

COMMITTEE REPORT

SENATE

FURTHER:

5/9/86

Date 5/10/86

Mr. President

The Committee on FINANCE considered SS SB 297

relating to the practice of naturopathy and exempting the practice of naturopathy from the practice of medicine.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SS SB 297 (Fin)
- new title
- same title and recommends "DO PASS"
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation D-H/SS
- recommends referral to _____ Committee

MEMBERS SIGNING

DO PASS

Rich Holford

Paul Grube

Robinson

MEMBERS HAVING

OTHER RECOMMENDATIONS

Robinson NO Pass

J. Feyn N/R

Robert - no pass

Chairman

do pass

Chairman recommendation

4/29/86 (S) JCC

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SS SB No. 297
Title : Act Relating to the Practice of
Naturopathy & Exempting the Practice
of Naturopathy from the Practice of Med.
Sponsor : Labor & Commerce
Requestor : Abood
Date of Request : 4/22/86

FISCAL DETAIL

Agency Affected : Dept. Health & Social Services
BRU : State Health Services
Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by : Elizabeth Ward, M.N., Director *E. Ward* Phone : 465-3090
Division : Public Health Date : 4/22/86 *JCC*

Approved by Commissioner : *J.R. P.* Date : 4/23/86
Agency : Department of Health & Social Services

Distribution (by Agency preparing fiscal note) :

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

Bannister
5/9/86

Original sponsor: Abood

1 IN THE SENATE BY THE FINANCE COMMITTEE
 2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 297 (Finance)
 3 IN THE LEGISLATURE OF THE STATE OF ALASKA
 4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

10 CHAPTER 45. NATUROPATHS.

11 Sec. 08.45.010. PRACTICE OF NATUROPATHY WITHOUT LICENSE PROHIB-
 12 ITED. A person may not practice naturopathy in the state without a
 13 license.

14 Sec. 08.45.020. APPLICATION FOR LICENSE. A person desiring to
 15 practice naturopathy shall apply in writing to the division of occupa-
 16 tional licensing of the Department of Commerce and Economic Develop-
 17 ment.

18 Sec. 08.45.030. ISSUANCE OF LICENSE. The division shall issue a
 19 license to practice naturopathy to an applicant who provides proof
 20 satisfactory to the division that the applicant has received

- 21 (1) a degree from an accredited 4-year college or universi-
- 22 ty;
- 23 (2) a degree from a school of naturopathy that required
- 24 four years of attendance at the school; and
- 25 (3) a license to practice naturopathy in a state that
- 26 required an examination for the license.

27 Sec. 08.45.040. DISCLOSURES REQUIRED BY PERSON WHO PRACTICES
 28 NATUROPATHY. (a) A person who practices naturopathy shall clearly
 29 disclose that the person's training and practice is in naturopathy

1 (1) to each patient; and

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

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

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

9 (1) give, prescribe, or recommend in the practice

10 (A) a prescription drug;

11 (B) a controlled substance;

12 (C) a poison;

13 (2) engage in surgery;

14 (3) use the word "physician" in the person's title.

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

19 (1) secured a license through deceit, fraud, or intentional
20 misrepresentation;

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

24 (3) advertised professional services in a false or mislead-
25 ing manner;

26 (4) has been convicted of a felony or other crime that
27 affects the licensee's ability to continue to practice competently and
28 safely;

29 (5) failed to comply with this chapter, with a regulation

1 adopted under this chapter, or with an order of the division;

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

3 (A) professional incompetence;

4 (B) addiction or severe dependency on alcohol or a
5 drug that impairs the licensee's ability to practice safely;

6 (C) physical or mental disability;

7 (7) engaged in lewd or immoral conduct in connection with
8 the delivery of professional service to patients.

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

13 (1) permanently revoke the license to practice;

14 (2) suspend the license for a determinate period of time;

15 (3) censure the licensee;

16 (4) issue a letter of reprimand to the licensee;

17 (5) place the licensee on probationary status and require
18 the licensee to

19 (A) report regularly to the division upon matters
20 involving the basis of probation;

21 (B) limit practice to those areas prescribed;

22 (C) continue professional education until a satisfac-
23 tory degree of skill has been attained in areas determined by the
24 division to need improvement;

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

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

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

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

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

19 Sec. 08.45.200. DEFINITIONS. In this chapter,

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

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

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

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

29 (24) regulation of the practice of naturopathy under

1 AS 08.45.

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

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

5 (1) collect fees and issue receipts;

6 (2) maintain records and files;

7 (3) issue and receive application forms;

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

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

13 (6) publish notice of examination;

14 (7) arrange space for holding examinations;

15 (8) notify applicants of results of examinations;

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

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

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

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

25 (13) answer routine inquiries;

26 (14) maintain files relating to individual licensees;

27 (15) arrange for printing and advertising;

28 (16) purchase supplies;

29 (17) employ secretarial help when needed;

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

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

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

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

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

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

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

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

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

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

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

26 Sec. 08.01.110. DEFINITIONS. In this chapter

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

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

1 Economic Development;

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

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

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

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

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

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

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

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

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

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

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

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

8 (2) elective medical or surgical procedures;

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

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

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

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

18 (7) services not of a medical nature;

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

21 (9) costs incurred before July 1976.

