

HOUSE BILL NO. 282

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

BY REPRESENTATIVES MUÑOZ, Austerman

Introduced: 1/19/10

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to naturopaths and to the practice of naturopathy; establishing an
2 Alaska Naturopathic Medical Board; authorizing medical assistance program coverage
3 of naturopathic services; amending the definition of 'practice of medicine'; and
4 providing for an effective date."

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

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

7 (26) Alaska Naturopathic Medical Board (AS 08.45.003)
8 [REGULATION OF THE PRACTICE OF NATUROPATHY UNDER AS 08.45];

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

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

14 (1) Board of Social Work Examiners;

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 2 (3) [REPEALED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

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

15 **Sec. 08.45.003. Board created; organization.** (a) There is created the Alaska
 16 Naturopathic Medical Board. The board consists of five members appointed by the
 17 governor. Three members shall be naturopaths licensed under this chapter who have
 18 been engaged in the practice of naturopathic medicine in the state for at least five
 19 years immediately preceding appointment, at least one of whom lives outside the third
 20 judicial district. One member shall be a licensed pharmacist. One member shall be a
 21 public member who may be a licensed physician.

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

25 (c) Notwithstanding AS 08.01.035, members of the board serve staggered
 26 terms of three years unless removed by the governor for neglect of duty or other just
 27 cause.

28 (d) Three members of the board constitute a quorum for the transaction of all
 29 business properly before the board.

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

1 Naturopathic Physicians.

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

5 **Sec. 08.45.005. Duties of the board.** The board shall

6 (1) establish a list of prescription drugs, controlled substances,
7 vaccines, hormones, and medical devices that are consistent with naturopathic
8 education and practice that may be prescribed and administered by a naturopath
9 holding a prescription endorsement, and review the list of prescription drugs,
10 controlled substances, vaccines, hormones, and medical devices annually and on
11 request by the department;

12 (2) approve naturopathic medical programs;

13 (3) implement the continuing education requirements of
14 AS 08.45.056(e) and 08.45.058; and

15 (4) adopt regulations necessary to implement this chapter in a manner
16 that protects public health.

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

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

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

27 (2) after December 31, 1987, has

28 (A) graduated from a school of naturopathy that required four
29 years of attendance at the school and at the time of graduation the school was
30 accredited or a candidate for accreditation by the Council on Naturopathic
31 Medical Education or a successor organization recognized by the United States

1 Department of Education; and

2 (B) passed the Naturopathic Physicians Licensing Examination.

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

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

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

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

11 (3) [(2)] has not previously failed the Naturopathic Physicians
 12 Licensing Examination.

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

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

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

17 (2) perform and administer therapies consistent with naturopathic
 18 medical education and training, including intravenous delivery of dietetic substances;

19 (3) order or conduct medical imaging and laboratory examinations
 20 consistent with naturopathic medical education and training;

21 (4) perform preemployment, school, and workplace health
 22 examinations;

23 (5) perform minor surgery; in this paragraph, "minor surgery"

24 (A) means the use of

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

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

31 (B) does not include use of general or spinal anesthetics,

1 surgery of the body cavities, or specialized surgery, such as plastic surgery,
 2 surgery involving the eyes, or surgery involving tendons, ligaments, nerves, or
 3 blood vessels; and

4 (6) under a prescription endorsement issued under AS 08.45.056,
 5 administer and prescribe prescription drugs, controlled substances, vaccines,
 6 hormones, and medical devices as approved by the board for use by naturopaths.

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

8 **Sec. 08.45.050. Restrictions on practice of naturopathy.** A person who
 9 practices naturopathy may not

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

12 (A) a prescription drug, **vaccine, or hormone;**

13 (B) a controlled substance;

14 (C) a poison;

15 (2) engage in surgery, **except minor surgery as authorized under**
 16 **AS 08.45.045;**

17 (3) **use general or spinal anesthetics; or**

18 (4) **administer ionizing radioactive substances for therapeutic**
 19 **purposes** [USE THE WORD "PHYSICIAN" IN THE PERSON'S TITLE].

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

21 **Sec. 08.45.056. Prescription endorsement.** (a) The board shall request that
 22 the department issue, and the department may issue, a

23 (1) type I prescription endorsement to a naturopath licensed under this
 24 chapter who has

25 (A) practiced naturopathy for five years; and

26 (B) submitted proof satisfactory to the board that the
 27 naturopath has

28 (i) successfully completed at least 60 hours of education
 29 from a program approved by the board; and

30 (ii) met other requirements relating to the
 31 administration and prescription of drugs, vaccines, hormones, and

1 medical devices that the board considers necessary to ensure the
 2 protection of the public health; and
 3 (2) type II prescription endorsement to a naturopath licensed under this
 4 chapter who has

5 (A) met the requirements for a type I endorsement under (1)(A)
 6 and (B) of this subsection; and

7 (B) obtained the appropriate registration issued by the Federal
 8 Drug Enforcement Administration.

9 (b) A type I endorsement issued under (a)(1) of this section authorizes the
 10 licensee to prescribe and administer vaccines, hormones, medical devices, and
 11 prescription drugs that are not controlled substances but that are on the formulary
 12 approved by the department under AS 08.45.005.

13 (c) A type II endorsement issued under (a)(2) of this section authorizes the
 14 licensee to prescribe controlled substances that are on the formulary approved by the
 15 department under AS 08.45.005 and to perform all functions of a type I endorsement
 16 described in (b) of this section.

17 (d) An endorsement issued under (a) of this section is valid for two years
 18 unless revoked or suspended by the department.

