

CS FOR HOUSE BILL NO. 85(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 3/20/23

Referred: House Special Committee on Military and Veterans' Affairs, Finance

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to professional licensing; relating to temporary licenses for some**
2 **professions; and providing for an effective date."**

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

4 * **Section 1.** AS 08.01.062 is repealed and reenacted to read:

5 **Sec. 08.01.062. Temporary license.** (a) The department shall issue an
6 applicant a temporary license under this section to engage in a profession regulated
7 under this chapter if

8 (1) the applicant

9 (A) is licensed or credentialed to practice the profession in
10 another state or territory of the United States that

11 (i) has requirements for a license to practice the
12 profession that are substantially equivalent to or greater than the
13 requirements listed in the applicable chapter of this title; or

14 (ii) authorizes a scope of practice substantially

1 equivalent to the scope of practice of the corresponding license in this
2 state; or

3 (B) if applicable, meets the qualifications and requirements for
4 a license under the applicable chapter of this title through military education,
5 training, and service under AS 08.01.064(a) and does not already hold a license
6 to practice that profession in another jurisdiction as a member of the armed
7 forces listed in AS 08.01.064(a)(2);

8 (2) at the time of the application, the applicant is not subject to
9 disciplinary action related to the profession in another jurisdiction or the subject of an
10 ongoing review or disciplinary proceeding by the profession's licensing entity in that
11 jurisdiction;

12 (3) within 10 years before submitting an application, the applicant has
13 not committed an act in another jurisdiction that would have constituted grounds for
14 the denial or revocation of a license, certificate, or permit to practice that occupation
15 under this title; and

16 (4) the applicable fees are paid.

17 (b) If the department or applicable board requires that an applicant for a
18 professional license undergo a criminal history record check, the applicant for a
19 temporary license will be subject to the same requirements. The department may
20 consider an application and grant a temporary license before obtaining any resulting
21 report. If the department subsequently receives criminal record information that would
22 authorize the department or board to take disciplinary action, the department or board
23 shall exercise that authority.

24 (c) A temporary license issued under this section is valid for up to 180 days, as
25 determined by the department. An applicant may apply for one 180-day extension,
26 which will be approved at the department's discretion.

27 (d) Notwithstanding any other provision of law, a temporary license issued
28 under this section for an occupation listed in AS 08.01.010, excluding the professions
29 regulated under AS 08.48, AS 08.54, and AS 08.62, satisfies the requirements to
30 temporarily practice the profession for which a license was granted.

31 (e) The department may revoke a license issued under this section if the

1 department finds that the license was secured through deceit, fraud, or intentional
2 misrepresentation.

3 (f) The department shall set fees for temporary licenses under AS 08.01.065.

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

5 (a) Except as provided in (d) of this section, and notwithstanding another
6 provision of law, the department or appropriate board shall issue a temporary **military**
7 courtesy license to an active duty member of the armed forces of the United States or
8 the spouse of an active duty member of the armed forces of the United States if the
9 active duty member or spouse meets the requirements of this section and applies to the
10 department or appropriate board in the manner prescribed by the department or
11 appropriate board. An application must include evidence satisfactory to the department
12 or appropriate board that the applicant

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

17 (2) holds a current license or certificate in another state, district, or
18 territory of the United States, or that is recognized by the United States, including a
19 branch of the armed forces of the United States, with requirements that the department
20 or appropriate board determines are substantially equivalent to those established under
21 this title for that occupation;

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

29 (4) has not committed an act in any jurisdiction that would have
30 constituted grounds for the refusal, suspension, or revocation of a license or certificate
31 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 any fees required under this title.

* **Sec. 3.** AS 08.01.063(b) is amended to read:

(b) The department or appropriate board shall issue a temporary **military courtesy** license under this section to a person who meets the requirements under (a) of this section within 30 days after the department or appropriate board receives the person's completed application for the temporary **military courtesy** license.

* **Sec. 4.** AS 08.01.063(c) is amended to read:

(c) A temporary **military** courtesy license issued under this section is valid for 180 days and may be extended at the discretion of the department or appropriate board for one additional 180-day period, on application of the holder of the temporary **military** courtesy license.

* **Sec. 5.** AS 08.01.063(e) is amended to read:

(e) The department shall prepare an annual report that describes, for the previous fiscal year, information on temporary **military** courtesy licenses issued under this section, including

(1) expedited application procedures;

(2) progress made toward implementing regulations for the licenses, changes to regulations made to accommodate the needs of military spouses, and any plans for future regulations;

(3) the number and type of the licenses that have been issued; and

(4) the department's efforts to inform each board authorized to issue a temporary **military** courtesy license under this section and the military community in the state about the licenses.

