

HOUSE BILL NO. 929

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO CHIROPRACTIC
PRACTITIONERS; ESTABLISHING A CHIROPRACTIC LICENSE ENDORSEMENT FOR PRESCRIPTIVE
AUTHORITY; PROVIDING A PRESCRIPTIVE LICENSE FEE; PROVIDING RULEMAKING AUTHORITY; AND
AMENDING SECTIONS 37-12-101, 37-12-104, AND 37-12-201, MCA."

WHEREAS, doctors of chiropractic are an important, integral part of health care in Montana; and
WHEREAS, chiropractic health care has continued to evolve as education and technology have
increased to meet the demands of patient care; and

WHEREAS, there is a shortage of physicians throughout Montana, and physicians cannot currently
meet the demand in many areas of the state; and

WHEREAS, multiple health care scopes of practice continue to be expanded to meet the growing
demand in patient care; and

WHEREAS, it is important to improve consistency and continuity of patient care for all patients; and

WHEREAS, there is widespread support from many health care providers in Montana to allow for
doctors of chiropractic to have prescriptive authority; and

WHEREAS, doctors of chiropractic must send patients to other providers for nonscheduled anti-
inflammatory or muscle-relaxant drugs, when clinically indicated, before the patients are able to be seen by the
chiropractor, adding unnecessary time and cost to the health care system and to patients; and

WHEREAS, if doctors of chiropractic had the ability to prescribe nonscheduled anti-inflammatory or
muscle-relaxant drugs, a patient's health, well-being, and activities of living could be restored more quickly; and

WHEREAS, this act offers doctors of chiropractic the choice of whether to apply for an endorsement to
prescribe listed, nonscheduled drugs, but the act does not require a provider to apply for an endorsement; and

WHEREAS, the drugs authorized in this act are not considered controlled or scheduled drugs by the
United States Food and Drug Administration and are not addictive or otherwise harmful when used as directed;

1 and

2 WHEREAS, the Montana Department of Labor and the Board of Chiropractors will adopt rules for
3 chiropractors to meet the requirements of prescribing nonscheduled and noncontrolled drugs; and

4 WHEREAS, this act will ultimately allow for an optional, regulated, and limited prescriptive authority for
5 doctors of chiropractic and allow for more consistent patient care.

6

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

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9 NEW SECTION. **Section 1. Prescriptive authority license endorsement -- formulary --**

10 **requirements -- rulemaking.** (1) A chiropractor may apply to the board for a license endorsement for
11 prescriptive authority. The board may assess a fee for a prescriptive authority license endorsement application.

12 (2) A chiropractor who successfully obtains a license endorsement for prescriptive authority may
13 prescribe, obtain, and administer only the following noncontrolled, nonscheduled formulary drugs for diagnostic
14 and therapeutic use for musculoskeletal treatment and pain:

15 (a) over-the-counter analgesics;

16 (b) prescription nonsteroidal noninflammatory drugs;

17 (c) muscle relaxants;

18 (d) topical analgesics and anti-inflammatories;

19 (e) topical cortical steroids; and

20 (f) topical and oral cortical steroids.

21 (3) The board shall adopt rules establishing:

22 (a) the procedures for chiropractors to apply for a license endorsement;

23 (b) the educational qualifications required for a license endorsement, including:

24 (i) the number of hours of initial and ongoing pharmacology education; and

25 (ii) approved pharmacology continuing education programs;

26 (c) standard protocols for prescribing prescription drugs that chiropractors with a license
27 endorsement shall follow; and

28 (d) other requirements deemed reasonably necessary by the board to implement a prescriptive

1 authority license endorsement.

2 (4) The board may adopt rules to allow the prescribing of new noncontrolled and nonscheduled
3 drugs approved by the United States food and drug administration that fit within the formulary in subsection (2).

4 (5) A chiropractor licensed under this chapter is not required to apply for the licensing
5 endorsement available under this section. A chiropractor who has not been approved by the board for a
6 prescriptive authority license endorsement may not promote, advertise, or imply that the chiropractor has the
7 authority described in subsection (2).

