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May 14, 1984

Joe, Rick, Paul, Pappy

OSHB 347 - Licensing Naturopaths.

Joe - intro on bill

Terry Martin - sponsor.

major concern - consumer protection.
widespread support of Naturopaths.
Cannot get third party payment w/o
licensure.

Pettyjohn amendments - no problem.
Midwifery - educational criteria - no -
Should separate the professions.

Rick what does a naturopath do? Why license
prevention or minor medical concerns.

Consumer protection; people more
comfortable having choice; insurance
coverage.

Jennifer Strickler - C.L.; management analyst
opposes

- 1) Admin policy on boards
- 2) Not demographically feasible for
three people.

Chiropractors may want licensing also;
So fight may happen soon

pg 3 - line 2 - internship - not state
responsibility to demand internship.

pg 3 temp. permit (a)(2) Confusing
language - a person w/ temporary permit

can practice under someone with a temporary permit. Other chapters require internship under a licensee.
O.L. can license w/o Board

Dr. Patton Perryjohn - N.D. Anchorage.

As resident, Astoria Oregon, practicing 5 years.

Cease & desist from O.L. from practicing medicine.

A.C. opinion that naturopathy is practice of medicine - broad definition.

License to practice in Oregon.

In favor of amendments submitted so that N.D.'s can practice as trained. New were in original bill - Milo Fritz amended.

Some things classified as drugs - oxygen, sterile water, vitamins and minerals - R means they are medical grade.

appear bill values amended.

Dr. Scott Jamison - N.D.

in favor of licensure and amendments approved.

Net? Callup in Portland.
2 yr. courses in X-Ray.

Q: Homeopathy different?

One system of treatment N.D.s use

un-trained in. *Miss Chiu* (acupuncture)
neurology etc.

NATUROPATHY

BOARD	LICENSING REQUIREMENTS			SCOPE OF PRACTICE				
	EDUCATION	HOURS OF STUDY	EXAM	BIRTH/DEATH CERTIFICATES	CHILD BIRTH	X-RAY	SURGERY	Rx Drugs
Hawaii	3 members all Naturopaths	H.S. Graduate 2yr. Liberal Arts degree graduate school OF NATUROPATHY	YES - BOARD	YES		UNKNOWN		
Oregon	3 members all Naturopaths	H.S. graduate. 2yr. liberal arts degree graduate school of Naturopathy	YES - BOARD	YES		YES	NO	MINOR (DEFINED IN STATUTE) NO EXCEPT ANTISEPTIC ANESTHETIC
Nevada	5 members 3 Naturopaths 1 physician 1 lay person	U.S. CITIZEN 21 yrs of age graduate school OF NATUROPATHY	YES - BOARD	* MUST WORK UNDER M.D. SUPERVISION YES IF CO-SIGNED BY PHYSICIAN.		NO	NO	NO DRAW BLOOD FOR DIPNOSIS
Arizona	3 members all Naturopaths	HS Graduate graduate of school OF Drugless Therapists	YES - BOARD	YES		YES	NO	NO EXCEPT DRAW BLOOD W/IC LABORATIONS/LESION (DRAW BLOOD VITAMINS/H
Connecticut	3 members all Naturopaths	H.S. Graduate. BOARD approved college School of Naturo- pathy graduate	4 weeks → 4 years (36 wks/ea.)	YES - Dept. HEALTH	YES	YES	NO	MINOR DRAW BLOOD TESTS/DIAG.
Washington	Department OF Licensing	HS graduate. graduate school OF Naturopathy	YES - Director OF Licensing	NO		NO unless a licensed midwife SUPERVISES	NO	NO

* RECIPROCALITY IN LICENSING IS NOT ALLOWED IN NEVADA,
WASHINGTON, CONNECTICUT AND HAWAII

HB 347 (as introduced)

Title:
relating to licensing
practitioners of naturopathic
medicine.

Section 1:
adds regulation of naturopathy
or naturopathic medicine to
AS 08.45

Section 2:

Creates a new Chapter 45,
"Naturopaths".

HB 347 (HESS)

Title:
Same.

Section 1:
Same.

Section 2:
Chapter title remains the same.

HB 347 (L&C)

Title: changed to read:
"An Act relating to the
licensing of naturopaths"

Section 1: changed to
"regulation of naturopaths"
(rather than regulation of
naturopathy or naturopathic
medicine).

Section 2: Chapter title
remains unchanged.

HB 347 (Proposed Compromise)

Same as L&C CS.

Same as L&C CS.

Section 2: Chapter title
remains unchanged.

HB 347 (Naturopath Proposal)

Same as L&C CS.

Same as L&C CS.

Section 2: Chapter title
remains unchanged.

HB 347 (as introduced)

Article 1:
"Regulation of Naturopathy"

This section details the duties and powers of the department to evaluate qualifications of applicants for licenses; conduct hearings; license naturopaths and renew licenses; and provide for temporary permits to persons apparently qualified to practice until certification of the results of the next examination.

HB 347 (HESS)

Article 1:
Remains the same.

HB 347 (L&C)

Article 1: Entirely new Article 1, entitled "Board of Naturopathic Examiners". (The previous subject of this chapter, "Regulation of Naturopathy", is moved to Article 2.)

08.45.010: creates a Board of Naturopathic Examiners consisting of three licensed naturopaths, one doctor and one public member.

08.45.030: states that members shall serve staggered three-year terms, and that a member may be appointed to no more than two consecutive full terms.

08.45.040: these new sections (08.45.010-040) will come into effect after the first eight licenses are issued under this chapter, after which the board shall exercise the powers and duties of the department under this chapter.

HB 347 (Proposed Compromise)

Article 1: Same as L&C CS.

HB 347 (Naturopath Proposal)

Article 1: Unchanged except for:

08.45.010: same as L&C CS, except that reference is made to three "naturopathic physicians", instead of three naturopaths.

Balance of Article 1 is the same as L&C CS.

HB 347 (as introduced)

HB 347 (HESS)

HB 347 (L&C)

HB 347 (Proposed Compromise)

HB 347 (Naturopath Proposal)

Article 2:
Licensing of Naturopaths

Article 2:
Same.

Article 2:

Article 2

New Article 2 (previous Article 2 is now Article 3, see below).

08.45.100 Requires a person to have a license or permit before being allowed to practice naturopathy or naturopathic medicine.

08.45.100: same.

"Regulation of Naturopathy". Subsections (a)(1)-(3) correspond exactly to previous Article 1, subsections (1)-(3) (which state that the department will evaluate qualifications of applicants, conduct hearings, and license naturopaths and renew licenses).

Same as L&C CS.

Article 2: Council of Naturopathic Advisors.

Sec. 08.45.050 Creation and Membership of Council: establishes a council of three naturopathic physicians licensed to and actively practicing in the state, to service without pay.

Subsection (b) states that the department may establish educational requirements for licensure in addition to requirements under AS 08.45.110(2) that are equivalent to or higher than requirements in other states that license naturopaths, and identify schools that provide courses of study that satisfy the requirements.

08.45.060 Term of Office: members will serve staggered 3 year terms. A member may be appointed to no more than 2 consecutive full year terms.

Deleted from the previous article dealing with regulation is former Article 1, subsection (4), which provided for temporary permits to engage in the practice of naturopathy.

08.45.070 Duties and Purpose: the council will advise the department, and help develop educational standards and criteria, examinations, and other regulations. Council will serve as a peer review board to hear and make recommendations to the department in cases involving naturopaths subject to or considered for disciplinary sanctions.

08.45.100: Same, except reference to "naturopathic medicine" is deleted.

HB 347 (as introduced)

HB 347 (HESS)

HB 347 (L&C)

HB 347 (Proposed Compromise)

HB 347 (Naturopath Proposal)

New Article 3 corresponds to former Article 2:
 08.45.090 is same as L&C CS, except for a new subsection (a)(4), Temporary Permits: persons who meet the requirements for licensure shall be eligible for temporary permits until the results of the next examination given; or persons working as interns supervised by a naturopath who holds a license or permit, shall be given permits until the completion of their 1 year internship if they meet all other requirements for licensure.

(b) remains the same as the L&C CS.

08.45.100: Same as L&C CS.

HB 347 (as introduced)

08.45.110 Sets out requirements for eligibility to be licensed, which include: a high school diploma; two years of postsecondary education; graduation from a college of naturopathic medicine which requires for graduation completion of a course of resident instruction of at least nine months actual attendance in each of four years and successful completion of a course of instruction totaling 4,000 hours or more. (The required courses of instruction are set out in the statute.)

Requires successful completion of an examination given by the department; not have a license anywhere else that is suspended or revoked; be a citizen or person lawfully admitted to the country; and be of good moral character.

HB 347 (HESS)

08.45.110: Same, except that under subsection (3), after "completion of a course of instruction totaling 4,000 hours or more", requirement is added: "of which at least 1,500 hours is clinical experience".

HB 347 (L&C)

08.45.110: Previous subsections (1) and (2) are deleted and replaced by a new subsection (1), which states an applicant shall "hold a bachelor's degree from an accredited college of liberal arts or sciences".

Previous (3) is now (2), in which references to "naturopathic medicine" are deleted; the school of naturopathy must be approved by the department; and the list of courses of instruction is deleted.

Previous (4) is now (3).
Previous (5) is now (4).
Previous (6) is now (5).

Previous (7) is deleted (be of good moral character).

New (6) requires that, upon graduating from a school of naturopathy, a one-year internship with a licensed naturopath must be completed.

HB 347 (Proposed Compromise)

08.45.110: Same as L&C CS, except in (2), where the Commission on Postsecondary Education would approve schools of naturopathy, rather than the department.

HB 347 (Naturopath Proposal)

08.45.110: Same as L&C CS.

HB 347 (as introduced)

08.45.120 Authorizes the department to hold examinations for licensing, which examinations shall be limited to the subjects listed in 08.45.110(3). Exam will be in writing, but may be supplemented by oral examination. Applicant must receive an overall average of 75% and no less than 70% in more than two sections.

HB 347 (HESS)

08.45.120:
Same.

HB 347 (L&C)

08.45.120:
(a) adds that examinations will be held at least twice each year. Deletes sentence limiting examination to the subjects listed in 08.45.110(3).

(b) adds that an applicant may apply to be reexamined if the applicant fails the examination.

HB 347 (Proposed Compromise)

Same as L&C CS.

HB 347 (Naturopath Proposal)

08.45.120: Same as L&C CS.

HB 347 (as introduced)

HB 347 (HESS)

HB 347 (L&C)

HB 347 (Proposed Compromise)

HB 347 (Naturopath Proposal)

08.45.130 This section sets up a reciprocal arrangement; it allows the department to license without examination a person currently licensed in another state or in a province of Canada if the state's or province's licensing standards are equivalent or higher than those in this chapter; the state or province offers reciprocity to those licensed in Alaska; and the person demonstrates satisfactorily to the department qualifications equal to those licensed under this chapter.

08.45.130:
Same.

08.45.130:
Title is changed from "Endorsement" to "Temporary Permit".

A new (a) is created, which encompasses the previous language of this entire section with the following changes:

Rather than licensing a person who meets the following qualifications, the department may issue a temporary permit to practice naturopathy.

New (1), (1)(a) and (1)(b) correspond to previous introductory language, (1) and (2), with the addition of the word "territory".

Previous (3) now appears as (a)(1)(C).

A new subsection (a)(2) is added, which reads, "qualifies for a license under AS 08.45.110(1)-(5) and is working as an intern supervised by a naturopath with a license or temporary permit issued under this chapter."

A new subsection (b) is added, which says that a temporary permit is valid under the date on which the results of the next examination offered are

Same as L&C CS.

08.45.130: Entirely different section entitled, "Licensure by Credentials":

The department may license a person as a naturopath if the person is currently licensed by examination as a naturopath in another state or in a province of Canada and 1) that state or province maintains professional licensing standards equal to or higher than those in this chapter; 2) extends the same licensing privilege to those holding a license in this state; and, 3) the person demonstrates to the department's satisfaction qualifications at least equal to those required of persons licensed under this chapter.

HB 347 (as introduced)

HB 347 (HESS)

HB 347 (L&C)

HB 347 (Proposed Compromise)

HB 347 (Naturopath Proposal)

released, and that a temporary permit is valid for one year.

08.45.140 The department may deny, suspend or revoke the license of a person or applications who: obtains license by fraud or deceit; wilfully violates a provision of the chapter; is an alcoholic; abuses controlled substances; impersonates another physician; practices under an assumed name; or is convicted of a crime involving moral turpitude.

08.45.140: Same.

08.45.140: Title is changed to "License Renewal", and provides that a license expires unless renewed every four years.

08.45.140: Same as L&C CS.

08.45.140: Same as L&C CS.

A section similar to previous 08.45.140 can now be found under 08.45.210.

08.45.150 Sets up fees: \$25 for examination, \$10 for reexamination; \$100 for license or biennial renewal; \$25 for temporary permit.

08.45.150: fees are changed as follows: examination, \$50; license or biennial renewal, \$200; temporary permit, \$50. The \$10 reexamination fee remains the same.

08.45.150: Same as HESS committee substitute.

08.45.150: Same as HESS CS.

08.45.150: Same as L&C CS.

HB 347 (as introduced)

08.45.160 Details scope of naturopathic practice.
a) A naturopath may:
1) perform physical examinations; write prescriptions for substances authorized; sign birth and death certificates;
2) use systems of diagnosis for which naturopathic physician has been trained;
3) treat patients by physiological, nutritional, psychological, mechanical, electrical, manual, hydrotherapeutic, phytotherapeutic, mineral and organic substances and agencies, including acupuncture;
4) draw blood for laboratory purposes and use electrical and other methods for repair and care of superficial lacerations and abrasions, benign superficial lesions, and removal of foreign bodies located in superficial structures;
5) practice natural childbirth in obstetrics, including related minor surgical procedures.

HB 347 (HESS)

08.45.160: Remains the same except under subsection (2), where a statute reference is added, so that the section now reads, "use systems of diagnosis for which the naturopathic physician has been trained under AS 08.45.110(3)".

HB 347 (L&C)

08.45.160: Changes words "naturopathic medicine" to "naturopathy".

Deletes previous (1), which allowed naturopaths to perform physical exams, write prescriptions and sign birth and death certificates.

Previous (2) is new (1); statute reference is deleted.

Previous (3) is new (2); deleted from list of authorized practices is treating patients by psychological and electrical means, or with acupuncture.

Previous (4) is deleted (which authorized drawing blood and repairing lacerations and abrasions and removal foreign bodies).

Previous (5) is deleted (authorizing practicing natural childbirth in obstetrics, including related minor surgical procedures).

HB 347 (Proposed Compromise)

08.45.160: Same as L&C CS, except adds a new subsection (a)(3), which authorizes naturopaths to practice natural childbirth in obstetrics.

HB 347 (Naturopath Proposal)

08.45.160: Added to the L&C CS are the following provisions:

(a)(1): a naturopath may also draw blood for laboratory purposes and use x-ray equipment for diagnostic purposes.

(a)(1): add repair and care of superficial lacerations and lesions to scope of naturopath's practice, and delete accupressure.

HB 347 (as introduced)

HB 347 (HESS)

HB 347 (L&C)

HB 347 (Proposed Compromise)

HB 347 (Naturopath Proposal)

b) Naturopath may not:
1) perform surgery except as provided in this chapter;
2) use controlled substances;
3) use radiation therapy;
4) use drugs except antiseptics, local anesthetics, minerals and extracts, compounds or concentrates obtained from plants or animals.

(b) remains the same.

(b) (1) New language prohibits any surgery;

(2) cannot use or prescribe controlled substances;

(3) previous subsection banned use of radiation therapy; new language bans use of x-ray equipment, radium or irradiation for diagnosis or therapy.

Previous (4) is deleted.

Same as L&C CS, except (b)(3): a naturopath may not use x-ray equipment for therapeutic purposes or radiation therapy.

08.45.170 The department may prescribe continuing education requirements. Before a license may be renewed, the licensee shall submit evidence of completion of continuing education requirements to the department. The department may exempt a licensee from the continuing education requirement in extenuating circumstances. No more than one exemption in a five year period.

08.45.170: Same.

08.45.170: Same. Minor language change in subsection (b), which does not change the effect.

08.45.170: Same as L&C CS.

08.45.170: (a) change word "persons" licensed to "physicians" licensed.

Balance of this section remains the same as L&C CS.

Article 3.
General Provisions

No change in title of Article 3.

No change in title of Article 3.

No change in title of Article 3.

Previous Article 3 is now Article 4 (General Provisions).

HB 347 (as introduced)

HB 347 (HESS)

HB 347 (L&C)

HB 347 (Proposed Compromise)

HB 347 (Naturopath Proposal)

08.45.200 Titles and Abbreviations:

08.45.200: Same.

08.45.200: Same, except that provisions now apply to those holding permits under this chapter, as well as those licensed under the chapter.

08.45.200: Same as L&C CS.

08.45.200: Same as L&C CS, except that "Naturopathic Physician" is added to the list of authorized titles.

a) authorized titles are: Naturopath, Doctor of Naturopathy, or N.D. May not use a title that suggested a form of medicine or healing art other than naturopathy. b) may not use a title or abbreviation listed herein unless licensed under this chapter.

08.45.205

08.45.205: Same.

08.45.205 is deleted; similar provisions now appear at 08.45.220.

a) Defines as a Class B misdemeanor: fraudulently obtaining a permit, license, renewal or required record; or wilfully violating a provision of law or a regulation. b) Defines as a Class A misdemeanor practicing naturopathy or naturopathic medicine without a permit or license.

HB 347 (as introduced)

HB 347 (HESS)

HB 347 (L&C)

HB 347 (Proposed Compromise)

HB 347 (Naturopath Proposal)

08.45.210: New section entitled, Imposition of Disciplinary Sanctions:

08.45.210: Same as L&C CS.

08.45.210: Same as L&C CS.

Provides that after a hearing, the department may limit, deny, suspend or revoke a license or temporary permit, or censure a licensee or permittee if the person 1) secured the license/permit through deceit, fraud or intentional misrepresentation; 2) engaged in deceit, fraud, misrepresentation in the course of providing professional services; 3) advertised services in a false or misleading manner; 4) has been convicted of a felony or other crime that affects ability to practice competently; 5) fails to comply with this chapter or a regulation adopted; 6) continues to practice after becoming unfit due to a) professional incompetence, b) addiction or severe dependency on alcohol or other drugs, or c) physical or mental disability; or 7) engages in lewd or immoral conduct in connection with delivery of service to a patient.

HB 347 (as introduced)

08.45.220
defines department as C&ED; and
naturopathy and naturopathic
medicine as "a system of
healing the human body that
includes diagnosis and
treatment through the use of
natural agencies, forces,
processes, and products with
emphasis on the response of the
individual to the disease
rather than its treatment in
isolation".

HB 347 (HESS)

08.45.220: Same.

HB 347 (L&C)

08.45.220: Title is changed
from "Definitions" to
"Violations".

a) except as provided in (b)
herein, it is a class B
misdemeanor to intentionally
violate a provision of this
chapter or a regulation
adopted;

b) a person practicing
naturopathy without a valid
license or permit is guilty of
a Class A misdemeanor.

08.45.900 New section entitled
"Definitions".

1) definition of "department"
remains C&ED.

2) definition of naturopathy is
redefined to "a system of human
health care that promotes good
health through the prevention
and treatment of illness by the
use of educational, physical,
nutritional, botanical,
hygienic and other methods, and
without the use of prescription
drugs, surgery, x-ray equipment
or radium therapy".

(Compare to definition under
08.45.220, above, under HB 347
column.)

HB 347 (Proposed Compromise)

08.45.220: Same as L&C CS.

08.45.900: Same as L&C CS.

HB 347 (Naturopath Proposal)

08.45.220: Same as L&C CS.

08.45.900: definition of
department is same as L&C CS.

Definition of naturopathy and
naturopathic is expanded to
include assisting in
childbirth; after "without the
use of prescription drugs" is
added "except for that which is
allowed by 08.45.160(1) and
(2); and reference to x-ray
equipment is deleted.

HB 347 (as introduced)

Section 3

Licensing of Practitioners of Naturopathy or Naturopathic Medicine Without Examination:

States that the commissioner shall license all persons who meet the qualifications of 08.45.110(1)-(3) and (5)-(7) who apply for license no later than 6/30/84.

Section 4:

Effective date is 7/1/83.

HB 347 (HESS)

Section 3:

Same, except last date on which a person may apply for licensure is extended one year to 6/30/85.

Section 4:

Effective date is extended one year to 7/1/84.

HB 347 (L&C)

Section 3:

Title is changed to: Temporary Permits for Practitioners of Naturopathy.

States that a) the Department shall issue a temporary permit to practice naturopathy to a person who is 1) practicing naturopathy in the state; 2) meets the qualifications of 08.45.110 or 08.45.130(a)(2), except of 08.45.110(3) and 3) applies for the permit; and,

b) a temporary permit issued under this section is valid until the date on which the results of the first examination offered are released.

Section 4: New language setting terms for the first Board members: one 1-year term; two 2-year terms; two 3-year terms.

Section 5: New effective date of 1/1/85.

HB 347 (Proposed Compromise)

Section 3: Title changed to: Licensing of Practitioners of Naturopathy or Naturopathic Medicine Without Examination Or Internship.

States that the department shall license a person who (a) on the effect date of this Act, (1) is residing and practicing naturopathy in the state; 2) is licensed by examination to practice naturopathy in another state, territory or province; 3) has graduated from a school of naturopathy that has as a requirement for graduation successful completion of a course of resident instruction of at least nine months actual attendance in each of 4 years and successful completion of a course of study totaling at least 4,000 hours; and b) applies for licensure under AS 08.45 no later than 6/30/85.

Section 4: Same as L&C CS.

Section 5: Immediate effective date.

HB 347 (Naturopath Proposal)

Section 3: Same as proposed "Compromise" CS.

Section 4: Same as L&C CS.

Section 5: Immediate effective date.

CSHB 347 (Finance)am - An Act relating to the licensing of naturopaths.

BOARD

The board of Naturopathic Examiners is created one year after eight people are issued licenses by the Division of Occupational Licensing. The board will consist of three naturopaths, one physician and a public member who serve three year staggered terms.

POWERS AND DUTIES OF THE BOARD

The board will evaluate qualifications of applicants, hold hearings, keep records, issue licenses and license renewals. The Department may establish educational requirements and identify schools acceptable for licensing purposes.

ELIGIBILITY FOR LICENSURE

A person must have a bachelor's degree, graduated from a school of naturopathy approved by the Postsecondary Education Commission (four years of study with 4,000 hours of instruction, of which 1,500 hours are clinical), passed an examination, not have a revoked or suspended license in another state, be a U.S. citizen, and have practiced for one year under supervision.

EXAMINATION

The Department shall administer the exam at least twice a year. It is to be in writing but may be supplemented by oral and practical tests. An applicant must have an average of 75% and not less than 70% in more than two sections.

TEMPORARY PERMITS

A temporary permit may be given to a person licensed as a naturopath in another state if the standards are equivalent and the person proves qualifications required under this chapter. A person practicing as an intern under supervision qualifies for a temporary license for one year; otherwise a temporary permit is good until the results of the exam are published.

LICENSE

A license is good for four years and fees are listed in the bill.

SCOPE OF PRACTICE

Systems of diagnosis for which the naturopath has been trained, natural childbirth and treatment by physiological, nutritional, mechanical, manual, hydrotherapeutic and phytotherapeutic means with accupressure and with minerals, extracts, compounds, and concentrates from plants and animals. A NATUROPATH MAY NOT perform surgery, use of prescribe controlled substances or use x-rays, radiation or irradiation for diagnosis or therapy.

CONTINUING EDUCATION

The Department shall require continuing education proof for re-licensure but may waive the requirements.

DISCIPLINARY SANCTIONS AND VIOLATIONS

A person licensed under this chapter may not:

obtain a license through deceit or fraud or engage in deceit or fraud in their practice.

Advertise in a false or misleading manner

Have been convicted of a felony or other crime inhibiting their ability to practice

Continue to practice after becoming unfit or engage in lewd or immoral conduct in the delivery of services.

A person practicing without a license under this chapter is guilty of a class A misdemeanor, other violations constitute a class B misdemeanor. Midwifery is not prohibited by this act.

DEFINITION OF NATUROPATHY

A system of health care that promotes good health through prevention and treatment of illness by educational, physical, nutritional, botanical, hygienic and other means without using prescription drugs, surgery, x-ray equipment or radium therapy.

GRANDFATHER CLAUSE

The Department shall issue a license, without examination or internship, to any person who, on the effective date of the act:

Resides and practices naturopathy in the state

Has passed an exam and is licensed in another state

Has graduated from a school of naturopathy, taken a four year course and completed 4,000 hours in their study.

Applies for a license by June 30, 1985.

NOTE: subsection (b) implies that the grandfather license is a temporary permit to practice and that the license is good only until the results of the first examination are released.

EFFECTIVE DATE

The effective date did not pass the House.

Callie Middleton - Naturopathic bill.

Pettyjohn - 4 yrs - admitted in Oregon.

Case & assist/practice of medicine

Stay from Superior Court on order. - would
let drift until legislature makes a decision.

he does do some minor surgery

(epiostomy/lance cyst etc)

trained w/ X Ray.

⊗ drawing blood - should be covered pg 4, line 15

⊗ (trained to draw blood / use diagnostic
X Ray) thinks it's covered under the
definition language - what they are
trained to do.

Dr. Jamison N.D. - Jmo at hearing
Dr. Peter Pettyjohn ND - phone connection / Arch.

May 6, 1984

RECEIVED

MAY 10 1984

Josephson,

Senator Joe Josephson
Alaska State Legislature
Fouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Josephson

The Alaskan members of the American College of Nurse-Midwives cannot support House Bill 347 (Finance version) "An Act relating to the licensing of naturopaths" for the following reasons:

1. The inclusion of section 08.45.160 (a) (3) page 4 "practice natural childbirth in obstetrics" necessitates the inclusion of minimum educational and clinical standards in obstetrics. We recommend specific clinical requirements such as pages 10-11 of the attached New Mexico regulations governing the practice of lay midwifery and specific educational requirements such as pages 9-12 in the New Mexico document. Additional ideas for clinical and educational requirements can be found in the attached document from the state of Washington.

2. We note that the proposed Board of Naturopathic Examiners would include three practicing naturopaths, one physician, and one public member. To our knowledge there are only three practicing naturopaths in this state, hence all would be members of the examining board? We would also like to point out that there is no provision for representative professionals currently practicing obstetrics i.e. a certified nurse-midwife and/or an obstetrician both of whom should be licensed in the state of Alaska.

Since naturopaths have not graduated from an obstetrical program recognised by the American College of Obstetricians and Gynecologists or the American College of Nurse-Midwives they are essentially practicing lay midwifery. We would like to point out that there are a number of important differences between certified nurse-midwives and lay midwives.

Certified nurse-midwives are registered nurses who have obtained additional training in obstetrics and gynecology and whose major scope of practice is the management of the essentially normal woman and newborn. This training is regulated on a national level by the American College of Nurse-Midwives and graduates must pass a national certifying examination in order to practice. In addition, nurse-midwives in Alaska are licensed under the Advanced Nurse Practice Act and are subject to the Rules and Regulations of the Board of Nursing.

The certified nurse-midwife's philosophy, standards, and scope of practice is defined by the American College of Nurse-Midwives document "Functions, Standards, and Qualifications". This

document clearly articulates the certified nurse-midwife's (CNM) role within the obstetrical community. Additionally, we are sanctioned by the American College of Nurse-Midwives (ACNM) to practice within a variety of settings including the hospital, out-of-hospital birth center, and home. A formally negotiated joint practice statement between ACNM and the American College of Obstetricians and Gynecologists (ACOG) further identifies and describes the role of the CNM in relation to the entire OB care team i.e. Obstetricians, Pediatricians, Neonatologists, nurses, etc.

In contrast, lay midwives have no nationally recognized professional organization which sets minimum educational and clinical standards or which defines their scope of practice (and limits). Their practice is therefore not represented to governmental bodies or other professional organizations. Lay midwives in Alaska do not function within the health care delivery system. They do not have mechanisms for consultation and/or referral of high risk, complicated or emergency cases. This is primarily because they lack minimum standards of education and a well defined scope of practice. No member of the recognized obstetrical community can assume safe clinical practice on the part of these individuals, therefore, they have not chosen to work with them.

According to the National Center for Health Statistics, over 9% of the births in Alaska occur out of the hospital. Many of these births are attended at home by lay midwives and/or naturopaths. Obviously, there is likely to be a continued demand for home birth services by consumers. It is of utmost importance that the issues of consumer protection and safe practice by lay midwives (and naturopaths) be addressed. We, therefore, recommend that all references to childbirth be removed from this bill and that efforts be made to regulate the practice of lay midwifery in a future legislative session.

Sincerely,

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Enclosures (2)

cc: Members,
Senate Health Education & Social Services Committee
Representative Niilo Koponen
Representative Don Clocksin
Hedric Hanson, M.D.
Jack Jacobs, M.D.
Margaret Crawford, CNM (Juneau)

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HEALTH AND ENVIRONMENT DEPARTMENT
HEALTH SERVICES DIVISION
725 Saint Michael's Drive
Post Office Box 968
Santa Fe, New Mexico 87504-0968

RECEIVED

APR 12 1982

FAMILY HEALTH
CONSULTANT

HED-82-1 (HSD)

REGULATIONS GOVERNING THE PRACTICE OF LAY MIDWIFERYGeneral Provisions

100. LEGAL BASIS: The regulations set forth herein are promulgated by the Secretary of Health and Environment by authority of 9-7-6(F) NMSA 1978 and 24-1-3(R) NMSA 1978. Administration and enforcement of these regulations is the responsibility of the Health Services Division of the Health and Environment Department. Enforcement is provided by 24-1-21 NMSA 1978.
101. PURPOSE: These regulations establish policies, standards and criteria relating to registration, practice and continuing education of persons who practice lay midwifery. These regulations do not apply to any licensed medical or osteopathic physician, certified nurse-midwife, or certified nurse practitioner specially qualified by the Board of Nursing.
102. GUIDELINES: In the absence of specific direction in these regulations as to standards of practice or ethics, the Standards of Care of the American College of Obstetricians and Gynecologists and procedures and policies of the Health and Environment Department and Health Services Division are established as guidelines.
103. OTHER LAW AND REGULATIONS: These regulations are subject to the provisions of the Health and Environment Department's Regulations Governing Promulgation of Regulations and Regulations Governing Public Access to Department Records. In addition, department regulations on related subjects include: registration of nurse-midwives; prevention of infant blindness; newborn screening for phenylketonuria and other congenital malfunctions; registration of births, deaths and fetal deaths, and control of diseases and conditions of public health significance. Copies of regulations may be obtained by writing to the Health Services Division, Post Office Box 968,

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- 104.07. "Midwifery instructor" means a person as listed in section 602 who has a formal training and supervisory relationship with an apprentice lay midwife.
- 104.08. "Physician" means a person licensed to practice medicine or osteopathy in the state in which he practices.
- 104.09. "Provisional lay midwife" means a person who has completed the provisional permit requirements of sections 600 and 601 and is in good standing on the registry of lay midwives maintained by the Division.
- 104.10. "Registered lay midwife" means a person who has completed all the requirements of sections 600 and 601, has successfully completed the examination process, and is in good standing on the registry of lay midwives maintained by the Division.
- 104.11. "Registration" means a document issued by the Division identifying a legal privilege and authorization to practice within the scope of these regulations. Registration under these regulations is not transferable.
- 104.12. "Registration period" means the period from April 1 of any year through March 31 of the following year; registration or permits may be issued at any time but shall expire on March 31 of the following year.
- 104.13. "Supervision" means the coordination, direction and continued evaluation at first hand of the person in training and obtaining clinical experience as an apprentice lay midwife within the scope of these regulations.

APPLICABILITY

200. LIMITATION: Lay midwifery in New Mexico is limited in scope to practice as outlined in these regulations.

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REGISTRATION OF LAY MIDWIVES

300. TYPES OF PERMITS AND FEES: Upon application, meeting the requirements and payment of fees, a person subject to these regulations may be issued an apprentice permit, a provisional permit, or a registration permit, as applicable and in accord with these regulations.
301. APPRENTICE PERMIT: Upon application, an apprentice permit may be issued which authorizes the person to obtain the required clinical experience under the supervision of a licensed physician, certified nurse-midwife, certified nurse practitioner specially qualified by the Board of Nursing, provisional or registered lay midwife. The applicant must provide verification of apprentice/supervisor relationship from the person or persons supervising the applicant. The permit is valid only so long as the verified relationship(s) exist(s).
302. PROVISIONAL REGISTRATION PERMIT: Upon application a provisional registration permit may be issued to:
- 302.01. Any person who under former regulations of the Division is currently permitted to engage in lay midwife practice under the supervision of the District Health Officer, or,
- 302.02. Any person who presents satisfactory evidence of education, training and experience; such person shall submit:
- 302.02.01. Evidence of completion of high school or its equivalent as determined by the Division;
- 302.02.02. Evidence of satisfactory completion of areas of study and required clinical experiences as cited for provisional permits in sections 600 and 601.

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306. EXAMINATION REQUIRED: Registration as a lay midwife in New Mexico is by examination only; there is no reciprocity with other jurisdictions.
307. RENEWAL OF PERMITS: Every lay midwife permit must be renewed every two years. An applicant for renewal shall submit to the Department:
- 307.01. A renewal application on the form prescribed by the Department;
 - 307.02. Evidence of completion of sixteen (16) contact hours of continuing education as required by Section 603;
 - 307.03. Evidence of current certification in cardiopulmonary resuscitation of the adult and newborn, and
 - 307.04. Renewal fee as prescribed by the Division.
308. GRACE PERIOD: Delinquency in renewal of registration of 30 days or greater shall result in termination of registration.
309. INACTIVE STATUS Any lay midwife registered in New Mexico who is not practicing lay midwifery in New Mexico may be placed on inactive status by requesting such status in writing and filing an annual report. There is no fee for inactive status. Active status may be renewed by fulfilling the requirements of section 307. Any registered lay midwife who does not seek inactive status and allows her permit to expire must apply for a registered lay midwife permit as prescribed in section 303 and must pass the qualifying examination.
400. FEES: All initial applications must be accompanied by a money order payable to the Division in the amount of fifty dollars (\$50.00). Such fee provides for initial registration for the registration period or part thereof remaining.
- 400.01. Fee for change of registration status or renewal of registration shall be \$25.00.
 - 400.02. Fee for examination shall be \$25.00 and is not included in change of status or registration fee.

