

SB

263

COMMITTEE REPORT  
SENATE

FURTHER: LABOR & MANAGEMENT

4/11/79

Date: 5-12-80

Mr. President:

The Committee on HEALTH, EDUCATION & SOCIAL SERVICES has had SB 263 relating to the licensing of practitioners of naturopathic healing

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without <sup>interrec.</sup> recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Pocella  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

Engler - No Rec  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Steve Jackson  
CHAIRMAN  
No REC

Introduced 4-11-79

Logged - 4-11-79

Referrals Letor & Mgmt.

Comm. hearing 4-30-80 - 5-12-80 - 1

" action passed as CS - Alameda Bd. from being formed.  
taken S. Sect @ 10:15 AM 5-13-80

Re'd to Senate Hrs 5-20-80

SB 263 <sup>S-Hess' bill relating to the licensing of practitioners of naturopathic medicine</sup>  
By Commerce Comm. <sup>hearing in permitting for an</sup>  
By Senate <sup>effective date</sup>

Notify:

Jim Erickson 3824 (4-17-80)  
(Rep. Parker's Office) notify

debtor to get position paper.  
atty Comb in Idaho notified.

notify Dr Irving Miller  
Tacoma, Wash. Ph: (206) 752-2551  
Pres of Nat'l Assn. ↑ will come to testify  
needs (3) days



# ALASKA STATE MEDICAL ASSOCIATION



~~1135 W. Eighth Avenue • Suite 6 • Anchorage, Alaska 99501 • (907) 277-6891~~  
4107 Laurel Street #1, Anchorage, AK 99504

April 30, 1980

Honorable Glen B. Hackney  
Chairman, Senate Health & Social Services  
Pouch V, MS 3100  
Juneau, AK 99811

Re: SB 263 relating to naturopathy

Dear Senator Hackney:

Naturopathic physicians have been practicing in Alaska outside the law for some time. One, in particular, has created a great deal of trouble for the Division of Occupational Licensure and Department of Law, and was served a Cease and Desist Order in Fairbanks for operating a cancer detection clinic, consisting in part of hair analysis. It is our understanding that they are now performing home deliveries. If your office can acquire any information the State has accumulated, you can more readily appreciate the difficulties we may expect by legalization of this group.

Many of us have encountered patients made physically ill from drug overdose, i.e. thyroid and misuse of cortisone, etc. I have personal experience in attempting to treat a woman who eventually died of breast cancer, after a prolonged naturopathic treatment with laetrile and enzymes while the cancer progressed to inoperability.

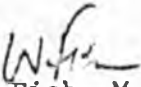
I cannot stress too strongly that naturopathy poses no threat whatsoever to the medical profession. It has, in fact, presented some clinical situations we might not otherwise encounter. While we may feel that a caveat emptor policy has some merit, it is clear that much of the public is simply gullible and this is reinforced by the FTC rulings on professional advertising.

Were naturopathy harmless it would be no concern of ours how the public wastes its money, but as I have indicated, many of the "natural drugs" are both potent and potentially toxic; others are worthless. As naturopathy encompasses the gamut of non-surgical illness, there is considerable opportunity for both misuse or inadequate or delayed proper treatment. In addition, it is probable that there will be pressure for access to public funding, as well as to medical and hospital facilities, radiology, laboratory, etc. A separate board would put naturopathy completely outside any control.

Senator Hackney  
April 30, 1980  
Page 2

We urge you, therefore, to carefully consider what, if any, possible benefit would result from SB 263.

Sincerely,

  
Winthrop Fish, M.D., Chairman  
Legislative Committee

WF/sel

cc: ASMA Legislative Committee  
Jeff Landry

5-20-80

Kel'd "Review of Statutes  
to License Naturopathic  
Physicians in Selected  
States to House Research

Rep. Chris Johnson  
House Research

[Our copy]

Introduced: 4/11/79  
Referred: Health, Education  
& Social Services;  
Labor & Management

BY THE COMMERCE COMMITTEE  
BY REQUEST

1 IN THE SENATE

2 SENATE BILL NO. 263

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

10 \* Section 1. AS 08 is amended by adding a new chapter to read:

11 CHAPTER 45. NATUROPATHS AND NATUROPATHIC PHYSICIANS.

12 ARTICLE 1. BOARD OF NATUROPATHIC EXAMINERS.

13 Sec. 08.45.010. ESTABLISHMENT; MEMBERSHIP; APPOINTMENT OF BOARD.

14 (a) There is created the Board of Naturopathic Examiners, consisting of  
15 three members appointed by the governor.

