

HOUSE BILL NO. 187

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Introduced: 3/26/13

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to professional and occupational licensing fees, including renewal fees,
2 duplicate license fees, examination fees, instructor license fees, temporary license fees,
3 continuing education course certification fees, out-of-state permit fees, delinquency fees,
4 application fees, penalty fees, and trainee license fees; and providing for an effective
5 date."

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

7 * **Section 1.** AS 08.01.050(a) is amended to read:

8 (a) The department shall perform the following administrative and budgetary
9 services when appropriate:

10 (1) collect and record fees;

11 (2) maintain records and files;

12 (3) issue and receive application forms;

13 (4) notify applicants of acceptance or rejection as determined by the

board or, for occupations or activities listed in AS 08.01.010 that are regulated directly by the department, as determined by the department under applicable law;

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

(6) publish the notice of examinations and proceedings;

(7) arrange space for holding examinations and proceedings;

(8) notify applicants of results of examinations;

(9) issue licenses or temporary licenses as authorized by the board or, for occupations or activities listed in AS 08.01.010 that are regulated directly by the department, as authorized by the department under applicable law;

(10) issue duplicate licenses upon submission of a written request by the licensee attesting to loss of or the failure to receive the original license and payment of the fee required under AS 08.01.065 [BY THE LICENSEE OF A FEE ESTABLISHED BY REGULATION ADOPTED BY THE DEPARTMENT];

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

(12) compile and maintain a current register of licensees;

(13) answer routine inquiries;

(14) maintain files relating to individual licensees;

(15) arrange for printing and advertising;

(16) purchase supplies;

(17) employ additional help when needed;

(18) perform other services that may be requested by the board;

(19) provide inspection, enforcement, and investigative services to the boards and for the occupations listed in AS 08.01.010 regarding all licenses issued by or through the department;

(20) retain and safeguard the official seal of a board and prepare, sign, and affix a board seal, as appropriate, for licenses approved by a board;

(21) issue business licenses under AS 43.70.

* **Sec. 2.** AS 08.01.063(a) is amended to read:

(a) Except as provided in (d) of this section, and notwithstanding another provision of law, the department or appropriate board may issue a temporary courtesy

license to the spouse of an active duty member of the armed forces of the United States if the spouse applies to the department or appropriate board in the manner prescribed by the department or appropriate board. An application must include evidence satisfactory to the department or appropriate board that the applicant

(1) is married to and living with a member of the armed forces of the United States who is on active duty and assigned to a duty station in this state under official active duty military orders;

(2) holds a current license or certificate in another state, district, or territory of the United States with requirements that the department or appropriate board determines are equivalent to those established under this title for that occupation;

(3) if required by the department or appropriate board for obtaining a license in the applicant's profession, has been fingerprinted and has provided the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400;

(4) has not committed an act in any jurisdiction that would have constituted grounds for the refusal, suspension, or revocation of a license or certificate to practice that occupation under this title at the time the act was committed;

(5) has not been disciplined by a licensing or credentialing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing or credentialing entity in another jurisdiction; and

(6) pays the [ANY] fees required under **AS 08.01.065** [THIS TITLE].

* **Sec. 3.** AS 08.01.065(a) is amended to read:

(a) **The** [EXCEPT FOR BUSINESS LICENSES, THE] department shall adopt regulations that establish the amount and manner of payment of [APPLICATION] fees **for licensing groups** [, EXAMINATION FEES, LICENSE FEES, REGISTRATION FEES, PERMIT FEES, INVESTIGATION FEES, AND

1 ALL OTHER FEES AS APPROPRIATE FOR THE OCCUPATIONS] covered by
2 this chapter.

3 * **Sec. 4.** AS 08.01.065(c) is repealed and reenacted to read:

4 (c) The department shall establish by regulation fee levels under (a) of this
5 section for licensing groups so that the total amount of fees collected for a licensing
6 group and appropriated as program receipts and other appropriations approximately
7 equal the actual regulatory cost for the licensing group. In establishing fee levels, the
8 department may average the licensing group's revenues and expenses incurred in
9 current and prior biennial licensing cycles. The department may reduce a fee
10 calculated under this subsection if the department finds that the calculation would
11 result in a fee that is significantly higher than the same fee for the prior licensing
12 period. The department shall recover the resulting unreimbursed regulatory costs by
13 increasing the fees of the licensing group for future licensing periods. The department
14 shall post on its Internet website information regarding reductions in fee levels made
15 under this subsection. If a board regulates a licensing group, the department shall
16 consider recommendations of the board concerning the fee levels and regulatory costs
17 before revising fee schedules to comply with this subsection. In this subsection,
18 "regulatory costs" means expenses of the department that are attributable to regulation
19 of a licensing group and all expenses of a board that regulates the group.

