

Original sponsors: Martin and Tischer

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2

CS FOR HOUSE BILL NO. 347 (Finance)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the licensing of naturopaths; and  
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 08.01.010 is amended by adding a new paragraph to read:  
10 (24) regulation of naturopaths under AS 08.45.

11 \* Sec. 2. AS 08 is amended by adding a new chapter to read:

12

CHAPTER 45. NATUROPATHS.

13

ARTICLE 1. BOARD OF NATUROPATHIC EXAMINERS.

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15 Sec. 08.45.010. CREATION AND MEMBERSHIP OF THE BOARD. There is  
established the Board of Naturopathic Examiners consisting of

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(1) three naturopaths licensed under this chapter;

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(2) one doctor licensed under AS 08.64; and

18

(3) one public member.

19

20 Sec. 08.45.030. TERM OF OFFICE. Members of the board serve  
staggered terms of three years. A member may be appointed to serve no  
21 more than two consecutive full terms.

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23 Sec. 08.45.040. APPLICABILITY. AS 08.45.010 - 08.45.040 apply  
one year after the first eight licenses are issued under this chapter.  
24 After AS 08.45.010 - 08.45.040 become applicable, the board shall  
25 exercise the powers and duties of the department under this chapter.

26

ARTICLE 2. REGULATION OF NATUROPATHY.

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28 Sec. 08.45.090. DUTIES AND POWERS. (a) The department shall

29

(1) evaluate the qualifications of applicants for licenses  
under this chapter;

1 (2) conduct hearings and keep records necessary to carry  
2 out the purposes of this chapter; and

3 (3) license naturopaths and renew licenses in accordance  
4 with AS 08.45.100 - 08.45.170.

5 (b) The department may establish by regulation educational  
6 requirements for licensure under this chapter in addition to require-  
7 ments under AS 08.45.110(2) that are equivalent to or higher than  
8 requirements in other states that license naturopaths, and identify  
9 schools that provide courses of study that satisfy the requirements.

10 Sec. 08.45.100. LICENSING REQUIREMENT. A person may not engage  
11 in the practice of naturopathy unless that person has a valid license  
12 or temporary permit issued under this chapter.

13 Sec. 08.45.110. LICENSURE AS A NATUROPATH. To be eligible for a  
14 license as a naturopath, an applicant shall

15 (1) hold a bachelor's degree from an accredited college of  
16 liberal arts or sciences;

17 (2) have graduated from a school of naturopathy approved by  
18 the Alaska Commission on Postsecondary Education that has as a  
19 requirement for graduation successful completion of a course of  
20 resident instruction of at least nine months actual attendance in each  
21 of four years and successful completion of a course of study totaling  
22 at least 4,000 hours of instruction of which at least 1,500 hours is  
23 clinical experience;

24 (3) successfully complete an examination given by the  
25 department;

26 (4) not have a license to practice naturopathy in another  
27 state, province, or territory, that is suspended or revoked for disci-  
28 plinary reasons;

29 (5) be a United States citizen or lawfully admitted to

1 permanent residence in this country; and

2 (6) after graduating from a school of naturopathy, complete  
3 a one-year internship supervised by a naturopath licensed in this or  
4 another state.

5 Sec. 08.45.120. EXAMINATION. (a) An examination for licensing  
6 as a naturopath shall be held at least twice each year at a time and  
7 place and shall be conducted as determined by the department. The  
8 examination shall be objective and in writing, but may be supplemented  
9 by oral examinations, and by demonstrations or other practical tests  
10 as the department may require.

11 (b) To pass the examination an applicant shall receive an over-  
12 all average of 75 percent and may not receive less than 70 percent in  
13 more than two sections. If an applicant fails the examination, the  
14 applicant may apply to be reexamined.

15 Sec. 08.45.130. TEMPORARY PERMIT. (a) The department may issue  
16 a temporary permit to practice naturopathy to a person if the person

17 (1) is currently licensed as a naturopath in another state  
18 or territory or in a province of Canada; and

19 (A) that state, territory, or province maintains  
20 professional licensing standards equivalent or higher than those  
21 in this chapter;

22 (B) that state, territory, or province extends the  
23 same licensing privilege to those holding a license in this  
24 state; and

25 (C) the person demonstrates to the satisfaction of the  
26 department qualifications at least equal to those required of  
27 persons licensed under this chapter; or

28 (2) qualifies for a license under AS 08.45.110(1) - (5) and  
29 is working as an intern supervised by a naturopath with a license or

1 temporary permit issued under this chapter.

2 (b) A temporary permit issued under (a)(1) of this section is  
3 valid until the date on which the results of the next examination that  
4 is offered under AS 08.45.120 are released. A temporary permit issued  
5 under (a)(2) of this section is valid for one year.

6 Sec. 08.45.140. LICENSE RENEWAL. A license issued under this  
7 chapter expires unless it is renewed every four years.

