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Kirsch

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CS FOR HOUSE BILL NO. 122()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY**Offered:
Referred:****Sponsor(s): REPRESENTATIVE MUÑOZ****A BILL****FOR AN ACT ENTITLED**

1 **"An Act relating to naturopaths and to the practice of naturopathy; establishing an**
2 **Alaska Naturopathic Medical Board; authorizing medical assistance program coverage**
3 **of naturopathic services; and providing for an effective date."**

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

5 *** Section 1.** AS 08.01.010(25) is amended to read:

6 (25) **Alaska Naturopathic Medical Board (AS 08.45.003)**

7 [REGULATION OF THE PRACTICE OF NATUROPATHY UNDER AS 08.45];

8 *** Sec. 2.** AS 08.01.050(d) is amended to read:

9 (d) At the request of one of the following boards, the department may contract
10 with public agencies and private professional organizations to provide assistance and
11 treatment to persons licensed by the board who abuse alcohol, other drugs, or other
12 substances:

13 (1) Board of Social Work Examiners;

14 (2) Board of Dental Examiners;

- (3) Board of Marital and Family Therapy;
- (4) State Medical Board;
- (5) Board of Nursing;
- (6) Board of Examiners in Optometry;
- (7) Board of Pharmacy;
- (8) State Physical Therapy and Occupational Therapy Board;
- (9) Board of Professional Counselors;
- (10) Board of Psychologist and Psychological Associate Examiners;

[AND]

(11) Board of Veterinary Examiners; **and**

(12) Alaska Naturopathic Medical Board.

* **Sec. 3.** AS 08.03.010(c) is amended by adding a new paragraph to read:

(22) Alaska Naturopathic Medical Board (AS 08.45.003) - June 30, 2015.

* **Sec. 4.** AS 08.45 is amended by adding new sections to read:

Sec. 08.45.003. Board created; organization. (a) The Alaska Naturopathic Medical Board is created. The board consists of five members appointed by the governor as follows:

(1) three members shall be naturopaths licensed under this chapter who have been engaged in the practice of naturopathic medicine in the state for at least five years immediately preceding appointment, at least one of whom lives outside the third judicial district;

(2) one member shall be a licensed pharmacist; and

(3) one member shall be a public member who may be a licensed physician.

(b) The board shall select from among its members a chair and a secretary. The board shall meet at least twice a year, and additional meetings shall be held on request of the chair or on request of the department.

(c) Notwithstanding AS 08.01.035, members of the board serve staggered terms of three years unless removed by the governor for neglect of duty or other just cause.

(d) Three members of the board constitute a quorum for the transaction of all business properly before the board.

(e) When appointing naturopaths under (a) of this section, the governor may consider licensed naturopaths who have been nominated by the Alaska Association of Naturopathic Physicians.

(f) In the event of the death, resignation, or removal of a member, the vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment.

Sec. 08.45.005. Duties of the board. The board shall

(1) adopt continuing education requirements for licensed naturopaths that include mandatory pharmaceutical education;

(2) prescribe the content, duration, and methodology of training programs that will satisfy the continuing education requirements adopted by the board;

(3) approve training programs that meet the continuing education requirements adopted by the board;

(4) adopt regulations necessary to implement this chapter and to protect public health; and

(5) define by regulation "physician-patient relationship" for purposes of AS 08.45.045(5).

* **Sec. 5.** AS 08.45.030 is amended to read:

Sec. 08.45.030. Issuance of license. The board shall [DEPARTMENT SHALL] issue a license to practice naturopathy to an applicant who provides proof satisfactory to the board [DEPARTMENT] that the applicant has received a degree from an accredited four-year college or university, has paid the applicable fees, and

(1) on or before December 31, 1987, has graduated from a school of naturopathy that required four years of attendance at the school and after graduation has received a license in another state after passing an examination for licensure in that state and is licensed by a state at the time of application; or

(2) after December 31, 1987, has

(A) graduated from a school of naturopathy that required four years of attendance at the school and at the time of graduation the school was

1 accredited or a candidate for accreditation by the Council on Naturopathic
2 Medical Education or a successor organization recognized by the United States
3 Department of Education; and

4 (B) passed the Naturopathic Physicians Licensing Examination.