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EDUCATION

600. COURSE OF STUDY: The Division shall, on the advice of the Lay Midwifery Advisory Board, periodically maintain and periodically revise a list of approved courses, texts, and trainers covering at least the following subject matters. The Division may use the list as a guideline in determining the acceptability of a non-listed educational source which an applicant submits as complying with any educational experience requirement. A course of study in theory of pregnancy and childbirth must include the following:

In each category applicant shall cite approved training source or indicate reasons why source should be approved.

		<u>Provisional Permit Requirements</u>	<u>Registered Permit Requirements</u>
600.01.	Basic aseptic techniques	Required at application	Required at application
600.02.	Basic Observation skills	Required at application	Required at application
600.03.	Basic prenatal nutrition		Required at application
600.04.	Basic parent education for prepared childbirth		Required at application
600.05.	Provision of care during the antepartum, intrapartum, postpartum and newborn periods	Required at application	Required at application
600.06.	Management of birth and immediate care of the mother and the newborn	Required at application	Required at application

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- 603.01. In each registration period, sixteen contact hours of continuing education must be obtained. Suitable topics include midwifery management in the antepartum, intrapartum, postpartum and newborn periods; risk assessment, early recognition of potential problems; midwifery management of emergency situations; ethics, legal aspects of practice.
- 603.02. Continuing education may be obtained through organized courses, conferences, area midwives meetings or other mechanism as approved by the Division.
- 603.03. In any calendar year the Department may require specific topics for continuing education based upon any problem areas indicated by lay midwives' quarterly reports.

EXAMINATION

700. REQUIREMENTS OF EXAMINATION: Any person applying for a registered lay midwife permit must pass a qualifying examination administered under the auspices of the Division. The Division shall offer the examination at least twice a year.
701. FIELDS TESTED: The examination shall consist of two parts:
- 701.01. A written examination designed to test knowledge of theory regarding pregnancy and childbirth and to test clinical judgment in lay midwifery case management.
- 701.02. A practical examination designed to demonstrate the mastery of skills necessary for the practice of lay midwifery.
702. SCOPE OF WRITTEN EXAMINATION: The written examination shall cover:
- 702.01. Theory regarding pregnancy and childbirth including but not limited to:

- 702.02.02. Early recognition of abnormalities in the antepartum, intrapartum, postpartum, and newborn periods, their significance and possible sequelae if untreated;
- 702.02.03. Recognition and management of emergency situations.

703. SCOPE OF PRACTICAL EXAMINATION: The practical examination shall cover basic management skills:

- 703.01. Obtaining a complete client history;
- 703.02. Performing a client examination including:
 - 703.02.01. Temperature, pulse, respiration
 - 703.02.02. Blood pressure.
 - 703.02.03. Fundal height
 - 703.02.04. Abdominal palpation for uterine muscle tone or tenderness
 - 703.02.05. Leopold's maneuvers to determine fetal lie, presentation, position
 - 703.02.06. Fetal heart tones;
 - 703.02.07. Vaginal examination to determine location, condition of the cervix;
 - 703.02.08. Edema
- 703.03. Interpreting the historical and physical findings; describing their significance, and any needed follow up.

DUTIES AND RESPONSIBILITIES

- 800. COVERAGE: The lay midwife must assure that all women she plans to deliver receive required tests.

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809. HOME VISIT: For home births, the lay midwife will make a home visit 3-5 weeks prior to the EDC to assess the physical environment, to ascertain whether the woman has all necessary supplies, to prepare the family for the birth, and to instruct the family to correct problems or deficiencies.
810. NORMAL DELIVERY: The lay midwife must remain with the mother and infant for at least two hours postpartum, or until the mother's condition is stable and the infant's condition is stable, whichever is longer. Maternal stability is evidenced by normal blood pressure, pulse, respirations, fundus firm and lochia normal. Infant stability is evidenced by established respirations, normal temperature, and strong sucking.
811. HOSPITALIZATION: The lay midwife must accompany to the hospital any mother or infant requiring hospitalization, giving any pertinent written records and verbal report to the physician assuming care. If possible, she should remain with the mother and/or infant to ascertain outcome.
812. PHYSICIAN EVALUATION OF NEWBORN: The lay midwife must recommend that any infant delivered by the midwife be evaluated by a physician within 3 days of age, or sooner when it becomes apparent that the newborn needs medical attention.
813. POSTPARTUM VISITS: The lay midwife shall make postpartum visits to evaluate the condition of mother and infant at least twice - once within 36 hours of birth and once on the fourth or fifth postpartum day. Additional visits shall be made as indicated.
814. RH BLOOD FACTOR: In case of an unsensitized Rh negative mother, the lay midwife shall:
- 814.01. Obtain a sample of cord blood from the placenta and arrange for testing within 24 hours of the birth.
- 814.02. Be certain that the mother receives Rh immunoglobulin as indicated within 72 hours of delivery.

- 819.09. Has rupture of membranes prior to 37 weeks gestation.
 - 819.10. Has marked decrease in or cessation of fetal movement.
 - 819.11. Has inappropriate gestational size.
 - 819.12. Has demonstrated anemia by blood test (hematocrit less than 30%).
 - 819.13. Has a fever of 100.4 degrees F. or 38 degrees C for 24 hours.
 - 819.14. Has effacement and/or dilatation of the cervix prior to 36 weeks gestation.
 - 819.15. Has polyhydramnios or oligohydramnios.
 - 819.16. Has excessive vomiting or continued vomiting after 24 weeks gestation.
 - 819.17. Is found to be Rh negative.
 - 819.18. Has severe, protruding varicose veins of extremities or vulva.
820. INTRAPARTUM: The lay midwife shall obtain medical consultation or refer for medical care any woman who during the intrapartum period:
- 820.01. Develops a blood pressure of 140/90 or an increase of 30 mm Hg systolic or 15 mm Hg diastolic over her normal blood pressure.
 - 820.02. Develops severe headache, epigastric pain or visual disturbance.
 - 820.03. Develops proteinuria.
 - 820.04. Develops a fever over 100.4 degrees F. or 38 degrees C.
 - 820.05. Develops respiratory distress.

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- 821.03. Bleeds in an amount greater than normal lochial flow.
- 821.04. Does not void within 6 hours of birth.
- 821.05. Develops a fever greater than 100°F . or 38°C on any 2 of the first 10 days postpartum excluding the first 24 hours.
- 821.05. Develops foul smelling lochia.
822. NEWBORN PROBLEMS: The lay midwife shall obtain medical consultation or refer for medical care any infant who:
- 822.01. Has an Apgar score of 7 or less at 5 minutes.
- 822.02. Has any obvious anomaly.
- 822.03. Develops grunting respirations, retractions or cyanosis.
- 822.04. Has cardiac irregularities
- 822.05. Has a pale, cyanotic or grey color.
- 822.06. Develops jaundice within 48 hours of birth.
- 822.07. Has an abnormal cry.
- 822.08. Weighs less than $5\frac{1}{2}$ pounds or 2500 grams or weighs more than 9 pounds or 4100 grams.
- 822.09. Shows signs of prematurity, dysmaturity or postmaturity.
- 822.10. Has meconium staining.
- 822.11. Does not urinate or pass meconium in the first 12 hours after birth.
- 822.12. Is lethargic or does not feed well.
- 822.13. Has edema.

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- 900.10. Smokes 20 cigarettes or more, per day, and is not likely to cease in pregnancy.
- 900.11. Has a multiple gestation.
- 900.12. Has a fetus of less than 37 weeks gestation at the onset of labor.
- 900.13. Has a gestation beyond 42 weeks by dates and examination.
- 900.14. Has a fetus in any presentation other than vertex at the onset of labor.
- 900.15. Is a primigravida with an unengaged fetal head in active labor, or any woman who has rupture of membranes with unengaged fetal head, with or without labor.
- 900.16. Has a fetus with suspected or diagnosed congenital anomalies that may require immediate medical intervention.
- 900.17. Has preeclampsia.
- 900.18. Has a parity greater than 5.
901. EXAMINATION IN LABOR: The lay midwife will not perform any vaginal examinations on a woman with ruptured membranes and no labor, other than an initial examination to be certain there is no prolapsed cord. Once active labor is assuredly in progress, exams may be made as necessary.
902. OPERATIVE PROCEDURES: The lay midwife will not perform routinely any operative procedure other than: artificial rupture of membranes at the introitus; clamping and cutting the umbilical cord; repair of first or second degree perineal lacerations or repair of episiotomy, if done.
903. MEDICATIONS: The lay midwife will not administer any restricted drugs or medications except when specifically ordered to do so by a physician or when administering medication in accordance with Regulations Governing the Prevention of Infant Blindness.

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The Lay Midwifery Advisory Board will meet at least annually to evaluate the practice of lay midwifery as reflected in the annual reports and conduct other relevant business.

1101. QUARTERLY REPORTS: The lay midwife shall submit quarterly to the Health Services Division, Health and Environment Department, a summary report in a form prescribed by the Division. This report must be submitted within 30 days of the end of the quarterly period. Individually identifying information shall not be required.
1102. MORTALITY: IMMEDIATE REPORTING: In addition to reports required for birth and death registration, the lay midwife must report within 48 hours to the Health Services Division any fetal, neonatal or maternal mortality in patients for whom she has cared.
1103. FORMS SUPPLIED: The Division will send to each lay midwife an ample supply of quarterly report forms.
1104. STATISTICS: The Division will compile annual lay midwifery statistics and make them available to lay midwives and other interested groups or persons.
1105. PREVENTION OF INFANT BLINDNESS: The Division will provide necessary supplies for prophylactic treatment of infant eyes as required by these regulations.
1106. REPEALER: These regulations supersede the Regulations Governing the Practice of Midwifery adopted by the State Board of Public Health, May 4, 1944, and No. HED-80-3 (HSD) filed on February 5, 1980, and No. HED-80-3A (HSD) filed on March 12, 1980.

The Law
Relating To
MIDWIFERY



Department of Licensing
DIVISION OF PROFESSIONAL LICENSING

P.O. BOX 9649

OLYMPIA, WA 98504

206 753 6838

DECEMBER 1981

Chapter 18.50 RCW MIDWIFERY

Sections

- 18.50.005 Definitions.
18.50.010 Practicing midwifery defined—Gratuitous services—Duty to consult with physician.
18.50.020 License required.
18.50.030 Exemptions—Practice of religion—Treatment by prayer.
18.50.032 Exemptions—Registered nurses and nurse midwives.
18.50.034 Exemptions—Persons enrolled in midwifery programs.
18.50.040 Candidates for examination—Application—Eligibility, training, and education requirements—Student midwife permits.
18.50.045 Midwifery education programs—Accreditation.
18.50.050 Admission of candidate to examination—Fee—Recexamination.
18.50.060 Examinations—Times and places—Subjects—Issuance of license—Drugs and medications.
18.50.100 Refusal, suspension, or revocation of license—Reprimand or censure—Grounds—Complaints—Hearing—Appeal.
18.50.102 Annual registration—Renewal fee—Delinquent renewals.
18.50.105 Form to inform patient of qualifications of midwife.
18.50.108 Written plan for consultation, emergency transfer, and transport.
18.50.120 Unlawful practice—Penalties.
18.50.130 "Certificate" and "license" synonymous.
18.50.135 Rules.
18.50.140 Midwifery advisory committee—Created—Members—Appointment—Terms—Travel expenses.
18.50.150 Midwifery advisory committee—Advice and recommendations—Transmittal to legislature.
18.50.900 Repeal and saving.

Abortion: Chapter 9.02 RCW.

Actions for injuries resulting from health care: Chapter 7.70 RCW.

Adoption of children through hospitals, doctors, midwives, etc.: RCW 26.36.040.

Crimes relating to pregnancy and childbirth: RCW 9A.32.060.

Filing certificate of birth: RCW 70.58.080.

Record as to patients or inmates for purposes of vital statistics: RCW 70.58.270.

RCW 18.50.005 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

- (1) "Department" means the department of licensing.
- (2) "Director" means the director of licensing.
- (3) "Midwife" means a midwife licensed under this chapter.

[1981 c 53 § 2.]

Effective date—1981 c 53: "Sections 1, 2, 5, 6, 8, 9, 10, 11, and 13 through 17 of this act shall take effect January 15, 1982." [1981 c 53 § 19.] This applies to RCW 18.50.005, 18.50.032, 18.50.034, 18.50.102, 18.50.108, 18.50.135, to the amendments to RCW 7.70.020, 18.50.010, 18.50.040, 18.50.060, 18.50.100 and 43.24.085 by 1981 c 53, and to an uncodified appropriation section.

RCW 18.50.010 Practicing midwifery defined—Gratuitous services—Duty to consult with physician. Any person shall be

RCW 18.50.040 Candidates for examination—Application—Eligibility, training, and education requirements—Student midwife permits. (1) Any person seeking to be examined shall present to the director, at least forty-five days before the commencement of the examination, a written application on a form or forms provided by the director setting forth under affidavit such information as the director may require and proof the candidate has received a high school degree or its equivalent; that the candidate is twenty-one years of age or older; that the candidate has received a certificate or diploma from a midwifery program accredited by the director and registered under chapter 28B.05 RCW, when applicable, or a certificate or diploma in a foreign institution on midwifery of equal requirements conferring the full right to practice midwifery in the country in which it was issued. The diploma must bear the seal of the institution from which the applicant was graduated. Foreign candidates must present with the application a translation of the foreign certificate or diploma made by and under the seal of the consulate of the country in which the certificate or diploma was issued.

(2) The candidate shall meet the following conditions:

(a) Obtaining a minimum period of midwifery training for at least three years including the study of the basic nursing skills that the department shall prescribe by rule. However, if the applicant is a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, or has had previous nursing education or practical midwifery experience, the required period of training may be reduced depending upon the extent of the candidate's qualifications as determined under rules adopted by the department. In no case shall the training be reduced to a period of less than two years.

(b) Meeting minimum educational requirements which shall include studying obstetrics; neonatal pediatrics; basic sciences; female reproductive anatomy and physiology; behavioral sciences; childbirth education; community care; obstetrical pharmacology; epidemiology; gynecology; family planning; genetics; embryology; neonatology; the medical and legal aspects of midwifery; nutrition during pregnancy and lactation; breast feeding; nursing skills, including but not limited to injections, administering intravenous fluids, catheterization, and aseptic technique; and such other requirements prescribed by rule.

(c) For a student midwife during training, undertaking the care of not less than fifty women in each of the prenatal, intrapartum, and early postpartum periods, but the same women need not be seen through all three periods. A student midwife may be issued a permit upon the satisfactory completion of the requirements in (a), (b), and (c) of this subsection and the satisfactory completion of the licensure examination required by RCW 18.50.060. The permit permits the student midwife to practice under the supervision of a midwife licensed under this chapter, a physician licensed

The examination shall be sufficient to test the scientific and practical fitness of candidates to practice midwifery. All application papers shall be deposited with the director and there retained for at least one year, when they may be destroyed.

(3) If the examination is satisfactorily completed, the director shall issue to such candidate a license entitling the candidate to practice midwifery in the state of Washington.

(4) A midwife licensed under this chapter may obtain and administer prophylactic ophthalmic medication, postpartum oxytocic and local anesthetic; and may administer such other drugs or medications as prescribed by a licensed physician. A pharmacist who dispenses such drugs to a licensed midwife shall not be liable for any adverse reactions caused by any method of utilization by the midwife. [1981 c 53 § 8; 1979 c 158 § 43; 1917 c 160 § 4; RRS § 10177.]

Effective date—1981 c 53: See note following RCW 18.50.005.

RCW 18.50.100 Refusal, suspension, or revocation of license—Reprimand or censure—Grounds—Complaints—Hearing—Appeal. The director may refuse to grant or may suspend or revoke any license, may reprimand or censure a license holder, or may place on probation subject to reasonable remedial conditions a license holder for any of the following reasons: Persistent inebriety; the practice of criminal abortion; the commission of any crime involving moral turpitude relevant to the practice of midwifery; presentation of a certificate or diploma for registration or license illegally obtained; application for examination under fraudulent misrepresentation; mishandling drugs authorized by this chapter; neglect or refusal to make proper returns to the department of social and health services of births or of puerperal contagion or infectious diseases within the required limit of time; failure to consult with a physician in a case of significant deviations from normal in either the mother or the infant.

In complaints of violations of the provisions of this section, the accused shall be furnished with a copy of the complaint and be given a hearing before a hearing examiner, with right of appeal to the director. Any midwife refused admittance to the examination or whose license has been revoked who shall attempt or continue the practice of midwifery shall be subject to the penalties prescribed under this chapter. [1981 c 53 § 9; 1917 c 160 § 7; RRS § 10180. Formerly RCW 18.50.100 and 18.50.110.]

Effective date—1981 c 53: See note following RCW 18.50.005.

Abortion: Chapter 9.02 RCW.

RCW 18.50.102 Annual registration—Renewal fee—Delinquent renewals. Every person licensed to practice midwifery

RCW 18.50.130 "Certificate" and "license" synonymous. The words "certificate" and "license" shall be known as interchangeable terms in this chapter. [1917 c 160 § 11; RRS § 10184.]

RCW 18.50.135 Rules. The director shall promulgate rules under chapter 34.04 RCW as are necessary to carry out the purposes of this chapter. [1981 c 53 § 15.]

Effective date—1981 c 53: See note following RCW 18.50.005.

RCW 18.50.140 Midwifery advisory committee—Created—Members—Appointment—Terms—Travel expenses. The midwifery advisory committee is created.

The committee shall be composed of one licensed physician who is a practicing obstetrician; one practicing licensed physician; one certified nurse midwife licensed under chapter 18.88 RCW; three midwives licensed under this chapter; and one public member, who shall have no financial interest in the rendering of health services. The committee may seek other consultants as appropriate, including persons trained in childbirth education and perinatology or neonatology.

The members are appointed by the director and serve at the pleasure of the director but may not serve more than three consecutive years or more than five years in total. The terms of office shall be staggered. Members of the committee shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended. [1981 c 53 § 3.]

RCW 18.50.150 Midwifery advisory committee—Advice and recommendations—Transmittal to legislature. The midwifery advisory committee shall advise and make recommendations to the director on issues including, but not limited to, continuing education, mandatory reexamination, and peer review. The director shall transmit the recommendations to the social and health services committee of the senate and the human services committee of the house of representatives on an annual basis. [1981 c 53 § 4.]

RCW 18.50.900 Repeal and saving. All acts or parts of acts inconsistent with the provisions of this chapter may be and the same are hereby repealed: *Provided*, This chapter shall not repeal the provisions of the vital statistics laws of the state, but shall be deemed as additional and cumulative provisions. [1917 c 160 § 10.]

CSHB 347 (Finance)am - An Act relating to the licensing of naturopaths.

BOARD

The board of Naturopathic Examiners is created one year after eight people are issued licenses by the Division of Occupational Licensing. The board will consist of three naturopaths, one physician and a public member who serve three year staggered terms.

POWERS AND DUTIES OF THE BOARD

The board will evaluate qualifications of applicants, hold hearings, keep records, issue licenses and license renewals. The Department may establish educational requirements and identify schools acceptable for licensing purposes.

ELIGIBILITY FOR LICENSURE

A person must have a bachelor's degree, graduated from a school of naturopathy approved by the Postsecondary Education Commission (four years of study with 4,000 hours of instruction, of which 1,500 hours are clinical), passed an examination, not have a revoked or suspended license in another state, be a U.S. citizen, and have practiced for one year under supervision.

EXAMINATION

The Department shall administer the exam at least twice a year. It is to be in writing but may be supplemented by oral and practical tests. An applicant must have an average of 75% and not less than 70% in more than two sections.

TEMPORARY PERMITS

A temporary permit may be given to a person licensed as a naturopath in another state if the standards are equivalent and the person proves qualifications required under this chapter. A person practicing as an intern under supervision qualifies for a temporary license for one year; otherwise a temporary permit is good until the results of the exam are published..

LICENSE

A license is good for four years and fees are listed in the bill.

SCOPE OF PRACTICE

Systems of diagnosis for which the naturopath has been trained, natural childbirth and treatment by physiological, nutritional, mechanical, manual, hydrotherapeutic and phytotherapeutic means with accupressure and with minerals, extracts, compounds, and concentrates from plants and animals. A NATUROPATH MAY NOT perform surgery, use of prescribe controlled substances or use x-rays, radiation or irradiation for diagnosis or therapy

CONTINUING EDUCATION

The Department shall require continuing education proof for re-licensure but may waive the requirements.

DISCIPLINARY SANCTIONS AND VIOLATIONS

A person licensed under this chapter may not:

obtain a license through deceit or fraud or engage in deceit or fraud in their practice.

Advertise in a false or misleading manner

Have been convicted of a felony or other crime inhibiting their ability to practice

Continue to practice after becoming unfit or engage in lewd or immoral conduct in the delivery of services.

A person practicing without a license under this chapter is guilty of a class A misdemeanor, other violations constitute a class B misdemeanor. Midwifery is not prohibited by this act.

DEFINITION OF NATUROPATHY

A system of health care that promotes good health through prevention and treatment of illness by educational, physical, nutritional, botanical, hygienic and other means without using prescription drugs, surgery, x-ray equipment or radium therapy.

GRANDFATHER CLAUSE

The Department shall issue a license, without examination or internship, to any person who, on the effective date of the act:

Resides and practices naturopathy in the state

Has passed an exam and is licensed in another state

Has graduated from a school of naturopathy, taken a four year course and completed 4,000 hours in their study.

Applies for a license by June 30, 1985.

NOTE: subsection (b) implies that the grandfather license is a temporary permit to practice and that the license is good only until the results of the first examination are released.

EFFECTIVE DATE

The effective date did not pass the House.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST Bill/Resolution No.: CS HB 347 (F) FISCAL DETAIL Agency Affected: Commerce
 Title: Relating to Naturopaths Program Category Affected: _____
 Sponsor: Martin BRU, Program or Subprogram(s) Affected: _____
 Requestor: House Finance _____
 Date of Request: 4/23/84 _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

~~SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:~~

No funds are needed to implement this bill. The board does not go into effect until 8 licenses are issued, and there are only 5 naturopaths in the state at present. It is the intent of the committee that the cost of licensing be absorbed in the Department's existing budget.

ANALYSIS: Attach a separate page for analysis

Prepared By: Rep. Al Adams, Chair *APA* Phone: 465-3706
 Division: House Finance Committee Date: 4/23/84

Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

MEMORANDUM

TO: Ann Griggs, Director
Division of Occupational Licensing
Department of Commerce &
Economic Development

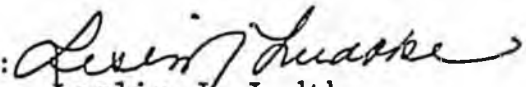
DATE: March 25, 1980

FILE NO: J-66-509-80

TELEPHONE NO: 465-3675

FROM: AVRUM M. GROSS
ATTORNEY GENERAL

SUBJECT: Patton D. Pettijohn's
right to practice
medicine in an un-
licensed capacity.

By: 
Leslie J. Ludtke
Assistant Attorney General

You have requested this department's advice as to whether Mr. Pettijohn is practicing medicine in an unlicensed capacity. It is our view that providing obstetric care and performing home deliveries constitutes the practice of medicine and requires licensure. You have also stated that Mr. Pettijohn is representing himself as a "doctor equivalent"; this is also prohibited by statute.

AS 08.64.380(2)(C) defines the practice of medicine or the practice of osteopathy as "the assumption or promulgation of a title which tends to show that the person is willing or qualified to diagnose or treat the sick or injured." By representing to patients that he has received "all the training of other doctors" and by practicing obstetrics, Mr. Pettijohn is engaging in the practice of medicine. Although obstetrics does not technically involve the treatment of the "sick or injured," it is, as a matter of common understanding and knowledge, an important and accepted branch of medicine.

Mr. Pettijohn does not have the requisite qualifications for licensure as a physician, an osteopath, or a podiatrist. There currently are no licensing provisions pertaining to naturopaths. It is our understanding that Mr. Pettijohn completed the course of study at the National College of Naturopathic Medicine in Portland, Oregon. That program is not equivalent for the purposes of the licensing provisions of AS 08.64.200, to that offered by an accredited medical school, and therefore may not be used to qualify Mr. Pettijohn for licensure as a physician.

Ann Griggs

-2-

March 25, 1980

It may also interest you to know that recently the United States District Court for the District of Maryland, in multidistrict litigation concerning the State of Alaska, entered judgment for the state against the claims of naturopaths that they were being denied constitutional rights by not being allowed to practice "naturopathy" within the state.

LJL/ab

POSITION PAPER

CS FOR HOUSE BILL NO. 347 (FINANCE) am

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

The changes made by this version over the previous bill, CSHB 347 (L&C), are as follows:

1. Responsibility for approval of schools of naturopathy is assigned to the Alaska Commission on Postsecondary Education rather than the Department of Commerce and Economic Development.
2. The practice of natural childbirth is restored to the scope of naturopathic practice.
3. Provision is made for "grandfathering" of certain naturopaths without examination or the requirement for an internship.
4. The effective date is made immediate rather than January 1, 1985.

The Department continues to have reservations about the appropriateness of naturopathic treatment for certain types of illnesses which were expressed in the original position paper of April 18, 1983. Some of the objections to the scope of practice described in the original bill have been addressed. The Department recognizes the right of health care consumers to chose the type of treatment they prefer and is, therefore, neutral on this bill. The Department will defer to the Department of Commerce and Economic Development on the merits of licensure and the establishment of a Board and to the Commission on Postsecondary Education on the issues of approval of schools of naturopathy.

Recommended by:

David Bruce
David Bruce
Deputy Director
Division of Public Health

Date:

5/17/84

Approved by:

John R. Pugh
John R. Pugh
Acting Commissioner
Department of Health and
Social Services

Date:

5/18/84

Original sponsors: Martin and Tischer

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR HOUSE BILL NO. 347 (Finance) am
3 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."
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
8 * Section 1. AS 08.01.010 is amended by adding a new paragraph to read:
9 (24) regulation of naturopaths under AS 08.45.
10 * Sec. 2. AS 08 is amended by adding a new chapter to read:
11 CHAPTER 45. NATUROPATHS.
12 ARTICLE 1. BOARD OF NATUROPATHIC EXAMINERS.
13 Sec. 08.45.010. CREATION AND MEMBERSHIP OF THE BOARD. There is
14 established the Board of Naturopathic Examiners consisting of
15 (1) three naturopaths licensed under this chapter;
16 (2) one doctor licensed under AS 08.64; and
17 (3) one public member.
18 Sec. 08.45.030. TERM OF OFFICE. Members of the board serve
19 staggered terms of three years. A member may be appointed to serve no
20 more than two consecutive full terms.
21 Sec. 08.45.040. APPLICABILITY. AS 08.45.010 - 08.45.040 apply
22 one year after the first eight licenses are issued under this chapter.
23 After AS 08.45.010 - 08.45.040 become applicable, the board shall
24 exercise the powers and duties of the department under this chapter.
25 ARTICLE 2. REGULATION OF NATUROPATHY.
26 Sec. 08.45.090. DUTIES AND POWERS. (a) The department shall
27 (1) evaluate the qualifications of applicants for licenses
28 under this chapter;
29 (2) conduct hearings and keep records necessary to carry

1 out the purposes of this chapter; and

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

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

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

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

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

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

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

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

28 (5) be a United States citizen or lawfully admitted to
29 permanent residence in this country; and

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

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

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

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

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

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

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

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

27 (2) qualifies for a license under AS 08.45.110(1) - (5) and
28 is working as an intern supervised by a naturopath with a license or
29 temporary permit issued under this chapter.

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

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

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

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

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

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

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

21 (3) practice natural childbirth in obstetrics.

educational provisions?

22 (b) A naturopath may not

23 (1) perform surgery;

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

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

28 Sec. 08.45.170. CONTINUING EDUCATION. (a) The department shall
29 prescribe by regulation continuing education requirements for persons

1 licensed under this chapter.

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

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

9 ARTICLE 3. GENERAL PROVISIONS.

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

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

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

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

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

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

28 (4) has been convicted of a felony or other crime that
29 affects the person's ability to continue to practice competently and

1 safely;

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

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

5 (A) professional incompetence;

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

8 (C) physical or mental disability;

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

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

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

18 (c) Nothing in this chapter prohibits the practice of midwifery
19 by persons other than practitioners of naturopathy.

20 Sec. 08.45.900. DEFINITIONS. In this chapter

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

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

28 * Sec. 3. LICENSING OF PRACTITIONERS OF NATUROPATHY WITHOUT EXAMINATION
29 OR INTERNSHIP. (a) The Department of Commerce and Economic Development

1 shall issue a license to practice naturopathy to a person who, on the
2 effective date of this Act,

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

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

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

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

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

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

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: May 24, 1984

<p>REQUEST Bill/Resolution No.: CSHB 347 (Fin) Title: "An Act relating to the licensing of Naturopaths." Sponsor: Finance Committee Requestor: Date of Request:</p>	<p>FISCAL DETAIL Agency Affected: Commerce & Econ. Dev. Program Category Affected: Public Protection BRU, Program or Subprogram(s) Affected: Occupational Licensing</p>
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
100 PERSONAL SERVICES	0	0	0	0	36.7	38.6
200 TRAVEL	0	1.9	1.1	1.2	7.8	8.2
300 CONTRACTUAL	0	2.4	2.5	2.7	4.9	5.2
400 SUPPLIES	0	.5	.5	.6	.6	.6
500 EQUIPMENT	0	0	0	0	3.7	0
600 LAND & STRUCTURES	0	0	0	0	4.7	4.9
700 GRANTS, CLAIMS	0	0	0	0	0	0
800 MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	4.8	4.1	4.5	58.4	57.5
CAPITAL	0	0	0	0	0	0
REVENUE	0	1.2	1.5	1.7	2.0	2.2

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	4.8	4.1	4.5	58.4	57.5
FEDERAL FUNDS						
OTHER						
TOTAL	0	4.8	4.1	4.5	58.4	57.5

POSITIONS:

FULL-TIME	0	0	0	0	1	1
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

NOT IDENTIFIED BY THE SPONSOR

ANALYSIS: Attach a separate page for analysis SEE ATTACHED:

Prepared By: Darrell Miller Phone: 465-2535
 Division: Occupational Licensing Date: 5/24/84
 Approved by Commissioner: Richard A. Lyon Date: 5/24/84
 Agency: Commerce & Economic Development

Distribution (by Agency preparing fiscal note):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

12/1/83

FISCAL ANALYSIS

CS HB 347 (Fin)

ASSUMPTIONS:

This bill will impose a fiscal impact on operating expenses of the department in that it provides for examination and licensure of Naturopaths immediately.

The bill provides for fees for application for examination and for license issuance. It is anticipated that in FY '85 a total of 5 persons would be licensed under the provisions of this bill for a total revenue of \$1,250.00. It is also anticipated that one additional person would be licensed under this bill each succeeding fiscal year thereafter.

Revenue generated from the licensing provisions of this bill would be minimal and would not off-set the operating costs of the department staff functions for conducting examinations and issuance of licenses and the development of procedural regulations.

AS 08.45.040 of this bill provides that a five member board shall be created after a total of 8 persons are licensed by the department and at that time the board shall exercise the powers and duties of the department under this chapter. With the anticipated five initial licenses issued in FY 85, and the one license issued each succeeding fiscal year thereafter, it would be FY '88 when the board actually came into existence.

This imposes a severe fiscal impact on the department and additional funding would be necessary for one additional position, board and administrative support staff travel and per diem and other related costs for full implementation of the provisions of this bill. Support staff would be required to attend the board meetings to assist in the conduct of the examinations, board meetings, and assisting the board in further development of regulations for the board licensing function.

This bill is silent on the number of meetings the board shall conduct each year, however the bill does specify that examinations shall be conducted at least twice each year. Based on this it is anticipated that the board would hold two such meetings in order to meet the mandatory examination criteria.

The bill is silent on the areas of the State that board members shall be appointed from. Based on past history, the board would represent all geographical areas of the State and meetings would be held throughout the State to accommodate the majority of the residents of the State. With this in mind, the fiscal note was prepared with a single figure for transportation and per diem. If meetings are rotated, the cost factor would even out over a period of time.