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

23 Sec. 47.17.070. DEFINITIONS. In this chapter

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

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

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

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

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

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

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

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

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

26 (10) "sexual exploitation" means

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

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

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

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

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

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 297

For an Act entitled: "An Act Relating to the Practice of Naturopathy and Exempting the Practice of Naturopathy from the Practice of Medicine."

The principal change in the sponsor substitute is the removal of the requirement for Alaska licensure of naturopaths which was included in the original Bill. Instead, a person would be permitted to practice in the state if he or she had completed 120 semester hours of course work, or the equivalent, at a college or university, received a degree from a four year school of naturopathy and received a license to practice in another state or province of Canada

Of some concern to the Department of Health and Social Services is the proposed wording of AS 08.45.030(1)(A) which appears to give authority to naturopaths to prescribe a wide range of drugs and medications as long as they are derived from plants, animals or minerals. Examples of medications from such sources might include digitalis, quinidine, many antibiotics, and hormones.

The Department continues to have reservations about the appropriateness of naturopathic treatment for certain types of illnesses. However, it also recognized the desire of certain health care consumers to use the services of a naturopath. The Department is neutral on this Bill.

Recommended by:

Elizabeth Ward
Elizabeth Ward, M.N.
Director
Division of Public Health

Date:

4/22/86

Approved by:

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

Date:

4/25/86

POSITION PAPER

SENATE BILL NO. 297

"An Act relating to the licensing of practitioners of naturopathic medicine; and providing for an effective date."

BACKGROUND

The Bill defines naturopathy 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."

There is controversy over the scientific basis of naturopathic medicine. In a 1968 study, the U.S. Department of Health, Education and Welfare stated that "naturopathic theory and practice are not based upon the body of basic knowledge related to health, disease and health care which has been widely accepted by the scientific community." This position has remained unaltered. There is apparently also some division within the ranks of naturopathic physicians with some ascribing solely to "hygienic and prophylactic measures" while others include diagnostic procedures, minor surgery and the use of certain drugs within the scope of naturopathic practice.

There are two four-year colleges of naturopathic medicine in the United States, one in Portland and one in Seattle. In addition, there is a correspondence curriculum in naturopathy available from the Bernadean University in Van Nuys, California but graduates of that program would not be eligible for Alaska licensure under the terms of this Bill.

Alaska currently has no statute providing for the licensure of naturopathic physicians. The Attorney General has held that, to the extent that naturopathy constitutes the practice of medicine as defined in the Alaska Statutes, any person practicing naturopathy would be required to be licensed by the State Board of Medical Examiners. Proponents of naturopathy consider a requirement for medical licensure to be unfair since their discipline is considered, in their view, to be quite distinct from conventional medicine.

DISCUSSION

While certain conditions may be amenable to treatment through naturopathic methods, others would not. A few examples would include malignancies, diabetes in certain age groups or of certain degrees of severity, certain types of infectious diseases, etc. Similarly, it is not always possible to determine the benign or malignant nature of a superficial lesion by its gross appearance. Protection of the public would require that the public clearly understands the limitations of the naturopathic approach and that the practitioner be able to recognize those conditions in which his or her therapy would not be beneficial.

POSITION PAPER/Department of Health & Social Services

Position Paper
SB 297
Page 2

While naturopathic practitioners are eligible for licensure in some states, several of those states impose restrictions limiting practice to "drugless therapy" and, in some cases, prohibiting surgery.

DEPARTMENTAL POSITION

The Department has reservations about the appropriateness of naturopathic treatment for certain types of illnesses. However, the Department recognizes that certain health care consumers desire to use the services of a naturopath and is, therefore, neutral on this bill. The Department defers to the Department of Commerce and Economic Development on the merits of licensure and the establishment of a Board.

Recommended by: *Daniel Bruce for*
Robert I. Fraser, M.D.
Director
Division of Public Health

Date: 4/29/85

Approved by: *John R. Pugh*
John R. Pugh
Commissioner
Department of Health and
Social Services

Date: 4/30/85

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 297
Title: Licensing of naturopaths

Sponsor: Aboard
Requestor: _____
Date of Request: 4-26-85

FISCAL DETAIL

Agency Affected: Dept. Health & Social Serv.
Program Category Affected: Public Health

BRU, Program or Subprogram(s) Affected: _____
State Health Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 SUPPLIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS	0	0	0	0	0	0
800 MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

Prepared By: Robert I. Fraser ^{RIE/DIS} M.D. Phone: 465-3090
Division: Public Health Date: _____

Approved by Commissioner: John R. Pugh ^{JRP} Date: 4-30-85 ^{JCC}
Agency: Department of Health & Social Services

Distribution (by Agency preparing fiscal note):

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

7/1/84

Offered: 5/8/86
Referred: Health, Education and
Social Services

Original sponsor: Abood

BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE SENATE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 297 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

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

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

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

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

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

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

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

1 board.

