

Introduced: 4/4/67
Referred: Commerce and
Judiciary

BY BEIRNE, BALONE, BRADNER,
BRADY, CRESSMAN, FINK, FRITZ,
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1 IN THE HOUSE

2 HOUSE BILL NO. 338

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the licensing of physicians."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 08.64.160 is amended to read:

9 Sec. 08.64.160. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.

10 The board shall comply with the Administrative Procedure Act (AS 44.62),
11 and the final determination of an applicant's eligibility for a license
12 is subject to judicial review in accordance with that Act.

13 * Sec. 2. AS 08.64.180 is amended to read:

14 Sec. 08.64.180. APPLICATION FOR LICENSE. A person who desires to
15 practice medicine in the state shall apply in writing to the department
16 [BOARD] for a license.

17 * Sec. 3. AS 08.64.220(a) is amended to read:

18 (a) The board shall make the examination practical in nature and
19 sufficient to test the applicant's fitness to practice medicine. The
20 organization selected to grade the examination shall be instructed that
21 the examination is simply to determine whether the examinee is qualified
22 to practice medicine without endangering the public. In grading the
23 examination and in ruling on an application, factors such as the eco-
24 nomics of the profession may not be considered.

25 * Sec. 4. AS 08.64.220(b) is repealed and re-enacted to read:

26 (b) The examination shall be graded by an organization designated
27 by the department, such as the American Medical Association, the National
28 Board of Medical Examiners or a medical school accredited by the American
29 Medical Association or the Canadian Medical Association and the board

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1 shall forward to the examinee a report showing his numerical score on
2 each section of the examination.

3 * Sec. 5. AS 08.64.230 is repealed and re-enacted to read:

4 Sec. 08.64.230. LICENSE GRANTED. If the applicant passes the
5 examination and meets the requirements of sec. 200 of this chapter,
6 the department shall issue a license to him to practice medicine in the
7 state. Each license shall be signed by the commissioners of the Depart-
8 ment of Commerce and the Department of Health and Welfare.

9 * Sec. 6. AS 08.64.240 is amended to read:

10 Sec. 08.64.240. LICENSE REFUSED. If the applicant fails the
11 examination or fails to comply with any of the other requirements of
12 this chapter, he shall not be issued a [THE BOARD SHALL REFUSE TO GRANT
13 THE] license.

14 * Sec. 7. AS 08.64.250 is amended to read:

15 Sec. 08.64.250. EXAMINATION WAIVED. The [BOARD MAY WAIVE THE]
16 examination requirement shall be waived if an applicant has

17 (1) a license from a board of medical examiners established
18 under the laws of a state of the United States or a province of Canada,
19 or a certificate of registration from a national board of registry
20 acceptable to the department [, AND THAT BOARD RECOGNIZES LICENSES FROM
21 THIS STATE AND ISSUES RECIPROCAL LICENSES]; and

22 (2) a certificate that the applicant is qualified to practice
23 medicine in the state or province issuing the license, and that the
24 license was issued after a thorough examination qualifying the applicant.

25 * Sec. 8. AS 08.64.270 is amended to read:

26 Sec. 08.64.270. TEMPORARY PERMIT. (a) To prevent delay and
27 inconvenience the department, upon the recommendation of the Department
28 of Health and Welfare and with the advice of the Comprehensive Health
29 Advisory Council, shall issue [A MEMBER OF THE BOARD MAY GRANT] a

1 temporary permit to an applicant without examination if the applicant
2 meets the requirements of sec. 200(1) - (5) [200] of this chapter and
3 pays a fee of \$25.

4 (b) Within 10 days from the date of issuing [GRANTING] the permit,
5 the department [BOARD MEMBER] shall forward [THE FEE] to the secretary-
6 treasurer of the board [TOGETHER WITH] a report of the issuance of the
7 permit.

8 (c) If the applicant is eligible for license only by examination
9 the temporary permit shall be valid until the results of the next
10 examination are made known. If he is eligible for a license by comity
11 the temporary permit is valid for one year or until he is licensed,
12 whichever period is shorter. [A TEMPORARY PERMIT IS VALID ONLY IN THE
13 JUDICIAL DISTRICT FOR WHICH IT IS ISSUED. IT IS EFFECTIVE UNTIL THE
14 NEXT REGULAR MEETING OF THE BOARD OR FOR THE PERIOD SPECIFIED, WHICH-
15 EVER OCCURS FIRST.]

16 (d) The recording requirements of sec. 280 of this chapter also
17 applies to temporary permits.

18 * Sec. 9. AS 08.64.290 is amended to read:

19 Sec. 08.64.290. EXAMINATION FEE. The examination fee is \$25, and
20 the applicant shall pay the fee at the time of applying for examination.
21 The department [BOARD] may refund the examination fee only if the appli-
22 cant is unavoidably prevented from taking the examination.

23 * Sec. 10. AS 08.64.300 is amended to read:

24 Sec. 08.64.300. FEE FOR LICENSE BY COMITY [RECIPROCITY]. The
25 fee for a license issued through comity [RECIPROCITY WITH ANOTHER STATE]
26 is \$100.

27 * Sec. 11. AS 08.64.310 is amended to read:

28 Sec. 08.64.310. ANNUAL LICENSE FEE. Before February 2 of each
29 year each licensee shall pay a fee of \$10 to the department [SECRETARY-

1 TREASURER OF THE BOARD].

2 * Sec. 12. AS 08.64.320 is amended to read:

3 Sec. 08.64.320. DISPOSITION OF FEES. Fees collected by the
4 department [BOARD] shall be deposited in the general fund.

5 * Sec. 13. AS 08.64.340 is amended to read:

6 Sec. 08.64.340. STATEMENT OF GROUNDS OF REFUSAL OR REVOCATION OF
7 LICENSE. If the department [BOARD] refuses to issue a license or the
8 board revokes a license, the respective agency [IT] shall file a [BRIEF
9 AND] concise statement of the [GROUNDS AND] reasons for the action in
10 the office of the secretary-treasurer of the board, and shall send a
11 copy of this statement to the applicant. The statement, together with
12 the written decision of the board, shall remain of record in the office

13 * Sec. 14. AS 08.64.380 is amended by adding a new subsection to read:

14 (4) "department" means the Department of Commerce.

15 * Sec. 15. AS 08.01.050(4) is amended to read:

16 (4) notify applicants of their acceptance or rejection [OF
17 APPLICANTS AS DETERMINED BY THE BOARD];

18 * Sec. 16. AS 08.01.050(9) is amended to read:

19 (9) issue licenses and certificates or temporary licenses or
20 certificates as authorized by the board or as specified in AS 08.64;

21 * Sec. 17. AS 08.01.070(5) is amended to read:

22 (5) prepare and grade examinations, except as provided
23 otherwise in AS 08.64;

24 * Sec. 18. AS 08.01.070(6) is amended to read:

25 (6) pass on qualifications of applicants for examination
26 and license, except as provided otherwise in AS 08.64;