

SENATE BILL 133

Introduced by Rasmussen, et al.

1/14	Introduced
1/14	Referred to Public Health, Welfare & Safety
1/16	Fiscal Note Requested
1/23	Fiscal Note Received
1/25	Fiscal Note Printed
1/27	Hearing
	Died in Committee

1 *Senate* BILL NO. *133*
2 INTRODUCED BY *Rasmussen Yellowstone*
3 *Bradley Moore Russell*
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE
5 NATUROPATHIC HEALTH CARE PRACTICE ACT; PROVIDING FOR THE
6 REGULATION OF NATUROPATHIC HEALTH CARE; ESTABLISHING A BOARD
7 OF NATUROPATHIC PHYSICIANS TO PROVIDE FOR THE LICENSURE AND
8 REGULATION OF NATUROPATHIC PHYSICIANS; PROVIDING FOR
9 ADMINISTRATION OF THE ACT; ESTABLISHING PENALTIES FOR
10 VIOLATIONS; AND PROVIDING AN EFFECTIVE DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 **Section 1.** Short title. [Sections 1 through 9 and 11
14 through 24] may be cited as the "Naturopathic Health Care
15 Practice Act".

16 **Section 2.** Legislative finding -- purpose. (1) The
17 legislature finds that a significant number of Montanans
18 choose naturopathic health care for their health care needs
19 and declares that naturopathic health care is a distinct
20 health care profession that affects the public health,
21 safety, and welfare and provides for public freedom of
22 choice in health care.

23 (2) The purpose of [sections 1 through 9 and 11
24 through 24] is to provide for the licensing and regulation
25 of naturopathic physicians in order to protect the public

1 health, safety, and welfare; to ensure that naturopathic
2 health care by qualified naturopathic physicians is
3 available to the people of Montana; and to provide a means
4 of identifying qualified naturopathic physicians.

5 **Section 3.** Definitions. Unless the context requires
6 otherwise, in [sections 1 through 9 and 11 through 24] the
7 following definitions apply:

8 (1) "Analog" means a chemical compound with a
9 structure modeled after that of a natural substance and that
10 has similar pharmacological action as its natural model
11 compounds but that differs with respect to minor components
12 and that has been modified solely for the purpose of easing
13 absorption and administration, increasing chemical
14 stability, avoiding side effects, or facilitating
15 manufacture.

16 (2) "Approved naturopathic medical college" means:

17 (a) a college accredited to grant the degree of doctor
18 of naturopathic medicine or doctor of naturopathy by the
19 council on naturopathic medical education or another
20 accrediting agency in the field of naturopathy recognized by
21 the United States department of education;

22 (b) a college that is a candidate for accreditation
23 status with the council on naturopathic medical education or
24 another agency; or

25 (c) a college approved by the board as conforming to

1 educational standards equivalent to those established by the
2 council on naturopathic medical education.

3 (3) "Board" means the board of naturopathic
4 physicians.

5 (4) "Department" means the department of commerce
6 provided for in Title 2, chapter 15, part 18.

7 (5) "Homeopathic preparations" means medicines
8 prepared according to the Homeopathic Pharmacopoeia of the
9 United States.

10 (6) (a) "Minor surgery" means the use of:

11 (i) operative, electrical, or other methods for the
12 surgical repair and care incidental to superficial
13 lacerations and abrasions, superficial lesions, and the
14 removal of foreign bodies located in the superficial
15 tissues; and

16 (ii) antiseptics and local anesthetics in connection
17 with such methods.

18 (b) Minor surgery does not include general or spinal
19 anesthetics, major surgery, surgery of the body cavities, or
20 specialized surgeries, such as plastic surgery, surgery
21 involving the eye, or surgery involving the hand (when
22 tendons are involved).

23 (7) "Natural antibiotics" means antimicrobial,
24 antifungal, and antiprotozoal agents that are natural
25 substances or manufactured substances that are identical to

1 or analogs of such natural substances.

