

**SENATE BILL NO. 108**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY SENATORS GIESSEL, Micciche, Meyer, MacKinnon, Bishop, Stevens, Hughes

Introduced: 4/7/17

Referred: Labor and Commerce, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the State Medical Board; relating to the licensing of physicians,  
2 osteopaths, and podiatrists; and providing for an effective date."

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

4 \* **Section 1.** AS 08.64.101, as amended by sec. 7, ch. 25, SLA 2016, is amended to read:

5 **Sec. 08.64.101. Duties.** The board shall

6 (1) **except as provided in regulations adopted by the board under**  
7 **(b) of this section,** examine and issue licenses to applicants;

8 (2) develop written guidelines to ensure that licensing requirements are  
9 not unreasonably burdensome and the issuance of licenses is not unreasonably  
10 withheld or delayed;

11 (3) after a hearing, impose disciplinary sanctions on persons who  
12 violate this chapter or the regulations or orders of the board;

13 (4) adopt regulations ensuring that renewal of licenses is contingent on  
14 proof of continued competency on the part of the licensee;

1 (5) under regulations adopted by the board, contract with private  
 2 professional organizations to establish an impaired medical professionals program to  
 3 identify, confront, evaluate, and treat persons licensed under this chapter who abuse  
 4 alcohol, other drugs, or other substances or are mentally ill or cognitively impaired;

5 (6) adopt regulations that establish guidelines for a physician who is  
 6 rendering a diagnosis, providing treatment, or prescribing, dispensing, or  
 7 administering a prescription drug to a person without conducting a physical  
 8 examination under AS 08.64.364; the guidelines must include a nationally recognized  
 9 model policy for standards of care of a patient who is at a different location than the  
 10 physician;

11 (7) require that a licensee who has a federal Drug Enforcement  
 12 Administration registration number register with the controlled substance prescription  
 13 database under AS 17.30.200(o).

14 \* **Sec. 2.** AS 08.64.101 is amended by adding a new subsection to read:

15 (b) The board may adopt regulations authorizing

16 (1) the executive secretary to grant a license to an applicant under this  
 17 chapter; the regulations must provide

18 (A) that the applicant meet the requirements provided under  
 19 this chapter;

20 (B) that the executive secretary may not grant a license under  
 21 this chapter if the applicant has submitted

22 (i) a list of one or more negotiated settlements and  
 23 judgments under AS 08.64.200(a)(3);

24 (ii) information that the applicant had a license to  
 25 practice medicine in another state, country, province, or territory that  
 26 was suspended or revoked under AS 08.64.200(a)(4); or

27 (iii) information that requires consideration by the  
 28 board; and

29 (C) other requirements that the board determines necessary;

30 (2) a member of the board, the executive secretary, or a person  
 31 designated by the board to issue a temporary permit under AS 08.64.270(a) or

1 08.64.275(a) if the applicant meets the requirements established under this chapter.

2 \* **Sec. 3.** AS 08.64.190 is amended to read:

3 **Sec. 08.64.190. Contents of application.** The application must state the name,  
4 age, residence, [THE DURATION OF RESIDENCE,] the time spent in medical or  
5 osteopathy study, the place, year, and school in which degrees were granted, the  
6 applicant's medical work history, and other information the board considers necessary.  
7 The application shall be made under oath. The board may verify information in the  
8 application through direct contact with the appropriate schools, medical boards, or  
9 other agencies that can substantiate the information.

10 \* **Sec. 4.** AS 08.64.230(a) is amended to read:

11 (a) If a physician applicant passes the examination and meets the requirements  
12 of AS 08.64.200 and 08.64.255, the board **or its executive secretary** shall grant a  
13 license to the applicant to practice medicine in the state.

14 \* **Sec. 5.** AS 08.64.230(b) is amended to read:

15 (b) If an osteopath applicant passes the examination and meets the  
16 requirements of AS 08.64.205 and 08.64.255, the board **or its executive secretary**  
17 shall grant a license to the applicant to practice osteopathy in the state.

18 \* **Sec. 6.** AS 08.64.270(a) is amended to read:

19 (a) The board, **a member of the board, the executive secretary, or a person**  
20 **designated by the board to issue temporary permits** may issue a temporary permit  
21 to a physician applicant, osteopath applicant, or podiatry applicant who meets the  
22 requirements of AS 08.64.200, 08.64.205, 08.64.209, or 08.64.225 and pays the  
23 required fee.

24 \* **Sec. 7.** AS 08.64.275(a) is amended to read:

25 (a) A member of the board, [OR] its executive secretary, **or a person**  
26 **designated by the board to issue temporary permits** may grant a temporary permit  
27 to a physician or osteopath for the purpose of

28 (1) substituting for another physician or osteopath licensed in this  
29 state;

30 (2) being temporarily employed by a physician or osteopath licensed in  
31 this state while that physician or osteopath evaluates the permittee for permanent

1 employment; or

2 (3) being temporarily employed by a hospital or community mental  
3 health center while the facility attempts to fill a vacant permanent physician or  
4 osteopath staff position with a physician or osteopath licensed in this state.

5 \* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to  
6 read:

7 TRANSITION: REGULATIONS. The Department of Commerce, Community, and  
8 Economic Development and the State Medical Board may adopt regulations necessary to  
9 implement the changes made by this Act. The regulations take effect under AS 44.62  
10 (Administrative Procedure Act), but not before the effective date of the relevant provision of  
11 this Act implemented by the regulation.

12 \* **Sec. 9.** Section 8 of this Act takes effect immediately under AS 01.10.070(c).

13 \* **Sec. 10.** Except as provided in sec. 9 of this Act, this Act takes effect July 1, 2018.