

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 SL&C 12611



1215 K Street, Suite 1900
Sacramento, CA 95814

We have made it clear to the Department Director that we support corporate entity licensing, and believe that individual licensing of employees of these already licensed corporate entities is unnecessary duplicative. A law that provides for licensure of corporate entities would give full authority to the State to conduct regulatory exams of all branches and any loans originated by employees of that corporate entity.

We believe that SB 102 is too complex, unclear and attempts to do too much at once. We recommend amending the bill as outlined above or holding it over until next year so that we can continue to assist in drafting clearer language that will protect consumers while not creating an uneven playing field that could reduce access to credit and loan products for Alaska residents. In addition, we would support the drafting of a separate mortgage fraud bill that will give the State the authority to prosecute those committing mortgage frauds.

Sincerely,

A handwritten signature in black ink, appearing to read "Ditas Katagas".

Ditas Katagas
Vice President, Public Affairs
Countrywide

Alaska Association of REALTORS
Dave Feeken, Industry Issues Legislative Chair AAR

Testimony on SB 102 Licensing of Mortgage Brokers/Bankers

AAR's comments will focus not on the structure or the details of this bill, but more on the issues REALTORS are dealing with in the mortgage business that require this type of legislation to address and that the legislation cover all brokers/bankers offering loan services in Alaska.

As I travel the state giving legislative updates, attendees of the meetings literally line up to tell war stories of mortgage problems they are dealing with currently. This change has been fast and dramatic, just a couple of years ago the only way we knew about Predatory Lending were reading trade publications. The industry now deals with these issues daily.

Five years ago almost 100% of mortgage in Alaska went to a local lender. In Fairbanks the 4th quarter of 2006 25% of loans were originated by out of state lenders, the 1st quarter of 2007 33% were out of Alaska lenders. In the Valley the numbers are 25% in 2006 and 30% the first quarter of 2007.

Issues that the public has no recourse current since we are the only state in the country not licensing mortgage lenders/bankers.

- Bait and Switch get you in on a low interest rate and then raise it due to your credit score, the example I was given was a 2% jump in rate due to a 850 credit score which is a perfect credit score that the max score.
- Steering, loans that require you to move all insurance business to get a mortgage.
- Guaranteed Approval if it sounds to good it probably is.
- Excessive Fees higher lender or mortgage broker fees than are typical in your market.
- Prepayment penalties in Alaska which are illegal.
- Closing delays, the borrower has a favorable loan locked in, so the lender delays closing in order for the lock to expire, then raises the interest rate.

The division of banking receives as many as 50 complaints a week they have no statutory law to deal with.

This is a huge consumer protection issues that deserves the legislatures attention. It is very important that all loan originators doing business in Alaska no matter where they physically are be licensed.

Thanks You for the opportunity to testify.



April 18, 2007

The Honorable Johnny Ellis, Chair
Senate Labor and Commerce Committee
Alaska State Capitol, Room 9
Juneau, Alaska 99801-1182

SB 102 (Huggins)—Concerns

Dear Chair Ellis:

On behalf of the AARP members in Alaska, we encourage you and your colleagues on the Senate Labor and Commerce Committee to consider some issues raised by one of our attorneys who specializes in consumer issues about SB 102, authored by request by Senator Charlie Huggins and co-sponsored by Senator Bill Wielechowaki.

AARP supports licensure and we appreciate that lenders as well as brokers are included in this bill.

We don't support licensure that is designed to avoid imposition of laws prohibiting predatory loan practices. Both licensure and concrete prohibitions on predatory lending are essential. Our attorney noted that there is one prohibition included in the bill, on page 21, that loans cannot be "flipped" without some benefit to the borrower. She noted that the clause is weaker than in other predatory lending laws in other states. If the bill is going to address predatory lending practices, we would like to submit our "model" bill which would indicate other topics that ought to be included. As you know, the media is currently putting a spotlight on predatory lending practices.

Civil penalties for a licensee violation are capped at \$10,000 per violation and appear to be destined for the general fund instead of the victim, who may have already lost his house by virtue of foreclosure on a predatory loan. We believe the cap should be significantly higher.

There does not appear to be an express private right of action in the bill. Reference is made to other remedies available elsewhere in state code but no private right of action is

specified in the bill. We believe it should be, even though the Attorney General is empowered to pursue restitution, if he chooses (which is not always the case), for the injured borrower. It appears that the Department of Commerce and Economic Development has the discretion to engage the Attorney General and will not bring in the AG's office unless the Department makes a preliminary determination that the licensee is in violation of the law. Since Department Directors come and go with administration changes, we feel the AG ought to have original jurisdiction.

The Originator Surety Fund (coming from license and other fees) is complicated for an injured borrower seeking "reimbursement" (not full restitution) from the fund. It appears that the extent of reimbursement will depend on how well funded the fund actually is at any given point in time. If there is no private right of action in the bill, and the AG only gets involved at the discretion of the Department of Commerce and Economic Development, then the victim of mortgage fraud or predation has no recourse but to seek an administrative hearing for adjudication and possible reimbursement and this is, in effect, mandatory arbitration. Fannie Mae, Freddie Mac, and AARP all oppose mandatory arbitration. The victim should have the right to go immediately to court.

The only entity that has the right to go to court immediately is the licensee, after the borrower files a claim against him to the Department for reimbursement from the fund. The licensee can file in small claims court as the venue for his defense. If they have to go to small claims court the damages will be much smaller and capped, irrespective of the loss to the borrower. We do not feel this is good policy and goes against the consumer's interest.

The statute of limitations is two years from the occurrence. The standard in most states is three years from discovery. We recommend this change. (Some states extend it even further, considering that home ownership is generally the largest investment for an individual.)

Claims against a single originator are capped at \$50,000 irrespective of actual damages to the borrower and will be "apportioned" among all aggrieved borrowers. This should be much stronger.

We believe SB 102 could offer much more consumer protection. We would be glad to have the attorneys in our Washington headquarters work with you and your Committee and Senator Huggins to strengthen the bill.

Should you have any questions about our position, please feel free to contact me (586-3637) or Patrick Luby, AARP Advocacy Director (907-762-3314).

Thank you for your consideration.

Sincerely,

Marie Darlin

Marie Darlin, Coordinator
AARP Capital City Task Force
415 Willoughby Avenue, Apt. 506
Juneau, AK 99801
586-3637 (voice)
463-3580 (fax)

CC: Senator Gary Stevens
Senator Bettye Davis
Senator Lyman Hoffman
Senator Con Bunde
Senator Charlie Huggins
Senator Bill Wielechowski
Mark Davis, Director, Division of Banking and Securities



March 7, 2007

To: Senator Charlie Huggins
State Capitol Rm. 119
Juneau, AK 99801-1182

From: Terri Weary, President
Alaska Association of Mortgage Brokers
Anchorage, AK 99515

Re: SB 102 The Mortgage Licensing Bill

I am writing this letter to express our support of SB 102 on behalf of the Alaska Association of Mortgage Brokers. (AKAMB)

AKAMB, in conjunction with the Alaska Mortgage Bankers Association (AMBA) and the Division of Banking, have been working diligently to introduce legislation that regulates our industry, creates a level playing field, and, most importantly, provides much needed consumer protection.

Senate Bill 102 is the answer!!

Alaska is one of a few States that does not require licensing, continuing education, competency testing or registration of Mortgage Loan Originators.

Alaska is the only State that does not require licensing of Mortgage Companies.

Our combined goal is to provide much needed consumer protection from unscrupulous, unethical, or unregulated mortgage companies and Mortgage Loan Originators.

SB 102 accomplishes this goal!!

It is our combined commitment to work tirelessly to effect the passage and implementation of this long overdue consumer protection legislation.

We appreciate all the efforts of you and your staff and we look forward to working closely with you to make a difference.

Cordially,

Terri Weary
President, Alaska Association of Mortgage Brokers

**ALASKA MORTGAGE BANKERS ASSOCIATION
P.O. BOX 9-2691
ANCHORAGE, ALASKA 99509-2691**

March 6, 2007

Senator Charlie Huggins
State Capitol, Room 119
Juneau, Alaska 99801-1182
ATTN: Senator Huggins
FAXED: 907-465-3265

RE: SB102/HB162

Dear Senator Huggins,

As President of Alaska Mortgage Bankers Association, I can't begin to tell you just how long this organization has been working on a Licensing Bill for the State of Alaska. Momentum has increased and our Association along with the Alaska Association of Mortgage Brokers and the Division of Banking have worked very closely in making a licensing bill a reality.

The Alaska Mortgage Bankers Association would like to express our support for SB102/HB162. This bill collaboration with the Alaska Association of Mortgage Brokers and we feel this letter provide the consumer of the State of Alaska with the much needed protection they do not current have under our present system. Alaska is the only State that does not require licensing of Mortgage Companies and is one of just a few states that don't require licensing and or continuing education for Mortgage Loan Originators.

It is my sincere commitment to work in accomplishing Mortgage Lending Licensing and Mortgage Originator Licensing this session. AMBA appreciates your and your staff's efforts and look forward to continuing to work closely in overcoming this challenge.

Sincerely



Kevin M. Bresland
President
Alaska Mortgage Bankers Association
907-222-8823 direct line
907-743-9623 fax
www.akmba.org
breslandk@residentialmtz.com

cc: John Carman, Legislative Committee Chair, Alaska Mortgage Bankers Association

SB

107

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 3/7/07

FURTHER: Health, Education and
 Social Services
 Finance

Date of 5-Day Notice: _____
 (in accordance with Uniform Rule 23)

DATE TURNED
 IN TO OFFICE: 1/28/07

Labor and Commerce Committee considered SENATE BILL NO. 107

SB 107 NATUROPATHS

"An Act relating to naturopaths and to naturopathic practice; establishing a Naturopathic Advisory Committee and an Alaska Naturopathic Formulary Council; amending the duties of the State Medical Board and the Board of Pharmacy relating to naturopathic practice; and providing for an effective date."

and recommends:

- be replaced with SCS or CS SB 107 (L+C)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input type="checkbox"/>	Same Title
<input checked="" type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

PREVIOUS FISCAL NOTE(S):

CCED	1/12/08	✓		

APPROPRIATION - no fiscal note

	<i>[Signature]</i>	Bunde							
	<i>[Signature]</i>	DAVIS	X						
	<i>[Signature]</i>	Hoffman	X						
CHAIR:	<i>[Signature]</i>	Ellis							

Alaska State Legislature

Interim: (May - Dec.)
716 W. 4th Ave
Anchorage, AK 99501
Phone: (907) 269-0144
Fax: (907) 269-0148



Session: (Jan. - May)
State Capitol, Suite 30
Juneau, AK 99801-1182
Phone: (907) 465-3822
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Toll free: (800) 770-3822

Senator Betty Davis@legis.state.ak.us
<http://www.akdemocrats.org>

Senator Betty Davis

Senate Bill 107

“An Act relating to naturopaths and to naturopathic practice; establishing a Naturopathic Advisory Committee and an Alaska Naturopathic Formulary Council; amending the duties of the State Medical Board and the Board of Pharmacy relating to the naturopathic practice; and providing for an effective date.”

