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House Bill 115 – Naturopaths: Licensing; Practice

Sectional Analysis Version U

Section 1 – Amends AS 08.02.010(a) Professional designation requirements t
Requires naturopathic doctors to use appropriate letters, titles, and specialist designations in all forms of communication.

Section 2 – Amends AS 08.45 to add a new section:

AS 08.45.015 Naturopathy Board

(a) Establishes the Naturopathy Board in the department

(b) Says the board may adopt regulations necessary to carry out the provisions of this chapter.

(c) Establishes a five-person Naturopathy Advisory Board for the purpose of making recommendations on adoption of regulations and other matters relating to the functions of the department under AS 08.45. The Board consists of:

- Two naturopathic doctors (ND)
- One licensed pharmacist
- One doctor of medicine (MD) or one doctor of osteopathy (DO), and
- One public member.

(d) States that members of the board serve for 3 year terms until a successor is appointed, and that they serve without compensation or reimbursement.

Section 3 – Amends AS 05.45.020 Application for license

Requires NDs to:

- use an application form provided by the department,
- submit fingerprints for a criminal background check, and
- pay a fee established by the department.

Section 4 – Amends AS 08.45.030 Issuance of license.

Requires an applicant to:

- have graduated with a doctoral degree from an accredited naturopathic college,
- have passed a pharmaceutical examination approved by department that is equivalent to the exam used by medical doctors and doctors of osteopathy,
- have passed the Naturopathic Physicians Licensing Examination
- not be subject to an unresolved disciplinary action in another jurisdiction,
- comply with application requirements; and

- have not been convicted or, or pled guilty, or no contest to a crime that adversely reflects on the applicant's ability to practice or jeopardizes the safety of a patient.

Removes outdated transition language adopted in 1988 when naturopathic doctors were first allowed to practice in Alaska.

Section 5 – Adds a new section under AS 08.45

AS 08.45.032 Documentation of license refusals and revocations

Requires the department to provide a concise written statement for refusal to issue a license or for license revocation.

Section 6 – Amends AS 08.45.035(a) Temporary licenses

Allows the department to issue a temporary license to a naturopath if they are signed up to take a licensing exam at the next available date after the date of the application and meets all the other licensing requirements.

Section 7 – Adds new sections under AS 08.45 creating Continuing Education

Requirements for license renewal like AS 08.64.312 which applies to other medical practitioners.

AS 08.45.037 - Naturopathic doctors must:

- submit evidence that education requirements have been met that are equivalent to those of a physician assistant, and has received education in pain management and opioid use/addiction within 2 years of an application renewal date,
- the department may exempt applicant from this requirement due to extenuating circumstances; however, the department will require over 15 hours of continuing education every 5 years as well as education in pain management and opioid use/addiction.

AS 08.45.038 Standards for License Renewal are:

- applicant must pay required fee,
- meet continuing education requirements,
- has not been convicted of a crime that proves incompetency or jeopardizes safety of the patient,
- has current CPR certification,
- has submitted fingerprints, and
- paid fees for purposes of background check within previous 6 years.

Section 8 – Adds new section to AS 08.45

AS 08.45.045 Practice of naturopathy. Allows naturopaths to:

- practice within the standards and scope of their education and training,
- prescribe natural and therapeutic substances, natural therapies, contraceptive devices, and vaccines,
- prescribe non controlled substance drugs if the naturopath has passed the pharmacology portion of the Natural Physicians Licensing Exam, and
- perform minor office procedures and order diagnostic tests.
- Defines "naturopathic physical application".

Section 9 – Amends AS 08.45.050 Restrictions on practice of naturopathy

- Removes the prohibitions against prescribing non controlled substance drugs and performing minor office procedures.
- Prohibits Naturopaths from giving, recommending, or prescribing cancer drugs and controlled substances.

Section 10 – Adds new sections under AS 08.45

AS 08.45.053: Public health duties

Requires Naturopaths to abide by same duties followed by licensed physicians regarding public health laws regarding reportable and communicable diseases, recording of vital statistics, health exams and laws outlined by municipal boards of health.

