

Offered: 5/10/86
Referred: Rules

Original sponsor: Abood

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 297 (Finance)
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 is amended by adding a new chapter to read:
10 CHAPTER 45. NATUROPATHS.
11 Sec. 08.45.010. PRACTICE OF NATUROPATHY WITHOUT LICENSE PROHIB-
12 ITED. A person may not practice naturopathy in the state without a
13 license.
14 Sec. 08.45.020. APPLICATION FOR LICENSE. A person desiring to
15 practice naturopathy shall apply in writing to the division of occupa-
16 tional licensing of the Department of Commerce and Economic Develop-
17 ment.
18 Sec. 08.45.030. ISSUANCE OF LICENSE. The division shall issue a
19 license to practice naturopathy to an applicant who provides proof
20 satisfactory to the division that the applicant has received
21 (1) a degree from an accredited 4-year college or universi-
22 ty;
23 (2) a degree from a school of naturopathy that required
24 four years of attendance at the school; and
25 (3) a license to practice naturopathy in a state that
26 required an examination for the license.
27 Sec. 08.45.040. DISCLOSURES REQUIRED BY PERSON WHO PRACTICES
28 NATUROPATHY. (a) A person who practices naturopathy shall clearly
29 disclose that the person's training and practice is in naturopathy

1 (1) to each patient; and
2 (2) on all material used in the practice of naturopathy and
3 made available to patients or to the public.

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

7 Sec. 08.45.050. RESTRICTIONS ON PRACTICE OF NATUROPATHY. A
8 person who practices naturopathy may not

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

15 Sec. 08.45.060. GROUNDS FOR SUSPENSION, REVOCATION OR REFUSAL TO
16 ISSUE A LICENSE. The division may, after a hearing, impose a
17 disciplinary sanction on a person licensed under this chapter when the
18 division finds that the licensee

- 19 (1) secured a license through deceit, fraud, or intentional
20 misrepresentation;
21 (2) engaged in deceit, fraud, or intentional misrepresenta-
22 tion in the course of providing professional services or engaging in
23 professional activities;
24 (3) advertised professional services in a false or mislead-
25 ing manner;
26 (4) has been convicted of a felony or other crime that
27 affects the licensee's ability to continue to practice competently and
28 safely;
29 (5) failed to comply with this chapter, with a regulation

1 adopted under this chapter, or with an order of the division;
2 (6) continued to practice after becoming unfit due to
3 (A) professional incompetence;
4 (B) addiction or severe dependency on alcohol or a
5 drug that impairs the licensee's ability to practice safely;
6 (C) physical or mental disability;
7 (7) engaged in lewd or immoral conduct in connection with
8 the delivery of professional service to patients.

9 Sec. 08.45.070. DISCIPLINARY SANCTIONS. (a) When it finds that
10 a licensee under this chapter has violated AS 08.45.040 - 08.45.050 or
11 is guilty of an offense under AS 08.45.060, the division may impose
12 the following sanctions singly or in combination:

13 (1) permanently revoke the license to practice;
14 (2) suspend the license for a determinate period of time;
15 (3) censure the licensee;
16 (4) issue a letter of reprimand to the licensee;
17 (5) place the licensee on probationary status and require
18 the licensee to

19 (A) report regularly to the division upon matters
20 involving the basis of probation;
21 (B) limit practice to those areas prescribed;
22 (C) continue professional education until a satisfac-
23 tory degree of skill has been attained in areas determined by the
24 division to need improvement;

25 (6) impose limitations or conditions on the practice of the
26 licensee.

27 (b) The division may withdraw probationary status of a licensee
28 if it finds that the deficiencies that required the sanction have been
29 remedied.

1 (c) The division may summarily suspend a license before final
2 hearing or during the appeals process if the division finds that the
3 licensee poses a clear and immediate danger to the public health and
4 safety if the licensee continues to practice. A licensee whose li-
5 cense is suspended under this section is entitled to a hearing by the
6 division no later than seven days after the effective date of the
7 order. The licensee may appeal the suspension after a hearing to a
8 court of competent jurisdiction.

9 Sec. 08.45.080. UNLICENSED PRACTICE A MISDEMEANOR. A person who
10 practices naturopathy in the state without a license in violation of
11 AS 08.45.010 is guilty of a misdemeanor, and upon conviction is pun-
12 ishable by a fine of not more than \$1,000, or by imprisonment for not
13 more than a year, or by both.

14 Sec. 08.45.090. FRAUDULENT LICENSE. A person who obtains or
15 attempts to obtain a naturopathic license by dishonest or fraudulent
16 means, or who forges, counterfeits, or fraudulently alters a
17 naturopathic license is punishable by a fine of not more than \$500, or
18 by imprisonment for not more than six months, or by both.