20 * **Sec. 5.** AS 08.01.065(h) is amended to read:

21 (h) **The regulatory costs for the licensing group regulated by the Board of**
22 **Barbers and Hairdressers under AS 08.13 must include the costs incurred by**
23 [NOTWITHSTANDING (c) OF THIS SECTION, THE DEPARTMENT SHALL
24 ESTABLISH FEE LEVELS UNDER (a) OF THIS SECTION SO THAT THE
25 TOTAL AMOUNT OF FEES COLLECTED BY THE BOARD OF BARBERS AND
26 HAIRDRESSERS APPROXIMATELY EQUALS THE TOTAL REGULATORY
27 COSTS OF THE DEPARTMENT, THE BOARD, AND THE DEPARTMENT OF
28 ENVIRONMENTAL CONSERVATION FOR ALL OCCUPATIONS REGULATED
29 BY THE BOARD. FOR PURPOSES OF THIS SUBSECTION, THE
30 REGULATORY COSTS OF] the Department of Environmental Conservation for **the**
31 **following:**

1 **(1)** [THE OCCUPATIONS REGULATED BY THE BOARD
2 INCLUDE THE COST OF] inspections under AS 08.13.210(b);

3 **(2)** [, THE COST OF] developing and adopting regulations under
4 AS 44.46.020 for barbershop, hairdressing, manicuring, esthetics, body piercing, ear
5 piercing, and tattooing and permanent cosmetic coloring establishments; [,] and

6 **(3)** [THE COST TO THE DEPARTMENT OF ENVIRONMENTAL
7 CONSERVATION OF] enforcing **the** [THOSE] regulations **described in (2) of this**
8 **subsection,** except for the enforcement costs relating to ear piercing establishments.
9 [THE DEPARTMENT SHALL SET THE FEE LEVELS FOR THE ISSUANCE
10 AND RENEWAL OF A PRACTITIONER'S LICENSE ISSUED UNDER
11 AS 08.13.100 SO THAT THE LICENSE AND LICENSE RENEWAL FEES ARE
12 THE SAME FOR ALL OCCUPATIONS REGULATED BY THE BOARD OF
13 BARBERS AND HAIRDRESSERS.]

14 * **Sec. 6.** AS 08.01.075(e) is amended to read:

15 (e) A board may accept the voluntary surrender of a license. A license may not
16 be returned unless the board determines that the licensee is competent to resume
17 practice and the licensee pays the [APPROPRIATE RENEWAL] fee **required by the**
18 **department under AS 08.01.065.**

19 * **Sec. 7.** AS 08.01.110 is amended by adding a new paragraph to read:

20 (7) "licensing group" means

21 (A) for an occupation or profession regulated by a board or
22 commission under this title, all license types regulated by the board or
23 commission; or

24 (B) for an occupation or profession regulated by the
25 department, all license types regulated under a single chapter of this title.

26 * **Sec. 8.** AS 08.04.420(c) is amended to read:

27 (c) An individual who may engage in the practice of public accounting in this
28 state under (a) or (b) of this section is not required to provide a notice to the board, to
29 pay a fee to the **department** [BOARD], or to submit documentation to the board in
30 order to engage in the practice of public accounting in this state. The person may
31 engage in the practice of public accounting by mail, by telephone, by electronic

means, or in person.

* **Sec. 9.** AS 08.04.421(a) is amended to read:

(a) A legal entity that does not have an office in this state, that is authorized to practice public accounting in another state, and that performs designated functions for a client whose home office is located in this state may not engage in the practice of public accounting in this state unless the legal entity has an out-of-state permit. To obtain an out-of-state permit, the legal entity shall submit to the board

(1) a written notice on a form provided by the board;

(2) the fee required by the department under AS 08.01.065 [BOARD];

(3) verification of the current authorization of the legal entity to practice public accounting in the other state; and

(4) verification that the legal entity participates in a quality review program comparable to the program required of entities registered under AS 08.04.426.

* **Sec. 10.** AS 08.04.421(f) is amended to read:

(f) A legal entity who may engage in the practice of public accounting under an out-of-state exemption is not required to provide a notice to the board, pay a fee to the department [BOARD], or submit documentation to the board. The person may engage in the practice of public accounting by mail, by telephone, by electronic means, or in person.

