

**HOUSE BILL NO. 35**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES PARNELL, Bunde, Robinson**

**Introduced: 1/16/95**

**Referred: Health, Education and Social Services, Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the grounds for imposing disciplinary sanctions on persons**  
2 **licensed by the State Medical Board."**

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

4 **\* Section 1.** AS 08.64.326(a) is amended to read:

5 (a) The board may impose a sanction if the board finds after a hearing that a  
6 licensee

7 (1) secured a license through deceit, fraud, or intentional  
8 misrepresentation;

9 (2) engaged in deceit, fraud, or intentional misrepresentation while  
10 providing professional services or engaging in professional activities;

11 (3) advertised professional services in a false or misleading manner;

12 (4) has been convicted, including conviction based on a guilty plea or  
13 plea of nolo contendere, of

14 (A) a felony or other crime if the felony or other crime is

1 substantially related to the qualifications, functions, or duties of the licensee;  
2 or

3 (B) a crime involving the unlawful procurement, sale,  
4 prescription, or dispensing of drugs;

5 (5) has procured, sold, prescribed, or dispensed drugs in violation of  
6 a law, regardless of whether there has been a criminal action;

7 (6) intentionally or negligently permitted the performance of patient  
8 care by persons under the licensee's supervision that does not conform to minimum  
9 professional standards even if the patient was not injured;

10 (7) failed to comply with this chapter, a regulation adopted under this  
11 chapter, or an order of the board;

12 (8) has demonstrated

13 (A) professional incompetence, gross negligence, or repeated  
14 negligent conduct; the board may not base a finding of professional  
15 incompetence solely on the basis that a licensee's practice is unconventional or  
16 experimental in the absence of demonstrable physical harm to a patient;

17 (B) addiction to, severe dependency on, or habitual overuse of  
18 alcohol or other drugs that impairs the licensee's ability to practice safely;

19 (C) unfitness because of physical or mental disability;

20 (9) engaged in unprofessional conduct, **in sexual misconduct**, or in  
21 lewd or immoral conduct in connection with the delivery of professional services to  
22 patients; **in this paragraph, "sexual misconduct" includes**

23 **(A) sexual contact or attempted sexual contact with a patient**  
24 **outside the scope of generally accepted methods of examination or**  
25 **treatment of the patient, regardless of the patient's consent or lack of**  
26 **consent, whether during the course of treatment or outside of the**  
27 **treatment setting, unless the patient is the licensee's spouse or a person in**  
28 **an equivalent domestic relationship with the licensee; and**

29 **(B) the licensee's use of the physician-patient relationship to**  
30 **attempt to induce a patient to engage in sexual contact outside the scope**  
31 **of generally accepted methods of examination or treatment of the patient**

1                   either during the course of treatment or outside of the treatment setting;

2                   (10) has violated AS 18.16.010;

3                   (11) has violated any code of ethics adopted by regulation by the board;

4                   (12) has denied care or treatment to a patient or person seeking  
5 assistance from the physician if the only reason for the denial is the failure or refusal  
6 of the patient to agree to arbitrate as provided in AS 09.55.535(a); or

7                   (13) has had a license or certificate to practice medicine in another state  
8 or territory of the United States, or a province or territory of Canada, suspended or  
9 revoked unless the suspension or revocation was caused by the failure of the licensee  
10 to pay fees to that state, territory, or province.

11       \* **Sec. 2.** APPLICABILITY. AS 08.64.326(a)(9), as amended by this Act, applies to  
12 conduct by a licensee that occurs on or after the effective date of this Act.