

HOUSE BILL NO. 15

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES THOMPSON, Prax, Nelson, McCabe

Introduced: 2/18/21

Referred: Labor and Commerce, Education

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to occupational licensing; relating to temporary licenses and permits;**
2 **relating to certification of teachers; 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4 * **Section 1.** AS 08.01.062 is repealed and reenacted to read: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 licenses and permits.** (a) The department shall
6 issue to an applicant a temporary license or permit under this section to engage in an
7 occupation regulated under this chapter if

8 (1) the applicant

9 (A) is licensed or credentialed to practice the occupation in
10 another state or territory of the United States or a foreign country, territory, or
11 province that

12 (i) has requirements for a license or permit to practice
13 the occupation that are substantially equivalent to or greater than the
14 requirements for the occupation under this title; or

1 (ii) authorizes a scope of practice substantially
2 equivalent to the scope of practice of the corresponding license or
3 permit in this state;

4 (B) meets the qualifications and requirements for a license or
5 permit to practice that occupation under this title and resides in a state or
6 territory of the United States or in a foreign country, territory, or province that
7 does not license individuals to practice that occupation;

8 (C) is awaiting the results of an examination required for
9 licensure in the occupation and meets the remaining qualifications and
10 requirements for licensure in that occupation under this title; or

11 (D) meets the qualifications and requirements for a license or
12 permit to engage in that occupation under this title through military education,
13 training, and service under AS 08.01.064(a) and does not already hold a license
14 or permit to practice that occupation in another jurisdiction as a member of one
15 of the armed forces listed in AS 08.01.064(a)(2);

16 (2) at the time of the application, the applicant is not

17 (A) subject to disciplinary action related to the occupation in
18 another jurisdiction; or

19 (B) the subject of an ongoing review or disciplinary proceeding
20 by the occupation's licensing entity in that jurisdiction;

21 (3) within the 10 years immediately preceding the date of the
22 application, the applicant has not committed an act in another jurisdiction that, at the
23 time the act was committed, would have constituted grounds for the denial or
24 revocation of a license, certificate, or permit to practice that occupation under this
25 title; and

26 (4) the applicable fees are paid.

27 (b) If the department or applicable board requires that an applicant for an
28 occupational license or permit undergo a criminal history record check, an applicant
29 for a temporary license or permit for that occupation is subject to the same
30 requirement. The department may consider an application and grant a temporary
31 license or permit before obtaining a result from the criminal history record check. If

1 the department later receives criminal record information that would authorize the
2 department or a board to take disciplinary action against a temporary license or permit
3 holder, the department or board shall exercise that authority.

4 (c) A temporary license or permit issued under this section is valid for 180
5 days. An applicant may apply for one 180-day extension, which may be approved at
6 the discretion of the department.

7 (d) A temporary license or permit issued under this section for an occupation
8 regulated under this chapter allows the temporary license or permit holder to
9 temporarily practice the occupation for which the license or permit was granted,
10 within the scope designated by the department or applicable board.

11 (e) The department may extend the 180-day temporary license or permit
12 period under (c) of this section for an applicant for a temporary license or permit under
13 (a)(1)(D) of this section if the applicant shows that the required occupational training
14 period is longer than 180 days.

15 (f) The department shall issue a license or permit under this section to an
16 active duty member of the armed forces of the United States or a spouse of an active
17 duty member of the armed forces of the United States who meets the requirements of
18 this section within 30 days after the department receives the person's complete
19 application for the license or permit.

20 * **Sec. 2.** AS 08.13.175 is amended to read:

21 **Sec. 08.13.175. Temporary license.** After [A PERSON WHO MEETS THE
22 REQUIREMENTS OF AS 08.13.080(a)(1), (2), (3), (4), OR (6) IS ENTITLED TO
23 BE TEMPORARILY LICENSED AFTER] applying for examination under this
24 chapter, an [IF THE] applicant who receives a temporary license under
25 AS 08.01.062 may work only [WORKS] under the direct supervision, and within the
26 physical presence, of a person who is licensed in the area of practice for which the
27 applicant has applied for examination. [A TEMPORARY LICENSE ISSUED
28 UNDER THIS SECTION IS VALID FOR 120 DAYS AND IS NONRENEWABLE.
29 A PERSON MAY NOT RECEIVE MORE THAN ONE TEMPORARY LICENSE
30 FOR EACH AREA OF PRACTICE LICENSED UNDER THIS CHAPTER. AN
31 APPLICATION FOR A TEMPORARY LICENSE MUST BE SIGNED BY THE

1 SUPERVISING LICENSEE AND ACCOMPANIED BY THE TEMPORARY
2 LICENSE FEE REQUIRED UNDER AS 08.13.185.]

3 * **Sec. 3.** AS 08.13.190(a) is amended to read:

4 (a) A person who practices barbering, hairdressing, hair braiding, esthetics,
5 tattooing, permanent cosmetic coloring, or body piercing, or operates a shop, or
6 operates a school of barbering, hairdressing, or esthetics, or teaches in a school of
7 barbering, hairdressing, or esthetics, without a license, [TEMPORARY PERMIT,]
8 temporary license under AS 08.01.062, or student permit and who is not exempt
9 under AS 08.13.120 or 08.13.160(d) [UNDER AS 08.13.160(d)] is guilty of a class B
10 misdemeanor.

