

BILL AND SECTIONAL ANALYSIS FOR SENATE BILL 157

Department: Commerce, Community, and Economic Development

Division: Corporations, Business, and Professional Licensing

Prepared Date: January 22, 2020

Bill Number(s): SB 157, Version A

Bill Sponsor: Rules by Request of the Governor

Bill Short Title: LICENSING: TEMP., ELIG., BONDS, REPEALS

BILL SUMMARY – WHAT DOES THIS BILL DO?

This bill reduces barriers to practice in a variety of professions and “right-sizes” government without placing the public at risk by accomplishing the following rollbacks:

- Allows the department to issue a 180-day temporary license for qualified individuals seeking licensure in one of more than 100 professions licensed in AS 08. Repeals existing board and department authority.
- Eliminates outdated requirements for obtaining a speech-language pathology license and provides flexibility to the department to keep up with current standards.
- Eliminates a defunct credentialing association from home inspector licensing.
- Corrects collection agency statutes to align with federal law.
- Moves regulation of dental radiological equipment to DHSS.
- Makes administrative changes to hearing aid dealer license requirements and aligns with federal law.
- Eliminates the Athletic Commission and regulation of boxing and wrestling.
- Eliminates regulation of geologists.
- Eliminates regulation of concert promoters.
- Repeals bond or cash deposit for an oil or gas business.

DETAILED SECTIONAL ANALYSIS

Section 1: Amends centralized statutes under AS 08.01.020 relating to board participation requirements to remove the sentence, “A board may provide by regulation that three or more unexcused absences from meetings are cause for removal.”

Section 2: Replaces the existing temporary/courtesy licensing language in AS 08.01.062 with a statute to authorize temporary licensing, that would apply to most professions listed in AS 08.01.010. Applicants would apply and pay fees directly to the department for a temporary license of up to 180 days, with the option to apply for one 180-day extension, which could be longer if demonstrated to be necessary to complete training requirements. In order to

receive a temporary license, an applicant would be required to show that they are either licensed to practice the profession elsewhere; meet the relevant qualifications and requirements and live in a location which does not license the profession; are training in or studying the profession; are awaiting test results and otherwise qualified for a professional license; or hold relevant military training, education, or experience to qualify for licensure. Applicants would also be required to show that they are not subject to disciplinary action and have not committed an act within the previous ten years that would have constituted grounds for denial or revocation of a license. This section does not apply to Big Game Commercial Services licensees or Marine Pilots.

Section 3: Retains expedited temporary licensing procedures for applicants on active duty and spouses of an active duty member of the armed forces.

Section 4: Eliminates the equitable fee provision for the Board of Barbers and Hairdressers in AS 08.01.065. This will allow more appropriate fees to be set for lower-tier professions like hair-braiding and non-chemical barbering.

Section 5: Allows the division to collect fees to cover the expense of dental radiological inspections performed by DHSS. Fees will be transferred to DHSS through an RSA as an efficiency measure.

Section 6: Sets standards for boards and the department to ensure a reasonable basis review of criminal convictions on applications for licensure. Standards include defining of types of criminal convictions in regulations, relevance of the crime to the profession, time since conviction, seriousness of the crime, and rehabilitation. This section allows a person to inquire prior to application whether a conviction would be disqualifying. This section also requires the board or department to communicate the applicant's rights, reasons for denial, and standards for reapplication for licensure.

Section 7: Amends centralized statutes under AS 08.01.080 to allow the department to set in regulation the requirements for board member attendance and participation.

Sections 8-13: Amend the chapter regulating audiologists, speech-language pathologists, and speech-language pathologist assistants to provide the department with specific regulatory authority. Section 13 adds a new paragraph to the same chapter to define "field work".

Section 14: Removes hair braiding from the list of professions the Board of Barbers and Hairdressers must adopt regulations for, under AS 08.13.120.

Sections 15: Amends AS 08.13.120, shop license, to conform to Section 2 of this act.