CSHB NO. 347 (Fin)

100 PERSONAL SERVICES: (FY '84 salary schedule with a
5% inflation factor projected)

1 License Examiner, Range 12A, General Government,
12 months, located in Juneau. Required for
FY '88 and subsequent Fiscal Years \$31,721.83

200 TRAVEL: (Estimated Costs - FY '85)

1 support staff:

Transportation:	2 licensing examinations @ \$400.00 per trip	\$ 800.00
Per Diem:	2 examinations, 2 days travel each @ \$80.00 per day = 2 x \$80.00 x 2	320.00
Transportation:	1 regulation hearing Anchorage- Fairbanks	450.00
Per Diem:	2 days @ \$80.00 and 2 days @ \$90.00	<u>340.00</u>
Total travel costs FY '85:		\$1,910.00

TRAVEL COSTS: FY '88:

Transportation:	2 support staff, 2 board Mtgs/examin- ations each @ \$400.00 per trip = 2 x \$400.00 x 2	\$1,600.00
Per Diem:	2 board meetings/examinations each @ \$80.00 per day = 2 x \$80.00 x 2 staff x 2 meetings	640.00
5 Board members:		
Transportation:	2 board meetings @ \$400.00 each x 5 board members	4,000.00
Per Diem:	2 board meeting/examinations each 2 days each meeting @ \$80.00 per day = 2 x \$80.00 x 5 board members x 2 meetings	<u>1,600.00</u>
TRAVEL COSTS: TOTAL FOR FY'88		\$7,840.00

300 CONTRACTUAL: (Estimated costs FY '85 only)

Postage, telephone, printing, publication and other operating costs	\$1,500.00
Professional Examination Service fees for licensing examinations: (Estimated 5 license examinations in FY '85 at \$125.00 each)	625.00
Meeting rooms for examinations- 2 examinations 1 days each @ \$150.00 per day	<u>300.00</u>
Total Contractual costs FY '85:	\$2,425.00

ESTIMATED COSTS FOR FY '88:

Postage, Telephone, printing, publication and other operating costs	4,500.00
Professional Examination Service fees for licensing examinations: (Estimated one per year after initial year of FY '85 @ \$125.00)	125.00
Meeting rooms for examinations: 2 examinations 1 day each @ \$150.00 per day	<u>300.00</u>
TOTAL ESTIMATED COSTS FOR FY '88:	\$4,925.00

400 COMMODITIES: (Estimated costs FY '85 only)

Stationery, typewriter ribbons, pens, pencils, tablets and other miscellaneous desk top supplies	\$ 500.00
ESTIMATED COSTS FY ' 88:	\$ 600.00

500 EQUIPMENT: (one time costs in FY '88 only - based on FY '85 projected cost estimates)

1 Desk, double pedestal, 60"x30"	\$ 568.22
1 Chair, swivel with arms	225.42
1 Typewriter; IBM correcting Selectric with dual pitch, 15.5 inch paper capacity	1,369.36
1 Chair, side, without arms, countour style	114.60
1 Calculator, desk, printing, 12 digit	364.66
1 File cabinet, 5 drawer, legal with lock	406.91
1 Storage cabinet, 36"x18"x78"	<u>192.44</u>
Total Equipment Costs:	\$3,241.61

600 LAND AND STRUCTURES: (Estimated costs to start in FY '88, based on FY'84 costs with 5% inflation factor projected)

Office Space:

1 License Examiner: 150 square feet @ \$2.25 per foot per month \$4,050.00

Total Operating costs projected for FY '85: \$4,835.00

Total Operating costs projected for FY '88: \$58,400.00

Note: ALL FY '88 costs projected are estimated (or actual) FY '85 costs projected out with a 5% inflation factor.

1.	POSITION TITLE License Examiner I		
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	PCN NUMBER
3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
	PERSONAL SERVICES		
5.	Salary	27.3	
6.	Benefits	4.5	
7.	Supplemental Benefits	1.8	
8.	Fixed Benefits	3.1	
9.	TOTAL PERSONAL SERVICES	01	36.7
10.	Travel	02	7.8
11.	Contractual	03	4.9
12.	Commodities	04	.6
13.	Equipment	05	3.7
14.	Other - Lands & Structures		4.7
15.	TOTAL COST		58.4

RECEIPT CODE	FUNDING SOURCE	AMOUNT
16.	Federal Receipts 1002	
17.	G.F. Match 1003	
18.	General Funds 1004	58.4
19.	I-A Receipts 1005	
20.	Program Receipts 1028	
21.	Other	

FOR HIGH USE ONLY
4A KEY NUMBER _____

NGE/STEP 12A	BARG. UNIT GGU	FORM 12 ELECTION DISTRICT A11	PAGE/LINE	GOV. L.C.	APPROV.	DISAPP.
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JUSTIFICATION

This position would be required under CSHB NO. 347 (Fin) "An Act relating to the licensing of Naturopaths and providing for an effective date", to implement the provisions of AS 08.45.040, in FY '88 to provide necessary support to the Board of Naturopathic Examiners in the organization of the board, transferring the licensing and examination functions from the Department to the Board, and provide administrative support to the board for the maintenance of licensing files, development of regulations required, printing of statute and regulation booklets, conducting board meetings and examinations, communication with other similiar professional licensing boards, communications with other States with similiar licensing boards or licensing functions, providing budget input to the department as to board needs for funding, and any other duties as required.

13 REQUEST FOR
NEW POSITION

AGENCY Commerce and Economic Development
PROGRAM Public Protection
BRU Occupational Licensing
COMPONENT Administration

Page 1 of 1
Revised Date 4/30/84

FY 84

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: May 24, 1984

REQUEST

Bill/Resolution No.: CSHB 347 (Fin)
Title: "An Act relating to the
licensing of Naturopaths."
Sponsor: Finance Committee
Requestor:
Date of Request:

FISCAL DETAIL

Agency Affected: Commerce & Econ. Dev.
Program Category Affected: Public Protection
BRU, Program or Subprogram(s) Affected: Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES	0	0	0	0	36.7	38.6
200 TRAVEL	0	1.9	1.1	1.2	7.8	8.2
300 CONTRACTUAL	0	2.4	2.5	2.7	4.9	5.2
400 SUPPLIES	0	.5	.5	.6	.6	.6
500 EQUIPMENT	0	0	0	0	3.7	0
600 LAND & STRUCTURES	0	0	0	0	4.7	4.9
700 GRANTS, CLAIMS	0	0	0	0	0	0
800 MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	4.8	4.1	4.5	58.4	57.5
CAPITAL	0	0	0	0	0	0
REVENUE	0	1.2	1.5	1.7	2.0	2.2

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	4.8	4.1	4.5	58.4	57.5
FEDERAL FUNDS						
OTHER						
TOTAL	0	4.8	4.1	4.5	58.4	57.5

POSITIONS:

FULL-TIME	0	0	0	0	1	1
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

NOT IDENTIFIED BY THE SPONSOR

ANALYSIS: Attach a separate page for analysis SEE ATTACHED:

Prepared By: Darrell Miller Phone: 465-2535
Division: Occupational Licensing Date: 5/24/84
Approved by Commissioner: Richard A. Lyon Date: 5/24/84
Agency: Commerce & Economic Development

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

12/1/83

FISCAL ANALYSIS

CS HB 347 (Fin)

ASSUMPTIONS:

This bill will impose a fiscal impact on operating expenses of the department in that it provides for examination and licensure of Naturopaths immediately.

The bill provides for fees for application for examination and for license issuance. It is anticipated that in FY '85 a total of 5 persons would be licensed under the provisions of this bill for a total revenue of \$1,250.00. It is also anticipated that one additional person would be licensed under this bill each succeeding fiscal year thereafter.

Revenue generated from the licensing provisions of this bill would be minimal and would not off-set the operating costs of the department staff functions for conducting examinations and issuance of licenses and the development of procedural regulations.

AS 08.45.040 of this bill provides that a five member board shall be created after a total of 8 persons are licensed by the department and at that time the board shall exercise the powers and duties of the department under this chapter. With the anticipated five initial licenses issued in FY 85, and the one license issued each succeeding fiscal year thereafter, it would be FY '88 when the board actually came into existence.

This imposes a severe fiscal impact on the department and additional funding would be necessary for one additional position, board and administrative support staff travel and per diem and other related costs for full implementation of the provisions of this bill. Support staff would be required to attend the board meetings to assist in the conduct of the examinations, board meetings, and assisting the board in further development of regulations for the board licensing function.

This bill is silent on the number of meetings the board shall conduct each year, however the bill does specify that examinations shall be conducted at least twice each year. Based on this it is anticipated that the board would hold two such meetings in order to meet the mandatory examination criteria.

The bill is silent on the areas of the State that board members shall be appointed from. Based on past history, the board would represent all geographical areas of the State and meetings would be held throughout the State to accommodate the majority of the residents of the State. With this in mind, the fiscal note was prepared with a single figure for transportation and per diem. If meetings are rotated, the cost factor would even out over a period of time.

Naturopathy as a Profession

It is not the intent of this catalog to present the philosophical concepts of the Naturopathic profession. However, it is the intent of this catalog to enlighten the prospective student of the benefits and services offered by the Naturopathic profession and the National College of Naturopathic Medicine.

If the prospective student is interested in people, those who are troubled and sick, he will find Naturopathy a science and art which can help them. In so doing he will find a profession which renders to him great satisfaction and an opportunity for self expression.

The science of Naturopathy is one of many in the healing arts. It is defined by the United States Department of Labor in its Dictionary of Occupational Titles as:

“Doctor, Naturopathic, a healer: Diagnoses and treats patients to stimulate and restore natural bodily process and functioning; a system of practice that employs physical, mechanical, chemical and psychological methods; utilizes dietetics, exercise, manipulations, chemical substances naturally found in or produced by living bodies, and healing properties of air, light, water, heat, and electricity.

Provides for care of bodily functions, processes or traumas, and treats nervous or muscular tension, abnormalities of tissues, organs, muscles, nerves, joints, bones and skin pressure on nerves, blood vessels and lymphatics; and assists patients in making adjustments of a mental and emotional nature.

“Naturopathy excludes the use of major surgery, X-ray, and radium for therapeutic purposes, and the use of drugs with the exception of those substances which are assimilable, contain elements or compounds which are components of body tissues, and are useable by body process for the maintenance of life.”

In its modern concept Naturopathic Medicine includes any physiological method which has been demonstrated to be clinically effective and conforms to the Naturopathic philosophy.

As the student enters college he must do so with a fixed purpose to attain all the knowledge which Naturopathy has to offer him.

The decision to become a Naturopathic Physician is a difficult one. As one enters practice he assumes the responsibility for human life in health and disease. With dignity he must render a responsible service to the community in which he practices.

MEMORANDUM

TO: Ann Griggs, Director
Division of Occupational Licensing
Department of Commerce &
Economic Development

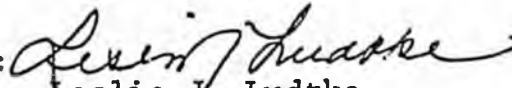
DATE: March 25, 1980

FILE NO: J-66-509-80

TELEPHONE NO: 465-3675

FROM: AARUM M. GROSS
ATTORNEY GENERAL

SUBJECT: Patton D. Pettijohn's
right to practice
medicine in an un-
licensed capacity.

By: 
Leslie J. Ludtke
Assistant Attorney General

You have requested this department's advice as to whether Mr. Pettijohn is practicing medicine in an unlicensed capacity. It is our view that providing obstetric care and performing home deliveries constitutes the practice of medicine and requires licensure. You have also stated that Mr. Pettijohn is representing himself as a "doctor equivalent"; this is also prohibited by statute.

AS 08.64.380(2)(C) defines the practice of medicine or the practice of osteopathy as "the assumption or promulgation of a title which tends to show that the person is willing or qualified to diagnose or treat the sick or injured." By representing to patients that he has received "all the training of other doctors" and by practicing obstetrics, Mr. Pettijohn is engaging in the practice of medicine. Although obstetrics does not technically involve the treatment of the "sick or injured," it is, as a matter of common understanding and knowledge, an important and accepted branch of medicine.

Mr. Pettijohn does not have the requisite qualifications for licensure as a physician, an osteopath, or a podiatrist. There currently are no licensing provisions pertaining to naturopaths. It is our understanding that Mr. Pettijohn completed the course of study at the National College of Naturopathic Medicine in Portland, Oregon. That program is not equivalent for the purposes of the licensing provisions of AS 08.64.200, to that offered by an accredited medical school, and therefore may not be used to qualify Mr. Pettijohn for licensure as a physician.

Ann Griggs

-2-

March 25, 1980

It may also interest you to know that recently the United States District Court for the District of Maryland, in multidistrict litigation concerning the State of Alaska, entered judgment for the state against the claims of naturopaths that they were being denied constitutional rights by not being allowed to practice "naturopathy" within the state.

LJL/ab

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K-STATE CAPITOL
JUNEAU, ALASKA 99811

March 29, 1979

Mike Colletta, Chairman
Rules Committee
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Re: The Practice of Naturopathy in Alaska

Dear Senator Colletta:

This letter is in response to your recent request for information regarding the practice of naturopathy in Alaska.

Although one statute, AS 08.02.010, makes passing reference to "naturopath", Alaska has no statute which regulates the practice of naturopathy. It was this lack of legislation which led the Idaho Association of Naturopathic Physicians, Inc., to file against some 30 states and several municipalities in order to compel the defendants to recognize naturopathy as a discipline distinct from the orthodox practice of medicine. While the suit involving Alaska has yet to be decided, a companion case, Idaho Association of Naturopathic Physicians, Inc. v. United States Food and Drug Administration, et al. 582 F.2d 849 (4th Cir. 1978), the United States Court of Appeals for the fourth circuit unanimously affirmed decisions of two United States district courts dismissing the county and state defendants from the actions filed by the Association. We have no reason to believe that the outcome of the suit involving Alaska will diverge from the fourth circuit decision.

Although the Medical Board has apparently taken the position that it is not responsible for the licensure of naturopaths, naturopathy may constitute the practice of medicine within the meaning of AS 08.64.380(2)(A) (C) or (D):

"Practice of medicine" or "practice of osteopathy" means

(A) maintaining an office or place of business for the purpose of treating the sick or injured

for pay or . . .

(C) the assumption or promulgation of a title which tends to show that the person is willing or qualified to diagnose or treat the sick or injured . . . or

(D) for a fee prescribing, directing or recommending for the use of a person, a drug or medicine for the treatment, cure or relief of a disease, infirmity, bodily injury or defect.

Given the Medical Board's posture with respect to naturopathy, it is highly unlikely that the State would undertake any action to prosecute or otherwise discipline an individual naturopath for the unlawful practice of medicine. In essence, then, naturopathy within the State of Alaska is an unlicensed activity.

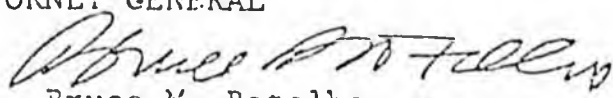
It is my understanding from my conversation with your administrative assistant, Carlos Mercer, that you are currently contemplating legislation to regulate the practice of naturopathy in the State. In formulating this legislation, two fundamental issues arise: (1) does the practice of naturopathy constitute a practice which poses a risk to the health and safety of Alaskans such that it should be regulated? (2) in what manner can the State best control entrance into the occupation and support and enforce standards of practice among licensed practitioners?

I am available to meet with you at any time to discuss in further detail the background of the naturopathy suit and to assist you in the preparation of legislation to regulate naturopathy in Alaska.

Sincerely yours,

AVRUM M. GROSS
ATTORNEY GENERAL

By:


Bruce M. Botelho
Assistant Attorney General

BMB:vr

MEMORANDUM

TO: Don Hostak, Director
Division of Occupational
Licensing
Department of Commerce and
Economic Development


DATE March 5, 1979

FILE NO

TELEPHONE NO

FROM: AVRUM M. GROSS
ATTORNEY GENERAL

SUBJECT Naturopathy
Our File: J-22-0987-78

By: 
Bruce M. Botelho
Assistant Attorney General

As you may be aware, the State Board of Medical Examiners was named as a co-defendant in 1977 along with representatives of 30 other states to enjoin alleged discrimination against Naturopaths in this country.

The above case is far from settlement, the most recent action shown in our files being June 9, 1978.

Alaska currently has no statute providing for the licensure of Naturopathic physicians. To the extent that Naturopathy constitutes the practice of medicine as that term is defined in AS 08.64.380(2), any person practicing Naturopathy would be required to be licensed by the State Board of Medical Examiners under the provisions of AS 08.64-.200 or AS 08.64.205.

Should you have any further questions in this regard, please do not hesitate to contact me.

BMB:vr

CHAPTER 462
NATUROPATHY

RECEIVED
FEB 21 9 54 AM '79
OCCUPATIONAL
LICENSING

1462.01 "Naturopathy" defined. -For the purpose of this law, "natureopathy" and "naturopathy" shall be construed as synonymous terms and are hereby defined to mean the use and practice of psychological, mechanical, and material health sciences to aid in purifying, cleansing, and normalizing human tissues for the preservation or restoration of health, according to the fundamental principles of anatomy, physiology, and applied psychology, as may be required. Naturopathic practice employs, among other agencies, phytotherapy, dietetics, psychotherapy, suggestotherapy, hydrotherapy, zone therapy, biochemistry, external applications, electrotherapy, mechanotherapy, mechanical and electrical appliances, hygiene, first aid, sanitation, and heliotherapy; provided, however, that nothing in this chapter shall be held or construed to authorize any naturopathic physician licensed hereunder to practice materia medica or surgery or chiropractic, nor shall the provisions of this law in any manner apply to or affect the practice of osteopathy, chiropractic, Christian Science, or any other treatment authorized and provided for by law for the cure or prevention of disease and ailments.

History. -s. 1, ch. 12286, 1927; CGL 3469; s. 1, ch. 21707, 1943; s. 3, ch. 76-168.

¹Note.-Repealed by s. 3, ch. 76-168, effective July 1, 1978.
cf.-s. 458.15 Furnishing copies of mental or physical examination report.

-[The repeal of this section by s. 3, ch. 76-168, as amended by s. 1, ch. 77-457, was nullified by s. 3, ch. 78-159.]

MEMORANDUM

State of Alaska

RECEIVED

SEP 6 - 1968

DEPARTMENT OF COMMERCE

TO: [

George Sharrock
Commissioner
Department of Commerce

DATE : September 4, 1968

FROM:

G. Kent Edwards
Attorney General

SUBJECT: Obligation of Naturopath to
Obtain Basic Science Certificate

By: Thomas H. Wardell
Deputy Attorney General

Reference is made to your memorandum of August 29, 1968 wherein you ask whether or not a person practicing Naturopathy is required to have a Certificate of Registration in the Basic Sciences.

A Certificate of Registration in the Basic Sciences is necessary for any type of practice that falls within the definition set out in AS 08.16.207(2) which states that:

" 'practice healing' or 'practice of healing' means

" (A) for a fee, gift, compensation or reward, engaging in or holding himself out to the public as engaging in...the practice of any legalized method of healing or the diagnosis, analysis, treatment, correction or cure of any disease, injury, defect, deformity, infirmity, ailment or affliction of human beings, or any condition incident to pregnancy or childbirth, or examination into the fact, condition or cause of human health or disease;"

" (B) for a fee, gift, compensation or reward, preparing, recommending or prescribing a medicine, or a form of treatment, correction or cure;"

" (C) maintaining an office for the reception, examination, diagnosis, or treatment of a person for disease, injury, defect, deformity, or infirmity of body or mind; "

AA
George Sharrock
Naturopathy
September 4, 1968

-2-

The Wyoming Supreme Court in Hahn vs. State, 332 P.21, 896,900 (1958), concluded that "...it would seem to be quite clear, and the authorities hold, that Naturopathy is simply one of the methods of practicing medicine."

Webster's New International Dictionary, 2nd Ed. provides the following definition:

"Naturopathy: ...a system of physical culture and drugless treatment of disease by methods suggested to simulate or assist nature".

"Pathy: A system of treating disease."


The American Illustrated Medical Dictionary, 22nd Ed., provides the following definition:

"Naturopathy: A drugless system of therapy by the use of physical force, such as air, light, water, heat, massage, etc."

For a practical application of the above two definitions see State vs. Smith, 327 P.2d 938 (Idaho 1959).

It is our conclusion, therefore, that Naturopathy is a practice of healing as defined in the above statute and it is necessary for a Naturopath to obtain a Certificate of Registration in the Basic Sciences.

GKE:TMJ:DRJ:ht



In the Matter of)
PATTON D. PETTIJOHN,)
Respondent)

Case No. ME 84-01
AG File No. 122-450-84

AMENDED TEMPORARY CEASE AND DESIST ORDER

TO: Patton D. Pettijohn, N.D.
515 West Northern Lights Boulevard
Anchorage, Alaska 99503

This is an Amended Temporary Cease and Desist Order under AS 08.01.087, directing you to discontinue your activities which constitute the unlicensed practice of medicine in this State. This amends the original Temporary Cease and Desist Order dated December 12, 1983. Your request for hearing dated December 29, 1983, automatically applies to this Amended Temporary Cease and Desist Order.

An investigation conducted by the Division of Occupational Licensing reveals that:

COUNT I

1. You are not now, nor have you ever been, licensed to practice medicine in the State of Alaska, nor do you qualify for exemption from licensure under any provision of AS 08.64.170.

2. On and after July 26, 1983, for a fee or other consideration, you diagnosed the ailment, disease, disorder, or other physical condition from which Mrs. Cheryl Jones of Anchorage, Alaska was suffering.

3. These acts constitute the practice of medicine without a license, which violates AS 08.64.170. The practice of medicine is defined in part as follows:

for a fee, donation, or other consideration, to diagnose, treat, operate on, prescribe for, or administer to, any human ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other mental or physical condition" AS 08.64.380(2)(A).

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
1031 W. FOURTH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: 1907/ 276-3550

2 4. You are not now, nor have you ever been, licensed
3 to practice medicine in the State of Alaska, nor do you qualify
4 for exemption from licensure under any provision of AS
5 08.64.170.

6 5. On and after July 26, 1983, for a fee or other
7 consideration, you treated, prescribed for, or administered to
8 the ailment, disease, disorder or other physical condition suf-
9 fered Ms. Cheryl Jones of Anchorage, Alaska.

10 6. These facts constitute the practice of medicine,
11 as defined in paragraph 3 above, without a license, which vio-
12 lates AS 08.64.170.

13 COUNT III

14 7. You are not now, nor have you ever been, licensed
15 to practice medicine in the State of Alaska, nor do you qualify
16 for exemption from licensure under any provision of AS 08.64.-
17 170.

18 8. During or about January 1983. for a fee or other
19 consideration, you diagnosed that Drew Holt was suffering from
20 bursitis.

21 9. These acts constitute the practice of medicine,
22 as defined in paragraph 3, without a license, which violates AS
23 08.64.170.

24 COUNT IV

25 10. You are not now, nor have you ever been, licensed
26 to practice medicine in the State of Alaska, nor do you qualify
27 for exemption from licensure under any provision of AS
28 08.64.170.

29 11. During or about January 1983, for a fee or other
30 consideration, you treated Drew Holt for bursitis.

31 12. These acts constitute the practice of medicine,
32 as defined in paragraph 3, without a license, which violates AS
33 08.64.170.

34
AMENDED TEMPORARY
CEASE AND DESIST - 2

2 13. You are not now, nor have you ever been, licensed
3 to practice medicine in the State of Alaska, nor do you qualify
4 for exemption from licensure under any provision of AS 08.64.-
5 170.

6 14. In late summer or early autumn of 1982, for a fee
7 or other consideration, you diagnosed the pregnancy of Ms.
8 Teresa Keklak (Sandone).

9
10 15. These acts constitute the practice of medicine,
11 as defined in paragraph 3, without a license, which violates AS
12 08.64.170.

13 COUNT VI

14 16. You are not now, nor have you ever been, licensed
15 to practice medicine in the State of Alaska, nor do you qualify
16 for exemption from licensure under any provision of AS
17 08.64.170.

18 17. Between approximately August of 1982 and May of
19 1983, you administered to the pregnancy of Ms. Teresa Keklak
20 (Sandone).

21 18. These acts constitute the practice of medicine,
22 as defined in paragraph 3, without a license, which violates AS
23 08.64.170.

24 COUNT VII

25 19. You are not now, nor have you ever been, licensed
26 to practice medicine in the State of Alaska, nor do you qualify
27 for exemption from licensure under any provision of AS
28 08.64.170.

29 20. In the spring or summer of 1983, you assisted in
30 the natural delivery of Ms. Teresa Keklak (Sandone)'s infant.

31 21. These acts constitute the practice of medicine,
32 as defined in paragraph 3, without a license, which violates AS
33 08.64.170.

34
AMENDED TEMPORARY
CEASE AND DESIST - 3

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
1031 W. FOURTH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

2 22. You are not now, nor have you ever been, licensed
3 to practice medicine in the State of Alaska, nor do you qualify
4 for exemption from licensure under any provision of AS
5 08.64.170.

6 23. During 1983 and 1984, for a fee or other
7 consideration, you assisted in the natural childbirth of some or
8 all of the following infants: Kelly Ann Raynor, born May 14,
9 1983; Ryan Keich Jones, born December 28, 1983; Sara Jean
10 Armstrong, born January 25, 1984; Christina Marie Hammond, born
11 February 16, 1983; Joshua Taylor Pirtle, born June 21, 1983;
12 Rachel Dawn Prescott, born March 27, 1984; Joshua Allen
13 Mayfield, born March 3, 1984; and Toby Kai Tremble, born March
14 14, 1983.

15 24. These acts constitute the practice of medicine,
16 as defined in paragraph 3, without a license, which violates AS
17 08.64.170.

18 COUNT IX

19 25. You are not now, nor have you ever been, licensed
20 to practice medicine in the State of Alaska, nor do you qualify
21 for exemption from licensure under any provision of AS
22 08.64.170.

23 26. You have used and publicly displayed, and
24 continue to use and publicly display, the title "physician" in
25 connection with your name, or other titles which tend to show
26 that you are willing or qualified to diagnose or treat the sick
27 or injured.

28 27. These acts constitute the practice of medicine in
29 violation of AS 08.64.170. AS 08.64.380(2)(B) defines "prac-
30 tice of medicine" to mean:

31 to use or publicly display a title in connection with a
32 person's name including "doctor of medicine," "physi-
33 cian," "M.D.," or "doctor of osteopathic medicine" or
34 "D.O." or a specialist designation including "surgeon,"
"dermatologist," or a similar title, or any title which
tends to show that the person is willing or qualified
to diagnose or treat sick or injured.


AMENDED TEMPORARY
CEASE AND DESIST - 4

2 28. You are not now, nor have you ever been, licensed
3 to practice medicine in the State of Alaska, nor do you qualify
4 for exemption from licensure under any provision of AS
5 08.64.170.

6 29. As a general course of practice, you engage in
7 the unlicensed practice of medicine in violation of AS 08.64.-
8 170, as defined by AS 08.64.380(2), among other things, by using
9 a title in connection with your name that tends to show that you
10 are qualified or willing to treat the sick and injured, by diag-
11 nosing ailments, by performing office surgery, by treating and
12 administering to ailments, by assisting in natural childbirth,
13 by performing circumcisions, and by accepting a fee or other
14 consideration for your services.

15 IT IS THEREFORE ORDERED pursuant to AS 08.01.087(b)(1)
16 that you immediately CEASE AND DESIST from the further practice
17 of medicine in the State of Alaska until you are properly
18 licensed by the State Medical Board under AS 08.64.

19 DATED THIS 8 day of May, 1984, at Juneau, Alaska,
20 by order of Commissioner, Department of Commerce and Economic
21 Development.

22
23 
24 Harry Treager, Director
25 Division of Occupation Licensing
26
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29
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31
32
33
34

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
1031 W. FOURTH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

May 11, 1984

Joe, Rick, Pappy.

Joe intro of bill on Harrison.

HB 225 - optometry.

Joe - committee heard lengthy testimony
proposed in bill. suggestions from
M.D. to consider 1980 compromise.
as and sectional analysis before

(Nome) Dr. Spencer - DH & SS

Department in favor of expanding
scope of optometrists for diagnostic
drug only. Senate C's Charges
acceptable - further safeguards.
Drug drugs in public interest.

Joe wants to move legislation in some form.

Ferry Martin - sponsor. HB 225

Medical profession would negate
independence of optometrists with
Harrison

avg. M.D. would not have the same
expertise in drug as optometrist
Sec. 5 further term.

Sec. 8 use of word "Dr" should be.

prohibited.

Joe responsible for draft C2 because of testimony. testimony. Also agreement said to be possible to use diagnostic drugs with restrictions.

If medical board would advise and comment - would that be ok?

Martin - profess. independence null.

Joe pg 1 - strike out after amicalm language in line 28. and pg 3 line 23.

Dr. Spence

Pappy some drugs can be obtained over the counter, but optometrists may not use them.

Spence - thinks that would not be in violation of statute if not a prescription.

Pappy over 100 P.O.'s in support of House version of bill.

Joe What if Med. Bd. had amputation rights
only?

Spence - if limited to cytotoxics
mydratics; depart. would approve.

Witch Cravo - Subby 35.

would prefer house full with
anesthetics.

Rick Urim - Ok Med. Association.

likes bill.

If Bd. alone decides on drugs;
optom. re board should be
required to have drug validation.

In practice of medicine for Med. Bd.
should decide that; Continuing Ed,
drug list.

Martin - Optom. have had extensive
training in drug use

Joe Committee pleasure?

Rick - Senate CS markup

amendments.

pg 1 line 28 - delete after;

pg 3 line 23.

deletion not made.

Pappy raised action

Halford obj.

Vote - Joe / Pappy yes.

Annie Calkins - 2841

Pat O'Brien - DHA & SS - child abuse/neglect.
Karen Ardue - CA PA - Employer sponsored day care

Conference on Early Childhood.

EVERYONE REAL INTERESTED

NO MONEY/TIME TO ORGANIZE

Each of 3 departments could bring up
a person to speak

different format → get specific recommendations

TAPES FOR RENEE

~~DONE~~
tim you had tape log pls.
send

Susan Duff 3900
SB 373 - curff

15-
396.1

#125.0 / 436.0

125

#125.0 Sherie McWhorter
450-2553

Lain Ruder 346-1943
Dental hygg. assoc
Support bell.
Dental Society.

Joe - letter
Jerry Schradler
for Commodore

Henry in D.C.

ROTC
Cecilia Lupdale - Anch S.D.

~~XXXXXXXXXX~~
Jackie - 20.
Rep. ROTC P

~~DONE~~

military refers names
90% of ROTC staff don't
have

AK Children's Services.

Contract for 90% of
teacher salary,
military reimburse
for 1/2 pay.

COLA 5.4 ANCH. DIST. REQUIREMENT - Application
4 references, military record.
unrecognized expert endorsement 4% from DOE

Paul Turner - 283-4326

Johnny
attorney talked to Dr. Allison - psychoanalyst
deals with multiple personalities.
David Kull & DeHarding
referred them to Allison.

Judge - i. right not accept
bringing up Allison
"collateral estoppel" cannot
apply unless prior representation
was not applied.

Paul Turner Pres-Elect of Ak Psych Assoc.

Done Dennis Schall - Severe Life Action Council
Ak Psych. Assoc. 224-5257
Box 186 Seward, Ak. 99664
|||

~~Done Ak's opinion on Naturopathy.~~

~~Done send tapes / log / witness list to Renee~~

May 6 |||

"RIGHTS OF MENTAL PATIENTS" - ACLU

30-11-180

Joe, Paul, Rick

May 25, 1984

HB 341 - Naturopaths

Joe - review of new materials
requests of naturopaths.

Dr Dave Spence - DH 455

position of "officially neutral."
see some - will benefit from
licensing bill to compelling reason.
As far as naturopaths request
for amendments, will respond.

Joe internship - strike language
allowing practice under person
with temporary license.

X-Ray/Radiologist

Spence

independent judgement
of radiologist even if bill
passes. Don't not specify except
for "use" (not ordering)
concern if they have the clinical
judgement on use of x-ray. Cumulative
effect of many x-rays is dangerous.

Vic Chiropractors use X-rays, what reason
not to use X-ray for Naturopaths?

Joe recalls that was very controversial
when legislated in 1960's.

Spence
need training, experience to
use/interpret X-rays. Understand
that Naturopaths may not have
this training?

Vic couldn't that be part of
training and exam requirements.

Joe Hayward has an alternative.

Spence
minor surgery is dispensable.

Joe Rx for vitamins, minerals & herbal remedies.

Jimmy Strickland - O.L.
No opinion - Case & discuss over
drawing blood.
Hearing may be next week. - hearing

(3)

appreciation Commerce & Econ. Develop.
complaints were filed w/ Division of Justice

OREGON LAW
Relating to Naturopathic Medicine

The practice of naturopathic medicine was first recognized in Oregon law in 1927 and by the United States Congress in 1931.

Oregon Revised Statutes, Chapter 685 (revised 1977), 685.101 — 685.990, provides the licensing authority for Naturopathic Physicians in the state of Oregon:

Chapter 685

Naturopaths

GENERAL PROVISIONS

- 685.010 Definitions
- 685.020 Licensee required to practice naturopathy; title and abbreviations usable by licentiates
- 685.030 Application of chapter
- 685.040 Application of health laws
- 685.050 Execution of birth and death certificates

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Administrative procedures and rules of state agencies, Ch. 183
 Health certificate, signature by physician licensed by Board of Medical Examiners only, 433.010
 Legislative review of need for agency, 182.615
 Military or naval service persons relieved from pay-

ment of fees, 408.450
 Naturopaths exempt from jury duty, 10.040
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685.020

Professional designation of licensed naturopath, 676.110

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Waiver of educational requirement for admission to examination, 670.010

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685.160

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Assistant Director for Health as ex officio member of board, 184.835

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685.201

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685.210

Attorney General to supervise all legal proceedings for state agencies, 180.220, 180.230

Note: Section 41, chapter 842, Oregon Laws 1977, is operative July 1, 1986, and provides:

Sec. 41. ORS 685.010, 685.020, 685.030, 685.040, 685.050, 685.060, 685.070, 685.080, 685.085, 685.090, 685.100, 685.102, 685.104, 685.106, 685.110, 685.125, 685.160, 685.170, 685.190, 685.201, 685.210 and 685.990 relating to naturopaths are repealed.

GENERAL PROVISIONS

685.010 Definitions. As used in this chapter.

(1) "Board" means the Naturopathic Board of Examiners.

(2) "Drugs" means all medicines and preparations and all substances, except non-poisonous plant substances, food and water, used or intended to be used for the diagnosis, cure, treatment, mitigation or prevention of diseases or abnormalities of man, which are recognized in the latest editions of the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia, official National Formulary, or any supplement to any of them, or otherwise established as drugs.

(3) "Minor surgery" means the use of electrical or other methods for the surgical repair and care incident thereto of superficial lacerations and abrasions, benign superficial lesions, and the removal of foreign bodies located in the superficial structures; and the use of antiseptics and local anesthetics in connection therewith.

(4) "Naturopathy," which includes physiotherapy and minor surgery, is defined as a system of treating the human body by use of drugless methods, which has for its object the maintaining of the body in, or of restoring it to, a state of normal health.

