

HOUSE BILL NO. 434

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES HOLM, Gruenberg, Wolf

Introduced: 2/4/04

Referred: Labor and Commerce, Health, Education and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the practice of naturopathic medicine; and providing for an effective**
2 **date."**

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

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

5 (26) regulation of the practice of **naturopathic medicine**
6 [NATUROPATHY] under AS 08.45;

7 *** Sec. 2.** AS 08.45.010 is amended to read:

8 **Sec. 08.45.010. Practice of naturopathic medicine [NATUROPATHY]**
9 **without license prohibited.** A person **who does not hold a license issued under this**
10 **chapter** may not

11 **(1) practice naturopathic medicine [NATUROPATHY] in the state;**
12 **or**

13 **(2) use any of the following titles: "doctor of naturopathy,"**
14 **"naturopath," or "naturopathic physician" [WITHOUT A LICENSE].**

1 * **Sec. 3.** AS 08.45.020 is amended to read:

2 **Sec. 08.45.020. Application for license.** A person desiring to practice
3 **naturopathic medicine** [NATUROPATHY] shall apply in writing to the division of
4 occupational licensing of the Department of Community and Economic Development.

5 * **Sec. 4.** AS 08.45.030 is repealed and reenacted to read:

6 **Sec. 08.45.030. Issuance of license.** The division shall issue a license to
7 practice naturopathic medicine on receipt of

8 (1) an application on a form acceptable to the division;

9 (2) documentation satisfactory to the division that the applicant

10 (A) is a graduate of an approved naturopathic medical college
11 or program; and

12 (B) has passed the naturopathic physicians licensing
13 examination approved by the division with a score that meets the requirements
14 established in regulation; and

15 (3) all applicable fees.

16 * **Sec. 5.** AS 08.45.035(a) is amended to read:

17 (a) The division shall issue a temporary license to practice **naturopathic**
18 **medicine** [NATUROPATHY] to an applicant who has applied for and is qualified to
19 take the next Naturopathic Physicians Licensing Examination offered after the date of
20 application and provides proof satisfactory to the division that the applicant

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

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

24 * **Sec. 6.** AS 08.45.050 is repealed and reenacted to read:

25 **Sec. 08.45.050. Restrictions on practice of naturopathic medicine.** (a) A
26 person who practices naturopathic medicine may not engage in surgery, except for
27 minor surgery.

28 (b) Notwithstanding that a specific act is within the definition of "naturopathic
29 medicine" or is described as an activity authorized under AS 08.45.120, a person
30 licensed under this chapter may not perform the act if the person lacks appropriate
31 education or training related to the act.

1 * **Sec. 7.** AS 08.45.060 is amended to read:

2 **Sec. 08.45.060. Grounds for suspension, revocation, or refusal to issue a**
 3 **license.** The division may **deny a license to an applicant under this chapter or,**
 4 after a hearing, impose a disciplinary sanction **authorized under AS 08.45.070** on a
 5 person licensed under this chapter when the division finds that the **applicant or**
 6 licensee

7 (1) secured, **or attempted to secure,** a license through deceit, fraud, or
 8 intentional misrepresentation;

9 (2) engaged in deceit, fraud, or intentional misrepresentation in the
 10 course of providing professional services or engaging in professional activities;

11 (3) advertised professional services in a false or misleading manner;

12 (4) has been convicted of a felony or other crime that affects the
 13 **applicant's or** licensee's ability [TO CONTINUE] to practice competently and safely;

14 (5) failed to comply with this chapter, with a regulation adopted under
 15 this chapter, or with an order of the division;

16 (6) **is** [CONTINUED TO PRACTICE AFTER BECOMING] unfit **to**
 17 **practice naturopathic medicine** due to

18 (A) professional incompetence;

19 (B) addiction or severe dependency on alcohol or a drug that
 20 impairs the **applicant's or** licensee's ability to practice safely; **or**

21 (C) physical or mental disability; **or**

22 (7) engaged in lewd or immoral conduct in connection with the
 23 delivery of professional service to patients.

24 * **Sec. 8.** AS 08.45.070(a) is amended to read:

25 (a) When it finds that a licensee under this chapter has violated **AS 08.45.050**
 26 **or 08.45.120** [AS 08.45.040 - 08.45.050] or is guilty of an offense under
 27 AS 08.45.060, the division may impose the following sanctions singly or in
 28 combination:

29 (1) permanently revoke the license to practice;

30 (2) suspend the license for a determinate period of time;

31 (3) censure the licensee;

1 (4) issue a letter of reprimand to the licensee;

2 (5) place the licensee on probationary status and require the licensee to

3 (A) report regularly to the division upon matters involving the
4 basis of probation;

5 (B) limit practice to those areas prescribed;

6 (C) continue professional education until a satisfactory degree
7 of skill has been attained in areas determined by the division to need
8 improvement;

9 (6) impose limitations or conditions on the practice of the licensee.

10 * **Sec. 9.** AS 08.45.080 is amended to read:

11 **Sec. 08.45.080. Unlicensed practice or use of title a misdemeanor.** A
12 person who **violates** [PRACTICES NATUROPATHY IN THE STATE WITHOUT A
13 LICENSE IN VIOLATION OF] AS 08.45.010 is guilty of a misdemeanor and upon
14 conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not
15 more than a year, or by both.

16 * **Sec. 10.** AS 08.45.100 is amended by adding a new subsection to read:

17 (b) After consideration of draft regulations, if any, prepared by the division in
18 collaboration with a qualified trade association of naturopathic physicians, the
19 department may adopt regulations to

20 (1) establish the standards the division will use to approve naturopathic
21 medical colleges or programs for satisfaction of the requirement of
22 AS 08.45.030(2)(A); the standards must require, at a minimum, that the college or
23 program include a four-year, full-time resident program of academic and clinical study
24 of naturopathic medicine;

25 (2) implement the continuing education requirement of AS 08.45.110;
26 and

27 (3) establish the standards under which the division may issue
28 certificates of specialty practice for a person licensed under this chapter.