19 Sec. 08.45.200. DEFINITIONS. In this chapter,

20 (1) "controlled substance" has the meaning given in AS 11.-
21 71.900;

22 (2) "division" means the division of occupational licensing
23 in the Department of Commerce and Economic Development;

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. 2. AS 08.01.010 is amended by adding a new paragraph to read:

29 (24) regulation of the practice of naturopathy under

1 AS 08.45.

2 * Sec. 3. AS 08.01.050(a) is amended to read:

3 (a) The department shall perform [PROVIDE] the following admin-
4 istrative and budgetary services when appropriate:

5 (1) collect fees and issue receipts;

6 (2) maintain records and files;

7 (3) issue and receive application forms;

8 (4) notify applicants of acceptance or rejection of appli-
9 cants as determined by the board or as determined by the department
10 under AS 08.45 for naturopaths;

11 (5) designate dates examinations are to be held and notify
12 applicants;

13 (6) publish notice of examination;

14 (7) arrange space for holding examinations;

15 (8) notify applicants of results of examinations;

16 (9) issue licenses and certificates or temporary licenses
17 or certificates as authorized by the board or as authorized by the
18 department under AS 08.45 for naturopaths;

19 (10) issue duplicate licenses or certificates upon proof by
20 the licensee of loss of the original and payment by the licensee of a
21 fee of \$2 except as otherwise provided in this title;

22 (11) notify licensees of renewal dates at least 30 days
23 before the expiration date of their licenses;

24 (12) compile and maintain current a register of licenses;

25 (13) answer routine inquiries;

26 (14) maintain files relating to individual licensees;

27 (15) arrange for printing and advertising;

28 (16) purchase supplies;

29 (17) employ secretarial help when needed;

1 (18) perform other services that [WHICH] may be requested by
2 the board;

3 (19) provide investigative services to the boards estab-
4 lished under AS 08.04, AS 08.20, AS 08.36, AS 08.64, AS 08.68, AS 08.-
5 70, AS 08.71, AS 08.72, AS 08.80, AS 08.84, and AS 08.86, for the
6 purpose of assisting those boards in matters of professional disci-
7 pline and in responding to consumer complaints.

8 * Sec. 4. AS 08.01.087 is amended to read:

9 Sec. 08.01.087. POWERS AND DUTIES OF DEPARTMENT. (a) The
10 department may, upon its own motion, conduct investigations to deter-
11 mine whether a [ANY] person has violated a provision of this chapter
12 or a regulation adopted under it, or a provision of [A CHAPTER IN]
13 this title or regulation adopted under this title dealing with an
14 occupation or board [ONE OF THE BOARDS] listed in AS 08.01.010 [OR A
15 REGULATION ADOPTED BY ONE OF THOSE BOARDS], or to secure information
16 useful in the administration of this chapter.

17 (b) If it appears to the commissioner that a person has engaged
18 in or is about to engage in an act or practice in violation of a
19 provision of this chapter or a regulation adopted under it, or a
20 provision of this title or regulation adopted under this title dealing
21 with an occupation or board [OR ANY OF THE LAWS PERTAINING TO OR
22 REGULATIONS ADOPTED BY THE BOARDS] listed in AS 08.01.010, the commis-
23 sioner may, if the commissioner considers it in the public interest,
24 and after notification of a proposed order or action by telephone or
25 telegraph to all board members, if a board regulates the act or prac-
26 tice involved, [BY TELEPHONE OR TELEGRAPH OF A PROPOSED ORDER OR
27 ACTION] unless a majority of the members of the board object within 10
28 days,

29 (1) issue an order directing the person to stop the act or

1 practice; however, reasonable notice of and an opportunity for a
2 hearing must first be given to the person, except that the commis-
3 sioner may issue a temporary order before a hearing is held; a tempo-
4 rary order remains in effect until a final order affirming, modifying,
5 or reversing the temporary order is issued or until 15 days after the
6 person receives the notice and has not requested a hearing by that
7 time; a temporary order becomes final if the person to whom the notice
8 is addressed does not request a hearing within 15 days after receiving
9 the notice; the commissioner or the commissioner's designee shall be
10 the hearing officer at the hearing and shall issue a final order
11 within 10 days after the hearing;

12 (2) bring an action in the superior court to enjoin the
13 acts or practices and to enforce compliance with this chapter, a
14 regulation adopted under it, [OR] an order issued under it, or with a
15 provision of this title or regulation adopted under this title dealing
16 with an occupation or board [OR ANY OF THE LAWS PERTAINING TO OR
17 REGULATIONS ADOPTED BY THE BOARDS] listed in AS 08.01.010;

18 (3) examine or have examined the books and records of a
19 [ANY] person whose business activities require licensure by a board
20 listed in AS 08.01.010, or whose occupation is listed in AS 08.01.010;
21 the commissioner [AND HE] may require the [THAT] person to pay the
22 reasonable costs of the examination; and

23 (4) issue subpoenas for the attendance of witnesses, and
24 the production of books, records and other documents.