* **Sec. 11.** AS 08.11.010 is amended to read:

Sec. 08.11.010. Qualifications for audiologist license. The department shall issue a license to practice audiology to an individual who

(1) is 18 years of age or older;

(2) applies on a form provided by the department;

(3) pays the fee required under AS 08.01.065 [AS 08.11.050];

(4) furnishes evidence satisfactory to the department that the person

(A) has not engaged in conduct that is a ground for imposing disciplinary sanctions under AS 08.11.080;

(B) holds a master's degree or doctorate in audiology from an

1 accredited educational institution approved by the department; and either has

2 (i) a Certificate of Clinical Competence in Audiology
3 from the American Speech-Language-Hearing Association or the
4 equivalent of the certificate; or

5 (ii) practiced audiology for two years as of January 1,
6 1986, or is in the process of completing the year of supervised clinical
7 experience required for the Certificate of Clinical Competence of the
8 American Speech-Language-Hearing Association.

9 * **Sec. 12.** AS 08.11.015 is amended to read:

10 **Sec. 08.11.015. Qualifications for speech-language pathologist license.** The
11 department shall issue a license to practice speech-language pathology to an individual
12 who

13 (1) is 18 years of age or older;

14 (2) applies on a form provided by the department;

15 (3) pays the fee required under **AS 08.01.065** [AS 08.11.050];

16 (4) has not engaged in conduct that is a ground for imposing
17 disciplinary sanctions under AS 08.11.085; and

18 (5) furnishes evidence satisfactory to the department that the person
19 holds a Certificate of Clinical Competence in speech-language pathology from the
20 American Speech-Language-Hearing Association or the equivalent of the certificate.

21 * **Sec. 13.** AS 08.11.030(c) is amended to read:

22 (c) The department may reinstate a lapsed license or registration if the license
23 or registration has lapsed for less than two years and if the individual submits to the
24 department an application for renewal and pays **the** [A DELINQUENCY FEE IN
25 ADDITION TO THE RENEWAL] fee **required under AS 08.01.065 and the**
26 **delayed renewal penalty fee established under AS 08.01.100(b), if the department**
27 **has established a delayed renewal penalty.**

28 * **Sec. 14.** AS 08.11.040(b) is amended to read:

29 (b) If an audiologist or speech-language pathologist has more than one place
30 of business, the department shall, on request [AND PAYMENT OF A FEE], issue a
31 duplicate license for each place of business of the individual.

1 * **Sec. 15.** AS 08.13.100(e) is amended to read:

2 (e) A person licensed as an instructor is considered to be licensed as a
3 practitioner and is subject to the same requirements that a practitioner is subject to, in
4 the same area for which the person is licensed as an instructor [, EXCEPT THAT,
5 FOR PURPOSES OF SETTING FEES UNDER AS 08.01.065, THE DEPARTMENT
6 SHALL CONSIDER INSTRUCTORS TO BE AN OCCUPATION SEPARATE
7 FROM PRACTITIONERS]. An instructor license shall state the areas of practice
8 (barbering, hairdressing, manicuring, or esthetics) in which the licensee is qualified to
9 instruct and practice.

10 * **Sec. 16.** AS 08.13.175 is amended to read:

11 **Sec. 08.13.175. Temporary license.** A person who meets the requirements of
12 AS 08.13.080(a)(1), (2), (3), (4), or (6) is entitled to be temporarily licensed after
13 applying for examination under this chapter if the applicant works under the direct
14 supervision, and within the physical presence, of a person who is licensed in the area
15 of practice for which the applicant has applied for examination. A temporary license
16 issued under this section is valid for 120 days and is nonrenewable. A person may not
17 receive more than one temporary license for each area of practice licensed under this
18 chapter. An application for a temporary license must be signed by the supervising
19 licensee and accompanied by the temporary license fee required under **AS 08.01.065**
20 [AS 08.13.185].

21 * **Sec. 17.** AS 08.18.025(c) is amended to read:

22 (c) The department may not renew an endorsement issued under this section
23 unless the applicant submits proof of continued competency relating to residential
24 contracting that satisfies the department. A lapsed endorsement may be reinstated,
25 within two years after the lapse, upon proof of continued competency, payment of **the**
26 [A RENEWAL] fee **required by the department under AS 08.01.065** for the
27 intervening time period, and payment of any penalty fee established under
28 AS 08.01.100(b). If the endorsement has been lapsed for more than two years, the
29 department may not reinstate it until the person also passes the residential contractor
30 examination described in (b) of this section.

31 * **Sec. 18.** AS 08.24.140(a) is amended to read:

(a) The application **for a license** must be accompanied by

(1) **fees required by AS 08.01.065** [IF IT IS AN ORIGINAL APPLICATION, THE APPLICATION FEE;

(2) THE BIENNIAL LICENSE FEE FOR A COLLECTION AGENCY FOR THE PRINCIPAL PLACE OF BUSINESS AND THE SAME AMOUNT FOR EACH BRANCH OFFICE];

(2) [(3)] a bond running to the state with a surety or sureties to the satisfaction of the department, and conditioned that the licensee shall, within 30 days after the close of each calendar or fiscal month, report and pay to the licensee's customers the net proceeds due and payable of all collections made during the calendar or fiscal month that exceed \$20.