16 (b) Members shall be licensed naturopathic physicians who have  
17 been actively engaged in the practice of naturopathy in the state for at  
18 least two years immediately preceding their appointment.

19 Sec. 08.45.C20. TERM OF OFFICE; COMPENSATION. (a) Board members  
20 serve overlapping three-year terms. Vacancies on the board shall be  
21 filled for the unexpired portion of the term.

22 (b) Board members serve voluntarily except that members are  
23 entitled to travel expenses and per diem as allowed by law for other  
24 boards.

25 Sec. 08.45.030. CHAIRMAN. (a) The board shall annually elect a  
26 chairman from its members.

27 Sec. 08.45.040. MEETINGS. The board shall hold a regular meeting  
28 annually and other meetings as may be necessary. Special meetings may  
29 be called by the chairman or by concurrence of two board members.

1           Sec. 08.45.050. DUTIES AND POWERS. The board shall

2           (1) adopt regulations necessary to carry out the purposes of  
3 this chapter;

4           (2) evaluate the qualifications of applicants;

5           (3) conduct hearings and keep records and minutes necessary  
6 for carrying out the purposes of this chapter;

7           (4) provide for the issuance of temporary permits for persons  
8 who are apparently qualified to engage in naturopathic medicine to  
9 engage in the practice of naturopathic medicine until certification of  
10 the results of the next examination given under AS 08.45.120.

11           ARTICLE 2. LICENSING OF NATUROPATHIC PHYSICIANS.

12           Sec. 08.45.100. LICENSING REQUIREMENT. A person may not engage in  
13 the practice of naturopathy or naturopathic medicine unless he first  
14 obtains a license as provided in this chapter.

15           Sec. 08.45.110. LICENSURE AS A NATUROPATHIC PHYSICIAN. To be  
16 eligible for a license as a naturopathic physician, an applicant shall

17           (1) hold a high school diploma or the equivalent;

18           (2) have completed two years of postsecondary education at an  
19 accredited college of liberal arts or sciences;

20           (3) have graduated from an accredited school or college of  
21 naturopathic medicine that has as a requirement for graduation success-  
22 ful completion of a course of instruction of at least nine months in  
23 each of four years; and

24           (4) successfully complete an examination given by the board.

25           Sec. 08.45.120. EXAMINATION. Examination for licensing as a  
26 naturopathic physician shall be held at a time and place and conducted  
27 in a manner determined by the board. The examination may include prac-  
28 tical demonstration and oral and written testing in those subjects  
29 usually taught in accredited schools of naturopathic medicine.

1           Sec. 08.45.130. ENDORSEMENT. The board may license a person as a  
2 naturopathic physician if the person is currently licensed as a naturo-  
3 pathic physician in another state or in Canada and that state or pro-  
4 vince in Canada maintains professional licensing standards equivalent to  
5 those in this chapter, and if the state or province extends the same  
6 privilege to those holding a license in this state.

7           Sec. 08.45.140. DENIAL, SUSPENSION OR REVOCATION OF LICENSE. The  
8 board may deny, suspend, or revoke the license of a person or applicant  
9 who

10           (1) has obtained or attempted to obtain a license under this  
11 chapter by fraud or deceit;

12           (2) wilfully violates a provision of this chapter or a regula-  
13 tion adopted under this chapter; or

14           (3) engages in unprofessional conduct.

15           Sec. 08.45.150. RENEWAL OF LICENSE. Licenses expire biennially on  
16 a date set by the department and may be renewed by making an application  
17 to the department and meeting the requirements established in this  
18 chapter.

19           Sec. 08.45.160. FEES. The following fees shall be imposed under  
20 this chapter:

- |   |       |
|---|-------|
| 21           (1) application for examination          | \$ 25 |
| 22           (2) application for reexamination        | 10    |
| 23           (3) license issuance or biennial renewal | 100   |
| 24           (4) issuance of temporary permit         | 25    |

25           ARTICLE 3. GENERAL PROVISIONS.

26           Sec. 08.45.200. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.  
27 The board shall adopt regulations and conduct hearings in accordance  
28 with the Administrative Procedure Act (AS 44.62).

29           Sec. 08.45.210. VIOLATIONS. (a) It is unlawful for a person to

1 (1) fraudulently obtain or furnish a license, renewal or  
2 record required by this chapter;

3 (2) wilfully violate a provision of this chapter or a  
4 regulation adopted under this chapter.

5 (b) A person who violates this section is guilty of a misdemeanor  
6 and upon conviction is punishable by a fine of \$500, or by imprisonment  
7 for one year, or by both.