2 (8) (a) "Natural forces, processes, and substances"
3 means:

4 (i) the therapeutic effects of the application of
5 nature's forces of hot and cold temperatures, air, light,
6 water, sound, gravity, electricity, and naturopathic
7 manipulation;

8 (ii) the therapeutic effects of the natural processes
9 of life and of rest and activity, whether mental or
10 physical;

11 (iii) the therapeutic use of nontoxic natural
12 substances, extracted nontoxic natural substances, or
13 manufactured substances identical to or an analog of a
14 nontoxic natural substance; and

15 (iv) other natural therapies as taught by approved
16 naturopathic medical colleges and as approved by the board.

17 (b) Natural forces, processes, and substances include:

18 (i) corrective exercises, relaxation techniques,
19 fasting, naturopathic manipulation, electrotherapy,
20 diathermy, ultrasound, hydrotherapy, natural methods of and
21 barrier devices for birth control, naturopathic obstetrics,
22 and minor surgery;

23 (ii) nutrients, such as food, food extracts, vitamins,
24 minerals, and enzymes;

25 (iii) nontoxic biochemicals such as botanical medicines

1 and homeopathic preparations;
 2 (iv) topical analgesics, anesthetics, antiseptics,
 3 scabicides, antifungals, and antibacterials;
 4 (v) natural immunoglobulins and antitoxins;
 5 (vi) natural antibiotics; and
 6 (vii) local anesthetics.
 7 (9) "Naturopathic health care" or "naturopathy" means
 8 the art, science, and philosophy of healing practiced by
 9 naturopathic physicians as a professional health care system
 10 for the prevention, diagnosis, and treatment of human health
 11 conditions, injuries, and diseases. It has for its objective
 12 the maintenance or restoration of a state of health in human
 13 beings by supporting and stimulating their intrinsic
 14 self-healing processes, utilizing natural forces, processes,
 15 and substances as taught by approved naturopathic medical
 16 colleges and as is consistent with [sections 1 through 9 and
 17 11 through 24].
 18 (10) "Naturopathic obstetrics" means the specialty
 19 practice of obstetrics and natural childbirth that includes
 20 the use of obstetrical natural substances, ophthalmic
 21 antibiotics, obstetrical emergency medicines, and minor
 22 surgery. The term does not include a forceps delivery,
 23 general or spinal anesthesia, or a Caesarean section.
 24 (11) "Naturopathic physician" means a person licensed
 25 under [sections 1 through 9 and 11 through 24] to practice

1 naturopathic health care.
 2 (12) "Nontoxic" means an accepted therapeutic dosage of
 3 a substance which by its action on the organs or tissues
 4 does not impair the function of or destroy human life.
 5 **Section 4. Practice of naturopathic health care --**
 6 **rulemaking.** (1) A naturopathic physician may practice
 7 naturopathic health care in accordance with the method,
 8 thought, and practice of naturopathic physicians as taught
 9 by approved naturopathic medical colleges. On questions of
 10 practice not specified in [sections 1 through 9 and 11
 11 through 24], the board shall decide what constitutes proper
 12 practice of naturopathic health care after consulting with
 13 approved naturopathic medical colleges.
 14 (2) A naturopathic physician may diagnose diseases of
 15 human beings by the use of all physical, laboratory, and
 16 clinical diagnostic techniques in which he has received
 17 training from an approved naturopathic medical college.
 18 These diagnostic techniques mean:
 19 (a) the ordering but not the interpretation of
 20 radiographic diagnostic studies;
 21 (b) the taking and interpretation of standard
 22 radiographs;
 23 (c) the use of venipuncture to obtain samples for
 24 blood analysis; and
 25 (d) other common diagnostic procedures.

1 (3) A naturopathic physician may prescribe, dispense
2 in accordance with 37-2-101 and 37-2-104, and administer
3 natural forces, processes, and substances, as taught by
4 approved naturopathic medical colleges, for the purpose of
5 supporting and stimulating the intrinsic self-healing
6 abilities of human beings.

7 (4) The board may adopt rules consistent with the
8 training provided by approved naturopathic medical colleges
9 concerning the uses of the therapies authorized in this
10 section.

