopathic," "doctor of naturopathic medicine," "doctor of naturopathy," "naturopathic medicine," "naturopathic health care," "naturopathy" and the recognized abbreviation "N.D." Use of the title "physician" by the licensee is prohibited.

§12522. Scope of practice

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 other 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.

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

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

4. Prescriptive authority. Naturopathic doctors have a limited scope of prescriptive authority.

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

B. A naturopathic doctor may only prescribe noncontrolled legend drugs from the following categories: homeopathic remedies, vitamins and minerals, hormones, local anesthesia and immunizations that are designated by rule by a subcommittee of the board consisting of the

naturopathic members, the pharmacist member and the allopathic or osteopathic physician member, as consistent with a naturopathic doctor's education and training. A naturopathic doctor may not prescribe psychotropic medications.

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

5. Prohibition. A naturopathic doctor may not:

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

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

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

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

§12523. Application

This chapter is not intended to prohibit or restrict:

1. Practice within authorized scope of practice. The practice of a profession by individuals who are licensed, certified or registered under other laws of this State and are performing services within the authorized scope of practice;

2. Individual performing duties prescribed by federal laws. The practice of naturopathic medicine by an individual employed by the Federal Government while the individual is engaged in the performance of duties prescribed by the laws and regulations of the United States;

3. Duly licensed elsewhere. The practice by a naturopathic doctor duly licensed in another state, territory or the District of Columbia when that naturopathic doctor is incidentally called into this State for consultation with a licensed doctor; or

4. Students. The practice of naturopathic medicine by students enrolled in an approved naturopathic medical college. Services must be performed pursuant to a course of instruction or assignments from an instructor and under the supervision of the instructor. The instructor must be a naturopathic doctor licensed pursuant to this chapter.

§12524. Public health authority and responsibility

A naturopathic doctor is a licensed doctor and has the same authority and responsibility as other licensed doctors regarding public health laws, reportable disease and conditions, communicable disease control and prevention, recording of vital statistics, health and physical examinations and local boards of health, except that this authority is limited to activity consistent with the scope of practice authorized by this chapter.

§12525. Qualification for licensure

1. Qualification for licensure. To be eligible for a license to practice naturopathic medicine, the applicant must:

A. Be a graduate of an approved naturopathic medical college and pass or have passed a competency-based examination approved by the board, covering the appropriate naturopathic subjects, including basic and clinical sciences;

B. Possess a good ethical and professional reputation;

C. Be physically and mentally capable of safely practicing naturopathic medicine with or without reasonable accommodation;

D. Have had no license to practice naturopathic medicine refused, revoked or suspended by any other state or country for reasons that relate to the applicant's ability to skillfully and safely practice naturopathic medicine unless that license has been restored to good standing by that state or country; and

E. File an application and pay the licensing fees.

2. Conditional licensure. The board may issue a conditional license to an individual who:

A. Submits an application and a fee to be determined by the board;

B. Has graduated from an approved naturopathic medical college; and

C. Has been practicing naturopathic medicine in this State since January 1, 1994.

A conditional licensee has 3 years from the effective date of this subsection to fulfill all licensure requirements and obtain full licensure. A conditional license expires 3 years from the effective date of this subsection. The scope of practice for a conditional licensee is limited to those therapeutic practices covered by section 12522, subsections 1, 2 and 3 and those prescriptive practices covered by section 12522, subsection 4, paragraph A. A conditional licensee may not prescribe legend drugs or receive specialty certification.

3. Naturopathic acupuncture specialty certification. In order to practice naturopathic acupuncture, a naturopathic doctor must obtain a naturopathic acupuncture specialty certification from the board. The board may issue this specialty certification to a naturopathic doctor who has:

- A. Submitted an application and a certification fee to be determined by the board;
- B. Completed an acupuncture program approved by the board that includes 1,000 hours of classroom training and 300 hours of supervised clinical training; and
- C. Passed an examination administered by the National Commission for the Certification of Acupuncturists.

4. Disclosures. Naturopathic doctors shall:

- A. Clearly disclose to each patient and on all printed material that their training is in naturopathic medicine;
- B. Openly display their license, attaching renewals and specialty certifications when applicable; and
- C. When practicing without malpractice insurance, disclose to each patient that they do not have insurance.

§12526. Fees, renewals and continuing education

1. Fees. Applications for licensing and specialty certification must be on forms prescribed and furnished by the board. The application fee is set by the board by rule and is nonrefundable. An initial license fee must be established by the board in an amount not to exceed \$300. A specialty certification fee must be established by the board in an amount not to exceed \$50 annually.

2. Renewal. A license to practice naturopathic medicine must be renewed annually. The annual license renewal fee established by the board in an amount not to exceed the initial licensing fee must accompany the application for renewal. A specialty certification must be renewed annually. The specialty

certification fee must accompany the application for renewal.

3. Continuing education. When renewing a license, a naturopathic doctor must submit to the board evidence of successful completion of continuing education. The minimum continuing education requirement for license renewal is 25 hours annually, at least 7 hours of which must be in pharmacology. Naturopathic doctors who possess a certification in naturopathic acupuncture must complete an additional 15 hours of board-approved continuing education annually, specific to that specialty. The board may further define and implement these continuing education requirements through rulemaking.

Sec. 14. Rules enacted by the Acupuncture Licensing Board. All rules enacted by the Acupuncture Licensing Board that were in effect on January 1, 1996 are rules of the Board of Complementary Health Care Providers and may only be altered pursuant to the Maine Administrative Procedure Act.

Sec. 15. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1996-97

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF Licensing and Enforcement Division

| | |
|---|---------|
| All Other | \$2,900 |
| Allocates funds for the additional cost of adopting new rules pertaining to the regulation of naturopathic doctors by the Board of complementary Health Care Providers. | |

See title page for effective date.

CHAPTER 672

S.P. 766 - L.D. 1877

An Act to Amend the Laws Concerning Enhanced 9-1-1

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