8 Sec. 08.45.220. PRACTICING WITHOUT A LICENSE. A person who  
9 practices naturopathy or naturopathic medicine without first obtaining a  
10 license is guilty of a misdemeanor and, upon conviction, is punishable  
11 by a fine of not more than \$1,000, or by imprisonment for not more than  
12 one year, or by both.

13 Sec. 08.45.230. DEFINITIONS. In this chapter

14 (1) "board" means the Board of Naturopathic Examiners;

15 (2) "naturopathy" and "naturopathic medicine" means the  
16 treatment of the human body through the use of natural agencies, forces,  
17 processes, and products, with emphasis on the response of the individual  
18 to the disease rather than its treatment in isolation; the term

19 (A) allows use of all systems of diagnosis, including  
20 use of X-ray;

21 (B) allows treatment by physiological, nutritional,  
22 psychological, mechanical, electrical, manual, hydrotherapeutic,  
23 phytotherapeutic, mineral and organic substances and agencies which  
24 are effective in stimulating normal function of tissues and organs  
25 sensitized by disease;

26 (C) includes

27 (i) minor surgery, including the drawing of blood  
28 for laboratory purposes;

29 (ii) use of local anesthetic for surgical repair or

1           ce-e; and

2                   (iii) the practice of natural childbirth in obstet-  
3           rics, including related minor surgical procedures;

4                   (D) excludes major surgery, the use of narcotics, radia-  
5           tion therapy, and the use of synthetic prescription drugs;

6           (3) "unprofessional conduct" means

7                   (A) habitual overuse of alcoholic beverages or depres-  
8           sant, hallucinogenic or stimulant drugs, as defined in AS 17.12.-  
9           150(3), or addiction to the use of narcotic drugs as defined in  
10          AS 17.10.230(13); or

11                   (B) conviction of an offense involving moral turpitude.

12 \* Sec. 2. AS 08.01.010 is amended by adding a new paragraph to read:

13                   (22) Board of Naturopathic Examiners.

14 \* Sec. 3. AS 08.01.050(19) is amended to read:

15                   (19) provide investigative services to the boards established  
16          under AS 08.20 AS 08.32, AS 08.36, AS 08.45, AS 08.64, AS 08.68, AS 08.  
17          71, AS 08.72, AS 08.80, AS 08.84, and AS 08.86, for the purpose of  
18          assisting those boards in matters of professional discipline.

19 \* Sec. 4. AS 08.03.010(c) is repealed and re-enacted to read:

20                   (c) The following board has the termination date provided by this  
21          subsection: Board of Naturopathic Examiners (AS 08.45.010) -- June 30,  
22          1983.

23 \* Sec. 5. AS 08.03 is amended by adding a new section to read:

24                   Sec. 08.03.020. TERMINATION, CONTINUATION, AND REESTABLISHMENT OF  
25          REGULATORY BOARDS. (a) Upon termination, each board listed in AS 08.-  
26          03.010 shall continue in existence until June 30 of the next succeeding  
27          year for the purpose of concluding its affairs. During this period,  
28          termination does not reduce or otherwise limit the powers or authority  
29          of each board. One year after the date of termination, a board

1 continued shall cease all activities.

2 (b) The termination, dissolution, continuation or reestablishment  
3 of a regulatory board shall be governed by the legislative oversight  
4 procedures of AS 44.66.050.

5 (c) A board scheduled for termination under this chapter may be  
6 continued or reestablished by the legislature for a period not to exceed  
7 four years.

8 \* Sec. 6. INITIAL TERM OF OFFICE. (a) One member of the Board of  
9 Naturopathic Examiners first appointed under AS 08.45.010(a) shall serve a  
10 term of one year; one shall serve a term of two years; and one shall serve a  
11 term of three years. The length of the term of each of the members first  
12 appointed shall be designated by the governor.

13 (b) The provisions of AS 08.45.010(b) do not apply to the members of  
14 the first Board of Naturopathic Examiners appointed under AS 08.45.

15 \* Sec. 7. LICENSING OF PRACTITIONERS OF NATUROPATHY OR NATUROPATHIC  
16 MEDICINE WITHOUT EXAMINATION. The Board of Naturopathic Examiners shall  
17 license all persons who, on the effective date of this Act, meet the qualifi-  
18 cations of AS 08.45.110(1) - (3) and who apply for licensure under AS 08.45  
19 not later than one year after the effective date of this Act.

20 \* Sec. 8. AS 08.03.010(d) and (e) are repealed.

21 \* Sec. 9. This Act takes effect July 1, 1979.