

**CS FOR HOUSE BILL NO. 434(L&C)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 3/29/04

Referred: Health, Education and Social Services, Judiciary

Sponsor(s): REPRESENTATIVES HOLM, Gruenberg, Wolf, Guttenberg

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5 \* **Sec. 4.** AS 08.45.030 is repealed and reenacted to read: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

25           **Sec. 08.45.050. Restrictions on practice of naturopathic medicine**  
26           **[NATUROPATHY].** A person who practices naturopathic medicine  
27           **[NATUROPATHY]** may not

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

29   (A) a psychotherapeutic [PRESCRIPTION] drug;

30   (B) a controlled substance; or

31   (C) a psychotropic substance [POISON]; or

1 (2) engage in surgery, **except for minor surgery** [;

2 (3) USE THE WORD "PHYSICIAN" IN THE PERSON'S TITLE].

3 \* **Sec. 7.** AS 08.45.050 is amended by adding a new subsection to read:

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

8 \* **Sec. 8.** AS 08.45.060 is amended to read:

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

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

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

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

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

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

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

25 (A) professional incompetence;

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

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

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

31 \* **Sec. 9.** AS 08.45.070(a) is amended to read:

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

5 (1) permanently revoke the license to practice;

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

7 (3) censure the licensee;

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

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

10 (A) report regularly to the division upon matters involving the  
 11 basis of probation;

12 (B) limit practice to those areas prescribed;

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

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

17 \* **Sec. 10.** AS 08.45.080 is amended to read:

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

23 \* **Sec. 11.** AS 08.45.100 is amended by adding a new subsection to read:

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

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

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

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

5 \* **Sec. 12.** AS 08.45 is amended by adding new sections to read:

6 **Sec. 08.45.110. Continuing education requirement.** Before a license may  
7 be renewed, the licensee shall document to the division's satisfaction that the licensee  
8 has received at least 45 hours of continuing education in naturopathic medicine in the  
9 previous two years, at least 15 hours of which was instruction in pharmacology or  
10 pharmacotherapeutics presented by a licensed pharmacist or another professional  
11 approved by the division.

12 **Sec. 08.45.120. Authorized activities; use of titles.** Subject to the  
13 restrictions in AS 08.45.050, a person licensed under this chapter may

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

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

20 (3) administer health care counseling, nutritional counseling and  
21 dietary therapy, naturopathic physical applications, therapeutic devices, and  
22 nonprescription drugs;

23 (4) prescribe and implement barrier devices for contraception;

24 (5) perform minor surgery;

25 (6) perform or order for diagnostic purposes a physical or orificial  
26 examination, ultrasound, phlebotomy, clinical laboratory test or examination,  
27 physiological function test, and other diagnostic procedures commonly used by a  
28 person licensed to practice medicine under AS 08.64.200; and

29 (7) use the title of "doctor of naturopathy," "naturopath," "naturopathic  
30 physician," or their abbreviations.

31 **Sec. 08.45.130. Fees.** The division shall set fees under AS 08.01.065 for each

1 of the following:

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

5 \* **Sec. 13.** AS 08.45.200(3) is amended to read:

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

11 \* **Sec. 14.** AS 08.45.200 is amended by adding new paragraphs to read:

12 (4) "approved naturopathic medical college or program" means a  
 13 college or program that grants a degree of doctor of naturopathy or doctor of  
 14 naturopathic medicine and that

15 (A) is accredited by the Council on Naturopathic Medical  
 16 Education or another accrediting agency recognized by the United States  
 17 Department of Education;

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

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

22 (5) "department" means the Department of Community and Economic  
 23 Development;

24 (6) "minor surgery"

25 (A) means the use of

26 (i) operative, electrical, or other methods for surgical  
 27 repair and care incidental to superficial lacerations and abrasions or  
 28 superficial lesions, and the removal of foreign bodies located in  
 29 superficial tissues; and

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

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

\* **Sec. 15.** AS 47.08.050 is amended to read:

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

- (1) dentistry and optometry unless prescribed by a licensed dentist or physician as medically necessary as the result of the injury or illness;
- (2) elective medical or surgical procedures;
- (3) drugs and medications not prescribed by a licensed physician;
- (4) services received as a result of a pregnancy or birth without unusual complications;
- (5) private psychological or psychiatric treatment or private alcoholism treatment, unless not available from public agencies or programs;
- (6) chiropractic services and services provided by a person who practices **naturopathic medicine** [NATUROPATHY];
- (7) services not of a medical nature;
- (8) medical services currently provided to persons in the custody of the Department of Corrections;
- (9) costs incurred before July 1976.

\* **Sec. 16.** AS 08.45.040 is repealed.

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

LICENSE TO PRACTICE NATUROPATHY; TRANSITIONAL PROVISIONS. A license to practice naturopathy issued under AS 08.45 that is in effect on February 28, 2005, remains in effect for the period for which the license was issued and is considered to be a license to practice naturopathic medicine under AS 08.45, as amended by this Act. However, a person who holds a license issued under AS 08.45 that is in effect on February 28, 2005, is

1 subject to the authority of the department in regard to acts of the licensee that occurred on or  
2 before February 28, 2005, to impose a disciplinary sanction under AS 08.45.070.

3 \* **Sec. 18.** AS 08.45.110, as enacted by sec. 12 of this Act, takes effect January 1, 2007.

4 \* **Sec. 19.** Except as provided in sec. 18 of this Act, this Act takes effect March 1, 2005.