* **Sec. 6.** AS 08.01.063(g) is amended to read:

(g) The department shall annually produce and distribute to each board authorized to issue a temporary **military** courtesy license under this section informational materials for the purpose of improving the board's knowledge of the

1 temporary military courtesy licenses, the application process, and best practices in
 2 providing applicant support. The department shall encourage the boards to designate a
 3 single employee to serve as the point of contact for public information and inquiries
 4 related to temporary military courtesy licenses for military spouses.

5 * **Sec. 7.** AS 08.13.070 is amended to read:

6 **Sec. 08.13.070. License required.** A person may not

7 (1) practice barbering, hairdressing, hair braiding, manicuring,
 8 esthetics, body piercing, tattooing, or permanent cosmetic coloring without a license,
 9 [TEMPORARY PERMIT,] temporary license under AS 08.01.062, or student permit
 10 unless exempted under AS 08.13.160(d);

11 (2) practice barbering, hairdressing, hair braiding, manicuring,
 12 esthetics, body piercing, tattooing, or permanent cosmetic coloring except in a shop or
 13 school licensed under this chapter unless exempted under AS 08.13.160(d) or
 14 permitted under AS 08.13.160(e);

15 (3) open or conduct a school of barbering, hairdressing, manicuring, or
 16 esthetics without a license;

17 (4) teach in a school of barbering, hairdressing, manicuring, or
 18 esthetics, or supervise an apprentice in barbering, hairdressing, manicuring, or
 19 esthetics without an instructor's license;

20 (5) operate a shop in violation of AS 08.13.120;

21 (6) permit an employee or other person being supervised who is not
 22 exempted under AS 08.13.160(d) to practice barbering, hairdressing, hair braiding,
 23 manicuring, esthetics, body piercing, tattooing, or permanent cosmetic coloring
 24 without a license, [TEMPORARY PERMIT,] temporary license under AS 08.01.062,
 25 or student permit;

26 (7) permit the use of the person's license, [TEMPORARY PERMIT,]
 27 temporary license under AS 08.01.062, or student permit by another person;

28 (8) obtain or attempt to obtain a license, [TEMPORARY PERMIT,]
 29 temporary license under AS 08.01.062, or student permit by fraudulent means.

30 * **Sec. 8.** AS 08.13.120(b) is amended to read:

31 (b) The regulations adopted under (a) of this section must include provisions

under which the board may issue a temporary shop license to a person who has a license or temporary license under AS 08.01.062 [PERMIT UNDER THIS CHAPTER] to practice tattooing, permanent cosmetic coloring, or body piercing. The temporary shop license authorized under this subsection may only be issued to cover a site where the practitioner intends to hold a workshop or to demonstrate techniques as part of a convention or other special event, as defined by the board, that includes other practitioners of tattooing, permanent cosmetic coloring, or body piercing. Each practitioner of tattooing, permanent cosmetic coloring, or body piercing who holds a workshop or demonstrates techniques at a convention or special event shall have a separate temporary shop license and a license or temporary license under AS 08.01.062 [PERMIT UNDER THIS CHAPTER] to practice tattooing, permanent cosmetic coloring, or body piercing. The board shall issue a temporary shop license upon receipt of an application from a practitioner demonstrating compliance with the regulations adopted under this section and payment of the appropriate fee; however, the temporary shop license may be summarily revoked, without refunding of the fee, if the Department of Environmental Conservation determines after an inspection that the cleanliness or sanitation conditions at the site covered by the temporary shop license pose a clear and immediate danger to the public health or safety. A licensee may appeal a summary revocation under this subsection to the superior court.

* **Sec. 9.** AS 08.13.130(a) is amended to read:

(a) A practitioner shall display the practitioner's license in a conspicuous location in the practitioner's place of business. Each shop owner is responsible for the conspicuous display of the shop's license and the licenses of employees and individuals renting booths in the shop. A person holding a student permit or [,] temporary license under AS 08.01.062 [, OR TEMPORARY PERMIT] shall display the permit or license in a conspicuous location in the school in which the person is enrolled or the shop in which the person works. The school or shop owner is responsible for the display of a permit or license for each enrolled student, apprentice, or temporary license holder.