Sponsor Statement

For purposes of expanding allowed procedures and regulating the growing practice of naturopathic medicine in Alaska, SB 107 establishes required licensing fees, a Naturopathic Advisory Committee, and an Alaska Naturopathic Formulary Council. The three-member Advisory Committee, is to be comprised of 3 licensed naturopaths and is appointed by the Commissioner of Commerce. The Advisory Committee is responsible for selecting the Formulary Council and reviewing allegations of member misconduct. The Alaska Naturopathic Formulary Council is to include 3 naturopaths, 1 medical doctor or osteopath, and 1 pharmacist appointed by their respective boards to approve certain drugs to be prescribed by naturopaths and to authorize prescription endorsements to qualified naturopaths. While the State Medical Board licenses osteopaths, podiatrists, physician assistants, intensive care paramedics, and foreign medical graduates, the Department of Commerce, Community and Economic Development licenses naturopathic applicants who have graduated from one of the four accredited schools of naturopathy in the United States and one of the two schools in Canada. Applicants must also have passed the Naturopathic Physicians Licensing Examination.

New naturopathic procedures under SB 107 allow minor surgery, including operative, electrical, and other methods of repair to superficial lacerations and abrasion or lesions, and removal of foreign bodies in superficial tissues. The bill also allows naturopaths to use antiseptics and local anesthetics in connection with allowed procedures. The law prohibits naturopaths from performing major surgery, and spinal and general anesthetics.

The thirteen states which license naturopaths and have instituted formulary laws include Arizona, Connecticut, Hawaii, Idaho, Kansas, Maine, Montana, New Hampshire, Oregon, Utah, Vermont, and Washington. Currently there are 40 naturopaths practicing in Alaska, 802 in Washington, 715 in Oregon, 375 in Arizona, 210 in Connecticut, 117 in Vermont, 85 in Hawaii, 67 in Montana, 57 in New Hampshire, 27 in Maine, 18 in Utah, 11 in Kansas, and 8 in Idaho. While the scope of practice of Naturopathic Doctors varies from state to state, almost all deal to some extent with prescribing drugs. Of the 13 other states that license naturopaths, 9 of those states allow naturopaths to prescribe independently without any MD supervision or protocol. Arizona has the broadest formulary in the nation, allowing naturopaths to prescribe all but IV medications, controlled substances except morphine, cancer chemotherapeutics, and antipsychotic drugs. Kansas, which instituted licensure in 2003, requires MD supervision, and Maine requires collaboration with a physician for one year prior to independent prescribing.

Naturopathic Doctors focus on preventative care and in keeping patients healthy, and they usually rely much less than MDs on the use of drugs. Patients often turn to naturopathic doctors when traditional medicine has failed. One of the reasons naturopaths require a formulary or prescribing law is to reduce the amount and combination of drugs patients are currently taking. SB 107 is designed to reasonably expand the services of Naturopathic Doctors only to areas collateral to the needs of their daily practice without infringing on the duties and responsibilities of Medical Doctors licensed by the State Medical Board.

25-LS0702VC

Bullard

1/10/08

CS FOR SENATE BILL NO. 107(L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered:

Referred:

Sponsor(s): SENATOR DAVIS BY REQUEST

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to naturopaths and to the practice of naturopathy; establishing an
2 Alaska Naturopathic Council; amending the duties of the State Medical Board and the
3 Board of Pharmacy relating to naturopathic practice; and providing for an effective
4 date."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * Section 1. AS 08.45.030 is amended to read:

7 **Sec. 08.45.030. Issuance of license.** The department shall issue a license to
8 practice naturopathy to an applicant who provides proof satisfactory to the department
9 that the applicant has received a degree from an accredited four-year college or
10 university, has paid the applicable fees, and

11 (1) on or before December 31, 1987, has graduated from a school of
12 naturopathy that required four years of attendance at the school and after graduation
13 has received a license in another state after passing an examination for licensure in
14 that state and is licensed by a state at the time of application; or

1 (2) after December 31, 1987, has

2 (A) graduated from a school of naturopathy that required four
3 years of attendance at the school and at the time of graduation the school was
4 accredited or a candidate for accreditation by the Council on Naturopathic
5 Medical Education or a successor organization recognized by the United States
6 Department of Education; and

7 (B) passed the Naturopathic Physicians Licensing Examination.

8 * Sec. 2. AS 08.45 is amended by adding a new section to read:

9 **Sec. 08.45.045. Scope of practice as a naturopath.** A naturopath may

10 (1) use physical and laboratory examinations consistent with
11 naturopathic medical education and training for diagnostic purposes;

12 (2) order and perform diagnostic and imaging tests consistent with
13 naturopathic medical education and training;

14 (3) perform and administer therapies consistent with naturopathic
15 medical education and training;

16 (4) if holding an endorsement issued under AS 08.45.056, administer
17 and prescribe prescription drugs and medical devices as approved by the Alaska
18 Naturopathic Council established under AS 08.45.052; and

19 (5) perform minor surgery, as defined in AS 08.45.050(b).

20 * Sec. 3. AS 08.45.050 is amended to read:

21 **Sec. 08.45.050. Restrictions on practice of naturopathy.** A person who
22 practices naturopathy may not

23 (1) except as authorized under AS 08.45.056, give, prescribe, or
24 recommend in the practice

25 (A) a prescription drug;

26 (B) a controlled substance;

27 (C) a poison;

28 (2) engage in surgery, except minor surgery;

29 (3) use the word "physician" in the person's title;

30 (4) use general or spinal anesthetics; or

31 (5) administer ionizing radioactive substances for therapeutic

PROPOSED

* Sec. 4. AS 08.45.050 is amended by adding a new subsection to read:

(b) In this section, "minor surgery"

(1) means the use of

(A) operative, electrical, or other methods for surgical repair and care incidental to superficial lacerations and abrasions or superficial lesions and the removal of foreign bodies located in superficial tissues; and

(B) antiseptics and local anesthetics in connection with methods authorized under (A) of this paragraph;

(2) does not include use of general or spinal anesthetics, surgery of the body cavities, or specialized surgery, such as plastic surgery, surgery involving the eyes, or surgery involving tendons, ligaments, nerves, or blood vessels.

* Sec. 5. AS 08.45 is amended by adding new sections to read:

Sec. 08.45.052. Alaska Naturopathic Council. (a) The Alaska Naturopathic Council is established in the department. The council consists of five members. Three members shall be naturopaths licensed under AS 08.45.030 appointed by the commissioner of commerce, community, and economic development who have been engaged in the practice of naturopathic medicine in the state for at least two years immediately preceding appointment. At least one naturopathic member must live outside the third judicial district. One member shall be a pharmacist, appointed by the Board of Pharmacy under AS 08.80.030(b), and one member shall be a physician or osteopath, appointed by the State Medical Board under AS 08.64.101. *AND ONE MAY BE A PUBLIC MDK.*

(b) Members of the Alaska Naturopathic Council shall serve staggered terms of three years unless removed for cause.

(c) Four members of the council constitute a quorum for the transaction of all business properly before the council.

(d) When appointing naturopaths under (a) of this section, the commissioner may consider licensed naturopaths who have been nominated by the Alaska Association of Naturopathic Physicians.

(e) In the event of the death, resignation, or removal of a member, the vacancy shall be filled for the unexpired portion of the term in the same manner as the original

1 appointment.

2 **Sec. 08.45.054. Duties of the council.** The Alaska Naturopathic Council shall

3 (1) establish a list of prescription drugs and medical devices that are
4 consistent with naturopathic education and practice that the department may approve
5 for use by naturopaths authorized under AS 08.45.056;

6 (2) review the list of prescription drugs and medical devices approved
7 for use by naturopaths authorized under AS 08.45.056 annually and on request by the
8 department;

9 (3) meet at the request of the department to review allegations of
10 misconduct involving naturopaths licensed under this chapter or persons claiming to
11 be naturopaths;

12 (4) advise the department on the approval of naturopathic medical
13 programs; and

14 (5) advise the department on the adoption of regulations under
15 AS 08.45.056.

16 **Sec. 08.45.056. Prescription endorsement.** (a) The department shall issue a
17 prescription endorsement to a naturopath licensed under this chapter who submits
18 proof satisfactory to the department that the naturopath has

19 (1) successfully completed at least 60 hours of education from a
20 program approved by the Alaska Naturopathic Council; and

21 (2) met other requirements establishing proof of competency and
22 professional qualifications that the department, in consultation with the Alaska
23 Naturopathic Council, considers necessary to ensure the continued protection of the
24 public.

25 (b) An endorsement issued under (a) of this section authorizes the licensee to
26 prescribe and administer prescription drugs and medical devices that are on the
27 formulary approved by the Alaska Naturopathic Council under AS 08.45.054.

28 (c) An endorsement issued under (a) of this section is valid for two years
29 unless revoked or suspended by the department.

30 (d) The department may not renew an endorsement issued under (a) of this
31 section unless the licensee submits proof satisfactory to the department of at least 30

1 hours of continuing education approved by the department, of which at least 15 hours
2 shall be pharmacy credit hours.

