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Cook/Bullard

3/18/10

CS FOR HOUSE BILL NO. 282()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES MUÑOZ, Austerman

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; amending the definition of 'practice of medicine'; and
4 providing for an effective date."

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

6 * **Section 1.** AS 08.01.010(26) is amended to read:

7 (26) **Alaska Naturopathic Medical Board (AS 08.45.003)**

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

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

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

14 (1) Board of Social Work Examiners;

(2) Board of Dental Examiners;
(3) [REPEALED
(4)] State Medical Board;
(4) [(5)] Board of Nursing;
(5) [(6)] Board of Examiners in Optometry;
(6) [(7)] Board of Pharmacy;
(7) [(8)] State Physical Therapy and Occupational Therapy Board;
(8) [(9)] Board of Professional Counselors;
(9) [(10)] Board of Psychologist and Psychological Associate
Examiners;
(10) [(11)] Board of Veterinary Examiners;
(11) [AND (12)] Board of Marital and Family Therapy; **and**
(12) Alaska Naturopathic Medical Board.

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

(23) 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) There is created the Alaska
Naturopathic Medical Board. The board consists of seven 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;
(3) one member shall be a licensed physician;
(4) one member shall be a hospital administrator; and
(5) 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) Four 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) establish a list of prescription drugs, vaccines, hormones, and medical devices that are consistent with naturopathic education and practice that may be prescribed and administered by a naturopath, and review the list of prescription drugs, vaccines, hormones, and medical devices annually and on request by the department; a schedule IA, IIA, IIIA, IVA, VA or VIA controlled substance under state law or a schedule I, II, III, IV, or V controlled substance under federal law may not be included on the list;

(2) approve naturopathic medical programs;

(3) implement the continuing education requirements of AS 08.45.058;

and

(4) adopt regulations necessary to implement this chapter in a manner that protects public health, including regulations that define a physician-patient relationship for purposes of AS 08.45.045(6).

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

Sec. 08.45.030. Issuance of license. The board shall request that the department [SHALL] issue, and the department may 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-

1 year college or university, **has paid the applicable fees,** and

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

6 (2) after December 31, 1987, has

7 (A) graduated from a school of naturopathy that required four
8 years of attendance at the school and at the time of graduation the school was
9 accredited or a candidate for accreditation by the Council on Naturopathic
10 Medical Education or a successor organization recognized by the United States
11 Department of Education; and

12 (B) passed the Naturopathic Physicians Licensing Examination.

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

14 (a) The **board shall request that the** department [SHALL] issue, **and the**
15 **department may issue,** a temporary license to practice naturopathy to an applicant
16 who has applied for and is qualified to take the next Naturopathic Physicians
17 Licensing Examination offered after the date of application and provides proof
18 satisfactory to the **board** [DEPARTMENT] that the applicant

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

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

21 (3) [(2)] has not previously failed the Naturopathic Physicians
22 Licensing Examination.

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

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

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

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

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

31 (4) perform preemployment, school, and workplace health

1 examinations;

2 (5) perform minor surgery; in this paragraph, "minor surgery"

3 (A) means the use of

4 (i) operative, electrical, or other methods for surgical
5 repair and care incidental to superficial lacerations and abrasions or
6 superficial lesions and the removal of foreign bodies located in
7 superficial tissues; and

8 (ii) antiseptics and local anesthetics in connection with
9 methods authorized under (i) of this subparagraph;

10 (B) does not include use of general or spinal anesthetics,
11 surgery of the body cavities, or specialized surgery, such as plastic surgery,
12 surgery involving the eyes, or surgery involving tendons, ligaments, nerves, or
13 blood vessels; and

14 (6) administer and prescribe prescription drugs, vaccines, hormones,
15 and medical devices as approved by the board for use by naturopaths under
16 AS 08.45.005(1) and subject to AS 08.45.050, but only for a person with whom the
17 naturopathy practitioner has a physician-patient relationship as defined by the board in
18 regulations.

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

20 **Sec. 08.45.050. Restrictions on practice of naturopathy.** A person who
21 practices naturopathy may not

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

23 (A) a prescription drug, vaccine, or hormone, except as
24 authorized under AS 08.45.045(6);

25 (B) a controlled substance;

26 (C) a poison;

27 (2) engage in surgery, except minor surgery as authorized under
28 AS 08.45.045;

29 (3) use general or spinal anesthetics; or

30 (4) administer ionizing radioactive substances for therapeutic
31 purposes [USE THE WORD "PHYSICIAN" IN THE PERSON'S TITLE].