* **Sec. 10.** AS 08.13.150 is amended to read:

Sec. 08.13.150. Disciplinary sanctions and grounds for refusal of a license

1 **or permit.** The board may, in addition to the actions authorized under AS 08.01.075,
 2 refuse, suspend, or revoke a license, **temporary shop license,** student permit, **or**
 3 temporary license **under AS 08.01.062** [, OR TEMPORARY PERMIT] for failure to
 4 comply with this chapter, with a regulation adopted under this chapter, with a
 5 regulation adopted by the Department of Environmental Conservation under
 6 AS 44.46.020, or with an order of the board.

7 * **Sec. 11.** AS 08.13.160(d) is amended to read:

8 (d) The licensing and permit provisions of this chapter do not apply to

9 (1) a person practicing barbering, hairdressing, hair braiding,
 10 manicuring, or esthetics in a community having a population of less than 1,000 people
 11 that is not within 25 miles of a community of more than 1,000 people and who does
 12 not use chemicals or uses only chemicals available to the general public;

13 (2) a licensed health care professional;

14 (3) a person licensed **or permitted in** [BY] another [LICENSING]
 15 jurisdiction in a field of practice **regulated** [LICENSED] by this chapter while
 16 demonstrating techniques or products to persons holding licenses or permits under this
 17 chapter;

18 (4) a person practicing tattooing, permanent cosmetic coloring, or body
 19 piercing solely on the person's own body;

20 (5) the practice of manicuring by a student as part of instruction in a
 21 12-hour course approved under AS 08.13.110(d).

22 * **Sec. 12.** AS 08.13.175 is amended to read:

23 **Sec. 08.13.175. Temporary license.** A person who **receives a temporary**
 24 **license under AS 08.01.062 must work** [MEETS THE REQUIREMENTS OF
 25 AS 08.13.080(a)(1), (2), (3), (4), OR (6) IS ENTITLED TO BE TEMPORARILY
 26 LICENSED AFTER APPLYING FOR EXAMINATION UNDER THIS CHAPTER
 27 IF THE APPLICANT WORKS] under the direct supervision, and within the physical
 28 presence, of a person who is licensed **under this chapter.** [IN THE AREA OF
 29 PRACTICE FOR WHICH THE APPLICANT HAS APPLIED FOR
 30 EXAMINATION. A TEMPORARY LICENSE ISSUED UNDER THIS SECTION IS
 31 VALID FOR 120 DAYS AND IS NONRENEWABLE. A PERSON MAY NOT

1 RECEIVE MORE THAN ONE TEMPORARY LICENSE FOR EACH AREA OF
 2 PRACTICE LICENSED UNDER THIS CHAPTER. AN APPLICATION FOR A
 3 TEMPORARY LICENSE MUST BE SIGNED BY THE SUPERVISING LICENSEE
 4 AND ACCOMPANIED BY THE TEMPORARY LICENSE FEE REQUIRED
 5 UNDER AS 08.13.185.]

6 * **Sec. 13.** AS 08.13.185(a) is amended to read:

7 (a) The Department of Commerce, Community, and Economic Development
 8 shall set fees under AS 08.01.065 for initial licenses and renewals for the following:

- 9 (1) schools;
- 10 (2) school owners;
- 11 (3) instructor;
- 12 (4) shop owner;
- 13 (5) practitioner of barbering;
- 14 (6) practitioner of hairdressing;
- 15 (7) practitioner of manicuring;
- 16 (8) practitioner of esthetics;
- 17 (9) practitioner of tattooing;
- 18 (10) practitioner of body piercing;
- 19 (11) temporary shop license;
- 20 (12) [TEMPORARY PERMIT;
- 21 (13)] temporary license;
- 22 (13) [(14)] student permit;
- 23 (14) [(15)] endorsement for advanced manicuring;
- 24 (15) [(16)] practitioner of hair braiding;
- 25 (16) [(17)] practitioner of permanent cosmetic coloring;
- 26 (17) [(18)] practitioner of non-chemical barbering.

27 * **Sec. 14.** AS 08.13.190 is amended to read:

28 **Sec. 08.13.190. Failure to possess a license or permit.** (a) A person who
 29 practices barbering, hairdressing, hair braiding, esthetics, tattooing, permanent
 30 cosmetic coloring, or body piercing, or operates a shop, or operates a school of
 31 barbering, hairdressing, or esthetics, or teaches in a school of barbering, hairdressing,

or esthetics, without a license, [TEMPORARY PERMIT,] temporary license **under AS 08.01.062**, or student permit and who is not exempt under AS 08.13.120 or under AS 08.13.160(d) is guilty of a class B misdemeanor.