3 * Sec. 6. AS 08.45 is amended by adding a new section to read:

4 Sec. 08.45.110. Fees. The department shall set fees under AS 08.01.065 for
5 each of the following:

- 6 (1) a license issued under this chapter;
- 7 (2) a temporary license issued under this chapter;
- 8 (3) renewal of a license issued under this chapter;
- 9 (4) a prescription endorsement issued under this chapter.

10 * Sec. 7. AS 08.64.101 is amended to read:

11 Sec. 08.64.101. Duties. The board shall

- 12 (1) examine and issue licenses to applicants;
- 13 (2) develop written guidelines to ensure that licensing requirements are
14 not unreasonably burdensome and the issuance of licenses is not unreasonably
15 withheld or delayed;
- 16 (3) after a hearing, impose disciplinary sanctions on persons who
17 violate this chapter or the regulations or orders of the board;
- 18 (4) adopt regulations ensuring that renewal of licenses is contingent
19 upon proof of continued competency on the part of the licensee; [AND]
- 20 (5) under regulations adopted by the board, contract with private
21 professional organizations to establish an impaired medical professionals program to
22 identify, confront, evaluate, and treat persons licensed under this chapter who abuse
23 alcohol, other drugs, or other substances or are mentally ill or cognitively impaired;
24 and
- 25 (6) appoint a licensed physician or osteopath to the Alaska
26 Naturopathic Council established under AS 08.45.052.

27 * Sec. 8. AS 08.80.030(b) is amended to read:

28 (b) In order to fulfill its responsibilities, the board has the powers necessary
29 for implementation and enforcement of this chapter, including the power to

- 30 (1) elect a president and secretary from its membership and adopt rules
31 for the conduct of its business;

1 (2) license by examination or by license transfer the applicants who are
2 qualified to engage in the practice of pharmacy;

3 (3) assist the department in inspections and investigations for
4 violations of this chapter, or of any other state or federal statute relating to the practice
5 of pharmacy;

6 (4) adopt regulations to carry out the purposes of this chapter;

7 (5) establish and enforce compliance with professional standards and
8 rules of conduct for pharmacists engaged in the practice of pharmacy;

9 (6) determine standards for recognition and approval of degree
10 programs of schools and colleges of pharmacy whose graduates shall be eligible for
11 licensure in this state, including the specification and enforcement of requirements for
12 practical training, including internships;

13 (7) establish for pharmacists and pharmacies minimum specifications
14 for the physical facilities, technical equipment, personnel, and procedures for the
15 storage, compounding, and dispensing of drugs or related devices, and for the
16 monitoring of drug therapy;

17 (8) enforce the provisions of this chapter relating to the conduct or
18 competence of pharmacists practicing in the state, and the suspension, revocation, or
19 restriction of licenses to engage in the practice of pharmacy;

20 (9) license and regulate the training, qualifications, and employment of
21 pharmacy interns and pharmacy technicians;

22 (10) issue licenses to persons engaged in the manufacture and
23 distribution of drugs and related devices;

24 (11) appoint a licensed pharmacist to the Alaska Naturopathic
25 Council established under AS 08.45.052.

26 * Sec. 9. AS 08.80.400 is amended to read:

27 **Sec. 08.80.400. Other licensees not affected.** This chapter does not affect the
28 practice of medicine by a licensed medical doctor and does not limit a licensed
29 medical doctor, osteopath, podiatrist, physician assistant, advanced nurse practitioner,
30 dentist, veterinarian, dispensing optician, naturopath, or optometrist in supplying a
31 patient with any medicinal preparation or article within the scope of the person's

1 license.

2 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 **TRANSITION: REGULATIONS.** The Department of Commerce, Community, and
5 Economic Development may proceed to adopt regulations necessary to implement the
6 changes made by this Act. The regulations take effect under AS 44.62 (Administrative
7 Procedure Act), but not before the effective date of the respective statutory change.

8 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 **TRANSITIONAL PROVISIONS.** Notwithstanding AS 08.45.052, as enacted in sec. 5
11 of this Act, the terms of the first members of the Alaska Naturopathic Council appointed by
12 the department are as follows: (1) the licensed medical doctor or osteopath member and one
13 licensed naturopath member shall be appointed for two-year terms; (2) the licensed
14 pharmacist member and one licensed naturopath member shall be appointed for three-year
15 terms; and (3) one licensed naturopath member shall be appointed for a one-year term. The
16 department shall specify the term of office of each licensed naturopath member appointed
17 subject to this subsection.

18 * **Sec. 12.** Section 10 of this Act takes effect immediately under AS 01.10.070(c).

25-LB0702/E

Bullard

1/15/08

CS FOR SENATE BILL NO. 107(L&C)**IN THE LEGISLATURE OF THE STATE OF ALASKA****TWENTY-FIFTH LEGISLATURE - SECOND SESSION****BY THE SENATE LABOR AND COMMERCE COMMITTEE****Offered:****Referred:****Sponsor(s): SENATOR DAVIS BY REQUEST****A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to naturopaths and to the practice of naturopathy; establishing an
2 Alaska Naturopathic Council; amending the duties of the Board of Pharmacy relating to
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8 that the applicant has received a degree from an accredited four-year college or
9 university, has paid the applicable fees, and

10 (1) on or before December 31, 1987, has graduated from a school of
11 naturopathy that required four years of attendance at the school and after graduation
12 has received a license in another state after passing an examination for licensure in
13 that state and is licensed by a state at the time of application; or

14 (2) after December 31, 1987, has

1 (A) graduated from a school of naturopathy that required four
2 years of attendance at the school and at the time of graduation the school was
3 accredited or a candidate for accreditation by the Council on Naturopathic
4 Medical Education or a successor organization recognized by the United States
5 Department of Education; and

6 (C) passed the Naturopathic Physicians Licensing Examination.

7 * Sec. 2. AS 08.45 is amended by adding a new section to read:

8 **Sec. 08.45.045. Scope of practice as a naturopath.** A naturopath may

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10 naturopathic medical education and training for diagnostic purposes;

11 (2) order and perform diagnostic and imaging tests consistent with
12 naturopathic medical education and training;

13 (3) perform and administer therapies consistent with naturopathic
14 medical education and training;

15 (4) if holding an endorsement issued under AS 08.45.056, administer
16 and prescribe prescription drugs and medical devices as approved by the Alaska
17 Naturopathic Council established under AS 08.45.052; and

18 (5) perform minor surgery, as defined in AS 08.45.050(b).

19 * Sec. 3. AS 08.45.050 is amended to read:

20 **Sec. 08.45.050. Restrictions on practice of naturopathy.** A person who
21 practices naturopathy may not

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3 (1) means the use of

4 (A) operative, electrical, or other methods for surgical repair
5 and care incidental to superficial lacerations and abrasions or superficial
6 lesions and the removal of foreign bodies located in superficial tissues; and

7 (B) antiseptics and local anesthetics in connection with
8 methods authorized under (A) of this paragraph;

9 (2) does not include use of general or spinal anesthetics, surgery of the
10 body cavities, or specialized surgery, such as plastic surgery, surgery involving the
11 eyes, or surgery involving tendons, ligaments, nerves, or blood vessels.

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15 members shall be naturopaths licensed under AS 08.45.030 appointed by the
16 commissioner of commerce, community, and economic development who have been
17 engaged in the practice of naturopathic medicine in the state for at least two years
18 immediately preceding appointment. At least one naturopathic member must live
19 outside the third judicial district. One member shall be a pharmacist, appointed by the
20 Board of Pharmacy under AS 08.80.030(b), and one member shall be a public member
21 appointed by the commissioner of commerce, community, and economic
22 development.

23 (b) Members of the Alaska Naturopathic Council shall serve staggered terms
24 of three years unless removed for cause.

25 (c) Four members of the council constitute a quorum for the transaction of all
26 business properly before the council.

27 (d) When appointing naturopaths under (a) of this section, the commissioner
28 may consider licensed naturopaths who have been nominated by the Alaska
29 Association of Naturopathic Physicians.

30 (e) When appointing a public member under (a) of this section, the
31 commissioner may consider a licensed physician or osteopath.

1 (f) In the event of the death, resignation, or removal of a member, the vacancy
2 shall be filled for the unexpired portion of the term in the same manner as the original
3 appointment.

4 **Sec. 08.45.054. Duties of the council.** The Alaska Naturopathic Council shall

5 (1) establish a list of prescription drugs and medical devices that are
6 consistent with naturopathic education and practice that the department may approve
7 for use by naturopaths authorized under AS 08.45.056;

8 (2) review the list of prescription drugs and medical devices approved
9 for use by naturopaths authorized under AS 08.45.056 annually and on request by the
10 department;

11 (3) meet at the request of the department to review allegations of
12 misconduct involving naturopaths licensed under this chapter or persons claiming to
13 be naturopaths;

14 (4) advise the department on the approval of naturopathic medical
15 programs; and

16 (5) advise the department on the adoption of regulations under
17 AS 08.45.056.

18 **Sec. 08.45.056. Prescription endorsement.** (a) The department shall issue a
19 prescription endorsement to a naturopath licensed under this chapter who submits
20 proof satisfactory to the department that the naturopath has

21 (1) successfully completed at least 60 hours of education from a
22 program approved by the Alaska Naturopathic Council; and

23 (2) met other requirements establishing proof of competency and
24 professional qualifications that the department, in consultation with the Alaska
25 Naturopathic Council, considers necessary to ensure the continued protection of the
26 public.

27 (b) An endorsement issued under (a) of this section authorizes the licensee to
28 prescribe and administer prescription drugs and medical devices that are on the
29 formulary approved by the Alaska Naturopathic Council under AS 08.45.054.

30 (c) An endorsement issued under (a) of this section is valid for two years
31 unless revoked or suspended by the department.

1 (d) The department may not renew an endorsement issued under (a) of this
2 section unless the licensee submits proof satisfactory to the department of at least 30
3 hours of continuing education approved by the department, of which at least 15 hours
4 shall be pharmacy credit hours.

