

SENATE BILL NO. 107

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY SENATOR DAVIS BY REQUEST

Introduced: 3/7/07

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to naturopaths and to naturopathic practice; establishing a
2 Naturopathic Advisory Committee and an Alaska Naturopathic Formulary Council;
3 amending the duties of the State Medical Board and the Board of Pharmacy relating to
4 naturopathic practice; and providing for an effective date."

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

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

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

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

1 (2) after December 31, 1987, has

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

7 (B) passed the Naturopathic Physicians Licensing Examination.

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

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

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

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

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

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

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

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

21 **Sec. 08.45.050. Restrictions on naturopathic practice.** A person who
22 practices naturopathy may not

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

25 (A) a prescription drug;

26 (B) a controlled substance;

27 (C) a poison;

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

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

30 (4) use general or spinal anesthetics; or

31 (5) administer ionizing radioactive substances for therapeutic

1 **purposes.**

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

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

4 (1) means the use of

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

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

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

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

14 **Sec. 08.45.052. Alaska Naturopathic Formulary Council.** (a) The Alaska
15 Naturopathic Formulary Council is established in the department. The council consists
16 of three members who are naturopaths licensed under AS 08.45.030 who have been
17 nominated by the Naturopathic Advisory Committee established under AS 08.45.110.
18 One member shall be a pharmacist, nominated by the Board of Pharmacy under
19 AS 08.80.030(b), and one member shall be a physician or osteopath, nominated by the
20 State Medical Board under AS 08.64.101.

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

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

25 **Sec. 08.45.054. Duties of the Formulary Council.** The Alaska Naturopathic
26 Formulary Council shall

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

30 (2) review the list of prescription drugs and medical devices approved
31 for use by naturopaths authorized under AS 08.45.056 annually and on request by the

1 department.

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

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

7 (2) met other requirements establishing proof of competency and
8 professional qualifications that the department, in consultation with the Naturopathic
9 Advisory Committee, considers necessary to ensure the continued protection of the
10 public.

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

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

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

21 * **Sec. 6.** AS 08.45 is amended by adding new sections to read:

22 **Sec. 08.45.110. Naturopathic Advisory Committee established.** (a) The
23 Naturopathic Advisory Committee is established in the department. The committee
24 consists of three members appointed by the commissioner of commerce, community,
25 and economic development who shall be naturopaths licensed under this chapter who
26 have been engaged in the practice of naturopathic medicine in the state for at least two
27 years immediately preceding appointment. At least one of the members must live
28 outside the third judicial district. Members serve for staggered terms of three years and
29 serve until a successor is appointed.

30 (b) When making appointments of naturopaths under (a) of this section, the
31 commissioner may consider licensed naturopaths who have been nominated by the

1 Alaska Association of Naturopathic Physicians.

2 (c) Members may be removed for cause.

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

6 **Sec. 08.45.120. Duties of the Naturopathic Advisory Committee.** The
7 Naturopathic Advisory committee shall

8 (1) meet at the request of the department to review allegations of
9 misconduct involving naturopaths licensed under this chapter or persons claiming to
10 be naturopaths;

11 (2) advise the department on the approval of naturopathic medical
12 programs;

13 (3) review naturopath candidates for nomination to the Alaska
14 Naturopathic Formulary Council established under AS 08.45.052; and

15 (4) advise the department on the adoption of regulations under
16 AS 08.45.056.

17 **Sec. 08.45.130. Fees.** The department shall set fees under AS 08.01.065 for
18 each of the following:

19 (1) a license issued under this chapter;

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

21 (3) renewal of a license issued under this chapter;

22 (4) a prescription endorsement issued under this chapter.

23 * **Sec. 7.** AS 08.64.101 is amended to read:

24 **Sec. 08.64.101. Duties.** The board shall

25 (1) examine and issue licenses to applicants;

26 (2) develop written guidelines to ensure that licensing requirements are
27 not unreasonably burdensome and the issuance of licenses is not unreasonably
28 withheld or delayed;

29 (3) after a hearing, impose disciplinary sanctions on persons who
30 violate this chapter or the regulations or orders of the board;

31 (4) adopt regulations ensuring that renewal of licenses is contingent

1 upon proof of continued competency on the part of the licensee; [AND]

2 (5) under regulations adopted by the board, contract with private
3 professional organizations to establish an impaired medical professionals program to
4 identify, confront, evaluate, and treat persons licensed under this chapter who abuse
5 alcohol, other drugs, or other substances or are mentally ill or cognitively impaired;
6 **and**

7 **(6) nominate a licensed physician or osteopath to the Alaska**
8 **Naturopathic Formulary Council established under AS 08.45.052.**

9 * **Sec. 8.** AS 08.80.030(b) is amended to read:

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

12 (1) elect a president and secretary from its membership and adopt rules
13 for the conduct of its business;

14 (2) license by examination or by license transfer the applicants who are
15 qualified to engage in the practice of pharmacy;

16 (3) assist the department in inspections and investigations for
17 violations of this chapter, or of any other state or federal statute relating to the practice
18 of pharmacy;

19 (4) adopt regulations to carry out the purposes of this chapter;

20 (5) establish and enforce compliance with professional standards and
21 rules of conduct for pharmacists engaged in the practice of pharmacy;

22 (6) determine standards for recognition and approval of degree
23 programs of schools and colleges of pharmacy whose graduates shall be eligible for
24 licensure in this state, including the specification and enforcement of requirements for
25 practical training, including internships;

26 (7) establish for pharmacists and pharmacies minimum specifications
27 for the physical facilities, technical equipment, personnel, and procedures for the
28 storage, compounding, and dispensing of drugs or related devices, and for the
29 monitoring of drug therapy;

30 (8) enforce the provisions of this chapter relating to the conduct or
31 competence of pharmacists practicing in the state, and the suspension, revocation, or

1 restriction of licenses to engage in the practice of pharmacy;

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

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

6 **(11) nominate a licensed pharmacist to the Alaska Naturopathic**
7 **Formulary Council established under AS 08.45.052.**

8 * **Sec. 9.** AS 08.80.400 is amended to read:

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

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

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

21 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

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

31 (b) Notwithstanding AS 08.45.110, as enacted in sec. 6 of this Act, the terms of the

1 first members of the Naturopathic Advisory Committee appointed by the department under
2 AS 08.45.110, as enacted in sec. 6 of this Act, are as follows: (1) one member shall be
3 appointed for a one-year term; (2) one member shall be appointed for a two-year term; and (3)
4 one member shall be appointed for a three-year term. The department shall specify the term of
5 office of each member appointed subject to this subsection.

6 * **Sec. 12.** Section 10 of this Act takes effect immediately under AS 01.10.070(c).