Section 16: Amends AS 08.13.150, disciplinary sanctions and grounds for refusal of license or permit, to conform to Section 2 of this act.

Sections 17-19: Conform to Section 2 of this Act, and Section 17 exempts the demonstration of Alaska native tattoo techniques at special events from licensure.

Section 20: Requires a civil penalty under AS 08.13 to be paid "no later than" 30 days after entry of an order, rather than "within" 30 days.

Section 21: Amends AS 08.18.022, home inspectors; associate home inspectors, to remove a reference to a defunct national association.

Section 22: Moves home inspector continuing competency requirements into regulation.

Section 23: Amends AS 08.20.180, fees for chiropractic examiners, to insert a reference to the new temporary licensing provision and remove references to sections which would be repealed by this Act.

Section 24: Amends applicant requirements under AS 08.24.110, qualification for a collection agency operator's license. Currently, an applicant to operate a collection agency may not have been convicted of certain crimes. This section would limit this requirement to within 10 years of applying. Currently, an applicant may not have filed bankruptcy; this section would eliminate this requirement.

Section 25: Amends AS 08.24.240, failure to file a statement, by removing a requirement to mail notice and by extending the time to respond from 15 to 30 days after the date of notice.

Section 26: Amends AS 08.24.290, suspension, revocation, or refusal to renew or grant a license or certificate, to allow the department to take certain actions regarding a license if an applicant or licensee has at any time been disbarred from the practice of law, convicted of certain crimes, or violated provisions of the chapter or regulations adopted under the authority of the chapter at any time; rather than “since the date of the application” as it currently stands.

Section 27: Amends AS 08.24.340, statement of persons employed by agency, to require collection agencies to submit to the department annual lists of employees instead of with each new hire.

Section 28: Moves oversight of dental radiological equipment from the Board of Dental Examiners to the Department of Health and Social Services.

Section 29: Amends AS 08.36.100, dental licensing, to conform to Section 2 of this Act.

Section 30: Amends AS 08.42.085(c) (mortician trainee licensing), to conform to Section 2 of this Act.

Sections 31-33: Amends AS 08.55.010, 08.55.020, and 08.55.110 to remove a reference to a section being repealed by this Act and to remove the requirement that hearing aid dealers are required to have a current business license.

Section 34: Amends AS 08.64.279, interview for permits (physician licensing), to conform to Section 2 of this Act.

Sections 35-36: Amend AS 08.84.010(b) and AS 08.84.150 (under physical therapy and occupational therapy licensing), to conform to Section 2 of this Act.

Sections 37-39: Amend 08.98.120(a), 08.98.180, and 08.98.188(e) (under veterinary licensing) to conform to Section 2 of this Act and allow the board to set standards for a foreign graduate certification process.

Section 40: Amends AS 09.65.290, civil liability for sports or recreational activities. This amendment would clarify that a person who participates in a sport or recreational activity, including boxing, mixed martial arts, sparring or wrestling, assumes the inherent risk of that activity.

Section 41: Amends AS 31.05.009(a), qualifications of members (under the Alaska Oil & Gas Conservation Commission), to remove reference to AS 08.02.011, certification of professional geologists, being repealed by this Act.

Section 42: Moves oversight of dental radiological equipment from the Board of Dental Examiners to the Department of Health and Social Services.

Section 43: Amends Department of Environmental Conservation statute AS 44.46.020(a) to remove hair braiding safety and sanitation requirements.

Section 44: Moves oversight of dental radiological equipment from the Board of Dental Examiners to the Department of Health and Social Services.

