

Statutes and Regulations **Naturopaths**

March 2016

(Centralized Statutes and Regulations not included)



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

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**CHAPTER 45.
NATUROPATHS.**

Section

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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 department.

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

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

(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; and

(B) passed the Naturopathic Physicians Licensing Examination.

Sec. 08.45.035. Temporary licenses. (a) The department shall issue a temporary license to practice naturopathy to an applicant who has applied for and is qualified to take the next Naturopathic Physicians Licensing Examination offered after the date of application and provides proof satisfactory to the department that the applicant

(1) meets the requirements of AS 08.45.030(2)(A); and

(2) has not previously failed the Naturopathic Physicians Licensing Examination.

(b) A temporary license issued under (a) of this section terminates on the date

(1) the results of the examination the applicant agreed to take under (a) of this section are reported by the testing authority if the applicant failed the examination; or

(2) of the Naturopathic Physicians Licensing Examination that the applicant agreed to take under (a) of this section if the applicant fails to take the examination.

(c) A temporary license holder may practice only in the office of a naturopath licensed by this state.

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

(1) to each patient; and

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

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

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

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

(A) a prescription drug;

(B) a controlled substance;

(C) a poison;

(2) engage in surgery;

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

Sec. 08.45.060. Grounds for suspension, revocation or refusal to issue a license. The department may, after a hearing, impose a disciplinary sanction on a person licensed under this chapter when the department finds that the licensee

- (1) secured a license through deceit, fraud, or intentional misrepresentation;
- (2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities;
- (3) advertised professional services in a false or misleading manner;
- (4) has been convicted of a felony or other crime that affects the licensee's ability to continue to practice competently and safely;
- (5) failed to comply with this chapter, with a regulation adopted under this chapter, or with an order of the department;
- (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 department 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 department 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 department to need improvement;
 - (6) impose limitations or conditions on the practice of the licensee.
- (b) The department may withdraw probationary status of a licensee if it finds that the deficiencies that required the sanction have been remedied.

(c) The department may summarily suspend a license before final hearing or during the appeals process if the department 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 conducted by the office of administrative hearings (AS 44.64.010) not 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. 08.45.100. Regulations. The Department of Commerce, Community, and Economic Development shall adopt regulations to implement this chapter.

Sec. 08.45.200. Definitions. In this chapter,

- (1) "controlled substance" has the meaning given in AS 11.71.900;
- (2) "department" means the Department of Commerce, Community, 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; in this paragraph, "dietetics" includes herbal and homeopathic remedies.

**CHAPTER 42.
NATUROPATHS.**

Article

- 1. Licenses, Permits, and Examinations**
(12 AAC 42.010—12 AAC 42.050)
- 2. General Provisions**
(12 AAC 42.900—12 AAC 42.990)

**ARTICLE 1.
LICENSES, PERMITS, AND EXAMINATIONS.**

Section

- 10. Application for license**
- 20. Temporary license**
- 30. Examinations**
- 40. License renewal**
- 50. Reinstatement of a lapsed license**

12 AAC 42.010. APPLICATION FOR LICENSE. An applicant for a license to practice naturopathy shall submit to the division

- (1) a completed application on a form provided by the division;
- (2) any applicable fees required in 12 AAC 02.270;
- (3) official school or college transcripts documenting all education that meets the requirements of AS 08.45.030;
- (4) a certified copy of the applicant's transcripts of the results of the examinations described in AS 08.45.030, if applicable; and
- (5) a verification of a valid license to practice naturopathy in another state, if applicable.

Authority: AS 08.01.050 AS 08.45.030 AS 08.45.100
AS 08.45.020

12 AAC 42.020. TEMPORARY LICENSE. (a) An applicant for a license to practice naturopathy is eligible for a temporary license if the applicant meets the requirements of AS 08.45.035 and submits

- (1) the documents specified in 12 AAC 42.010(1), (3), and (5);
- (2) the temporary license fee established in 12 AAC 02.270;
- (3) an affidavit signed by the applicant confirming that the applicant has not previously taken and failed the NPLEX examination;
- (4) verification from another licensing jurisdiction that the applicant is scheduled to take the next regularly scheduled NPLEX examination after the date of application, unless the applicant is scheduled for the next NPLEX examination in this state; and
- (5) a statement signed by the naturopath licensed in this state in whose office the applicant will practice while holding a temporary license; the statement must include the address of the location where the temporary license holder will practice.

(b) A temporary license holder must notify the division in writing before transferring to practice at a location other than the location submitted to the division under (a)(5) of this section. The written notification of transfer must include the name, practice address, and signature of the naturopath licensed in this state in whose office the temporary permit holder will practice.

Authority: AS 08.01.050 AS 08.45.035 AS 08.45.100

12 AAC 42.030. EXAMINATIONS. (a) An applicant who graduated from a school of naturopathy after December 31, 1987 shall document having passed the basic science, clinical, and homeopathic sections of the NPLEX examination.

(b) To pass the NPLEX examination, the applicant must achieve at least the minimum score determined by the Naturopathic Physicians Licensing Examination as the passing point for that examination.