5 * Sec. 6. AS 08.45 is amended by adding a new section to read:

6 Sec. 08.45.110. Fees. The department shall set fees under AS 08.01.065 for
7 each of the following:

- 8 (1) a license issued under this chapter;
- 9 (2) a temporary license issued under this chapter;
- 10 (3) renewal of a license issued under this chapter;
- 11 (4) a prescription endorsement issued under this chapter.

12 * Sec. 7. AS 08.80.030(b) is amended to read:

13 (b) In order to fulfill its responsibilities, the board has the powers necessary
14 for implementation and enforcement of this chapter, including the power to

15 (1) elect a president and secretary from its membership and adopt rules
16 for the conduct of its business;

17 (2) license by examination or by license transfer the applicants who are
18 qualified to engage in the practice of pharmacy;

19 (3) assist the department in inspections and investigations for
20 violations of this chapter, or of any other state or federal statute relating to the practice
21 of pharmacy;

22 (4) adopt regulations to carry out the purposes of this chapter;

23 (5) establish and enforce compliance with professional standards and
24 rules of conduct for pharmacists engaged in the practice of pharmacy;

25 (6) determine standards for recognition and approval of degree
26 programs of schools and colleges of pharmacy whose graduates shall be eligible for
27 licensure in this state, including the specification and enforcement of requirements for
28 practical training, including internships;

29 (7) establish for pharmacists and pharmacies minimum specifications
30 for the physical facilities, technical equipment, personnel, and procedures for the
31 storage, compounding, and dispensing of drugs or related devices, and for the

1 monitoring of drug therapy;

2 (8) enforce the provisions of this chapter relating to the conduct or
3 competence of pharmacists practicing in the state, and the suspension, revocation, or
4 restriction of licenses to engage in the practice of pharmacy;

5 (9) license and regulate the training, qualifications, and employment of
6 pharmacy interns and pharmacy technicians;

7 (10) issue licenses to persons engaged in the manufacture and
8 distribution of drugs and related devices;

9 (11) appoint a licensed pharmacist to the Alaska Naturopathic
10 Council established under AS 08.45.052.

11 * Sec. 8. AS 08.80.400 is amended to read:

12 Sec. 08.80.400. Other licensees not affected. This chapter does not affect the
13 practice of medicine by a licensed medical doctor and does not limit a licensed
14 medical doctor, osteopath, podiatrist, physician assistant, advanced nurse practitioner,
15 dentist, veterinarian, dispensing optician, naturopath, or optometrist in supplying a
16 patient with any medicinal preparation or article within the scope of the person's
17 license.

18 * Sec. 9. The uncodified law of the State of Alaska is amended by adding a new section to
19 read:

20 TRANSITION: REGULATIONS. The Department of Commerce, Community, and
21 Economic Development may proceed to adopt regulations necessary to implement the
22 changes made by this Act. The regulations take effect under AS 44.62 (Administrative
23 Procedure Act), but not before the effective date of the respective statutory change.

24 * Sec. 10. The uncodified law of the State of Alaska is amended by adding a new section to
25 read:

26 TRANSITIONAL PROVISIONS. Notwithstanding AS 08.45.052, as enacted in sec. 5
27 of this Act, the terms of the first members of the Alaska Naturopathic Council appointed by
28 the department are as follows: (1) the public member and one licensed naturopath member
29 shall be appointed for two-year terms; (2) the licensed pharmacist member and one licensed
30 naturopath member shall be appointed for three-year terms; and (3) one licensed naturopath
31 member shall be appointed for a one-year term. The department shall specify the term of

- 1 office of each licensed naturopath member appointed subject to this subsection.
- 2 * **Sec. 11. Section 9 of this Act takes effect immediately under AS 01.10.070(c).**

Changes from SB 107 to DRAFT CSSB 107 L&C, \E

- **Title.** Changes reflect changes in the bill regarding the structure of the advisory board(s), and dropping reference to the State Medical Board.
- **Page 3, line 12.** Bill section 5 combines the previously proposed Alaska Naturopathic Formulary Council and Naturopathic Advisory Committee into an Alaska Naturopathic Council. The powers of both committees under the original bill would be vested in the new, single committee. Committee membership is three naturopaths (at least from outside the third judicial district), one pharmacist, and one public member who may be a licensed physician or osteopath.. The single Council retains all the powers and duties ascribed to each body in the original bill.
- **Section 8 of the original bill is deleted in the CS.** That section amended the duties of the State Medical Board to include appointing a member to the Formulary Council. Because the requirement for a physician or osteopath on the Council has been dropped in this CS, this section is no longer needed.
- **Section 10, Transitional Provisions.** These have been rewritten to conform to the new requirement for a public member in place of a licensed medical doctor.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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State Capitol
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MEMORANDUM

January 10, 2008

SUBJECT: Naturopathic Advisory Committee and Alaska Naturopathic
Formulary Council (CSSB 107 (L&C))

TO: Senator Johnny Ellis
Chair of the Senate Labor and Commerce Committee
Attn: Dana Owen

FROM: Alpheus Bullard *TLAB*
Legislative Counsel

This memorandum accompanies the draft bill you requested.

This draft combines the Naturopathic Advisory Committee ("committee") and Alaska Naturopathic Formulary Council ("council") found in the previous version of the bill (25-LS0702\A) into a single entity within the Department of Commerce, Community, and Economic Development.

All of the responsibilities of the committee have been transferred to the council. Due to the now expanded role and responsibilities of the council, I amended the council's title from "Alaska Naturopathic Formulary Council" to "Alaska Naturopathic Council."

If this choice was made in error, if I may be of further assistance, or if you have any questions, please do not hesitate to contact me.

TLAB:med
08-007.med

Enclosure

NATURAL MEDICINE LODGE**Stephen Herbst, DC, CA, NMD (cand.)****208 Ash Street****P.O. Box 127****Van Buren, MO 63985****573-323-1206 800-757-5088****Fax: 573-323-0206****Email:****natmedlodge@centurytel.net****NPI: 1376662460****14 January 2008****Honorable Bettye Davis
Alaska State Senator
Fax: (907) 269-0148****Re: SB 107 Naturopathic Medical Practice Act
Dear Senator Davis,**

A serious exclusion of exceptionally qualified first degree and licensed medical professionals who attained the post doctoral NMD degree from state certified programs will occur in Sec. 08.45.30 if enacted as proposed. Suggested Addendums might solve the inequities:

In paragraph (2) after December 31, 1987, has

(A) graduated from a school of naturopathy that required four years of attendance at the school and at the time of graduation the school was accredited or a candidate for accreditation by the Council on Naturopathic Medical Education or a successor organization recognized by the United States Department of Education; or completed a post doctoral state certified program leading to the NMD degree which is approved by the Liaison Committee on Naturopathic Education (LCNE) and the National Board of Naturopathic Medical Examiners; and

(B) passed the Naturopathic Physicians Licensing Examination or the United States Naturopathic Licensing Examination.

These additions to the Issuance of License section will be in line with several states which are or have enacted naturopathic medical licensing. Chiropractic, Osteopathic, and Medical Physicians who are licensed to diagnose human conditions are attracted to the post doctoral NMD programs which facilitate alternative and complementary medical practice as well as comprehensive primary care. It is only fair to include these professionals since the CNME and NPLEX have to date excluded these professionals. A brief look at the Idaho Board of Naturopathic Medical Examiners website at ibnme.us qualifications for licensure will

demonstrate non exclusive licensure. It is my desire to return to Alaska as
a Doctor of Naturopathic Medicine as well as being licensed in Alaska as a
Chiropractic Physician since 1987.

Sincerely,

Stephen Herbst, DC, CA, NMD (cand)

LEGAL SERVICES

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MEMORANDUM

April 12, 2007

SUBJECT: Naturopaths and Naturopathic Practice
(SB 107 (Work Order No. 25-LS0702\A))

TO: Senator Bettye Davis
Attn: Tom Obermeyer

FROM: Alpheus Bullard *AB*
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Adds the requirement that an applicant for a license to practice naturopathy must have paid the applicable fees to the Department of Commerce, Community, and Economic Development ("department").

Section 2. Defines the scope of practice of naturopaths.

Section 3. Lists new restrictions on naturopathic practice and amends existing restrictions to allow naturopaths to (1) use and prescribe certain drugs and medical devices if the naturopath has an endorsement issued under AS 08.45.056 (added in sec. 2 of the bill) and (2) perform minor surgery.

Section 4. Defines "minor surgery."

Sections 5 and 6. Add new sections to AS 08.45 (Naturopaths).

Sec. 08.45.052. Establishes an Alaska Naturopathic Formulary Council composed of three naturopaths, a pharmacist, and a physician or osteopath.

Sec. 08.45.054. Sets out the duties of the Alaska Naturopathic Formulary Council.

Sec. 08.45.056. Establishes a prescription endorsement for certain licensed naturopaths.

Sec. 08.45.110. Establishes a Naturopathic Advisory Committee composed of three naturopaths.

Sec. 08.45.120. Sets out the duties of the Naturopathic Advisory Committee.

Sec. 08.45.130. Provides what fees may be charged by the department under AS 08.45 (naturopaths).

Section 7. Requires the State Medical Board to nominate a licensed physician or osteopath to the Alaska Naturopathic Formulary Council.

Section 8. Allows the Board of Pharmacy to nominate a licensed pharmacist to the Alaska Naturopathic Formulary Council.

Section 9. Adds naturopaths to the list of licensees whose practices are not limited by the statutes applicable to pharmacists in AS 08.80, as long as the naturopath is acting within the scope of the license or endorsement under AS 08.45.

Section 10. Allows the department to adopt regulations necessary to implement the Act.

Section 11. Provides transitional provisions governing the terms of the first members of the Alaska Naturopathic Formulary Council and the Naturopathic Advisory Committee.

Section 12. Gives an immediate effective date to sec. 10 so that the regulations process can start before the rest of the bill takes effect (90 days after becoming law).

TLAB:med

07-236.med



Alaska Center for
Natural Medicine

FAX COVER SHEET

DATE: 1/23/08

FROM: Diana Mary Mann

TO: Senator Ellis

COMPANY: _____

FAX #: 1(907) 405-2529

PHONE #: 1(907) 405-3704

NUMBER OF PAGES (including cover page) 16


NOTES: *Diana - If you could get these
to other LEC members, that
would be great* m2

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Alaska Association of Naturopathic Physicians, Inc.