11 **Section 5. License required -- titles restricted --**
12 **enjoining unlawful practice.** (1) A person not licensed
13 pursuant to [sections 1 through 9 and 11 through 24] who
14 represents himself to the public as a naturopathic physician
15 or engages in the practice of naturopathic health care in
16 this state is guilty of a misdemeanor.

17 (2) (a) (i) A naturopathic physician may use the
18 prefix "Dr." or "doctor" as a title.

19 (ii) A naturopathic physician may use any or all of the
20 following: the terms "doctor of naturopathy", "doctor of
21 naturopathic medicine", "naturopath", or "naturopathic
22 physician", or the abbreviation "N.D.".

23 (b) The titles and abbreviations in subsection
24 (2)(a)(ii) identify naturopathic physicians and are
25 restricted to their use. A person who uses these titles

1 without being licensed pursuant to [sections 1 through 9 and
2 11 through 24] is guilty of a misdemeanor.

3 (3) Violation of [sections 1 through 9 and 11 through
4 24] may be enjoined by the district court on petition by the
5 board.

6 **Section 6. Exemptions.** (1) [Sections 1 through 9 and
7 11 through 24] recognize that many of the therapies used by
8 naturopathic physicians, such as the use of nutritional
9 supplements, herbs, foods, and such physical forces as heat,
10 cold, water, touch, and light, are not the exclusive
11 privilege of naturopathic physicians and as such their use
12 by individuals is not prohibited by [sections 1 through 9
13 and 11 through 24].

14 (2) [Sections 1 through 9 and 11 through 24] do not
15 apply to:

16 (a) the scope of practice of any other professions
17 licensed, certified, or registered under the laws of this
18 state; or

19 (b) students of naturopathic medicine who are
20 currently enrolled in an approved naturopathic medical
21 college and who gratuitously diagnose and treat disease
22 under the direct supervision of a naturopathic physician or
23 other health care practitioner regulated under the laws of
24 this state as long as the student's activity is within the
25 scope of practice of such supervising practitioner and is

1 limited to activity consistent with the scope of practice
2 described in [sections 1 through 9 and 11 through 24].

3 **Section 7. Certification for specialty practice --**
4 **requirements.** (1) A naturopathic physician may not practice
5 naturopathic obstetrics without first obtaining from the
6 board a certificate of specialty practice. The board shall
7 adopt rules setting forth the requirements to be met in
8 order to certify naturopathic physicians for the specialty
9 practice of naturopathic obstetrics.

10 (2) To be certified for the specialty practice of
11 naturopathic obstetrics, a naturopathic physician shall:

12 (a) pass either a national standardized supplemental
13 examination in naturopathic obstetrics provided by the
14 national naturopathic physicians licensing organization or
15 other specialty examination approved by the board;

16 (b) complete a minimum of 100 hours in any one or in
17 any combination of the following upon approval by the board:

18 (i) course work in naturopathic obstetrics;

19 (ii) an internship in naturopathic obstetrics; or

20 (iii) a preceptorship in naturopathic obstetrics; and

21 (c) have assisted in a minimum of 40 supervised
22 births, including prenatal and postnatal care, under the
23 direct supervision of a licensed naturopathic, medical, or
24 osteopathic physician with specialty training in obstetrics
25 or natural childbirth.

1 **Section 8. Duties of naturopathic physicians.**

2 Naturopathic physicians have the same authority and
3 responsibility as other licensed physicians with regard to
4 public health laws, reportable diseases and conditions,
5 communicable disease control and prevention, recording of
6 vital statistics, health and physical examinations, signing
7 of birth and death certificates, and local boards of health,
8 except that such authority is limited to activities
9 consistent with the scope of practice described in [sections
10 1 through 9 and 11 through 24].

11 **Section 9. Violations of practice.** Except as provided
12 in [sections 1 through 9 and 11 through 24], a naturopathic
13 physician may not:

14 (1) prescribe, dispense, or administer any federally
15 controlled substance other than nontoxic natural substances;

16 (2) perform surgical procedures other than minor
17 surgery or venipuncture;

18 (3) administer ionizing radiation or radioactive
19 substances as therapy; or

20 (4) practice or claim to practice any licensed health
21 care profession or system of treatment other than
22 naturopathic health care unless holding a separate license
23 in that profession.

