

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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

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

Effective July 3, 1995.

CHAPTER 49

H.P. 1087 - L.D. 1532

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 Legislative Council upon making their appointments. The Executive Director of the Legislative Council shall contact appointing authorities who have not made their appointments as of the required date; and be it further

Sec. 3. Convening. Resolved: That the Chair of the Legislative Council shall call the task force together for its first meeting no later than 45 days after adjournment of the first regular session of the 117th Legislature. If the first meeting is not called within the assigned time, the Governor shall call the first meeting for a date no later than 10 days after the initially required date. It is not necessary for all members to be appointed in order for the task force to meet. A quorum consists of a majority of those appointed; and be it further

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

Sec. 5. Study subjects. Resolved: That the task force shall study how the State should regulate naturopathic practitioners. In conducting its work, the

task force shall include, but is not limited to, the following issues:

1. The method of regulation, including practice license, title license, certification and registration;
2. The regulatory and oversight bodies;
3. The scope of practice, including, but not limited to, the following:
 - A. Natural childbirth;
 - B. Diagnostic procedures;
 - C. Prescription and administration of medicines and therapies, including natural antibiotics;
 - D. Surgical procedures; and
 - E. Acupuncture;
4. The authorized professional title, for example, "doctor" or "physician" and use of the term "medical";
5. Qualifications for licensure, certification or registration;
6. Grandfathering of current practitioners;
7. Practice by out-of-state licensees;
8. The grounds for refusing to license, certify or register;
9. Continuing education requirements and the means of ensuring continuing competence; and
10. Reciprocity with other states.

The task force shall provide specific answers to these issues. The task force may not leave any of these issues to the determination of the regulatory board. In arriving at its answers, the task force shall review the answers to the sunrise questions provided to the Joint Standing Committee on Business 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.

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

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

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

Sec. 8. Report. Resolved: That no later than December 15, 1995, the task force shall submit a written report together with recommended legislation to the Joint Standing Committee on Business and Economic Development with a copy to the Executive 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 no later than January 30, 1996. The Joint Standing Committee on Business and Economic Development may submit legislation based on the recommendations of the task force.

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

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

Effective July 3, 1995.

CHAPTER 50

H.P. 951 - L.D. 1340

Resolve, Authorizing the Maine Technical College System to Lease- purchase Facilities for York County Technical College

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

Whereas, pursuant to Public Law 1993, chapter 707, Part O, the 116th Legislature authorized the establishment of York County Technical College; and

Whereas, pursuant to Public Law 1993, chapter 707, Part O, the 116th Legislature appropriated funds to the Maine Technical College System to establish York County Technical College and recommended that funds be appropriated by future Legislatures to provide for York County Technical College; and

Whereas, the Maine Technical College System is authorized to rent facilities to allow the operation of York County Technical College beginning in the fall of 1995; and