(b) A person who practices manicuring, operates a shop for manicuring, operates a school of manicuring, or teaches in a school of manicuring without the appropriate license, [TEMPORARY PERMIT,] temporary license **under AS 08.01.062**, or student permit and who is not exempt under AS 08.13.120 or 08.13.160(d) is guilty of a violation.

* **Sec. 15.** AS 08.20.180(a) is amended to read:

(a) An applicant for an examination, reexamination, issuance of a temporary **license** [PERMIT] under **AS 08.01.062** [AS 08.20.160, ISSUANCE OF A LOCUM TENENS PERMIT UNDER AS 08.20.163], issuance of a license by credentials under AS 08.20.141, one-time issuance of a retired status license, or initial issuance or renewal of an active or inactive license shall pay a fee established under AS 08.01.065.

* **Sec. 16.** AS 08.36.100 is amended to read:

Sec. 08.36.100. License required. Except as provided in AS 08.36.238 [AND 08.36.254], a person may not practice, or attempt to practice, dentistry without a license.

* **Sec. 17.** AS 08.64.279 is amended to read:

Sec. 08.64.279. Interview for permit or temporary license [PERMITS]. An applicant for an intern permit **or a temporary license under AS 08.01.062** [, A RESIDENT PERMIT, OR A TEMPORARY PERMIT FOR LOCUM TENENS PRACTICE] may be interviewed in person by the board, a member of the board, the executive secretary of the board, or a person designated for that purpose by the board.

* **Sec. 18.** AS 08.64.315 is amended to read:

Sec. 08.64.315. Fees. The department shall set fees under AS 08.01.065 for each of the following:

- (1) application;
- (2) license by examination;
- (3) license by endorsement or waiver of examination;

- (4) [TEMPORARY PERMIT;
- (5) LOCUM TENENS PERMIT;
- (6)] license renewal, active;
- (5) [(7)] license renewal, inactive;
- (6) temporary license under AS 08.01.062;
- (7) [(8)] license by reexamination.

* **Sec. 19.** AS 08.68.220 is amended to read:

Sec. 08.68.220. Fees. The Department of Commerce, Community, and Economic Development shall set fees under AS 08.01.065 for each of the following:

- (1) registered nursing:
 - (A) application;
 - (B) license by examination;
 - (C) license by endorsement;
 - (D) license renewal;
 - (E) temporary license under AS 08.01.062 [PERMIT];
- (2) practical nursing:
 - (A) application;
 - (B) license by examination;
 - (C) license by endorsement;
 - (D) license renewal;
 - (E) temporary license under AS 08.01.062 [PERMIT];
- (3) advanced practice registered nursing:
 - (A) application;
 - (B) license by certification examination;
 - (C) license by endorsement;
 - (D) license renewal;
 - (E) temporary license under AS 08.01.062 [PERMIT].

* **Sec. 20.** AS 08.68.230(d) is amended to read:

(d) A person who holds a temporary license under AS 08.01.062 [PERMIT] to practice as a licensed practical nurse shall use the title "Temporary Licensed Practical Nurse" and the abbreviation "TLPN."

1 * **Sec. 21.** AS 08.84.010(b) is amended to read:

2 (b) The board shall control all matters pertaining to the licensing of physical
3 therapists, physical therapist assistants, occupational therapists, and occupational
4 therapy assistants and the practice of physical therapy and the practice of occupational
5 therapy under this chapter. The board shall

- 6 (1) pass upon the qualifications of applicants;
- 7 (2) provide for the examination of applicants;
- 8 (3) issue [TEMPORARY PERMITS AND] licenses to persons
9 qualified under this chapter;
- 10 (4) suspend, revoke, or refuse to issue or renew a license under
11 AS 08.84.120;
- 12 (5) keep a current register listing the name, business address, date, and
13 number of the license of each person who is licensed to practice under this chapter;
- 14 (6) adopt regulations under AS 44.62 (Administrative Procedure Act)
15 necessary to carry out the purposes of this chapter, including regulations establishing
16 qualifications for licensure and renewal of licensure under this chapter.

17 * **Sec. 22.** AS 08.84.050 is amended to read:

18 **Sec. 08.84.050. Fees.** The Department of Commerce, Community, and
19 Economic Development shall set fees under AS 08.01.065 for the following:

- 20 (1) application;
- 21 (2) license by examination;
- 22 (3) license by acceptance of credentials;
- 23 (4) renewal;
- 24 (5) temporary license under AS 08.01.062 [PERMIT;
- 25 (6) LIMITED PERMIT].