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

22 **Sec. 08.45.058. Continuing education requirements.** (a) A person licensed to
 23 practice naturopathy under AS 08.45.030 shall complete and submit to the board
 24 evidence of at least 35 hours of continuing education for each biennial license period.
 25 The 35 hours of continuing education must be in training programs approved by the
 26 board.

27 (b) The department shall publish, on a regular basis, a listing of training
 28 programs that may be used to satisfy the continuing education requirements of this
 29 section.

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

31 **Sec. 08.45.100. Regulations.** The board and the department

1 [DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC
2 DEVELOPMENT] shall adopt regulations to implement this chapter.

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

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

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

10 * **Sec. 11.** AS 08.45.200 is amended by adding, a new paragraph to read:

11 (4) "board" means the Alaska Naturopathic Medical Board established
12 under this chapter.

13 * **Sec. 12.** AS 08.64.380(6) is amended to read:

14 (6) "practice of medicine" or "practice of osteopathy" means:

15 (A) for a fee, donation or other consideration, to diagnose,
16 treat, operate on, prescribe for, or administer to, any human ailment, blemish,
17 deformity, disease, disfigurement, disorder, injury, or other mental or physical
18 condition; or to attempt to perform or represent that a person is authorized to
19 perform any of the acts set out in this subparagraph;

20 (B) to use or publicly display a title in connection with a
21 person's name, including "doctor of medicine," "physician," "M.D.," or "doctor
22 of osteopathic medicine" or "D.O.," unless the designation additionally
23 contains the word "naturopathy" or "naturopathic" in the title, or to use
24 or publicly display a specialist designation, such as [INCLUDING]
25 "surgeon," "dermatologist," or a similar title, in such a manner as to show that
26 the person is willing or qualified to diagnose or treat the sick or injured;

27 * **Sec. 13.** AS 08.80.400 is amended to read:

28 **Sec. 08.80.400. Other licensees not affected.** This chapter does not affect the
29 practice of medicine by a licensed medical doctor and does not limit a licensed
30 medical doctor, osteopath, podiatrist, physician assistant, advanced nurse practitioner,
31 dentist, veterinarian, dispensing optician, **naturopath,** or optometrist in supplying a

1 patient with any medicinal preparation or article within the scope of the person's
2 license.

3 * **Sec. 14.** AS 47.07.030(b) is amended to read:

4 (b) In addition to the mandatory services specified in (a) of this section and the
5 services provided under (d) of this section, the department may offer only the
6 following optional services: case management and nutrition services for pregnant
7 women; personal care services in a recipient's home; emergency hospital services;
8 long-term care noninstitutional services; medical supplies and equipment; advanced
9 nurse practitioner services; naturopathic services; clinic services; rehabilitative
10 services for children eligible for services under AS 47.07.063, substance abusers, and
11 emotionally disturbed or chronically mentally ill adults; targeted case management
12 services; inpatient psychiatric facility services for individuals age 65 or older and
13 individuals under age 21; psychologists' services; clinical social workers' services;
14 midwife services; prescribed drugs; physical therapy; occupational therapy;
15 chiropractic services; low-dose mammography screening, as defined in
16 AS 21.42.375(e); hospice care; treatment of speech, hearing, and language disorders;
17 adult dental services; prosthetic devices and eyeglasses; optometrists' services;
18 intermediate care facility services, including intermediate care facility services for the
19 mentally retarded; skilled nursing facility services for individuals under age 21; and
20 reasonable transportation to and from the point of medical care.

21 * **Sec. 15.** AS 47.07.900 is amended by adding a new paragraph to read:

22 (20) "naturopathic services" means services that are furnished by a
23 person who is licensed to practice naturopathy under AS 08.45.030 or 08.45.035 and
24 that are within the person's scope of practice under AS 08.45.045.

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

27 TRANSITION: REGULATIONS. The Department of Commerce, Community, and
28 Economic Development may proceed to adopt regulations necessary to implement the
29 changes made by this Act. The regulations take effect under AS 44.62 (Administrative
30 Procedure Act), but not before the effective date under sec. 20 of this Act.

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

1 read:

2 TRANSITIONAL PROVISIONS APPLICABLE TO ALASKA NATUROPATHIC
3 MEDICAL BOARD. Notwithstanding AS 08.45.003, as enacted in sec. 3 of this Act, the
4 terms of the first members of the Alaska Naturopathic Medical Board appointed by the
5 governor are as follows: (1) one licensed naturopath member and the public member shall be
6 appointed for two-year terms; (2) the licensed pharmacist member and one licensed
7 naturopath member shall be appointed for three-year terms; and (3) one licensed naturopath
8 member shall be appointed for a one-year term. The governor shall specify the term of office
9 of each licensed naturopath member appointed subject to this section.

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

12 TRANSITIONAL PROVISIONS AFFECTING EXISTING LICENSEES.
13 Notwithstanding AS 08.45.030, as amended by sec. 4 of this Act, and AS 08.45.035(a), as
14 amended by sec. 5 of this Act,

15 (1) a license issued under those provisions by the Department of Commerce,
16 Community, and Economic Development before the effective date of this section is valid for
17 the period issued until renewal under the provisions of this Act; and

18 (2) the Department of Commerce, Community, and Economic Development,
19 without prior approval of the Alaska Naturopathic Medical Board, may issue a license or
20 renew a license to practice naturopathy on or after the effective date of this section and until
21 the day before the effective date of the regulations initially adopted by the board setting out
22 procedures under which license applications and renewals are submitted for board review and
23 approval.

24 * **Sec. 19.** Section 16 of this Act takes effect immediately under AS 01.10.070(c).

25 * **Sec. 20.** Except as provided in sec. 19 of this Act, this Act takes effect July 1, 2010.