

## **Alaska Statutes: Chapter 08.45. Naturopaths**

*Cross References - For provisions relating to needle stick and sharps injury protections, see AS 18.60.880 - 18.60.890. Administrative Code - For naturopaths, see 12 AAC 42.*

### **Sec. 08.45.010. Practice of naturopathy without license prohibited.**

A person may not practice naturopathy in the state without a license.

*History - (Sec. 1 ch 56 SLA 1986)*

### **Sec. 08.45.020. Application for license.**

A person desiring to practice naturopathy shall apply in writing to the department.

*History - (Sec. 1 ch 56 SLA 1986; am Sec. 8 ch 14 SLA 2005)*

*Revisors Notes -*

*In 1999, "Department of Commerce and Economic Development" was changed to "Department of Community and Economic Development" in this section in accordance with Sec. 88, ch. 58, SLA 1999.*

*In 2004, "Department of Community and Economic Development" was changed to "Department of Commerce, Community, and Economic Development" in this section, in accordance with Sec. 3, ch. 47, SLA 2004.*

*Amendment Notes -*

*The 2005 amendment, effective May 6, 2005, substituted "department" for "division of occupational licensing of the Department Commerce, Community, and Economic Development."*

*History Reports - For governor's transmittal letter for ch. 14, SLA 2005 (SB 52), see 2005 Senate Journal 42 - 43.*

*Decisions - Applied in Huffman v. State, 204 P.3d 339 (Alaska 2009).*

### **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 has received a degree from an 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 and at the time of graduation the school was accredited or a candidate for accreditation by the Council on Naturopathic Medical Education or a successor organization recognized by the United States Department of Education; and

(B) passed the Naturopathic Physicians Licensing Examination.

*History - (Sec. 1 ch 56 SLA 1986; am Sec. 1, 2 ch 155 SLA 1988; am Sec. 1 ch 87 SLA 1992; am Sec. 8 ch 23 SLA 1995; am Sec. 9 ch 14 SLA 2005)*

*Amendment Notes -*

*The 2005 amendment, effective May 6, 2005, substituted "department" for "division" in two places in the introductory language.*

*History Reports -*

*For governor's transmittal letter for ch. 14, SLA 2005 (SB 52), see 2005 Senate Journal 42 - 43.*

*Decisions - Applied in Huffman v. State, 204 P.3d 339 (Alaska 2009).*

**Sec. 08.45.035. Temporary licenses.**

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

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

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

(b) A temporary license issued under (a) of this section terminates on the date

(1) the results of the examination the applicant agreed to take under (a) of this section are reported by the testing authority if the applicant failed the examination; or

(2) of the Naturopathic Physicians Licensing Examination that the applicant agreed to take under (a) of this section if the applicant fails to take the examination.

(c) A temporary license holder may practice only in the office of a naturopath licensed by this state.

*History - (Sec. 2 ch 87 SLA 1992; am Sec. 9 ch 23 SLA 1995; am Sec. 10 ch 14 SLA 2005)*

*Amendment Notes -*

*The 2005 amendment, effective May 6, 2005, substituted "department" for "division" in two places in the introductory language of subsection (a).*

*History Reports -*

*For governor's transmittal letter for ch. 14, SLA 2005 (SB 52), amending (a) of this section, see 2005 Senate Journal 42 - 43.*

**Sec. 08.45.040. Disclosures required by person who practices naturopathy.**

(a) A person who practices naturopathy shall clearly disclose that the person's training and practice is in naturopathy

(1) to each patient; and

(2) on all material used in the practice of naturopathy and made available to patients or to the public.

(b) A person who practices naturopathy without being covered by malpractice insurance shall disclose to each patient that the person does not have the insurance.

*History - (Sec. 1 ch 56 SLA 1986)*

**Sec. 08.45.050. Restrictions on practice of naturopathy.**

A person who practices naturopathy may not

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

(A) a prescription drug;

(B) a controlled substance;

(C) a poison;

(2) engage in surgery;

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

*History - (Sec. 1 ch 56 SLA 1986)*

*Decisions -*

*Applied in Huffman v. State, 204 P.3d 339 (Alaska 2009).*

**Sec. 08.45.060. Grounds for suspension, revocation, or refusal to issue a license.**

The department may, after a hearing, impose a disciplinary sanction on a person licensed under this chapter when the 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 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.

