

SENATE BILL NO. 133

INTRODUCED BY C. KAUFMANN

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE PRESCRIPTIVE AUTHORITY OF NATUROPATHIC PHYSICIANS; ALLOWING NATUROPATHIC PHYSICIANS TO PRESCRIBE AND ADMINISTER ANY PRESCRIPTION DRUG; ELIMINATING THE ALTERNATIVE HEALTH CARE FORMULARY COMMITTEE; REVISING THE DEFINITION OF "MEDICAL PRACTITIONER" TO INCLUDE NATUROPATHIC PHYSICIANS; AMENDING SECTIONS 37-2-101, 37-26-201, AND 37-26-301, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-2-101, MCA, is amended to read:

"37-2-101. Definitions. As used in this part, the following definitions apply:

(1) "Community pharmacy", when used in relation to a medical practitioner, means a pharmacy situated within 10 miles of any place at which the medical practitioner maintains an office for professional practice.

(2) "Device" means any instrument, apparatus, or contrivance intended:

- (a) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans;
- (b) to affect the structure or any function of the body of humans.

(3) "Drug" has the same meaning as provided in 37-7-101.

(4) "Drug company" means any person engaged in the manufacturing, processing, packaging, or distribution of drugs. The term does not include a pharmacy.

(5) "Medical practitioner" means any person licensed by the state of Montana to engage in the practice of medicine, dentistry, osteopathy, podiatry, optometry, naturopathic medicine, or a nursing specialty as described in 37-8-202 and in the licensed practice to administer or prescribe drugs.

(6) "Person" means any individual and any partnership, firm, corporation, association, or other business entity.

(7) "Pharmacy" has the same meaning as provided in 37-7-101.

(8) "State" means the state of Montana or any political subdivision of the state."

1 **Section 2.** Section 37-26-201, MCA, is amended to read:

2 **"37-26-201. Powers and duties of board.** The board shall:

3 (1) adopt rules necessary or proper to administer and enforce this chapter;

4 (2) adopt rules that specify the scope of practice of naturopathic medicine stated in 37-26-301, that are
5 consistent with the definition of naturopathic medicine provided in 37-26-103, and that are consistent with the
6 education provided by approved naturopathic medical colleges;

7 (3) adopt rules that endorse equivalent licensure examinations of another state or territory of the United
8 States, the District of Columbia, or a foreign country and that may include licensure by reciprocity;

9 (4) adopt rules that set nonrefundable fees for application, and licensure;

10 (5) approve naturopathic medical colleges as defined in 37-26-103;

11 (6) issue certificates of specialty practice; and

12 (7) adopt rules that, in the discretion of the board, appropriately restrict licenses to a limited scope of
13 practice of naturopathic medicine, which may exclude the use of minor surgery allowed under 37-26-301; ~~and~~

14 ~~———(8) adopt rules that contain the natural substance formulary list created by the alternative health care~~
15 ~~formulary committee provided for in 37-26-301."~~

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17 **Section 3.** Section 37-26-301, MCA, is amended to read:

18 **"37-26-301. Practice of naturopathic health care --~~alternative health care formulary committee.~~**

19 (1) Naturopathic physicians may practice naturopathic medicine as a limited practice of the healing arts as
20 exempted in 37-3-103(1)(m), with the following restrictions. A naturopathic physician may not:

21 ~~(a) prescribe, dispense, or administer any legend drug, as defined in 50-31-301, except for whole gland~~
22 ~~thyroid; homeopathic preparations; the natural therapeutic substances, drugs, and therapies described in~~
23 ~~subsection (2); and oxytocin (pitocin), provided that the naturopathic physician may administer but may not~~
24 ~~prescribe or dispense oxytocin (pitocin);~~

25 ~~(b)~~(a) administer ionizing radioactive substances for therapeutic purposes;

26 ~~(c)~~(b) perform surgical procedures except those minor surgery procedures authorized by this chapter;

27 or

28 ~~(d)~~(c) claim to practice any licensed health care profession or system of treatment other than
29 naturopathic medicine unless holding a separate license in that profession.

30 (2) Naturopathic physicians may prescribe and administer for preventive and therapeutic purposes the

1 following natural therapeutic substances, drugs, and therapies, as well as drugs on the natural substance
2 formulary list provided for in subsection (3):

3 (a) food, food extracts, vitamins, minerals, enzymes, whole gland thyroid, botanical medicines,
4 homeopathic preparations, and oxytocin (pitocin);

5 (b) topical drugs, health care counseling, nutritional counseling and dietary therapy, naturopathic physical
6 applications, therapeutic devices, and nonprescription drugs; ~~and~~

7 (c) barrier devices for contraception, naturopathic childbirth attendance, and minor surgery; and

8 (d) any prescription drug, as defined in 37-7-101.

9 ~~(3) A five-member alternative health care formulary committee appointed by the board shall establish
10 a natural substance formulary list. The committee consists of a licensed pharmacist plus four members of the
11 board, two of whom must be licensed naturopathic physicians, one who must be a licensed medical doctor, and
12 one who must be a public member. The list may not go beyond the scope of substances covered by approved
13 naturopathic college curricula or continuing education and must be reviewed annually by the committee. Changes
14 to the list that are recommended by the committee and accepted by the board must be published as
15 administrative rules.~~

16 ~~(4)~~(3) Naturopathic physicians may perform or order for diagnostic purposes a physical or orificial
17 examination, ultrasound, phlebotomy, clinical laboratory test or examination, physiological function test, and any
18 other noninvasive diagnostic procedure commonly used by physicians in general practice and as authorized by
19 37-26-201(2).

20 ~~(5) Except as provided by this subsection, it is unlawful for a naturopath to engage, directly or indirectly,
21 in the dispensing of any drugs that a naturopath is authorized to prescribe by subsection (2). If the place where
22 a naturopath maintains an office for the practice of naturopathy is more than 10 miles from a place of business
23 that sells and dispenses the drugs a naturopath may prescribe under subsection (2), then, to the extent the drugs
24 are not available within 10 miles of the naturopath's office, the naturopath may sell the drugs that are unavailable."~~

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26 NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2015.

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