

AMENDMENT #11

OFFERED IN THE HOUSE  
TO: CSHB 25(FIN)

BY REPRESENTATIVE EASTMAN

1 Page 1, line 1, following "Act": *(title amendment)*  
2 Insert "**relating to the voluntary sterilization of unemancipated minors;**"  
3

4 Page 1, following line 4:

5 Insert a new bill section to read:

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

7 (a) The board may impose a sanction if the board finds after a hearing that a  
8 licensee

9 (1) secured a license through deceit, fraud, or intentional  
10 misrepresentation;

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

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

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

16 (A) a class A or unclassified felony or a crime in another  
17 jurisdiction with elements similar to a class A or unclassified felony in this  
18 jurisdiction;

19 (B) a class B or class C felony or a crime in another jurisdiction  
20 with elements similar to a class B or class C felony in this jurisdiction if the  
21 felony or other crime is substantially related to the qualifications, functions, or  
22 duties of the licensee; or

23 (C) a crime involving the unlawful procurement, sale,

1 prescription, or dispensing of drugs;

2 (5) has procured, sold, prescribed, or dispensed drugs in violation of a  
3 law regardless of whether there has been a criminal action or harm to the patient;

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

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

9 (8) has demonstrated

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

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

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

17 (9) engaged in unprofessional conduct, in sexual misconduct, or in  
18 lewd or immoral conduct in connection with the delivery of professional services to  
19 patients; in this paragraph, "sexual misconduct" includes sexual contact, as defined by  
20 the board in regulations adopted under this chapter, or attempted sexual contact with a  
21 patient outside the scope of generally accepted methods of examination or treatment of  
22 the patient, regardless of the patient's consent or lack of consent, during the term of the  
23 physician-patient relationship, as defined by the board in regulations adopted under  
24 this chapter, unless the patient was the licensee's spouse at the time of the contact or,  
25 immediately preceding the physician-patient relationship, was in a dating, courtship,  
26 or engagement relationship with the licensee;

27 (10) has violated AS 18.16.010;

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

30 (12) has denied care or treatment to a patient or person seeking  
31 assistance from the physician if the only reason for the denial is the failure or refusal

1 of the patient to agree to arbitrate as provided in AS 09.55.535(a);

2 (13) has had a license or certificate to practice medicine in another  
3 state or territory of the United States, or a province or territory of Canada, denied,  
4 suspended, revoked, surrendered while under investigation for an alleged violation,  
5 restricted, limited, conditioned, or placed on probation unless the denial, suspension,  
6 revocation, or other action was caused by the failure of the licensee to pay fees to that  
7 state, territory, or province; [OR]

8 (14) prescribed or dispensed an opioid in excess of the maximum  
9 dosage authorized under AS 08.64.363; or

10 (15) performed a voluntary sterilization procedure on an  
11 unemancipated minor; in this paragraph, "voluntary sterilization" does not  
12 include an emergency or lifesaving procedure that results in sterilization."

13  
14 Page 1, line 5:

15 Delete "Section 1"

16 Insert "Sec. 2"

17  
18 Renumber the following bill sections accordingly.

19  
20 Page 7, line 9:

21 Delete "sec. 6"

22 Insert "sec. 7"

23  
24 Page 7, line 11:

25 Delete "sec. 6"

26 Insert "sec. 7"

27  
28 Page 7, line 14:

29 Delete "sec. 6"

30 Insert "sec. 7"

- 1 Page 7, line 17:
- 2 Delete "sec. 6"
- 3 Insert "sec. 7"
- 4
- 5 Page 7, line 19:
- 6 Delete "sec. 7"
- 7 Insert "sec. 8"
- 8
- 9 Page 7, line 20:
- 10 Delete "sec. 6"
- 11 Insert "sec. 7"
- 12
- 13 Page 7, line 22:
- 14 Delete "sec. 6"
- 15 Insert "sec. 7"
- 16
- 17 Page 7, line 24:
- 18 Delete "secs. 7 and 8"
- 19 Insert "secs. 8 and 9"
- 20
- 21 Page 7, line 25:
- 22 Delete "sec. 9"
- 23 Insert "sec. 10"