24 **Section 10. Board of naturopathic physicians. (1)**

25 There is a board of naturopathic physicians.

1 (2) The board consists of three members appointed by
 2 the governor. Members serve for staggered terms of 4 years,
 3 commencing on September 1 of the year of appointment.
 4 Appointments made when the legislature is not in session may
 5 be confirmed at the next session. Upon notice and hearing, a
 6 member may be removed by the governor for neglect of duty,
 7 incompetence, or unprofessional or dishonorable conduct.

8 (3) (a) The members are:

9 (i) one member of the public; and

10 (ii) two naturopathic physicians who have been
 11 residents of Montana 3 years prior to being appointed and
 12 who are licensed or qualified for licensure under [sections
 13 1 through 9 and 11 through 24]. One of these members shall
 14 serve as board chairman and conduct meetings. Both shall
 15 attend board meetings.

16 (b) All board members must receive compensation for
 17 performance of board duties as provided in 2-15-124.

18 (4) The board is allocated to the department for
 19 administrative purposes only as prescribed in 2-15-121.

20 (5) The board is solely responsible for the regulation
 21 of naturopathic health care in this state.

22 **Section 11. Powers and duties of board.** (1) The board
 23 shall regulate the practice of naturopathic health care.

24 (2) The board shall:

25 (a) adopt rules necessary or proper to administer and

1 enforce [sections 1 through 9 and 11 through 24];

2 (b) adopt rules on the scope of the practice of
 3 naturopathic health care consistent with [sections 1 through
 4 9 and 11 through 24] and the training provided by approved
 5 naturopathic medical colleges;

6 (c) adopt rules governing the content, time, and place
 7 of the licensure examination. The examination may be the
 8 national naturopathic physician examination approved by the
 9 council on naturopathic medical education.

10 (d) adopt rules that set fees for examination,
 11 licensure, and other administrative services. Fees must be
 12 commensurate with costs.

13 (e) approve naturopathic medical colleges having
 14 standards of education equivalent, in the opinion of the
 15 board, to those of the council on naturopathic medical
 16 education;

17 (f) investigate complaints against naturopathic
 18 physicians, hold hearings on such complaints, and make
 19 recommendations to the board concerning the imposition of
 20 disciplinary action against naturopathic physicians found to
 21 be in violation of [sections 1 through 9 and 11 through 24]
 22 as provided for in [sections 19 and 20];

23 (g) establish, approve, and routinely review a
 24 continuing education curriculum and accreditation process
 25 for naturopathic physicians required for license renewal;

1 and

2 (h) issue certificates of specialty practice.

3 **Section 12. Board meetings.** (1) The board shall meet
4 at least once annually.

5 (2) Special meetings may be called by any two board
6 members.

7 (3) All members must be present or represented in
8 order to conduct board business.

9 **Section 13. Powers and duties of the department.** The
10 department shall:

11 (1) distribute and process applications for licensure;
12 and

13 (2) issue and renew licenses granted by the board.

14 **Section 14. Application for examination --**
15 **qualifications.** (1) A person desiring to practice
16 naturopathic health care in this state shall apply to the
17 department, in the manner and form prescribed by the board,
18 for authorization to take the licensure examination.

19 (2) A person making application shall furnish evidence
20 to the department that he:

21 (a) is of good character as declared by the affidavits
22 of three licensed health care professionals who are citizens
23 of the United States; and

24 (b) has graduated from an approved naturopathic
25 medical college.

1 **Section 15. Issuance of certificate of license --**
2 **reexamination.** (1) An applicant who correctly answers 70% of
3 the questions on each of the subjects of the examination and
4 who pays the appropriate license fee is entitled to be
5 registered as a licensed naturopathic physician in the board
6 directory. The department shall issue to each successful
7 applicant a certificate of license in the form prescribed by
8 the board and bearing the board's official seal.

9 (2) If an applicant fails to pass the licensure
10 examination, he may take subsequent scheduled examinations
11 within 1 year from the date of failure to pass. The
12 applicant need not retake an examination on subjects that he
13 passed in previous examinations if he has passed at least
14 one-half of the examination subjects. Within 10 days prior
15 to an examination, the applicant shall notify the department
16 of his intention to retake an examination. The board may
17 require a reexamination fee in an amount to be set by the
18 board.

