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CS FOR HOUSE BILL NO. 266(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES MUÑOZ, TUCK, AND THOMPSON, Kerttula, Keller, Miller, Kawasaki

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the practice of naturopathy; and providing for an effective date."

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * Section 1. AS 08.45.050 is amended to read:

4 **Sec. 08.45.050. Restrictions on practice of naturopathy.** A person who
5 practices naturopathy may not

6 (1) give, prescribe, or recommend in the practice

7 (A) a prescription drug, except as provided in (b) of this
8 section;

9 (B) a controlled substance;

10 (C) a poison;

11 (2) engage in surgery;

12 (3) use the word "physician" in the person's title.

13 * Sec. 2. AS 08.45.050 is amended by adding new subsections to read:

14 (b) Notwithstanding (a)(1)(A) of this section, a person who practices
15 naturopathy may give, prescribe, or recommend in the practice a device or a

1 homeopathic remedy.

2 (c) The status of a drug or remedy that a naturopath may give, prescribe, or
3 recommend under this chapter or may not give, prescribe, or recommend under this
4 chapter is not changed by compounding the drug or remedy.

5 (d) Nothing in this section authorizes naturopaths to give or prescribe a drug
6 or remedy if the gift or purchase under the prescription would be eligible for Medicaid
7 reimbursement under AS 47.07.

8 * **Sec. 3. AS 08.45.060** is amended to read:

9 **Sec. 08.45.060. Grounds for suspension, revocation, or refusal to issue a**
10 **license.** The department may, after a hearing, impose a disciplinary sanction on a
11 person licensed under this chapter when the department finds that the licensee

12 (1) secured a license through deceit, fraud, or intentional
13 misrepresentation;

14 (2) engaged in deceit, fraud, or intentional misrepresentation in the
15 course of providing professional services or engaging in professional activities;

16 (3) advertised professional services in a false or misleading manner;

17 (4) has been convicted of a felony or other crime that affects the
18 licensee's ability to continue to practice competently and safely;

19 (5) failed to comply with this chapter, with a regulation adopted under
20 this chapter, or with an order of the department;

21 (6) continued to practice after becoming unfit due to

22 (A) professional incompetence;

23 (B) addiction or severe dependency on alcohol or a drug that
24 impairs the licensee's ability to practice safely;

25 (C) physical or mental disability;

26 (7) engaged in lewd or immoral conduct in connection with the
27 delivery of professional service to patients;

28 **(8) has procured, sold, prescribed, or dispensed drugs in violation**
29 **of a law regardless of whether there has been a criminal action.**

30 * **Sec. 4. AS 08.45.200(3)** is amended to read:

31 (3) "naturopathy" means the use of hydrotherapy, **a dietetic remedy**

1 [DIETETICS], an herbal remedy, a homeopathic remedy, electrotherapy,
2 sanitation, suggestion, or mechanical and manual manipulation for the stimulation of
3 physiological and psychological action to establish a normal condition of mind and
4 body [; IN THIS PARAGRAPH, "DIETETICS" INCLUDES HERBAL AND
5 HOMEOPATHIC REMEDIES].

6 * **Sec. 5.** AS 08.45.200 is amended by adding new paragraphs to read:

7 (4) "dietetic remedy" means nutritional therapy, nutritional counseling,
8 a nutritional substance, vitamins, or minerals used to promote health and to diagnose,
9 treat, or prevent disease, illness, or conditions;

10 (5) "herbal remedy" means a substance derived from or a concentrate
11 or extract of a plant, tree, root, moss, or fungus;

12 (6) "homeopathic remedy" means a remedy defined in the current
13 version of Homeopathic Pharmacopoeia of the United States;

14 (7) "hydrotherapy" means the application of water to the external body
15 in all forms and temperatures to promote health and to diagnose, treat, and prevent
16 disease, illness, and conditions.

17 * **Sec. 6.** AS 47.07.030 is amended by adding a new subsection to read:

18 (g) Notwithstanding (b) of this section, the department may not offer services
19 for prescribed drugs given or prescribed by a naturopath.

20 * **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).