

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 363

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES GUTTENBERG, Coghill, Salmon

Introduced: 3/18/08

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 Board; and providing for an effective 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) Alaska Naturopathic Board (AS 08.45.003) [REGULATION
6 OF THE PRACTICE OF NATUROPATHY UNDER AS 08.45];

7 *** Sec. 2.** AS 08.01.050(d) is amended to read:

8 (d) At the request of one of the following boards, the department may contract
9 with public agencies and private professional organizations to provide assistance and
10 treatment to persons licensed by the board who abuse alcohol, other drugs, or other
11 substances:

- 12 (1) Board of Social Work Examiners;
13 (2) Board of Dental Examiners;
14 (3) Board of Dispensing Opticians;

- 1 (4) State Medical Board;
 2 (5) Board of Nursing;
 3 (6) Board of Examiners in Optometry;
 4 (7) Board of Pharmacy;
 5 (8) State Physical Therapy and Occupational Therapy Board;
 6 (9) Board of Professional Counselors;
 7 (10) Board of Psychologist and Psychological Associate Examiners;
 8 (11) Board of Veterinary Examiners; [AND]
 9 (12) Board of Marital and Family Therapy; **and**
 10 **(13) the Alaska Naturopathic Board.**

11 * **Sec. 3.** AS 08.45 is amended by adding new sections to read:

12 **Sec. 08.45.003. Board created; organization.** (a) There is created the Alaska
 13 Naturopathic Board. The board consists of seven members appointed by the governor.
 14 Three members shall be naturopaths licensed under this chapter who have been
 15 engaged in the practice of naturopathic medicine in the state for at least five years
 16 immediately preceding appointment, at least one of whom lives outside the third
 17 judicial district. One member shall be a licensed pharmacist. One member shall be a
 18 licensed physician. Two members shall be public members who, in addition to the
 19 limitations imposed under AS 08.01.025, may not have a direct financial interest in the
 20 health care industry other than as a consumer of health care services.

21 (b) The board shall select from among its members a chair and a secretary.
 22 The board shall meet at least twice a year, and additional meetings shall be held on
 23 request of the chair or on request of the department.

24 (c) Members of the board shall serve staggered terms of three years unless
 25 removed for cause.

26 (d) Four members of the board constitute a quorum for the transaction of all
 27 business properly before the board.

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

31 (f) In the event of the death, resignation, or removal of a member, the vacancy

1 shall be filled for the unexpired portion of the term in the same manner as the original
2 appointment.

3 **Sec. 08.45.005. Duties of the board.** (a) The board shall

4 (1) establish a list of prescription drugs and medical devices that are
5 consistent with naturopathic education and practice that may be prescribed and
6 administered by a naturopath holding a prescription endorsement, and review the list
7 of prescription drugs and medical devices annually and on request by the department;

8 (2) review allegations of misconduct involving naturopaths licensed
9 under this chapter or persons claiming to be naturopaths;

10 (3) approve naturopathic medical programs;

11 (4) implement the continuing education requirement of
12 AS 08.45.056(d); and

13 (5) adopt regulations necessary to implement this chapter in a manner
14 that protects public health.

15 (b) The board may

16 (1) conduct hearings on charges of alleged violations of this chapter or
17 regulations adopted under this chapter;

18 (2) invoke, or request the department to invoke, disciplinary action
19 against a licensee.

20 * **Sec. 4.** AS 08.45.030 is amended to read:

21 **Sec. 08.45.030. Issuance of license.** The **board shall request the** department
22 **to** [SHALL] issue a license to practice naturopathy to an applicant who provides proof
23 satisfactory to the **board** [DEPARTMENT] that the applicant has received a degree
24 from an accredited four-year college or university, **has paid the applicable fees,** and

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

29 (2) after December 31, 1987, has

30 (A) graduated from a school of naturopathy that required four
31 years of attendance at the school and at the time of graduation the school was

1 accredited or a candidate for accreditation by the Council on Naturopathic
 2 Medical Education or a successor organization recognized by the United States
 3 Department of Education; and

4 (B) passed the Naturopathic Physicians Licensing Examination.

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

6 (a) The **board shall request the** department **to** [SHALL] issue a temporary
 7 license to practice naturopathy to an applicant who has applied for and is qualified to
 8 take the next Naturopathic Physicians Licensing Examination offered after the date of
 9 application and provides proof satisfactory to the **board** [DEPARTMENT] that the
 10 applicant

11 (1) **has paid the applicable fees;**

12 (2) **meets the requirements of AS 08.45.030(2)(A); and**

13 (3) **[(2)]** has not previously failed the Naturopathic Physicians
 14 Licensing Examination.