Dedicated to the preservation of quality naturopathic medicine for all Alaskans

1/22/06

The Honorable Senator Johnny Ellis
Senate Labor and Commerce Chair
State Capitol
Juneau, AK 99801

Dear Senator Ellis,

Thank-you for allowing our Committee Substitute Bill 107 to be introduced into the Senate Labor and Commerce Committee. I was able to listen to the conversation by telephone and I would like to address the concerns raised by Senator Bunde, Senator Stevens and Senator Davis's staff member, Tom Obermeyer.

First I will address Senator Bunde's question about having more than one public member of the Alaska Naturopathic Council. If I understand his question correctly, his concern is that with only one public member, public safety would not be adequately ensured. The AK Naturopathic Association feels that the majority of the Council should be healthcare professionals and we welcome a medical doctor as the potential public member. Since the council is small, reflecting the small number of NDs in the state, we feel that there is only room for one non-medical professional. However, we are certainly not attached to the current configuration of the proposed Council. I think it is important to point out that our legislative intent in this bill is not to change the governance of our profession in Alaska. That would continue to be the province of the Division of Corporations, Business and Professional Licensing, including prescriptive endorsements.

As you know, prescriptive authority for naturopaths is not novel legislation. In the past couple of years, Idaho and Washington State have formed advisory councils whose purpose is to advise their respective licensing authorities regarding appropriate formulary lists. These councils are multidisciplinary in nature. Washington's advisory council is comprised of pharmacists and naturopathic doctors; Idaho's is comprised of pharmacists, allopathic and naturopathic doctors. The Alaska Naturopathic Council would perform the same function by examining the formularies of other states, their requirements for prescriptive endorsement as well as continuing education requirements to maintain that privilege. One would hope the Council would come to a consensus on their recommendations to the Division, but if any member had reservations, she or he could bring that concern to the Division. The Council would do the leg work; the Division would have ultimate regulatory authority.

Senator Stevens had two questions; one concerning the proposed range of prescription authority and the other was about the Task Force Report.

SCOTT LUPER, ND
PRESIDENT

GARY FERGUSON, ND
VICE PRESIDENT

MARY MINOR, ND
SECRETARY

DAVID NEWIRTH, ND
TREASURER

104 KUTTER ROAD • FAIRBANKS, AK 99701
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The formularies of most states that have prescriptive authority include legend drugs. These are drugs such as antibiotics, hypertensive drugs, thyroid medication, etc. These are medications with a low abuse potential. We would not have a problem taking scheduled drugs such as narcotics off of the table.

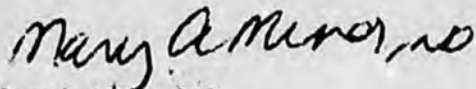
All naturopaths licensable in Alaska have had rigorous training in pharmacology and pharmacognosy. Many of our patients use herbs, nutritional supplements and prescription medications. Naturopaths are well versed in drug-nutrient and drug-herb interactions. Our colleagues in western states have integrated natural and conventional medicine safely for decades.

Senator Stevens also expressed disappointment that there was no report from the Naturopathic Task Force. As you recall, at the end of the 23rd legislative session, a task force was legislated to "...contribute to a better understanding of issues related to the safety and scope of the practice of naturopathy ...". That task force met five times between December, 2004 and December, 2005. Senator Ralph Seekins chaired the task force that included two naturopaths, one member of the state medical board, one member of the state medical association, a representative of the nursing board and a pharmacist. While no report was issued from the task force, there was a report from the Legislature's Research Department that I will send to you.

I am a bit mystified about the liability issue for the medical board Mr. Obermeyer raised. I know this was an issue with the "collaborative agreements" we discussed in 2004, but that proposal was dropped years ago. If they are concerned about their role in the Alaska Naturopathic Council, they are not required to participate. Our thinking behind having a public member, who could be a medical doctor, was to avoid putting the medical board into the uncomfortable position of having to participate in the Council if they did not want to. Indeed, the two professions most directly affected by the formulary would be naturopaths and pharmacists. Those were the two professions we felt should have a seat at the table.

The best way to insure public safety is by having access to appropriate care. The record of safety in states such as Washington, Oregon and Arizona—states with hundreds of licenses that have had prescriptive authority since the late eighties—is impressive. If I can provide you with any other information on this issue, I look forward to having that opportunity.

Yours in health,



Mary A. Minor, ND
AKANP Secretary

cc: Senator Bunde, Senator Davis, Senator Hoffman, Senator Stevens, Dr. Emily Kane

LEGISLATIVE RESEARCH REPORT

JANUARY 6, 2005



REPORT NUMBER 05.074

STATE-LICENSED NATUROPATHIC DOCTORS

PREPARED FOR REPRESENTATIVE PETE KOTT
BY CHUCK BURNHAM, LEGISLATIVE ANALYST

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You asked a number of questions about Naturopathic Doctors. Specifically, you requested information on the following:

- 1) State licensing of Naturopathic Doctors (NDs) and the total number of licenses in each state.
- 2) The regulatory authority in each of those states.
- 3) States in which legislation to license NDs has been, or is, under consideration.
- 4) Schedules of the federal Controlled Substances Act that are included in the prescriptive privileges of state-licensed NDs.
- 5) The legal definitions of "physician" and "minor surgery" and the states that allow NDs to perform such surgery.
- 6) State laws that address collaboration between NDs and Medical Doctors (MDs).
- 7) States' disciplinary actions against NDs and MDs.

BACKGROUND

Modern Naturopathic medicine, introduced in the United States near the end of the 19th century, emphasizes the belief that the human body has the inherent ability to establish, maintain, and restore health. Naturopathic practitioners facilitate this ability by employing natural, non-toxic therapies and modalities, by identifying and removing obstacles to health and recovery, and by supporting the creation of healthy internal and external environments. Although naturopathy is considered "alternative" medicine, some of its techniques and remedies have been practiced for centuries.¹ Since the 1970s, naturopathy has seen steady growth in the number of doctors in practice and patients under care. This growth is likely to continue at a rapid rate as healthcare costs rise and as some naturopathic practices are further incorporated into the curricula of "traditional," or allopathic, medical schools.

Naturopathic practitioners in the U.S. are represented by two national organizations whose philosophies regarding licensure are in sharp opposition. The American Naturopathic Medical Association (ANMA), founded in 1981 and reporting approximately 4,000 members, is opposed to state licensure and certain aspects of the accompanying educational requirements. The ANMA supports professional certification through the American Naturopathic Certification Board rather than governmental involvement in the form of state regulated licensure.² By contrast, the American Association of Naturopathic Physicians (AANP) advocates for licensure and regulatory regimes in all 50 states. Founded in 1985, the 1,800 member AANP would like the titles "Naturopathic Doctor (ND)" and "Naturopathic Physician (NP)" reserved for those who have attended four years of graduate-level study which includes training in clinical nutrition, acupuncture, homeopathic medicine, botanical medicine, psychology, and counseling, in addition to the basic sciences required of Medical Doctors (MDs).³ Further, the AANP advocates the use of the Naturopathic Physicians Licensing Examination (NPLEX)—an intensive five-part professional exam—as part of each state's licensure requirements. The AANP contends that rigorous licensure regimes will instill in consumers a level of confidence that will allow naturopathy to continue moving toward integration into the mainstream medical community.⁴

LICENSING STATES AND THE NUMBER OF NATUROPATHIC DOCTORS THEREIN

Thirteen states currently license NDs: Alaska, Arizona, California, Connecticut, Hawaii, Kansas, Maine, Montana, New Hampshire, Oregon, Utah, Vermont, and Washington.⁵ Each of these

¹ The Federation of Naturopathic Physician Licensing Authorities provides further information on the history and philosophy of naturopathy on its website at www.fnpla.org.

² More information on the ANMA can be found on its website at www.anma.com/index.html.

³ More information on the AANP can be found on its website at www.naturopathic.org/index.html.

⁴ The Center for Health Professionals, University of California, San Francisco, in 2001 published an extensive report on the practice of naturopathy, which includes comparisons of naturopathic philosophies and detailed information on regulatory and professional aspects of naturopathic medicine. We include a copy of "Profile of a Profession: Naturopathic Practice" as Attachment A.

⁵ Florida discontinued licensing NDs in 1957. As a result, only NDs holding licenses at that time are still permitted to practice in the state.

states has a unique licensing and/or advisory board as part of its regulatory structure, except Alaska and Vermont, where state agencies manage all aspects of licensing NDs.⁶

According to information compiled from licensing states by the University of California, San Francisco (UCSF), there were approximately 1,358 state-licensed NDs nationwide in 2000.⁷ This number has increased substantially in subsequent years as accredited naturopathic medical schools have graduated up to 600 NDs each year.⁸ Recent research by the AANP indicates that at least 2,700 individual NDs are now state-licensed.⁹ Although we contacted the regulatory authority in each licensing state to determine the precise number of licensed NDs, we have not yet received responses to all of our requests. In states where such information is available, however, there have been dramatic increases in the number of licensees in recent years. The combined total of licenses from Hawaii, Oregon, Vermont, and Washington has increased about 100% since 1998 from 998 to 1,999. In 2001, The UCSF's Center for Health Professionals published a detailed profile of the practice of naturopathy, which included information on the number of NDs in each licensing state. Table 1 shows the licensing states, the regulatory body for each, and the number of naturopathic doctors they license, as reported by the UCSF. Not surprisingly, as Table 1 illustrates, licensed NDs are concentrated in Arizona, Connecticut, Oregon, and Washington—the states with accredited schools of naturopathic medicine.

⁶ We include, as Attachment B, a list of state licensing authorities and contact information for each. In addition, we include a copy of the 1998 Buntsee Review by the Colorado Department of Regulatory Authorities, Office of Policy and Research, regarding licensure of Naturopathic Physicians as Attachment C.

⁷ This figure does not include an estimated 207 AANP affiliated NDs who in 2000 were outside of licensing states. Further, the estimates in this report do not include the number of NDs practicing solely under professional certification. Due to a lack of verifiable data, estimating the number of such NDs is problematic.

