

# Alaska State Legislature

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## Senate Bill 44 Sectional Analysis

"An Act relating to the practice of naturopathy; establishing the Naturopathy Advisory Board; relating to the licensure of naturopaths; relating to disciplinary sanctions for naturopaths; relating to the Department of Commerce, Community, and Economic Development; and providing for an effective date."

### **Section 1** – Amends AS 08.02.010(a) Professional designation requirements

Requires naturopathic practitioners to use appropriate letters, titles and specialist designations.

### **Section 2** – Amends AS 08.45.015 and adds a new section:

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.

### **Section 3** – Amends AS 05.45.020 Application for license

Requires applicants applying for licensure to use a form provided by the department; to submit fingerprints for purposes of a criminal history background check for licensure; 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
- complete a 2-year externship program
- have passed a pharmaceutical examination approved by department
- have passed the Naturopathic Physicians Licensing Examination
- is not 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Removes outdated language requiring that to be issued a license to practice naturopathy in Alaska, if an individual graduated before 1988, they must also have been issued a license to practice in another state previously.

**Section 5** – Amends and adds a new section under AS 08.45.032 Documentation of license refusals and revocations

Requires the department to provide in writing, a concise statement for refusal to issue licenses 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** – Amends and adds new sections under AS 08.45

08.45.037 Continuing Education Requirements:

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

08.45.038 Standards for License Renewal:

- 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; applicant has current CPR certification, has submitted to fingerprinting and paid fees to meet Public Safety for purposes of background check within previous 6 years.

**Section 8** – Amends and adds new section AS 08.45 Practice of naturopathy

08.45.045 Allows naturopaths to:

- practice within the standards and scope of their education and training
- prescribe natural and therapeutic substances, natural therapies, and contraceptive devices
- prescribe allowed drugs only if the Naturopath has passed the Naturopathic Physicians Licensing Examination pharmacology portion and
- perform minor surgeries and order diagnostic procedures
- Defines “naturopathic physical application”

**Section 9** – Amends AS 08.45.050 Restrictions on practice of naturopathy

- Removes the prohibition for prescribing drugs, performing minor surgeries
- Prohibits Naturopaths from giving, recommending or prescribing cancer drugs and controlled substances

**Section 10** – Amends and adds new sections under AS 08.45

08.45.053: Public health duties: Requires Naturopaths to abide by duties followed by licensed physicians regarding public health laws, 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 who is being treated for alcoholism or other mental health disorders and who may constitute a danger to themselves or others, they must report individual with name and address of that person. Upon receipt of report 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 the Naturopath’s license if it finds the reported is unable to continue with reasonable safety for patients/public. A Naturopath may not refuse to report or withhold information disclosed in patient relationship or under a confidentiality

agreement under AS 18.23.030. 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. This section imposes the same public health duties on naturopaths as other physicians such as 3<sup>rd</sup> 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** – amends AS 08.45.060 Grounds for suspension, revocation, or refusal to issue a license

Amends and applies the same suspensions, license revocation, or refusal to issue a license grounds on naturopaths as other physicians

**Section 12** – Amends and adds a new subsection under AS 08.45.060 Grounds for suspension, revocation, or refusal to issue a license.

Adds a new subsection to clarify the authority of the entity taking disciplinary action against a license under AS 08.45.060(a)(14) which states that a Naturopath can have licensed revoked/suspended if he/she has had license revoked/suspended in another state or Canada for violations of practice or failure to pay fees.

**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.

**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

08.45.105 Automatic suspension for mental incompetency: License is automatically revoked if 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: a Naturopath cannot use or advertise as a naturopath unless licensed by the state.

**Section 16** – Repeals and reenacts AS 08.45.200(3) Definitions

Repeals and replaces definition for “naturopathy”

**Section 17** – Amends and adds new paragraphs under AS 08.45.200(4) & (5) Definitions

Defines “approved naturopathic medical school” and “naturopath”

**Section 18** – Amends AS 12.62.400(a) National criminal history record checks for employment, licensing, and other noncriminal justice purposes.

Adds Naturopaths to list of other professions requiring them to submit fingerprints to complete the national criminal history record check

**Section 19** – Transitional Language for current licensees

Allows currently licensed naturopaths to continue to practice under current law until licensee’s normal renewal period, under which 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