8 Sec. 08.45.150. FEES. The following fees are imposed under this  
9 chapter:

10	(1) application for examination .....	\$ 50
11	(2) application for re-examination.....	10
12	(3) license issuance or renewal .....	200
13	(4) temporary permit issuance.....	50

14 Sec. 08.45.160. SCOPE OF NATUROPATHIC PRACTICE. (a) A naturo-  
15 path in the course of the practice of naturopathy may

16 (1) use systems of diagnosis for which the naturopath has  
17 been trained;

18 (2) treat patients by physiological, nutritional, mechan-  
19 ical, manual, hydrotherapeutic and phytotherapeutic means, with accu-  
20 pressure, and with minerals, and with extracts, compounds and concen-  
21 trates obtained from plants or animals;

22 (3) practice natural childbirth in obstetrics.

23 (b) A naturopath may not

24 (1) perform surgery;

25 (2) use or prescribe controlled substances as defined in  
26 AS 11.81.900(b)(6); or

27 (3) use x-ray equipment, radium, or irradiation for diagno-  
28 sis or therapy.

29 Sec. 08.45.170. CONTINUING EDUCATION. (a) The department shall

1 prescribe by regulation continuing education requirements for persons  
2 licensed under this chapter.

3 (b) Before a license issued under this chapter may be renewed,  
4 the licensee shall submit to the department evidence of completion of  
5 continuing education requirements.

6 (c) The department may exempt a licensee from the continuing  
7 education requirement upon an application of the licensee setting out  
8 extenuating circumstances. A licensee may not receive more than one  
9 exemption under this subsection in a five-year period.

10 ARTICLE 3. GENERAL PROVISIONS.

11 Sec. 08.45.200. TITLES AND ABBREVIATIONS. (a) A person with a  
12 license or permit under this chapter may use the following titles:  
13 "Naturopath", "Doctor of Naturopathy" or its abbreviation, "N.D.". A  
14 person with a license or permit under this chapter may not use a title  
15 in a manner that suggests that the person practices a form of medicine  
16 or a healing art other than naturopathy.

17 (b) A person may not use a title or abbreviation listed in (a)  
18 of this section unless the person is licensed under this chapter.

19 Sec. 08.45.210. IMPOSITION OF DISCIPLINARY SANCTIONS. After a  
20 hearing, the department may limit, deny, suspend, or revoke a license  
21 or temporary permit, or censure a licensee or permittee if the person

22 (1) secured a license or permit under this chapter through  
23 deceit, fraud, or intentional misrepresentation;

24 (2) engaged in deceit, fraud, or intentional misrepresenta-  
25 tion in the course of providing professional services or engaging in  
26 professional activities;

27 (3) advertised professional services in a false or mislead-  
28 ing manner;

29 (4) has been convicted of a felony or other crime that

1 affects the person's ability to continue to practice competently and  
2 safely;

3 (5) fails to comply with this chapter or a regulation  
4 adopted under this chapter;

5 (6) continued to practice after becoming unfit due to

6 (A) professional incompetence;

7 (B) addiction or severe dependency on alcohol or other  
8 drugs that impairs the person's ability to practice safely;

9 (C) physical or mental disability;

10 (7) engaged in lewd or immoral conduct in connection with  
11 the delivery of professional service to a patient.

12 Sec. 08.45.220. VIOLATIONS. (a) Except as provided in (b) of  
13 this section, a person is guilty of a class B misdemeanor if the  
14 person intentionally violates a provision of this chapter or a regula-  
15 tion adopted under this chapter.

16 (b) A person who practices naturopathy without a valid temporary  
17 permit or license issued under this chapter is guilty of a class A  
18 misdemeanor.

19 Sec. 08.45.900. DEFINITIONS. In this chapter

20 (1) "department" means the Department of Commerce and  
21 Economic Development;

22 (2) "naturopathy" and "naturopathic" means a system of  
23 human health care that promotes good health through the prevention and  
24 treatment of illness by the use of educational, physical, nutritional,  
25 botanical, hygienic and other methods, and without the use of pre-  
26 scription drugs, surgery, x-ray equipment or radium therapy.

27 \* Sec. 3. LICENSING OF PRACTITIONERS OF NATUROPATHY WITHOUT EXAMINATION  
28 OR INTERNSHIP. (a) The Department of Commerce and Economic Development  
29 shall issue a license to practice naturopathy to a person who, on the

1 effective date of this Act,

2 (1) is residing and practicing naturopathy in the state;

3 (2) has passed an examination and is licensed to practice  
4 naturopathy in another state, territory, or province;

5 (3) has graduated from a school of naturopathy that has, as a  
6 requirement for graduation, successful completion of a course of resident  
7 instruction of at least nine months actual attendance in each of four years  
8 and successful completion of a course of study totaling at least 4,000  
9 hours; and

10 (4) applies for a license under this section no later than  
11 June 30, 1985.

12 (b) A temporary permit issued under this section is valid until the  
13 date on which the results of the first examination that is offered under  
14 AS 08.45.120, as enacted in sec. 2 of this Act, are released.

15 \* Sec. 4. Notwithstanding AS 08.45.010 as enacted in sec. 2 of this  
16 Act, the first members of the Board of Naturopathic Examiners shall be  
17 appointed for the following terms; one member shall serve a one-year term,  
18 two members shall serve two-year terms, and two members shall serve three-  
19 year terms.

20 \* Sec. 5. This Act takes effect immediately in accordance with AS 01.-  
21 10.070(c).