[Amended by 1953 c 557 §4]

685.020 License required to practice naturopathy; title and abbreviations usable by licentiates.

(1) No person shall practice, attempt to practice, or claim to practice naturopathy in this state without first complying with the provisions of this chapter.

(2) Licentiates under this chapter may use any or all of the following terms: "Doctor of Naturopathy" or its abbreviation, "N.D.," "Naturopath" or "Naturopathic Physician." However, none of these terms, or any combination of them, shall be so used as to convey the idea that the physician who uses them practices anything other than drugless therapy.

685.030 Application of chapter. Nothing in this chapter shall be construed to:

(1) Apply to any physician and surgeon, osteopath or chiropractor, or to any Christian Scientist or other person who by religious or

spiritual means endeavors to prevent or cure disease or suffering in accord with the tenets of any church

(2) Authorize licentiates to practice optometry or administer chiropractic adjustments, or any system or method of treatment not authorized in this chapter, or to administer or write prescriptions for or dispense drugs, or do major surgery.

(3) Prevent one licensed under this chapter from the administration of the anesthetics or antiseptics authorized in subsection (3) of ORS 685.010 or the use of radiopaque substances administered by mouth or rectum necessary for Roentgen diagnostic purposes.

(4) Authorize the administration of any substance by the penetration of the skin or mucous membrane of the human body for a therapeutic purpose.

[Amended by 1953 c 557 §4]

685.040 Application of health laws. Licentiates under this chapter shall observe and are subject to all state, county and municipal laws and regulations relating to public health.

685.050 Execution of birth and death certificates. Licentiates under this chapter are authorized to sign birth and death certificates. Such certificates so signed shall be accepted as fulfilling all the requirements of the laws dealing with such certificates.

LICENSING

685.060 Minimum educational requirements for license. (1) The minimum educational requirements for license under the provisions of this chapter shall be:

(a) A high school education, as shown by diploma or certificate of graduation from a standard high school, or the equivalent of such an education, which shall be certified by a Superintendent of Public Instruction; and

(b) At least two years' satisfactory liberal arts and sciences study, or either, in a college or university accredited by either the Northwest Association of Secondary and Higher Schools or a like regional as-

sociation or in a college or university in Oregon approved for granting degrees by the Oregon State Board of Education as evidenced by certificate or transcript of credits from the college or university; and

(c) Graduation from a naturopathic school or college approved by the State Board of Naturopathic Examiners and which requires for graduation a period of actual attendance of four years of at least nine months each, and teaching adequate courses in all subjects necessary to the practice of naturopathy.

(2) The studies required of the applicant for a license to practice naturopathy in this state shall include anatomy, histology, embryology, physiology, chemistry, pathology, bacteriology, public health and hygiene, toxicology, obstetrics and gynecology, diagnosis, theory, practice and philosophy of naturopathy, electrotherapy, hydrotherapy, physiotherapy, clinics, eye-ear-nose-throat, minor surgery, first aid, herbology, proctology, dietetics, jurisprudence, and such other naturopathic subjects as the board may require, except materia medica, pharmacology and major surgery, with a total of not less than 4,000 lecture or recitation hours.

[Amended by 1953 c 557 §4, 1969 c 381 §5]

685.070 Application for examination; license fee. Any person who wishes to practice naturopathy in this state shall make application to the board for an examination for a license to practice naturopathy. The application shall be filed with the board not less than 10 days before the date of the examination upon blanks provided by the board. All persons licensed under this chapter shall pay to the board a license fee of \$25, \$10 of which must accompany the application for examination. The balance shall be paid when the applicant has been granted a license. Under no condition will the application fee of \$10 be returned to the applicant. Affidavits of two reputable citizens of the state attesting the good moral character of the applicant shall be filed with the application for examination.

685.080 Examination of applicants; issuing license. (1) For the purpose of determining the qualifications of applicants for license under this

chapter, the board shall hold meetings and conduct examinations of applicants for licenses at such time and places and under such rules and regulations as a majority of the board may determine. The time and place of holding such an examination shall be published at least 30 days prior to the date of the examination.

(2) At the time and place the board has previously designated, the applicant shall appear before the board to be examined as to his fitness to practice naturopathy. The examination shall be in writing and embrace and be restricted to the subjects listed in ORS 685.060.

(3) If the applicant answers correctly 75 percent of the questions asked on each of the subjects of the examination, the board shall issue to such applicant a license to practice naturopathy. If however, an applicant fails to pass an examination, the applicant shall, without losing credits for subjects passed and without paying another fee, be permitted, within one year from date of failure to pass, to take another examination at the convenience of the board, but the applicant shall, not less than 10 days before the date of the examination, notify the board of his intention to take the examination.

685.085 Reciprocal license. A person licensed to practice naturopathy under the laws of another state who demonstrates to the satisfaction of the board that he possesses qualifications at least equal to those required of persons eligible for licensing under this chapter, may be issued a license to practice in this state without written examination upon payment of the license fee required under ORS 685.100.

[1973 c 469 §2]

685.090 Recording license with county clerk. Before engaging in practice in any part of the state, the holder of a license under this chapter shall present such a license, or a certified copy, for record to the county clerk of the county in which the holder of the license resides. A county clerk is entitled to collect a fee of \$1 for recording the license or for making a certified copy of it. Annually, on January 1, county clerks shall, when requested by the board, furnish the board with a list of such licenses on record in their respective counties.

685.100 Annual renewal of license. (1) On or before January 1 of each year, every person holding a license under this chapter shall apply to the board for a certificate of annual registration and at the time of applying shall pay to the board an annual registration fee not to exceed \$75, as determined by the board and approved by the Executive Department. A person holding a license under this chapter who is at least 70 years of age and retired from the practice of naturopathy shall apply to the board for a certificate of annual registration and at the time of applying shall pay to the board an annual registration fee not to exceed \$30, as determined by the board and approved by the Executive Department. The application shall be made upon a blank form furnished by the board, and shall contain such information as may be necessary to enable the board to identify the applicant for registration and the licensee to be what he claims to be in the application.

(2) Upon receipt of an application for annual registration, accompanied by the annual registration fee, the board shall issue to the applicant a certificate of annual registration. The certificate shall, at all times, be displayed in the office of the person to whom it was issued unless the person is retired from the practice of naturopathy and does not maintain an office.

(3) The failure, neglect or refusal of any person holding a license under this chapter, to pay the annual registration fee as required by subsection (1) of this section shall, after 30 days from January 1 of each year, automatically revoke his license. A revoked license shall not be restored except upon written application therefor and the payment of a restoration fee of \$25 for each year the license remains revoked, which is in addition to the annual registration fee for each year the registration fee remains unpaid. An applicant for the restoration of a license so revoked shall not be required to submit to any examination as to his qualification to practice under this chapter. However, the board may deny the restoration of any license for which the required registration fees have not been paid during the years for which they are due if it finds that grounds for refusal to grant or for revocation of the license exist under ORS 685.110.

(4) On or before December 1 of each year the secretary of the board shall notify each person holding a license under this chapter that the annual registration application and fee are due on or before January 1 following.

[Amended by 1967 c.44 §2, 1969 c.26 §2, 1969 c.381 §6, 1973 c.182 §5]

685.102 Continuing education course required; exemptions. (1) Except as provided in subsection (2) of this section, each person holding a license under this chapter shall submit at the time he submits the annual registration fee, evidence satisfactory to the board of his successful completion of an approved program of continuing education in naturopathy, completed in the calendar year preceding the date on which the evidence is submitted.

(2) The board may exempt any person holding a license under this chapter from the requirements of subsection (1) of this section upon an application by him showing evidence satisfactory to the board that he is unable to comply with the requirements because of physical or mental condition or because of other unusual or extenuating circumstances. However, no person shall be exempted from the requirements of subsection (1) of this section more than once in any five-year period.

(3) Notwithstanding subsection (2) of this section, a person holding a license under this chapter may be exempted from the requirements of subsection (1) of this section upon an application by him showing evidence satisfactory to the board that he is or will be in the next calendar year at least 70 years of age and is retired or will retire in the next calendar year from the practice of naturopathy.

(4) A person who is exempted from the requirements of subsection (1) of this section shall not practice naturopathy. A violation of this subsection is grounds for suspension or revocation of the license of the person granted the exemption by the board.

[1969 c.381 §2, 1973 c.829 §67]

685.104 Effect of failure to comply with ORS 685.102; reissuance of registration. (1) The board shall refuse to issue the certificate of annual

registration to any person holding a license under this chapter who fails to submit with his annual registration fee proof required under ORS 685.102, unless it has exempted the person from the requirements of subsection (1) of ORS 685.102. The board shall return the annual registration fee to the person.

(2) After January 1 of any year, the board may issue a certificate of annual registration to any holder of a license under this chapter who had been refused such certificate under subsection (1) of this section upon submission of the evidence required under subsection fees for each year the registration fee remains unpaid and a restoration fee of \$25 for each year the license remains revoked.

(3) If the person completes an approved program after January 1 to meet the requirement of ORS 685.102 for the year beginning January 1, such completion does not meet the requirements of ORS 685.102 for the subsequent year.

[1969 c.381 §3, 1973 c.182 §6]

685.106 Approval of continuing education programs. (1) The board may offer a program of continuing education in naturopathy to meet the requirements of ORS 685.102. The board may also approve a program to be presented by persons reasonably qualified to do so.

(2) Any person seeking approval of a program of continuing education in naturopathy, to be offered to assist persons holding licenses under this chapter to comply with the requirements of subsection (1) of ORS 685.102, shall submit to the board, at such time as the board may require, copies of courses of study to be offered and proof of such other qualifications as the board may require. Approval granted to any program of continuing education shall be reviewed periodically and approval may be withdrawn from any program that fails to meet the requirements of the board.

(3) Any program of continuing education in naturopathy offered or approved under this section shall consist of at least 20 hours of study covering new, review, experimental, research and specialty subjects in the field of naturopathy.

[1969 c.381 §4]

685.110 Denial or revocation of license by board. The board may refuse to grant or may suspend or revoke a license to practice naturopathy in this state for any of the following reasons:

(1) The use of fraud or deception in securing a license.

(2) The impersonation of another physician.

(3) Practicing naturopathy under an assumed name.

(4) The procuring, aiding or abetting in procuring an abortion; provided, that for the purpose of this subsection an abortion means the removal from the womb of a woman the product of conception at any time prior to delivery of the child; provided further, that nothing in this chapter shall be construed to authorize any licentiate under this chapter to perform an abortion.

(5) The conviction of a crime involving moral turpitude.

(6) Any other reason that renders the applicant or licentiate unfit to perform the duties of a naturopathic physician.

[Amended by 1953 c 555 §2, 1971 c 734 §1.12]

685.120 [Repealed by 1971 c 734 §21]

685.125 License denial or revocation procedure; promulgation and review of rules and orders. (1) Where the board proposes to refuse to issue or renew a license, or proposes to revoke or suspend a license, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.500.

(2) Promulgation of rules, conduct of hearings, issuance of orders and judicial review of rules and orders shall be as provided in ORS 183.310 to 183.500.

[1971 c 734 §1.14]

STATE BOARD

685.160 Naturopathic Board of Examiners; appointment; confirmation. (1) There hereby is created the Naturopathic Board of Examiners in the Health Division. The board shall consist of three members appointed by the Governor for terms of three years commencing July 1, and until their successors are appointed and qualified. A majority of

the members of the board constitutes a quorum. The Governor shall fill all vacancies in the membership of the board. All appointments of members of the board by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.560 and 171.570. No person shall be appointed to membership on the board, who is not a citizen of the State of Oregon, or who has not been in continuous practice of naturopathy in this state for five years immediately prior to the date of appointment, or who is interested financially in any medical or drugless school or college, or who is connected, directly or indirectly, with the dispensing, prescribing or sale of pharmaceutical drugs.

(2) The board shall carry into effect the provisions of this chapter and is authorized to issue licenses to practice naturopathy in this state. The possession of a common seal by the board hereby is authorized.

[Amended by 1971 c 650 §34, 1973 c 792 §40]

685.170 Officers of board. Annually the board shall elect one of its members president and one of its members secretary, who severally shall have power during their terms of office to summon witnesses, administer oaths and to take testimony and affidavits, certifying thereto, under their hand and the seal of the board. The secretary of the board shall keep a record of all actions of the board, including a detailed register of applicants for license. The board in lieu of electing one of its members as secretary, may employ or appoint a person to act as secretary to the board who shall perform such duties and functions as may be prescribed by the board.

[Amended by 1973 c 829 §68]

685.180 [Repealed by 1973 c 829 §71]

685.190 Compensation and expenses of board members; compensation of secretary. (1) A member is entitled to compensation and expenses as provided in ORS 292.495.

(2) The board may fix the compensation of the secretary subject to ORS 240.245. Such compensation shall not prohibit the secretary from receiving reimbursement for actual and necessary travel and other expenses incurred in the performance of his official duties.

[Amended by 1967 c 44 §1, 1969 c 314 §86]

685.200 [Amended by 1967 c 637 §32, repealed by 1973 c 427 §28 (685 201 enacted in lieu of 685 200)]

685.201 Disposition of receipts. All moneys received by the Health Division under this chapter shall be paid into the General Fund in the State Treasury and placed to the credit of the Health Division Account and such moneys hereby are appropriated continuously and shall be used only for the administration and enforcement of this chapter.

[1973 c 427 §29, (enacted in lieu of 685 200)]

ENFORCEMENT

685.210 Enforcement; employing attorney; jurisdiction. (1) The district attorneys of the state shall

prosecute all persons charged with violation of any of the provisions of this chapter. However, the board shall have power to retain its own attorney to prosecute or assist in prosecuting any person so charged and to pay such attorney such sums as may be just for such services from the Naturopathic Fund.

(2) Justice courts, municipal courts and circuit courts have concurrent jurisdiction for the prosecution of offenses under this chapter.

PENALTIES

685.990 Penalties. Violation of any provision of this chapter is punishable, upon conviction, by a fine of not less than \$50 nor more than \$500.

Nevada

GENERAL PROVISIONS

633A.010 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 633A.020 to 633A.100, inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 1981, 1872)

633A.020 "Board" defined. "Board" means the board of naturopathic healing.

(Added to NRS by 1981, 1872)

633A.030 "Gross malpractice" defined. "Gross malpractice" means malpractice where the failure to exercise the requisite degree of care, diligence or skill consists of:

1. Ministering to a patient while the naturopath is under the influence of alcohol or any controlled substance as defined in chapter 453 of NRS;

2. Gross negligence;

3. Willful disregard of established naturopathic procedures; or

4. Willful and consistent use of naturopathic procedures, services or treatment considered by naturopaths in the community to be inappropriate or unnecessary in the cases where used.

(Added to NRS by 1981, 1873)

633A.040 "Healing art" defined. "Healing art" means any system, treatment, diagnosis, prescription or practice for the ascertainment, cure, relief, palliation, adjustment or correction of any human disease, ailment, deformity, injury, or unhealthy or abnormal physical or mental condition for the practice of which long periods of specialized education and training and a degree of specialized knowledge of an intellectual as well as physical nature are required.

(Added to NRS by 1981, 1873)

633A.050 "Malpractice" defined. "Malpractice" means failure on the part of a naturopath to exercise the degree of care, diligence and skill ordinarily exercised by naturopaths in good standing in the community in which he practices.

(Added to NRS by 1981, 1873)

633A.060 "Naturopath" defined. "Naturopath" means a person who:

1. Is a graduate of an academic program approved by the board;

2. Has received from the board a license to practice naturopathic healing; and

3. Practices naturopathic healing under the supervision of a physician licensed under chapter 630 or 633 of NRS.

(Added to NRS by 1981, 1873)

633A.070 "Naturopathic healing" defined.

1. "Naturopathic healing" means the philosophy, art and science of natural healing including the use of natural agencies, forces and substances, employing accepted procedures for diagnosis and treatment of human disorders and using diet and nutrition, including vitamins, fresh or dried herbs, minerals, enzymes and tissue concentrates and manual manipulation, including the physical, chemical and other properties of heat, light, water and electricity.

2. The term does not include the use of X-ray or radium treatments, major or minor surgery, obstetrics, prescribing drugs, or invasive procedures except venipuncture for the withdrawal of blood for diagnosis.

(Added to NRS by 1981, 1873)

633A.080 "Professional incompetence" defined. "Professional incompetence" means lack of ability safely and skillfully to practice naturopathic healing, or to practice one or more of its specified branches, arising from:

1. Lack of knowledge or training;
2. Impaired physical or mental capability of the naturopath;
3. Indulgence in the use of alcohol or any controlled substance; or
4. Any other sole or contributing cause.

(Added to NRS by 1981, 1873)

633A.090 "School of naturopathic healing" defined. "School of naturopathic healing" means a school approved by the board which:

1. Requires as a prerequisite to graduation 4 years of actual attendance at the school and successful completion of a curriculum which meets the requirements of this chapter; or

2. Requires as a prerequisite to graduation 1 year of post-graduate training for persons who have degrees from medical, osteopathic or chiropractic schools.

(Added to NRS by 1981, 1873)

633A.100 "Unprofessional conduct" defined.

1. "Unprofessional conduct" includes:

(a) Willfully making a false or fraudulent statement or submitting a forged or false document in applying for a license to practice naturopathic healing.

(b) Failure of a licensee to designate his practice in the professional use of his name by using the term naturopath.

(c) ~~Directly or indirectly giving to or receiving from any person any fee, commission, rebate or other form of compensation for sending,~~

referring or otherwise inducing a person to communicate with a naturopath in his professional capacity or for any professional services not actually and personally rendered, except as provided in subsection 2.

(d) Employing, directly or indirectly, any suspended or unlicensed person in the practice of naturopathic healing, or the aiding or abetting of any unlicensed person to practice naturopathic healing.

(e) Advertising the practice of naturopathic healing in a manner which does not conform to the guidelines established by board regulation.

(f) Engaging in any:

(1) Professional conduct which is intended to deceive or which the board by regulation has determined is unethical; or

(2) Medical practice harmful to the public or any conduct detrimental to the public health, safety or morals which does not constitute gross or repeated malpractice or professional incompetence.

(g) Administering, dispensing or prescribing any controlled substance as defined in chapter 453 of NRS, or any dangerous drug as defined in chapter 454 of NRS.

(h) Habitual drunkenness or habitual addiction to the use of a controlled substance as defined in chapter 453 of NRS.

(i) Performing, assisting or advising an abortion or in the injection of any liquid silicone substance into the human body.

(j) Willful disclosure of a communication privileged under a statute or court order.

(k) Willful disobedience of the regulations of the state board of health or of the board of naturopathic healing.

(l) Willfully representing with the purpose of obtaining compensation or other advantages for himself or for any other person that a manifestly incurable disease or injury or other manifestly incurable condition can be permanently cured.

(m) Using any designation other than as authorized in this chapter or representing himself as being in the practice of a healing art for which he is not licensed.

(n) Practicing obstetrics, performing major or minor surgery or invasive procedures except venipuncture for the withdrawal of blood for diagnosis or using X-ray or radium treatments.

(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any prohibition made in this chapter.

2. It is not unprofessional conduct:

(a) For persons holding valid licenses under this chapter to practice naturopathic healing in partnership under a partnership agreement or in a corporation or an association authorized by law, or to pool, share, divide or apportion the fees and money received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the board of directors of the corporation or association; or

(b) For two or more persons holding valid licenses under this chapter to receive adequate compensation for concurrently rendering professional

care to a patient and dividing a fee, if the patient has full knowledge of this division and if the division is made in proportion to the services performed and the responsibility assumed by each.

(Added to NRS by 1981, 1873)

633A.110 License as revocable privilege. The purpose of licensing naturopaths is to protect the public health and safety and the general welfare of the people of this state. Any license issued pursuant to this chapter is a revocable privilege and a holder of such a license does not acquire thereby any vested right.

(Added to NRS by 1981, 1875)

633A.120 Naturopath must practice under supervision of physician; functions, duties not authorized by chapter.

1. A naturopath may not practice naturopathic healing unless he is under the supervision of a physician licensed under chapter 630 or 633 of NRS.

2. Nothing in this chapter authorizes a naturopath to perform those functions and duties specifically delegated by law to physicians, dentists, nurses, osteopaths, chiropractors, practitioners of traditional Oriental medicine, podiatrists, optometrists, hearing aid specialists or physical therapists.

(Added to NRS by 1981, 1875)

633A.130 Applicability of regulations requiring reporting of births and deaths to naturopaths. All state and local governmental regulations relative to the reporting of births and deaths in any matter pertaining to the public health apply to naturopaths, but the reports of births and deaths shall be signed by the naturopath's supervising physician.

(Added to NRS by 1981, 1875)

633A.140 Applicability of chapter.

1. This chapter does not apply to the practice of medicine under chapter 630 or 633 of NRS, dentistry, chiropractic, podiatry, optometry, faith or Christian Science healing, nursing, veterinary medicine or hearing aid fitting.

2. This chapter does not repeal or affect any law of this state regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in cases of emergency.

(b) The domestic administration of family remedies.

(Added to NRS by 1981, 1875)

BOARD OF NATUROPATHIC HEALING

633A.150 Number, appointment, qualifications and replacement of members; oath of office.

1. The board of naturopathic healing consists of five members appointed by the governor.

2. Three members of the board must:

(a) Be licensed under this chapter, except the initial members who must be licensed as naturopaths in another state;

(b) Be actually engaged in the practice of naturopathic healing in this state, except the initial members who must have been so engaged in another state; and

(c) Have been so engaged in this state for more than 2 years preceding their appointment, except the initial members who must have been so engaged in another state.

3. One member must be a physician licensed under chapter 630 of NRS and a resident of Nevada.

4. The remaining member must be a resident of the State of Nevada:

(a) Not licensed in any state to practice any healing art; and

(b) Not actively engaged in the administration of any health and care facility.

5. Before entering upon the duties of his office, each member of the board shall take:

(a) The constitutional oath of office; and

(b) An oath that he is legally qualified to serve on the board.

6. As used in this section "health and care facility" has the meaning ascribed to it in NRS 449.007.

7. Upon expiration of his term of office, a member must continue to serve until his successor is appointed and qualifies.

8. If a vacancy occurs on the board, a member is absent from the state for a period of 6 months or more without the board's permission, or a member fails to attend meetings of the board or to the business of the board, as determined necessary in its discretion, the board shall notify the governor, and the governor shall appoint a person qualified under this chapter to replace the member for the remainder of the unexpired term.

(Added to NRS by 1981, 1875)

633A.160 Officers; meetings; quorum.

1. The board shall elect from its members a president, a vice president and a secretary-treasurer, who hold their respective offices at its pleasure. The board may fix and pay a salary to the secretary-treasurer.

2. The board shall meet at least twice annually and may meet at other times on the call of the president or a majority of its members.

3. A majority of the board constitutes a quorum to transact all business.

(Added to NRS by 1981, 1876)

633A.170 Compensation, expenses of members. Each member of the board is entitled to receive:

1. A salary of not more than \$40 per day, as fixed by the board, while engaged in its business.

2. Actual and necessary expenses for subsistence and lodging, not to exceed \$25 per day, and for transportation, while traveling on the business of the board.

(Added to NRS by 1981, 1876)

633A.180 Board to operate on fiscal year basis. The board shall operate on the basis of a fiscal year commencing on July 1 and terminating on June 30.

(Added to NRS by 1981, 1876)

633A.190 Payment of board expenses from fees; deposit of money in banks, savings and loan associations.

1. All reasonable expenses incurred by the board in carrying out the provisions of this chapter must be paid from the fees which it receives, and no part of the salaries or expenses of the board may be paid out of the state general fund.

2. All money received by the board must be deposited in qualified banks or savings and loan associations in this state and paid out on its order for its expenses.

(Added to NRS by 1981, 1876)

633A.200 Offices; employees. The board may:

1. Maintain offices in as many localities in the state as it finds necessary to carry out the provisions of this chapter.

2. Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(Added to NRS by 1981, 1876)

633A.210 Issuance, enforcement of subpoenas.

1. For the purposes of this chapter the secretary or president of the board may issue subpoenas to compel the attendance of witnesses and the production of books and papers.

2. If any witness refuses to attend or testify or produce any books and papers as required by the subpoena, the secretary or president of the board may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed by the board pursuant to this section; and

(c) The witness has failed or refused to attend or produce the books and papers required by the subpoena before the board which is named in the subpoena, or has refused to answer questions propounded to him, and asking for an order of the court compelling the witness to attend and testify or produce the books and papers before the board.

3. Upon such petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days from the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the board. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the board, the court shall enter an order that the witness appear before the board at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness must be dealt with as for contempt of court.

(Added to NRS by 1981, 1876)

633A.220 Regulations; records. The board shall:

1. Adopt and enforce regulations necessary to enable it to carry out its duties under this chapter, including but not limited to regulations which establish the principles of ethics to be used as the basis for determining whether conduct which does not constitute malpractice is unethical.

2. Keep a record of its proceedings relating to licensing and disciplinary actions. The records must be open to public inspection at all reasonable times and must contain the name, known place of business and residence, and the date and number of the license of every naturopath licensed under this chapter.

(Added to NRS by 1981, 1877)

633A.230 Approval of schools of naturopathic healing. The board may approve a school of naturopathic healing which:

1. Accepts only graduates of standard high schools and persons with equivalent education, and which offers a curriculum consisting of at least 4,500 hours of instruction, including adequate instruction in the following subjects:

- (a) Anatomy and histology;
- (b) Physiology and biology;
- (c) Organic chemistry, biochemistry, autotherapy, endocrinology, phytotherapy, dietetics and pharmacology;
- (d) Pathology, bacteriology, immunology and clinical laboratory procedures;
- (e) Diagnosis, including use of physical, clinical, X-ray and laboratory methods, and symptomatology;
- (f) Public health, first aid, hygiene, nutrition and sanitation;
- (g) Embryology, gynecology, obstetrics, proctology, urology, reontogenology and toxicology;
- (h) Neurology, psychiatry and psychology;
- (i) Orthopedics, pediatrics and geriatrics;
- (j) Eye, ear, nose and throat practice;
- (k) Clinical practice, including emergency procedures;
- (l) Naturopathic principles, philosophy and therapeutics; and

(m) Manipulation and homeopathy.

2. Accepts persons who have degrees from accredited medical, osteopathic or chiropractic schools and offer a minimum of 1,000 hours of instruction in:

- (a) Phytotherapy, including herbalism;
- (b) Nutrition;
- (c) Manipulation;
- (d) Homeopathy; and
- (e) Naturopathic principles, philosophy and therapeutics.

The board may inspect institutions which purport to be schools of naturopathy and issue or refuse to issue certificates of approval.

(Added to NRS by 1981, 1878)

LICENSING

633A.240 Qualifications of applicants. An applicant for a license to practice naturopathic healing must be issued a license by the board if he:

- 1. Is 21 years of age or older;
- 2. Is a citizen of the United States or is legally entitled to live and work in the United States;
- 3. Is a graduate of a school of naturopathic healing which is approved by the board;
- 4. Applies for the license;
- 5. Passes the examination prescribed by the board; and
- 6. Pays the fees provided for in this chapter.

(Added to NRS by 1981, 1877)

633A.250 Applications: Filing; board action.

1. Every applicant for a license shall:

(a) File an application with the board in the manner prescribed by regulations of the board;

(b) Submit verified proof satisfactory to the board that he meets the age, citizenship and educational requirements prescribed by this chapter; and

(c) Pay in advance to the board the initial license fee prescribed by the board.

2. The board may hold hearings and conduct investigations into any matter related to the application and in addition to the proofs required by subsection 1 may take such further evidence and require such other documents or proof of qualifications as it deems proper.

3. The board may reject an application if it determines that any credential submitted is false.

(Added to NRS by 1981, 1877)

633A.260 Examinations.

1. Examinations must be held at least twice a year at the time and

place fixed by the board. All applicants must be notified in writing of the examinations.

2. The examinations must be fair and impartial, practical in character, and the questions must be designed to discover the applicant's fitness.

3. The board may employ specialists and other professional consultants or examining services in conducting the examination.

4. The member of the board who is not licensed in any state to

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practice any healing art may not participate in preparing, conducting or grading any examination required by the board.

(Added to NRS by 1981, 1878)

633A.270 Reexaminations.

1. If an applicant fails in a first examination, he may be reexamined after not less than 6 months.

2. If he fails in a second examination, he is not thereafter entitled to another examination within less than 1 year after the date of the second examination, and prior thereto he shall furnish proof to the board of further postgraduate study following the second examination satisfactory to the board.

3. Each applicant who fails an examination and who is permitted to be reexamined shall pay for each reexamination the reexamination fee prescribed by the board.

4. If an applicant does not appear for examination, for any reason deemed sufficient by the board, the board may refund a portion of the initial license fee not to exceed one-half of the fee upon the request of the applicant. There may be no refund of the initial license fee if an applicant appears for examination.

(Added to NRS by 1981, 1878)

633A.280 Licenses to bear seal, signatures of board officers; authority to practice naturopathic healing. Each license issued by the board:

1. Must bear a seal adopted by the board and the signatures of its president and secretary; and

2. Authorizes the holder to practice naturopathic healing so long as it is kept in force by appropriate renewal and is not revoked or suspended.

(Added to NRS by 1981, 1879)

633A.290 Renewal of licenses: Application; continuing education requirements; notice.

1. Except as provided in NRS 633A.310, every holder of a license issued under this chapter may renew his license, on or before February 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the board;

(b) Paying the annual renewal fee prescribed by the board; and

(c) Furnishing proof of attendance at such continuing education courses as are required by the board, not to exceed 12 hours since his last renewal or licensing.

2. The secretary of the board shall notify each licensee of the renewal requirement not less than 60 days before the date of renewal.

(Added to NRS by 1981, 1879)

633A.300 Renewal of licenses: Revocation of license on expiration of notice of failure to renew; restoration of license.

1. If a licensee fails to comply with the requirements of NRS 633A.290 within 30 days after the renewal date, the board shall give 30

days' notice of failure to renew and of revocation of license by certified mail to the licensee at his last address registered with the board. If the license is not renewed before the expiration of the 30 days' notice, the license is automatically revoked without any further notice or a hearing and the board shall file a copy of the notice with the Drug Enforcement Administration of the United States Department of Justice or its successor agency.

2. A person whose license is revoked under this section may apply to the board for restoration of his license upon:

(a) Payment of all past due renewal fees and the late payment fee prescribed by the board; and

(b) Stating under oath in writing that he has not withheld information from the board which if disclosed would furnish grounds for disciplinary action under this chapter.

(Added to NRS by 1981, 1879)

633A.310 Renewal of licenses: Retired licensees.

1. A licensee who retires from the practice of naturopathic healing need not annually renew his license after he files with the board an affidavit stating the date on which he retired from practice and such other facts to verify his retirement as the board deems necessary.

2. A retired licensee who desires to return to practice may apply to renew his license by paying all back annual renewal fees from the date of retirement and submitting verified evidence satisfactory to the board that he has attended such continuing education courses or programs as are required by the board.

(Added to NRS by 1981, 1879)

633A.320 Fees. The board shall charge and collect fees not to exceed the following amounts:

Initial license fee.....	\$200
Annual renewal fee.....	300
Reexamination fee.....	200
Late payment fee.....	100

(Added to NRS by 1981, 1880)

DISCIPLINARY ACTION

PRELIMINARY PROCEEDINGS

633A.330 Grounds for initiating disciplinary action. The grounds for initiating disciplinary action under this chapter are:

1. Unprofessional conduct.

2. Conviction of

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance as defined in chapter 453 of NRS or dangerous drug as defined in chapter 454 of NRS;

(b) A felony; or

(c) Any offense involving moral turpitude.

3. Suspension or revocation of the license to practice naturopathic healing by any other jurisdiction.

4. Gross or repeated malpractice.

5. Professional incompetence.

(Added to NRS by 1981, 1880)

633A.340 Filing of complaint. The board or any of its members or any medical review panel of a medical society which becomes aware that any one or combination of the grounds for initiating disciplinary action may exist as to a person practicing naturopathic healing in this state shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the board or with a society of naturopathic healing of the county in which the person charged has his office if there is such a society in the county.

(Added to NRS by 1981, 1880)

633A.350 Review of complaint by board.

1. When a complaint is filed:

(a) With the board, it shall be reviewed by the board.

(b) With a society of naturopathic healing, the society shall forward a copy of the complaint to the board for review.

2. If, from the complaint or from other official records, it appears that the complaint is not frivolous and the complaint charges:

(a) Unprofessional conduct, a conviction or the suspension or revocation of a license to practice naturopathic healing, the board shall proceed with appropriate disciplinary action.

(b) Gross or repeated malpractice or professional incompetence, the board shall transmit the original complaint, along with further facts or information derived from its own review, to the attorney general.

(Added to NRS by 1981, 1880)

633A.360 Investigation by attorney general of complaint charging malpractice, professional incompetence; board determination respecting further action.

1. The attorney general shall conduct an investigation of each complaint transmitted to him to determine whether it warrants proceedings for modification, suspension or revocation of license. If he determines that such further proceedings are warranted, he shall report the results of his investigation together with his recommendation to the board in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing before the board.

2. The board shall promptly make a determination with respect to each complaint reported to it by the attorney general as to what action shall be pursued. The board shall:

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action.

(Added to NRS by 1981, 1880)

633A.370 Mental or physical examination.

1. If the board determines that a complaint is not frivolous, the board may require the person charged in the complaint to submit to a mental or physical examination by physicians designated by the board.

2. For the purposes of this section:

(a) Every person licensed under this chapter who accepts the privilege of practicing naturopathic healing in this state shall be deemed to have given his consent to submit to a mental or physical examination when directed to do so in writing by the board.

(b) The testimony or examination reports of the examining physicians are not privileged communications.

3. Except in extraordinary circumstances, as determined by the board, the failure of a naturopath licensed under this chapter to submit to an examination when directed as provided in this section constitutes an admission of the charges against him.