AS 08.45.055 Duty of naturopaths to report

If treating another naturopath for alcoholism, or other mental health disorders, that may constitute a danger to themselves or others, they must report the individual to the department. The department shall investigate and may appoint a committee to examine and report on its findings. The department has authority to suspend the person prior to appointing the committee and receipt of its report. The department shall suspend, revoke, or limit a Naturopath's license if the reported is unable to continue with reasonable safety for patients/public. A Naturopath may not refuse to report or withhold information disclosed by a patient in this situation. An action cannot be taken against the reporting Naturopath or other investigating agency, administrator, or judicial entity.

AS 08.45.058 Naturopaths to report certain injuries.

Imposes the same public health reporting duties on naturopaths as other doctors such as 3rd degree burns, bullet wounds, firearm discharge wounds, knife or other blade wounds, life-threatening wounds, unless incidences were purely accidental. Protects the Naturopath from civil liability for making the report.

Section 11 – Adds a new subsection under AS 08.45

AS 08.45.060 Grounds for suspension, revocation, or refusal to license.

Expands and imposes standards by which disciplinary action may be taken against a licensee. These expanded standards are based on those found at AS 08.64.326 which apply to other medical practitioners in Alaska.

Section 12 – Amends AS 08.45.060 by adding a new subsection

In cases where a license was suspended or revoked in other jurisdictions, the previous action is prima facie evidence for the department's action in Alaska.

Section 13 – amends AS 08.45.070(a) Disciplinary sanctions.

Clarifies that disciplinary sanctions apply for AS 08.45 and imposes a limit of \$25,000 for civil penalties. These provisions are patterned after those at AS 08.64.331 which apply to other medical practitioners in Alaska.

Section 14 – Amends and adds new subsection under AS 08.45.070

Allows department to reinstate a license if applicant is deemed able to practice safely, allows suspension of license if department received proof of license revocation or suspension in another state or Canada; requires department to report to the National Practitioner Data Bank any licensure refusals, suspensions, and fines.

Section 15 – Amends 08.45 by adding new sections based on provisions that apply to other medical practitioners in Alaska found in AS 08.64

08.45.105 Automatic suspension for mental incompetency

License is automatically revoked if a Naturopath is found to be mentally incompetent by a judicial proceeding or voluntary commitment. License can be restored with court finding of restored competency, or restorative opinion issued by a psychiatrist approved by the department.

08.45.110 Voluntary surrender

The department can accept a voluntary surrender of a license and can reinstate the licensee if department deems them competent to resume practice but cannot reinstate license if the license was surrendered because of a civil or criminal charge against the licensee.

08.45.115 Medical and psychiatric examinations

The department may require a drug or alcohol test as part of an investigation of a licensee, with the test to be paid by the department

08.45.120 Reports relating to malpractice action and claims

A licensee must report to the department any malpractice or civil claim brought against them within 30 days after resolution or termination of civil action.

08.45.125 Penalty for practicing without a license

Makes it a class A misdemeanor to practice without a license, and each day of unauthorized practice is a separate offense.

08.45.130 Prohibited use of title

Naturopath cannot use or advertise as a naturopath unless licensed by the state.

Section 16 – Repeals and reenacts AS 08.45.200(3)

Definition for “naturopathy”

Section 17 – Amends AS 08.45.200 to add Definitions for:

- “approved naturopathic medical school”, and
- “naturopath”.

Section 18 – Amends AS 12.62.400

Adds Naturopaths to list of professions required to submit fingerprints to complete the national criminal history record check.

Section 19 – Transitional Language for current licensees

Allows current licensed naturopaths to practice under existing law until licensee’s normal renewal period, at which time they must comply with language contained in this legislation.

Section 20 – Transitional Regulations

Allows the Department to adopt transitional regulations immediately following passage and prior to the bill’s effective date.

Section 21 – Effective date

Establishes immediate effective date for Section 20

Section 22 – Effective date

Establishes effective date for Sections 1 – 19 as January 1, 2024

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