

REPRESENTATIVE MIKE PRAX
ALASKA STATE LEGISLATURE HOUSE DISTRICT 33

SESSION
Alaska State Capitol
Juneau, AK 99801
Phone: (907) 465-4797
Toll Free: (800) 860-4797



DISTRICT
1292 Sadler Way, Suite 308
Fairbanks, AK 99701
Phone: (907) 451-2723
Fax: (907) 456-3346

House Bill 115

Legislative History of Naturopathic Licensing in Alaska

The following are the primary changes that were established by Ch. 56 SLA in 1986:

- Prohibited the practice of naturopathy in the state without a license
- Established the procedure for applying for licensure through the Division of Occupational Licensing, Department of Commerce and Economic Development
- Established the required qualifications for applicants, including a degree from an accredited four-year college or university, a degree from a school of naturopathy that required four years of attendance, and a license to practice naturopathy in a state that required an examination
- Required practitioners to disclose to all patients and on all materials that they are practicing naturopathy
- Required those practicing without malpractice insurance to disclose such information to all patients
- Restricted persons practicing from providing or prescribing prescription drugs, controlled substances, or poisons; from engaging in surgery; or from using the word “physician” in their title
- Established grounds for suspension, revocation or refusal to license, which was to occur after a hearing if it was found that the person secured their license through fraud or deceit; engaged in fraud or deceit in their professional activities, services, or advertising; has been convicted of a felony or crime that would impact the safety of their practice; failed to comply with an order from the Division or with relevant statutes; continued to practice after becoming unfit to do so due to professional incompetence, addiction, or disability; or engaged lewd or immoral conduct in connection with their professional delivery of services.
- Established grounds for disciplinary sanctions, which ranged from a letter of reprimand to the revocation of a license to practice
- Made it a misdemeanor to practice without a license, subject to a fine of not more than \$1,000, imprisonment for not more than a year, or both
- Created a fine of \$500 or less, or imprisonment for not more than six months, for fraudulently obtaining or altering a license and
- Defined “naturopathy” as “the use of hydrotherapy, dietetics, electrotherapy, sanitation, suggestion, mechanical and manual manipulation for stimulation of physiological and psychological action to establish a normal condition of mind and body.”

The law also made the following necessary conforming administrative amendments:

- Added naturopaths to statutes describing departmental and divisional duties and responsibilities, such as maintaining a register of licenses and responding to routine inquiries;
- Added licensed naturopath to the definition of “healthcare providers” listed in statutes pertaining to medical malpractice and

- Added naturopathy to the list of services excluded from coverage by the state's Chronic and Acute Medical Assistance program.

As I understand it, there were no legislative attempts to change Alaska statutes concerning naturopaths and their scope of practice until the 23rd legislature in 2004.

2004 Alaska's 23rd Legislature HB 434 *"An Act relating to the practice of naturopathic medicine and providing for an effective date."* by Representative Holm.

In the year 2004 of the 23rd Legislature, the first major legislative attempt was made to overhaul Alaska's statutes concerning naturopath's prescriptive authority and their ability to perform "minor surgeries." On page 2, starting on line 24, besides updating statutes to be written according to the current legislative drafting manual practices, the bill would remove a broad sweeping restriction on naturopath's ability to prescribe "Prescription" drugs. Instead, they replaced the word "prescription" with the word "psychotherapeutic." So, instead of being prohibited from prescribing "prescription drugs," they would be prohibited from prescribing "psychotherapeutic drugs." The bill does the same thing with the word "poison" and replaces it with the words "psychotropic substance." The effect is that instead of naturopaths being prohibited from giving, prescribing, or recommending in the practice a "poison", they are prohibited from giving, prescribing, or recommending in the practice a "psychotropic substance."

In another section of HB 434 on page 5, starting on line 12, section 12 of the bill specifies what substances a naturopath is allowed to prescribe, administer, or perform. This broadening of prescriptive authority and scope of practice that is seen in this bill is quite similar to what we are trying to accomplish in HB 115. According to leg research, HB 434 cannot be seen as a direct precursor to our bill HB 115, but they did recognize that the two bills are very similar and do a lot of very similar things. Essentially, leg research says that while they have a lot of the same ideas in them, HB 115 was not directly influenced by bills such as HB 434 in the 23rd legislature. The important thing to note is that these ideas have been around for a long time.