19 **Section 16. License reciprocity -- fee --**
20 **investigation.** (1) Persons currently licensed to practice
21 naturopathy under the laws of any other state having
22 naturopathic educational requirements equivalent to those
23 imposed by this state and who are in good professional
24 standing in that state may, subject to the rules of the
25 board, be issued a license to practice in this state without

1 examination upon application to the board and payment of a
2 fee in an amount to be set by the board.

3 (2) The board may examine the applicant's
4 qualifications and deny reciprocity if the board's
5 investigation determines that the applicant is not qualified
6 to be licensed as a naturopathic physician in Montana. Upon
7 denial of application for reciprocity, a portion of the fee
8 may be retained by the board for the expense of
9 investigation.

10 **Section 17. License -- annual renewal -- fee.** (1) A
11 license to practice naturopathy is valid for 1 year. The
12 department shall renew licenses on payment of a renewal fee
13 in an amount to be set by the board and on receipt by the
14 board of satisfactory evidence that the licensee, in the
15 year preceding, attended and successfully completed a
16 continuing education program approved by the board. Except
17 as provided in subsection (4), the renewal request, evidence
18 of continuing education, and fee must be received by the
19 department no later than December 31 of the calendar year.

20 (2) Upon application for exemption, the board may
21 exempt a person from the continuing education requirements
22 if the applicant is unable to comply with the requirements
23 because of a physical or mental condition or for other
24 unusual or extenuating circumstances. No person may be
25 exempted from the continuing education requirements for 2

1 consecutive years.

2 (3) At least 30 days prior to December 31, the board
3 shall notify the licensee by letter, addressed to the
4 licensee at his address as listed in the records of the
5 board, that his license will expire unless application for
6 renewal, accompanied by the annual renewal fee and evidence
7 that continuing education requirements were fulfilled, is
8 received by the board by December 31.

9 (4) If by December 31 the board does not receive the
10 items required in subsection (3), the board shall within 7
11 days notify the licensee that his license has expired and
12 that the license will be canceled and revoked unless a
13 request for renewal and reinstatement, accompanied by the
14 renewal fee and an additional late fee as prescribed by the
15 board, is received by the board not later than 45 days after
16 the date on which the letter required by this subsection was
17 sent.

18 (5) The board shall cancel all licenses that have not
19 been renewed or reinstated within the 45-day period provided
20 in subsection (4). The board shall notify each person whose
21 license is canceled.

22 (6) A person whose license is canceled by failure to
23 apply for renewal or reinstatement may have it reinstated
24 for good cause shown to the board and upon payment of all
25 annual renewal fees then accrued plus an additional late fee

for each year following the cancellation of the license.

(7) A naturopathic physician licensed to practice naturopathy in this state who is in the military service of the United States is not required to pay the annual renewal fee or make application for renewal until December 31 of the calendar year in which he returns to the state from military service.

Section 18. Deposit of fees. (1) All fees collected under [sections 1 through 9 and 11 through 24] must be deposited in the state special revenue fund for the use of the board in administering [sections 1 through 9 and 11 through 24], subject to 37-1-101.

(2) The department shall keep an accurate account of funds received and disbursed by the board.

Section 19. Denial, suspension, or revocation of license -- grounds. The department may refuse to issue a license and the board may suspend or revoke a license issued pursuant to [sections 1 through 9 and 11 through 24] or take disciplinary action against licensees for one or more of the following causes:

(1) conviction, as shown by a certified copy of the record of the court, of a felony or a violation of any state or federal law regulating the possession, distribution, or use of any controlled substance, subject to Title 37, chapter 1, part 2;

(2) being adjudicated incompetent or seriously mentally ill;

(3) sustaining a physical or mental disability that renders further naturopathic practice dangerous to the public;

(4) habitual intemperance with alcohol or habitual addiction to the use of a controlled substance to such an extent as to incapacitate the person from the proper performance of professional duties;

(5) gross malpractice, repeated malpractice, or any malpractice resulting in the death of a patient;