11 * **Sec. 4.** AS 08.20.180(a) is amended to read:

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

18 * **Sec. 5.** AS 08.36.100 is amended to read:

19 **Sec. 08.36.100. License required.** Except as provided in AS 08.36.238 [AND
20 08.36.254], a person may not practice, or attempt to practice, dentistry without a
21 license.

22 * **Sec. 6.** AS 08.64.279 is amended to read:

23 **Sec. 08.64.279. Interview for permits.** An applicant for an intern permit or [,]
24 a resident permit [, OR A TEMPORARY PERMIT FOR LOCUM TENENS
25 PRACTICE] may be interviewed in person by the board, a member of the board, the
26 executive secretary of the board, or a person designated for that purpose by the board.

27 * **Sec. 7.** AS 08.84.010(b) is amended to read:

28 (b) The board shall control all matters pertaining to the licensing of physical
29 therapists, physical therapy assistants, occupational therapists, and occupational
30 therapy assistants and the practice of physical therapy and the practice of occupational
31 therapy. The board shall

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

12 * **Sec. 8.** AS 08.84.150 is amended to read:

13 **Sec. 08.84.150. License required; exceptions.** (a) It is unlawful for a person

14 to practice physical therapy without being licensed under this chapter unless the

15 person is

- 16 (1) a student in an accredited physical therapy program;
- 17 (2) a graduate of a foreign school of physical therapy fulfilling the
- 18 internship requirement of AS 08.84.032, and then only unless under the continuous
- 19 direction and immediate supervision of a physical therapist; or
- 20 (3) issued a **temporary** [LIMITED] permit under **AS 08.01.062**
- 21 [AS 08.84.075].

22 (b) A person may not provide services that the person describes as

23 occupational therapy without being licensed under this chapter unless the person is

- 24 (1) a student in an accredited occupational therapy program or in a
- 25 supervised field work program;
- 26 (2) a graduate of a foreign school of occupational therapy fulfilling the
- 27 internship requirement of AS 08.84.032, and then only unless under the continuous
- 28 direction and immediate supervision of an occupational therapist;
- 29 (3) an occupational therapist or occupational therapy assistant
- 30 employed by the United States government while in the discharge of official duties;
- 31 (4) granted a **temporary** [LIMITED] permit under **AS 08.01.062**

1 [AS 08.84.075];

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

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

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

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

12 (C) the person does not represent to

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

15 (ii) practice occupational therapy.

16 * **Sec. 9.** AS 08.98.120(a) is amended to read:

17 (a) A person may not practice veterinary medicine, surgery, or dentistry unless
18 the person is licensed as a veterinarian under this chapter or has a temporary permit
19 issued under **AS 08.01.062** [AS 08.98.186], except that a person may perform
20 functions authorized by

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

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

25 * **Sec. 10.** AS 08.98.180 is amended to read:

26 **Sec. 08.98.180. Temporary license.** A person who **is granted a temporary**
27 **license by the department under AS 08.01.062 may work only** [MEETS THE
28 REQUIREMENTS OF AS 08.98.165(a)(1), (4), AND (5) IS ENTITLED TO BE
29 TEMPORARILY LICENSED AFTER APPLYING FOR EXAMINATION IF THE
30 PERSON WORKS] under the supervision of a licensed veterinarian. [A LICENSE
31 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. 11.** AS 14.20.015 is amended by adding a new subsection to read:

(g) The department shall issue a preliminary teacher certificate under this section to an active duty member of the armed forces of the United States or a spouse of an active duty member of the armed forces of the United States who meets the requirements of this section within 30 days after the department receives the person's complete application for the preliminary teacher certificate.

* **Sec. 12.** AS 08.01.063, 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; 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; AS 08.98.186, 08.98.190(6), and 08.98.190(7) are repealed.

* **Sec. 13.** 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. 14.** Section 13 of this Act takes effect immediately under AS 01.10.070(c).

* **Sec. 15.** Except as provided in sec. 14 of this Act, this Act takes effect January 1, 2022.