(Added to NRS by 1981, 1881)

633A.380 Medical competency examination. If the board has reason to believe that the conduct of any naturopath has raised a reasonable question as to his competence to practice naturopathic healing with reasonable skill and safety to patients, the board may cause a medical competency examination of the naturopath for purposes of determining his fitness to practice naturopathic healing with reasonable skill and safety to patients.

(Added to NRS by 1981, 1881)

633A.390 Time limit for completing examinations when board issues summary suspension order. If the board issues an order summarily suspending the license of a naturopath pending proceedings for disciplinary action and requires the naturopath to submit to a mental or physical examination or a medical competency examination, the examination must be conducted and the results obtained not later than 60 days after the board issues its order.

(Added to NRS by 1981, 1881)

633A.400 Stay of board's summary suspension order by court prohibited; exception. If the board issues an order summarily suspending the license of a naturopath pending proceedings for disciplinary action, the court shall not stay that order unless the board fails to institute and determine such proceedings as promptly as the requirements for investigation of the case reasonably allow.

(Added to NRS by 1981, 1881)

633A.410 Injunctive relief.

1. In addition to any other remedy provided by law, the board, through its president, secretary or its attorney, or the attorney general, may apply to any court of competent jurisdiction to enjoin any unprofessional conduct of a naturopath which is harmful to the public

or to limit the naturopath's practice or suspend his license to practice naturopathic healing as provided in this section.

2. The court in a proper case may issue a temporary restraining order or a preliminary injunction for such purposes:

(a) Without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure; and

(b) Pending proceedings for disciplinary action by the board. These proceedings must be instituted and determined as promptly as the requirements for investigation of the case reasonably allow.

(Added to NRS by 1981, 1881)

633A.420 Confidentiality of proceedings. All proceedings subsequent to the filing of a complaint are confidential, except to the extent necessary for the conduct of an examination, until the board determines to proceed with disciplinary action. If the board dismisses the complaint, the proceedings remain confidential. If the board proceeds with disciplinary action, confidentiality concerning the proceedings is no longer required.

(Added to NRS by 1981, 1881)

DISCIPLINARY PROCEEDINGS

633A.430 Notice of hearing and formal complaint to be furnished person charged. If:

1. A complaint charging unprofessional conduct, a conviction or the suspension or revocation of a license to practice naturopathic healing is not frivolous; or

2. With respect to a complaint reported by the attorney general, the board has determined to proceed with disciplinary action, the secretary of the board shall fix a time and place for a hearing and cause a notice of the hearing and a formal complaint prepared by the board to be served on the person charged at least 30 days before the date fixed for the hearing.

(Added to NRS by 1981, 1882)

633A.440 Service of process.

1. Service of process made under this chapter must be personal or by registered or certified mail with return receipt requested, addressed to the naturopath at his last known address, as indicated on the records of the board, if possible. If personal service cannot be made and if mail notice is returned undelivered, the secretary of the board shall cause notice of hearing to be published once a week for 4 consecutive weeks in a newspaper published in the county of the physician's last known address or, if no newspaper is published in that county, then in a newspaper widely distributed in that county.

2. Proof of service of process or publication of notice made under this chapter must be filed with the secretary of the board and be recorded in the minutes of the board.

(Added to NRS by 1981, 1882)

633A.450 Requirements for proof. In any disciplinary proceeding before the board:

1. Proof of actual injury need not be established where the complaint charges deceptive or unethical professional conduct or practice of naturopathic healing which is harmful to the public.

2. A certified copy of the record of a court or a licensing agency showing a conviction or the suspension or revocation of a license to practice naturopathic healing is conclusive evidence of its occurrence.

(Added to NRS by 1981, 1882)

633A.460 Rights of person charged; disciplinary orders of board.

1. The person charged is entitled to a hearing before the board, but the failure of the person charged to attend his hearing or his failure to defend himself does not delay or void the proceedings. The board may, for good cause shown, continue any hearing from time to time.

2. If the board finds the person guilty as charged in the complaint, it may by order:

(a) Place the person on probation for a specified period or until further order of the board.

(b) Administer to the person a public or private reprimand.

(c) Limit the practice of the person to, or by the exclusion of, one or more specified branches of naturopathic healing.

(d) Suspend the license of the person to practice naturopathic healing for a specified period or until further order of the board.

(e) Revoke the license of the person to practice naturopathic healing. The order of the board may contain other terms, provisions or conditions which the board deems proper and which are not inconsistent with law.

(Added to NRS by 1981, 1882)

633A.470 Judicial review; stay of board's order by court prohibited; exception.

1. Any person who has been placed on probation or whose license has been limited, suspended or revoked by the board is entitled to judicial review of the board's order as provided by law.

2. Every order of the board which limits the practice of naturopathic healing or suspends or revokes a license is effective from the date the secretary certifies the order to the proper county recorder until the order is modified or reversed by a final judgment of the court. The court shall not stay the order of the board unless the board has failed to comply with the procedural requirements provided for in NRS 233B.140.

3. The district court shall give a petition for judicial review of the board's order priority over other civil matters which are not expressly given that priority by law.

(Added to NRS by 1981, 1883)

633A.480 Restoration of license.

1. Any person:

(a) Whose practice of naturopathic healing has been limited; or

(b) Whose license to practice naturopathic healing has been:

(1) Suspended until further order; or

(2) Revoked,

by an order of the board may apply to the board after a reasonable period for removal of the limitation or restoration of his license.

2. In hearing the application, the board:

(a) May require the person to submit to a mental or physical examination by physicians or other appropriate persons whom it designates and submit such other evidence of changed conditions and of fitness as it deems proper;

(b) Shall determine whether under all the circumstances the time of the application is reasonable; and

(c) May deny the application or modify or rescind its order as it deems the evidence and the public safety warrant.

(Added to NRS by 1981, 1883)

MISCELLANEOUS PROVISIONS

633A.490 Immunity from civil action. The board of naturopathic healing, a society of naturopathic healing or any person who or other organization which initiates or assists in any lawful investigation or proceeding concerning the discipline of a naturopath for gross malpractice, repeated malpractice, professional incompetence or unprofessional conduct is immune from any civil action for that initiation or assistance or any consequential damages, if the person or organization acted without malicious intent.

(Added to NRS by 1981, 1883)

UNLAWFUL ACTS

633A.500 Unlawful acts; penalty. A person who:

1. Practices naturopathic healing:

(a) Without a license valid under this chapter; or

(b) Beyond the limitations imposed by this chapter or ordered upon his practice by the board or the court;

2. Presents as his own the diploma, license or credentials of another;

3. Gives either false or forged evidence of any kind to the board or any of its members in connection with an application for a license;

4. Files for record the license issued to another, falsely claiming himself to be the person named in the license, or falsely claiming himself to be the person entitled to the license; or

5. Practices naturopathic healing under a false or assumed name or falsely personates another licensee of a like or different name, shall be punished by imprisonment in the state prison for not less than 1 nor more than 6 years.

(Added to NRS by 1981, 1883)

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WASHINGTON

D PROFESSIONS

of licenses—Generally. [1919 c 36 § 3, part.] Now codified in RCW 18.36.010.

of educational qualifications—Content [1925 c 10 § 1, part; RRS § 10125-1, RCW 18.36.170.

of educational qualifications—Service [1925 c 10 § 1, part; RRS § 10125-1 in RCW 18.36.170. [1919 c 36 § 17; RRS § 10125.] Now 18.36.165.

NOTE

have been substituted for "board" in this chapter, since the state board of directors by 1921 c 7 § 135 and its powers transferred to the director of licenses by 1921 c 7 § 96 and its duties have subsequently devolved upon the department of administration within the department of health. Title 18 RCW digest. Designated department of licensing by RCW 46.01.020.

REFERENCES

Title 34.
Childbirth: RCWA Chapters 9.02, 9.03, 9.04.
Nurses: RCWA Chapter 43.74.
Other professions prohibited: RCWA Chapter 18.36.

REFERENCES

Drugless healing by Director of Health from provisions of Consumer Protection Act.

Wrongfully refused license upon proper application (license is required).

Validity of statute, ordinance, or regulation affecting professional license as affected by subsequent action.

Transactions as falling within provisions of licensing requirements).

DECISIONS

As long as there is some reasonable basis for them. State v Wilson (1971) 11 Wn App 916, 528 P2d 279.

DRUGLESS HEALING

18.36.010

Note 1

18.36.010 Definitions—Purpose. The term "drugless therapeutics," as used in RCW 18.36.010 through 18.36.165 consists of hydrotherapy, dietetics, electrotherapy, radiography, sanitation, suggestion, mechanical and manual manipulation for the stimulation of physiological and psychological action to establish a normal condition of mind and body, but shall in no way include the giving, prescribing or recommending of pharmaceutical drugs and poisons for internal use, the purpose of RCW 18.36.010 through 18.36.165 being to confine practitioners hereunder to drugless therapeutics.

The words "certificate" and "license" shall be known as interchangeable terms.

LEGISLATIVE HISTORY

Enacted Laws 1919 ch 36 § 13 p 74.
See RRS § 10123.

COLLATERAL REFERENCES

61 Am Jur 2d Physicians, Surgeons, and Other Healers §§ 28, 29.
CJS Physicians and Surgeons §§ 3 et seq.

Attorney General's Opinions:

Ops Atty Gen 1923-1924 p 215 (performance of surgery in any form by drugless healers).

Ops Atty Gen 1927-1928 p 444 (right of drugless healers to administer or prescribe drugs).

Ops Atty Gen 1939-1940 p 301 (authority of licensed drugless healers to administer Wassermann Test).

Ops Atty Gen 61-62 No. 94 (masseurs as not being exempt from prohibitions contained in Physical Therapist Practice Act or from similar prohibitions contained in acts regulating other branches of practice within healing arts).

Annotations:

17 ALR2d 1183 (application to masseurs of statutes governing practice of medicine).

13 ALR2d 453 (illegal practice of medicine under statute, ordinance, or other measure involving chemical treatment of water supply).

85 ALR2d 1128 (hypnotism as illegal practice of medicine).

93 ALR2d 129 (single or isolated transaction as falling within provisions of licensing requirements).

72 ALR3d 1257 (acupuncture as illegal practice of medicine).

Key Number Digests:

Physicians and Surgeons ☞ 1.

NOTES OF DECISIONS

- 1 In General.
- 1 Actions.
- 1 Evidence.
- 1 Instructions.

I. IN GENERAL

Drugless healers may not practice surgery unless specifically authorized by proper certificate.

18.36.010 BUSINESSES AND PROFESSIONS

Note 4

ALR2d 1174, cert den 340 US 892, 95 L. ed 646, 71 S Ct 208

In malpractice action against drugless healer, for death of patient from appendicitis, instruction that if defendant diagnosed ailment of plaintiff's decedent as ulcerous, abscessed or tubercular condition of intestines and fol-

lowed diagnosis by treatment followed by a school of drugless healing of which he was a member, then he would not be chargeable with negligence, did not correctly state the law, and was properly refused. *Kelly v Carroll* (1950) 36 Wn 2d 482, 219 P2d 79, 19 ALR2d 1174, cert den 340 US 892, 95 L. ed 646, 71 S Ct 208.

18.36.020 "Separate and coordinate system". The term "separate and coordinate system" as used in RCW 18.36.010 through 18.36.165 is defined as follow :

Food science. Is the science of treating disease through the chemical action of foods, water, nonmedicinal herbs, roots, barks and all natural food elements other than pharmaceutical drugs and poisons, to bring about a normal condition of health.

Mechano-therapy. Is a system of therapeutics which enables the practitioner to know how to apply scientifically the mechanics of hydrotherapy, dietetics, circumstances, idea and manual manipulation for the stimulation of psycho and physiological action to establish a normal condition of the body.

Suggestive therapeutics. Is a system of healing which enables the practitioner to know how to offer suggestions that will cause the mind of the patient to overcome the disease of the body and bringing mind and body into harmony, and both into harmony with environment.

Physcultopathy. Is a system of healing which enables the practitioner to know the scientific effect of movements on the body and how to direct a system of mechanical gymnastics that restore the diseased parts or functions to a normal condition.

LEGISLATIVE HISTORY

Enacted Laws 1919 ch 36 § 12 p 73.
See RRS § 10122.

COLLATERAL REFERENCES

61 Am Jur 2d Physicians, Surgeons, and Other Healers §§ 28, 29.
CJS Physicians and Surgeons §§ 3 et seq.

Key Number Digests:

Physicians and Surgeons ☞1.

DRUGLESS HEA

NOTES OF DECIS

Licensed sanipractor was not authorized to either sever tissues or use or prescribe drugs to effect cure for illness or disease of his patients. *State v Kelsey* (1955) 46 Wn 2d 617, 283 P2d 982.

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18.36.030 Exemptions. Nothing 18.36.165 shall be construed as to prohibit emergency, or the domestic administrator nor shall RCW 18.36.010 through 18.36.165 shall be construed to prohibit a commissioned health officer in the United States from discharging his duties as a hospital service, in discharge of any licensed dentist when engaged in the practice of dentistry, nor to any duly licensed practitioner of medicine, or surgery, nor to a person practicing osteopathy, from using or recommending any other method of healing in the course of their practice. No practitioner from any other state shall be permitted to respond to a call to treat a particular patient. No practitioner shall not open an office or practice within the limits of this state. Nothing in RCW 18.36.010 through 18.36.165 shall be construed to prohibit a particular school of drugless therapy from practicing its way with the practice of religion: *Pro* RCW 18.36.010 through 18.36.165 shall regulate any kind of treatment by prayer.

LEGISLATIVE HIS

Enacted Laws 1919 ch 36 § 8 p 69.
See RRS § 10118.

COLLATERAL REFERE

61 Am Jur 2d Physicians, Surgeons, and Other Healers §§ 28, 29.
CJS Physicians and Surgeons §§ 6 et seq.

Annotations:

93 ALR2d 90 (single or isolated transactions of commercial or occupational licensing)
72 ALR3d 1257 (acupuncture as illegal practice)

Key Number Digests:

Physicians and Surgeons ☞5(1).

AND PROFESSIONS

2. lowed diagnosis by treatment followed by a school of drugless healing of which he was a member, then he would not be chargeable with negligence, did not correctly state the law, and was properly refused. *Kelly v Carroll* (1950) 36 Wn 2d 482, 219 P2d 79, 19 ALR2d 1174, cert den 340 US 892, 95 L ed 646, 71 S Ct 208.

id coordinate system". The term "system" as used in RCW 18.36.010 follows:

ce of treating disease through the use of nonmedicinal herbs, roots, barks and other than pharmaceutical drugs and in condition of health.

tem of therapeutics which enables to apply scientifically the mechanical, circumstances, idea and manual action of psycho and physiological action of the body.

a system of healing which enables to offer suggestions that will cause to overcome the disease of the body and to bring into harmony

em of healing which enables the scientific effect of movements on the system of mechanical gymnastics that actions to a normal condition.

LEGISLATIVE HISTORY

LEGISLATIVE HISTORY

ns, and Other Healers §§ 28, 29, 3 et seq

LEGISLATIVE HISTORY

DRUGLESS HEALING

18.36.030

NOTES OF DECISIONS

Licensed sanipractor was not authorized to either sever tissues or use or prescribe drugs to effect cure for illness or disease of his patients. *State v Kelsey* (1955) 46 Wn 2d 617, 283 P2d 982.

A drugless healer may not prescribe any substance not listed in RCW 18.36.020, even though certain unlisted substances may be obtained without a prescription. *State v Wilson* (1974) 11 Wn App 916, 528 P2d 279.

18.36.030 Exemptions. Nothing in RCW 18.36.010 through 18.36.165 shall be construed as to prohibit service in the case of emergency, or the domestic administration of families' remedies, nor shall RCW 18.36.010 through 18.36.165 apply to any commissioned health officer in the United States army, navy or marine hospital service, in discharge of his official duties, nor to any licensed dentist when engaged exclusively in the practice of dentistry, nor to any duly licensed physician in the practice of medicine, or surgery, nor to a person duly licensed to practice osteopathy, from using or recommending drugless methods of healing in the course of their practice, nor shall this apply to any practitioner from any other state who visits this state in response to a call to treat a particular patient: *Provided*, such practitioner shall not open an office or appoint a place of meeting patients within the limits of this state, nor shall RCW 18.36.010 through 18.36.165 be construed to discriminate against any particular school of drugless therapeutics or to interfere in any way with the practice of religion: *Provided*, also that nothing in RCW 18.36.010 through 18.36.165 shall be held to apply to, or regulate any kind of treatment by prayer.

LEGISLATIVE HISTORY

Enacted Laws 1919 ch 36 § 8 p 69.
See RRS § 10118.

COLLATERAL REFERENCES

91 Am Jur 2d Physicians, Surgeons, and Other Healers §§ 20, 29.
CJS Physicians and Surgeons §§ 6 et seq

Annotations:

- 60 ALR2d 90 (single or isolated transactions as falling within provisions of commercial or occupational licensing requirements).
- 72 ALR3d 1257 (acupuncture as illegal practice of medicine).

Key Number Digests:

Physicians and Surgeons (251)

OF DECISIONS

of treating sick by laying on of hands with suggestions from mind of operator to mind of patient, or since same is not any kind of treatment by prayer. State v Pratt (1914) 80 Wn 96, 141 P 318.

quired—Fee—Qualifications—Examinations—Appeals. Only persons therapeutics in this state shall ap-
 se and pay a fee determined by the W 43.24.085 as now or hereafter use shall be refunded. If at a time gular examination, he or she shall d a residence course of three entire each at a chartered drugless school, which was a high school education, ass an examination in the following ysiology, hygiene, symptomatology, erapy, radiography, electrotherapy, ology, mechanical and manual n-
 nted a license by said director, or if l applicant was prior to the passage S.36.165 a diploma from a chartered e requirements of which was a com-
 equivalent, and two years continuous ffice; or if the applicant has no di-
 uous practice in any of the drugless or the past four years, two years of tinuous practice in one place in this owed to practice: *Provided*, said ap-
 ination on the following subjects: e, symptomatology, mechanical and e such examination the director shall e to practice drugless therapeutics in he examinations shall be both scien-
 oughly test the fitness of the candi-
 ions peculiar to any school of thera-
 and their sufficiency passed upon by ng subjects, to wit: anatomy, physi-
 nd gynecology, shall be construed to ms herein mentioned, and each can-

didate shall be examined in each of said subjects: *Provided*, aft-
 er 1921, the following subjects shall be construed as common to
 all systems, to wit: anatomy, physiology, hygiene, urinalysis,
 sympotomatology, hydrotherapy, and gynecology. The director
 may refuse to grant a license to, or may revoke the license of
 any person guilty of unprofessional conduct, subject to the right
 of appeal within ninety days, to the superior court of the county
 where the board met when said license was refused, or revoca-
 tion made. Any license granted without a full and fair compli-
 ance with the provisions of RCW 18.36.010 through 18.36.165
 may be canceled in any action brought in the name of the state
 by the prosecuting attorney of the county where the examina-
 tion was held, or said action may be brought by the attorney
 general; and if a license is denied an applicant shall have the
 right to petition the superior court where said examination was
 held for an order compelling said board to issue said license.

Continuous practice as herein provided shall be construed to
 apply to drugless physicians who have actually been practicing
 in this state, even if they have not received a license under the
 present medical laws.

LEGISLATIVE HISTORY

1. Enacted Laws 1919 ch 36 § 3 p 65.
2. Amended by Laws 1st Ex Sess 1975 ch 30 § 39, amending the first sentence of the first paragraph by (1) omitting "of licenses" after "director"; and (2) substituting "determined by the director as provided in RCW 43.24.085 as now or hereafter amended," for "of twenty-five dollars as hereinafter specified".

See RRS § 10113 and former RCW 18.36.040-050, 18.36.080, 18.36.090, 18.36.160.

CROSS REFERENCES

Administrative procedure: RCWA Title 34.
 Applications and examinations: RCWA 18.36.050.
 Examining committee for basic sciences: RCWA Chapter 43.74.
 Exemptions from statute: RCWA 18.36.030.
 Revocation of license for failure to have educational qualifications:
 RCWA 18.36.220.

COLLATERAL REFERENCES

Am Jur 2d Licenses and Permits §§ 58, 62, 83, 84, Physicians, Sur-
 geons, and Other Healers §§ 28, 29, 36.
 CJS Physicians and Surgeons § 12.

Forms:

16 Am Jur Pl & Pr Forms (Rev ed) Licenses and Permits, Form 21
 of seq.

ND PROFESSIONS

Application of license statute to an in-
under a physician's direction).
When graduates of chartered drugless
for license).

Involve moral turpitude within statute
(se).

A conviction or satisfied requirement
statute making a conviction a ground
license).

(prohibition as means of controlling
or officers in granting or revoking li-

ble for fraud or other misconduct be-

or rule which makes specified con-
suspension of license irrespective of li-

"e" of statute or ordinance regulating

wrongfully refused license upon prop-
which license is required).

Validity of statute, ordinance, or regula-
professional license as affected by apply-

transactions as falling within provi-
licensing requirements).

ing public office or license or eligibil-

DECISIONS

be properly committed to adminis-
trative board or officer. *Butcher*
v. Maybury (1925) 8 F2d 155.

It is not unreasonable to exact
high school education or its equiva-
lent as proper standard of general
education and it is not arbitrary
exercise of legislative power to re-
quire resident's course of three
sessions each consisting of thirty-
six weeks in school of approved
standing for drugless healers.
Butcher v. Maybury (1925) 8 F2d
155

DRUGLESS HEALING

18.36.050

18.36.050 Examination regulations—Fee—Credits—Con-
duct of examinations. The examination held by the director un-
der RCW 18.36.010 through 18.36.165 shall be conducted in ac-
cordance with the following regulations:

(1) Each applicant is required to make an affidavit setting
forth his age, place of residence, time and place of each course
of lectures, or other work connected with his drugless education
and the date of graduation, or length of time in practice. The
affidavit must be corroborated by the exhibition of a certificate
from the proper officers of the college, showing that the appli-
cant had completed the prescribed course for graduation. No
advance standing shall be recognized for work done at other
than drugless colleges.

(2) A fee determined by the director as provided in RCW 43.-
21.085 as now or hereafter amended must accompany the appli-
cation. This fee is under no consideration to be returned, but if
the applicant should fail to secure an average of sixty-five per-
cent, and should be denied a license, such applicant shall, with-
out paying a further fee and without losing his classification un-
der the provisions of RCW 18.36.010 through 18.36.165, be per-
mitted to take another examination any time within two years.
Drugless practitioners who hold a diploma from a legally incor-
porated drugless school who have practiced in this state two
years previous to the passing of RCW 18.36.010 through 18.36.-
165 and those having no diploma but who have been in continu-
ous practice in this state for three years, shall be given a credit
of fifteen percent on the general average.

(3) The examination shall be in charge of the director, and
the papers of candidates shall be known by numbers which shall
be arranged as follows: Envelopes shall be numbered and each
containing a blank corresponding to the number, on which blank
the applicant shall write his name and address, and return to the
envelope, sealed by the applicant, and delivered to the director.
Each candidate shall place on his paper the number given him
and the year of graduation.

(4) The director shall examine the papers and place the mark
opposite each candidate's number. When the markings are com-
pleted, the envelopes containing the names are to be opened and
the names placed opposite their respective numbers.

(5) No dishonest methods will be tolerated, and any candi-
date disregarding these rules shall be debarred from further ex-
amination.

(3) A certificate authorizing the holder thereof to practice food science;

(4) A certificate authorizing the holder thereof to practice physcultopathy;

(5) A certificate for any other separate and coordinate system of drugless practice: *Provided*, they shall show evidence of not less than fifty graduates, practicing in this state, whose requirements shall be no less than as set forth in RCW 18.36.010 through 18.36.165. Practitioners hereunder shall confine their practice to the subjects and system or systems represented by their certificate or certificates granted by said director. The applicant for an examination must file satisfactory testimonials of good moral character and a diploma issued by some legally chartered drugless college, or satisfactory evidence of having possessed such diploma, except as herein otherwise provided, and must fill out a blank application to be sworn to before some person authorized to take acknowledgments, showing that he or she is the person named in the diploma, is the lawful holder thereof, and that the same was procured in the regular course of instruction and examination, without fraud or misrepresentation. The said application shall be made on a blank furnished by said director, and shall contain such other information concerning the instruction and preliminary education of the applicant as said director may by rule adopt.

LEGISLATIVE HISTORY

Enacted Laws 1919 ch 36 § 4 p 67.

See RRS § 10114 and former RCW 18.36.060, 18.36.100.

REVISER'S NOTE

1919 c 36 § 4 reads as follows: "Sec. 4. The following forms of certificates shall be issued by said board under the seal thereof, and signed by the president and secretary:

First. A certificate authorizing the holder thereof to practice mechanotherapy;

Second. A certificate authorizing the holder thereof to practice suggestive therapeutics;

Third. A certificate authorizing the holder thereof to practice food science;

Fourth. A certificate authorizing the holder thereof to practice physcultopathy;

Fifth. A certificate for any other separate and coordinate system of drugless practice, and such system shall be given two representations on the board: *Provided*, they shall show evidence of not less than fifty graduates, practicing in this state, whose requirements shall be no less than as set forth in this act. Practitioners hereunder shall confine their practice to the subjects and system or systems represented by their cer-

D PROFESSIONS

ation shall be covered by ten
hall be allowed for each subject.

lowed to leave the examination
have been distributed, until the
delivered to the examiners in

in English. Within twenty days
refused, the reasons shall be set
the papers used in the examina-
n papers shall be filed with the
said license has been granted or

E HISTORY

71.

s 1975 ch 30 § 40, (1) omitting "of li-
ductory clause; and (2) substituting
vided in RCW 43.24.085 as now or
five dollars" in the first sentence of

18.36.050, 18.36.070, 18.36.090.

REFERENCES

ons, and Other Healers §§ 30 et seq.

necessity for practitioner licensed in
healing to take basic science examina-
actice in another branch).

lidity of statute, ordinance, or regula-
fessional license as affected by apply-

ificates to practice—Affidavit of
he following forms of certificates

g the holder thereof to practice

g the holder thereof to practice

AND PROFESSIONS

said board. The applicant for an ex-
7 days prior to a regular meeting satis-
ficial character and a diploma issued by
college, or satisfactory evidence of hav-
apt as herein otherwise provided, and
to be sworn to before some person au-
thorized, showing that he or she is the person
responsible holder thereof, and that the same
of instruction and examination, with-
out the said application shall be made on a
form which shall contain such other information
concerning preliminary education of the applicant as
may be required. [19 c 36 § 4.]

to refer to the director of licenses as
the powers was abolished and its powers and
duties of licenses, which powers and duties
concerning business and professional administration
are defined in the articles. See note following chapter di-

REFERENCES

Physicians, and Other Healers §§ 30 et seq.
et seq.

necessity for practitioner licensed in
one branch of healing to take basic science examina-
tion to practice in another branch).
Form of license to be issued).

Method of treatment permitted under re-

DECISIONS

Examiners (1920) 113 Wn 371, 194
P 388.

Sanipractor's right to practice
"mechanotherapy" and "mechanical
manipulation" did not authorize
him to practice "surgery". State v
Lydon (1932) 170 Wn 354, 16 P2d
848.

Drugless healer practitioner is
licensed to make use of (1) heat
and cold through medium of either
water or electricity; (2) exercise
or movement of various parts of

DRUGLESS HEALING

18.36.115

body; (3) manual or mechanical
massage or vibration of parts of
body; (4) electric radiations or
currents; (5) diet; and (6) men-
tal suggestion, and his practice
must be drugless. Kelly v Carroll
(1950) 36 Wn 2d 482, 219 P2d 79.

Drugless healer is restricted by
statute to that school of treatment
which is permitted him under li-
cense issued to him. Carney v Ly-

don (1950) 36 Wn 2d 878, 220 P2d
894, opinion supplemented 36 Wn
2d 878, 224 P2d 634, cert den 340
US 951, 95 L ed 685, 71 S Ct 570.

Licensed sanipractor was not au-
thorized to either sever tissues or
use or prescribe drugs to effect a
cure for illness or disease of his
patients. State v Kelsey (1955) 46
Wn 2d 617, 283 P2d 982.

18.36.110 License—Registration in county. Before en-
gaging in practice, the holder shall file his license for record
with the county clerk in the county where he resides. Upon re-
moval to another county he shall file his license in like manner.
Such clerk shall keep in the record book of said licenses an in-
dex, showing the date and page record, and on demand shall fur-
nish the director a list of licenses on file. Upon notice to the
clerk of the death or removal of a licensee, or revocation of a li-
cense, he shall note the same upon the records.

LEGISLATIVE HISTORY

Enacted Laws 1919 ch 36 § 6 p 69.
See RRS § 10116.

REVISER'S NOTE

See note following chapter digest.

COLLATERAL REFERENCES

61 Am Jur 2d Physicians, Surgeons, and Other Healers §§ 85, 86.
CJS Physicians and Surgeons §§ 6 et seq.

Key Number Digests:

Physicians and Surgeons C511.

18.36.115 License renewal fee—Penalty. Every person
heretofore or hereafter granted a license under this chapter
shall pay to the director an annual license renewal fee to be de-
termined by the director as provided in RCW 43.24.085 as now
or hereafter amended, on or before the first day of July of each
year, and thereupon the license of such person shall be renewed
for a period of one year. Any failure to register and pay the
annual license renewal fee shall render the license invalid, but
such license shall be reinstated upon written application therefor
to the director, and payment to the state of a penalty fee deter-

AND PROFESSIONS

ided in RCW 43.24.085 as now or
with all delinquent annual license

VE HISTORY

p 141.
ss 1971 ch 266 § 7, amending the first
r more than twenty-five" for "five";
d by the director as provided in RCW

ss 1975 ch 30 § 41, (1) amending the
f not more than twenty-five dollars,"
ling "as now or hereafter amended,"
ined by the director as provided in
r amended," for "of ten dollars" in the

L REFERENCES

ons, and Other Healers §§ 40 et seq.,
i et seq.

strictions. On all cards, books,
or printed means of giving infor-
stem of practice, the practitioner
ame the proper term designating
etice in which he is engaged, and
the letters, "M.D." or Doctor of
O." or Doctor of Osteopathy, or

VE HISTORY

REFERENCES

WA Chapter 9.01.

. REFERENCES

ons, and Other Healers §§ 52, 53, 92,
1 to 35.

se by drugless healer or "Dr." before
hat they are drugless healers).

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18.36.130

Ops Atty Gen 1927-1928 p 444 (use of term "physician" by drugless
healer).

Annotations:

54 ALR 400 (constitutionality of statute prohibiting or regulating ad-
vertising of physician, surgeon, or other person professing healing arts).

Key Number Digests:

Physicians and Surgeons ☞10.

NOTES OF DECISIONS

Under the statutes providing for
the licensing of drugless practi-
tioners, drugless healers are not
"doctors", and hence are prohibi-
ted from practicing medicine and
surgery. Kelly v Carroll (1950) 36
Wn 2d 482, 219 P2d 79, 19 ALR2d
1174, cert den 340 US 892, 95 L ed
646, 71 S Ct 208.

One "holds himself out" as a
practitioner of medicine when he
leads others to believe that he can
lawfully engage in such practice.
State v Kelsey (1955) 46 Wn 2d
617, 283 P2d 982.

18.36.130 Applicability of health regulations. All persons
granted licenses or certificates under RCW 18.36.010 through
18.36.165, shall be subject to the state and municipal regulations,
relating to the control of contagious diseases, the reporting and
certifying of births and deaths, and all matters pertaining to
public health; and all such reports shall be accepted as legal.

LEGISLATIVE HISTORY

Enacted Laws 1919 ch 36 § 7 p 69.
See RRS § 10117.

CROSS REFERENCES

Public health and safety: RCWA Title 70.
Vital statistics: RCWA Chapter 70.58.

COLLATERAL REFERENCES

Am Jur 2d Health §§ 19 et seq., Physicians, Surgeons, and Other Heal-
ers § 88.

CJS Health and Environment §§ 3 to 6, 30, 41, 44 to 47, 92, 126 to 128,
137.

Attorney General's Opinions:

Ops Atty Gen 1927-1928 p 189 (authority of drugless healers, includ-
ing sanipractors and Christian Science practitioner, to sign birth and
death certificates)

Ops Atty Gen 1939 1940 p 250 (authority of drugless healers to issue
health certificates).

Key Number Digests:

Health and Environment ☞21, 34.

18.36.140 BUSINESSES AND PROFESSIONS

18.36.140 Unlawful practices. Any person not heretofore authorized by law who shall practice or attempt to practice or hold himself out as practicing drugless therapeutics in the state of Washington without having obtained the license herein provided for, contrary to any provisions of RCW 18.36.010 through 18.36.165 shall be guilty of a misdemeanor, and shall be punished as provided by law for such offenses. Any person shall be regarded as practicing within the meaning of RCW 18.36.010 through 18.36.165 who shall use, prescribe, direct or recommend, any drugless treatment for the relief of any wound, fracture, bodily injury, or disease, either mental or physical: *Provided*, RCW 18.36.010 through 18.36.165 shall not be construed to discriminate against any particular school of drugless therapeutics, or to interfere in any way with the practice of religion: *Provided*, also, that nothing in RCW 18.36.010 through 18.36.165 shall be held to apply to or regulate any kind of treatment by prayer.

LEGISLATIVE HISTORY

Enacted Laws 1919 ch 36 § 10 p 71.

See RRS § 10120 and former RCW 18.36.030, 18.36.140.

CROSS REFERENCES

Criminal impersonation: RCWA 9A.60.010.

Excepted practices: RCWA 18.36.030.

COLLATERAL REFERENCES

61 Am Jur 2d Physicians, Surgeons, and Other Healers §§ 78 et seq.
CJS Physicians and Surgeons §§ 31 to 35.

Key Number Digests:

Physicians and Surgeons ⇨10.

NOTES OF DECISIONS

The practice of obstetrics was outside the scope of practice given to drugless healers, and therefore a drugless healer who practiced obstetrics violated statute making it a misdemeanor for anyone to practice medicine or "surgery" without a valid certificate. *State v Houck* (1949) 32 Wn 2d 681, 203 P2d 693.