29 * **Sec. 11.** AS 08.45 is amended by adding new sections to read:

30 **Sec. 08.45.110. Continuing education requirement.** Before a license may
31 be renewed, the licensee shall document to the division's satisfaction that the licensee

1 has received at least 45 hours of continuing education in naturopathic medicine in the
 2 previous two years, at least 15 hours of which was instruction in pharmacology or
 3 pharmacotherapeutics presented by a licensed pharmacist or another professional
 4 approved by the division.

5 **Sec. 08.45.120. Authorized activities; use of titles.** A person licensed under
 6 this chapter may

7 (1) prescribe or administer for preventive and therapeutic purposes the
 8 following: food, extracts of food, vitamins, minerals, enzymes, whole gland
 9 substances, botanical medicines, and homeopathic preparations;

10 (2) if authorized under regulations of the department, prescribe or
 11 administer legend or prescription drugs, intravenous botanicals, substances, vitamins,
 12 and minerals;

13 (3) administer health care counseling, nutritional counseling and
 14 dietary therapy, naturopathic physical applications, therapeutic devices, and
 15 nonprescription drugs;

16 (4) after becoming registered with the federal Drug Enforcement
 17 Administration, prescribe a controlled substance;

18 (5) prescribe and implement barrier devices for contraception;

19 (6) perform minor surgery;

20 (7) perform or order for diagnostic purposes a physical or orificial
 21 examination, ultrasound, phlebotomy, clinical laboratory test or examination,
 22 physiological function test, and other diagnostic procedures commonly used by a
 23 person licensed to practice medicine under AS 08.64.200; and

24 (8) use the title of "doctor of naturopathy," "naturopath," "naturopathic
 25 physician," or their abbreviations.

26 **Sec. 08.45.130. Fees.** The division shall set fees under AS 08.01.065 for each
 27 of the following:

28 (1) a license issued under this chapter;

29 (2) a temporary license issued under this chapter;

30 (3) renewal of a license issued under this chapter.

31 * **Sec. 12.** AS 08.45.200(3) is amended to read:

1 (3) **"naturopathic medicine"** ["NATUROPATHY"] means the use of
 2 hydrotherapy, dietetics, electrotherapy, sanitation, suggestion, mechanical and manual
 3 manipulation for the stimulation of physiological and psychological action to establish
 4 a normal condition of mind and body; in this paragraph, "dietetics" includes herbal
 5 and homeopathic remedies.

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

7 (4) "approved naturopathic medical college or program" means a
 8 college or program that grants a degree of doctor of naturopathy or doctor of
 9 naturopathic medicine and that

10 (A) is accredited by the Council on Naturopathic Medical
 11 Education or another accrediting agency recognized by the United States
 12 Department of Education;

13 (B) has the status of candidate for accreditation by an entity
 14 described in (A) of this paragraph; or

15 (C) has been approved under a regulation adopted by the
 16 department under this chapter;

17 (5) "department" means the Department of Community and Economic
 18 Development;

19 (6) "minor surgery"

20 (A) means the use of

21 (i) operative, electrical, or other methods for surgical
 22 repair and care incidental to superficial lacerations and abrasions or
 23 superficial lesions, and the removal of foreign bodies located in
 24 superficial tissues; and

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

27 (B) does not include use of general or spinal anesthetics, major
 28 surgery, surgery of the body cavities, or specialized surgery, such as plastic
 29 surgery, surgery involving the eyes, or surgery involving tendons, ligaments,
 30 nerves, or blood vessels.

31 * **Sec. 14.** AS 47.08.050 is amended to read:

1 **Sec. 47.08.050. Services excluded from coverage.** Annually, the committee
2 shall determine in light of appropriated funds and expected need the medical expenses
3 reimbursable under AS 47.08.010 - 47.08.140, except that the following are not
4 reimbursable:

5 (1) dentistry and optometry unless prescribed by a licensed dentist or
6 physician as medically necessary as the result of the injury or illness;

7 (2) elective medical or surgical procedures;

8 (3) drugs and medications not prescribed by a licensed physician;

9 (4) services received as a result of a pregnancy or birth without
10 unusual complications;

11 (5) private psychological or psychiatric treatment or private alcoholism
12 treatment, unless not available from public agencies or programs;

13 (6) chiropractic services and services provided by a person who
14 practices **naturopathic medicine** [NATUROPATHY];

15 (7) services not of a medical nature;

16 (8) medical services currently provided to persons in the custody of the
17 Department of Corrections;

18 (9) costs incurred before July 1976.

19 * **Sec. 15.** AS 08.45.040 is repealed.

20 * **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section
21 to read:

22 **LICENSE TO PRACTICE NATUROPATHY; TRANSITIONAL PROVISIONS.** A
23 license to practice naturopathy issued under AS 08.45 that is in effect on February 28, 2005,
24 remains in effect for the period for which the license was issued and is considered to be a
25 license to practice naturopathic medicine under AS 08.45, as amended by this Act. However,
26 a person who holds a license issued under AS 08.45 that is in effect on February 28, 2005, is
27 subject to the authority of the department in regard to acts of the licensee that occurred on or
28 before February 28, 2005, to impose a disciplinary sanction under AS 08.45.070.

29 * **Sec. 17.** AS 08.45.110, as enacted by sec. 11 of this Act, takes effect January 1, 2007.

30 * **Sec. 18.** Except as provided in sec. 17 of this Act, this Act takes effect March 1, 2005.