

HOUSE BILL NO. 122

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES MUÑOZ, Kerttula

Introduced: 1/26/11

Referred: Labor and Commerce, Health 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 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(25) is amended to read:

7 (25) 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) Board of Marital and Family Therapy;
- 3 (4) State Medical Board;
- 4 (5) Board of Nursing;
- 5 (6) Board of Examiners in Optometry;
- 6 (7) Board of Pharmacy;
- 7 (8) State Physical Therapy and Occupational Therapy Board;
- 8 (9) Board of Professional Counselors;
- 9 (10) Board of Psychologist and Psychological Associate Examiners;

10 [AND]

- 11 (11) Board of Veterinary Examiners; **and**
- 12 **(12) Alaska Naturopathic Medical Board.**

13 * **Sec. 3.** AS 08.03.010(c) is amended by adding a new paragraph to read:

- 14 (22) Alaska Naturopathic Medical Board (AS 08.45.003) - June 30,
- 15 2015.

16 * **Sec. 4.** AS 08.45 is amended by adding new sections to read:

17 **Sec. 08.45.003. Board created; organization.** (a) The Alaska Naturopathic
 18 Medical Board is created. The board consists of five members appointed by the
 19 governor as follows:

- 20 (1) three members shall be naturopaths licensed under this chapter who
- 21 have been engaged in the practice of naturopathic medicine in the state for at least five
- 22 years immediately preceding appointment, at least one of whom lives outside the third
- 23 judicial district;

- 24 (2) one member shall be a licensed pharmacist; and

- 25 (3) one member shall be a public member who may be a licensed
- 26 physician.

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

- 30 (c) Notwithstanding AS 08.01.035, members of the board serve staggered
- 31 terms of three years unless removed by the governor for neglect of duty or other just

1 cause.

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

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

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

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

11 (1) adopt continuing education requirements for licensed naturopaths
12 that include mandatory pharmaceutical education;

13 (2) prescribe the content, duration, and methodology of training
14 programs that will satisfy the continuing education requirements adopted by the board;

15 (3) approve training programs that meet the continuing education
16 requirements adopted by the board;

17 (4) adopt regulations necessary to implement this chapter and to
18 protect public health; and

19 (5) define by regulation "physician-patient relationship" for purposes
20 of AS 08.45.045(5).

21 * **Sec. 5.** AS 08.45.030 is amended to read:

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

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

31 (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. 6.** AS 08.45.035(a) is amended to read:

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

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

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

15 (3) [(2)] has not previously failed the Naturopathic Physicians
 16 Licensing Examination.

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

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

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

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

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

25 (4) perform preemployment, school, and workplace health
 26 examinations; and

27 (5) subject to AS 08.45.050, administer and prescribe prescription
 28 drugs, vaccines, hormones, and medical devices for a person with whom the
 29 naturopath has a physician-patient relationship as defined by the board in regulations.

30 * **Sec. 8.** AS 08.45.050 is amended to read:

31 **Sec. 08.45.050. Restrictions on practice of naturopathy.** A person who

1 practices naturopathy may not

2 (1) give, prescribe, or recommend in the practice

3 (A) [A PRESCRIPTION DRUG;

4 (B)] a controlled substance;

5 **(B)** [(C)] a poison;

6 (2) engage in surgery;

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

8 **(4) administer ionizing radioactive substances for therapeutic**

9 **purposes** [USE THE WORD "PHYSICIAN" IN THE PERSON'S TITLE].

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

11 **Sec. 08.45.058. Continuing education requirements.** (a) For each biennial
12 license period, a person licensed to practice naturopathy under AS 08.45.030 shall
13 complete and submit to the board evidence that the licensee satisfied the continuing
14 education requirements adopted by the board under AS 08.45.005.

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

18 * **Sec. 10.** AS 08.45.100 is amended to read:

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

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

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

25 (1) a license issued under this chapter;

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

27 (3) renewal of a license issued under this chapter.

28 * **Sec. 12.** AS 08.45.200 is amended to read:

29 **Sec. 08.45.200. Definitions.** In this chapter,

30 (1) **"board" means the Alaska Naturopathic Medical Board**
31 **created in AS 08.45.003;**

1 (2) "controlled substance" means a substance classified as a
 2 controlled substance in federal law or in a schedule set out in AS 11.71.140 -
 3 11.71.190 [HAS THE MEANING GIVEN IN AS 11.71.900];

4 (3) [(2)] "department" means the Department of Commerce,
 5 Community, and Economic Development;

6 (4) [(3)] "naturopathy" means the use of hydrotherapy, dietetics,
 7 electrotherapy, sanitation, suggestion, mechanical and manual manipulation for the
 8 stimulation of physiological and psychological action to establish a normal condition
 9 of mind and body; in this paragraph, "dietetics" includes herbal and homeopathic
 10 remedies.

11 * **Sec. 13.** AS 08.64.380(5) is amended to read:

12 (5) "practice of medicine" or "practice of osteopathy" means:

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

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

25 * **Sec. 14.** AS 08.80.400 is amended to read:

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

1 * **Sec. 15.** AS 47.07.030(b) is amended to read:

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

20 * **Sec. 16.** AS 47.07.900 is amended by adding a new paragraph to read:

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

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

26 TRANSITION: REGULATIONS. The Department of Commerce, Community, and
 27 Economic Development may proceed to adopt regulations necessary to implement the
 28 changes made by this Act. The regulations take effect under AS 44.62 (Administrative
 29 Procedure Act), but not before the effective date under sec. 21 of this Act.

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

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

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

11 TRANSITIONAL PROVISIONS AFFECTING EXISTING LICENSEES.
 12 Notwithstanding AS 08.45.030, as amended by sec. 5 of this Act, and AS 08.45.035(a), as
 13 amended by sec. 6 of this Act,

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

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

23 * **Sec. 20.** Section 17 of this Act takes effect immediately under AS 01.10.070(c).

24 * **Sec. 21.** Except as provided in sec. 20 of this Act, this Act takes effect July 1, 2011.