⁸ The Washington Association of Naturopathic Physicians cites this figure on its website at www.wanp.org/page/history.asp. The Council on Naturopathic Medical Education (CNME) is recognized by the U.S. Department of Education as the accrediting body for schools granting the degree of "Naturopathic Doctor." More information on the CNME can be found online at www.cnme.org. A list of accredited schools of naturopathic medicine can be found on the AANP website at www.naturopathic.org/licensing/accredited_schools.html.

⁹ Discussions with AANP staff located in Washington D.C., (202) 866-1392.

Table 1: State-Licensed Naturopathic Doctors, 2000

State	Year Law Enacted	Regulatory Body	Number of State-Licensed Naturopathic Doctors ^(a)
Alaska	1986	Division of Occupational Licensing, Naturopathic Licensing Section	21
Arizona	1935	Arizona Naturopathic Physicians Board of Medical Examiners	127
California	2003	Bureau of Naturopathic Medicine	Not Applicable
Connecticut	1920	Board of Naturopathic Examiners	106
Florida ^(b)	1927	Licensing abolished in 1957	56
Hawaii	1925	Board of Examiners in Naturopathy	63
Kansas	2003	Board of Healing Arts	Not Applicable
Maine	1986	Board of Complementary Health Care Providers	10
Montana	1981	Board of Alternative Health Care	41
New Hampshire	1987	Naturopathic Examiners Board	19
Oregon	1927	Board of Naturopathic Examiners	410
Utah	1996	Naturopathic Physician's Licensing Board	19
Vermont	1996	Office of Professional Regulation	63
Washington	1919	Naturopathic Physicians Advisory Committee	427
Total in year 2000			1,362
Approximate Total in Year 2003^(c)			2,700
<p>Notes: a) Licensed Naturopathic Doctors (NDs) represents the estimated number of licensed individuals in 2000. Due to NDs often being licensed in more than one state, the total number of licenses issued is likely substantially greater than the number of individual doctors.</p> <p>b) Florida discontinued licensing in 1959. As a result, only those NDs licensed at that time are permitted to practice in the state.</p> <p>c) This figure is from December 2003 research by the American Association of Naturopathic Physicians.</p> <p>Sources: Colorado Department of Regulatory Authorities, Office of Policy and Research, "1998 Sunrise Review: Naturopathic Physicians," p. 22, October, 1998; available online at www.dora.state.co.us/opr/archive/98naturopath.pdf.</p> <p>Holly J. Hough, Ph.D., Catherine Dower Ph.D., and Edward H. O'Neil, Ph.D., "Profile of a Profession: Naturopathic Practice," Center for Health Professionals, University of California, San Francisco, p. 12, September, 2001; available online at www.futurehealth.ucsf.edu/pdf_files/Naturo2.pdf.</p> <p>American Association of Naturopathic Physicians; online at www.naturopathic.org.</p>			

STATES RECENTLY OR CURRENTLY CONSIDERING LICENSURE

At least five states—Florida, Idaho, Massachusetts, Missouri, and New York—have recently considered legislation requiring licensure for NDs.¹⁰ Although none of the measures in these states became law, groups advocating licensure as well as those opposed expect similar bills to

¹⁰ We include, as Attachment D, copies of legislation recently considered in Florida, Idaho, Missouri, and New York.

be considered in upcoming legislative sessions. In addition, at least four states—Colorado, Louisiana, New Mexico, and North Carolina—have created or are considering creating task forces for researching the possibility of establishing licensing regimes. Because the AANP and its 34 associated state chapters actively lobby for licensing schemes in all 50 states, legislation is likely to be introduced in a number of other states in coming years.

SELECTED FUNCTIONS: PRESCRIPTIONS, MINOR SURGERY, AND COLLABORATION

Generally, states allow NDs to prescribe naturopathic remedies such as herbal supplements and tinctures. As Table 2 shows, at least five states—Arizona, California, Montana, Oregon, and Vermont—give NDs further limited authority to prescribe certain medications that appear in the schedules of the Controlled Substances Act (21 USC, § 801-971). Some states' laws, those of Washington and Maine for instance, grant prescriptive privileges to NDs based on the "legend" and "non-legend" classifications of the official United States pharmacopoeia. Privileges for "legend" drugs—the substances for which dispensation without a prescription is a federal offense—are generally unavailable or limited for NDs.

Table 2: States' Prescriptive Authority for Licensed Naturopathic Doctors

State	Prescriptive Authority ¹	Controlled Substances Act Schedules ²				
		I	II	III	IV	V
Alaska	No					
Arizona	Yes		X	X	X	X
California	Yes ³			X	X	X
Connecticut	No					
Hawaii	No					
Kansas	No					
Maine	Limited ⁴	Not Applicable				
Montana	Yes		X	X		
New Hampshire	No					
Oregon	Yes		X	X	X	X
Utah	No					
Vermont	Yes ⁵			X	X	
Washington	Limited ⁴	Not Applicable				

Notes: 1) Prescriptive authority is the ability to prescribe controlled substances as identified in schedules I-IV of the Controlled Substance Act (21 USC, Sections 801-971). The laws of Maine and Washington refer to the "legend" and "non-legend" classifications of the official United States pharmacopoeia, rather than to the Controlled Substances Act, to establish which drugs Naturopathic Doctors (NDs) are permitted to prescribe. "Legend" drugs are those for which a prescription is required by federal law.

2) The schedules of the Controlled Substances Act are available on the U.S. Drug Enforcement Agency's website at www.usdoj.gov/dea/pubs/scheduling.html.

3) Pursuant to California Code § 3640.5, NDs may only prescribe controlled drugs under the supervision of a physician.

4) In Maine, NDs are permitted to prescribe "non-controlled legend drugs" only after a twelve-month period of review by a physician. Such drugs may only be from the following categories: homeopathic remedies, vitamins and minerals, hormones, local anesthetics and immunizations that are designated by rule. No drugs that appear in the schedules of the federal Controlled Substances Act may be prescribed by NDs in Maine. In Washington, only certain legend drugs, primarily those derived from animals and certain other natural sources, are permitted.

5) Vermont allows NDs to prescribe only testosterone from schedule III and codeine from schedule IV.

Source: Lexis database search of states' statutes and administrative codes.

MINOR SURGERY

States' definitions of "minor surgery," frequently found under the heading of "office procedures," generally include care related to superficial wounds where only local anesthesia is required. At least six states—Arizona, Maine, Montana, Oregon, Utah, and Washington—allow NDs to conduct some level of minor surgical procedures.¹¹ The legal definitions of minor surgery used in the laws of Maine and Oregon, which are typical of those used by other states, are as follows:

Maine Revised Statute § 12501(13)

"Office procedures" means methods for the repair and care incidental to superficial lacerations and abrasions, superficial lesions and the removal of foreign bodies located in the superficial tissues. The use of antiseptics and local anesthetics in connection with these methods is permitted. The use of general, regional or spinal anesthetics, major surgery, surgery of the body cavities or specialized surgeries such as plastic surgery, surgery involving the eye or surgery when tendons are involved is not permitted.

Oregon Revised Statute § 685.010(4)

"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.

COLLABORATION CLAUSES

At least five states provide for collaboration between NDs and physicians. Four of these states mandate that NDs collaborate with physicians in certain circumstances: California requires consultation with an "appropriately licensed professional" when NDs review x-rays and other internal imaging; Maine mandates that NDs be monitored by a physician for one year prior to independently prescribing "non-controlled legend drugs;" and Utah and Vermont provide for collaboration between NDs and physicians in child-birthing, although Vermont limits the extent of that collaboration. At least one state—Washington—stipulates that nothing in the "scope of practice" language for NDs prohibits collaboration with physicians. The specific collaboration clauses we located are as follows:¹²

California—Business and Professions Code § 3640(b)

A naturopathic doctor may order diagnostic imaging studies, including X-ray, ultrasound, mammogram, bone densitometry, and others, consistent with naturopathic training as determined by the bureau, but shall refer the studies to an appropriately licensed health care professional to conduct the study and interpret the results.

¹¹ Colorado Department of Regulatory Authorities, Office of Policy and Research, p. 21, and Lexis database search of licensing states' laws.

¹² We located these clauses by manually searching licensing states' laws on naturopathy. While we believe our search of states' laws to be thorough, this list may not be exhaustive of all collaboration clauses.

§3640.5 provides that NDs may, under the supervision of a physician, prescribe drugs from schedules III through V of the Controlled Substances Act.

Maine—32 MRS § 12522(4)(C)

Prior to independently prescribing non-controlled legend drugs, a naturopathic doctor shall establish and complete a 12-month collaborative relationship with a licensed allopathic or osteopathic physician to review the naturopathic doctor's prescribing practices.¹³ The board shall further define the terms of the collaborative relationship by rule.

Utah—UCA § 58.71.02(12)

"Practice of naturopathic medicine" means:

(a) a system of primary health care for the prevention, diagnosis, and treatment of human health conditions, injuries, and diseases that uses education, natural medicines, and natural therapies, to support and stimulate the patient's intrinsic self-healing processes:

(i) using naturopathic childbirth, but only if:

(A) the licensee meets standards of the American College of Naturopathic Obstetricians (ACNO) or its successor as determined by the division, in collaboration with the board; and

(B) the licensee follows a written plan for naturopathic physicians practicing naturopathic childbirth approved by the division in collaboration with the board, which includes entering into an agreement with a consulting physician and surgeon or osteopathic physician, in cases where the scope of practice of naturopathic childbirth may be exceeded and specialty care and delivery is indicated, detailing the guidelines by which the naturopathic physician will:

- (I) refer patients to the consulting physician; and
- (II) consult with the consulting physician.

Vermont—Administrative Rules for Naturopathic Physicians § 3.9

Naturopathic Childbirth: no licensee may practice naturopathic childbirth without first obtaining a special endorsement on his or her license. To obtain this endorsement, a licensee must:

(A) Show evidence of completion of a naturopathic childbirth or midwifery program from an approved naturopathic college or hospital and furnish a signed log showing evidence that sections (1), (2) and (3) of this subsection have been completed under the direct supervision of a licensed practitioner with specialty training in obstetrics or natural childbirth.