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

16 **Sec. 08.45.045. Scope of practice as a naturopath.** (a) A naturopath may

17 (1) use physical examinations consistent with naturopathic medical
 18 education and training for diagnostic purposes; and

19 (2) perform and administer therapies consistent with naturopathic
 20 medical education and training.

21 (b) A naturopath who has practiced naturopathy for at least five years may

22 (1) order or conduct medical imaging and laboratory examinations
 23 consistent with naturopathic medical education and training;

24 (2) under a prescription endorsement issued under AS 08.45.056,
 25 administer and prescribe prescription drugs and medical devices as approved for use
 26 by naturopaths by the board; and

27 (3) subject to (c) of this section, perform minor surgery.

28 (c) Minor surgery may be performed by a naturopath licensed under this
 29 chapter only if the naturopath has submitted proof satisfactory to the board that the
 30 naturopath has completed at least 1,200 hours of training in minor surgery under the
 31 supervision of a licensed physician, physician's assistant, or nurse practitioner.

1 * **Sec. 7.** AS 08.45.050 is amended to read:

2 **Sec. 08.45.050. Restrictions on practice of naturopathy.** A person who
3 practices naturopathy may not

4 (1) **except as authorized under AS 08.45.056,** give, prescribe, or
5 recommend in the practice

6 (A) a prescription drug;

7 (B) a controlled substance;

8 (C) a poison;

9 (2) engage in surgery, **except minor surgery as authorized under**
10 **AS 08.45.045(b) and (c);**

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

12 **(4) use general or spinal anesthetics; or**

13 **(5) administer ionizing radioactive substances for therapeutic**
14 **purposes.**

15 * **Sec. 8.** AS 08.45 is amended by adding new sections to read:

16 **Sec. 08.45.056. Prescription endorsement.** (a) The board shall request the
17 department to issue a prescription endorsement to a naturopath licensed under this
18 chapter who has practiced naturopathy for five years, who is qualified under
19 AS 08.45.045(b), and who has submitted proof satisfactory to the board that the
20 naturopath has

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

23 (2) met other requirements establishing proof of competency and
24 professional qualifications that the board considers necessary to ensure the continued
25 protection of the public; and

26 (3) obtained the appropriate registration issued by the Federal Drug
27 Enforcement Administration.

28 (b) An endorsement issued under (a) of this section authorizes the licensee to
29 prescribe and administer prescription drugs and medical devices that are on the
30 formulary approved by the department under AS 08.45.005.

31 (c) An endorsement issued under (a) of this section is valid for two years

1 unless revoked or suspended by the department.

2 (d) The department may not renew an endorsement issued under (a) of this
3 section unless the licensee submits proof satisfactory to the board that the licensee has
4 completed at least 15 hours of pharmaceutical education in each of the past two years.

5 * **Sec. 9.** AS 08.45.100 is amended to read:

6 **Sec. 08.45.100. Regulations.** The board and the department
7 [DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC
8 DEVELOPMENT] shall adopt regulations to implement this chapter.

9 * **Sec. 10.** AS 08.45 is amended by adding a new section to read:

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

- 12 (1) a license issued under this chapter;
- 13 (2) a temporary license issued under this chapter;
- 14 (3) renewal of a license issued under this chapter;
- 15 (4) a prescription endorsement issued under this chapter.

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

17 (4) "board" means the Alaska Naturopathic Board established under
18 this chapter;

19 (5) "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,
28 surgery of the body cavities, or specialized surgery, such as plastic surgery,
29 surgery involving the eyes, or surgery involving tendons, ligaments, nerves, or
30 blood vessels;

31 * **Sec. 12.** AS 08.80.400 is amended to read:

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

7 * **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 TRANSITION: REGULATIONS. The Department of Commerce, Community, and
10 Economic Development may proceed to adopt regulations necessary to implement the
11 changes made by this Act. The regulations take effect under AS 44.62 (Administrative
12 Procedure Act), but not before the effective date under sec. 16 of this Act.

13 * **Sec. 14.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 TRANSITIONAL PROVISIONS. Notwithstanding AS 08.45.003, as enacted in sec. 3
16 of this Act, the terms of the first members of the Alaska Naturopathic Board appointed by the
17 governor are as follows: (1) the licensed physician member, one licensed naturopath member,
18 and one public member shall be appointed for two-year terms; (2) the licensed pharmacist
19 member and one licensed naturopath member shall be appointed for three-year terms; and (3)
20 one licensed naturopath member and one public member shall be appointed for one-year
21 terms. The board shall specify the term of office of each licensed naturopath and public
22 member appointed subject to this section.

23 * **Sec. 15.** Section 13 of this Act takes effect immediately under AS 01.10.070(c).

24 * **Sec. 16.** Except as provided in sec. 15 of this Act, this Act takes effect July 1, 2009.