18.36.150 Unprofessional conduct. The words "unprofessional conduct" as used in RCW 18.36.010 through 18.36.165 is hereby declared to mean:

(1) The procuring, aiding or abetting in procuring a criminal abortion.

(2) The wilful betraying of a professional secret.

DRUGLESS HE

(3) Advertising any means or periods of women can be regulated.

(4) Conviction of any offense.

(5) Habitual intemperance.

(6) The personation of another lic

(7) Exploiting or advertising the of hand bills, circulars or other personal cards, giving only name, address and telephone connections.

(8) All advertising which is intended to deceive the public or impose upon it.

(9) Conspiring to bring or cause court action against any licensed practitioner or to agree with anyone for a share or to be recovered in such action: *Provided*, nothing shall be construed to prevent any licensee from being held liable in an action against any other licensed practitioner for malpractice.

LEGISLATIVE

Enacted Laws 1919 ch 36 § 9 p 70.

See RRS § 10119.

CROSS REF

Abortion: RCWA Chapter 9.02.
Advertising monthly regulators for women: RCWA 9A.60.010.
Barratry and allied offenses: RCWA 9A.60.010.
Criminal impersonation: RCWA 9A.60.010.
Rebating deemed unprofessional conduct: RCWA 18.36.010.
Refusal or revocation of licenses for unprofessional conduct: RCWA 18.36.010.

COLLATERAL I

61 Am Jur 2d Physicians, Surgeons and Other Healers §§ 46, 55.

CJS Physicians and Surgeons §§ 31

Annotations:

54 ALR 400 (constitutionality of statute regulating advertising by person professing to be a physician).
6 ALR2d 675 (determination by jury of expert evidence, in proceeding for revocation of license to practice medicine).
19 ALR2d 1188 (liability of drugless healer for practicing medicine without a license).

93 ALR2d 1398 (alcoholism, narcotic addiction, or suspension of license to practice medicine).

AND PROFESSIONS

licies. Any person not heretofore practice or attempt to practice or drugless therapeutics in the state g obtained the license herein provisions of RCW 18.36.010 through misdemeanor, and shall be punished offenses. Any person shall be the meaning of RCW 18.36.010 e, prescribe, direct or recommend, ne relief of any wound, fracture, er mental or physical: *Provided*, 165 shall not be construed to dis- r school of drugless therapeutics, th the practice of religion: *Pro*- CW 18.36.010 through 18.36.165 gulate any kind of treatment by

VE HISTORY

18.36.030, 18.36.140.

FERENCES

A.60.040.
0.

REFERENCES

ns, and Other Healers §§ 78 et seq.
to 35.

DECISIONS

It a misdemeanor for anyone to practice medicine or "surgery" without a valid certificate. *State v Houck* (1949) 32 Wn 2d 681, 203 P2d 693

conduct. The words "unprofes- 18.36.010 through 18.36.165 is

getting in procuring a criminal

professional secret.

DRUGLESS HEALING

18.36.150

(3) Advertising any means or remedy whereby the monthly periods of women can be regulated, or menses reestablished.

(4) Conviction of any offense involving moral turpitude.

(5) Habitual intemperance.

(6) The personation of another licensed practitioner.

(7) Exploiting or advertising through the press, or by the use of hand bills, circulars or other periodicals, other than professional cards, giving only name, address, profession, office hours and telephone connections.

(8) All advertising which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons.

(9) Conspiring to bring or cause to be brought any action in court against any licensed practitioner for alleged malpractice or agree with anyone for a share or part of any sum of money to be recovered in such action: *Provided*, That nothing herein shall be construed to prevent any licensed practitioner from testifying against any other licensed practitioner in any action for alleged malpractice.

LEGISLATIVE HISTORY

Enacted Laws 1919 ch 36 § 9 p 70.
See RRS § 10119.

CROSS REFERENCES

Abortion: RCWA Chapter 9.02.
Advertising monthly regulators for women: RCWA 9.04.030.
Larratry and allied offenses: RCWA 9.12.010.
Criminal impersonation: RCWA 9A.60.040.
Rebating deemed unprofessional conduct: RCWA 19.68.020.
Refusal or revocation of licenses for unprofessional conduct: RCWA 18.36.040.

COLLATERAL REFERENCES

61 Am Jur 2d Physicians, Surgeons, and Other Healers §§ 26, 30, 45, 50, 55.
CIS Physicians and Surgeons §§ 31 to 35.

Annotations:

51 ALR 400 (constitutionality of statute or ordinance prohibiting or regulating advertising by person professing healing arts).

6 ALR2d 675 (determination by board on its own knowledge, without expert evidence, in proceeding for revocation of license).

99 ALR2d 1188 (liability of drugless practitioner or healer for malpractice).

93 ALR2d 1398 (alcoholism, narcotics addiction, or misconduct with respect to alcoholic beverages or narcotics as ground for revocation or suspension of license to practice medicine).

18.36.150 BUSINESSES AND PROFESSIONS

15 ALR3d 1179 (improper or immoral conduct toward female patient as ground for disciplinary measure against physician or dentist).

58 ALR3d 1191 (pardon as restoring public office or license or eligibility therefor).

61 ALR3d 357 (entrapment as a defense in proceedings to revoke or suspend license to practice law or medicine).

Key Number Digests:

Physicians and Surgeons ⇨10.

18.36.165 Violations—Penalty. Any person violating any of the provisions of RCW 18.36.010 through 18.36.165 shall be guilty of a misdemeanor, and shall be punished as provided by law.

LEGISLATIVE HISTORY

Enacted Laws 1919 ch 36 § 17 p 75.

See RRS § 10125 and former RCW 18.36.250.

COLLATERAL REFERENCES

61 Am Jur 2d Physicians, Surgeons, and Other Healers §§ 82, 83.
CJS Physicians and Surgeons §§ 3 et seq.

Annotations:

65 ALR2d 660 (right to attack validity of statute, ordinance, or regulation relating to occupational or professional license as affected by applying for, or securing, license).

93 ALR2d 90 (single or isolated transactions as falling within provisions of commercial or occupational licensing requirements).

99 ALR2d 654 (practicing medicine, surgery, dentistry, optometry, podiatry, or other healing arts without license as a separate or continuing offense).

Key Number Digests:

Physicians and Surgeons ⇨10.

18.36.170 Revocation for want of educational qualifications—Grounds—Order to appear—Service. Whenever it shall come to the attention of the director of licenses that any applicant for a license to practice any form of drugless healing in this state under the provisions of RCW 18.36.010 through 18.36.165, either with or without examination, presented with his application a diploma purporting to have been issued to such applicant by a drugless school, and a license was granted such applicant wholly or in part by reason of such diploma, and the director of licenses has reasonable ground to believe that the drugless school issuing such diploma, and the persons in charge thereof, have issued diplomas to persons who had not a high school education or its

DRUGLESS HE

equivalent and who had not completed three entire sessions of thirty-six weeks in the diploma, the director of licenses shall make and enter an order directed to the name of the licensee, the date of the drugless school issuing the diploma was based, and requiring such licensee to appear at his office at the time specified in the order, which shall be after the service of a copy of such order there to produce the diploma upon demand and produce and deliver to the director of licenses the educational qualifications at the time of issuing the diploma and the length of time at such school and all other schools in which credits were claimed. The order shall be upon such licensee and return of the diploma as provided by law for the service and return of the diploma.

LEGISLATIVE

Enacted Laws 1925 ch 10 § 1 p 23.

See RRS § 10125-1 and former RCW 18.36.250.

REVISER'S

See note following chapter digest.

CROSS REFERENCE

Administrative procedure: RCWA Title 36
Department of licensing: RCWA Chapter 18.36
Procedure on failure or refusal to comply with summons: RCWA Chapter 36.01

COLLATERAL REFERENCES

Am Jur 2d Administrative Law §§ 32, 48, 49.
CJS Physicians and Surgeons §§ 31 et seq.

Forms:

16 Am Jur Pl & Pr Forms (Rev ed) 18.36.170 et seq.

Key Number Digests:

Physicians and Surgeons ⇨11 et seq.

AND PROFESSIONS

immoral conduct toward female patient
(against physician or dentist).
holding public office or license or eligibil-

a defense in proceedings to revoke or
medicine).

penalty. Any person violating any
18.36.010 through 18.36.165 shall be
shall be punished as provided by

LEGISLATIVE HISTORY

18.36.250.

REFERENCES

Physicians, and Other Healers §§ 82, 83.
et seq.

validity of statute, ordinance, or regula-
professional license as affected by apply-

transactions as falling within provi-
licensing requirements).
podiatry, surgery, dentistry, optometry, po-
dentist license as a separate or continuing

requirement of educational qualifications
Service. Whenever it shall come
of licenses that any applicant for
of drugless healing in this state
18.36.010 through 18.36.165, either
presented with his application a
license shall be issued to such applicant by a
license shall be granted such applicant wholly
diploma, and the director of licenses
shall determine that the drugless school issuing
in charge thereof, have issued di-
ploma of high school education or its

DRUGLESS HEALING

18.36.170

equivalent and who had not completed a residence course of
three entire sessions of thirty-six weeks each in the school issu-
ing the diploma, the director of licenses shall have the power to
make and enter an order directed to such licentiate, setting forth
the name of the licentiate, the date of his license and the name
of the drugless school issuing the diploma upon which the license
was based, and requiring such licentiate to appear before the
director of licenses at his office in the city of Olympia at a time
specified in the order, which shall not be less than twenty days
after the service of a copy of such order upon him, and then and
there to produce the diploma upon which his license was issued
and produce and deliver to the director of licenses his license to
practice drugless healing, and to testify under oath as to his edu-
cational qualifications at the time of his entering the school issu-
ing the diploma and the length of his actual resident attendance
at such school and all other schools for attendance at which
credits were claimed. The order provided for shall be served
upon such licentiate and return of service made in the manner
provided by law for the service and return of summons in civil
actions.

LEGISLATIVE HISTORY

Enacted Laws 1925 ch 10 § 1 p 23.
See RRS § 10125-1 and former RCW 18.36.170 to 18.36.190.

REVISER'S NOTE

See note following chapter digest.

CROSS REFERENCES

Administrative procedure: RCWA Title 34.
Department of licensing: RCWA Chapter 46.01.
Procedure on failure or refusal to comply with order: RCWA 18.36.200.
Service and return of summons: RCWA Chapter 4.28.

COLLATERAL REFERENCES

Am Jur 2d Administrative Law §§ 281, 399, 400 et seq., Physicians
Surgeons, and Other Healers §§ 32, 48, 69.
CJS Physicians and Surgeons §§ 31 to 35.

Forms:

16 Am Jur Pl & Pr Forms (Rev ed), Licenses and Permits, Forms 21
et seq.

Key Number Digests:

Physicians and Surgeons ⇨ 11 et seq.

NOTES OF DECISIONS

Where sanipractor surrendered limited license upon receiving full sanipractic license, revocation of full license on ground his diploma had been granted to him when he did not have educational prerequisites therefor did not affect limited sanipractic license which he was entitled to have returned to him. State ex rel. Fryberg v Maybury (1925) 131 Wn 641, 236 P 566.

Laws 1925 ch 10 p 23 (RCWA 18.36.170 to 18.36.240 herein) providing for revocation of licenses to practice drugless healing, is not unconstitutional as ex post facto law. State ex rel. Hagen v Superior Court (1926) 139 Wn 454, 247 P 942.

Const Art IV § 27, providing that all process shall run in name of state of Washington, has no application to notice required by Laws 1925 ch 10 § 1 (this statute herein) to be given by director of license to drugless healer in proceedings to revoke license to practice. State ex rel. Hagen v Superior Court (1926) 139 Wn 454, 247 P 942.

Laws 1925 ch 10 p 23 (RCWA 18.36.170 to 18.36.240 herein) is not unconstitutional in that it authorizes director of licenses to revoke lawfully granted license for practicing drugless healing, since it only authorizes revocation of licenses obtained in violation of Laws 1919 ch 36 p 64, and not licenses lawfully obtained thereunder. State ex rel. Hagen v Superi-

or Court (1926) 139 Wn 454, 247 P 942.

Laws 1925 ch 10 p 23 (RCWA 18.36.170 to 18.36.240 herein) provides for notice and hearing to licensee whose license is proposed to be revoked, and he is entitled to compulsory attendance of witnesses and to be represented by counsel, and if issue is determined against him he has right to review action of director of licenses in superior court, and this procedure meets "due process" requirements of US Const Fourteenth Amendment. Butcher v Maybury (1925) 8 F2d 155.

Sess.Laws Wash.1925, pp. 23 to 25, 1 to 7, relating to qualifications of drugless healers, and providing method for revocation of their license to practice, was not invalid as ex post facto law, though licenses of some might be revoked for inability to meet qualifications prescribed after granting of license. Butcher v Maybury (1925) 8 F2d 155.

Sess.Laws Wash.1925, pp. 23 to 25, §§ 1 to 7, relating to qualifications of drugless healers, and providing method for revocation of license, was not invalid as a bill of attainder, though under it certain licensees might be compelled to discontinue practice because of inability to meet qualifications; "bill of attainder" being legislative act, inflicting punishment without judicial trial. Butcher v Maybury (1925) 8 F2d 155.

18.36.200 Revocation for want of educational qualifications—Default—Relief therefrom. If any licentiate to practice drugless healing upon whom the order provided for in RCW 18.36.170 shall have been served shall fail or refuse to comply with such order in any particular the director of licenses shall have

DRUGLESS HEAL.

power to revoke the license of such licentiate after any such revocation for failure to appear entered the licentiate shall establish a default. If the director that his failure to appear was a reasonable accident and was not wilful, the director may order to withdraw such revocation and grant a new license.

LEGISLATIVE HISTORY

Enacted Laws 1925 ch 10 § 2 p 24.
See RRS § 10125-2.

CROSS REFERENCES

Department of licensing: RCWA Chapter 18.36

COLLATERAL REFERENCES

61 Am Jur 2d Physicians, Surgeons, and CJS Physicians and Surgeons § 16.

Key Number Digests:

Physicians and Surgeons ☞ 11 et seq.

18.36.210 Revocation for want of educational qualifications—Default—Relief therefrom. In case any licentiate to practice drugless healing hereinbefore provided for in RCW 18.36.170 shall have been served shall fail or refuse to comply with such order in any particular he shall be deemed to have abandoned his license and the director of licenses may revoke the same. If the director that his failure to appear was a reasonable accident and was not wilful, the director may order to withdraw such revocation and grant a new license.

LEGISLATIVE HISTORY

Enacted Laws 1925 ch 10 § 3 p 24.
See RRS § 10125-3.

COLLATERAL REFERENCES

61 Am Jur 2d Physicians, Surgeons, and CJS Public Administrative Bodies and Professions § 16.

18.36.210 BUSINESSES AND PROFESSIONS

DRUGLESS H

Annotations:

97 ALR2d 1210 (disqualification, for bias or interest, of member of occupation or profession sitting in license revocation proceeding).

Key Number Digests:

Administrative Law and Procedure ◊441, 476, 479.

NOTES OF DECISIONS

Laws 1925 ch 10 p 23 (RCWA 18.36.170 to 18.36.240 herein) provides for notice and hearing to licensee whose license is proposed to be revoked, and he is entitled to compulsory attendance of witnesses and to be represented by counsel, and if issue is determined

against him he has right to review action of director of licenses in superior court, and this procedure meets "due process" requirements of US Const Fourteenth Amendment. *Butcher v Maybury* (1925) 8 F2d 155.

18.36.220 Revocation for want of educational qualifications—Revocation or return of license. If at the conclusion of the hearing hereinabove provided for the licentiate shall have failed to establish to the satisfaction of the director of licenses that on the date of the issuance of his diploma he had a high school education or its equivalent and had in fact completed a residence course of three entire sessions of thirty-six weeks each in the school by which such diploma was issued, or any other schools for which credits were properly allowable, it shall be the duty of the director of licenses to revoke the license of the licentiate to practice drugless healing. In case the director of licenses does not revoke the license the same shall be returned to the licentiate.

LEGISLATIVE HISTORY

Enacted Laws 1925 ch 10 § 4 p 25.
See RRS § 10125-4.

REVISER'S NOTE

See note following chapter digest.

CROSS REFERENCES

Appeal to superior court: RCWA 18.36.230.
Department of licensing: RCWA Chapter 46.01.
Surrender of license after final order of revocation: RCWA 18.36.240.

COLLATERAL REFERENCES

61 Am Jur 2d Physicians, Surgeons, and Other Healers §§ 44, 45, 74.
CJS Physicians and Surgeons § 16.

Key Number Digests:

Physicians and Surgeons ◊11 et seq.

18.36.230 Revocation for want of qualifications—Appeal to superior court. drugless healing whose license shall be revoked. RCW 18.36.170 through 18.36.245. feeling himself aggrieved by such revocation, he may by a writ of review sued out in superior court within ten days after the entry of the order of revocation have the proceeding for the revocation set aside. The decision of the superior court of Thurston county shall be final.

LEGISLATIVE

Enacted Laws 1925 ch 10 § 5 p 25.
See RRS § 10125-5.

COLLATERAL REFERENCES

Am Jur 2d Administrative Law §§ 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Forms:

1 Am Jur Pl & Pr Forms (Rev ed), 205, 221, 224, 312.
16 Am Jur Pl & Pr Forms (Rev ed)

Annotations:

166 ALR 575 (stay, pending review, suspending a professional, trade or occupation license).

Key Number Digests:

Physicians and Surgeons ◊11 et seq.

FORI

Petition for Judicial Review by Revoking License—For Qualification

[Title of Court and Cause]

1. Petitioner is, and since license to practice [specify] director of Licensing or as the case may be.
2. Respondent [Director] is empowered by law to license per therapeutics pursuant to Chapter 18.36. Respondent is further emp

AND PROFESSIONS

... for bias or interest, of member of oc-
... (license revocation proceeding).

... re 441, 476, 479.

F DECISIONS

... against him he has right to review
... action of director of licenses in su-
... perior court, and this procedure
... meets "due process" requirements
... of US Const Fourteenth Amend-
... ment. *Butcher v Maybury* (1925)
... 8 F2d 155.

... or want of educational qualifica-
... f license. If at the conclusion of
... ided for the licentiate shall have
... faction of the director of licenses
... ice of his diploma he had a high
... lent and had in fact completed a
... sessions of thirty-six weeks each
... diploma was issued, or any other
... properly allowable, it shall be the
... to revoke the license of the licen-
... g. In case the director of licens-
... the same shall be returned to the

VE HISTORY

R'S NOTE

FERENCES

8.36.230.
... chapter 46.01.
... or of revocation: RCWA 18.36.240.

REFERENCES

... ns, and Other Healers §§ 44, 45, 74.

DRUGLESS HEALING

18.36.230

18.36.230 Revocation for want of educational qualifica-
tions—Appeal to superior court. Every licentiate to practice
drugless healing whose license shall have been revoked as in
RCW 18.36.170 through 18.36.245 provided after a hearing and
feeling himself aggrieved by such revocation shall have the right
by a writ of review sued out in the manner provided by law
within ten days after the entry of such order of revocation to
have the proceeding for the revocation of his license reviewed in
the superior court of Thurston county, and the decision of such
superior court shall be final.

LEGISLATIVE HISTORY

Enacted Laws 1925 ch 10 § 5 p 25.
See RRS § 10125-5.

COLLATERAL REFERENCES

Am Jur 2d Administrative Law §§ 170, 553 et seq., Physicians, Sur-
geons, and Other Healers § 76.
CJS Physicians and Surgeons § 16.

Forms:

1 Am Jur Pl & Pr Forms (Rev ed), Administrative Law, Forms 203,
205, 221, 224, 312.
16 Am Jur Pl & Pr Forms (Rev ed), Licenses and Permits, Form 48.

Annotations:

166 ALR 575 (stay, pending review, of judgment or order revoking or
suspending a professional, trade or occupational license).

Key Number Digests:

Physicians and Surgeons 41 et seq.

FORM

Petition for Judicial Review by Drugless Healer of Order
Revoking License—For Want of Educational
Qualifications

[Title of Court and Cause]

1. Petitioner is, and since ... 19... has been the holder of a
license to practice ... [specify], issued by the ... [Di-
rector of Licensing or as the case may be] on ... 19...
2. Respondent ... [Director of Licensing or as the case may be]
is empowered by law to license persons for the practice of drugless
therapeutics pursuant to Chapter 18.36 RCW.
Respondent ... is further empowered to revoke licenses to prac-

(b) Any person having reason to believe that this chapter or the rules and regulations adopted pursuant thereto, have been violated or that a license issued under this chapter is subject to suspension or revocation, may file with the commissioner a written complaint setting forth the details of the alleged violation or grounds for suspension or revocation. [L 1967, c 228, §6]

Rules of Court

Injunctions, see HRCP rule 65.

§454-6 Power of commissioner. The mortgage commissioner may promulgate such rules and regulations pursuant to chapter 91, as amended, as he deems necessary for the administration of this chapter. The rules and regulations shall include, but not be limited to the following:

- (1) Advertising;
- (2) Solicitation;
- (3) Specifications as to the forms and procedures to be used in the making of any mortgage loan. [L 1967, c 228, §7]

§454-7 Fees, commissions, and charges. The mortgage commissioner may also promulgate rules and regulations concerning maximum fees, commissions, and charges on mortgage loan transactions. The maximum fees, commissions, and charges shall be related to the actual amount of money made available to the borrower over and above the indebtedness of prior mortgages. The commissioner may also promulgate rules and regulations concerning the full disclosure of the fees, commissions, and charges. [L 1967, c 228, §8]

§454-8 Penalty, contracts void. Violation of this chapter shall be punishable by a fine of not more than \$1,000 or imprisonment of not more than one year, or both. Any contract entered into by any person with any unlicensed mortgage broker or solicitor shall be void and unenforceable. [L 1967, c 228, §9]

CHAPTER 455
NATUROPATHY

Hawaii

SECTION

- 455-1 DEFINED
- 455-2 APPLICATION FOR EXAMINATION; FEE
- 455-3 QUALIFICATIONS OF APPLICANTS
- 455-4 STATE BOARD OF EXAMINERS IN NATUROPATHY
- 455-5 ORGANIZATION OF THE BOARD
- 455-6 POWERS AND AUTHORITY OF THE BOARD
- 455-7 EXAMINATIONS
- 455-8 LICENSE TO PRACTICE; BIENNIAL REGISTRATION
- 455-9 PENALTY

§455-1 Defined. For the purpose of this chapter the practice of naturopathy means the scientific application of air, light, sunshine, water, earth, cold and heat, electricity, hygiene and dietetics, bio-chemic system, psychotherapy, mechanical movements, manipulations, and appliances, specifically to eliminate toxic conditions from the human body and to promote the quality, quantity and flow of the vital fluids without the use of drugs, acting nature with natural and

congenial agents or me
normal functioning; pr
the Hawaiian art of lom
RL 1945, §2651; RL 1

§455-2 Applicati
naturopathy shall apply
upon a blank form prep
application such facts c
application shall be filed
ized to administer oaths
an examination fee of S
shall not be refunded if
No person shall be
examined and has passe
§1301; am L 1937, c 221
§6; am L Sp 1959 2d, c
c 106, §1]

For additional licensing req

Fee as modified by adminis

§455-3 Qualificati
less the applicant has resi
preceding the date of app
school. Each applicant sh
science course from an a
legally chartered school,
course of resident instruct
attendance, and includes
the minimum hours here

- Anatomy
- Histology and embry
- Chemistry and toxic
- Physiology
- Bacteriology.....
- Hygiene and sanitati
- Pathology.....
- Diagnosis
- Naturopathic theory
- Obstetrics and gynec
- Jurisprudence.....
- Clinical practice.....
- Biochemistry and die
- Therapeutics
- Total.....

Each applicant shall b
least ninety per cent of the
arts and science course sh

congenial agents or means either tangible or intangible to restore and maintain normal functioning; provided, that the practice of naturopathy shall not include the Hawaiian art of lomilomi or massage. [L 1925, c 77, pt of §1; RL 1935, §1300; RL 1945, §2651; RL 1955, §66-1]

§455-2 Application for examination; fee. Any person desiring to practice naturopathy shall apply in writing to the state board of examiners in naturopathy upon a blank form prepared and furnished by the board and shall include in the application such facts concerning the applicant as the board shall require. Each application shall be filed by the applicant and sworn to before an officer authorized to administer oaths. At the time of the application each applicant shall pay an examination fee of \$50 [75] to the department of regulatory agencies which shall not be refunded if the applicant fails to pass the examination.

No person shall be licensed to practice naturopathy unless he has been duly examined and has passed such examination. [L 1925, c 77, pt of §1; RL 1935, §1301; am L 1937, c 221, §1; RL 1945, §2652; RL 1955, §66-2; am L 1957, c 316, §6; am L Sp 1959 2d, c 1, §15; am L 1963, c 114, §3; HRS §455-2; am L 1969, c 106, §1]

For additional licensing requirements, see L 1975, c 118, §35, appended as note to HRS §436-4.

Revision Note

Fee as modified by administrative action pursuant to §92-28 is shown in brackets.

§455-3 Qualifications of applicants. No application shall be received unless the applicant has resided in the State for not less than one year immediately preceding the date of application. Each applicant shall be a graduate of a high school. Each applicant shall, in addition, have had a two year liberal arts and science course from an accredited college or university and be a graduate of a legally chartered school, university, or college of naturopathy which requires a course of resident instruction of at least four years of nine months each of actual attendance, and includes in its course of study the subjects hereinafter listed for the minimum hours hereinafter listed:

Anatomy	650
Histology and embryology	130
Chemistry and toxicology	250
Physiology	300
Bacteriology	130
Hygiene and sanitation	130
Pathology	350
Diagnosis	600
Naturopathic theory and practice	900
Obstetrics and gynecology	260
Jurisprudence	50
Clinical practice	400
Biochemistry and dietetics	240
Therapeutics	130
Total	4520

Each applicant shall have attended such school, university, or college for at least ninety per cent of the hours required. The addition of two years of liberal arts and science course shall not apply to persons who, on May 9, 1949, were

NATUROPATHY

Sec. 455-8

- (D) Advertising by means of knowingly false or deceptive statements;
- (E) Advertising, practicing, or attempting to practice under a name other than one's own;
- (F) Habitual drunkenness, or addiction to the use of morphine, cocaine, or other habit-forming drugs;
- (G) Professional misconduct, gross carelessness, neglect, or manifest incapacity; any one or more of the causes having been proved to the satisfaction of the board.

The board may not suspend or revoke a license, however, for any of these causes unless the person accused has been given at least twenty days' notice, in writing, and a public hearing in conformity with chapter 91.

The board may compel the attendance of witnesses and the production of relevant books and papers for the investigation of matters that may come before them and the presiding officer of the board may administer the requisite oaths.

In case any license is revoked for any of the causes named in this section, the holder thereof shall be immediately notified of the revocation, in writing, by the board. Licenses to practice naturopathy may be restored by the board. [L 1949, c 214, §2; RL 1955, §66-6; am L Sp 1959 2d, c 1, §19; HRS §455-6; am L 1969, c 106, §2; am L 1974, c 205, §2(16)]

§455-7 Examinations. The state board of examiners in naturopathy shall conduct examinations at such times and places as it deems best, in the following subjects: anatomy; histology and embryology; chemistry and toxicology; physiology; bacteriology; hygiene and sanitation; pathology; diagnosis or analysis, including clinical, physical, x-ray, symptomatology, dermatology, and mental diseases; naturopathic theory and practice; obstetrics and gynecology; jurisprudence; clinical practice; biochemistry; therapeutics, including physiotherapy, hydrotherapy, electrotherapy, heliotherapy, phytotherapy, orthopaedics; and such other subjects as the board may require. The examination shall be conducted in writing, but it may be supplemented by oral examinations, and by demonstrations or other practical tests as the board may require. If the applicant receives a general average of seventy-five per cent and does not fall below sixty per cent in more than two branches of the examination, he shall be considered as having passed the examination. [L 1937, c 221, §5; RL 1945 §2656; RL 1955, §66-7; am L Sp 1959 2d, c 1, §19; HRS §455-7, am L 1969, c 106, §3]

Cross References

Disposal of examination papers, see §94-5.

§455-8 License to practice; biennial registration. Licenses to practice naturopathy shall be issued by the board in such form as the board determines, to those who qualify according to this chapter. Naturopathy physicians licensed under this chapter shall observe and be subject to all state regulations relative to reporting births and deaths and all matters pertaining to the public health with equal rights and obligations as physicians, surgeons, and practitioners of other schools of medicine. Every person holding a license to practice in the State shall reregister with the state board of examiners in naturopathy on or before December 31 of each odd-numbered year and shall pay a reregistration fee of \$15. The failure to so reregister and pay the reregistration fee constitutes a forfeiture of

AND OCCUPATIONS

NATUROPATHY

Sec. 455-4

requirements of this or any other statutes in respect to the duties, conduct, obligations and bond shall run to the State to the benefit of the bond against the servicing agent or an agent and that the aggregate liability of the surety shall remain in full force and effect.

The bond shall remain in full force and effect by the surety, and shall by its terms provide that the bond shall not be effective unless written approval shall be given by the director of commerce and consumer affairs to the director of commerce and consumer affairs on the date of termination or cancellation of the bond in addition to any other bond required by law. This shall not preclude or preempt any additional bond a servicing agent may, in the discretion of such agent.

Every servicing agent need not themselves observe the terms of the employer's bond covers the acts of such employee.

By this section an irrevocable letter of credit of the director of commerce and consumer affairs in the amount of the bond as provided. The beneficiary of such letter of credit shall be the director of commerce and consumer affairs to the benefit of any agreement against the servicing agent or an agent and that the aggregate liability of the letter shall be in full force and effect. [L 1982, c 287, pt of §2, am L 1983, c 42, §2]

Amendment Note

Sections (a) and (b) and added subsection (c).

No servicing agent may engage in any business as a designated agent in the State authorized to act as a servicing agent.

Records. Every servicing agent shall maintain a separate insured depository institution for funds and shall keep at its principal office in this State permanent records of all of its business with its customer. Such records shall be kept, as to each customer, for a period of at least six years following the termination of such agreement. [L 1982, c 287, §2]

Fidelity. Every servicing agent shall be continuously bonded for the benefit of its customers and shall keep and disburse funds in accordance with any agreement made with such customer in accordance with applicable laws. [L 1982, c 287, pt of §2]

[§454D-7] Remedies not exclusive. The remedies provided for in this chapter are in addition to and not exclusive of any other remedies provided by law. [L 1982, c 287, pt of §2]

[§454D-8] General penalty. Any persons who willfully or knowingly violates any provision of this chapter for which there is no other penalty specifically provided herein, shall be fined not less than \$100 nor more than \$1,000 for each violation. [L 1982, c 287, pt of §2]

[§454D-9] False entry, destruction of records; penalty. Any person who willfully or knowingly makes any false certificate, entry, or memorandum upon any of the books or records of any servicing agent, or who knowingly alters, destroys, mutilates, or conceals such books or records, shall be fined not more than \$1,000 or imprisoned not more than six months, or both. [L 1982, c 287, pt of §2]

[§454D-10] Commingling of funds; penalty. Any person who willfully or knowingly causes the commingling of the funds of a servicing agent with customer trust funds shall be fined not more than \$1,000 or imprisoned not more than six months or both. [L 1982, c 287, pt of §2]

[§454D-11] Embezzlement, misappropriation; penalty. Any person who embezzles or misapplies customer trust funds received by a servicing agent shall be fined not more than \$5,000 or imprisoned not more than five years, or both. [L 1982, c 287, pt of §2]

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CHAPTER 455
NATUROPATHY

Effect of Sunset Law. Subject to reassessment, this chapter is repealed, effective December 31, 1985. See chapter 26H.

SECTION

- 455-2 APPLICATION FOR EXAMINATION; FEE
- 455-4 STATE BOARD OF EXAMINERS IN NATUROPATHY
- 455-5 ORGANIZATION OF THE BOARD
- 455-6 POWERS AND AUTHORITY OF THE BOARD
- 455-7 EXAMINATIONS
- 455-8 LICENSE TO PRACTICE; BIENNIAL REGISTRATION
- 455-9 PENALTY

§455-2 AMENDED. "Department of regulatory agencies" changed to "department of commerce and consumer affairs". L 1982, c 204, §8.

§455-4 State board of examiners in naturopathy. The governor shall appoint in the manner prescribed by section 26-34 the state board of examiners in naturopathy, consisting of three members. Each member shall serve until his successor is appointed and qualified. Two members of the board shall, before appointment, have been licensed to practice naturopathy in the State under the laws thereof in force at the date of the issuance of the license and one shall be a public member. [L 1937, c 221, §3; R1 1945, §2654; R1 1955, §66-4; am L Sp 1959 2d, c 1, §5; HRS §455-4; am L 1978, c 208, §6]

L 1978 amended last sentence

§455-5 AMENDED. "Department of regulatory agencies" changed to "department of commerce and consumer affairs". L 1982, c 204, §8.

§455-6 Powers and authority of the board. The state board of examiners in naturopathy may:

- (1) Adopt and use a seal to be affixed to all official acts of the board
- (2) Revoke or suspend any license issued to any person to practice naturopathy upon any of the following causes:
 - (A) Procuring, or aiding or abetting in procuring, a criminal abortion;
 - (B) Employing any person to solicit patients for him;
 - (C) Obtaining a fee on the assurance that a manifestly incurable disease can be permanently cured;
 - (D) Wilfully betraying a professional secret;
 - (E) Making any untruthful and improbable statement in advertising one's naturopathic practice or business;
 - (F) False, fraudulent, or deceptive advertising;
 - (G) Being habituated to the excessive use of drugs or alcohol; or being addicted to, dependent on, or an habitual user of a narcotic, barbiturate, amphetamine, hallucinogen, or other drug having similar effects;
 - (H) Practicing naturopathic medicine while the ability to practice is impaired by alcohol, drugs, physical disability, or mental instability;
 - (I) Procuring a license through fraud, misrepresentation, or deceit or knowingly permitting an unlicensed person to perform activities requiring a license;
 - (J) Professional misconduct or gross carelessness or manifest incapacity in the practice of naturopathy;
 - (K) Conduct or practice contrary to recognized standards of ethics of the naturopathic profession;
 - (L) Consistently utilizing medical service or treatment which is inappropriate or unnecessary.

