_____ BILL NO. _____

INTRODUCED BY _____

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: “AN ACT REVISING LAWS RELATED TO THE ALTERNATIVE HEALTH CARE BOARD; ALLOWING FOR RECOGNITION OF ACCREDITING BODIES THROUGH RULEMAKING; UPDATING THE NAMES OF CERTIFYING ENTITIES FOR ACUPUNCTURE; REMOVING CERTAIN LICENSING QUALIFICATIONS FOR ACUPUNCTURE; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 37-13-201, 37-13-302, 37-26-201, AND 37-27-105, MCA.”

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

Section 1. Section 37-13-201, MCA, is amended to read:

"**37-13-201. Powers and duties.** In addition to all other powers and duties conferred and imposed on the board by this chapter, the board must have and exercise the following powers and duties:

(1) to promulgate, under the applicable provisions of the Montana Administrative Procedure Act, rules that it determines to be necessary to carry out the provisions of this chapter, including rules recognizing accreditation bodies and certifying entities;

(2) to adopt a schedule of minimum educational requirements, not inconsistent with the provisions of this chapter;

(3) to prescribe forms for application for examination and license;

(4) to prepare and supervise examination of applicants for license to practice acupuncture;

(5) to obtain the services of professional examination agencies in lieu of its own preparation of the examinations;

(6) to issue, revoke, and suspend licenses as provided in this chapter;

(7) to hold hearings, issue subpoenas, administer oaths, and take testimony and proofs concerning all matters within its jurisdiction; and

(8) to issue commissions to take depositions of witnesses who are sick or absent from the state."

Section 2. Section 37-13-302, MCA, is amended to read:

"**37-13-302. Application for licensure -- fee -- qualifications.** (1) Each person desiring to practice acupuncture in this state shall apply to the board for licensure. A fee prescribed by the board must accompany the application.

(2) An applicant shall furnish to the board evidence that the applicant ~~is~~:

~~(a) at least 18 years of age;~~

~~(b) of good moral character as determined by the board;~~

~~(c)~~ (a) is a graduate of a school of acupuncture that is approved by the ~~national accreditation commission for schools and colleges of acupuncture and oriental medicine~~ accreditation commission for acupuncture and herbal medicine or its successor and offers a course of at least 1,000 hours of entry-level training in recognized branches of acupuncture or an equivalent curriculum approved by the board; and

~~(d)~~ (b) has passed an examination prepared and administered by the ~~national commission for the certification of acupuncturists~~ national certification board for acupuncture and herbal medicine or its successor."

Section 3. Section 37-26-201, MCA, is amended to read:

"**37-26-201. Powers and duties of board.** The board shall:

(1) adopt rules necessary or proper to administer and enforce this chapter;

(2) adopt rules that specify the scope of practice of naturopathic medicine stated in 37-26-301, that are consistent with the definition of naturopathic medicine provided in 37-26-103, and that are consistent with the education provided by approved naturopathic medical colleges;

(3) adopt rules that set nonrefundable fees for application~~,~~ and for licensure;

(4) approve naturopathic medical colleges as defined in 37-26-103 and other accrediting bodies and certifying entities;

(5) issue certificates of specialty practice;

(6) adopt rules that, in the discretion of the board, appropriately restrict licenses to a limited scope of practice of naturopathic medicine, which may exclude the use of minor surgery allowed under 37-26-301; and

(7) adopt rules that contain the formulary list created by the alternative health care formulary committee provided for in 37-26-301."

Section 4. Section 37-27-105, MCA, is amended to read:

"**37-27-105. General powers and duties of board -- rulemaking authority.** (1) The board shall:

(a) meet at least once annually, and at other times as agreed on, to elect officers and to perform the duties described in Title 37, chapter 1, and this section; and

(b) administer oaths, take affidavits, summon witnesses, and take testimony as to matters within the scope of the board's duties.

(2) The board has the authority to administer and enforce all the powers and duties granted statutorily or adopted administratively.

(3) The board shall adopt rules to administer this chapter. The rules may include but are not limited to:

(a) the establishment of criteria for minimum educational and clinical requirements that, at a minimum, meet the standards established in 37-27-201;

(b) the development of eligibility criteria for client screening by direct-entry midwives to achieve the goal of providing midwifery services to women during low-risk pregnancies;

(c) the establishment of the circumstances that constitute a low risk of adverse birth outcomes for planned home births attended by direct-entry midwives;

(d) the development of standardized informed consent and reporting forms;

(e) the adoption of ethical standards for licensed direct-entry midwives; ~~and~~

(f) the adoption of supporting documentation requirements for primary birth attendants; and

(g) recognition of accreditation bodies and certifying entities."

- END -