



# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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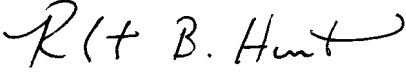
H.P. 747

House of Representatives, March 18, 2025

### **An Act to Modernize the Formulary for Naturopathic Doctors**

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Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

  
ROBERT B. HUNT  
Clerk

Presented by Representative JULIA of Waterville.  
Cosponsored by Senator BEEBE-CENTER of Knox and  
Representatives: ARCHER of Saco, FLYNN of Albion, MONTELL of Gardiner, ROEDER of  
Bangor, ROLLINS of Augusta, SHAGOURY of Hallowell.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 32 MRSA §12501, sub-§7**, as enacted by PL 1995, c. 671, §13, is repealed.

3 **Sec. 2. 32 MRSA §12522**, as enacted by PL 1995, c. 671, §13, is amended to read:  
4 **§12522. Scope of practice**

5 **1. Medicines and therapies.** A naturopathic doctor may use and order for  
6 preventative and therapeutic purposes the following natural medicines and therapies: food,  
7 food extracts, vitamins, minerals, enzymes, digestive aids, whole gland thyroid and other  
8 natural hormones, plant substances, all homeopathic preparations, immunizations,  
9 counseling, hypnotherapy, biofeedback, dietary therapy, naturopathic manipulative  
10 therapy, naturopathic physical medicine, therapeutic devices, barrier devices for  
11 contraception and office procedures. Naturopathic doctors may also prescribe medications,  
12 including ~~natural~~ antibiotics and topical medicines, within the limitations set forth in  
13 subsection 4. This subsection may not be construed to prevent an individual other than a  
14 naturopathic doctor from using, ordering or recommending any of the above listed items as  
15 long as the individual is not prohibited from doing so by any other federal or state statute  
16 or regulation.

17 **2. Diagnostic procedures.** A naturopathic doctor may use physical examinations for  
18 diagnostic purposes including phlebotomy, clinical laboratory tests, speculum  
19 examinations and physiological function tests, excluding all endoscopies and physiological  
20 function tests requiring infusion, injection, inhalation or ingestion of medications to  
21 perform tests. A naturopathic doctor may order diagnostic imaging, including ultrasound,  
22 x-ray and electrocardiogram tests, but must refer to an appropriate licensed health care  
23 professional for conducting and interpreting the tests.

24 **3. Other devices and procedures.** A naturopathic doctor may prescribe therapeutic  
25 devices or use noninvasive diagnostic procedures commonly used by allopathic or  
26 osteopathic physicians in general practice.

27 **4. Prescriptive authority.** ~~Naturopathic~~ As provided in this subsection, naturopathic  
28 doctors have a limited scope of prescriptive authority and may use, prescribe and dispense  
29 nonlegend agents of vitamin, plant, animal and mineral origin.

30 A. A naturopathic doctor may prescribe nonprescription medications without  
31 limitation.

32 B. A naturopathic doctor may only prescribe noncontrolled legend drugs ~~from the~~  
33 ~~following categories: homeopathic remedies, vitamins and minerals, hormones, local~~  
34 ~~anesthesia and immunizations, except for testosterone, that are designated in a~~  
35 formulary adopted by rule by a formulary subcommittee of the board ~~consisting of the~~  
36 ~~naturopathic members, the pharmacist member and the allopathic or osteopathic~~  
37 ~~physician member, as consistent with a naturopathic doctor's education and training.~~  
38 ~~A naturopathic doctor may not prescribe psychotropic medications pursuant to~~  
39 ~~subsection 6. In accordance with this paragraph and subsection 6, the rule designating~~  
40 the formulary from which a naturopathic doctor may prescribe noncontrolled legend  
41 drugs must be updated by the formulary subcommittee at least every 2 years.  
42 Notwithstanding section 12506, rules designating the formulary adopted on or after

1           January 1, 2028 are routine technical rules as defined in Title 5, chapter 375, subchapter  
2           2-A.

3           C. Prior to independently prescribing noncontrolled legend drugs, a naturopathic  
4           doctor shall establish and complete a 12-month collaborative relationship with a  
5           licensed allopathic or osteopathic physician to review the naturopathic doctor's  
6           prescribing practices. The board shall further define the terms of the collaborative  
7           relationship by rule.