26 * **Sec. 23.** AS 08.84.150 is amended to read:

27 **Sec. 08.84.150. License required; exceptions.** (a) It is unlawful for a person
28 to practice physical therapy without being licensed under this chapter unless the
29 person is

- 30 (1) a student in an accredited physical therapy program;
- 31 (2) a graduate of a foreign school of physical therapy fulfilling the

internship requirement of AS 08.84.032, and then only unless under the continuous direction and immediate supervision of a physical therapist; or

(3) issued a **temporary license** [LIMITED PERMIT] under **AS 08.01.062** [AS 08.84.075].

(b) A person may not provide services that the person describes as occupational therapy without being licensed under this chapter unless the person is

(1) a student in an accredited occupational therapy program or in a supervised field work program;

(2) a graduate of a foreign school of occupational therapy fulfilling the internship requirement of AS 08.84.032, and then only unless under the continuous direction and immediate supervision of an occupational therapist;

(3) an occupational therapist or occupational therapy assistant employed by the United States government while in the discharge of official duties;

(4) granted a **temporary license** [LIMITED PERMIT] under **AS 08.01.062** [AS 08.84.075];

(5) licensed under this title and uses occupational therapy skills in the practice of the profession for which the license is issued; or

(6) employed as a teacher or teacher's aide by an educational institution and is required to use occupational therapy skills during the course of employment, if

(A) the occupational therapy skills are used under a program implemented by the employer and developed by a licensed occupational therapist;

(B) the employer maintains direct supervision of the person's use of occupational therapy skills; and

(C) the person does not represent to

(i) be an occupational therapist or occupational therapy assistant; and

(ii) practice occupational therapy.

* **Sec. 24.** AS 08.98.120(a) is amended to read:

(a) A person may not practice veterinary medicine, surgery, or dentistry unless

the person is licensed as a veterinarian under this chapter or has a temporary license [PERMIT ISSUED] under AS 08.01.062 [AS 08.98.186], except that a person may perform functions authorized by

(1) regulation of the board if the person is licensed as a veterinary technician; or

(2) a permit issued under AS 08.02.050 if the person is employed by an agency that has a permit issued under AS 08.02.050.

* **Sec. 25.** AS 08.98.180 is amended to read:

Sec. 08.98.180. Temporary license. A person who is granted a temporary license by the department under AS 08.01.062 must work [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 licensed under this chapter. [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 08.98.190.]

* **Sec. 26.** AS 08.98.190 is amended to read:

Sec. 08.98.190. Fees. The department shall set fees under AS 08.01.065 for the following:

- (1) application;
- (2) examination;
- (3) investigation of credentials;
- (4) license;
- (5) license renewal;
- (6) temporary license under AS 08.01.062 [;
- (7) TEMPORARY PERMIT].

* **Sec. 27.** AS 08.01.064(b), 08.01.064(c), 08.01.064(d); AS 08.11.020, 08.11.025; AS 08.13.170; AS 08.15.030; AS 08.20.160, 08.20.163; AS 08.26.050; AS 08.36.254;

AS 08.45.035(a), 08.45.035(b); AS 08.63.130; AS 08.64.101(b)(2), 08.64.270, 08.64.275; AS 08.68.210; AS 08.70.130; AS 08.80.150, 08.80.155; AS 08.84.065, 08.84.075; AS 08.86.135, 08.86.166; AS 08.95.125; and AS 08.98.186 are repealed.

* **Sec. 28.** 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 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 the effective date of the law implemented by the regulation.

* **Sec. 29.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: SAVINGS CLAUSE. (a) Litigation, hearings, investigations, appeals, and other proceedings pending under a law amended or repealed by this Act continue in effect and may be continued and completed notwithstanding a transfer or amendment or repeal provided for in this Act.

(b) Certificates, orders, permits, licenses, and regulations issued or adopted under the authority of a law amended or repealed by this Act remain in effect for the term issued, or until revoked, vacated, or otherwise modified under the provisions of this Act.

(c) Contracts, rights, liabilities, and obligations created by or under a law amended or repealed by this Act, and in effect on the effective date of this Act, remain in effect notwithstanding this Act's taking effect.

* **Sec. 30.** Sections 28 and 29 of this Act take effect immediately under AS 01.10.070(c).

* **Sec. 31.** Except as provided in sec. 30 of this Act, this Act takes effect July 1, 2024.