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

2 **Sec. 08.45.058. Continuing education requirements.** (a) For each biennial
3 license period, a person licensed to practice naturopathy under AS 08.45.030 shall
4 complete and submit to the board evidence of at least 35 hours of continuing
5 education, at least 15 of which are in pharmaceutical education. The 35 hours of
6 continuing education must be in training programs approved by the board.

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

10 * **Sec. 10.** AS 08.45.100 is amended to read:

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

14 * **Sec. 11.** AS 08.45 is amended by adding a new section to read:

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

- 17 (1) a license issued under this chapter;
18 (2) a temporary license issued under this chapter;
19 (3) renewal of a license issued under this chapter.

20 * **Sec. 12.** AS 08.45.200 is amended by adding, a new paragraph to read:

21 (4) "board" means the Alaska Naturopathic Medical Board established
22 under this chapter.

23 * **Sec. 13.** AS 08.64.380(6) is amended to read:

24 (6) "practice of medicine" or "practice of osteopathy" means:

25 (A) for a fee, donation or other consideration, to diagnose,
26 treat, operate on, prescribe for, or administer to, any human ailment, blemish,
27 deformity, disease, disfigurement, disorder, injury, or other mental or physical
28 condition; or to attempt to perform or represent that a person is authorized to
29 perform any of the acts set out in this subparagraph;

30 (B) to use or publicly display a title in connection with a
31 person's name, including "doctor of medicine," "physician," "M.D.," or "doctor

1 of osteopathic medicine" or "D.O.," unless the designation additionally
2 contains the word "naturopathy" or "naturopathic" in the title, or to use
3 or publicly display a specialist designation, such as [INCLUDING]
4 "surgeon," "dermatologist," or a similar title, in such a manner as to show that
5 the person is willing or qualified to diagnose or treat the sick or injured;

6 * **Sec. 14.** AS 08.80.400 is amended to read:

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

13 * **Sec. 15.** AS 47.07.030(b) is amended to read:

14 (b) In addition to the mandatory services specified in (a) of this section and the
15 services provided under (d) of this section, the department may offer only the
16 following optional services: case management and nutrition services for pregnant
17 women; personal care services in a recipient's home; emergency hospital services;
18 long-term care noninstitutional services; medical supplies and equipment; advanced
19 nurse practitioner services; **naturopathic services;** clinic services; rehabilitative
20 services for children eligible for services under AS 47.07.063, substance abusers, and
21 emotionally disturbed or chronically mentally ill adults; targeted case management
22 services; inpatient psychiatric facility services for individuals age 65 or older and
23 individuals under age 21; psychologists' services; clinical social workers' services;
24 midwife services; prescribed drugs; physical therapy; occupational therapy;
25 chiropractic services; low-dose mammography screening, as defined in
26 AS 21.42.375(e); hospice care; treatment of speech, hearing, and language disorders;
27 adult dental services; prosthetic devices and eyeglasses; optometrists' services;
28 intermediate care facility services, including intermediate care facility services for the
29 mentally retarded; skilled nursing facility services for individuals under age 21; and
30 reasonable transportation to and from the point of medical care.

31 * **Sec. 16.** AS 47.07.900 is amended by adding a new paragraph to read:

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

* **Sec. 17.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS. The Department of Commerce, Community, and Economic Development may proceed to adopt regulations necessary to implement the changes made by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date under sec. 21 of this Act.

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

TRANSITIONAL PROVISIONS APPLICABLE TO ALASKA NATUROPATHIC MEDICAL BOARD. Notwithstanding AS 08.45.003, as enacted in sec. 4 of this Act, the terms of the first members of the Alaska Naturopathic Medical Board appointed by the governor are as follows: (1) one licensed naturopath member, the licensed pharmacist member, and the physician member shall be appointed for three-year terms; (2) one licensed naturopath member and the public member shall be appointed for two-year terms; and (3) one licensed naturopath member and the hospital administrator member shall be appointed for a one-year term. The governor shall specify the term of office of each licensed naturopath member appointed subject to this section.

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

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

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

(2) the Department of Commerce, Community, and Economic Development, without prior approval of the Alaska Naturopathic Medical Board, may issue a license or renew a license to practice naturopathy on or after the effective date of this section and until

1 the day before the effective date of the regulations initially adopted by the board setting out
2 procedures under which license applications and renewals are submitted for board review and
3 approval.

4 * **Sec. 20.** Section 17 of this Act takes effect immediately under AS 01.10.070(c).

5 * **Sec. 21.** Except as provided in sec. 20 of this Act, this Act takes effect July 1, 2010.