* **Sec. 19.** AS 08.24.370 is amended to read:

Sec. 08.24.370. Nonresidents. A nonresident may apply for and receive a collection agency license or an operator license or both on the same basis as a resident. [THE APPLICATION FEE AND THE BIENNIAL LICENSE FEE FOR A NONRESIDENT OPERATOR OR NONRESIDENT AGENCY LICENSE ARE DOUBLE THE SAME FEES ESTABLISHED BY REGULATIONS UNDER AS 08.01.065 FOR A RESIDENT OPERATOR OR AGENCY.]

* **Sec. 20.** AS 08.32.081 is amended to read:

Sec. 08.32.081. Lapse and reinstatement of license. A licensed dental hygienist who does not pay the [RENEWAL] fee **required by the department** under **AS 08.01.065 for a registration renewal** [AS 08.32.071] forfeits the hygienist's license. The board may reinstate the license without examination within two years of the date on which payment was due upon written application, proof of continued professional competence, and payment of all unpaid renewal fees and any penalty fee established under AS 08.01.100(b).

* **Sec. 21.** AS 08.42.085(c) is amended to read:

(c) The department shall issue a permit valid for one year to an applicant who meets the requirements of this section. The department shall renew a permit for one year if the trainee applies for renewal on a form provided by the department and shows that the training activity continues to satisfy the requirements of this section **and pays**

1 **the fee required under AS 08.01.065** [. THE DEPARTMENT SHALL CHARGE A
 2 FEE FOR PROCESSING APPLICATIONS AND RENEWALS UNDER THIS
 3 SECTION THAT WILL BE SUFFICIENT TO COVER ADMINISTRATIVE
 4 COSTS].

5 * **Sec. 22.** AS 08.54.610(a) is amended to read:

6 (a) A natural person is entitled to a registered guide-outfitter license if the
 7 person

8 (1) is 21 years of age or older;

9 (2) has practical field experience in the handling of firearms, hunting,
 10 judging trophies, field preparation of meat and trophies, first aid, photography, and
 11 related guiding and outfitting activities;

12 (3) either

13 (A) has passed the qualification examination prepared by the
 14 board under AS 08.54.600; or

15 (B) provides evidence of 25 years of experience as a class-A
 16 assistant guide or class-A assistant guide-outfitter;

17 (4) has passed a certification examination prepared by the board under
 18 AS 08.54.600 for at least one game management unit;

19 (5) has legally hunted big game in the state for part of each of any five
 20 years in a manner directly contributing to the person's experience and competency as a
 21 guide;

22 (6) has been licensed as and performed the services of a class-A
 23 assistant guide or assistant guide, or of a class-A assistant guide-outfitter or assistant
 24 guide-outfitter under former AS 08.54.300 - 08.54.590, in the state for a part of each
 25 of three years;

26 (7) is capable of performing the essential duties associated with
 27 guiding and outfitting;

28 (8) has been favorably recommended in writing by eight big game
 29 hunters whose recommendations have been solicited by the department from a list
 30 provided by the applicant, including at least two favorable recommendations for each
 31 year of any three years during which the person was a class-A assistant guide or

1 assistant guide, or a class-A assistant guide-outfitter or assistant guide-outfitter under
2 former AS 08.54.300 - 08.54.590;

3 (9) has provided proof of financial responsibility if required by the
4 department under AS 08.54.680; and

5 (10) has applied for a registered guide-outfitter license on a form
6 provided by the department and paid the [LICENSE APPLICATION FEE AND THE
7 REGISTERED GUIDE-OUTFITTER LICENSE] fee required under AS 08.01.065.

8 * **Sec. 23.** AS 08.54.610(b) is amended to read:

9 (b) A master guide-outfitter license authorizes a registered guide-outfitter to
10 use the title master guide-outfitter, but is for all other purposes under this chapter a
11 registered guide-outfitter license. A natural person is entitled to receive a renewable
12 master guide-outfitter license if the person

13 (1) is, at the time of application for a master guide-outfitter license,
14 licensed as a registered guide-outfitter under this section;

15 (2) has been licensed in this state as a registered guide or a guide-
16 outfitter, under former AS 08.54.010 - 08.54.240, former AS 08.54.300 - 08.54.590, or
17 this chapter, for at least 12 of the last 15 years, including the year immediately
18 preceding the year in which the person applies for a master guide-outfitter license;

19 (3) submits a list to the department of at least 25 clients for whom the
20 person has personally provided guiding or outfitting services and the person receives a
21 favorable evaluation from 10 of the clients selected from the list by the department;
22 and

23 (4) applies for a master guide-outfitter license on a form provided by
24 the department and pays the [APPLICATION] fee required under AS 08.01.065 [, IF
25 ANY].