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

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

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

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

9 (1) an accredited 4-year college or university; and

10 (2) a school of naturopathy that required four years of
11 attendance at the school.

12 * Sec. 7. AS 08.20.140 is amended to read:

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

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

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

25 (1) to each patient; and

26 (2) on all material used in the practice of naturopathy and
27 made available to patients or to the public.

28 (b) A person who practices naturopathy without being covered by
29 malpractice insurance shall disclose to each patient that the person

1 does not have the insurance.

2 Sec. 08.20.147. RESTRICTIONS ON PRACTICE OF NATUROPATHY. A
3 person who practices naturopathy may not

4 (1) give, prescribe, or recommend in the practice

5 (A) a prescription drug;

6 (B) a controlled substance;

7 (C) a poison;

8 (2) engage in surgery;

9 (3) use the word "physician" in the person's title.

10 * Sec. 9. AS 08.20.160 is amended to read:

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

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

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

18 (1) permanently revoke the [CHIROPRACTOR'S] license to
19 practice;

20 (2) suspend the [CHIROPRACTOR'S] license for a determinate
21 period of time;

22 (3) censure the licensee [CHIROPRACTOR];

23 (4) issue a letter of reprimand to the licensee [CHIROPRAC-
24 TOR];

25 (5) place the licensee [CHIROPRACTOR] on probationary
26 status and require the licensee [CHIROPRACTOR] to

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

29 (B) limit practice to those areas prescribed;

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

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

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

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

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

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

20 * Sec. 13. AS 08.20.200 is amended to read:

21 Sec. 08.20.200. UNLICENSED PRACTICE A MISDEMEANOR. A person who
22 practices chiropractic or naturopathy in the state without a license
23 in violation of AS 08.20.100 is guilty of a misdemeanor, and upon
24 conviction is punishable by a fine of not more than \$1,000, or by
25 imprisonment for not more than a year, or by both. [IN PROSECUTIONS
26 UNDER THIS SECTION, EVIDENCE THAT THE DEFENDANT HAS FAILED TO FILE THE
27 DEFENDANT'S CERTIFICATE OF REGISTRATION WITH THE BOARD IS PRIMA FACIE
28 EVIDENCE THAT THE DEFENDANT IS NOT A LICENSED CHIROPRACTOR.]

29 * Sec. 14. AS 08.20.210 is amended to read:

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

7 * Sec. 15. AS 08.20.220 is amended to read:

8 Sec. 08.20.220. DEFINITIONS [CHIROPRACTIC DEFINED]. In this
9 chapter,

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

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

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

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

26 (2) Board of Chiropractic and Naturopathy Examiners
27 (AS 08.20.010);

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

29 (2) Board of Chiropractic and Naturopathy Examiners

1 (AS 08.20.010) -- June 30, 1988.

2 * Sec. 18. AS 09.55.560 is amended to read:

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

4 (1) "health care provider" means a chiropractor licensed
5 under AS 06.20; a dental hygienist licensed under AS 08.32; a dentist
6 licensed under AS 08.36; a nurse licensed under AS 08.68; a dispensing
7 optician licensed under AS 08.71; a naturopath licensed under
8 AS 08.20; an optometrist licensed under AS 08.72; a pharmacist
9 licensed under AS 08.80; a physical therapist licensed under AS 08.84;
10 a physician licensed under AS 08.64; a podiatrist; a psychologist and
11 a psychological associate licensed under AS 08.86; and a hospital as
12 defined in AS 18.20.130, including a governmentally owned or operated
13 hospital; a corporate entity covered under AS 21.88.050(b)(12); and an
14 employee of a health care provider acting within the course and scope
15 of employment;

16 (2) "board" means an arbitration board established under
17 AS 09.55.535;

18 (3) "panel" means an expert advisory panel established
19 under AS 09.55.536.

20 * Sec. 19. AS 47.08.050 is amended to read:

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

25 (1) dentistry and optometry unless prescribed by a licensed
26 dentist or physician as medically necessary as the result of the
27 injury or illness;

28 (2) elective medical or surgical procedures;

29 (3) drugs and medications not prescribed by a licensed

1 physician;

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

4 (5) private psychological or psychiatric treatment or
5 private alcoholism treatment, unless not available from public
6 agencies or programs;

7 (6) chiropractic services and services provided by a person
8 who practices naturopathy;

9 (7) services not of a medical nature;

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

12 (9) costs incurred before July 1976.