5 * **Sec. 6.** AS 08.45.035(a) is amended to read:

6 (a) The **board shall** [DEPARTMENT SHALL] issue a temporary license to
7 practice naturopathy to an applicant who has applied for and is qualified to take the
8 next Naturopathic Physicians Licensing Examination offered after the date of
9 application and **who** provides proof satisfactory to the **board** [DEPARTMENT] that
10 the applicant

11 (1) **has paid the applicable fees;**

12 (2) meets the requirements of AS 08.45.030(2)(A); and

13 (3) [(2)] has not previously failed the Naturopathic Physicians
14 Licensing Examination.

15 * **Sec. 7.** AS 08.45 is amended by adding a new section to read:

16 **Sec. 08.45.045. Scope of practice as a naturopath.** A naturopath may

17 (1) use physical examinations consistent with naturopathic medical
18 education and training for diagnostic purposes;

19 (2) perform and administer therapies consistent with naturopathic
20 medical education and training, including intravenous delivery of dietetic substances;

21 (3) order or conduct medical imaging and laboratory examinations
22 consistent with naturopathic medical education and training;

23 (4) perform preemployment, school, and workplace health
24 examinations; and

25 (5) subject to AS 08.45.050, administer and prescribe prescription
26 drugs, vaccines, hormones, and medical devices for a person with whom the
27 naturopath has a physician-patient relationship as defined by the board in regulations.

28 * **Sec. 8.** AS 08.45.050 is amended to read:

29 **Sec. 08.45.050. Restrictions on practice of naturopathy.** A person who
30 practices naturopathy may not

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

(A) [A PRESCRIPTION DRUG;

(B)] a controlled substance;

(B) [(C)] a poison;

(2) engage in surgery;

(3) use general or spinal anesthetics; or

(4) administer ionizing radioactive substances for therapeutic

purposes [USE THE WORD "PHYSICIAN" IN THE PERSON'S TITLE].

* **Sec. 9.** AS 08.45 is amended by adding a new section to read:

Sec. 08.45.058. Continuing education requirements. (a) For each biennial license period, a person licensed to practice naturopathy under AS 08.45.030 shall complete and submit to the board evidence that the licensee satisfied the continuing education requirements adopted by the board under AS 08.45.005.

(b) The department shall publish, on a regular basis, a listing of training programs that may be used to satisfy the continuing education requirements of this section.

* **Sec. 10.** AS 08.45.060 is amended to read:

Sec. 08.45.060. Grounds for suspension, revocation, or refusal to issue a license. The board [DEPARTMENT] may, after a hearing, impose a disciplinary sanction on a person licensed under this chapter when the board [DEPARTMENT] finds that the licensee

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

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

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

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

(5) failed to comply with this chapter, with a regulation adopted under this chapter, or with an order of the board [DEPARTMENT];

(6) continued to practice after becoming unfit due to

(A) professional incompetence;

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

(C) physical or mental disability;

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

* **Sec. 11.** AS 08.45.070(a) is amended to read:

(a) When it finds that a licensee under this chapter has violated AS 08.45.040 - 08.45.050 or is guilty of an offense under AS 08.45.060, the board [DEPARTMENT] may impose the following sanctions singly or in combination:

(1) permanently revoke the license to practice;

(2) suspend the license for a determinate period of time;

(3) censure the licensee;

(4) issue a letter of reprimand to the licensee;

(5) place the licensee on probationary status and require the licensee to

(A) report regularly to the board [DEPARTMENT] upon matters involving the basis of probation;

(B) limit practice to those areas prescribed;

(C) continue professional education until a satisfactory degree of skill has been attained in areas determined by the board [DEPARTMENT] to need improvement;

(6) impose limitations or conditions on the practice of the licensee.

* **Sec. 12.** AS 08.45.100 is amended to read:

Sec. 08.45.100. Regulations. The board and the department [DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT] shall adopt regulations to implement this chapter.

* **Sec. 13.** AS 08.45 is amended by adding a new section to read:

Sec. 08.45.110. Fees. The department shall set fees under AS 08.01.065 for each of the following:

(1) a license issued under this chapter;

(2) a temporary license issued under this chapter;

(3) renewal of a license issued under this chapter.

1 * **Sec. 14.** AS 08.45.200 is amended to read:

2 **Sec. 08.45.200. Definitions.** In this chapter,

3 (1) **"board" means the Alaska Naturopathic Medical Board**
4 **created in AS 08.45.003;**

5 (2) **"controlled substance" means a substance classified as a**
6 **controlled substance in federal law or in a schedule set out in AS 11.71.140 -**
7 **11.71.190** [HAS THE MEANING GIVEN IN AS 11.71.900];

8 (3) [(2)] "department" means the Department of Commerce,
9 Community, and Economic Development;

10 (4) [(3)] "naturopathy" means the use of hydrotherapy, dietetics,
11 electrotherapy, sanitation, suggestion, mechanical and manual manipulation for the
12 stimulation of physiological and psychological action to establish a normal condition
13 of mind and body; in this paragraph, "dietetics" includes herbal and homeopathic
14 remedies.

