

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 937 (Delegate Krebs, *et al.*)  
Health and Government Operations

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Naturopathic Doctors - Formulary Council Membership, Formulary Content,  
and Scope of Practice

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This bill expands the types of prescription drugs and devices that must be included on the formulary for naturopathic doctors to include any other prescription drugs and devices recommended by the Naturopathic Doctors Formulary Council and approved by the State Board of Physicians (MBP). The bill expands what a licensed naturopath is authorized to do to include (1) prescribing, dispensing, and administering prescription drugs listed in the formulary and specified medical foods by the most appropriate route of administration as recommended by the council and approved by MBP and (2) dispensing, ordering, or *administering* natural medicines, dietary supplements, and nonprescription drugs that use *any route of administration as recommended by the council and approved by MBP*. The bill also adds a nurse practitioner who practices in the State to the Naturopathic Doctors Formulary Council and makes other conforming changes.

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Fiscal Summary

**State Effect:** The changes are mostly procedural in nature and do not directly affect governmental finances. The costs associated with adding a member to the Naturopathic Doctors Formulary Council can be absorbed within existing budgeted resources.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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## Analysis

**Current Law:** Chapters 153 and 399 of 2014 required an individual to be licensed by MBP in order to practice naturopathic medicine in the State. “Naturopathic medicine” means the prevention, diagnosis, and treatment of human health conditions, injury, and disease using only patient education, naturopathic therapies, and therapeutic substances recognized by the Council of Naturopathic Medical Education.

A licensed naturopathic doctor may:

- order and perform physical and laboratory examinations for diagnostic purposes;
- order and interpret the reports of diagnostic imaging studies;
- dispense or order natural medicines, dietary supplements, and nonprescription drugs that use various routes of administration, including oral, nasal, auricular, ocular, rectal, vaginal, transdermal, and intramuscular;
- administer natural medicines of mineral, animal, or botanical origin;
- administer auto-injectable epinephrine;
- administer or perform hydrotherapy, naturopathic physical medicine, electromagnetic energy, and therapeutic exercise;
- provide health education and counseling; and
- perform naturopathic musculoskeletal mobilization.

A licensee may not prescribe, dispense, or administer any prescription drug except for a prescription drug or device included in the formulary; perform surgical procedures; practice or claim to practice as a medical doctor, physician, osteopath, dentist, podiatrist, or other specified health care professional; use general or spinal anesthetics; administer ionizing radioactive substances for therapeutic purposes; perform chiropractic adjustments or manipulations unless the licensee is also a licensed chiropractor; perform acupuncture unless the licensee is also a licensed acupuncturist; or prescribe, dispense, or administer any prescription or nonprescription drug or device listed in the formulary for cosmetic purposes.

Chapter 700 of 2016 established the Naturopathic Doctors Formulary Council within MBP. The council must develop and recommend a formulary to MBP for use by licensed naturopathic doctors. The council must annually review the formulary adopted by MBP to determine if any changes are necessary for compliance with current prescribing standards or the practice of naturopathic medicine. Recommendations relating to the formulary must be made by the council to MBP. MBP must adopt a formulary based on the council’s recommendations but may modify or reject any of the council’s recommendations.

The formulary must include (1) nonprescription drugs and devices; (2) prescription oxygen and auto-injectable epinephrine; and (3) prescription diaphragms and cervical caps for contraception. The formulary may not include other prescription drugs and devices or controlled substances.

**Background:** In 2014, Maryland became the 18th State to enact legislation to license naturopathic doctors. MBP began licensing naturopathic doctors in March 2016. Prior to this date, MBP convened a Naturopathic Doctors Formulary Workgroup, which issued its final [report](#) in July 2015.

According to MBP's website, Maryland-licensed naturopathic doctors may prescribe, dispense, or administer prescription auto-injectable epinephrine, prescription oxygen, prescription diaphragms and cervical caps, and U.S. Food and Drug Administration-regulated nonprescription drugs and devices.

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### **Additional Information**

**Prior Introductions:** HB 547 of 2019, a similar bill, received a hearing in the House Health and Government Operations Committee but was withdrawn. Its cross file, SB 900, received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee.

**Designated Cross File:** None.

**Information Source(s):** Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - February 28, 2020  
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Analysis by: Hillary J. Cleckler

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510