25 * Sec. 5. AS 08.01.110 is amended to read:

26 Sec. 08.01.110. DEFINITIONS. In this chapter

27 (1) "board" includes the boards and commissions listed in
28 AS 08.01.010;

29 (2) "department" means the Department of Commerce and

1 Economic Development;

2 (3) "commissioner" means the commissioner of commerce and
3 economic development;

4 (4) "license" means a [ANY] license, certificate, permit,
5 or registration or similar evidence of authority issued for an occupa-
6 tion or board [BY ONE OF THE BOARDS] listed in AS 08.01.010;

7 (5) "licensee" means a [ANY] person who holds a license;

8 (6) "occupation" means a trade or profession [ANY OF THE
9 TRADES OR PROFESSIONS FOR WHICH LICENSURE IS REQUIRED BY ONE OF THE
10 BOARDS] listed in AS 08.01.010.

11 * Sec. 6. AS 09.55.560 is amended to read:

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

13 (1) "health care provider" means a chiropractor licensed
14 under AS 08.20; a dental hygienist licensed under AS 08.32; a dentist
15 licensed under AS 08.36; a nurse licensed under AS 08.68; a dispensing
16 optician licensed under AS 08.71; a naturopath licensed under AS 08.-
17 45; an optometrist licensed under AS 08.72; a pharmacist licensed
18 under AS 08.80; a physical therapist licensed under AS 08.84; a physi-
19 cian licensed under AS 08.64; a podiatrist; a psychologist and a
20 psychological associate licensed under AS 08.86; and a hospital as
21 defined in AS 18.20.130, including a governmentally owned or operated
22 hospital; a corporate entity covered under AS 21.88.050(b)(12); and an
23 employee of a health care provider acting within the course and scope
24 of employment;

25 (2) "board" means an arbitration board established under
26 AS 09.55.535;

27 (3) "panel" means an expert advisory panel established
28 under AS 09.55.536.

29 * Sec. 7. AS 47.08.050 is amended to read:

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

5 (1) dentistry and optometry unless prescribed by a licensed
6 dentist or physician as medically necessary as the result of the
7 injury or illness;

8 (2) elective medical or surgical procedures;

9 (3) drugs and medications not prescribed by a licensed
10 physician;

11 (4) services received as a result of a pregnancy or birth
12 without unusual complications;

13 (5) private psychological or psychiatric treatment or
14 private alcoholism treatment, unless not available from public agen-
15 cies or programs;

16 (6) chiropractic services and services provided by a person
17 who practices naturopathy;

18 (7) services not of a medical nature;

19 (8) medical services currently provided to persons in the
20 custody of the Department of Corrections;

21 (9) costs incurred before July 1976.

22 * Sec. 8. AS 47.17.070 is amended to read:

23 Sec. 47.17.070. DEFINITIONS. In this chapter

24 (1) "child" means a person under 18 years of age;

25 (2) "child abuse or neglect" means the physical injury or
26 neglect, sexual abuse, sexual exploitation, or maltreatment of a child
27 under the age of 18 by a person who is responsible for the child's
28 welfare under circumstances which indicate that the child's health or
29 welfare is harmed or threatened thereby;

1 (3) "child care provider" means an adult individual, or an
2 employee of an organization, who provides care and supervision to a
3 child for compensation;

4 (4) "department" means the Department of Health and Social
5 Services;

6 (5) "institution" means a private or public hospital or
7 other facility providing medical diagnosis, treatment, or care;

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

10 (7) "organization" means a group or entity that provides
11 care and supervision for compensation to a child not related to the
12 caregiver, and includes a child care facility, pre-elementary school,
13 head start center, child foster home, residential child care facility,
14 recreation program, children's camp, and children's club;

15 (8) "person responsible for the child's welfare" means the
16 child's parent, guardian, foster parent, a person responsible for the
17 child's care at the time of the alleged child abuse or neglect, or a
18 person responsible for the child's welfare in a public or private
19 residential agency or institution;

20 (9) "practitioner of the healing arts" includes chiroprac-
21 tors, dental hygienists, dentists, health aides, nurses, nurse practi-
22 tioners, optometrists, osteopaths, naturopaths, physical therapists,
23 physicians, physician's assistants, psychiatrists, psychologists,
24 psychological associates, religious healing practitioners, and sur-
25 geons;

26 (10) "sexual exploitation" means

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

1 (B) permission, encouragement, or activity involved
2 in the unlawful exploitation of a minor prohibited by AS 11.41.-
3 455 by a person responsible for the minor's welfare.

4 * Sec. 9. The Department of Commerce and Economic Development shall
5 establish a committee to develop recommendations on whether the licensure
6 of naturopaths should be by an existing board, a new board, or the division
7 of occupational licensing. The committee shall provide the legislature
8 with a report of its recommendations on or before the 10th day of the First
9 Session of the Fifteenth Legislature.

10 * Sec. 10. Section 9 of this Act is repealed one year after the effec-
11 tive date of this Act.

12 * Sec. 11. This Act takes effect immediately in accordance with AS 01.-
13 10.070(c).