

BEFORE THE ALTERNATIVE HEALTH CARE BOARD
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 24.111.511 naturopathic) PROPOSED AMENDMENT AND
physician formulary and the adoption) ADOPTION
of NEW RULE I military training or)
experience)

TO: All Concerned Persons

1. On May 1, 2014, at 1:00 p.m., a public hearing will be held in the Basement Conference Room, room B-07, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment and adoption of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Alternative Health Care Board (board) no later than 5:00 p.m., on April 24, 2014, to advise us of the nature of the accommodation that you need. Please contact Cheryl Brandt, Alternative Health Care Board, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2394; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdahc@mt.gov.

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

24.111.511 NATUROPATHIC PHYSICIAN NATURAL SUBSTANCE FORMULARY LIST (1) through (3)(a)(v) remain the same.

(vi) metronidazole;

(vi) and (vii) remain the same, but are renumbered (vii) and (viii).

(b) through (10)(d) remain the same.

(e) insulin;

(e) through (g) remain the same, but are renumbered (f) through (h).

~~(h)~~ (i) thyroglobulin USP;

(11) through (13)(c) remain the same.

(d) botox cosmetic;

(d) through (f) remain the same, but are renumbered (e) through (g).

(h) juvederm;

(g) remains the same, but is renumbered (i).

(j) metformin;

(h) through (l) remain the same, but are renumbered (k) through (o).

(14) through (17) remain the same.

AUTH: 37-1-131, 37-26-201, MCA
IMP: 37-26-301, MCA

REASON: Naturopathic physicians have authority under 37-26-301, MCA, to prescribe natural substances, including pharmaceuticals derived from natural substances in treating their patients. The nonexclusive list of examples that may be prescribed by naturopaths is set forth in the formulary rule at ARM 24.111.511, and is a resource for pharmacists and to facilitate patients' ability to fill prescriptions written by naturopathic physicians. Following a recommendation by the formulary committee established in 37-26-301, MCA, the board determined it is reasonably necessary to amend this rule by adding five drugs that each have a natural basis and are effective treatments.

The board is amending (3) to add metronidazole, which is a nitroimidazole with antiparasitic and antimicrobial properties. The first nitroimidazole (azomycin) was isolated from a streptomycete bacteria, thereby making metronidazole a synthetic derivative of a natural substance. Metronidazole is used to treat parasitic infections such as giardia.

The board is amending (10) to add insulin, a hormone that is naturally produced by the body to regulate blood glucose, and (13)(j) to add metformin, an antidiabetic agent that affects insulin-resistance and lowers blood glucose in patients. Metformin originated from French lily or goats' rue. It is reasonably necessary to add insulin and metformin to the formulary rule to clarify that naturopathic physicians may prescribe insulin and metformin as necessary to treat diabetic conditions.

The board is adding botox cosmetic at (13)(d), which is an injectable agent derived from naturally occurring botulinum toxin that is produced by the bacterium *Clostridium botulinum*. The botulinum toxin blocks nerve activity in the muscles causing a temporary reduction in muscle activity. Juvederm is being added as (13)(h) and is an injectable facial filler derived from hyaluronic acid that is naturally produced by the body and found in the skin and muscles. Hyaluronic acid maintains skin volume and hydration.

The proposed additions to the formulary are routinely covered in both the naturopaths' medical education and continuing education programs as agents for use in clinical practice. Additionally, these are effective drugs to treat common human maladies. It is reasonably necessary to add these drugs to the formulary list to clarify that naturopathic physicians may prescribe these drugs and to facilitate the ability of their patients to fill prescriptions written by naturopathic physicians.

4. The rule proposed to be adopted provides as follows:

NEW RULE I MILITARY TRAINING OR EXPERIENCE (1) Pursuant to 37-1-145, MCA, the board shall accept relevant military training, service, or education toward the requirements for licensure as direct-entry midwives and naturopathic physicians.

(2) Relevant military training, service, or education must be completed by an applicant while a member of either:

(a) United States Armed Forces;

- (b) United States Reserves;
- (c) state national guard; or
- (d) military reserves.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements for direct-entry midwives and naturopathic physicians. At a minimum, satisfactory evidence shall include:

(a) a copy of the applicant's military discharge document (DD 214);

(b) a document that clearly shows all relevant training, certification, service, or education the applicant received while in the military, including dates of training and completion or graduation; and

(c) any other documentation as required by the board.

(4) The board shall consider all documentation received to determine whether an applicant's military training, service, or education is equivalent to relevant licensure requirements.

AUTH: 37-1-145, MCA

IMP: 37-1-145, MCA

REASON: The 2013 Montana Legislature enacted House Bill 259 and Senate Bill 183, acts requiring the professional and occupational licensing boards and programs to accept satisfactory evidence of relevant military education, training, or service to satisfy licensing or certification requirements. The bill was signed by the Governor and became effective on April 26, 2013, and is codified at 37-1-145, MCA.

The new statute requires each licensing board and program to adopt rules providing that certification or licensure requirements of the board or program may be met by relevant military training, service, or education, completed as a member of the armed forces or reserves of the United States, a state's national guard, or the military reserves. In consulting with the bill sponsors regarding the rulemaking, it was clarified that the sponsor received input on the bill draft from Montana military personnel and the U.S. Department of Defense. The sponsor was assured that the bill language, as reflected in this proposed rule, is intended to include relevant military training, service, or education received while serving in all branches of the military and reserves, including the U.S. Coast Guard. It is reasonably necessary for the board to adopt New Rule I to coincide with and further implement the legislation.

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Alternative Health Care Board, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdahc@mt.gov, and must be received no later than 5:00 p.m., May 9, 2014.

6. An electronic copy of this notice of public hearing is available at www.althealth.mt.gov (department and board's web site). The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the

notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

7. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Alternative Health Care Board, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to dlibsdahc@mt.gov; or made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsors were contacted on December 16, 2013, by electronic mail.

9. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.111.511 will not significantly and directly impact small businesses.

With regard to the requirements of 2-4-111, MCA, the board has determined that the adoption of New Rule I will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination is available upon request to the Alternative Health Care Board, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2394; facsimile (406) 841-2305; or e-mail dlibsdahc@mt.gov.

10. Jennifer Massman, attorney, has been designated to preside over and conduct this hearing.

BOARD OF ALTERNATIVE HEALTH CARE
MARY ANN BROWN, DEM, CHAIRPERSON

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 31, 2014