13 * Sec. 20. AS 47.17.070 is amended to read:

14 Sec. 47.17.070. DEFINITIONS. In this chapter

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

16 (2) "child abuse or neglect" means the physical injury or
17 neglect, sexual abuse, sexual exploitation, or maltreatment of a child
18 under the age of 18 by a person who is responsible for the child's
19 welfare under circumstances which indicate that the child's health or
20 welfare is harmed or threatened thereby,

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

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

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

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

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

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

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

17 (10) "sexual exploitation" means

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

21 (B) permission, encouragement, or activity involved
22 in the unlawful exploitation of a minor prohibited by AS 11.41.-
23 455 by a person responsible for the minor's welfare.

24 * Sec. 21. This Act takes effect immediately in accordance with AS 01.-
25 10.070(c).

Introduced: 4/17/86
Referred: Labor and Commerce, Health,
Education and Social Services
and Finance

1 IN THE SENATE

BY ABOOD

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 297

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the practice of naturopathy and
7 exempting the practice of naturopathy from the
8 practice of medicine."

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

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

11 CHAPTER 45. NATUROPATHS.

12 Sec. 08.45.010. REQUIREMENTS FOR THE PRACTICE OF NATUROPATHY. A
13 person may not practice naturopathy in the state unless the person has

14 (1) completed 120 semester hours, or the equivalent, of
15 course work at a college or university;

16 (2) received a degree from a school of naturopathy that
17 required four years of attendance at the school; and

18 (3) received a license to practice naturopathy from another
19 state or a province of Canada.

20 Sec. 08.45.020. DISCLOSURE. A person who practices naturopathy
21 shall clearly disclose that the person's training and practice is in
22 naturopathy

23 (1) to each patient; and

24 (2) on all material used in the practice of naturopathy and
25 made available to patients or to the public.

26 Sec. 08.45.030. RESTRICTIONS ON PRACTICE. A person who prac-
27 tices naturopathy may not

28 (1) use in the practice or prescribe

29 (A) a prescription drug other than a natural plant,

- 1 animal, or mineral substance;
2 (B) a controlled substance;
3 (2) engage in surgery;
4 (3) use the word "physician" in the person's title.

5 Sec. 08.45.040. DEFINITIONS. In this chapter,

6 (1) "controlled substance" has the meaning given in
7 AS 11.71.900;

8 (2) "naturopathy" means a system of healing the human body
9 that involves diagnosis and treatment through the use of natural
10 agencies, forces, processes, and products, with an emphasis on the
11 response of the individual to the disease rather than treatment of the
12 disease in isolation.

13 * Sec. 2. AS 08.64.370 is amended to read:

14 Sec. 08.64.370. PERSONS NOT AFFECTED. This chapter does not
15 apply to

16 (1) officers in the regular medical service of the armed
17 services of the United States or the United States Public Health
18 Service while in the discharge of their official duties;

19 (2) a physician or osteopath, who is not a resident of this
20 state, who is asked by a physician or osteopath licensed in this state
21 to help in the diagnosis or treatment of a case;

22 (3) the practice of the religious tenets of a church;

23 (4) a person while serving as a student, intern, resident
24 physician, or fellow at a hospital, clinic, or medical facility in the
25 state;

26 (5) a physician in the regular medical service of the
27 United States Public Health Service or the armed services of the
28 United States volunteering services without pay or other remuneration
29 to a hospital, clinic, medical office, or other medical facility in

1 the state;

2 (6) a person who is registered as a lay midwife by the
3 Department of Health and Social Services under AS 18.05.040 or who is
4 excluded from registration under AS 18.05.057 while engaged in the
5 practice of lay midwifery whether or not the person accepts compensat-
6 ion for those services;

7 (7) a person who is authorized by AS 08.45 to practice
8 naturopathy.

9

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

5/7/86

Date 5-8-86

Mr. President

The Committee on HESS considered SS SB 297
relating to the practice of naturopathy and exempting the practice of
naturopathy from the practice of medicine.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SS SB 297 (HESS)
new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" [] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Joe Josephson
Edna W. Vries

MEMBERS HAVING
OTHER RECOMMENDATIONS

John King
Chairman
Do Pass
Chairman recommendation

COMMITTEE REPORT
SENATE

FURTHER: HESS
FINANCE

4/17/86

Date 7 May 86

Mr. President

The Committee on Labor & Commerce considered SS SB 297

relating to the practice of naturopathy and exempting the practice of naturopathy from the practice of medicine.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SS SB 297
- new title
- same title and recommends do pass w/ amendments
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Brian Ray

Johnson

Paul J. Ziegler

Chairman

No Rec

Chairman recommendation