

HOUSE BILL NO. 91

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE JOHNSTON

Introduced: 3/13/19

Referred:

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the practice of naturopathy; relating to the licensure of naturopaths;**
2 **relating to the Department of Commerce, Community, and Economic Development; and**
3 **providing for an effective date."**

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

5 * **Section 1.** AS 08.02.010(a) is amended to read:

6 (a) An acupuncturist licensed under AS 08.06, an audiologist or speech-
7 language pathologist licensed under AS 08.11, a behavior analyst licensed under
8 AS 08.15, a person licensed in the state as a chiropractor under AS 08.20, a
9 professional counselor licensed under AS 08.29, a dentist under AS 08.36, a dietitian
10 or nutritionist licensed under AS 08.38, **a naturopath licensed under AS 08.45**, a
11 massage therapist licensed under AS 08.61, a marital and family therapist licensed
12 under AS 08.63, a medical practitioner or osteopath under AS 08.64, a direct-entry
13 midwife certified under AS 08.65, a registered or advanced practice registered nurse
14 under AS 08.68, an optometrist under AS 08.72, a licensed pharmacist under

1 AS 08.80, a physical therapist or occupational therapist licensed under AS 08.84, a
 2 psychologist under AS 08.86, or a clinical social worker licensed under AS 08.95,
 3 shall use as professional identification appropriate letters or a title after that person's
 4 name that represents the person's specific field of practice. The letters or title shall
 5 appear on all signs, stationery, or other advertising in which the person offers or
 6 displays personal professional services to the public. In addition, a person engaged in
 7 the practice of medicine or osteopathy as defined in AS 08.64.380, or a person
 8 engaged in any manner in the healing arts who diagnoses, treats, tests, or counsels
 9 other persons in relation to human health or disease and uses the letters "M.D." or the
 10 title "doctor" or "physician" or another title that tends to show that the person is
 11 willing or qualified to diagnose, treat, test, or counsel another person, shall clarify the
 12 letters or title by adding the appropriate specialist designation, if any, such as
 13 "dermatologist," "radiologist," "audiologist," "naturopath," or the like.

14 * **Sec. 2.** AS 08.45.030 is amended to read:

15 **Sec. 08.45.030. Issuance of license.** The department shall issue a license to
 16 practice naturopathy to an applicant who provides proof satisfactory to the department
 17 that the applicant

18 **(1) is of good moral character;**

19 **(2) has received a degree from an accredited naturopathic medical**
 20 **school; and**

21 **(3) has [ACCREDITED FOUR-YEAR COLLEGE OR**
 22 **UNIVERSITY, AND**

23 (1) ON OR BEFORE DECEMBER 31, 1987, HAS GRADUATED
 24 FROM A SCHOOL OF NATUROPATHY THAT REQUIRED FOUR YEARS OF
 25 ATTENDANCE AT THE SCHOOL AND AFTER GRADUATION HAS
 26 RECEIVED A LICENSE IN ANOTHER STATE AFTER PASSING AN
 27 EXAMINATION FOR LICENSURE IN THAT STATE AND IS LICENSED BY A
 28 STATE AT THE TIME OF APPLICATION; OR

29 (2) AFTER DECEMBER 31, 1987, HAS

30 (A) GRADUATED FROM A SCHOOL OF NATUROPATHY
 31 THAT REQUIRED FOUR YEARS OF ATTENDANCE AT THE SCHOOL

1 AND AT THE TIME OF GRADUATION THE SCHOOL WAS
 2 ACCREDITED OR A CANDIDATE FOR ACCREDITATION BY THE
 3 COUNCIL ON NATUROPATHIC MEDICAL EDUCATION OR A
 4 SUCCESSOR ORGANIZATION RECOGNIZED BY THE UNITED
 5 STATES DEPARTMENT OF EDUCATION; AND

6 (B)] passed the Naturopathic Physicians Licensing
 7 Examination.

8 * **Sec. 3.** AS 08.45.035(a) is amended to read:

9 (a) The department shall issue a temporary license to practice naturopathy to
 10 an applicant who has applied for and is qualified to take the next Naturopathic
 11 Physicians Licensing Examination offered after the date of application and provides
 12 proof satisfactory to the department that the applicant

13 [(1)] meets the requirements of **AS 08.45.030(2)** [AS 08.45.030(2)(A);

14 AND

15 (2) HAS NOT PREVIOUSLY FAILED THE NATUROPATHIC
 16 PHYSICIANS LICENSING EXAMINATION].