2004 Alaska's 23rd Legislature SB 306 *"An Act relating to the practice of naturopathic medicine; and providing for an effective date."* By Senator Seekins

This bill which was passed into law as chapter 78 SLA 2004 created a 9-member task force that would investigate naturopath's scope of practice, including:

- 1 the comparable level of education and training of naturopaths and medical doctors;
- 2 the appropriate scope of practice relating to the use of legend or prescription drugs by naturopaths;
- 3 the appropriate scope of practice for non-pharmacological treatments by naturopaths, including minor surgery;
- 4 the structure and operations of collaborative protocols and agreements;
- 5 issues related to joint liability between collaborating practitioners; and
- 6 other issues determined to be relevant by members of the task force.

The members of this task force were as follows:

Senator Seekins

Representative McGuire

Alex Malter, MD - Alaska State Medical Association

Richard Holm - Alaska Pharmacist Association

Robert Breffeilh - Alaska State Medical Board

Cathy Giessel, MS, FNP-CS - Nurse Practitioner

Rick Urion - Department of Commerce, Community and Economic Development

Scott Luper, ND - Licensed Naturopath

Jason Harmon, ND - Licensed Naturopath

Originally, the taskforce was supposed to report its written findings and give a copy of proposed legislation and other recommendations to the legislature by December 1st, 2004. This deadline wasn't met and the

taskforce met for the first time a few weeks after this deadline passed. The taskforce was to be terminated on February 1st 2005 but then the taskforce was extended by SB 42, sponsored again by Senator Seekins. SB 42 extended the reporting and termination date by 1 year. I found in legislative records that the taskforce met 5 times in 2005 but there was no record I found of what was discussed in those meetings. For reasons that are unclear, there was never a report submitted and the official record showed that the taskforce had no recommendations for the legislature.

List of legislators that have sponsored legislation that would broaden Naturopath's scope of practice:

1. Representative Holm (R), HB 434, 23rd Legislature, 2003-2004
2. Representative Guttenberg (D) and Senator Davis (D), HB 363 and SB 107, 25th Legislature 2007-2008
3. Representative Munoz (R) and Senator Davis (D), HB 282 and SB 70, 26th Legislature, 2009-2010
4. Representative Munoz (R) and Senator Mcguire (R), HB 122, HB 266, and SB 175, 27th Legislature, 2011-2012
5. Representative Olson (R), HB 7, 28th Legislature, 2013-2014
6. Representative Tarr (D) and Senator Giessel (R), HB 326 and SB 120, 30th Legislature, 2017-2018
7. Representative Johnston (R), HB 91, 31st Legislature, 2019-2020
8. Representative Lebon (R) and Senator Kawasaki (D), HB 40 and SB 38, 2021-2022
9. Representative Prax (R) and Senator Giessel (R), HB 115 and SB 44, 2023-2024

Eight republican legislators and four democrat legislators have sponsored legislation that attempted to broaden naturopath's scope of practice.

Supreme Court Case Huffman vs. State of Alaska (2009)

In the case of Huffman vs. State of Alaska, the parents of a child who was enrolled in public school alleged that their child should be waived from having to take a purified protein derivative (PPD) skin test for tuberculosis (TB.) The reasons they provided were that they had a medical waiver signed by a naturopath, that under Alaska's Constitution they had the right to make medical decisions for themselves and their children, and that it went against their religion to be taking this PPD skin test. First, the court held that a medical waiver for taking the PPD skin test had to be signed by a "physician," and Alaska statutes specifically say that naturopaths are not permitted to use the title of "physician." Therefore, naturopaths have no authority to sign a medical waiver. Second, the court found that the parent's right to make medical decisions for their children was suspended in this case due to the state having a compelling governmental interest in preventing the spread of tuberculosis. The parents argued that there were less intrusive means of determining if their child had TB that would be acceptable to them, but ultimately the court did not find those to be an acceptable form of testing for TB. The most important takeaway from the case is that the court found that, according to pre-existing statutes, naturopaths are not physicians and therefore do not have the authority that goes along with being a physician.

Supreme Court Case Alaska Association of Naturopathic Physicians vs. State of Alaska (2018)

In this case, the Alaska Association of Naturopathic Physicians argued that DCCED's new regulations prohibiting Naturopaths from prescribing all prescription medicines were inconsistent with Alaska statutes. The naturopaths argued that Alaska statute prohibits naturopaths from prescribing prescription drugs, not prescription medicines, and that there was a vast difference between the two. The naturopaths also argued that the statutory definition of naturopathy included the "use of dietetics," and injectable vitamins were a form of dietetics. Therefore, naturopaths should be allowed to prescribe dietetics. The state argued that some dietetics are over the counter (meaning they don't require a prescription) and that some, like injectable vitamins, are a prescription medicine. And, the statute only allows for them to use non-prescription dietetics. The court now had to make its decision based on legislative intent. The court found that in the Alaska Legislature's history, when the legislature wanted to give prescriptive authority to a medical professional, they would do so explicitly, not implicitly. Therefore, because Alaska statute didn't explicitly say that naturopaths were allowed to prescribe injectable vitamins, the court held that DCCED's new regulation was consistent with Alaska statutes, meaning that naturopaths were prohibited from prescribing all prescription medicines and drugs.

