



# LAWS OF ALASKA

1986

**Source**

CSSSSB 297 (Fin)

**Chapter No.**

56

**AN ACT**

Relating to the practice of naturopathy; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: May 29, 1986  
Actual Effective Date: May 30, 1986

AN ACT

Relating to the practice of naturopathy; and providing for an effective date.

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

CHAPTER 45. NATUROPATHS.

Sec. 08.45.010. PRACTICE OF NATUROPATHY WITHOUT LICENSE PROHIBITED. A person may not practice naturopathy in the state without a license.

Sec. 08.45.020. APPLICATION FOR LICENSE. A person desiring to practice naturopathy shall apply in writing to the division of occupational licensing of the Department of Commerce and Economic Development.

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

(1) a degree from an accredited four-year college or university;

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

(3) a license to practice naturopathy in a state that required an examination for the license.

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

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1 (1) to each patient; and

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

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

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

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

10 (A) a prescription drug;

11 (B) a controlled substance;

12 (C) a poison;

13 (2) engage in surgery;

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

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

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

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

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

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

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

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

(6) continued to practice after becoming unfit due to

(A) professional incompetence;

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

(C) physical or mental disability;

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

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

(1) permanently revoke the license to practice;

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

(3) censure the licensee;

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

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

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

(B) limit practice to those areas prescribed;

(C) continue professional education until a satisfactory degree of skill has been attained in areas determined by the division to need improvement;

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

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

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

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

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

Sec. 08.45.200. DEFINITIONS. In this chapter,

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

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

(3) "naturopathy" means the use of hydrotherapy, dietetics, electrotherapy, sanitation, suggestion, mechanical and manual manipulation for the stimulation of physiological and psychological action to establish a normal condition of mind and body.

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

(24) regulation of the practice of naturopathy under

AS 08.45.

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

(a) The department shall perform [PROVIDE] the following administrative and budgetary services when appropriate:

- (1) collect fees and issue receipts;
- (2) maintain records and files;
- (3) issue and receive application forms;
- (4) notify applicants of acceptance or rejection of applicants as determined by the board or as determined by the department under AS 08.45 for naturopaths;
- (5) designate dates examinations are to be held and notify applicants;
- (6) publish notice of examination;
- (7) arrange space for holding examinations;
- (8) notify applicants of results of examinations;
- (9) issue licenses and certificates or temporary licenses or certificates as authorized by the board or as authorized by the department under AS 08.45 for naturopaths;
- (10) issue duplicate licenses or certificates upon proof by the licensee of loss of the original and payment by the licensee of a fee of \$2 except as otherwise provided in this title;
- (11) notify licensees of renewal dates at least 30 days before the expiration date of their licenses;
- (12) compile and maintain current a register of licenses;
- (13) answer routine inquiries;
- (14) maintain files relating to individual licensees;
- (15) arrange for printing and advertising;
- (16) purchase supplies;
- (17) employ secretarial help when needed;

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

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

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

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

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

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

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

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

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

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

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

Sec. 08.01.110. DEFINITIONS. In this chapter

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

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



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Economic Development;

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

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

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

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

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

Sec. 09.55.560. DEFINITIONS. In AS 09.55.530 - 09.55.560

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

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

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

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

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

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

(2) elective medical or surgical procedures;

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

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

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

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

(7) services not of a medical nature;

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

(9) costs incurred before July 1976.

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

Sec. 47.17.070. DEFINITIONS. In this chapter

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

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

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

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

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

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

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

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

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

26 (10) "sexual exploitation" means

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

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

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

\* Sec. 10. Section 9 of this Act is repealed one year after the effective date of this Act.

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