

HOUSE BILL NO. 363

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

BY REPRESENTATIVES GUTTENBERG, Coghill, Salmon

Introduced: 2/8/08

Referred: Health, Education and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to naturopaths and to the practice of naturopathy; establishing an
2 Alaska Naturopathic Council; amending the duties of the Board of Pharmacy relating to
3 naturopathic practice; and providing for an effective date."

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

5 * **Section 1.** AS 08.45.030 is amended to read:

6 **Sec. 08.45.030. Issuance of license.** The department shall issue a license to
7 practice naturopathy to an applicant who provides proof satisfactory to the department
8 that the applicant has received a degree from an accredited four-year college or
9 university, has paid the applicable fees, and

10 (1) on or before December 31, 1987, has graduated from a school of
11 naturopathy that required four years of attendance at the school and after graduation
12 has received a license in another state after passing an examination for licensure in
13 that state and is licensed by a state at the time of application; or

14 (2) after December 31, 1987, has

1 (A) graduated from a school of naturopathy that required four
 2 years of attendance at the school and at the time of graduation the school was
 3 accredited or a candidate for accreditation by the Council on Naturopathic
 4 Medical Education or a successor organization recognized by the United States
 5 Department of Education; and

6 (B) passed the Naturopathic Physicians Licensing Examination.

7 * **Sec. 2.** AS 08.45 is amended by adding a new section to read:

8 **Sec. 08.45.045. Scope of practice as a naturopath.** A naturopath may

9 (1) use physical and laboratory examinations consistent with
 10 naturopathic medical education and training for diagnostic purposes;

11 (2) order and perform diagnostic and imaging tests consistent with
 12 naturopathic medical education and training;

13 (3) perform and administer therapies consistent with naturopathic
 14 medical education and training;

15 (4) if holding an endorsement issued under AS 08.45.056, administer
 16 and prescribe prescription drugs and medical devices as approved by the Alaska
 17 Naturopathic Council established under AS 08.45.052; and

18 (5) perform minor surgery, as defined in AS 08.45.050(b).

19 * **Sec. 3.** AS 08.45.050 is amended to read:

20 **Sec. 08.45.050. Restrictions on practice of naturopathy.** A person who
 21 practices naturopathy may not

22 (1) except as authorized under AS 08.45.056, give, prescribe, or
 23 recommend in the practice

24 (A) a prescription drug;

25 (B) a controlled substance;

26 (C) a poison;

27 (2) engage in surgery, except minor surgery;

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

29 (4) use general or spinal anesthetics; or

30 (5) administer ionizing radioactive substances for therapeutic

31 purposes.

1 * **Sec. 4.** AS 08.45.050 is amended by adding a new subsection to read:

2 (b) In this section, "minor surgery"

3 (1) means the use of

4 (A) operative, electrical, or other methods for surgical repair
5 and care incidental to superficial lacerations and abrasions or superficial
6 lesions and the removal of foreign bodies located in superficial tissues; and

7 (B) antiseptics and local anesthetics in connection with
8 methods authorized under (A) of this paragraph;

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

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

13 **Sec. 08.45.052. Alaska Naturopathic Council.** (a) The Alaska Naturopathic
14 Council is established in the department. The council consists of five members. Two
15 members shall be naturopaths licensed under AS 08.45.030 appointed by the
16 commissioner of commerce, community, and economic development who have been
17 engaged in the practice of naturopathic medicine in the state for at least two years
18 immediately preceding appointment. At least one naturopathic member must live
19 outside the third judicial district. One member shall be a pharmacist, appointed by the
20 Board of Pharmacy under AS 08.80.030(b), and two members shall be public
21 members appointed by the commissioner of commerce, community, and economic
22 development.

23 (b) Members of the Alaska Naturopathic Council shall serve staggered terms
24 of three years unless removed for cause.

25 (c) Four members of the council constitute a quorum for the transaction of all
26 business properly before the council.

27 (d) When appointing naturopaths under (a) of this section, the commissioner
28 may consider licensed naturopaths who have been nominated by the Alaska
29 Association of Naturopathic Physicians.

30 (e) When appointing public members under (a) of this section, the
31 commissioner may consider a licensed physician or osteopath.

1 (f) In the event of the death, resignation, or removal of a member, the vacancy
2 shall be filled for the unexpired portion of the term in the same manner as the original
3 appointment.

4 **Sec. 08.45.054. Duties of the council.** The Alaska Naturopathic Council shall

5 (1) establish a list of prescription drugs and medical devices that are
6 consistent with naturopathic education and practice that the department may approve
7 for use by naturopaths authorized under AS 08.45.056;

8 (2) review the list of prescription drugs and medical devices approved
9 for use by naturopaths authorized under AS 08.45.056 annually and on request by the
10 department;

11 (3) meet at the request of the department to review allegations of
12 misconduct involving naturopaths licensed under this chapter or persons claiming to
13 be naturopaths;

14 (4) advise the department on the approval of naturopathic medical
15 programs; and

16 (5) advise the department on the adoption of regulations under
17 AS 08.45.056.