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9 **Section 2.** Section 37-12-101, MCA, is amended to read:

10 **"37-12-101. Definitions -- practice of chiropractic.** Unless the context requires otherwise, in this
11 chapter, the following definitions apply:

12 (1) "Board" means the board of chiropractors provided for in 2-15-1737.

13 (2) "Department" means the department of labor and industry provided for in Title 2, chapter 15,
14 part 17.

15 (3) (a) "Chiropractic" is the system of specific adjustment or manipulation of the articulations and
16 tissues of the body, particularly of the spinal column, for the correction of nerve interference and includes the
17 use of recognized diagnostic and treatment methods as taught in chiropractic colleges but does not include
18 surgery or the prescription or use of drugs means the science, art, and philosophy of things natural and the
19 science of locating and removing interference with the transmissions or expression of nerve forces in the
20 human body by the correction of misalignments or subluxations of the articulations and adjacent structures,
21 especially those of the vertebral column and pelvis, for the purpose of restoring and maintaining health or for
22 treatment of human disease primarily by adjustment and manipulation of the human structure. The term
23 includes the prescription and administration of all natural agents in all forms to assist in the healing act, such as
24 food, water, heat, light, cold, electricity, mechanical appliances, herbs, nutritional supplements, homeopathic
25 remedies, and any necessary diagnostic procedure.

26 (b) The term does not include invasive procedures, surgery, or the prescription or use of controlled
27 or dangerous drugs, except as provided in [section 1]."

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Section 3. Section 37-12-104, MCA, is amended to read:

"37-12-104. Rights and limitations governing practice. (1) ~~Chiropractors~~ Individuals licensed under this chapter shall have the right to practice ~~that the~~ science defined as chiropractic under 37-12-101 in accordance with the method, thought, and practice of chiropractors, and ~~they shall be~~ are permitted to use the prefix "Dr." or "Doctor" as a title but ~~shall may~~ not in any way imply that ~~they the individuals~~ are medical doctors, osteopaths, or surgeons. ~~They~~

(b) Except as provided in subsection (2), a chiropractor shall may not prescribe for or administer to any person any medicine or drugs or practice medicine or surgery or osteopathy, except that ~~the a chiropractor~~ is permitted to use ~~of~~ antiseptics for purposes of sanitation and hygiene and to prevent infection and contagion ~~shall be permitted.~~

(2) A chiropractor who successfully obtains a license endorsement for prescriptive authority from the board may prescribe for therapeutic and diagnostic purposes as authorized under [section 1].

~~(2)(3)~~ Licensed chiropractors may diagnose, palpate, and treat the human body by the application of manipulative, manual, mechanical, and dietetic methods, including chiropractic physiotherapy, the use of supportive appliances, analytical instruments, and diagnostic x-ray in accordance with guidelines promulgated or approved by state or federal health regulatory agencies."

Section 4. Section 37-12-201, MCA, is amended to read:

"37-12-201. Organization of board -- powers and duties. The board shall:

- (1) elect annually a president, vice president, and secretary-treasurer from its membership;
- (2) administer oaths, take affidavits, summon witnesses, and take testimony as to matters coming within the scope of the board;
- (3) make a schedule of minimum educational requirements that are without prejudice, partiality, or discrimination as to the different schools of chiropractic;
- (4) adopt rules necessary for the implementation, administration, continuation, and enforcement of this chapter. The rules must address but are not limited to license applications, the display of licenses, ~~and the~~ registration of interns and preceptors, and the issuing of prescriptive authority license endorsements.
- (5) make determinations of the qualifications of applicants under this chapter; and

1 (6) certify that a chiropractor who meets the standards that the board by rule adopts is a qualified

2 evaluator for purposes of 39-71-711."

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4 NEW SECTION. **Section 5. Codification instruction.** [Section 1] is intended to be codified as an

5 integral part of Title 37, chapter 12, part 3, and the provisions of Title 37, chapter 12, part 3, apply to [section 1].

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