

HOUSE BILL NO. 326

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE TARR

Introduced: 2/2/18

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the practice of naturopathy; relating to the licensure of naturopaths;**
2 **relating to the Department of Commerce, Community, and Economic Development; and**
3 **providing for an effective date."**

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

5 *** Section 1.** AS 08.02.010(a) is amended to read:

6 (a) An acupuncturist licensed under AS 08.06, an audiologist or speech-
7 language pathologist licensed under AS 08.11, a behavior analyst licensed under
8 AS 08.15, a person licensed in the state as a chiropractor under AS 08.20, a
9 professional counselor licensed under AS 08.29, a dentist under AS 08.36, a dietitian
10 or nutritionist licensed under AS 08.38, **a naturopath licensed under AS 08.45,** a
11 massage therapist licensed under AS 08.61, a marital and family therapist licensed
12 under AS 08.63, a medical practitioner or osteopath under AS 08.64, a direct-entry
13 midwife certified under AS 08.65, a registered or advanced practice registered nurse
14 under AS 08.68, an optometrist under AS 08.72, a licensed pharmacist under

AS 08.80, a physical therapist or occupational therapist licensed under AS 08.84, a psychologist under AS 08.86, or a clinical social worker licensed under AS 08.95, shall use as professional identification appropriate letters or a title after that person's name that represents the person's specific field of practice. The letters or title shall appear on all signs, stationery, or other advertising in which the person offers or displays personal professional services to the public. In addition, a person engaged in the practice of medicine or osteopathy as defined in AS 08.64.380, or a person engaged in any manner in the healing arts who diagnoses, treats, tests, or counsels other persons in relation to human health or disease and uses the letters "M.D." or the title "doctor" or "physician" or another title that tends to show that the person is willing or qualified to diagnose, treat, test, or counsel another person, shall clarify the letters or title by adding the appropriate specialist designation, if any, such as "dermatologist," "radiologist," "audiologist," "naturopath," or the like.

* **Sec. 2.** AS 08.45.030 is amended to read:

Sec. 08.45.030. Issuance of license. The department shall issue a license to practice naturopathy to an applicant who provides proof satisfactory to the department that the applicant

(1) is of good moral character;

(2) has received a degree from an accredited naturopathic medical school; and

(3) has [ACCREDITED FOUR-YEAR COLLEGE OR UNIVERSITY, 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

1 AND AT THE TIME OF GRADUATION THE SCHOOL WAS
 2 ACCREDITED OR A CANDIDATE FOR ACCREDITATION BY THE
 3 COUNCIL ON NATUROPATHIC MEDICAL EDUCATION OR A
 4 SUCCESSOR ORGANIZATION RECOGNIZED BY THE UNITED
 5 STATES DEPARTMENT OF EDUCATION; AND

6 (B)] passed the Naturopathic Physicians Licensing
 7 Examination.

8 * **Sec. 3.** AS 08.45.035(a) is amended to read:

9 (a) The department shall issue a temporary license to practice naturopathy to
 10 an applicant who has applied for and is qualified to take the next Naturopathic
 11 Physicians Licensing Examination offered after the date of application and provides
 12 proof satisfactory to the department that the applicant

13 (1) meets the requirements of **AS 08.45.030(2)** [AS 08.45.030(2)(A)];
 14 and

15 (2) has not previously failed the Naturopathic Physicians Licensing
 16 Examination.

17 * **Sec. 4.** AS 08.45 is amended by adding a new section to read:

18 **Sec. 08.45.045. Practice of naturopathy.** (a) A naturopath licensed under this
 19 chapter may

20 (1) provide naturopathic services that are within the scope of the
 21 naturopath's education, training, and experience as established by regulations adopted
 22 by the department;

23 (2) prescribe and administer for preventive and therapeutic purposes

24 (A) natural therapeutic substances, including food, extracts of
 25 food, vitamins, minerals, enzymes, whole gland substances, botanical
 26 medicines, and homeopathic preparations;

27 (B) natural therapies, including health care counseling,
 28 nutritional counseling and dietary therapy, naturopathic manipulation,
 29 naturopathic physical applications, and therapeutic devices;

30 (C) devices for contraception; and

31 (D) drugs, except as provided in AS 08.45.050;

(3) perform procedures in the office using operative, electrical, or other methods, including the use of antiseptics and local anesthetics, for the surgical repair and care of superficial lacerations and abrasions, superficial lesions, and the removal of foreign bodies located in the superficial tissues of the human body; the procedures may not include general or spinal anesthetics, major surgery, surgery of the body cavities, plastic surgery, surgery involving the eyes, or surgery involving tendons, ligaments, nerves, or blood vessels; and

(4) perform or order for diagnostic purposes a physical or orificial examination, ultrasound, phlebotomy, clinical laboratory test or examination, or physiological function test.