8           **5. Prohibition.** A naturopathic doctor may not:

9           A. Prescribe, dispense or administer any substance or device identified in Schedule I,  
10           II, III, IV or V, except testosterone, as described in the federal Controlled Substance  
11           Act, 21 United States Code, Sections 801 to 971 (1988), or any controlled substances  
12           or devices;

13           B. Perform surgical procedures except those office procedures authorized by this  
14           chapter;

15           C. Practice emergency medicine except when a good Samaritan rendering gratuitous  
16           services in the case of emergency and except for the care of minor injuries; or

17           D. Practice or claim to practice medicine and surgery, osteopathy, dentistry, podiatry,  
18           optometry, chiropractic, physical therapy or any other system or method of treatment  
19           not authorized in this chapter.

20           **6. Formulary subcommittee.** The formulary for a naturopathic doctor must be  
21           designated by a formulary subcommittee of the board in accordance with the following.

22           A. The formulary subcommittee consists of the following members:

23                   (1) Two naturopathic doctors who are members of the board, appointed by the  
24                   board;

25                   (2) One licensed allopathic or osteopathic physician, appointed jointly by the  
26                   Board of Licensure in Medicine and the Board of Osteopathic Licensure;

27                   (3) One licensed pharmacist, appointed by the Maine Board of Pharmacy; and

28                   (4) One member who has an advanced degree in pharmacology or pharmacognosy,  
29                   appointed by the other subcommittee members.

30           B. Formulary subcommittee members must be appointed for 3-year terms. A  
31           subcommittee member may serve until a successor is appointed. If a vacancy occurs  
32           during a 3-year term, the newly appointed subcommittee member shall serve until the  
33           term expires.

34           C. The chair of the formulary subcommittee must be one of the naturopathic members  
35           appointed in paragraph A, subparagraph (1). The subcommittee shall meet at the call  
36           of the chair. Three members of the subcommittee constitute a quorum. Staff of the  
37           board shall provide administrative support to the subcommittee and keep minutes of  
38           subcommittee meetings.

39           D. The formulary subcommittee shall determine the substances to be included in the  
40           formulary that may be prescribed by a naturopathic doctor and shall review and update  
41           the formulary at least every 2 years. Immediately upon adoption or revision of the

1 formulary by the subcommittee, the subcommittee shall submit the approved formulary  
2 to the board for adoption by rule.

3 (1) The formulary subcommittee shall review requests for additions to the  
4 formulary in order to determine whether the addition is appropriate for the practice  
5 of naturopathic medicine.

6 (2) Upon request, the formulary subcommittee may consider synthetically  
7 produced substances and their salts having identical or substantially identical  
8 molecular structure to a plant or animal substance to be naturally occurring plant  
9 or animal substances.

10 (3) Any person requesting a change to the formulary shall complete and submit a  
11 form to the formulary subcommittee, including the name and mailing address of  
12 the requester; the license number of the requester, if applicable; whether the request  
13 is to add or remove a drug from the formulary; the name and class of the drug;  
14 whether the drug is a noncontrolled legend drug; the route and mechanism of  
15 administration; an explanation of how the drug complies with the scope of practice  
16 of a naturopathic doctor; an explanation of the identical or functional similarity of  
17 the drug to a naturally occurring substance; and an explanation of how the drug  
18 functions similarly to a naturally occurring substance.

19 **Sec. 3. Board of Complementary Health Care Providers to adopt rules.** No  
20 later than January 1, 2026, as authorized by the Maine Revised Statutes, section 12522,  
21 subsection 4, paragraph B, the formulary subcommittee of the Board of Complementary  
22 Health Care Providers shall update the formulary for naturopathic doctors and the Board  
23 of Complementary Health Care Providers shall adopt the formulary by rule. In updating  
24 the formulary, the formulary subcommittee shall develop the formulary in a manner that is  
25 substantially similar to the formulary that has been adopted by New Hampshire's Council  
26 on Doctors of Naturopathic Medicine Formulary, in effect as of January 1, 2025.

## 27 SUMMARY

28 This bill requires that the rules related to the prescriptive authority of naturopathic  
29 doctors must be updated by a formulary subcommittee of the Board of Complementary  
30 Health Care Providers at least every 2 years and establishes requirements for the  
31 subcommittee. The bill requires that the formulary subcommittee update the formulary and  
32 that the board adopt the rule designating the formulary no later than January 1, 2026 in a  
33 manner that is substantially similar to the formulary that has been adopted by New  
34 Hampshire's Council on Doctors of Naturopathic Medicine Formulary, in effect as of  
35 January 1, 2025.