26 * **Sec. 24.** AS 08.54.640(b) is amended to read:

27 (b) A registered guide-outfitter license, class-A assistant guide license, or
28 assistant guide license issued under this chapter, or under former provisions of
29 AS 08.54.300 - 08.54.590, after May 16, 1992, is suspended if the person to whom the
30 license is issued subsequently becomes a law enforcement officer. A person whose
31 license is subject to suspension under this subsection shall notify the department that

the person has become a law enforcement officer within 30 days after becoming a law enforcement officer. The suspension of a license under this subsection remains in effect until three months have elapsed from the date on which the licensee provides written notification to the department of the fact that the person is no longer a law enforcement officer. A person whose license is suspended under this subsection is not required to renew the license or pay license [RENEWAL] fees for the period of suspension. Once a suspension of a license is terminated, the licensee may provide, without further payment of a guide license fee, the guide services authorized by the license for the remainder of the licensing period in which the suspension is terminated. Notwithstanding other provisions of this subsection, if a person whose license is suspended under this subsection fails to notify the department within one year after the person is no longer a law enforcement officer, the person's license lapses and the person is eligible for reissuance of the license only as provided in AS 08.54.670. The board may adopt regulations to implement this subsection.

* **Sec. 25.** AS 08.55.010(c) is amended to read:

(c) If an individual licensed under this chapter has more than one place of business, the department shall, on request [AND PAYMENT OF A FEE], issue a duplicate license for each place of business of the individual.

* **Sec. 26.** AS 08.55.020(b) is amended to read:

(b) On or before the expiration of a license under this chapter, a licensee may apply for renewal of the license, and the department shall renew the license if the licensee pays the [RENEWAL] fee required by the department under AS 08.01.065, has a current business license to act as a hearing aid dealer under AS 43.70.020, and provides evidence satisfactory to the department that the individual has not engaged in conduct that is a ground for imposing disciplinary sanctions under AS 08.55.130.

* **Sec. 27.** AS 08.62.040(a) is amended to read:

(a) The board shall

(1) provide for the maintenance of efficient and competent pilotage service on the inland and coastal water of and adjacent to the state to ensure [ASSURE] the protection of shipping, the safety of human life and property, and the

1 protection of the marine environment;

2 (2) consistent with the law, adopt regulations, subject to AS 44.62
3 (Administrative Procedure Act), establishing the qualifications of and required
4 training for pilots and providing for the examination of pilots and the issuance of
5 original or renewal pilot licenses to qualified persons;

6 (3) keep a register of licensed pilots, licensed deputy pilots, and
7 agents;

8 (4) adopt regulations establishing

9 (A) pilotage regions in the state;

10 (B) the criteria for **recommending** [CONCURRING IN] the
11 amount of [LICENSE, APPLICATION, TRAINING, INVESTIGATION,
12 AND AUDIT] fees **to** [PROPOSED BY] the department under AS 08.01.065;

13 (C) the criteria for recognizing pilot organizations under
14 AS 08.62.175;

15 (5) make available, upon request, copies of this chapter and the
16 regulations adopted under this chapter;

17 (6) review and approve the articles, bylaws, and rules of pilot
18 organizations;

19 (7) audit a pilot organization or an individual pilot as necessary to
20 implement and enforce this chapter;

21 (8) review and approve training programs conducted by pilot
22 organizations; the board shall cooperate with the Department of Environmental
23 Conservation in the review and approval of training programs for pilots of tank
24 vessels;

25 (9) establish and publish the dates of future license examinations; and

26 (10) approve or disapprove rates for pilotage services as provided
27 under AS 08.62.046.

28 * **Sec. 28.** AS 08.65.050 is amended to read:

29 **Sec. 08.65.050. Qualifications for license.** The board shall issue a certificate
30 to practice direct-entry midwifery to a person who

31 (1) applies on a form provided by the board;

(2) pays the fee [FEES] required under **AS 08.01.065** [AS 08.65.100];

(3) furnishes evidence satisfactory to the board that the person has not engaged in conduct that is a ground for imposing disciplinary sanctions under AS 08.65.110;

(4) furnishes evidence satisfactory to the board that the person has completed a course of study and supervised clinical experience; the study and experience must be of at least one year's duration;

(5) successfully completes the examination required by the board.