(b) In this section, "naturopathic physical application" means the therapeutic use by a naturopath of the actions or devices of electrical muscle stimulation, galvanic treatment, diathermy, ultrasound, ultraviolet light, constitutional hydrotherapy, and naturopathic manipulative therapy.

* **Sec. 5.** AS 08.45.050 is amended to read:

Sec. 08.45.050. Restrictions on practice of naturopathy. Except as provided in (b) of this section, a [A] person who practices naturopathy may not

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

(A) [A PRESCRIPTION DRUG;

(B)] a controlled substance;

(B) a cancer chemotherapeutic agent; or

(2) [(C) A POISON;

(2) ENGAGE IN SURGERY;

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

* **Sec. 6.** AS 08.45.050 is amended by adding a new subsection to read:

(b) A naturopath may give, prescribe, or recommend testosterone or zolpidem.

* **Sec. 7.** AS 08.45 is amended by adding new sections to read:

Sec. 08.45.053. Public health duties. A naturopath, consistent with the scope of practice provided under this chapter, has the same duty as a physician licensed under AS 08.64 regarding public health laws, reportable diseases and conditions, communicable disease control and prevention, recording of vital statistics, health and

1 physical examinations, and municipal boards of health.

2 **Sec. 08.45.057. Renewal of license.** The department may renew a license to
3 practice naturopathy if the licensee submits proof satisfactory to the department that
4 the licensee has completed 24 hours of continuing education as established by the
5 department within the 24 months immediately preceding the renewal of the license.

6 * **Sec. 8.** AS 08.45.200(3) is repealed and reenacted to read:

7 (3) "naturopathy" means a system of health care practiced by a
8 naturopath for the prevention, diagnosis, and treatment of human health conditions,
9 injury, and disease for the purpose of promoting or restoring health by the support and
10 stimulation of an individual's inherent self-healing processes through education of the
11 individual and the use of natural therapies, therapeutic devices and substances, and
12 other therapeutic interventions consistent with naturopathic medical training.

13 * **Sec. 9.** AS 08.45.200 is amended by adding new paragraphs to read:

14 (4) "accredited naturopathic medical school" means a college or
15 university and program granting a degree of doctor of naturopathy or naturopathic
16 medicine that is accredited by or is a candidate for accreditation with the Council on
17 Naturopathic Medical Education or another accrediting agency recognized by the
18 United States Department of Education;

19 (5) "naturopath" means a person licensed and authorized to practice
20 naturopathy in the state that, because of specialized education from an accredited
21 naturopathic medical school, is capable of performing acts of medical diagnosis and
22 prescription of therapeutic substances and procedures that are consistent with
23 naturopathic medical education.

24 * **Sec. 10.** The uncoded law of the State of Alaska is amended by adding a new section to
25 read:

26 TRANSITIONAL PROVISION: EFFECT ON CURRENT LICENSEES. On and after
27 the effective date of secs. 1 - 9 of this Act, a person who holds a valid license to practice
28 naturopathy on the effective date of secs. 1 - 9 of this Act may continue to engage in the
29 practice of naturopathy under the license until the license expires normally under AS 08.45, as
30 AS 08.45 existed before the effective date of secs. 1 - 9 of this Act, but shall otherwise
31 comply with AS 08.45, as amended by secs. 1 - 9 of this Act.

1 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 TRANSITION: REGULATIONS. The Department of Commerce, Community, and
4 Economic Development may adopt regulations necessary to implement the changes made by
5 this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
6 before the effective date of the law implemented by the regulation.

7 * **Sec. 12.** Section 11 of this Act takes effect immediately under AS 01.10.070(c).

8 * **Sec. 13.** Except as provided in sec. 12 of this Act, this Act takes effect January 1, 2019.