The board may not suspend or revoke a license, however, for any of these causes unless the person accused has been given at least twenty days' notice, in writing, and a public hearing in conformity with chapter 91.

The board may compel the attendance of witnesses and the production of relevant books and papers for the investigation of matters that may come before them and the presiding officer of the board may administer the requisite oaths.

In case any license is revoked for any of the causes named in this section, the holder thereof shall be immediately notified of the revocation, in writing, by the board. Licenses to practice naturopathy may be restored by the board.

The board shall adopt, pursuant to chapters 91 and 92, rules setting forth standards of ethics of the naturopathic profession and may adopt such other rules as are reasonably necessary to implement this chapter. [L 1949, c 214, §2; RL 1955, §66-6; am L Sp 1959 2d, c 1, §19; HRS §455-6; am L 1969, c 106, §2; am L 1974, c 205, §2(16); am L 1978, c 162, §2]

L 1978 amended first paragraph generally and added

§455-7 Examinations. The state board shall conduct examinations not less than 10 subjects: anatomy; histology and embryology; bacteriology; hygiene and sanitation; pathology; clinical, physical, x-ray, symptomatology; diseases; naturopathic theory and practice; clinical practice; biochemistry; therapy; hydrotherapy, electrotherapy, heliotherapy, phytotherapy; other subjects as the board may require. The examination may be supplemented by oral examination or other practical tests as the board may require. The general average of seventy-five per cent shall be required to pass the examination. [L 1937, c 221, §5; RL 1949, §66-6; am L Sp 1959 2d, c 1, §19; HRS §455-7; am L 1969,

Amendment Note

L 1978 amended first and last sentences.

§455-8 License to practice; biennial renewal. A license to practice naturopathy shall be issued by the board in such amount as those who qualify according to this chapter under this chapter shall observe and be subject to the same reporting births and all matters pertaining to the practice and obligations as physicians, surgeons, and dentists. Every person holding a license to practice naturopathy with the state board of examiners in naturopathy shall renew each odd-numbered year and shall pay a reregistration fee so reregister and pay the reregistration fee provided that the license shall be reinstated together with payment of all delinquent fees as provided in §1; RL 1935, §1303; am L 1937, c 221, §6; RL 1957, c 316, §7; am L Sp 1959 2d, c 1, §19; am L 1975, c 118, §18; am L 1978, c 162, §2

Amendment Note

L 1978 substituted "\$200" for "\$15".
L 1982 deleted the reporting requirements for deaths.

§455-9 Penalty. Any person except a physician or dentist who attempts to practice naturopathy, or any person who presently obtains any diploma or license to practice naturopathy, or any person who uses the title "naturopath" or any word or title to induce the belief that he is a naturopath without complying with this chapter, shall be fined a sum of not less than \$500 for each violation, which sum shall be collected in a civil action by the general or the director of the office of consumer protection.

Amendment Note

Department of regulatory agencies" changed to "Department of consumer affairs". L 1982, c 204, §8.

of the board. The state board of examiners

to be affixed to all official acts of the board; license issued to any person to practice naturopathy for the following causes:

ing or abetting in procuring, a criminal abortion

person to solicit patients for him;

in the assurance that a manifestly incurable disease is permanently cured;

as a professional secret;

an untrue and improbable statement in advertising for the practice or business;

or deceptive advertising;

or the excessive use of drugs or alcohol; or

being dependent on, or an habitual user of a narcotic, amphetamine, hallucinogen, or other drug or substance;

or the use of medicine while the ability to practice is impaired by illness, drugs, physical disability, or mental instability;

obtained through fraud, misrepresentation, or deceit; or for practicing an unlicensed person to perform activities which require a license;

due to gross carelessness or manifest incompetence in the practice of naturopathy;

or for acting contrary to recognized standards of ethics in the practice of the profession;

or for practicing medical service or treatment which is unnecessary or harmful;

or for the revocation a license, however, for any of these causes, the board may be given at least twenty days' notice, in writing, in conformity with chapter 91.

the presence of witnesses and the production of evidence in the investigation of matters that may come before the board may administer the requisite oaths.

any of the causes named in this section, the license may be restored, in writing, by the board.

to chapters 91 and 92, rules setting forth the standards of the profession and may adopt such other rules as may be necessary to implement this chapter. [L 1949, c 214, §2, RL 1955, §66-8; HRS §455-6; am L 1969, c 106, §2; am L 1975, c 118, §2, §2]

Amendment Note

L 1978 amended first paragraph generally and added last paragraph.

§455-7 Examinations. The state board of examiners in naturopathy shall conduct examinations not less than twice in each year in the following subjects: anatomy; histology and embryology; chemistry and toxicology; physiology; bacteriology; hygiene and sanitation; pathology; diagnosis or analysis, including clinical, physical, x-ray, symptomatology, dermatology, and mental diseases; naturopathic theory and practice; obstetrics and gynecology; jurisprudence; clinical practice; biochemistry; therapeutics, including physiotherapy, hydrotherapy, electrotherapy, heliotherapy, phytotherapy, orthopedics; and such other subjects as the board may require. The examination shall be conducted in writing, but it may be supplemented by oral examinations, and by demonstrations or other practical tests as the board may require. If the applicant receives a general average of seventy-five per cent he shall be considered as having passed the examination. [L 1937, c 221, §5; RL 1945, §2656; RL 1955, §66-7; am L Sp 1959 2d, c 1, §19; HRS §455-7; am L 1969, c 106, §3; am L 1978, c 162, §3]

Amendment Note

L 1978 amended first and last sentences.

§455-8 License to practice; biennial registration. Licenses to practice naturopathy shall be issued by the board in such form as the board determines, to those who qualify according to this chapter. Naturopathy physicians licensed under this chapter shall observe and be subject to all state regulations relative to reporting births and all matters pertaining to the public health with equal rights and obligations as physicians, surgeons, and practitioners of other schools of medicine. Every person holding a license to practice in the State shall reregister with the state board of examiners in naturopathy on or before December 31 of each odd-numbered year and shall pay a reregistration fee of \$200. The failure to so reregister and pay the reregistration fee constitutes a forfeiture of license; provided that the license shall be reinstated upon written application therefor together with payment of all delinquent fees and the sum of \$75. [L 1925, c 77, pt 1, §1; RL 1935, §1303; am L 1937, c 221, §6; RL 1945, §2657; RL 1955, §66-8; am L 1957, c 316, §7; am L Sp 1959 2d, c 1, §19; HRS §455-8; am L 1969, c 106, §4; am L 1975, c 118, §18; am L 1978, c 162, §4; am L 1982, c 112, §5]

Amendment Note

L 1978 substituted "\$200" for "\$15".

L 1982 deleted the reporting requirements for deaths by a naturopathy licensee.

§455-9 Penalty. Any person except a licensed naturopath who practices or attempts to practice naturopathy, or any person who buys, sells, or fraudulently obtains any diploma or license to practice naturopathy whether recorded or not, or any person who uses the title "naturopath", "naturoepath", or "N.D.", or any word or title to induce the belief that he is engaged in the practice of naturopathy without complying with this chapter, or any person who violates this chapter, shall be fined a sum of not less than \$500 nor more than \$10,000 for each violation, which sum shall be collected in a civil action brought by the attorney general or the director of the office of consumer protection on behalf of the State.

It shall be as follows: Anatomy, vertebral palpation, principles of hygiene, pathology, dietetics and shall be filed with and preserved for a certain number of years for such services.

in accordance with the provisions of this chapter

Section 20-24, but shall not prescribe for the use of any drug included in materia medica, or the practice of obstetrics or osteopathy;

on the human living body and its diseases, or any other general method of treatment taught in any school or college of chiropractic and approved by the state board of

mechanical, electrical or natural therapy including light, heat, water or exercise in any form, or manipulation, and by the oral administration of food extracts or vitamins;

to the care of the sick, advise and instruct in hygiene and sanitary measures as taught in the public schools and colleges.

Sections 20-25. The board of chiropractic shall have the power to take any action authorized in section 19-4s for any of the following: (1) fraud or deception in obtaining a license; (2) the use of poisons, narcotics or stimulants to such an extent as to interfere with the performance of professional duties; (3) the violation of any regulations adopted hereunder; (4) the course of professional services or the quality of such services; (5) any physical disorder or loss of motor skill, or any other condition, through the aging process, or illegal practice of chiropractic. Any practitioner who is taken action under said section 19-4s shall be required to file with the board a copy of the complaint and shall be required to appear and defend himself. Any action taken shall be conducted in accordance with the provisions of health services. Said board, by a majority vote, may order a license suspended or annulled if his physical or moral fitness is in question. Said board shall have the power to take any action for the judicial district of any county or any action taken pursuant to

(1949 Rev., S. 4382, P.A. 77-614, S. 366, 610, P.A. 80-484, S. 22, 176.)

Secs. 20-29a to 20-31a. Reinstatement of lapsed registration. Renewal certificates; fee. Board to account to state treasurer. Fees to be credited to general fund. Sections 20-29a to 20-31a, inclusive, are repealed.

(1949 Rev., S. 4383, 4384; 1959, P.A. 616, S. 9-11; 1961, P.A. 467, S. 3; February, 1965, P.A. 85, S. 1; P.A. 80-484, S. 175, 176.)

Sec. 20-32. Use of names and titles. No licensee under the provisions of this chapter shall use the title "Doctor" or any abbreviation or synonym hereof unless he holds the degree of doctor of chiropractic from a chartered chiropractic school or college, in which event the title shall be such as will designate the licensee as a practitioner of chiropractic. No person shall practice as a chiropractor under any name other than the name of the chiropractor actually owning the practice or a corporate name containing the name or names of such chiropractors. Each licensed chiropractor shall exhibit his name at the entrance of his place of business or on his office door.

(1949 Rev., S. 4385.)
Cited: 150 C, 302.

Sec. 20-33. Penalties. Any person, except a physician or surgeon licensed under the provisions of chapter 370, who practices or attempts to practice chiropractic, or any person who buys, sells or fraudulently obtains any diploma or license to practice chiropractic, whether recorded or not, or who uses the title "Chiropractor," "D.C.," or any word or title to induce the belief that he is engaged in the practice of chiropractic, without complying with the provisions of this chapter, or any person who violates any provision of this chapter, shall be fined not more than two hundred dollars or imprisoned not more than one year or both.

(1949 Rev., S. 4387; P.A. 76-83, S. 3.)
Cited: 141 C 288.

CHAPTER 373

CONF

NATUREOPATHY

Sec. 20-34. Practice defined. The practice of natureopathy shall mean the practice of the psychological, mechanical and material sciences of healing as follows: The psychological sciences, such as psychotherapy; the mechanical sciences, such as mechanotherapy, articular manipulation, corrective and orthopedic gymnastics, neurotherapy, physiotherapy, hydrotherapy, electrotherapy, thermotherapy, phototherapy, chromotherapy, vibrotherapy, concussion and pneumatotherapy, and the material sciences, such as dietetics, and external applications; but shall not mean internal medication or the administering of any substance simulating medicine or the form of medicine, except dehydrated foods.

(1949 Rev., S. 4394.)

To engage in natureopathy one must hold oneself out as a natureopath either by a series of acts or by advertising as such. 130 C 44.

board of natureopathic examiners two of whom shall be practicing and one of whom shall be a public member. The board shall be subject to the provisions of section 19-45 during each calendar quarter and special meetings shall be held as necessary. Special meetings shall be held after notice in accordance with the provisions of section 19-45. The board shall be compensated for their services as provided in section 19-45. The board shall be compensated for their services as incurred in the performance of their duties at three consecutive meetings or who shall be compensated during any calendar year shall be at all meetings shall be recorded by the secretary of the board during the year of the board against such member. No member of a professional society of which an official during the year of the board shall (1) hear and decide on the application for licensure, (2) adjudicate on the application for sanctions where appropriate.

76.)
of examining board, Section 20-36

614, S. 73, 363, 610, P.A. 80-484, S. 173, 176.)

19-45. No person shall engage in the practice of natureopathy if he has not obtained a license. No person shall be permitted to take an examination prescribed by the board. The examination shall be held under the supervision of the board. The examination shall be held under the supervision of the department with the consent of the board. Applications shall be in writing upon which shall be set forth such facts concerning the applicant as shall be signed by the applicant. Each applicant shall furnish satisfactory evidence that he graduated from a school of natureopathy completed a course of study of any two weeks' duration, or, if he graduated before January 1, 1963, not less than sixty-four weeks of study approved by the board with the consent of the department. The applicant shall have completed such school before January 1, 1963, or he is a graduate of a legally recognized school of natureopathy, approved by said board and the department of health services, which school shall require a minimum of at least four years, and full-time attendance. Said department shall determine the examination and who has met the requirements of the regulations adopted hereunder.

There shall be paid to the department by such applicant a fee of one hundred fifty dollars. Any person who has passed the prescribed examination shall receive from said department a license, which license shall include a statement that the person named therein is qualified to practice natureopathy. The secretary of said board shall file annually with the department of health services a list of natureopathic colleges or institutions recognized by said board as legal and reputable.

(1949 Rev., S. 4390, 1949, S. 2198d; 1959, P.A. 616, S. 13; 1963, P.A. 241; 1969, P.A. 123, S. 1, June, 1971, P.A. 8, S. 45; P.A. 77-614, S. 369, 610, P.A. 80-484, S. 23, 174, 176.)

See Secs. 19-45, 19-46, 20-44, 20-48, 20-49.

Duty of health commissioner in issuing certificate is ministerial and not discretionary. 133 C. 370. Revocation without notice or hearing is invalid. 136 C. 84.

Commissioner has no discretion in issuing certificate of registration. 14 CS 199. The courts cannot aid one who was certified through fraud. 15 CS 303. Authority to approve a school or college of natureopathy rests with the board itself. Id., 468.

Sec. 20-38. Receipts to be credited to general fund. Section 20-38 is repealed.

(1949 Rev., S. 4375; 1955, S. 2199d; 1959, P.A. 616, S. 14; P.A. 80-484, S. 175, 176.)

Sec. 20-39. Subjects of examination. Each applicant for the certificate of registration provided for in section 20-37 shall take a written examination on the following subjects: Anatomy, physiology, histology, psychology, chemistry, hygiene, public health, dietetics, jurisprudence, natureopathic pathology, diagnosis and theory and practice of natureopathic therapeutics. Both questions and answers shall be filed with and preserved for a period of six years by the department of health services.

(1949 Rev., S. 4391, P.A. 77-614, S. 323, 612.)

Cited 15 CS 468.

Sec. 20-40. Refusal of license. Disciplinary grounds. Said department may refuse to grant a license to practice natureopathy or may take any of the actions set forth in section 19-4s for any of the following reasons: The employment of fraud or material deception in obtaining a license, habitual intemperance in the use of ardent spirits, narcotics or stimulants to such an extent as to incapacitate him for the performance of professional duties, violations of the provisions of this chapter or regulations adopted hereunder, engaging in fraud or material deception in the course of professional services or activities, physical or mental illness, emotional disorder or loss of motor skill, including but not limited to, deterioration through the aging process, or illegal, incompetent or negligent conduct in his practice. Any applicant for a license to practice natureopathy or any practitioner against whom any of the foregoing grounds for refusing a license or action under said section 19-4s are presented to said board shall be furnished with a copy of the complaint and shall have a hearing before said board in accordance with the regulations adopted by the commissioner of health services. The commissioner of health services may order a license holder to submit to a reasonable physical or mental examination if his physical or mental capacity to practice safely is the subject of an investigation. Said commissioner may petition the superior court for the judicial district of Hartford-New Britain to enforce such order or any action taken pursuant to section 19-4s.

(1949 Rev., S. 4392, P.A. 77-614, S. 370, 610, P.A. 80-484, S. 24, 176.)

Sec. 20-41. Renewal of licenses. Fee. Section 20-41 is repealed.

(1949 Rev. S. 4393, 1959, P.A. 616 S. 151)

See Sec. 19-45(b)

Sec. 20-42. Penalties. Any person, except a licensed naturopath or a physician licensed to practice medicine as provided by chapter 370, who practices or attempts to practice natureopathy, or any person who buys, sells or fraudulently obtains any diploma or license to practice natureopathy whether recorded or not, or any person who uses the title "naturopath" or any word or title to induce the belief that he is engaged in the practice of natureopathy, without complying with the provisions of this chapter, or any person who violates any of the provisions of this chapter, shall be fined not more than two hundred dollars or imprisoned not more than one year or both.

(1949 Rev., S. 4397)

Complaint of a single treatment, standing alone, was not a violation of the statute. 130 C. 546. Cited 141 C. 288.

CHAPTER 374

MEDICAL EXAMINING BOARDS

Secs. 20-43 and 20-44. Appointment and removal of members of examining boards. Obtaining certificate by fraud; fraudulent acts; penalty. Sections 20-43 and 20-44 are repealed.

(1949 Rev., S. 4357, 4367; 1953, S. 2188J, 1959, P.A. 393, S. 2, P.A. 77-614, S. 371, 610, P.A. 80-484, S. 175, 176)

Sec. 20-45. Suspension, revocation or annulment of license. Disciplinary proceedings. The license of any licensed practitioner of the healing arts in this state, except a physician as defined in section 20-13a, may be revoked, suspended or annulled, or such practitioner may be reprimanded or otherwise disciplined, after notice and hearing, on the recommendation of the examining board representing the branch of the healing arts practiced by such practitioner for any cause named below. Proceedings relative to the revocation, suspension or annulment of a license or certificate of registration or toward disciplinary action may be begun by the filing of written charges, verified by affidavit, by the commissioner of health services with the examining board representing the branch of the healing arts practiced by the practitioner. The causes for which a license or certificate of registration may be revoked, suspended or annulled or for which a practitioner may be reprimanded or otherwise disciplined are as follows: Conviction in a court of competent jurisdiction, either within or without this state, of any crime in the practice of his profession; fraudulent or deceptive conduct in the course of professional services or activities; illegal, incompetent or negligent conduct in the practice of the healing arts; habitual intemperance in the use of spirituous stimulants or addiction to the use of morphine, cocaine or other habit-forming drugs; aiding or abetting the unlawful practice of any branch of the healing arts; failure to record a license or certificate of registration as required by law; physical or mental illness, emotional disorder or loss of motor skill, including but not limited to deterioration through the aging process of the practitioner; fraud or material deception in obtaining a license or certificate of registration; or violation of any applicable statute or regulation. The clerk of any court in this state

in which a person practicing a board for the healing arts has section shall, immediately a duplicate, of the information health services, containing the which he was convicted and services may order a practice examination if a physical or investigation. § commissi-district of Health-New Br pursuant to section 19-4s.

(1949 Rev., S. 4358, 1957, P.A. 196, Feb 80-484, S. 17, 176)

See Secs. 7-49, 19-28, 53-341

Cited 130 C. 353. Board did not abuse its dis C. 339 "Habitual negligence" is only form of i that which shows that either the party is intell to jeopardize the public interest. 141 C. 218. If there was abuse of discretion. 142 C. 529.

License must be revoked or suspended unde isolated instances not enough for "habitually n negligent" and "dishonorable" and "unprofes which revocation of a license is based is both administrative board, the sole function of the c

Secs. 20-46 to 20-49. H or license. Appeal. Restor revocation or suspension of board. Registration of retire are repealed.

(1949 Rev., S. 4359-4361, 4367, 1949, S. 2, 1971, P.A. 870, S. 55; 1972, P.A. 294, S. 37 373, 374, 587, 610, P.A. 78-280, S. 33, 137, 78

Sec. 20-50. Podiatry def to be the diagnosis, preven prescription, administering a schedules II, III, IV or V, in connection therewith; the anesthetic other than a performed in a general h Accreditation of Hospitals credentials committee of the surgery in conformance wi department of said hospiti demonstrated competence a such podiatrist shall comply of the feet; the making of n treatment of functional and

CHAPTER 14
NATUROPATHY

ARTICLE 1. NATUROPATHIC BOARD OF EXAMINERS

Sec.

- 32-1501. Definitions.
- 32-1502. Naturopathic board of examiners.
- 32-1503. Compensation.
- 32-1504. Organization; powers and duties; annual report.
- 32-1505. Licensing powers of board.
- 32-1506. Secretary of board; duties.
- 32-1507. Naturopathic board fund.

ARTICLE 2. LICENSING

- 32-1521. Application for examination; fee.
- 32-1522. Educational qualifications of applicant.
- 32-1523. Examination.
- 32-1524. Licensing out-of-state naturopaths.
- 32-1525. Annual application and renewal of license; fee; restoration upon failure to renew.

ARTICLE 3. REGULATION

- 32-1551. Use of title or abbreviation by licensee.
- 32-1552. Recording of certificate.
- 32-1553. Observance of public health laws and regulations.
- 32-1554. Grounds for suspension, revocation or refusal to issue license; notice of action; appeal.
- 32-1555. Unlawful practice.
- 32-1556. Prosecution for violations.
- 32-1557. Violation; penalty; disposition of fines collected.

ARTICLE 1. NATUROPATHIC BOARD OF EXAMINERS

§ 32-1501. Definitions

In this chapter, unless the context otherwise requires:

1. "Board" means the state naturopathic board of examiners.
2. "Naturopathy" includes all forms of physiotherapy and means a system of treating the abnormalities of the human mind and body by the use of drugless and nonsurgical methods, including the use of physical, electrical, hygienic and sanitary measures incident thereto.

Source:
§ 1, 1911
part. 67, 121

In general
Charges 3
Extent of practice
Reimbursement
Witnesses 2

1. In general
Sections 32-1501 to 32-1507, and 32-1521 to 32-1525
licensing and the practice of naturopathy. See
Auto. Ins. Co. v. Wilson, 121 Ariz. 236 P.2d 38

In suit brought by naturopaths, where raised but concerning interlocking naturopathic court proper for summary v. Wilson 121 Ariz. 236 P.2d 38

By statute naturopathy to surgical methods to prevent in things for which not qualified, performing term "drugless" merely descriptive to general practice and the law.

2. Extension of licensed physical therapist. Farm Mut. Ariz. App. 10.

Under this statute the usual methods of the profession are

Historical Note

Source:

§§ 1, 5, Ch. 105, L. '35; 67-1201 in part, 67-1205, C. '39 comb'd.

Notes of Decisions

- In general 1
- Charges 3
- Extent of permissible practice 2
- Reimbursement 4
- Witnesses 5

1. In general

Sections 32-1401 et seq., 32-1421 et seq., and 32-1451 et seq. relating to medicine and surgery are not applicable to the practice of naturopathy or physical therapy. *Saufilippo v. State Farm Mut. Auto. Ins. Co.* (1975) 24 Ariz.App. 10, 535 P.2d 38.

In suit for declaratory judgment brought by naturopathic board of examiners, where no issues of fact were raised but only questions of law concerning interpretation of statutes defining naturopathy and medicine, trial court properly considered case to be one for summary judgment. *Kuts-Cheraux v. Wilson* (1951) 71 Ariz. 161, 229 P.2d 513, opinion supplemented 72 Ariz. 37, 230 P.2d 512.

By statutory definition confining naturopathy to use of "drugless and non-surgical methods" legislature intended to prevent naturopaths from doing two things for which by training they are not qualified, viz., prescribing drugs and performing surgical operations, and term "drugless method" was not used in a merely descriptive sense relating only to general practices but was intended to qualify and limit practice of naturopathy. *Id.*

2. Extent of permissible practice

Licensed naturopath can perform physical therapy. *Saufilippo v. State Farm Mut. Auto. Ins. Co.* (1975) 24 Ariz.App. 10, 535 P.2d 38.

Under this section confining naturopathy to use of "drugless and non-surgical methods," members of naturopathic profession are not barred from prescrib-

ing for their patients foods commonly used for nutritional purposes as distinguished from drugs. *Kuts-Cheraux v. Wilson* (1951) 72 Ariz. 37, 230 P.2d 512.

Under the Arizona statutes a practitioner of naturopathy or of chiropractic is limited to nonsurgical and nonmedical methods, while the osteopathic practitioner is placed more nearly on an equal with medical physician. *Gates v. Kilcrease* (1948) 66 Ariz. 328, 188 P.2d 247.

A licensed naturopath, intentionally and purposely applying electricity by means of diathermy machine used by surgeons to burn out lump on patient's foot after diagnosing it as cancer, was guilty of practicing medicine without license by performing surgical operation. *Nethken v. State* (1940) 56 Ariz. 15, 104 P.2d 159.

Drugs as defined in § 32-1901, are articles used in diagnosis for which standards are recognized in the official compendium, and where radiopaque contrast media constitute such drug when used for diagnostic purposes by chiropractor or naturopath, such use is beyond the extent of permissible practice under § 32-925. *Op.Atty.Gen. No. 72-8.*

Neither chiropractic doctors nor naturopathic doctors may draw blood by needle syringe. *Op.Atty.Gen. No. 63-541.*

A naturopath may treat infectious diseases so long as he uses drugless or non-surgical methods. *Op.Atty.Gen. No. 56-118.*

3. Charges

Charges made for physical therapy treatments administered in a naturopathic office by unlicensed assistant under supervision of naturopath were as a matter of law not rendered for "reasonable medical expenses" under automobile policy and insurer was not liable for such charges since administration of such treatments was contrary to public

EXAMINEPS

report.

; fee; restoration

relations.
usal to issue license;

affected.

OF EXAMINERS

quires:
of examiners.

otherapy and means
man mind and body
including the use of
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§ 32-1501 PROFESSIONS AND OCCUPATIONS Title 32

pony and §§ 32-2011 and 32-2013. Sanfilippo v. State Farm Mut. Auto. Ins. Co. (1975) 24 Ariz.App. 10, 535 P.2d 38.

visits to render such aid and without providing the necessary sworn statements by the indigents would be unable to require board to reimburse him. Id.

4. Reimbursement

Naturopath ordered or authorized by board of supervisors to render his services to the indigent sick would be entitled to reimbursement by board for such services. Op. Atty. Gen. No. 65-14-1.

Naturopath who voluntarily practiced his healing arts upon indigent county welfare recipients without prior authorization or direction from board of super-

5. Witnesses

Doctors with unlimited licenses are competent to give expert testimony in entire medical field, and chiropractor or naturopath is competent expert witness only in limited field in which he is licensed by the state. Chalupa v. Industrial Commission (1973) 109 Ariz. 310, 509 P.2d 610.

§ 32-1502. Naturopathic board of examiners

A. There shall be a state naturopathic board of examiners which shall consist of three members appointed by the governor. One member shall be appointed each year for a term of three years beginning July 1, and until his successor is appointed and qualified. The governor shall fill all vacancies in the membership of the board.

B. No person shall be appointed to the board who is not a citizen of the state, or who has not practiced naturopathy in this state continuously for five years immediately prior to the date of appointment. No two members of the board shall be graduates of the same school of drugless therapy.

Historical Note

Source:

§ 1, Ch. 105, L. 35: 67-1201, C. 39, in part.

Reviser's Note:

Laws 1935, Ch. 105, § 1 (67-1201, C. 39) provided for appointment of the first members of the board. The provision is deleted as executed.

§ 32-1503. Compensation

Each member of the board except the secretary shall receive compensation as determined pursuant to § 38-611 for each day actually engaged in the performances of his duties. The compensation to be paid the secretary shall be as determined pursuant to § 38-611.

As amended Laws 1962, Ch. 98, § 44; Laws 1970, Ch. 204, § 110

Historical Note

Source:

§ 1, Ch. 105, L. 35: 67-1261, C. 39. Prior to the 1962 amendment, this section read:

"Each member of the board except the secretary shall receive ten dollars per day for each day actually engaged

in the performances of his duties, together with all expenses actually incurred. The board may fix the annual salary to be paid the secretary, and all low traveling expenses in addition thereto when incurred on business on the board."

Ch. 14

The 1962 twenty dollar first sentence

§ 32-150

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Ch. 204 § 110.

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The 1962 amendment substituted "twenty dollars" for "ten dollars" in the first sentence. The 1970 amendment substantially re-wrote this section.

§ 32-1504. Organization; powers and duties; annual report

A. The board shall carry the provisions of this chapter into effect and shall adopt rules and regulations for its administration.

B. The board shall annually elect a president, vice president and secretary, who may summon witnesses, administer oaths, take testimony and affidavits and certify thereto under the seal adopted by the board. A majority of the board shall constitute a quorum. The board shall make an annual report to the governor on the first Monday in December each year in which there shall be a detailed statement of all monies received and disbursed by the board during the preceding year.

Historical Note

Source:
§ 2, Ch. 105, L. 35; 67-1202, C. 39, in part.

Reviser's Note:
Laws 1935, Ch. 105, § 2 (67-1202, C. 39) provided for the first organizational meeting of the board. The provision is deleted as executed.

§ 32-1505. Licensing powers of board

The board is authorized to issue, suspend or revoke licenses to practice naturopathy.

Historical Note

Source:
§ 3, Ch. 105, L. 35; 67-1203, C. 39, in part.

Notes of Decisions

1. In general

By statutory definition confining naturopathy to use of "drugless and non-surgical methods" legislature intended to prevent naturopaths from doing two things for which by training they are not qualified, viz., prescribing drugs and performing surgical operations, and term "drugless method" was not used in merely descriptive sense relating only to general practices but was intended to qualify and limit practice of naturopathy.

Kuts-Cheraux v. Wilson (1951) 71 Ariz. 161, 229 P.2d 713, opinion supplemented 72 Ariz. 37, 230 P.2d 512.

In suit for declaratory judgment brought by naturopathic board of examiners, where no issues of fact were raised but only questions of law concerning interpretation of statutes defining naturopathy and medicine, trial court properly considered case to be one for summary judgment. Id.

§ 32-1506. Secretary of board; duties

The secretary shall keep a record of all actions of the board, including a detailed register of applicants for licenses.

As amended Laws 1971, Ch. 125, § 42.

Historical Note

Source:

§ 2, Ch. 105, L. '35; 67-1202, C. '39, in part.

The 1971 amendment deleted a subsec. "A" designation preceding the present text and deleted a former subsec. B, which prior thereto read:

"B. The secretary of the board shall be bonded for not less than one thousand dollars payable to the state for the faithful performance of his duties and the accounting for all monies that come into his possession. The premium for the bond shall be paid from the naturopathic board fund."

§ 32-1507. Naturopathic board fund

All monies from whatever source which come into the possession of the board shall be paid to the secretary who shall, at the end of each calendar month, deposit them with the state treasurer who shall transfer ten per cent of such monies in the general fund of the state and the remaining ninety per cent to the naturopathic board fund for use of the board. Disbursements from the fund shall be paid on warrants drawn by the department of administration assistant director for finance after having been presented with a claim or voucher signed by the president and secretary of the board and bearing the seal of the board. The board may spend amounts necessary for the proper administration of this chapter, but all expenditures shall be paid from monies remaining in the naturopathic board fund.

As amended Laws 1970, Ch. 190, § 42; Laws 1976, Ch. 163, § 20.

Historical Note

Source:

§ 2, Ch. 105, L. '35; 67-1202, C. '39, in part.

The 1970 amendment substituted "commissioner of finance" for "state auditor" in the second sentence.

The 1976 amendment substituted "department of administration assistant director for" for "commissioner of" in the second sentence.

For purpose of Laws 1976, Ch. 163 see note following § 10-101.

ARTICLE 2. LICENSING

§ 32-1521. Application for examination; fee

A. A person desiring to practice naturopathy or any branch thereof in this state shall make application to the board for an examination

tion not less than forms furnished by a certificate of board of examiners

B. All persons license fee of fifty application for ex license is granted, twenty-five dollars

C. Affidavits o good moral charac cant taken within information as th At the time and p cant shall appear l practice naturopat

Source:

§ 6, Ch. 105, L. '35; part.

Reviser's Note:

Laws 1935, Ch. 10 '39) provided for an

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§ 32-1522.

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tion not less than fifteen days before the date of examination upon forms furnished by the board. The application shall be accompanied by a certificate of registration in the basic sciences, issued by the board of examiners in the basic sciences.

B. All persons licensed under this chapter shall pay to the board a license fee of fifty dollars. Twenty-five dollars shall accompany the application for examination, and the balance shall be paid when the license is granted. Under no condition shall the application fee of twenty-five dollars be returned to the applicant.

C. Affidavits of two reputable residents of the state attesting the good moral character of the applicant, two photographs of the applicant taken within thirty days of the application and other data and information as the board requires shall be filed with the application. At the time and place the board has previously designated, the applicant shall appear before the board for examination as to his fitness to practice naturopathy.

Historical Note

Source:

§ 6, Ch. 105, L. '35; 67-1206, C. '39, in part.

twenty-five dollars for persons practicing on the effective date of the act. The provision is deleted as executed. See also reviser's note to § 32-1524.

Reviser's Note:

Laws 1935, Ch. 105, § 6 (67-1206, C. '39) provided for an application fee of

Library References

Physicians and Surgeons 502.

C.J.S. Physicians and Surgeons § 13, 23.

Notes of Decisions

1. In general

By statutory definition confining naturopathy to use of "drugless and non-surgical methods" legislature intended to prevent naturopaths from doing two things for which by training they are not qualified, viz., prescribing drugs and performing surgical operations, and term "drugless method" was not used in a merely descriptive sense relating only to general practices but was intended to

qualify and limit practice of naturopathy. *Kutscheroux v. Wilson* (1951) 71 Ariz. 161, 229 P.2d 743, opinion supplemented 72 Ariz. 37, 230 P.2d 512.