Section 45: Repeals various provisions within Title 5, Title 8, Title 25, Title 43, and Title 44. The repeals would take effect January 1, 2021:

- **AS 05.05.010-05.05.040 & AS 05.10.010-05.10.170:** Chapters relating to the Athletic Commission and regulation of boxing and wrestling.
- **AS 08.01.010(4), (13), & (21):** References to the Athletic Commission, regulation of Concert Promoters, and regulation of geologists.
- **AS 08.01.063:** Military Courtesy Licenses (no longer needed due to revised language on AS 08.01.062).
- **AS 08.01.064(b) & (d):** References to temporary licenses under “Military education, training, and service credit; temporary license.”
- **AS 08.02.011:** Relating to professional geologist certification.
- **AS 08.11.020 & AS 08.11.025:** References to temporary licensure for audiologists and speech-language pathologists.
- **AS 08.13.160(a) & (b):** References to licenses issued under AS 08.12 and AS 08.28 (both repealed in 1980). Current language states the licensee may continue practicing until the license expires.
- **AS 08.13.170:** Reference to temporary permits under the Board of Barbers and Hairdressers.
- **AS 08.13.220(14):** Definition of “shampoo person”.
- **AS 08.15.030:** Reference to temporary permits under regulation of Behavior Analysts.
- **AS 08.20.160:** Reference to temporary permits under the Board of Chiropractic Examiners.
- **AS 08.20.163:** Reference to temporary permit for locum tenens practice under the Board of Chiropractic Examiners.
- **AS 08.24.370:** Reference to collection agency licensure for nonresidents, stating nonresidents can obtain an agency or operator license on the same basis as a resident, but will pay double the fee.
- **AS 08.26.050:** Reference to temporary licensure under regulation of professional guardian and conservators.
- **AS 08.36.254:** Reference to temporary permit under the Board of Dental Examiners.
- **AS 08.45.035(a) & (b):** Reference to temporary licensure under the regulation of Naturopathy.
- **AS 08.55.010(a)(4):** Requirement for a hearing aid dealer to hold a business license.
- **AS 08.55.010(a)(6)(D):** Requirement to disclose reorganization, debt adjustment, or bankruptcy (for a hearing aid dealer application).
- **AS 08.55.130(13):** Disciplinary sanctions for indebtedness.
- **AS 08.63.130:** Reference to temporary permit under the Board of Marital and Family Therapy.
- **AS 08.64.101(b)(2), AS 08.64.270 & AS 08.64.275:** References to temporary permits under the State Medical Board.
- **AS 08.68.210:** References to temporary permits under the Board of Nursing.
- **AS 08.70.130:** References to provisional licenses under the regulation of Nursing Home Administrators.

- **AS 08.80.150 & AS 08.80.155:** References to temporary licenses and emergency permits under the Board of Pharmacy.
- **AS 08.84.065 & AS 08.84.075:** Reference to temporary permits and limited permits under the Board of Physical Therapy and Occupational Therapy.
- **AS 08.86.135 & AS 08.86.166:** References to temporary licenses under the Board of Psychologist and Psychological Associate Examiners.
- **AS 08.92.010-08.92.090:** Chapter relating to Concert Promoters.
- **AS 08.95.125:** Reference to temporary licenses under the Board of Social Work Examiners.
- **AS 08.98.050(8):** Requirement to collect data concerning the practice of veterinary technology.
- **AS 08.98.186:** Reference to temporary permits under the Board of Veterinary Examiners.
- **AS 08.98.190(6) & (7):** References to fees for temporary licenses and temporary permits under the Board of Veterinary Examiners.
- **AS 25.27.244(s)(2)(A)(i):** Reference to a license for boxing or wrestling under AS 05.10.
- **AS 43.70.025:** Bond or cash deposit requirement for an oil and gas business.
- **AS 43.70.028:** Claims against an oil or gas business.
- **AS 44.29.027:** Section on Dental Radiologist Equipment which states the department is not authorized to register, inspect, test, or otherwise regulate dental radiologist equipment or records relating to the equipment, regulated by the Board of Dental Examiners.

Sections 46-47: Provides transition provisions regarding regulations; ongoing proceedings; existing certificates or permits, liabilities, and property.

Section 48: Makes the transition provisions effective immediately.

Section 49: Makes the remaining sections effective January 1, 2021.