

Senate Bill 327

Sponsored by Senator MONNES ANDERSON (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Permits Council on Naturopathic Physicians Formulary to determine drugs that naturopathic physicians may not prescribe and to establish formulary of prohibited drugs.

Applies to drugs prescribed or administered by naturopathic physicians on or after January 1, 2010.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the practice of naturopathic medicine; creating new provisions; amending ORS 685.010,
3 685.030, 685.145 and 689.635; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 685.010 is amended to read:

6 685.010. As used in this chapter:

7 (1) "Accredited naturopathic school or college" means any naturopathic school or college of-
8 fering a four-year full-time resident program of study in naturopathy leading to a doctoral degree in
9 naturopathic medicine, such program having been approved by the board to meet the standards
10 specifically incorporated into board rules.

11 (2) "Board" means the Board of Naturopathic Examiners.

12 (3) "Drugs" [means] **includes:**

13 (a) **Substances recognized as drugs in the official United States Pharmacopoeia, official**
14 **National Formulary, official Homeopathic Pharmacopoeia of the United States, other drug**
15 **compendium or any supplement to any of them;**

16 (b) **Substances intended for use in the diagnosis, cure, mitigation, treatment or pre-**
17 **vention of disease in a human or other animal;**

18 (c) **Substances, other than food, intended to affect the structure or any function of the**
19 **body of humans or other animals; and**

20 (d) **Substances intended for use as a component of any substance specified in paragraph**
21 **(a), (b) or (c) of this subsection.** [*all medicines and preparations and all substances, except non-*
22 *poisonous plant or animal substances in therapeutic dosages, food and water, substances listed on the*
23 *formulary established under ORS 685.145 (3), over-the-counter substances, nonprescriptive and non*
24 *Drug Enforcement Agency regulated homeopathic substances and nutritional supplements, used or in-*
25 *tended to be used for the diagnosis, cure, treatment, mitigation or prevention of diseases or abnor-*
26 *malities of humans, which are recognized in the latest editions of the official United States*
27 *Pharmacopoeia, official Homeopathic Pharmacopoeia, official National Formulary, or any supplement*
28 *to any of them, or otherwise established as drugs.*]

29 (4) "Minor surgery" means the use of electrical or other methods for the surgical repair and
30 care incident thereto of superficial lacerations and abrasions, benign superficial lesions, and the

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 removal of foreign bodies located in the superficial structures; and the use of antiseptics and local
2 anesthetics in connection therewith.

3 (5) "Naturopathic medicine" means the discipline that includes physiotherapy, natural healing
4 processes and minor surgery and has as its objective the maintaining of the body in, or of restoring
5 it to, a state of normal health.

6 (6) "Naturopathic physician" means a person who holds a degree of Doctor of Naturopathic
7 Medicine and is licensed under this chapter.

8 [(7) "Nonpoisonous" means a substance taken in accepted therapeutic dosage that by its action on
9 organs or tissue does not adversely impair function or destroy human life.]

10 [(8) "Plant or animal substances" means those substances found in nature that comprise the whole
11 or parts of plants or animals and constituents thereof and that have not had changes made in their
12 molecular structure as found in nature.]

13 **SECTION 2.** ORS 685.030 is amended to read:

14 685.030. [Nothing in this chapter shall be construed to:]

15 (1) **This chapter does not** apply to any:

16 (a) Physician [*and surgeon, osteopath or*] **licensed by the Oregon Medical Board to practice**
17 **medicine, osteopathy or podiatry;**

18 (b) Chiropractor[,] **licensed by the State Board of Chiropractic Examiners; or**

19 (c) [*to any*] Christian Scientist or other person who by religious or spiritual means endeavors
20 to prevent or cure disease or suffering in accord with the tenets of any church.

21 (2) [*Authorize*] **This chapter does not authorize** licensees to:

22 (a) Practice optometry or administer chiropractic adjustments[, *or*];

23 (b) **Practice** any system or method of treatment not authorized in this chapter[, *or to administer*
24 *or write prescriptions for or dispense drugs,*]; or

25 (c) Do major surgery. [*except that naturopathic physicians are not prohibited from recommending*
26 *the use of specific and appropriate over-the-counter pharmaceuticals for their patients, or from pre-*
27 *scribing codeine sulfate or codeine phosphate in an appropriate and safe manner.*]

28 (3) [*Prevent*] A licensee under this chapter [*from*] **may perform health maintenance and res-**
29 **toration measures consistent with generally recognized and accepted principles of**
30 **naturopathic medicine, including but not limited to:**

31 (a) **Administering, dispensing or writing prescriptions for drugs;**

32 (b) **Recommending the use of specific and appropriate over-the-counter pharmaceuticals;**