* **Sec. 29.** AS 08.68.100(a) is amended to read:

(a) The board shall

(1) adopt regulations necessary to implement this chapter, including regulations pertaining to practice as an advanced nurse practitioner and a nurse anesthetist, and regulations necessary to implement **AS 08.68.331 - 08.68.335** [AS 08.68.331 - 08.68.336] relating to certified nurse aides in order to protect the health, safety, and welfare of clients served by nurse aides;

(2) approve curricula and adopt standards for basic education programs that prepare persons for licensing under AS 08.68.190;

(3) provide for surveys of the basic nursing education programs in the state at the times it considers necessary;

(4) approve education programs that meet the requirements of this chapter and of the board, and deny, revoke, or suspend approval of education programs for failure to meet the requirements;

(5) examine, license, and renew the licenses of qualified applicants;

(6) prescribe requirements for competence before a former nurse may resume the practice of nursing under this chapter;

(7) define by regulation the qualifications and duties of the executive secretary and delegate authority to the executive secretary that is necessary to conduct board business;

(8) develop reasonable and uniform standards for nursing practice;

(9) publish advisory opinions regarding whether nursing practice procedures or policies comply with acceptable standards of nursing practice as defined

1 under this chapter;

2 (10) require applicants under this chapter to submit fingerprints and the
3 fees required by the Department of Public Safety under AS 12.62.160 for criminal
4 justice information and a national criminal history record check; the department shall
5 submit the fingerprints and fees to the Department of Public Safety for a report of
6 criminal justice information under AS 12.62 and a national criminal history record
7 check under AS 12.62.400.

8 * **Sec. 30.** AS 08.68.251 is amended to read:

9 **Sec. 08.68.251. Lapsed licenses.** (a) A lapsed license may be reinstated if it
10 has not remained lapsed for more than five years by payment of the license fees for the
11 current renewal period and the delayed renewal penalty established under
12 AS 08.01.100(b), if a delayed renewal penalty has been established [FEE]. The
13 person seeking reinstatement shall meet the continuing competency requirements of
14 the board.

15 (b) If a license is lapsed for more than five years,

16 (1) the board shall require the applicant to complete a course of study
17 approved by the board or to pass an examination prescribed by the board, and to pay
18 the fee required under AS 08.01.065 [FEES PRESCRIBED BY THIS CHAPTER];
19 or

20 (2) if the board determines that the person applying for reinstatement
21 was actively employed in nursing in another state during the time that the license has
22 lapsed in this state, the license that has lapsed may be reinstated by payment of fees as
23 required by (a) of this section.

24 * **Sec. 31.** AS 08.71.110(a) is amended to read:

25 (a) The department may issue a license to a person who

26 (1) has had education equivalent to four years attendance at a high
27 school;

28 (2) has either

29 (A) completed at least 1,800 hours of training as an apprentice
30 after registering with the department as an apprentice; or

31 (B) been engaged for at least 1,800 hours as a practicing

1 optician in good standing in a state, territory, district, or possession of the
2 United States;

3 (3) has passed the applicable examination required under
4 AS 08.71.090 with a score acceptable to the department;

5 (4) has passed a course designated in the department's regulations as
6 being acceptable; and

7 (5) has paid the [REQUIRED LICENSE] fee required under
8 AS 08.01.065.

9 * **Sec. 32.** AS 08.72.150 is amended to read:

10 **Sec. 08.72.150. Application for examination and issuance of license.** An
11 applicant shall apply for the examination by filing an application with the department
12 together with the examination fee by the deadline established by the department in
13 regulations. The department may require the applicant to submit a photograph of the
14 applicant for its files; however, the photograph may not be forwarded with the
15 application to the board for review. Upon successful completion of the examination by
16 the applicant and payment of the [LICENSE] fee required under AS 08.01.065, the
17 board shall issue a license to the successful applicant. The applicant may practice
18 optometry in the state upon receipt of the license.

19 * **Sec. 33.** AS 08.72.181(b) is amended to read:

20 (b) An optometrist licensed in this state and serving in the military service of
21 the United States, while in the discharge of official duties, may maintain eligibility to
22 practice in this state without paying a [RENEWAL] fee by registering the
23 optometrist's name and place of residence with the department.

24 * **Sec. 34.** AS 08.76.140(b) is amended to read:

25 (b) A person may renew a license under AS 08.01.100. [THE RENEWAL
26 FEE MUST BE EQUAL TO THE FEE ESTABLISHED UNDER AS 08.76.110(5).]

27 * **Sec. 35.** AS 08.76.140(c) is amended to read:

28 (c) Notwithstanding AS 08.01.100(b), if a person fails to renew a license
29 before the expiration date of the license, the person shall pay the department a delayed
30 renewal penalty [OF \$100] in addition to the regular renewal fee required under
31 AS 08.01.065.