*History - (Sec. 1 ch 56 SLA 1986; am Sec. 11 ch 14 SLA 2005)*

*Amendment Notes -*

*The 2005 amendment, effective May 6, 2005, substituted "department" for "division" in the introductory language and in paragraph (5).*

*History Reports -*

*For governor's transmittal letter for ch. 14, SLA 2005 (SB 52), see 2005 Senate Journal 42 - 43.*

**Sec. 08.45.070. Disciplinary sanctions.**

(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 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 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 department to need improvement;
- (6) impose limitations or conditions on the practice of the licensee.

(b) The department may withdraw probationary status of a licensee if it finds that the deficiencies that required the sanction have been remedied.

(c) The department may summarily suspend a license before final hearing or during the appeals process if the department finds that the licensee poses a clear and immediate danger to the public health and safety if the licensee continues to practice. A licensee whose license is suspended under this section is entitled to a hearing conducted by the office of administrative hearings (AS 44.64.010) not later than seven days after the effective date of the order. The licensee may appeal the suspension after a hearing to a court of competent jurisdiction.

*History -*

*(Sec. 1 ch 56 SLA 1986; am Sec. 14 ch 163 SLA 2004; am Sec. 12, 13 ch 14 SLA 2005)*

*Revisors Notes -*

*From May 6, 2005, through June 30, 2005, the second sentence of subsection (c) read as follows: "A licensee whose license is suspended under this section is entitled to a hearing by the department not later than seven days after the effective date of the order."*

*Amendment Notes -*

*The 2005 amendment, effective May 6, 2005, substituted "department" for "division" throughout the section, and, effective July 1, 2005, substituted "department" for "division" in two places in the first sentence in subsection (c).*

*History Reports -*

*For governor's transmittal letter for ch. 14, SLA 2005 (SB 52), see 2005 Senate Journal 42 - 43.*

**Sec. 08.45.080. Unlicensed practice a misdemeanor.**

A person who practices naturopathy in the state without a license in violation of AS 08.45.010 is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than a year, or by both.

*History - (Sec. 1 ch 56 SLA 1986)*

**Sec. 08.45.090. Fraudulent license.**

A person who obtains or attempts to obtain a naturopathic license by dishonest or fraudulent means or who forges, counterfeits, or fraudulently alters a naturopathic license is punishable by a fine of not more than \$500, or by imprisonment for not more than six months, or by both.

*History - (Sec. 1 ch 56 SLA 1986)*

**Sec. 08.45.100. Regulations.**

The Department of Commerce, Community, and Economic Development shall adopt regulations to implement this chapter.

*History - (Sec. 3 ch 87 SLA 1992)*

*Revisors Notes -*

*In 1999, "Department of Commerce and Economic Development" was changed to "Department of Community and Economic Development" in this section in accordance with Sec. 88, ch. 58, SLA 1999.*

*In 2004, "Department of Community and Economic Development" was changed to "Department of Commerce, Community, and Economic Development" in this section, in accordance with Sec. 3, ch. 47, SLA 2004.*

**Sec. 08.45.200. Definitions.**

In this chapter,

- (1) "controlled substance" has the meaning given in AS 11.71.900;
- (2) "department" means the Department of Commerce, Community, and Economic Development;
- (3) "naturopathy" means the use of hydrotherapy, dietetics, electrotherapy, sanitation, suggestion, mechanical and manual manipulation for the stimulation of physiological and psychological action to establish a normal condition of mind and body; in this paragraph, "dietetics" includes herbal and homeopathic remedies.

*History -*

*(Sec. 1 ch 56 SLA 1986; am Sec. 3 ch 155 SLA 1988; am Sec. 14, 25 ch 14 SLA 2005)*

*Revisors Notes -*

*In 1999, "Department of Commerce and Economic Development" was changed to "Department of Community and Economic Development" in this section in accordance with Sec. 88, ch. 58, SLA 1999.*

*In 2004, "Department of Community and Economic Development" was changed to "Department of Commerce, Community, and Economic Development" in this section, in accordance with Sec. 3, ch. 47, SLA 2004.*

*In this section, paragraph (2) was enacted as paragraph (4) and renumbered in 2005, at which time former paragraph (2) was repealed.*

*Amendment Notes -*

*The 2005 amendment, effective May 6, 2005, repealed paragraph (2) and added paragraph (4) [now (2)].*

*Decisions -*

*Applied in Huffman v. State, 204 P.3d 339 (Alaska 2009).*