(6) engaging in any dishonorable, unethical, or unprofessional conduct, as defined by the rules of the board, that may deceive, defraud, or harm the public;

(7) obtaining or attempting to obtain by fraudulent misrepresentation a license to practice naturopathy;

(8) advertising by means of knowingly false, misleading, or deceptive statements;

(9) advertising, practicing, or attempting to practice under a name other than the person's own;

(10) using any false, fraudulent, or forged statement or document or engaging in any fraudulent, deceitful, dishonest, or immoral practice, as defined by the rules of the board, in connection with the licensing requirements of [sections 1 through 9 and 11 through 24]; or

1 (11) violation of a provision of [sections 1 through 9
2 and 11 through 24].

3 **Section 20. Denial, suspension, or revocation of**
4 **license -- procedure.** (1) (a) Any person may file a sworn
5 complaint with the board against a person licensed to
6 practice naturopathic health care in this state, charging
7 him with any of the causes listed in [section 19]. The
8 complaint must set forth a specification of the charges.

9 (b) Upon receipt of a complaint, the board, as soon as
10 practicable, shall set a date and place for hearing on the
11 complaint. The hearing date must be at least 35 days after
12 the date of the meeting setting the hearing date.

13 (c) Within 5 days after a hearing date is set, the
14 board shall mail to the accused person at his last address
15 of record with the board:

- 16 (i) a copy of the complaint;
- 17 (ii) written notice of the time and place of the
- 18 hearing on the complaint; and
- 19 (iii) notice that the accused person may:

- 20 (A) be present in person;
- 21 (B) be represented by counsel if he so desires;
- 22 (C) offer evidence; and
- 23 (D) be heard in his defense.

24 (2) The board shall hold a hearing at the time and
25 place set pursuant to subsection (1). The board may continue

1 the hearing from time to time as it determines necessary. At
2 the hearing, the board must receive evidence upon the
3 subject under consideration and shall accord the person
4 against whom the complaint is filed a full and fair
5 opportunity to be heard in his defense. After consideration,
6 the board shall adopt a resolution finding that the licensee
7 has either violated or not violated [section 19]. If the
8 board finds no violation of [section 19], the board shall
9 dismiss the complaint. If the board finds that one or more
10 of the provisions in [section 19] were violated, it may:

- 11 (a) revoke his license;
- 12 (b) suspend his right to practice naturopathy for a
- 13 period not exceeding 1 year;
- 14 (c) suspend its judgment of revocation upon terms and
- 15 conditions it determines;
- 16 (d) place him on probation; or
- 17 (e) take such other disciplinary action as the board
- 18 in its discretion considers proper.

19 (3) In all cases of revocation, suspension, or
20 probation, the board shall record the facts of the action
21 and any subsequent action with respect thereto.

22 **Section 21. Reinstatement of license after period of**
23 **suspension -- revocation.** Upon the expiration of the term of
24 suspension, the board may reinstate a license if the
25 suspended licensee furnishes the board with satisfactory

evidence that he is then of good moral character and conduct; is restored to good health, if applicable; and has not practiced naturopathy in the state during the term of suspension. If the board is not satisfied that the licensee is then of good moral character and conduct or restored to good health or if the evidence shows that he has practiced naturopathy in this state during the term of suspension, the board may, after notice and hearing, revoke the license.

Section 22. Application of Montana Administrative Procedure Act -- judicial review. (1) The contested case procedures of the Montana Administrative Procedure Act apply to the notice and hearing required by [sections 20 and 21] except that neither common law nor statutory rules of evidence need apply. The board may exclude repetitive, redundant, or irrelevant testimony.

(2) A person aggrieved by the final decision of the board may obtain judicial review of that decision. The judicial review procedure is the same as that for contested cases under the Montana Administrative Procedure Act.

Section 23. Enforcement and penalty. (1) A county attorney shall prosecute a person charged with violation of any of the provisions of [sections 1 through 9 and 11 through 24]. However, the board may retain its own attorney to prosecute or assist in prosecuting a person so charged and may compensate the attorney for such services.

