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HB 237 Sectional Analysis

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Please note that a sectional analysis of a bill or resolution should not be considered an authoritative interpretation of the measure itself. The legislation is the best statement of its contents.

Section 1- Amends AS 08.64.101, duties of the state medical board, to include implementation of the Interstate Medical Licensure Compact.

Section 2- Adds to AS 08.64.190 to require physician applying for an expedited license under this compact to submit the fingerprints and fees necessary for a criminal background check. Statute does not currently require physicians licensed in Alaska to have a background check.

Section 3- Requires the medical board to waive licensure requirements if a physician is eligible for expedited licensure under the Interstate Medical Compact.

Section 4- Authorizes the Department of Commerce, Community, and Economic Development to set fees for the issuance or renewal of expedited licenses.

Section 5- Clarifies in AS 08.64.370 the exceptions to licensure requirements under chapter 08.64.

Section 6- Amends the definition of the “practice of medicine” or “practice of osteopathy” to allow for the definition under the Interstate Medical Licensure Compact.

Section 7

Article 5

Interstate Medical Licensure Compact

Section 08.64.500- Enacts and enters Alaska into the Interstate Medical Licensure Compact as created in the following sections.

Section 08.64.510- States that the purpose of the compact is to provide a streamlined licensure process that enhances portability while complementing existing state license authority. Maintains the jurisdiction of individual state medical boards.

Section 08.64.520- Defines terms to be used throughout the compact, including definitions of “expedited license” and “physician” for the purpose of qualification for an interstate expedited license.

The following sections describe application, issuance, and renewal of expedited licenses under the compact.

Section 08.64.530- Declares that a physician must meet the eligibility requirements defined in 08.64.520(11) to receive an expedited license. Allows that a physician that does not meet these requirements may obtain an individual state license if all state laws and requirements are met.

Section 08.64.540- Directs a physician to designate a compact member state as the state of principal licensure to register for an expedited license and defines what qualifies as a principal state of licensure.

Section 08.64.550- Outlines how a physician shall apply for an expedited compact licensure through an application with medical board of the physician's state of principal license. The board shall evaluate the physician's eligibility under the compact, including through primary source verification and criminal background checks. If determined eligible, the physician shall then register with the Interstate Commission, select states of licensure, and pay any necessary fees to each selected member state before receiving licenses in those states. A physician must follow all applicable laws and regulations of the issuing state.

Section 08.64.560- Allows compact member states to impose a fee for expedited licensure and authorizes the Interstate Commission to develop rules regarding these fees.

Section 08.64.570- Describes how a qualified physician may seek renewal of an expedited license through the Interstate Commission. States that the physician shall comply with any continuing education requirements of any member state where they seek a renewed license, and that member states may charge renewal fees through the Interstate Commission.

The following sections describe the interaction of member states involving physician information and in the case of disciplinary action

Section 08.64.580- Establishes a database of all physicians licensed through the Interstate Commission and describes what information compact member states must report.

Section 08.64.590- Outlines how compact member boards may participate in joint investigations.

Section 08.64.600- States that any disciplinary action taken by one member board may be acted upon or imposed by other member states, that if a license is revoked by the state of principal license all other member state licenses are automatically revoked, and that if the license is revoked by a state that is not the principal state of license all other licenses are automatically suspended for 90 days for investigation by each member board.

The following sections outline the creation, powers, operations and rules of the Interstate Medical Licensure Commission

Section 08.64.610- Creates the Interstate Medical Licensure Compact Commission to administer the Interstate Medical Licensure Compact and describes the voting members and meeting procedures of the commission. Each member state shall have two voting representatives.

Section 08.64.620- Describes the powers and duties of the Interstate Commission.

Section 08.64.630- Authorizes the Interstate Commission to levy an assessment against member states to cover its costs and requires certain financial restrictions of the commission.

Section 08.64.640- Sets out the organization and operation of the Interstate Commission including the adoption of bylaws, the election of officers, and the immunity and liability of commission directors and employees.

Section 08.64.650- States that the Interstate Commission shall promulgate reasonable rules for the administration of the compact and describes a petition against a commission rule.

Section 08.64.660- Declares that all branches of a state government shall enforce the Compact and maintains that the Compact shall not override existing state authority to regulate medicine.

Section 08.64.670- Provides guidelines for how the Interstate Commission may take legal action to enforce the provisions and the rules of the Compact.

Section 08.64.670- Outlines procedures of the Interstate Commission should a member state default in its obligations under the Compact.

Section 08.64.690- Allows the Interstate Commission to promulgate rules for dispute mediation and resolution at the request of a member state or states.

The following sections relate to the effective date, withdrawal proceedings, and other construction questions relating to the Compact.

Section 08.64.700- Declares that the Compact shall be effective and binding on member states once enacted by no less than seven states, that nonmember states shall be invited to participate as a non-voting member, and that a proposed amendment to the Compact shall not become binding unless enacted by unanimous consent of the members states.

Section 08.64.710- Provides that a member state may withdraw from the Compact one year after the effective date of a statute repealing the Compact in that state.

Section 08.64.720- States that the Compact and the Interstate Commission shall dissolve if the Compact membership is reduced to one member state.

Section 08.64.730- Allows that the provisions of the Compact are severable, should any one provision be deemed unenforceable.

Section 08.64.740- Details the interaction between the Compact and other laws of member states, including that laws in conflict with the Compact are supersede to the extent of the conflict and that Compact provisions that are in conflict with a state constitution shall be ineffective to the extent of the conflict.

Section 08.64.750- Allows the state medical board to designate a compact administer to facilitate that administration of the Compact across state departments and agencies.

Section 8- Amends existing Alaska statute AS 12.62.400 to allow the Department of Public Safety to submit fingerprints to the Federal Bureau of Investigation to obtain a national criminal background check for physicians applying for expedited licensure.