- (1) The licensee must taken part in the care of 50 cases each in prenatal and postnatal care. One case may qualify for both areas of care.
- (2) The licensee must have observed and assisted in the intrapartum care and delivery of 50 natural childbirths in a hospital or alternative birth setting 3 of which must have occurred within the last two years. A minimum of 26 of these births must be under the supervision of a naturopathic physician. No more than 10 of the 50 births may be

¹³ Non-controlled legend drugs, in this context, include the following categories: homeopathic remedies, vitamins and minerals, hormones, local anesthesia and immunizations that are designated by rule. No drugs that appear in the schedules of the federal Controlled Substances Act may be prescribed by NDs in Maine.

states differ in their definitions of terms such as "complaint" and "disciplinary action." Further, although we requested information on disciplinary action from the states that license NDs, we have not yet received responses from each. For these reasons, performing a comparison of states' disciplinary actions against NDs to those against physicians is problematic.

Colorado's 1998 Sunrise Review (see Attachment C) provides information on complaint activity in the eleven states that licensed NDs at that time. Table 3 shows complaint activity by state against NDs, where available, for 1997 and 1998, compared to disciplinary actions taken against physicians over the same time period. It is important to note that the information for NDs represents all complaints whereas the data for physicians is only for cases in which disciplinary action was taken, which likely encompass only a fraction of all complaints against physicians. Regrettably, the data available to us within the time constraints of our research do not allow for an "apples to apples" comparison of disciplinary activity. It is clear, however, that for both NDs and physicians, complaints and subsequent disciplinary action are rare relative to the number of practicing licensees.

Table 3: Complaints Against Naturopathic Doctors and Disciplinary Actions Against Physicians in Selected States 1997-1998

State	Licensed Naturopathic Doctors				Licensed Physicians			
	Number in 1998	Complaints ¹		Complaints per 100 NDs	Number in 1998	Disciplinary Actions ¹		Actions per 100 Physicians
		1997	1998			1997	1998	
Alaska	20	0	0	0.0	1,887	13	28	2.2
Arizona	169	7	7	8.3	10,807	202	125	3.0
Connecticut	197	2	1	1.5	12,946	59	55	0.9
Hawaii	60	Not Available			6,122	14	15	0.5
Maine	12	0	0	0.0	5,216	25	34	1.1
Montana ²	33		5	15.2	3,231	12	8	0.6
New Hampshire	12	1	1	16.7	4,039	9	18	0.7
Oregon	325	Not Available			11,386	47	43	0.8
Utah	5	0	0	0.0	6,894	22	32	0.8
Vermont ³	34	3	1	11.8	2,745	11	17	1.0
Washington ²	369		15	4.1	18,319	98	84	1.0
Totals	1,238	43		3.5	63,582	971		1.2

Notes: 1) All complaints filed against Naturopathic Doctors (NDs) with state regulatory agencies are shown; whereas, for physicians, only complaints culminating with disciplinary actions by state medical boards are shown. Disciplinary actions against physicians are likely taken in only a fraction of the total complaints filed. As a result, a direct comparison of the figures for the two groups is problematic.
2) Montana and Vermont, respectively, reported complaint totals for NDs as one sum.
3) Figures for Vermont physicians exclude data for the state's approximately 100 Osteopathic Doctors, which are not reported to the Federation of State Medical Boards. All other states include data on Osteopaths.
Sources: NDs—Colorado Department of Regulatory Authorities, Office of Policy and Research, "1998 Sunrise Review: Naturopathic Physicians," p. 22, October, 1998; available online at www.dora.state.co.us/opr/archiv/98naturopath.pdf; Physicians—Federation of State Medical Boards of the United States, Inc., "Summary of Board Actions," 1997-1998; available online at www.famb.org.

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

Naturopathic Disciplinary Reports

**Appendix D:
Comparison of Allopathic and Naturopathic Disciplinary Reports**

Medical boards receive complaints and after investigation met out disciplinary actions. Information on complaints and disciplinary actions is not available for several states. Of 13 states that license Naturopathic physicians, information on disciplinary actions could only be found for six states including Alaska, Arizona, Hawaii, Oregon, New Hampshire and Washington. These results are listed below (Table 1) for the years 2000-2003.

Table 1: Naturopathic Disciplinary Actions

	Dates	Alaska	Arizona	Hawaii	Oregon	New Hampshire	Washington
# Naturopaths		40	369	78	650	32	644
Avg. # complaints/yr(1)			not available	0.2	22.75	not available	10.75
Disciplinary actions	2000-present						
Reprimand/Corrective action	"	0	1	0	0	0	1
Probation	"	0	4	0	6	0	0
Suspension	"	0	1	0	0	0	0
Revocation/Surrender	"	0	1	0	2	0	0
Total		0	7	0	8	0	1

The total number of naturopathic doctors in the states was 2,033. The average number of disciplinary actions taken per year is 3.75
 The average number of disciplinary actions per year was 3.75 for 2000-2003
 The yearly rate of disciplinary actions per 100 doctors per year is 0.34.

Naturopathic Disciplinary Reports

Arizona and Oregon are two of the three states with the largest population of naturopathic doctors and a long history of licensure. Disciplinary actions are compared between naturopathic and allopathic doctors for each state (see tables 2 and 3).

Table 2: Comparison of Naturopathic and Allopathic Disciplinary Actions in Arizona

Naturopathic Doctors	Year	Letters of Concern*	Reprimand	Probation	Suspension	Revocation	Surrender	Total Disciplinary
# 369	2000	1	1	1				2
	2001	1				1		1
	2002	2		3	1			4
	2003	2						0
Total		8	1	4	1	1		7
Medical Doctors								
#10,652	2003	unknown	38	35	8	11	9	101

*Letters of concern are not considered disciplinary actions

The total number of naturopathic doctors in Arizona during 2000-2003 were 369. The total number of disciplinary actions during this time period was 7. The yearly rate of disciplinary actions per 100 doctors is 0.47. The total number of medical doctors in Arizona during 2003 was 10,652. The total number of disciplinary actions during this time was 101. The yearly rate of disciplinary actions per 100 doctors is 0.95.

Naturopathic Disciplinary Reports

Table 3: Comparison of Naturopathic and Allopathic Disciplinary Actions in Oregon

Naturopathic Doctors	Year	Complaints	Reprimand/corrective action	Probation/restriction	Suspension	Revocation	Surrender	Total Disciplinary
# 550	2000	23	none reported	1	0	0	0	1
	2001	30	"	2	0	1	0	3
	2002	23	"	2	0	0	0	2
	2003	16	"	1	0	1	0	2
Total		91	"	6	0	2	0	8
Medical Doctors								
#11,583	2003	unknown	14	20	2	2	5	43

The total number of naturopathic doctors in Oregon during 2000-2003 was 550. The total number of disciplinary actions during this time period was 8. The yearly rate of disciplinary actions per 100 doctors is 0.36

The total number of medical doctors in Oregon during 2003 was 11,583. The total number of disciplinary actions during this time was 43. The yearly rate of disciplinary actions per 100 doctors is 0.37.

Sources:

- Arizona Board of Naturopathic Examiners: www.npbomex.az.gov
- Arizona Board of Medical Examiners: http://www.azmboard.org/Agency_Reports/md_stats.pdf
- Hawaii Board of Naturopathic Examiners: naturopathy@dcca.hawaii.gov
- Oregon Board of Naturopathic Examiners: www.obnme.state.or.us
- Oregon Board of Medical Examiners: www.bme.state.or.us
- New Hampshire Dept. HHS, Board of Naturopathic Examiners: (603)271-5127 License Clerk, Janet
- New Hampshire Board of Medicine: <http://www.nh.gov/medicine/ciddisciplinary.html>
- Washington Health Professions Quality Assurance, Naturopathy Program: Holly.Rawnsley@doh.wa.gov

Naturopathy Di



Elevating Naturopathic Education

Carnegie Commission recommends giving naturopathic medicine a higher classification

In December 2005, the U.S. Department of Education hosted a two-day Ad Hoc Internal Review Panel meeting, featuring representation by members of the DoE's Integrated Postsecondary Education Data System (IPEDS) and the Carnegie Commission of Higher Education. What transpired at that meeting could have a profound effect on the future of naturopathy education.

The Carnegie Commission is arguably the most prestigious, nonprofit, independent organization in American

higher education. The Carnegie classifications were created in 1970; at that time, there were approximately 2,800 U.S. colleges and universities. Today, more than 4,000 educational

According to NCNM President William J. Kepler, PhD, "This should have profound positive implications for the profession and greatly advance state licensure nationwide."

institutions offer various programs and degrees. The DoE asks for Carnegie Commission recommendations, seeing them as the leading experts on higher education. The classifications help the

DoE determine such issues as which educational institutions should get government funding and how much.

Dr. William Kepler, president of National College of Naturopathic Medicine, served as an IPEDS panel member. According to Dr. Kepler, the panel's assignment was to review and revise the member-

ship of the Carnegie Commission's "First Professional Degree" category. The associate secretary for education was in attendance throughout all of

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Elevating Naturopathic Education

Continued from 1

the deliberations and will have final approval over the draft white paper written by the 34 panel members.

During its discussions, the panel reviewed the current classification of naturopathic medicine as a Graduate Program and the possibility of changing that designation to First Professional Degree Program.

"The most important change for America's naturopathic colleges and licensed naturopathic doctors will be the federal government's acknowledgement that naturopathic medicine is a field of study on par with allopathic medicine," said Dr. Keppler.

By changing the classification, naturopathic educational programs would be placed in the same category as health care professionals such as MDs, DOs, dentists and veterinarians.

If the DoE accepts the change in classification, it will impact how Title IV student loans, grants from the National Institutes of Health and the National Science Foundation, and private foundation grants are awarded. Each of these funding sources provides greater financial assistance to students in the First Professional Degree category than to those in the Graduate Program category. These enhanced financial opportunities would thus apply to naturopathic medical students. Licensure efforts also would be impacted positively, in that graduates residing in states seeking licensure would possess the legitimacy accorded by the DoE.

