

Offered: 5/9/86  
Referred: Finance

Original sponsor: Abood

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 297 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

9 \* Section 1. AS 08.20.010 is amended to read:

10 Sec. 08.20.010. CREATION AND MEMBERSHIP OF BOARD OF CHIROPRACTIC  
11 AND NATUROPATHY EXAMINERS. There is created the Board of Chiropractic  
12 and Naturopathy Examiners consisting of six [FIVE] members appointed  
13 by the governor, including one nonvoting member.

14 \* Sec. 2. AS 08.20.020 is amended to read:

15 Sec. 08.20.020. MEMBERS OF BOARD. Four members of the board  
16 shall be licensed chiropractic physicians who have practiced chiro-  
17 practic in this state not less than two years. One member of the  
18 board shall be a person with no direct financial interest in the  
19 health care industry. The nonvoting member shall be a person who is  
20 licensed under this chapter to practice naturopathy. Each member  
21 serves without pay but is entitled to per diem and travel expenses  
22 allowed by law.

23 \* Sec. 3. AS 08.20.100 is amended to read:

24 Sec. 08.20.100. PRACTICE OF CHIROPRACTIC OR NATUROPATHY WITHOUT  
25 LICENSE PROHIBITED. A person may not practice chiropractic or naturo-  
26 pathy in the state without a license.

27 \* Sec. 4. AS 08.20.110 is amended to read:

28 Sec. 08.20.110. APPLICATION FOR LICENSE. A person desiring to  
29 practice chiropractic or naturopathy shall apply in writing to the

1 board.

2 \* Sec. 5. AS 08.20.120(b) is amended to read:

3 (b) The board may issue a license to practice chiropractic  
4 without examination to an applicant under AS 08.20.140.

5 \* Sec. 6. AS 08.20.120 is amended by adding a new subsection to read:

6 (c) An applicant shall be issued a license to practice naturo-  
7 pathy if the applicant provides proof satisfactory to the board that  
8 the applicant has received

9 (1) a degree from an accredited 4-year college or universi-  
10 ty;

11 (2) a degree from a school of naturopathy that required  
12 four years of attendance at the school; and

13 (3) a license to practice naturopathy in a state that  
14 required an examination for the license.

15 \* Sec. 7. AS 08.20.140 is amended to read:

16 Sec. 08.20.140. LICENSURE BY CREDENTIALS. The board may issue a  
17 license without examination to an applicant for a license to practice  
18 chiropractic if the applicant presents [PRESENTING] satisfactory proof  
19 of the possession of a license or certificate of registration in good  
20 standing in a state or territory of the United States, or a foreign  
21 country, if the requirements for registration at the date of the  
22 applicant's license were essentially equivalent to those in this  
23 chapter for a license to practice chiropractic.

24 \* Sec. 8. AS 08.20 is amended by adding new sections to read:

25 Sec. 08.20.145. DISCLOSURES REQUIRED BY PERSON WHO PRACTICES  
26 NATUROPATHY. (a) A person who practices naturopathy shall clearly  
27 disclose that the person's training and practice is in naturopathy

28 (1) to each patient; and

29 (2) on all material used in the practice of naturopathy and

1 made available to patients or to the public.

2 (b) A person who practices naturopathy without being covered by  
3 malpractice insurance shall disclose to each patient that the person  
4 does not have the insurance.

5 Sec. 08.20.147. RESTRICTIONS ON PRACTICE OF NATUROPATHY. A  
6 person who practices naturopathy may not

- 7 (1) give, prescribe, or recommend in the practice  
8 (A) a prescription drug;  
9 (B) a controlled substance;  
10 (C) a poison;  
11 (2) engage in surgery;  
12 (3) use the word "physician" in the person's title.

13 \* Sec. 9. AS 08.20.160 is amended to read:

14 Sec. 08.20.160. TEMPORARY PERMITS. Temporary permits to prac-  
15 tice chiropractic may be issued to persons apparently qualified until  
16 the next regular meeting of the board.