15 * **Sec. 15.** AS 08.80.400 is amended to read:

16 **Sec. 08.80.400. Other licensees not affected.** This chapter does not affect the
17 practice of medicine by a licensed medical doctor and does not limit a licensed
18 medical doctor, osteopath, podiatrist, physician assistant, advanced nurse practitioner,
19 dentist, veterinarian, dispensing optician, **naturopath**, or optometrist in supplying a
20 patient with any medicinal preparation or article within the scope of the person's
21 license.

22 * **Sec. 16.** AS 47.07.030(b) is amended to read:

23 (b) In addition to the mandatory services specified in (a) of this section and the
24 services provided under (d) of this section, the department may offer only the
25 following optional services: case management services for traumatic or acquired brain
26 injury; case management and nutrition services for pregnant women; personal care
27 services in a recipient's home; emergency hospital services; long-term care
28 noninstitutional services; medical supplies and equipment; advanced nurse practitioner
29 services; **naturopathic services**; clinic services; rehabilitative services for children
30 eligible for services under AS 47.07.063, substance abusers, and emotionally disturbed
31 or chronically mentally ill adults; targeted case management services; inpatient

1 psychiatric facility services for individuals age 65 or older and individuals under age
2 21; psychologists' services; clinical social workers' services; midwife services;
3 prescribed drugs; physical therapy; occupational therapy; chiropractic services; low-
4 dose mammography screening, as defined in AS 21.42.375(e); hospice care; treatment
5 of speech, hearing, and language disorders; adult dental services; prosthetic devices
6 and eyeglasses; optometrists' services; intermediate care facility services, including
7 intermediate care facility services for the mentally retarded; skilled nursing facility
8 services for individuals under age 21; and reasonable transportation to and from the
9 point of medical care.

10 * **Sec. 17.** AS 47.07.900 is amended by adding a new paragraph to read:

11 (20) "naturopathic services" means services that are furnished by a
12 person who is licensed to practice naturopathy under AS 08.45.030 or 08.45.035 and
13 that are within the person's scope of practice under AS 08.45.045.

14 * **Sec. 18.** The uncoded law of the State of Alaska is amended by adding a new section to
15 read:

16 TRANSITION: REGULATIONS. The Department of Commerce, Community, and
17 Economic Development may adopt regulations necessary to implement the changes made by
18 this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
19 before the effective date under sec. 22 of this Act.

20 * **Sec. 19.** The uncoded law of the State of Alaska is amended by adding a new section to
21 read:

22 TRANSITIONAL PROVISIONS APPLICABLE TO ALASKA NATUROPATHIC
23 MEDICAL BOARD. Notwithstanding AS 08.45.003, enacted in sec. 4 of this Act, the terms
24 of the first members of the Alaska Naturopathic Medical Board appointed by the governor are
25 as follows: one licensed naturopath member and the licensed pharmacist member shall be
26 appointed for three-year terms; one licensed naturopath member and the public member shall
27 be appointed for two-year terms; and one licensed naturopath member shall be appointed for a
28 one-year term. The governor shall specify the term of office of each licensed naturopath
29 member appointed subject to this section.

30 * **Sec. 20.** The uncoded law of the State of Alaska is amended by adding a new section to
31 read:

1 TRANSITIONAL PROVISIONS AFFECTING EXISTING LICENSEES.
2 Notwithstanding AS 08.45.030, as amended by sec. 5 of this Act, and AS 08.45.035(a), as
3 amended by sec. 6 of this Act,

4 (1) a license issued under those provisions by the Department of Commerce,
5 Community, and Economic Development before the effective date of this section is valid for
6 the period issued until renewal under the provisions of this Act; and

7 (2) the Department of Commerce, Community, and Economic Development,
8 without prior approval of the Alaska Naturopathic Medical Board, may issue a license or
9 renew a license to practice naturopathy on or after the effective date of this section and until
10 the day before the effective date of the regulations initially adopted by the board setting out
11 procedures under which license applications and renewals are submitted for board review and
12 approval.

13 * **Sec. 21.** Section 18 of this Act takes effect immediately under AS 01.10.070(c).

14 * **Sec. 22.** Except as provided in sec. 21 of this Act, this Act takes effect July 1, 2011.