18 **Sec. 08.45.056. Prescription endorsement.** (a) The department shall issue a
19 prescription endorsement to a naturopath licensed under this chapter who submits
20 proof satisfactory to the department that the naturopath has

21 (1) successfully completed at least 60 hours of education from a
22 program approved by the Alaska Naturopathic Council; and

23 (2) met other requirements establishing proof of competency and
24 professional qualifications that the department, in consultation with the Alaska
25 Naturopathic Council, considers necessary to ensure the continued protection of the
26 public.

27 (b) An endorsement issued under (a) of this section authorizes the licensee to
28 prescribe and administer prescription drugs and medical devices that are on the
29 formulary approved by the Alaska Naturopathic Council under AS 08.45.054.

30 (c) An endorsement issued under (a) of this section is valid for two years
31 unless revoked or suspended by the department.

1 (d) The department may not renew an endorsement issued under (a) of this
 2 section unless the licensee submits proof satisfactory to the department of at least 30
 3 hours of continuing education approved by the department, of which at least 15 hours
 4 shall be pharmacy credit hours.

5 * **Sec. 6.** AS 08.45 is amended by adding a new section to read:

6 **Sec. 08.45.110. Fees.** The department shall set fees under AS 08.01.065 for
 7 each of the following:

- 8 (1) a license issued under this chapter;
- 9 (2) a temporary license issued under this chapter;
- 10 (3) renewal of a license issued under this chapter;
- 11 (4) a prescription endorsement issued under this chapter.

12 * **Sec. 7.** AS 08.80.030(b) is amended to read:

13 (b) In order to fulfill its responsibilities, the board has the powers necessary
 14 for implementation and enforcement of this chapter, including the power to

- 15 (1) elect a president and secretary from its membership and adopt rules
 16 for the conduct of its business;
- 17 (2) license by examination or by license transfer the applicants who are
 18 qualified to engage in the practice of pharmacy;
- 19 (3) assist the department in inspections and investigations for
 20 violations of this chapter, or of any other state or federal statute relating to the practice
 21 of pharmacy;
- 22 (4) adopt regulations to carry out the purposes of this chapter;
- 23 (5) establish and enforce compliance with professional standards and
 24 rules of conduct for pharmacists engaged in the practice of pharmacy;
- 25 (6) determine standards for recognition and approval of degree
 26 programs of schools and colleges of pharmacy whose graduates shall be eligible for
 27 licensure in this state, including the specification and enforcement of requirements for
 28 practical training, including internships;
- 29 (7) establish for pharmacists and pharmacies minimum specifications
 30 for the physical facilities, technical equipment, personnel, and procedures for the
 31 storage, compounding, and dispensing of drugs or related devices, and for the

1 monitoring of drug therapy;

2 (8) enforce the provisions of this chapter relating to the conduct or
3 competence of pharmacists practicing in the state, and the suspension, revocation, or
4 restriction of licenses to engage in the practice of pharmacy;

5 (9) license and regulate the training, qualifications, and employment of
6 pharmacy interns and pharmacy technicians;

7 (10) issue licenses to persons engaged in the manufacture and
8 distribution of drugs and related devices;

9 **(11) appoint a licensed pharmacist to the Alaska Naturopathic**
10 **Council established under AS 08.45.052.**

11 * **Sec. 8.** AS 08.80.400 is amended to read:

12 **Sec. 08.80.400. Other licensees not affected.** This chapter does not affect the
13 practice of medicine by a licensed medical doctor and does not limit a licensed
14 medical doctor, osteopath, podiatrist, physician assistant, advanced nurse practitioner,
15 dentist, veterinarian, dispensing optician, **naturopath**, or optometrist in supplying a
16 patient with any medicinal preparation or article within the scope of the person's
17 license.

18 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to
19 read:

20 TRANSITION: REGULATIONS. The Department of Commerce, Community, and
21 Economic Development may proceed to adopt regulations necessary to implement the
22 changes made by this Act. The regulations take effect under AS 44.62 (Administrative
23 Procedure Act), but not before the effective date of the respective statutory change.

24 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
25 read:

26 TRANSITIONAL PROVISIONS. Notwithstanding AS 08.45.052, as enacted in sec. 5
27 of this Act, the terms of the first members of the Alaska Naturopathic Council appointed by
28 the department are as follows: (1) a public member and one licensed naturopath member shall
29 be appointed for two-year terms; (2) the licensed pharmacist member and one licensed
30 naturopath member shall be appointed for three-year terms; and (3) one public member shall
31 be appointed for a one-year term. The department shall specify the term of office of each

- 1 licensed naturopath and public member appointed subject to this subsection.
- 2 * **Sec. 11.** Section 9 of this Act takes effect immediately under AS 01.10.070(c).