There exists in Arizona no such thing as right to practice medicine, and all that does exist is privilege to practice medicine as allowed and regulated by legislature. *Id.*

§ 32-1522. Educational qualifications of applicant

Except as provided in this section, the minimum educational requirements for license under the provisions of this chapter shall be a high school diploma, or the equivalent thereof, certified to by the su-

perintendent of public instruction or a county school superintendent, and subsequent graduation from a school or schools of drugless therapeutics, approved by the board, embracing residential studies of not less than four years of eight months each devoted to a study of the following subjects in the approximate number of hours assigned to each as follows:

1. Anatomy, including dissection, six hundred fifty hours.
2. Histology and embryology, one hundred fifty hours.
3. Physiology, two hundred fifty hours.
4. Chemistry, two hundred hours.
5. Bacteriology, one hundred hours.
6. Pathology, three hundred fifty hours.
7. Diagnosis, including physical, clinical, X-ray, symptomatology, dermatology and mental diseases, five hundred hours.
8. Orthopedics, one hundred hours.
9. Manipulative and adjustive technic, two hundred hours.
10. Dietetics, two hundred hours.
11. Drugless gynecology, one hundred fifty hours.
12. Nonsurgical obstetrics, one hundred fifty hours.
13. Toxicology, fifty hours.
14. First aid, fifty hours.
15. Ear, nose and throat, fifty hours.
16. Hygiene and sanitation, one hundred hours.
17. Jurisprudence, forty-five hours.
18. Drugless therapeutics, including electrotherapy, physiotherapy, hydrotherapy, massage and practice of naturopathy, seven hundred fifty hours.
19. Clinical practice, three hundred hours.
20. Such other subjects as the board requires, excepting materia medica and major surgery, totaling not less than forty-five hundred hours.

Historical Note

Source:

§ 7, Ch. 105, L. 35; 67-1207, C. 39.

Library References

Physicians and Surgeons C-4.

C.J.S. Physicians and Surgeons § 12

In general 1
Witnesses 2

I. In general

Educational paths indicate likely to be related to medical matters Commission 197 P.2d 228, modified P.2d 610, 100 Ar

By statutory naturopathy to use surgical methods to prevent natural things for which not qualified, va

§ 32-1522

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§ 3, 6, Ch. 1268, C. 39, in

Title 32

Notes of Decisions

In general 1
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1. In general

Educational requirements of naturopaths indicate that, as a group, they are likely to be relatively well schooled in legal matters. Chalupa v. Industrial Commission (1972), 17 Ariz.App. 386, 498 P.2d 228, modified on other grounds 509 P.2d 610, 109 Ariz. 340.

By statutory definition confining naturopathy to use of "drugless and non-surgical methods" legislature intended to prevent naturopaths from doing two things for which by training they are unqualified, viz., prescribing drugs and

performing surgical operations, and term "drugless method" was not used in a merely descriptive sense relating only to general practices but was intended to qualify and limit practice of naturopathy. Kuts-Cheraux v. Wilson (1951) 71 Ariz. 461, 229 P.2d 713, opinion supplemented 72 Ariz. 37, 230 P.2d 512.

2. Witnesses

Doctors with unlimited licenses are competent to give expert testimony in entire medical field, and chiropractor or naturopath is competent expert witness only in limited field in which he is licensed by the state. Chalupa v. Industrial Commission (1973) 109 Ariz. 340, 509 P.2d 610.

§ 32-1523. Examination

A. For the purpose of determining the qualifications of applicants for license under the provisions of this chapter, the board shall hold meetings and conduct examinations of applicants for licenses at times and places and under rules and regulations the board determines. The time and place of holding the examination shall be published at least thirty days prior to the date of the examination.

B. The examination shall be in writing and shall embrace the subjects set forth in § 32-1522 and other subjects required by the board. If the applicant answers seventy-five per cent of the questions asked on each of the subjects of the examination correctly, a license to practice naturopathy shall be issued to the applicant.

C. If an applicant fails to pass the examination he shall, within one year after his failure to pass, without losing credit for subjects passed and without paying another fee, be permitted to take another examination at the convenience of the board. An applicant for reexamination shall, not less than fifteen days before the date of the examination, notify the board of his intention to take the examination.

Historical Note

1972, Ch. 105, § 35; 67-1203, 67-1204, 67-1205, 67-1206, 67-1207, 67-1208, 67-1209, 67-1210, 67-1211, 67-1212, 67-1213, 67-1214, 67-1215, 67-1216, 67-1217, 67-1218, 67-1219, 67-1220, 67-1221, 67-1222, 67-1223, 67-1224, 67-1225, 67-1226, 67-1227, 67-1228, 67-1229, 67-1230, 67-1231, 67-1232, 67-1233, 67-1234, 67-1235, 67-1236, 67-1237, 67-1238, 67-1239, 67-1240, 67-1241, 67-1242, 67-1243, 67-1244, 67-1245, 67-1246, 67-1247, 67-1248, 67-1249, 67-1250, 67-1251, 67-1252, 67-1253, 67-1254, 67-1255, 67-1256, 67-1257, 67-1258, 67-1259, 67-1260, 67-1261, 67-1262, 67-1263, 67-1264, 67-1265, 67-1266, 67-1267, 67-1268, 67-1269, 67-1270, 67-1271, 67-1272, 67-1273, 67-1274, 67-1275, 67-1276, 67-1277, 67-1278, 67-1279, 67-1280, 67-1281, 67-1282, 67-1283, 67-1284, 67-1285, 67-1286, 67-1287, 67-1288, 67-1289, 67-1290, 67-1291, 67-1292, 67-1293, 67-1294, 67-1295, 67-1296, 67-1297, 67-1298, 67-1299, 67-1300, 67-1301, 67-1302, 67-1303, 67-1304, 67-1305, 67-1306, 67-1307, 67-1308, 67-1309, 67-1310, 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Notes of Decisions

1. In general
There exist in Arizona no such thing as right to practice medicine, and all that does exist is privilege to practice medicine as allowed and regulated by legislature. Kutz-Cheraux v. Wilson (1951) 71 Ariz. 961, 229 P.2d 713, opinion supplemented 72 Ariz. 37, 230 P.2d 512.

Source:
§ 10, Ch. 105.

§ 32-1524. Licensing out-of-state naturopaths

The board may, upon payment of a fee of one hundred dollars, grant a license to practice naturopathy without examination to a naturopathic physician licensed to practice in another state if the requirements in such state are not less than those required of applicants for license in this state and if such other state grants similar reciprocal privileges to naturopathic physicians licensed in this state.

Historical Note

Source:
§ 13, Ch. 105, L. 35: 67-1213, C. 39.
Reviser's Note:
Laws 1935, Ch. 105, § 8 (67-1208, C. 39) provided for the licensing of naturopaths practicing on the effective date of the act. The provision is omitted as executed.

§ 32-1551

Licenses in terms or abbreviations "naturopath," "naturopathic," such terms or to convey the healing art oth

Source:
§ 14, Ch. 105.

§ 32-1525. Annual application and renewal of license; fee; restoration upon failure to renew

A. On or before January 1 each year every person holding a license under this chapter shall apply to the board for a certificate of renewal of his license, accompanying the application with a fee of twenty dollars. The application shall be made on a form furnished by the board, and shall contain information required by the board.

B. Upon receipt of an application for annual renewal of a license to practice naturopathy accompanied by the proper fee, the board shall issue a certificate of annual registration which shall at all times be displayed in the office of the licensee.

C. Failure, refusal or neglect of any licensee to pay the annual renewal fee shall, after thirty days from January 1 each year, automatically revoke the license of the licensee. A license so revoked shall not be restored except on written application therefor and payment of a restoration fee of fifteen dollars plus the annual renewal fee of twenty dollars, but an applicant for restoration of a license so revoked shall not be required to submit to an examination as to his qualifications. On or before December 1 each year, the secretary of the board shall notify each licensee under this chapter that the annual application and fee for renewal are due on or before January 1.

As amended Laws 1969, Ch. 93, § 1.

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§ 32-1552

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Source:
§ 11, Ch. 105, 1
The 1966 amen sentence, deleted

§ 32-1553

Licenses in state, county :

Historical Note

Source:

§ 10, Ch. 105, L. '35: 67-1210, C. '39.

The 1969 amendment substituted "twenty dollars" for "ten dollars" in the first sentence of subsec. A and in the second sentence of subsec. C.

ARTICLE 3. REGULATION

§ 32-1551. Use of title or abbreviation by licensee

Licensees under this chapter are authorized to use any or all of the terms or abbreviations, "doctor of naturopathy," "N.D.," "naturopath," "naturopathic physician" or "drugless physician," but none of such terms or abbreviations or any combination of them shall be used to convey the impression that the physician using them practices any healing art other than drugless therapy.

Historical Note

Source:

§ 14, Ch. 105, L. '35: 67-1214, C. '39.

Notes of Decisions

1. In general

Naturopathic physician who uses the abbreviations "Dr." and "N.D." must designate, on an advertisement, by words the particular type of practice he is licensed to do. Op. Atty. Gen. No. 6: 88-1.

§ 32-1552. Recording of certificate

Before engaging in practice in any county in the state, the holder of a license under this chapter shall record the license with the county recorder of the county in which the licensee intends to practice. The recorder shall stamp or write on the back of the license such facts as are necessary to indicate that it has been recorded.

As amended Laws 1966, Ch. 63 § 11.

Historical Note

Source:

§ 11, Ch. 105, L. '35: 67-1211, C. '39.

The 1966 amendment, in the second sentence, deleted "shall receive a fee of one dollar for recording the license in a book kept for that purpose and" after "The recorder".

§ 32-1553. Observance of public health laws and regulations

Licensees under this chapter shall observe and be subject to all state, county and municipal laws and regulations relating to public

health in the same manner as physicians of other schools of healing; for it is not the intention of the legislature to grant any special favors or privileges to any particular system or method of healing.

Historical Note

Source:

§ 12, Ch. 105, L. '35; 67-1212, C. '39.

Cross References

- Failure to report gunshot, knife or other wounds apparently due to illegal acts, punishment, see § 13-1206.
- Practicing medicine while intoxicated, punishment, see § 13-1007.
- Privileged communications, see §§ 12-2235 and 13-1802.
- Revocation of license for secreting person having contagious disease, see § 36-630.
- Waiver by patient of privileged communication, see § 12-2230.

§ 32-1554. Grounds for suspension, revocation or refusal to issue license; notice of action; appeal

A. The board may refuse to grant, or may suspend or revoke a license to practice naturopathy in this state for any of the following reasons:

1. Use of fraud or deception in obtaining a license.
2. Impersonation of another physician.
3. Practicing naturopathy under an assumed name.
4. Unprofessional conduct reflecting unfavorably upon the profession.
5. Conviction of a crime involving moral turpitude.
6. Any other reason that renders the licensee unfit to perform the duties of a naturopathic physician.

B. Within ten days after refusal to grant, or suspension or revocation of a license, the board shall furnish the applicant or licensee concerned with a detailed statement of the reasons for its action.

C. Within ninety days thereafter the applicant or licensee may appeal to the superior court of the county where the suspended or revoked license is recorded for reversal of the action of the board. The decision of the superior court may be appealed to the supreme court by either party.

D. It shall be the duty of the attorney general to defend the board in any action brought against it.

Historical Note

Source:

§ 9, Ch. 105, L. '35; 67-1209, C. '39.

Physicians and (5).

I. In general

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§ 32-1555.

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Source:

§ 15, Ch. 165, L.

§ 32-1556.

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Source:

§ 17, Ch. 105, L.

§ 32-1557.

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Library References

Physicians and Surgeons 11.2, 11.3 C.J.S. Physicians and Surgeons §§ 17,
65. 18.

Notes of Decisions

1. In general

Administrative determination as to li-
censes is limited to judicial review in
the superior court as to real estate bro-
kers and salesmen, optometrists, driver
training instructors or schools, funeral
directors, and employment agencies but

further appellate review exists as to
dispensing opticians, osteopathic physi-
cians, barbers, collection agencies, con-
tractors, physicians, naturopathic physi-
cians, and nurses. Meyer v. Campbell
(1971) 13 Ariz.App. 601, 480 P.2d 22.

§ 32-1555. Unlawful practice

It is unlawful for any person to practice, attempt to practice or
claim to practice naturopathy or any branch thereof without first
complying with the provisions of this chapter.

Historical Note

Source:

§ 15, Ch. 105, L. '35, 67-1215, C. '39.

§ 32-1556. Prosecution for violations

The county attorney of each county shall prosecute all persons
charged with violating this chapter within his county, but the board
may retain its own attorney or request legal assistance from the at-
torney general to aid in prosecuting such a violator. If the board ob-
tains legal assistance to prosecute or aid in the prosecution for a vio-
lation of this chapter, payment for such services shall be made from
the naturopathic board fund.

Historical Note

Source:

§ 17, Ch. 105, L. '35; 67-1217, C. '39.

§ 32-1557. Violation; penalty; disposition of fines collected

A. A person who violates any provision of this chapter is guilty
of a misdemeanor punishable as provided by law.

B. Seventy-five per cent of fines collected under this chapter shall
be remitted to the naturopathic board fund and twenty-five per cent
to the county treasurer of the county in which the prosecution is con-
ducted.

§ 32-1557 PROFESSIONS AND OCCUPATIONS Title 32

C. Justice of the peace courts, municipal courts and superior courts shall have concurrent jurisdiction of offenses under this chapter.

Historical Note

Source:

§ 16, Ch. 105, L. 35; 67-1216, C. 39.

Reviser's Note:

Laws 1935, Ch. 105, § 18 (67-1218, C. 39) provided for severability of the act. The provision is omitted as unnecessary.

Library References

Physicians and Surgeons (6012).

C.J.S. Physicians and Surgeons § 30.

Sec.

32-1601.

32-1602.

32-1603.

32-1604.

32-1605.

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ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

March 5, 1984

MEMORANDUM

TO: Representative Furnace

FROM: Jay Livey ²
Legislative Analyst

RE: Regulation of Naturopaths in Other States
Research Request 84-055

Steve Levi of your staff asked that we compare the regulation and licensure of naturopaths in other states with the approach proposed by CSHB 374. There are currently six states, Washington, Arizona, Oregon, Hawaii, Nevada, and Connecticut, that license naturopaths. We were able to contact or obtain licensing laws for all of these states. The comparisons of the laws includes the following information:

- the entity responsible for the regulation;
- requirements for licensure as a naturopath;
- scope of naturopathic practice; and
- reciprocity arrangements with other states.

Responsibility for Naturopathic Regulation

CSHB 347 puts the responsibility for the regulation of naturopaths in Alaska within the authority of the Department of Commerce and Economic Development. The department would have the authority to evaluate the qualifications of applicants, prepare and administer examinations to applicants and revoke and suspend licenses for cause. The State of Washington uses a similar structure, giving these powers to the Department of Licensing.

In four states, Hawaii, Oregon, Nevada and Arizona, the authority to administer the licensure law is given to a Board of Naturopathic Examiners. These boards may discipline licensed naturopaths through revocation or suspension of licenses, establish and administer licensure examinations, evaluate the qualifications of applicants and generally administer the licensure law. Three of these states, Hawaii, Arizona

and Oregon, have a three-member board composed of licensed naturopaths. Nevada has a five-member Board of Examiners of which three members are required to be naturopaths; one member is required to be a physician and one member must be a layperson.

Connecticut has a structure that divides the licensing authority between a Board of Examiners and the Department of Health Services. The board, composed of 2 licensed naturopaths and one layperson, has the authority to discipline licensed naturopaths according to procedures established by the law and administrative code. The board is also responsible for developing the licensure examination. The Department of Health Services administers the licensure statute, and has final responsibility for licensing naturopaths under the statute.

Requirements for Licensure

In summary, to be licensed as a naturopathic physician in any of these states, the applicant must be a high school graduate, have graduated from an approved school of Naturopathy and pass an examination administered by either a state department or state board of examiners. As proposed in the Alaska law, Hawaii, Oregon and Connecticut require that applicants complete additional college work at an approved school. We also found the the standards used by the states to define approved schools of naturopathy were fairly similar to those proposed in the Alaska law. All states require a mix of classroom and clinical study, a course of study that occurs over four years and a minimum number of hours required for graduation. Each state's requirements are summarized below.

Alaska. To be eligible for a license as a naturopath in Alaska, CSHB 347 would require the applicant to be a high school graduate or equivalent, and to have completed two years of postsecondary education at an accredited college of liberal arts and sciences, have successfully completed an examination given by the Department of Commerce and Economic Development and not to have been licensed to practice naturopathic medicine in another state if the license has been revoked or suspended for disciplinary reasons. In addition, the applicant must have graduated from a legally chartered school of naturopathic medicine or a school of naturopathic medicine that meets specific curriculum requirements including a course of study of at least 4,000 hours of which 1,500 must be clinical.

Hawaii. In Hawaii, to be licensed as a naturopathic physician, an applicant must reside in the state for one year prior to application, be a high school graduate, have had two years liberal arts education at an accredited college and be a graduate of a legally chartered school of naturopathic medicine that meets specific curriculum requirements found in the law. In addition, the applicant must pass an examination prepared and administered by the Board of Naturopathic Examiners.

Arizona. Arizona law requires an applicant for a naturopathic license to be a high school graduate or the equivalent and to have graduated from a school of drugless therapeutics, approved by the Board of Naturopathic Examiners. The school must meet specific curriculum requirements specified in the law and provide a total of at least 4,500 hours of instruction. The applicant must also pass an examination prepared by the Board of Examiners.

Connecticut. Connecticut law requires an applicant for a naturopathic license to be a high school graduate, to have completed 64 weeks of study at a college or scientific school approved by the Board of Naturopathic Examiners and to have graduated from a legally chartered, reputable school or college of naturopathy approved by the board. To be approved, the school of naturopathy, must require a course of resident instruction of at least four years, with each year consisting of thirty-six weeks of actual attendance. The applicant must also successfully pass an examination given by the Department of Health Services.

Oregon. Minimum requirements to be eligible for a license of naturopathy in Oregon include a high school diploma, two years satisfactory study in an accredited college of liberal arts and sciences and graduation from a college of naturopathy approved by the Board of Naturopathic Examiners. To be accredited, the college of Naturopathy must provide at least 4,000 lecture or recitation hours. Applicants are also required to pass an examination administered by the board.

Washington. Washington requires applicants for a naturopathic license to be graduates of a school of naturopathic medicine approved by the Director of Licensing and to pass an examination prepared and administered by the Director of Licensing. To be approved, the school must require a high school diploma as a condition of admission.

Nevada. To be licensed as a naturopath in Nevada, the applicant must be 21 years of age or older, a citizen of the United States or be legally entitled to work and live here, a graduate of a school of naturopathic medicine that is approved by the Board of Naturopathic Examiners and must have successfully completed an examination administered by the board.

Scope of Practice

The scope of naturopathic practice allowed by the proposed Alaska law is similar to the scope of practice allowed in Oregon, Arizona, and Connecticut. These states all allow naturopaths to perform childbirth, draw blood for diagnosis purposes, sign birth and death certificates and perform minor surgeries.

However, the states of Washington and Nevada restrict the scope of naturopathic practice more than the proposed Alaska law. These states do not allow naturopaths to perform surgeries of any kind or perform natural childbirth (except in Washington if a licensed midwife is present). Naturopaths in Nevada must work under the supervision of a physician; however, they are allowed to draw blood for diagnosis.

Alaska. The proposed Alaska law would allow naturopaths to perform physical exams, write prescriptions for noncontrolled substances, sign birth and death certificates, diagnose disease according to training, treat patients by stimulating normal functions of tissues and organs sensitized by disease, draw blood for laboratory purposes, use electrical or other methods for repair and care of superficial lacerations and abrasions, and practice natural childbirth in obstetrics. According to the proposed law, a naturopath may not perform surgery except as related to childbirth, use controlled substances, use radiation therapy or use drugs except antiseptics, local anesthetics, minerals and extracts, compounds or concentrates obtained from plants or animals.

Hawaii. Hawaii's naturopathic licensing law does not specify a scope of allowable practice. However, it does state that "naturopathic physicians licensed under this chapter shall observe and be subject to all state regulations relative to reporting births and deaths and all matters pertaining to the public health with equal rights and obligations as physicians, surgeons, and practitioners of other schools of medicine." Because we were unable to contact representatives of the Hawaii Board of Naturopathic Examiners, we were unable to make specific comparisons to the proposed Alaska law.

Arizona. The Arizona law does not specifically include the scope of services naturopaths can offer. According to Dr. Milburn Shelton, President of the State Naturopathic Licensing Board, the scope of services is determined by the definitions found in the statute.¹ For example, naturopathy means "a system for treating the abnormalities of the human mind and body by the use of drugless and nonsurgical methods including the use of physical, electrical, hygienic, and sanitary measures and all form of physiotherapy."

Nonsurgical is defined to be "a system of treating the abnormalities of the human mind and body without surgical invasion of the human body, but does not preclude the use of acupuncture, electrical or other methods for the repair and care of incident and superficial lacerations and abrasions, benign superficial lesions and the removal of foreign bodies

¹Dr. Milburne Shelton, President of the Arizona Board of Naturopathic Examiners, (602) 937-9125.

located in superficial structures, and the use of standard clinical procedures in connection therewith." This definition allows procedures that are similar to ones allowed in the proposed Alaska law.

Dr. Shelton stated that naturopaths in Arizona could also perform physical examinations, prescribe substances authorized in the statutes, sign both birth and death certificates, treat patients with acupuncture, draw blood for laboratory purposes and practice natural childbirth. He also noted that naturopaths in Arizona are prohibited from performing the activities also prohibited in CSHB 347.

Connecticut. As with Arizona, the Connecticut law is not very specific concerning the scope of practice naturopaths are allowed to perform. However, according to Dr. Charles Soderstrom, President of the Board of Naturopathic Examiners, the scope of practice is very similar to the proposed Alaska law.² He noted that Connecticut naturopaths can perform minor surgery, practice natural childbirth, sign both birth and death certificates, draw blood for laboratory tests, and perform diagnosis. However, as in the proposed Alaska law, naturopaths may not perform major surgery, use controlled substances, or use radiation therapy.

Oregon. The Oregon statutes allow naturopaths to "treat the human body by use of drugless methods, which has for its object the maintaining of the body in, or of restoring it to, a state of normal health." Although the full scope of allowed services is not detailed in the statute, it does specifically mention that antiseptics and anesthetics can be administered, birth and death certificates can be signed and minor surgery (as defined in the statute) can be performed.³ Specific prohibitions mentioned in the law include the practice of optometry, performing chiropractic adjustments and prescribing drugs.

Washington. The Washington licensing law does not specifically detail the scope of naturopathic practice. According to Yvonne Braeme, Executive Secretary to the Drugless Examining Committee, the existing law in Washington, which was adopted in 1919, is outdated.⁴ However, she did note that naturopathic practice in Washington may be more restricted than that proposed by the Alaska law. In Washington, naturopaths are

²Dr. Charles Soderstrom, President, Connecticut Board of Naturopathic Examiners, (203) 633-5330.

³Minor surgery as defined in the Oregon law is very similar to the scope of services detailed in the proposed Alaska statute.

⁴Ms. Yvonne Braeme, Executive Secretary, Washington State Board of Drugless Medicine, (206) 753-3576.

Representative Furnace
March 5, 1984
Page 6

not allowed to sign birth and death certificates, draw blood for laboratory uses, perform natural childbirth without the presence of a licensed midwife, do surgeries of any kind or prescribe medicine.

Nevada. Of all the states that we contacted, Nevada had the most restrictive law concerning naturopaths. In Nevada, naturopaths are required to work under the supervision of a licensed physician and are not authorized to "perform those functions and duties specifically delegated by law to physicians, dentists, nurses, osteopaths, chiropractors, practitioners of traditional oriental medicine, podiatrists, optometrists, hearing aid specialists or physical therapists."

Specifically, naturopaths may not use x-ray or radium treatments, perform major or minor surgery, perform obstetrics, prescribe drugs or draw blood for any reason other than diagnosis. Naturopaths may sign birth and death certificates if they are co-signed by the supervising physician.

Reciprocity in Licensing

Reciprocity refers to the granting of a license by one state based on the fact that a license has been granted to the applicant by another state that has similar licensing requirements. The proposed Alaska law gives this power to the Department of Commerce and Economic Development assuming that the law in the state in which the applicant currently has a license is equivalent to the requirements of Alaska law.

Currently, the states of Arizona and Oregon have the power in their statutes to grant naturopathic licenses based on reciprocity agreements. The states of Nevada, Washington, Connecticut and Hawaii do not allow reciprocity.

I hope that this information is helpful to you. If you would like copies of the naturopathic regulations from other states or require additional research, please let me know.

JL

MIDDLETON & TIMME

LAW OFFICES

SUITE 420

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ANCHORAGE, ALASKA 99501

R. COLLIN MIDDLETON
WILLIAM H. TIMME

AVEHIL LERMAN
JACQUELYN R. LUKE
D. JOHN M. KAY

TELEPHONE
AREA CODE 907
276-3380

May 10, 1984

Ms. Nancy Dietrich
Administrative Assistant to
Senator Joe P. Josephson

Re: HB 347

Dear Ms. Dietrich:

I enjoyed talking with you. The basic problem confronting naturopaths is that the definition of the practice of medicine is so broad it encompasses the practice of naturopathy. Dr. Pettijohn received a cease and desist order from the Department of Occupational Licensing in December. We went to the Superior Court and the order has been stayed to give the legislature an opportunity to solve the problem. The solution so far is HB 347.

I feel we are less concerned with a naturopathic licensing board than with the over-restrictive definitions of the practice of medicine. You could, for instance, make naturopathy an unlicensed activity, or make it licensed with the licensing done by the Department of Occupational Licensing. I know Joe felt the Governor would veto any bill setting up a new licensing board. While HB 347 doesn't set one up now, it has the potential to later. The major changes we wish to have in the bill so that it is constitutional and allows naturopaths to practice the professions they have been extensively trained to practice are the following:

1. Page 4, line 13 - change "Naturopath" to "Naturopathic Physician." Naturopathic doctors are licensed as such in other states. A reference should be made to that effect in this legislation.

2. Page 4, line 18-19 - Omit "acupressure" and in its place put "including repair and care of superficial lacerations and lesions." Naturopaths are specifically trained in minor surgery. This clause is essential for perineal repairs associated with childbirth.

3. Page 4, line 26 - The words "diagnosis or" should be omitted. Naturopathic Physicians are trained in the use of X-Ray for diagnostic purposes.

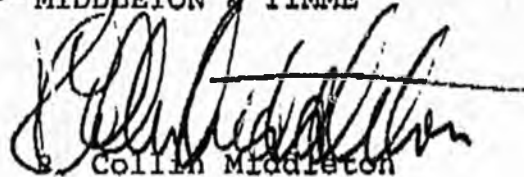
Ms. Nancy Dietrich
May 10, 1984
Page 2

4. Page 6, line 27 - "Without prescription drugs" should be amended by "other than those substances authorized under 08.45.160." Some natural occurring plant, animal, and nutritional substances are prescription. Naturopaths, however, are trained to prescribe them. Examples are: prescription vitamins, minerals, enzymes, glandulars, medical grade plant extracts, etc.

If I can be of any further help at all please let me know.

Sincerely,

MIDDLETON & TIMME



Collin Middleton

RCM/cmt

MAY 10, 1984

Senator Josephson,

I am in support of licensing naturopathic physicians in Alaska and I urge you to vote favorably to this end. House Bill 347 is now in the senate HESS Committee which you chair. I am generally in favor of this legislation but would urge you to support some changes which would allow naturopaths to practice their profession as trained without unjustifiable restrictions.

Please pass HB347 with the following amendments:

1. Page 4 Line 13 - change Naturopath to "Naturopathic Physician." Naturopathic doctors are licensed as such in other states. A reference should be made to that effect in this legislation.

2. Page 4 Line 18-19 - Omit accupressure and in its place put "including repair and care of superficial lacerations and lesions." Naturopaths are specifically trained in minor surgery. This clause is essential for perineal repairs associated with Childbirth.

3. Page 4 line 26 - The words "diagnosis or" should be omitted. Naturopathic Physicians are trained in the use of X-Ray for diagnostic purposes.

4. Page 6 line 27 - "Without prescription drugs" should be amended by "other than those substances authorized under 08.45.160." Some natural occurring plant, animal, and nutritional substances are prescription. Naturopaths, however, are trained to prescribe them. Examples are: prescription vitamins, minerals, enzymes, glandulars, medicinal grade plant extracts etc.

Patton Pettijohn
NATUROPATHIC PHYSICIAN
PATTON PETTIJOHN N.D.
915 W Northern Lights #4
ANCH. AK 99503
907 276 5077

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

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

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

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

13 Sec. 08.45.160. SCOPE OF NATUROPATHIC PRACTICE. (a) A ^{Naturopathic} naturo-
14 ^{physician} path in the course of the practice of naturopathy may

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

17 (2) treat patients by physiological, nutritional, mechan-
18 ical, manual, hydrotherapeutic and phytotherapeutic means, ^{including repair and} ~~with~~
19 ^{Care of Superficial Lacerations and Lesions} ~~prescribed~~, and with minerals, and with extracts, compounds and concen-
20 trates obtained from plants or animals;

21 (3) practice natural childbirth in obstetrics.

22 (b) A naturopath may not

23 (1) perform surgery;

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

26 (3) use x-ray equipment, radium, or irradiation for ~~diagnostic~~ ^{om.t}
27 ~~therapy~~ therapy.

28 Sec. 08.45.170. CONTINUING EDUCATION. (a) The department shall
29 prescribe by regulation continuing education requirements for persons

1 safely;

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

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

5 (A) professional incompetence;

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

8 (C) physical or mental disability;

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

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

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

18 (c) Nothing in this chapter prohibits the practice of midwifery
19 by persons other than practitioners of naturopathy.

20 Sec. 08.45.900. DEFINITIONS. In this chapter

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

23 (2) "naturopathy" and "naturopathic" means a system of
24 human health care that promotes good health through the prevention and
25 treatment of illness by the use of educational, physical, nutritional,
26 botanical, hygienic and other methods, and without the use of pre-
27 scription drugs, ^{other than those substances authorized under 08.45.160} surgery, x-ray equipment or radium therapy.

28 * Sec. 3. LICENSING OF PRACTITIONERS OF NATUROPATHY WITHOUT EXAMINATION
29 OR INTERNSHIP. (a) The Department of Commerce and Economic Development

1 shall issue a license to practice naturopathy to a person who, on the
2 effective date of this Act,

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

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

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

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

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

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

RECEIVED

MAY 25 1984

Josephson.

MSG 84-00048860 PRTY 1 05/25/84 19:39:09 ORIG: LA17 IN= 0010 OUT= 0117
FROM: KIM / ANCH LIO TO: JUNEAU INFO
TARGET: LJHK SUBJ: MESSAGE FOR SENATORS HALFORD & JOSEPHSON

* MESSAGE * * * * *
TO: SENATORS HALFORD AND JOSEPHSON

FROM: DR. JASPER, 2536 FOREST PARK DRIVE, ANCHORAGE 99503
H 276-4144

IF YOU CARE TO CONSIDER SENATOR HALFORD'S SUGGESTION, PLEASE CONSIDER THIS WORDING.

THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT SHALL ISSUE A LICENSE TO PRACTICE NATUROPATHY TO ALL NATUROPATHIC PHYSICIANS PRACTICING AND RESIDING IN THE STATE PROVIDED THAT THE NATUROPATH HAS A VALID LICENSE TO PRACTICE NATUROPATHY IN SOME OTHER STATE OR PROVINCE AND HAS GRADUATED FROM A SCHOOL OF NATUROPATHIC MEDICINE REQUIRING AT LEAST 4,000 HOURS OF IN RESIDENCE STUDY.

THE PRACTICE OF NATUROPATHY BY LICENSED NATUROPATHS SHALL NOT BE CONSIDERED THE PRACTICE OF MEDICINE PROVIDED THAT THEY USE NO PRESCRIPTION DRUGS EXCEPT VITAMINS, MINERALS, AND HERBAL REMEDIES, PRACTICE NO SURGERY EXCEPT THE REPAIR OF SUPERFICIAL LACERATIONS AND LESIONS, USE NO TYPES OF RADIUM OR X-RAY THERAPY, AND DO NOT REPRESENT THEMSELVES AS PRACTICING ANYTHING OTHER THAN NATUROPATHY."

June 30, 1985

Diagnosis

11

COMMITTEE TAPE LOG 1984

tape no. 1

committee: Senate Health, Education & S.S. date 5/25/84 to _____

bill numbers: H15347 | | | | |

other information: Members present: Sen. V. Fischer, Chair Josephson, Sen. Rick Halford, Sen. V. Fischer

Date/Time	Tape Meter No.	Bill	Significant Information (Witness, Action)
3:10	000		Chair Josephson calls the meeting in order.
	022		Chair introduces bill
	055		Chair says that Naturopath would settle for
	099		(Sen. V. Fischer joins meeting)
	120		Fiscal note
	148		Chair asks ?
	152		Dr. Spence - H & S.S. - position is neutral
	197		Chair - Sections -
			Membership
	226		Dr. Spence
	272		" continues - effects of radiation
	290		Sen. V. Fischer:
	317		Dr. Spence
	335		Sen. V. Fischer
	343		Dr. Spence
	351		Sen. V. Fischer
	369		Chair Josephson
	389		Dr. Spence
	400		Chair
	425		Dr. Spence

COMMITTEE TAPE LOG 1984

tape no. 1

committee: SHEGG

date 5/25/84 to _____

bill numbers:

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other information:

Date/Time	Tape Meter No.	Bill	Significant Information (Witness, Action)
		448	Chair
		479	Dr. Spence
			Chair
			Dr. Spence answers
		558	V. Fischer
		555	Sen Holland
		605	Spence
		603	Chair
		622	Jennie Strick, D of Com. -
		637	V. Fischer
		646	Chair
		677	Rick - out
		676	V. Fischer
		687	Chair asks Mr. Union
		692	Rick Union
			Discussion continues
		732	Chair
		760	Jennie Strick
		769	Chair
		774	Strick
3:40			Meeting adjourned