

# HOUSE BILL 937

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By: **Delegates Krebs, Kelly, and Pena–Melnyk**

Introduced and read first time: February 5, 2020

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Naturopathic Doctors – Formulary Council Membership, Formulary Content,**  
3 **and 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; altering the  
10 membership of the Council to add a member who is a nurse practitioner who  
11 practices in the State; making conforming changes; and generally relating to  
12 naturopathic doctors.

13 BY repealing and reenacting, with amendments,  
14 Article – Health Occupations  
15 Section 14–5F–04.1 and 14–5F–14  
16 Annotated Code of Maryland  
17 (2014 Replacement Volume and 2019 Supplement)

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

### 20 **Article – Health Occupations**

21 14–5F–04.1.

22 (a) (1) There is a Naturopathic Doctors Formulary Council within the Board.

23 (2) The Council consists of the following members:

24 (i) The Deputy Secretary of Public Health Services, or the Deputy

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Secretary's designee; and

2 (ii) The following members, appointed by the Board:

3 1. Two individuals who:

4 A. Practice naturopathic medicine in the State;

5 B. Are certified by the North American Board of  
6 Naturopathic Examiners;

7 C. Have a minimum of 2 years' experience; and

8 D. Are licensed naturopathic doctors;

9 2. Two licensed physicians or doctors of osteopathy who  
10 practice in the State;

11 3. One pharmacist who has a background in pharmacognosy  
12 and who practices in the State;

13 4. **ONE NURSE PRACTITIONER WHO PRACTICES IN THE**  
14 **STATE; and**

15 [4.] 5. One consumer.

16 (3) (i) The term of an appointed member is 4 years.

17 (ii) At the end of a term, an appointed member continues to serve  
18 until a successor is appointed.

19 (4) A member of the Council:

20 (i) May not receive compensation as a member of the Council; but

21 (ii) Is entitled to reimbursement for expenses under the Standard  
22 State Travel Regulations, as provided in the State budget.

23 (5) The Board shall designate the chair of the Council.

24 (6) The Board shall provide staff for the Council.

25 (b) The Council shall:

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

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

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

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

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

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

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

12 (i) Nonprescription drugs and devices;

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

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

15 AND

16 (IV) ANY OTHER PRESCRIPTION DRUGS AND DEVICES  
17 RECOMMENDED BY THE COUNCIL AND APPROVED BY THE BOARD.

18 (2) The formulary may not include[:

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

21 (ii) Controlled] CONTROLLED substances.

22 14-5F-14.

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

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

29 (2) Order diagnostic imaging studies and interpret the reports of diagnostic  
30 imaging studies;

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

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

14 (5) Administer auto-injectable epinephrine;]

15 (4) **PRESCRIBE, DISPENSE, OR ADMINISTER, BY THE MOST**  
 16 **APPROPRIATE ROUTE OF ADMINISTRATION AS RECOMMENDED BY THE COUNCIL**  
 17 **AND APPROVED BY THE BOARD:**

18 (I) **PRESCRIPTION DRUGS LISTED IN THE FORMULARY; AND**

19 (II) **MEDICAL FOODS:**

20 1. **THE ACTIVE INGREDIENTS OF WHICH ARE DERIVED**  
 21 **FROM PLANT, ANIMAL, MINERAL, OR FUNGAL SOURCES OR ANY SUBSTANCE FOUND**  
 22 **IN NATURE; AND**

23 2. **THAT, IN ADDITION TO THE ACTIVE INGREDIENTS**  
 24 **DESCRIBED UNDER ITEM 1 OF THIS ITEM, MAY CONTAIN INGREDIENTS CONTAINED**  
 25 **IN A PRESCRIPTION DRUG LISTED IN THE FORMULARY;**

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

31 [(7)] (6) Provide health education and health counseling; and

32 [(8)] (7) Perform naturopathic musculoskeletal mobilization.

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

1           (1) Except for a prescription drug or device included in the formulary under  
2 ~~§ 14-5F-04.1(d)(1)(ii) or (iii)~~ **§ 14-5F-04.1(D)(1)** of this subtitle, prescribe, dispense, or  
3 administer any prescription drug or device;

4           (2) Perform surgical procedures;

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

9           (4) Use general or spinal anesthetics;

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

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

14          (7) Perform acupuncture unless the licensee is also a licensed  
15 acupuncturist; or

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

18          SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2020.