33 (c) [*the administration of the*] **Administering** anesthetics or antiseptics [*authorized in ORS*
34 *685.010 (4), from ordering*] **in connection with minor surgery as defined in ORS 685.010;**

35 (d) **Ordering** diagnostic tests[, *or from the use of*];

36 (e) **Using** radiopaque substances administered by mouth or rectum necessary for Roentgen di-
37 agnostic purposes[.]; **or**

38 (f) **Administering substances by penetration of the skin or mucous membrane of the hu-**
39 **man body for diagnostic, preventive or therapeutic purposes. The Board of Naturopathic**
40 **Examiners may adopt by rule appropriate procedures for administering substances under**
41 **this paragraph.**

42 [(4) *Authorize the administration of any substance by penetration of the skin or mucous membrane*
43 *of the human body except for diagnostic and preventive purposes or for the therapeutic purpose of ad-*
44 *ministering vitamins and minerals.*]

45 **SECTION 3.** ORS 685.145 is amended to read:

1 685.145. (1) The Council on Naturopathic Physicians Formulary is established. [*and shall*
2 *consist*] **The council consists** of seven members appointed as follows:

3 (a) One member of the Board of Naturopathic Examiners appointed by the Board of
4 Naturopathic Examiners;

5 (b) One physician licensed by the Board of Naturopathic Examiners appointed by the Board of
6 Naturopathic Examiners;

7 (c) Two pharmacists licensed by the State Board of Pharmacy appointed by the State Board of
8 Pharmacy;

9 (d) One physician licensed by the Oregon Medical Board appointed by the Oregon Medical
10 Board; and

11 (e) Two additional members appointed by the council who hold an advanced degree in a medical
12 or pharmaceutical science.

13 (2) The chair of the council shall be elected by a majority of the members.

14 (3)(a) [*The council established under subsection (1) of this section shall determine the substances*
15 *to be included in the formulary*] **The council shall establish a formulary of drugs** that may **not**
16 be **administered or** prescribed by a naturopathic physician [*acting under ORS 685.010 (3)*]. The
17 council shall review the formulary periodically.

18 (b) Immediately upon adoption or revision of the formulary, the council shall transmit the [*ap-*
19 *proved*] formulary to the Board of **Naturopathic Examiners**, which must adopt the formulary by
20 rule. [*When determined to be appropriate to the scope of practice of naturopathic physicians, the*
21 *Council on Naturopathic Physicians Formulary may also consider synthetically produced substances*
22 *and their salts having an identical or substantially identical molecular structure to a plant or animal*
23 *substance as found in nature to be plant or animal substances.*]

24 (c) **A naturopathic physician may not administer or prescribe drugs that are included in**
25 **the formulary adopted by the board.**

26 (4) The term of each member of the council [*shall be*] **is** two years. A member shall serve until
27 a successor is appointed. If a vacancy occurs, it shall be filled for the unexpired term by a person
28 with the same qualifications as a retiring member.

29 (5) Any member of the council who fails to attend two consecutive meetings of the council
30 whether regular or special shall forfeit office unless a member is prevented from attending by seri-
31 ous illness of the council member or a member of the council member's family.

32 (6) Members of the council [*shall be*] **are** entitled to compensation and expenses under ORS
33 292.495 payable from funds available to the Board of Naturopathic Examiners.

34 **SECTION 4.** ORS 689.635 is amended to read:

35 689.635. [*The dispensing of plant and animal substances*] **A drug, as defined in ORS 685.010,**
36 prescribed by a naturopathic physician licensed under ORS chapter 685 in accordance with the
37 formulary established by [*this section and ORS 685.010, 685.030, 685.145 and dispensed by a licensed*
38 *pharmacist or the employee thereof may be filled by a pharmacist*] **ORS 685.145 may be dispensed**
39 **by a licensed pharmacist or an employee of a licensed pharmacist** according to the terms of the
40 prescription. The filling of [*such*] a prescription [*shall*] **under this section does** not constitute evi-
41 dence of negligence on the part of the pharmacist or the employee if the prescription is dispensed
42 within the reasonable and prudent practices of pharmacy.

43 **SECTION 5.** **The amendments to ORS 685.030 by section 2 of this 2009 Act become oper-**
44 **ative on January 1, 2010.**

45 **SECTION 6.** **The Board of Naturopathic Examiners may take any action before the op-**

1 erative date set forth in section 5 of this 2009 Act that is necessary to enable the board to
2 exercise, on or after the operative date set forth in section 5 of this 2009 Act, all of the du-
3 ties, functions and powers conferred on the board by the amendments to ORS 685.030 by
4 section 2 of this 2009 Act.

5 SECTION 7. This 2009 Act being necessary for the immediate preservation of the public
6 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
7 on its passage.

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