Substantive Changes to Title 8, Chapter 45

Below, we highlight the most substantive differences between Chapter 45, as established in 1986, and its current form.

- Academic requirements may still be met by a degree from an accredited four-year college or university, and the additional qualifications described above have carried over for those who fulfilled them prior to 1988. Those who graduated after 1987, must have done so from a four-year school of naturopathy that, at the time of graduation, 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 the individual must have passed the Naturopathic Physicians Licensing Examination.
- A temporary license was established for applicants who have applied for, and are qualified to take, the next Naturopathic Physicians Licensing Examination.
- A licensee with a suspended license is entitled to a hearing, just as they were previously. However, rather than going before the Division of Occupational Licensing, administrative appeals are now heard by the Office of Administrative Hearings.
- The definition of “naturopathy” has been amended to include a sub-definition of “dietetics” as including herbal and homeopathic remedies.

Abby Laing’s testimony on HB 91 on 4-8-2019 in House Labor and Commerce. She said that in 2010 there were over 100 licensed naturopaths in the state of Alaska, but at the time in 2019 when she was giving testimony, there were only 46 licensed naturopaths in the state. Naturopaths were leaving the state at a pretty substantial rate, and it is/was mainly due to their scope of practice being so limited here compared to other states. Not being able to practice to the full extent of their training and education is a large disincentive for naturopaths not to live and work in Alaska. The fact that we have lost more than half of the naturopath workforce is pretty strong evidence of that.

Alaska Medical Association’s 50-something-page evaluation compares the training between MDs, DOs and Naturopaths, and is referenced in 2018-2019 Alaska Legislature House Labor and Commerce meeting on 5-3-19, starting at 37:10.

Naturopathy Measures Introduced in Alaska’s State Legislature (1993-2023)

Legislature	Bill	Final Status	Title	Primary Sponsor(s)
23rd (2003-2004)	HB 434	(H) HES	An Act relating to the practice of naturopathic medicine; and providing for an effective date.	Rep. Holm
	SB 306	Ch. 78 SLA 2004	Relating to the practice of naturopathic medicine; and providing for an effective date.	Sen. Seekins
24th (2005-2006)	SB 42	Ch. 7 SLA 2005	Extending the reporting date for and the termination date of the Task Force on Naturopathic Scope of Practice; and providing for an effective date.	Sen. Seekins
25th (2007-2008)	HB 363	(H) HES	An Act relating to naturopaths and to the practice of naturopathy; establishing an Alaska Naturopathic Board; and providing for an effective date.	Rep. Guttenberg
	SB 107	(S) FIN		Sen. Davis
26th (2009-2010)	HB 282	(H) FIN	An Act relating to naturopaths and to the practice of naturopathy; establishing an Alaska Naturopathic Medical Board; authorizing medical assistance program coverage of naturopathic services; amending the definition of 'practice of medicine'; and providing for an effective date.	Rep. Munoz

	SB 70	(S) L&C	An Act relating to naturopaths and to the practice of naturopathy; establishing an Alaska Naturopathic Medical Board; authorizing medical assistance program coverage of naturopathic services; and providing for an effective date.	Sen. Davis
27th (2011-2012)	HB 122	(H) L&C	An Act relating to naturopaths and to the practice of naturopathy; establishing an Alaska Naturopathic Medical Board; authorizing medical assistance program coverage of naturopathic services; amending the definition of 'practice of medicine'; and providing for an effective date.	Rep. Munoz
	HB 266	(H) L&C	An Act relating to the practice of naturopathy; and providing for an effective date.	Rep. Munoz, Tuck, Thompson
	SB 175	(H) L&C		Sen. McGuire
28th (2013-2014)	HB 7	(H) L&C		Rep. Olson
30th (2017-2018)	HB 326	(H) L&C	An Act relating to the practice of naturopathy; relating to the licensure of naturopaths; relating to the Department of Commerce, Community, and Economic Development; and providing for an effective date.	Rep. Tarr
	SB 120	(S) L&C		Sen. Giessel
31st (2019-2020)	HB 91	(H) L&C	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.	Rep. Johnston
32nd (2021-2022)	HB 40	(H) L&C		Rep. LeBon
	SB 38	(S) L&C		Sen. Kawasaki
33rd (2023-2024)	HB 115	(H) L&C		Rep. Prax
	SB 44	(S) L&C		Sen. Giessel