

# LEGAL SERVICES

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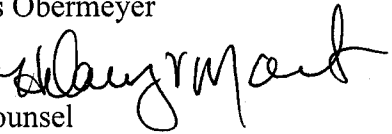
State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

February 13, 2012

**SUBJECT:** Licensing medical laboratory science professionals (CSSB 166( ))  
(Work Order No. 27-LS1163\B)

**TO:** Senator Bettye Davis  
Attn: Thomas Obermeyer

**FROM:** Hilary Martin   
Legislative Counsel

Enclosed is a blank CS with the changes you suggested.

I did not include a penalty provision in the CS. Under AS 08.01.075, the board has a number of disciplinary powers, including revoking a license and imposing a civil fine not to exceed \$5,000. Also, AS 08.01.102 allows the department to issue a citation for unlicensed practice. I have enclosed a copy of these two statutes for your information. If you would like penalties other than those set out in AS 08.01.075 and AS 08.01.102, please let me know specifically what penalties you would like.

The proposed amendments included changing the make-up of the board from four to five licensed medical laboratory science professionals. Please note that, after adding the public member of the board, this would give the board an even number of members. Boards generally have an odd number of members to prevent a tie when voting.

I deleted what was AS 08.30.030(a)(4) in the "M" version (relating to continuing education requirements), because AS 08.30.130 does not require continuing education for renewal and AS 08.30.130(b)(3)(8) is already covered by AS 08.30.030(a)(2).

In AS 08.30.210(6), there is no certification or licensing requirement for a nonresident coming into the state on a temporary basis. If you would like them to be licensed in another state or have certification to be able to work in this state on a temporary basis, please let me know.

If I may be of further assistance, please advise.

HVM:ljw  
12-100.ljw

Enclosures

Sec. 08.01.075. Disciplinary powers of boards.

(a) A board may take the following disciplinary actions, singly or in combination:

(1) permanently revoke a license;

(2) suspend a license for a specified period;

(3) censure or reprimand a licensee;

(4) impose limitations or conditions on the professional practice of a licensee;

(5) require a licensee to submit to peer review;

(6) impose requirements for remedial professional education to correct deficiencies in the education, training, and skill of the licensee;

(7) impose probation requiring a licensee to report regularly to the board on matters related to the grounds for probation;

(8) impose a civil fine not to exceed \$5,000.

(b) A board may withdraw probationary status if the deficiencies that required the sanction are remedied.

(c) A board may summarily suspend a licensee from the practice of the profession before a final hearing is held or during an appeal if the board finds that the licensee poses a clear and immediate danger to the public health and safety. A person is entitled to a hearing conducted by the office of administrative hearings (AS 44.64.010) to appeal the summary suspension within seven days after the order of suspension is issued. A person may appeal an adverse decision of the board on an appeal of a summary suspension to a court of competent jurisdiction.

(d) A board may reinstate a suspended or revoked license if, after a hearing, the board finds that the applicant is able to practice the profession with skill and safety.

(e) A board may accept the voluntary surrender of a license. A license may not be returned unless the board determines that the licensee is competent to resume practice and the licensee pays the appropriate renewal fee.

(f) A board shall seek consistency in the application of disciplinary sanctions. A board shall explain a significant departure from prior decisions involving similar facts in the order imposing the sanction.

Sec. 08.01.102. Citation for unlicensed practice or activity.

The department may issue a citation for a violation of a license requirement under this chapter, except a requirement to have a license under AS 43.70, if there is probable cause to believe a person has practiced a profession or engaged in business for which a license is required without holding the license. Each day a violation continues after a citation for the violation has been issued constitutes a separate violation. A citation issued under this section must comply with the standards adopted under AS 12.25.175 - 12.25.230.