(2) A person who violates any of the provisions of [sections 1 through 9 and 11 through 24] is guilty of a misdemeanor and is punishable, upon conviction, by a fine not exceeding \$500 or by imprisonment in the county jail not exceeding 30 days or both such fine and imprisonment.

Section 24. Licensure exception -- practitioners on October 1, 1989. (1) Notwithstanding the provisions of [sections 1 through 9 and 11 through 24], a person engaged in the practice of naturopathic health care in this state on October 1, 1989, is eligible for licensure if he:

(a) has practiced naturopathic health care in the state for at least 12 months prior to October 1, 1989;

(b) is a graduate of an approved naturopathic medical college or graduated prior to 1970 from a naturopathic college determined by the board to have adequate standards and good reputation; and

(c) has the recommendation of two licensed health care professionals who are Montana residents.

(2) A person eligible to be licensed under the provisions of this section shall apply to the board in writing for licensure by January 1, 1990. Such an applicant shall submit evidence of his qualifications to the board for investigation, with a fee for application and licensure in an amount to be set by the board. If licensure is denied, a portion of the fee may be retained by the board for the

1 expense of investigation. The board shall register persons
2 approved for licensure under this section in the directory
3 of licensed naturopathic physicians and shall issue them
4 certificates of license.

5 **Section 25. Severability.** If a part of [this act] is
6 invalid, all valid parts that are severable from the invalid
7 part remain in effect. If a part of [this act] is invalid
8 in one or more of its applications, the part remains in
9 effect in all valid applications that are severable from the
10 invalid applications.

11 **Section 26. Codification instruction.** (1) [Section 10]
12 is intended to be codified as an integral part of Title 2,
13 chapter 15, part 18, and the provisions of Title 2, chapter
14 15, part 18, apply to [section 10].

15 (2) [Sections 1 through 9 and 11 through 24] are
16 intended to be codified as an integral part of Title 37.

17 **Section 27. Effective date.** [This act] is effective
18 July 1, 1989.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB133 as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act establishing the naturopathic health care practice act, providing for the regulation and administration, establishing a board for this purpose, establishing penalties for violations and providing an effective date.

ASSUMPTIONS:


1. There will be 12 licensed naturopaths.
2. There will be a minimum of four board meetings the first year and at least two meetings the second, with compensation for three members at \$50/day plus travel.
3. The Professional and Occupational Licensing Bureau of the Business Regulation Division in the Department of Commerce has no staffing to handle additional boards and therefore must increase its staffing and funding to handle the additional work load, including the necessary equipment.
4. A general fund loan will be available to cover start up cost of the new board until such time as it can establish and collect fees commensurate with the cost of administering the program.
5. The budget for bureau overhead must be reflected in both the board's budget and the bureau's budget to allow the board to pay the overhead charges and the bureau to spend the overhead charges.
6. Consistent with existing boards, the new board will be charged for bureau overhead and supportive services at the rate equal to 41% of its budget.
7. The budget generates the following cost per licensee: \$422 in FY90 and \$301 in FY91.

FISCAL IMPACT:

	Current	FY91		Current	FY90	
	Law	Proposed		Law	Proposed	
<u>Expenditures:</u>		Law	<u>Different</u>		Law	<u>Difference</u>
Department of Commerce	\$ -0-	\$ 5,066	\$ 5,066	\$ -0-	\$ 3,615	\$ 3,615

Funding:

State Special Revenue License Fees	\$ -0-	\$ 5,066	\$ 5,066	\$ -0-	\$ 3,615	\$ 3,615
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 1/23/89
 RAY SHACKLEFORD, BUDGET DIRECTOR DATE
 OFFICE OF BUDGET AND PROGRAM PLANNING

 1-24-89
 TOM RASMUSSEN, PRIMARY SPONSOR DATE

Fiscal Note for SB133, as introduced

SB 133

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Because the staff of the Professional and Occupational Licensing Bureau are at a maximum workload level and because numerous bills to create new licensing boards are being introduced, there is no way for the fiscal note process to address the cumulative staff workload impact. After it is determined which boards have passed, it is recommended the legislature consider the entire group of added duties and the additional FTE authorization that may be required.