1 * **Sec. 36.** AS 08.84.032 is amended to read:

2 **Sec. 08.84.032. Foreign-trained applicants.** (a) To be eligible for licensure by
3 the board as a physical therapist or physical therapy assistant, an applicant who is a
4 graduate of a school of physical therapy that is located outside of the United States
5 shall

6 (1) have completed, to the satisfaction of the board, a resident course
7 of study and professional instruction equivalent to that provided by a school approved
8 by the Council on Medical Education and Hospitals of the American Medical
9 Association or the American Physical Therapy Association, and furnish documentary
10 evidence of compliance with this paragraph, translated, if necessary, into the English
11 language by a person verifying the accuracy of the translations;

12 (2) have completed, to the satisfaction of the board, an internship
13 under the continuous direction and immediate supervision of a physical therapist in an
14 institution that ordinarily provides physical therapy and is approved by the board, for
15 that period of time specified by the board, and furnish documentary evidence of
16 compliance with this paragraph;

17 (3) pass an examination recognized by the board that measures the
18 competence of the applicant in the English language;

19 (4) have met applicable requirements under the federal Immigration
20 and Nationality Act (8 U.S.C. 1101 et seq.), unless a United States citizen;

21 (5) pass the examination administered by the board under
22 AS 08.84.030(a)(2); and

23 (6) pay the fee required under AS 08.01.065 [AS 08.84.050].

24 (b) To be eligible for licensure by the board as an occupational therapist or
25 occupational therapy assistant, an applicant who is a graduate of a school of
26 occupational therapy that is located outside of the United States shall

27 (1) have completed, to the satisfaction of the board, a resident course
28 of study and professional instruction equivalent to that provided by a curriculum
29 approved by the Committee of Allied Health Education and Accreditation of the
30 American Medical Association or the American Occupational Therapy Association,
31 and have furnished documentary evidence of compliance with this paragraph,

translated, if necessary, into the English language by a person verifying the accuracy of the translations;

(2) have completed, to the satisfaction of the board, supervised field work equivalent to that required under AS 08.84.030(b);

(3) pass an examination recognized by the board that measures the competence of the applicant in the English language;

(4) have met applicable requirements under 8 U.S.C. 1101 - 1503 (Immigration and Nationality Act) unless a United States citizen;

(5) pass an examination administered or approved by the board under AS 08.84.030; and

(6) pay the fee required under AS 08.01.065 [AS 08.84.050].

* **Sec. 37.** AS 08.84.075(a) is amended to read:

(a) The board may issue a limited permit to a person to practice occupational therapy in the state as a visiting, nonresident occupational therapist or occupational therapy assistant, if the person

(1) applies on the form provided by the board;

(2) has not previously been denied occupational therapy licensure in the state;

(3) is licensed to practice occupational therapy in another state or satisfies the requirements for certification by the American Occupational Therapy Association;

(4) provides proof satisfactory to the board that the person will not practice in the state for more than 120 days in the calendar year for which the permit is issued; and

(5) pays the fee required under AS 08.01.065 [AS 08.84.050].

* **Sec. 38.** AS 08.84.075(b) is amended to read:

(b) The board may issue a limited permit to a person to practice physical therapy in the state as a visiting, nonresident physical therapist or physical therapy assistant, if the person

(1) applies on the form provided by the board;

(2) has not previously been denied physical therapy licensure in the

1 state;

2 (3) is licensed to practice physical therapy in another state;

3 (4) provides proof satisfactory to the board that the person will not
4 practice in the state for more than 120 days in the calendar year for which the permit is
5 issued; and

6 (5) pays the fee required under AS 08.01.065 [AS 08.84.050].

7 * **Sec. 39.** AS 08.86.150 is amended to read:

8 **Sec. 08.86.150. License by credentials.** A person who is licensed or certified
9 as a psychologist by a licensing authority other than the state is entitled to be licensed
10 in the state without examination if the person applies on the proper application form,
11 submits proof of continued competence as required by regulation of the board, pays
12 the [CREDENTIAL REVIEW] fee required under AS 08.01.065, and the person

13 (1) holds a doctoral degree with primary emphasis on psychology that
14 satisfies the requirements of AS 08.86.130 and the examination and qualification
15 requirements for the person's out-of-state license or certificate were essentially similar
16 to or higher than the examination and qualification requirements for licensure under
17 this chapter;

18 (2) is a diplomat in good standing of the American Board of
19 Professional Psychology; or

20 (3) is certified or registered with a credentialing organization in
21 psychology approved by the board in regulation and with requirements essentially
22 similar to or higher than the requirements for licensure under this chapter.