(c) The division will offer the NPLEX examination on the dates established by the Naturopathic Physicians Licensing Examination.

(d) To be scheduled for an examination, an applicant must meet the requirements of 12 AAC 42.010, at least 60 days before the date set for that examination.

(e) An applicant who fails one or more sections of the NPLEX examination may retake only the sections failed.

Authority: AS 08.01.050 AS 08.45.030 AS 08.45.100

12 AAC 42.040. LICENSE RENEWAL. (a) A license to practice naturopathy expires on March 31 of even-numbered years. A license may be renewed by the division, if the licensee continues to meet the requirements of AS 08.45 and this chapter.

(b) To renew a license to practice naturopathy, a licensee shall submit a completed renewal application on a form provided by the division and pay the license renewal fee established in 12 AAC 02.270.

Authority: AS 08.01.100 AS 08.45.100

12 AAC 42.050. REINSTATEMENT OF A LAPSED LICENSE. The division will reinstate a license that has been lapsed for more than 60 days but less than five years if the applicant

- (1) submits a completed renewal application on a form provided by the division;
- (2) pays the penalty fee required in 12 AAC 02.105; and
- (3) pays the license renewal fee required in 12 AAC 02.270 for the current renewal period and each licensing period since the date the license lapsed.

Authority: AS 08.01.100 AS 08.45.100

ARTICLE 2. GENERAL PROVISIONS.

Section

- 900. Disclosure**
- 990. Definitions**

12 AAC 42.900. DISCLOSURE. (a) A licensee shall disclose that the licensee's training and practice is in naturopathy

- (1) to each patient by posting a conspicuous notice in the patient waiting room; and
- (2) by using the initials "N.D." after the licensee's written name, or, if the prefix "Doctor" or "Dr." is used, by including the phrase "doctor of naturopathic medicine" after or below the licensee's name on written material made available to patients or the public.

(b) A licensee who is not covered by malpractice insurance shall

- (1) post a conspicuous notice in the patient waiting room that states the licensee does not have malpractice insurance; or
- (2) require each patient or the patient's legal guardian to sign a statement acknowledging that the patient or the patient's guardian has been informed that the licensee is not covered by malpractice insurance.

(c) If the licensee has a patient who is blind or otherwise unable to read the written disclosures required by this section, the licensee shall

- (1) verbally disclose to the patient at the initial visit that the licensee's training and practice is in naturopathy; and
- (2) if the licensee is not covered by malpractice insurance, verbally disclose that fact to the patient at the initial visit and at least once each year that the patient receives care from the licensee.

Authority: AS 08.45.040 AS 08.45.100

12 AAC 42.990. DEFINITIONS. In AS 08.45 and in this chapter,

- (1) "dietetics"
 - (A) includes the use of nutritional therapies, nutritional counseling, nutritional substances, vitamins, minerals, and supplements to promote health and to diagnose, treat, and prevent disease, illness, and conditions;
 - (B) does not include the use of a prescription drug, poison, or controlled substance;
- (2) "division" means the division assigned occupational licensing functions in the Department of Commerce, Community, and Economic Development
- (3) "herbal remedy"
 - (A) includes medicines derived from or a concentrate or extract of a plant, tree, root, moss, fungus, or other natural substance;
 - (B) does not include a prescription drug, poison, or controlled substance;
- (4) "homeopathic remedy" means a remedy defined in the *Homeopathic Pharmacopoeia of the United States Abstracts* 1993, revised as of December 1992, and adopted by reference, except for a prescription drug, poison, or controlled substance;
- (5) "hydrotherapy" means the use of water in all forms and temperatures to promote health and to diagnose, treat, and prevent disease, illness, and conditions;
- (6) "NPLEX" means the Naturopathic Physicians Licensing Examination;

- (7) “poison” means a substance given in a manner that has a likelihood of causing physical injury or death;
- (8) “prescription drug” means a controlled substance or other medicine requiring a prescription from a physician licensed under AS 08.64 or from another health care professional authorized to issue prescriptions by the law of this state;
- (9) “sanitation” means the use of an antiseptic, disinfectant, bactericide, pediculicide, virucide, soap, detergent, and light to promote health and to diagnose, treat, and prevent disease, illness, and conditions;
- (10) “suggestion” means the use of education, counseling, teaching, meditation, and assessment to promote health of mind and body and to diagnose, treat, and prevent disease, illness, and conditions;
- (11) “surgery” means the use of a scalpel, sharp cutting instrument, laser, electrical current, or other device to incise or remove living tissue; “surgery” does not include venipuncture or the removal of foreign objects from external tissue.

Authority: AS 08.45.050 AS 08.45.100 AS 08.45.200

Editor’s note: A copy of the *Homeopathic Pharmacopoeia of the United States Abstracts* 1993, revised as of December 1992, and adopted by reference, may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, State Office Building, 9th Floor, 333 Willoughby Avenue, P.O. Box 110806, Juneau, AK 99811-0806; Phone: (907) 465-2695.