17 \* Sec. 10. AS 08.20.175(a) is amended to read:

18 (a) When it finds that a licensee under this chapter [CHIROPRAC-  
19 TOR] is guilty of an offense under AS 08.20.170, the board may impose  
20 the following sanctions singly or in combination:

- 21 (1) permanently revoke the [CHIROPRACTOR'S] license to  
22 practice;  
23 (2) suspend the [CHIROPRACTOR'S] license for a determinate  
24 period of time;  
25 (3) censure the licensee [CHIROPRACTOR];  
26 (4) issue a letter of reprimand to the licensee [CHIROPRAC-  
27 TOR];  
28 (5) place the licensee [CHIROPRACTOR] on probationary  
29 status and require the licensee [CHIROPRACTOR] to

1 (A) report regularly to the board upon matters involv-  
2 ing the basis of probation;

3 (B) limit practice to those areas prescribed;

4 (C) continue professional education until a satisfac-  
5 tory degree of skill has been attained in areas determined by the  
6 board to need improvement;

7 (6) impose limitations or conditions on the practice of the  
8 licensee [CHIROPRACTOR].

9 \* Sec. 11. AS 08.20.175(b) is amended to read:

10 (b) The board may withdraw probationary status of a licensee  
11 [CHIROPRACTOR] if it finds that the deficiencies which required the  
12 sanction have been remedied.

13 \* Sec. 12. AS 08.20.175(c) is amended to read:

14 (c) The board may summarily suspend a [CHIROPRACTOR'S] license  
15 before final hearing or during the appeals process if the board finds  
16 that the licensee [CHIROPRACTOR] poses a clear and immediate danger to  
17 the public health and safety if the licensee [CHIROPRACTOR] continues  
18 to practice. A licensee [CHIROPRACTOR] whose license is suspended  
19 under this section is entitled to a hearing by the board no later than  
20 seven days after the effective date of the order. The licensee  
21 [CHIROPRACTOR] may appeal the suspension after a hearing to a court of  
22 competent jurisdiction.

23 \* Sec. 13. AS 08.20.200 is amended to read:

24 Sec. 08.20.200. UNLICENSED PRACTICE A MISDEMEANOR. A person who  
25 practices chiropractic or naturopathy in the state without a license  
26 in violation of AS 08.20.100 is guilty of a misdemeanor, and upon  
27 conviction is punishable by a fine of not more than \$1,000, or by  
28 imprisonment for not more than a year, or by both. In prosecutions  
29 under this section, evidence that the defendant has failed to file the

1 defendant's certificate of registration with the board is prima facie  
2 evidence that the defendant is not a licensed chiropractor.

3 \* Sec. 14. AS 08.20.210 is amended to read:

4 Sec. 08.20.210. FRAUDULENT CERTIFICATES. A [ANY] person who  
5 obtains or attempts to obtain a chiropractic or naturopathic certifi-  
6 cate by dishonest or fraudulent means, or who forges, counterfeits, or  
7 fraudulently alters a [ANY SUCH] certificate is punishable by a fine  
8 of not more than \$500, or by imprisonment for not more than six  
9 months, or by both.

10 \* Sec. 15. AS 08.20.220 is amended to read:

11 Sec. 08.20.220. DEFINITIONS [CHIROPRACTIC DEFINED]. In this  
12 chapter.

13 (1) "chiropractic" means [CHIROPRACTIC IS] the science of  
14 locating and correcting interference with nerve energy transmission  
15 and expression within the human body, and the employment and practice  
16 of drugless therapeutics, including physiotherapy, hydrotherapy,  
17 mechanotherapy, phytotherapy, electrotherapy, chromotherapy, thermo-  
18 therapy, thalmotherapy, correcting and orthopedic gymnastics, and  
19 dietetics which includes the use of foods and those biochemical tissue  
20 building products and cell salts found within the normal human body,  
21 without the use of drugs or surgery;

22 (2) "controlled substance" has the meaning given in AS 11.-  
23 71.900;

24 (3) "naturopathy" means the use of hydrotherapy, dietetics,  
25 electrotherapy, sanitation, suggestion, mechanical and manual manipu-  
26 lation for the stimulation of physiological and psychological action  
27 to establish a normal condition of mind and body.

28 \* Sec. 16. AS 08.01.010(2) is amended to read:

29 (2) Board of Chiropractic and Naturopathy Examiners

1 (AS 08.20.010);

2 \* Sec. 17. AS 08.03.010(c)(2) is amended to read:

3 (2) Board of Chiropractic and Naturopathy Examiners  
4 (AS 08.20.010) -- June 30, 1988.