23 * **Sec. 40.** AS 08.88.091(e) is amended to read:

24 (e) Except for a course described in (f)(1) or (3) of this section, in order for an
25 educational course to be recognized for credit under this section, AS 08.88.095, or
26 08.88.098, the course outline and the instructor of the course shall have been approved
27 by the commission or the commission's designee before the course is conducted. A
28 course outline or instructor is considered approved if the commission or the
29 commission's designee does not disapprove the outline or instructor within 45 days
30 after the date on which complete application was made for approval. Each approved
31 contact hour of a submitted course outline constitutes one credit hour of education

under (d) of this section, AS 08.88.095, or 08.88.098. The fee for continuing education course certification [UNDER AS 08.88.221] and for course certification **shall be established by the department under AS 08.01.065** [UNDER AS 08.88.221 TO SATISFY THE EDUCATIONAL REQUIREMENTS OF AS 08.88.095 AND 08.88.098 MUST BE BASED ON THE HOURS APPROVED FOR CREDIT, NOT ON THE HOURS SUBMITTED].

* **Sec. 41.** AS 08.88.241(a) is amended to read:

(a) A person whose real estate license has lapsed less than 24 months is eligible for reinstatement of the license if the person provides the required application, license fees, proof of continuing education as required by AS 08.88.091 for licensing periods during which the license was inactive or lapsed, proof of completion of the educational requirements under AS 08.88.095(a), if applicable, and **the** [ANY] fee required under **AS 08.01.065** [AS 08.88.221(12)].

* **Sec. 42.** AS 08.95.125(a) is amended to read:

(a) On receipt of a completed application for a social worker license, a request for a temporary license, and payment of the **fee** [APPLICATION FEE AND TEMPORARY LICENSE FEE] determined under AS 08.01.065(c), the board, a member of the board, or an employee of the department designated by the board may issue a temporary license

(1) to use the title "master social worker" to an individual who

(A) satisfies the requirements of AS 08.95.110(a)(1) and (3); or

(B) satisfies the requirements of AS 08.95.120(a)(2) and (4)

and provides a photocopy, together with a sworn statement as to the copy's veracity, of the applicant's current license as a master social worker in another jurisdiction;

(2) to use the title "baccalaureate social worker" to an individual who

(A) satisfies the requirements of AS 08.95.110(a)(3) and (c)(2);

or

(B) satisfies the requirements of AS 08.95.120(a)(2) and (4)

and provides a photocopy, together with a sworn statement as to the copy's veracity, of the applicant's current license as a baccalaureate social worker in

another jurisdiction.

* **Sec. 43.** AS 08.98.180 is amended to read:

Sec. 08.98.180. Temporary license. A person who meets the requirements of AS 08.98.165(a)(1), (4), and (5) is entitled to be temporarily licensed after applying for examination if the person works under the supervision of a licensed veterinarian. A license issued under this section is valid until the results of the examinations are published. A person may not receive more than one temporary license. An application for a temporary license must be signed by the supervising veterinarian and accompanied by the [TEMPORARY LICENSE] fee required under **AS 08.01.065** [AS 08.98.190].

* **Sec. 44.** AS 08.01.065(d), 08.01.065(f), 08.01.065(g), 08.01.065(i); AS 08.04.495; AS 08.11.050; AS 08.13.185; AS 08.18.041(a); AS 08.20.185(b); AS 08.24.135; AS 08.40.150, 08.40.310; AS 08.48.265; AS 08.54.770(a), 08.54.770(c), 08.54.770(d), 08.54.770(e); AS 08.55.040; AS 08.62.140(a); AS 08.64.315; AS 08.65.100; AS 08.68.220, 08.68.336; AS 08.70.150; AS 08.71.120; AS 08.72.191; AS 08.80.160; AS 08.84.050; AS 08.86.140; AS 08.88.221; AS 08.92.020; and AS 08.98.190 are repealed.

* **Sec. 45.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS. The Department of Commerce, Community, and Economic Development may immediately adopt regulations necessary to implement the changes made by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before January 1, 2014.

* **Sec. 46.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: CURRENT LICENSES. (a) A person who holds a valid license under AS 08 issued before January 1, 2014, and whose license expires after January 1, 2014, is not subject to the fee changes made under this Act until after that license expires.

(b) A person who holds a valid license under AS 08 issued before January 1, 2014, and whose license expires on or after January 1, 2014, shall continue to pay any applicable fees connected with that license as those fees existed on December 31, 2013, until the expiration of that license.

- 1 * **Sec. 47.** Section 45 of this Act takes effect immediately under AS 01.10.070(c).
- 2 * **Sec. 48.** Except as provided in sec. 47 of this Act, this Act takes effect January 1, 2014.