

**SENATE BILL NO. 70**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY SENATOR DAVIS

Introduced: 1/21/09

Referred: Health and Social Services, Labor and Commerce, 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; and providing for an effective date."

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

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

6 (26) Alaska Naturopathic Medical Board (AS 08.45.003)

7 [REGULATION OF THE PRACTICE OF NATUROPATHY UNDER AS 08.45];

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

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

13 (1) Board of Social Work Examiners;

14 (2) Board of Dental Examiners;

- 1 (3) [REPEALED  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

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

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

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

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

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

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

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

10 (2) approve naturopathic medical programs;

11 (3) implement the continuing education requirements of  
12 AS 08.45.056(d) and 08.45.058; and

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

15 \* **Sec. 4.** AS 08.45.030 is amended to read:

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

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

25 (2) after December 31, 1987, has

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

31 (B) passed the Naturopathic Physicians Licensing Examination.

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

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

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

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

9 (3) [(2)] has not previously failed the Naturopathic Physicians  
 10 Licensing Examination.

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

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

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

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

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

19 (4) perform preemployment, school, and workplace health  
 20 examinations;

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

22 (A) means the use of

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

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

29 (B) does not include use of general or spinal anesthetics,  
 30 surgery of the body cavities, or specialized surgery, such as plastic surgery,  
 31 surgery involving the eyes, or surgery involving tendons, ligaments, nerves, or

1 blood vessels; and

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

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

6 **Sec. 08.45.050. Restrictions on practice of naturopathy.** A person who  
7 practices naturopathy may not

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

10 (A) a prescription drug, **vaccination, or hormone;**

11 (B) a controlled substance;

12 (C) a poison;

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

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

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

17 **(5) administer ionizing radioactive substances for therapeutic**  
18 **purposes.**

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

20 **Sec. 08.45.056. Prescription endorsement.** (a) The board shall request that  
21 the department issue, and the department may issue, a prescription endorsement to a  
22 naturopath licensed under this chapter who has practiced naturopathy for five years  
23 and who has submitted proof satisfactory to the board that the naturopath has

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

26 (2) met other requirements relating to the administration and  
27 prescription of drugs, vaccinations, hormones, and medical devices that the board  
28 considers necessary to ensure the protection of the public health; and

29 (3) obtained the appropriate registration issued by the Federal Drug  
30 Enforcement Administration.

31 (b) An endorsement issued under (a) of this section authorizes the licensee to

1 prescribe and administer prescription drugs, vaccinations, hormones, and medical  
2 devices that are on the formulary approved by the department under AS 08.45.005.

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

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

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

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

16 \* **Sec. 9.** AS 08.45.100 is amended to read:

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

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

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

- 23 (1) a license issued under this chapter;
- 24 (2) a temporary license issued under this chapter;
- 25 (3) renewal of a license issued under this chapter;
- 26 (4) a prescription endorsement issued under this chapter.

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

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

30 \* **Sec. 12.** AS 08.80.400 is amended to read:

31 **Sec. 08.80.400. Other licensees not affected.** This chapter does not affect the

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

6 \* **Sec. 13.** AS 47.07.030(b) is amended to read:

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

24 \* **Sec. 14.** AS 47.07.900 is amended by adding a new paragraph to read:

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

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

30 TRANSITION: REGULATIONS. The Department of Commerce, Community, and  
 31 Economic Development may proceed to adopt regulations necessary to implement the

1 changes made by this Act. The regulations take effect under AS 44.62 (Administrative  
2 Procedure Act), but not before the effective date under sec. 19 of this Act.

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

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

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

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

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

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

27 \* **Sec. 18.** Section 15 of this Act takes effect immediately under AS 01.10.070(c).

28 \* **Sec. 19.** Except as provided in sec. 18 of this Act, this Act takes effect July 1, 2009.