5 \* Sec. 18. AS 09.55.560 is amended to read:

6 Sec. 09.55.560. DEFINITIONS. In AS 09.55.530 - 09.55.560

7 (1) "health care provider" means a chiropractor licensed  
8 under AS 08.20; a dental hygienist licensed under AS 08.32; a dentist  
9 licensed under AS 08.36; a nurse licensed under AS 08.68; a dispensing  
10 optician licensed under AS 08.71; a naturopath licensed under AS 08.-  
11 20; an optometrist licensed under AS 08.72; a pharmacist licensed  
12 under AS 08.80; a physical therapist licensed under AS 08.84; a physi-  
13 cian licensed under AS 08.64; a podiatrist; a psychologist and a  
14 psychological associate licensed under AS 08.86; and a hospital as  
15 defined in AS 18.20.130, including a governmentally owned or operated  
16 hospital; a corporate entity covered under AS 21.88.050(b)(12); and an  
17 employee of a health care provider acting within the course and scope  
18 of employment;

19 (2) "board" means an arbitration board established under  
20 AS 09.55.535;

21 (3) "panel" means an expert advisory panel established  
22 under AS 09.55.536.

23 \* Sec. 19. AS 47.08.050 is amended to read:

24 Sec. 47.08.050. SERVICES EXCLUDED FROM COVERAGE. Annually, the  
25 committee shall determine in light of appropriated funds and expected  
26 need the medical expenses reimbursable under this chapter, except that  
27 the following are not reimbursable:

28 (1) dentistry and optometry unless prescribed by a licensed  
29 dentist or physician as medically necessary as the result of the

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- 1 injury or illness;
- 2 (2) elective medical or surgical procedures;
- 3 (3) drugs and medications not prescribed by a licensed
- 4 physician;
- 5 (4) services received as a result of a pregnancy or birth
- 6 without unusual complications;
- 7 (5) private psychological or psychiatric treatment or
- 8 private alcoholism treatment, unless not available from public
- 9 agencies or programs;
- 10 (6) chiropractic services and services provided by a person
- 11 who practices naturopathy;
- 12 (7) services not of a medical nature;
- 13 (8) medical services currently provided to persons in the
- 14 custody of the Department of Corrections;
- 15 (9) costs incurred before July 1976.

16 \* Sec. 20. AS 47.17.070 is amended to read:

- 17 Sec. 47.17.070. DEFINITIONS. In this chapter
- 18 (1) "child" means a person under 18 years of age;
  - 19 (2) "child abuse or neglect" means the physical injury or
  - 20 neglect, sexual abuse, sexual exploitation, or maltreatment of a child
  - 21 under the age of 18 by a person who is responsible for the child's
  - 22 welfare under circumstances which indicate that the child's health or
  - 23 welfare is harmed or threatened thereby;
  - 24 (3) "child care provider" means an adult individual, or an
  - 25 employee of an organization, who provides care and supervision to a
  - 26 child for compensation;
  - 27 (4) "department" means the Department of Health and Social
  - 28 Services;
  - 29 (5) "institution" means a private or public hospital or

1 other facility providing medical diagnosis, treatment, or care;

2 (6) "neglect" means the failure to provide necessary food,  
3 care, clothing, shelter, or medical attention for a child;

4 (7) "organisation" means a group or entity that provides  
5 care and supervision for compensation to a child not related to the  
6 caregiver, and includes a child care facility, pre-elementary school,  
7 head start center, child foster home, residential child care facility,  
8 recreation program, children's camp, and children's club;

9 (8) "person responsible for the child's welfare" means the  
10 child's parent, guardian, foster parent, a person responsible for the  
11 child's care at the time of the alleged child abuse or neglect, or a  
12 person responsible for the child's welfare in a public or private  
13 residential agency or institution;

14 (9) "practitioner of the healing arts" includes chiroprac-  
15 tors, dental hygienists, dentists, health aides, nurses, nurse practi-  
16 tioners, optometrists, osteopaths, naturopaths, physical therapists,  
17 physicians, physician's assistants, psychiatrists, psychologists,  
18 psychological associates, religious healing practitioners, and sur-  
19 geons;

20 (10) "sexual exploitation" means

21 (A) permission or encouragement to a child for pros-  
22 titution prohibited by AS 11.66.100 - 11.66.150 by a person  
23 responsible for the child's welfare;

24 (B) permission, encouragement, or activity involved  
25 in the unlawful exploitation of a minor prohibited by AS 11.41.-  
26 455 by a person responsible for the minor's welfare.

27 \* Sec. 21. This Act takes effect immediately in accordance with AS 01.-  
28 10.070(c).