17 * **Sec. 4.** AS 08.45 is amended by adding a new section to read:

18 **Sec. 08.45.045. Practice of naturopathy.** (a) A naturopath licensed under this
 19 chapter may

20 (1) provide naturopathic services that are within the scope of the
 21 naturopath's education, training, and experience as established by regulations adopted
 22 by the department;

23 (2) prescribe and administer for preventive and therapeutic purposes

24 (A) natural therapeutic substances, including food, extracts of
 25 food, vitamins, minerals, enzymes, whole gland substances, botanical
 26 medicines, and homeopathic preparations;

27 (B) natural therapies, including health care counseling,
 28 nutritional counseling and dietary therapy, naturopathic manipulation,
 29 naturopathic physical applications, and therapeutic devices;

30 (C) devices for contraception; and

31 (D) drugs, except as provided in AS 08.45.050;

1 (3) perform procedures in the office using operative, electrical, or other
 2 methods, including the use of antiseptics and local anesthetics, for the surgical repair
 3 and care of superficial lacerations and abrasions, superficial lesions, and the removal
 4 of foreign bodies located in the superficial tissues of the human body; the procedures
 5 may not include general or spinal anesthetics, major surgery, surgery of the body
 6 cavities, plastic surgery, surgery involving the eyes, or surgery involving tendons,
 7 ligaments, nerves, or blood vessels; and

8 (4) perform or order for diagnostic purposes a physical or orifical
 9 examination, ultrasound, phlebotomy, clinical laboratory test or examination, or
 10 physiological function test.

11 (b) In this section, "naturopathic physical application" means the therapeutic
 12 use by a naturopath of the actions or devices of electrical muscle stimulation, galvanic
 13 treatment, diathermy, ultrasound, ultraviolet light, constitutional hydrotherapy, and
 14 naturopathic manipulative therapy.

15 * **Sec. 5.** AS 08.45.050 is amended to read:

16 **Sec. 08.45.050. Restrictions on practice of naturopathy.** A person who
 17 practices naturopathy may not

18 [(1)] give, prescribe, or recommend in the practice

19 [(A) A PRESCRIPTION DRUG;

20 (B)] a controlled substance or a cancer chemotherapeutic

21 agent [(C) A POISON;

22 (2) ENGAGE IN SURGERY;

23 (3) USE THE WORD "PHYSICIAN" IN THE PERSON'S TITLE].

24 * **Sec. 6.** AS 08.45 is amended by adding new sections to read:

25 **Sec. 08.45.053. Public health duties.** A naturopath, consistent with the scope
 26 of practice provided under this chapter, has the same duty as a physician licensed
 27 under AS 08.64 regarding public health laws, reportable diseases and conditions,
 28 communicable disease control and prevention, recording of vital statistics, health and
 29 physical examinations, and municipal boards of health.

30 **Sec. 08.45.057. Renewal of license.** The department may renew a license to
 31 practice naturopathy if the licensee submits proof satisfactory to the department that

1 the licensee has completed 24 hours of continuing education as established by the
2 department within the 24 months immediately preceding the renewal of the license.

3 * **Sec. 7.** AS 08.45.200(3) is repealed and reenacted to read:

4 (3) "naturopathy" means a system of health care practiced by a
5 naturopath for the prevention, diagnosis, and treatment of human health conditions,
6 injury, and disease for the purpose of promoting or restoring health by the support and
7 stimulation of an individual's inherent self-healing processes through education of the
8 individual and the use of natural therapies, therapeutic devices and substances, and
9 other therapeutic interventions consistent with naturopathic medical training.

10 * **Sec. 8.** AS 08.45.200 is amended by adding new paragraphs to read:

11 (4) "accredited naturopathic medical school" means a college or
12 university and program granting a degree of doctor of naturopathy or naturopathic
13 medicine that is accredited by or is a candidate for accreditation with the Council on
14 Naturopathic Medical Education or another accrediting agency recognized by the
15 United States Department of Education;

16 (5) "naturopath" means a person licensed and authorized to practice
17 naturopathy in the state that, because of specialized education from an accredited
18 naturopathic medical school, is capable of performing acts of medical diagnosis and
19 prescription of therapeutic substances and procedures that are consistent with
20 naturopathic medical education.

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

23 TRANSITION: EFFECT ON CURRENT LICENSEES. On and after the effective
24 date of secs. 1 - 8 of this Act, a person who holds a valid license to practice naturopathy on
25 the effective date of secs. 1 - 8 of this Act may continue to engage in the practice of
26 naturopathy under the license until the license expires normally under AS 08.45, AS 08.45
27 existed before the effective date of secs. 1 - 8 of this Act, but shall otherwise comply with
28 AS 08.45, as amended by secs. 1 - 8 of this Act.

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

31 TRANSITION: REGULATIONS. The Department of Commerce, Community, and

1 Economic Development may adopt regulations necessary to implement the changes made by
2 this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
3 before the effective date of the law implemented by the regulation.

4 * **Sec. 11.** Section 10 of this Act takes effect immediately under AS 01.10.070(c).

5 * **Sec. 12.** Except as provided in sec. 11 of this Act, this Act takes effect January 1, 2020.