

HOUSE BILL 547

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CF 9lr3114

By: **Delegates Krebs, Cullison, Kelly, and Pena–Melnik**

Introduced and read first time: February 4, 2019

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Physicians – Naturopathic Doctors – Formulary Content and**
3 **Scope of Practice**

4 FOR the purpose of authorizing a certain formulary developed by the Naturopathic Doctors
5 Formulary Council and adopted by the State Board of Physicians to include certain
6 prescription drugs and devices; authorizing a licensed naturopathic doctor to
7 dispense, order, or administer certain natural medicines in a certain manner;
8 authorizing a licensed naturopathic doctor to prescribe, dispense, and administer
9 certain prescription drugs and medical foods in a certain manner; making
10 conforming changes; and generally relating to naturopathic doctors.

11 BY repealing and reenacting, without amendments,
12 Article – Health Occupations
13 Section 14–5F–04.1(b) and (c)
14 Annotated Code of Maryland
15 (2014 Replacement Volume and 2018 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Health Occupations
18 Section 14–5F–04.1(d) and 14–5F–14
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2018 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
22 That the Laws of Maryland read as follows:

23 **Article – Health Occupations**

24 14–5F–04.1.

25 (b) The Council shall:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) Develop and recommend to the Board a formulary for use by licensed
2 naturopathic doctors;

3 (2) Annually review the formulary adopted by the Board under subsection
4 (c) of this section to determine if any changes are necessary for compliance with current
5 prescribing standards or the practice of naturopathic medicine;

6 (3) Otherwise review the formulary at the direction of the Board; and

7 (4) Make recommendations to the Board based on the reviews conducted
8 under items (2) and (3) of this subsection.

9 (c) (1) The Board shall adopt a formulary based on the recommendations of
10 the Council made under subsection (b) of this section.

11 (2) The Board may modify or reject any recommendation of the Council
12 regarding the formulary.

13 (d) (1) The formulary adopted by the Board shall include:

14 (i) Nonprescription drugs and devices;

15 (ii) Prescription oxygen and auto-injectable epinephrine; [and]

16 (iii) Prescription diaphragms and cervical caps for contraception;

17 **AND**

18 **(IV) ANY OTHER PRESCRIPTION DRUGS AND DEVICES**
19 **RECOMMENDED BY THE COUNCIL AND APPROVED BY THE BOARD.**

20 (2) The formulary may not include[:

21 (i) Except as provided in paragraph (1)(ii) and (iii) of this subsection,
22 prescription drugs or devices; or

23 (ii) **Controlled] CONTROLLED** substances.

24 14-5F-14.

25 (a) A license authorizes a licensee, consistent with naturopathic education and
26 training and competence demonstrated by passing the naturopathic physician licensing
27 examination, to:

1 (1) Order and perform physical and laboratory examinations for diagnostic
2 purposes, including phlebotomy, clinical laboratory tests, orificial examinations,
3 electrocardiograms with over read by a cardiologist, and physiological function tests;

4 (2) Order diagnostic imaging studies and interpret the reports of diagnostic
5 imaging studies;

6 (3) Dispense [or], order, **OR ADMINISTER** natural medicines of mineral,
7 animal, or botanical origin, including food, extracts of food, nutraceuticals, vitamins, amino
8 acids, minerals, enzymes, botanicals and their extracts, botanical medicines, homeopathic
9 medicines, and all dietary supplements and nonprescription drugs listed in the formulary
10 that use various routes of administration, including oral, nasal, auricular, ocular, rectal,
11 vaginal, transdermal, [and] intramuscular, **AND ANY OTHER ROUTE OF**
12 **ADMINISTRATION AS DETERMINED BY THE COUNCIL;**

13 [(4) Administer natural medicines of mineral, animal, or botanical origin,
14 including food, extracts of food, nutraceuticals, vitamins, amino acids, minerals, enzymes,
15 botanicals and their extracts, botanical medicines, homeopathic medicines, and all dietary
16 supplements and nonprescription drugs listed in the formulary using various routes of
17 administration, including oral, nasal, auricular, ocular, rectal, vaginal, and transdermal;

18 (5) Administer auto-injectable epinephrine;]

19 (4) **PRESCRIBE, DISPENSE, AND ADMINISTER PRESCRIPTION DRUGS**
20 **AND MEDICAL FOODS LISTED IN THE FORMULARY BY THE MOST APPROPRIATE**
21 **ROUTE OF ADMINISTRATION AS DETERMINED BY THE COUNCIL;**

22 [(6) (5) Administer or perform hot or cold hydrotherapy, naturopathic
23 physical medicine, electromagnetic energy, and therapeutic exercise for the purpose of
24 providing basic therapeutic care services, except that if a referral to another licensed
25 provider is appropriate for ongoing rehabilitation or habilitation services, the naturopathic
26 doctor shall make the referral;

27 [(7) (6) Provide health education and health counseling; and

28 [(8) (7) Perform naturopathic musculoskeletal mobilization.

29 (b) A license does not authorize a licensee to:

30 (1) Except for a prescription drug or device included in the formulary under
31 [§ 14-5F-04.1(d)(1)(ii) or (iii)] **§ 14-5F-04.1(D)(1)** of this subtitle, prescribe, dispense, or
32 administer any prescription drug or device;

33 (2) Perform surgical procedures;

1 (3) Practice or claim to practice as a medical doctor or physician, an
2 osteopath, a dentist, a podiatrist, an optometrist, a psychologist, a nurse practitioner, a
3 physician assistant, a chiropractor, a physical therapist, an acupuncturist, or any other
4 health care professional unless licensed under this article;

5 (4) Use general or spinal anesthetics;

6 (5) Administer ionizing radioactive substances for therapeutic purposes;

7 (6) Perform chiropractic adjustments or manipulations that include
8 high-velocity thrusts at or beyond the end range of normal joint motion unless the licensee
9 is also a licensed chiropractor;

10 (7) Perform acupuncture unless the licensee is also a licensed
11 acupuncturist; or

12 (8) Prescribe, dispense, or administer any prescription or nonprescription
13 drug or device listed in the formulary for cosmetic purposes.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2019.