Dr. Keppler said the Carnegie Commission/IPEDS revisions will result in the most profound organizational classification changes of accredited American colleges and university programs since 1965. "The number of IPEDS classifications will be reduced from 11 to nine categories,"

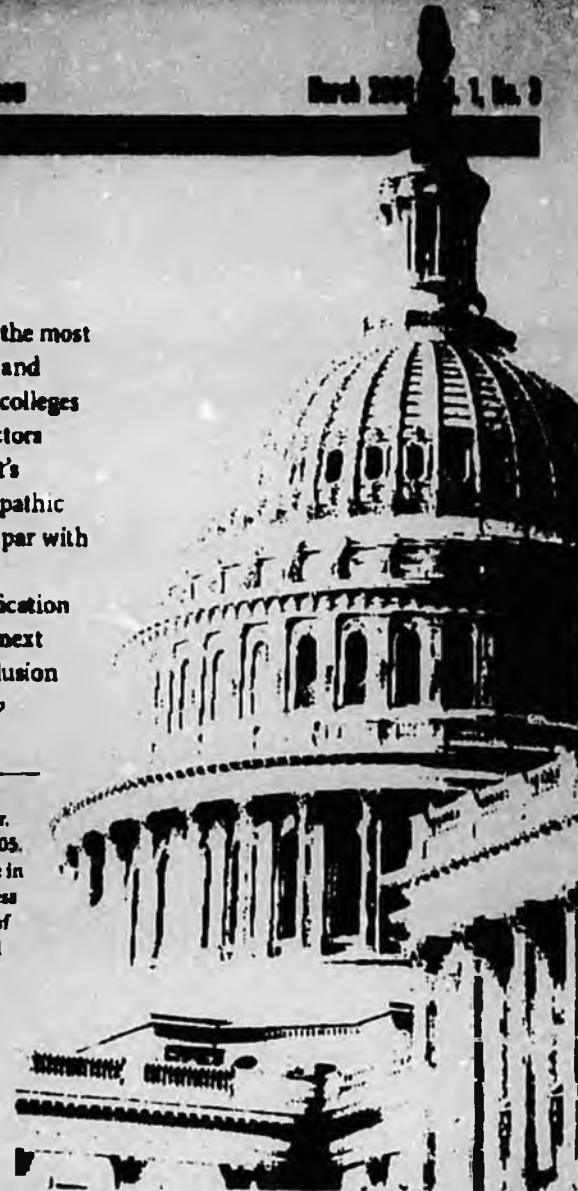
Dr. Keppler said. "But, by far, the most important change for NCNM and America's other naturopathic colleges and licensed naturopathic doctors will be the federal government's acknowledgement that naturopathic medicine is a field of study on par with allopathic medicine."

Final action on the reclassification system is expected within the next year, making it eligible for inclusion in the 2007 federal budget. ☺

Resources

1. E-mail correspondence with Dr. William J. Keppler, Nov. 29, 2005.
2. NCNM president plays key role in advancing ND recognition. Press release from National College of Naturopathic Medicine, posted online Jan. 6, 2006.
3. Carnegie Classification Facts. Accessed Jan. 31, 2006 at www.carnegiefoundation.org.

Written by Kathryn Feather



Herbalism: A Clinical Practitioner's View

From: DoctorEm@aol.com
Sent: Wednesday, March 14, 2007 10:01 PM
To: drluper@acsalaska.net
Cc: Tom_Obermeyer@legis.state.ak.us; Sen. Bettye Davis
Subject: Naturopathic Doctor's training, and comparison of curriculae, also formularies
Attachments: 4_TrainingrelatedtoDxTx.doc; 5_CurrComp_ExecSumm_BUandUW_8-05.doc; formulary_report.CA.pdf; EductnTables.d

in other western States. Of the states licensing NDs in the west (WA, OR, CA, ID, AZ, MT, CO, NV) Alaska is the only state that does not allow NDs full scope of practice as primary health care providers. NDs are the experts in keeping people healthy; we are, in fact, much less likely than MDs to use drugs. However, sometimes what's best for a certain patient at a certain time in their journey to better health is an antibiotic, or an anti-hypertensive agent, or thyroid support, as examples.

The attached documents are respectfully submitted to allow a "peek" into what other states have done, and what kind of training NDs receive to warrant their ability to practice as primary care doctors.

Emily Kane, ND

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Alaska State Medical Association

4107 Laurel Street • Anchorage, Alaska 99508 • (907) 562-0304 • (907) 561-2063 (fax)

April 17, 2007

Honorable Johnny Ellis, Chair Senate Labor and Commerce Committee
State Capitol, Room 9
Juneau, AK 99801-1182

RE: SB107 - Naturopathic Scope of Practice

Transmitted By Fax: 907-465-2529

Dear Senator Ellis:

The Alaska State Medical Association (ASMA) represents physicians statewide and is primarily concerned with the health of all Alaskans.

ASMA opposes SB107 and urges you to oppose it as well. Training for naturopaths is less rigorous than for medical doctors in both length and depth of study. Its emphasis on natural healing does not allow sufficient time for its students to fully learn the accepted pathology, physiology, and pharmacology necessary to treat most medical conditions. To allow naturopaths to prescribe drugs and perform "minor" surgery is unsafe for Alaskan patients.

It needs to be pointed out that there is no such thing as "minor" surgery. For example, suturing simple lacerations and removing simple moles often requires complex surgical techniques and knowledge. The decisions involved with selecting optimal closure techniques or biopsy type (and the associated risks of each) are not mastered after a short course of study. While it may seem simple to biopsy a mole, it is much more complex to determine what type of biopsy is best for which lesions, or to assess which lesions could be cancerous and at higher risk of spreading if diagnosed or biopsied incorrectly. As surgeons are quick to point out: there is no such thing as "minor surgery" there are just minor surgeons....

In 2004, many of the same issues were presented via SB306 in its initial version. At the end of the 23rd Legislature, SB306 was enacted with not expanding any scope of practice for naturopaths. It did, however, create a task force, "Task Force on Naturopath Scope of Practice". That task force did not produce a report and thus left undone its important investigative elements. Those elements being comparing the education and training of naturopaths to medical doctors; investigating what an appropriate scope of practice would be for naturopaths, for prescription of drugs; investigating what an appropriate scope of practice for naturopaths would be for minor surgery and other non-pharmacological treatments; examine the potential structure and operation of any collaborative protocols and agreements for naturopaths with other licensed practitioners; investigate the liability issues involved with any collaborative arrangements; and to investigate any other issues found to be relevant by the task force. These same issues remain and need to be thoroughly investigated before any consideration is given to acting on this bill.

ASMA strongly feels that its resources as well as the Legislature's resources should be spent in finding solutions for Alaska's current acute shortage in physicians estimated to be a 30% shortage at this time. Spending time and resources exploring and debating expanded scope of practice for naturopaths will slow the efforts to recruit the highly trained physicians in sufficient numbers that we need today and in the future.

ASMA urges you to oppose SB107.

Sincerely,



By: Roland Gower, MD, President
For: The Alaska State Medical Association

cc: Members, Senate Labor and Commerce Committee

Bureau of Naturopathic Medicine

A Bureau of the California Department of Consumer Affairs



Findings and Recommendations Regarding the Prescribing and Furnishing Authority of a Naturopathic Doctor

**Tonya Blood, Chief
Bureau of Naturopathic Medicine**

**Presented to the California State Legislature
January 2007**

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APPENDIX*

Meeting Agendas

Curriculum at Approved Schools

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Hierarchy of Healing

Letter from Northwest Jury Verdicts

Letter from NCMIC

The Bureau would like to acknowledge and thank all the members of this Committee for their hard work and dedication. The Advisory Committee held its committee meetings over the past year. It is a pleasure to say that this was an anxious process.

As the Bureau Chief, I was impressed by the commitment on the part of each member of this Committee. They served without compensation giving generously of their weekends, evenings and overall time to share their vast knowledge and invaluable professional expertise. This report speaks to the fact that the research done, and the outcome of specific recommendations.

What is not articulated in this report, and I attempt to describe here, is the process that went into its creation. What cannot be so easily captured are the discussions, opinions, agreements and at times disagreements that took place among the Committee members. It would have been easy to rush through this process in only a few "sprints," do a cursory review of the items that were requested to be looked at and draft this report. Even though they were not compensated for any of their time serving on this committee, they did not rest through the process. Each committee member worked diligently, deliberately, carefully and thoughtfully on each and every recommendation that was included in this report. It would have been easy to pass recommendations with a majority vote, but they didn't. They were committed to working through each issue that arose, resolving differences, understanding each other's viewpoint, and ultimately reaching a consensus. What they could not give, they did not include it as a recommendation or modified existing recommendations to ensure each member agreed with what is presented in this report. Patient safety and efficacy remained of utmost importance.

The Bureau further extends its gratitude to Peter Wainman, Naturopathic Doctor and Pharmacist, for serving as the Chairperson of this Committee and as such putting in countless hours of research time. Further, a special thank you to the Committee's Vice-Chair, Soran Singh Khalsa, MD, for graciously hosting numerous Committee meetings at his office.

* For copies of items listed in the appendix, please contact the Bureau of Naturopathic Medicine at (916) 574-7991 or naturopathic@dca.ca.gov

Acknowledgements

The Bureau of Naturopathic Medicine charged the Formulary Committee with developing specific findings and recommendations to be presented in this report to the Legislature. The Committee members unanimously agreed upon the findings and recommendations presented in this report. Although some of the recommendations crossover between recommending statutory and/or regulatory changes, all recommendations were included so that a complete picture could be presented to the Legislature.

The Bureau would like to acknowledge and thank all the members of this Committee for their hard work and dedication. The Formulary Committee held 15 committee meetings over the last year. Suffice it to say that this was an arduous process.

As the Bureau Chief, I was impressed by the commitment on the part of each member of this Committee. They served without compensation giving graciously of their weekends, evenings and overall time to share their vast knowledge and invaluable professional expertise. This report speaks to the facts gathered, research done, and the outcome of specific recommendations.

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For copies of this report, please contact the Bureau of Naturopathic Medicine at (918) 574-7881 or www.bnm.org