

Original sponsor: Health, Welfare and Education Committee

Offered: 4/11/69
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

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CS FOR HOUSE BILL NO. 326

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the medical profession; and

7

providing for an effective date."

8

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

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* Section 1. AS 08.64.050 is amended to read:

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Sec. 08.64.050. OATH OF OFFICE. Each member shall take an oath

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of office. The oath shall be filed and preserved in the central

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licensing section of the department [OFFICE OF THE SECRETARY-TREASURER

13

OF THE BOARD].

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* Sec. 2. AS 08.64.070 is amended to read:

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Sec. 08.64.070. OFFICERS. The board shall elect a president and

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secretary [SECRETARY-TREASURER] from among its members. The president

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and secretary [SECRETARY-TREASURER] may administer oaths.

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* Sec. 3. AS 08.64.180 is amended to read:

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Sec. 08.64.180. APPLICATION FOR LICENSE. A person who desires

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to practice medicine, or osteopathy in the state shall apply in

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writing to the department [DEPARTMENT OF COMMERCE] for a license.

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* Sec. 4. AS 08.64.190 is amended to read:

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Sec. 08.64.190. CONTENTS OF APPLICATION. The application shall

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state the name, age, residence, the duration of residence, the time

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spent in medical, or osteopathy study, the place, [AND THE] year and

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school in which degrees were granted, and other information the board

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considers necessary. The application shall be made under oath.

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* Sec. 5. AS 08.64.200 is amended to read:

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Sec. 08.64.200. QUALIFICATIONS OF PHYSICIAN APPLICANTS. Each

1 physician applicant shall

2 [(1) BE A CITIZEN OF THE UNITED STATES, CANADA, OR THE
3 UNITED KINGDOM;

4 (2) BE AT LEAST 21 YEARS OF AGE;]

5 (3) be [SUBMIT A CERTIFICATE] of good moral character;

6 (4) submit a certificate of graduation from a legally
7 chartered medical school whose requirements for graduation were at the
8 time of graduation not less than the requirements of the Association
9 of [THE] American Medical Colleges; and

10 (5) submit a certificate from a recognized hospital certify-
11 ing that the applicant has faithfully performed the duties of resident
12 physician or intern for a period of one year, or evidence satisfactory
13 to the board that the applicant is a licensed physician and has been
14 engaged in active practice of the profession for a term of four years[;

15 AND

16 (6) HOLD A CERTIFICATE OF REGISTRATION IN THE BASIC SCIENCES
17 AS PROVIDED IN AS 08.16.200].

18 * Sec. 6. AS 08.64.205 is amended to read:

19 Sec. 08.64.205. QUALIFICATIONS FOR OSTEOPATH APPLICANTS. Each
20 osteopath applicant shall meet the qualifications prescribed in sec.
21 200[(1),] (2) and [,](3) [, AND (6)] of this chapter and shall

22 (1) submit a certificate of graduation from a legally
23 chartered school of osteopathy approved by the board;

24 (2) submit a certificate from a hospital approved by the
25 American Osteopathic Association which certifies that he has faithfully
26 completed and performed the duties of resident osteopathic physician
27 for one year;

28 (3) take the examination required by sec. 210 of this chap-
29 ter; no waiver of this requirement for an osteopath applicant shall be

1 given, the provisions of AS 08.64.250 notwithstanding.

2 * Sec. 7. AS 08.64.210 is amended to read:

3 Sec. 08.64.210. EXAMINATION REQUIRED. The applicant shall take
4 an examination in the following branches of medicine: [;] materia
5 medica, therapeutics, surgery, and obstetrics; [, AND OTHER BRANCHES
6 THE BOARD CONSIDERS ADVISABLE] and he shall be examined in the following
7 basic sciences: anatomy, physiology, chemistry, pathology, and hygiene.
8 The board may examine in other branches it considers advisable.

9 * Sec. 8. AS 08.64.220(a) is amended to read:

10 (a) The board shall make the examination written and oral
11 [PRACTICAL] in nature and sufficient to test the applicant's fitness
12 to practice medicine, or osteopathy.

13 * Sec. 9. AS 08.64.220(c) is repealed and re-enacted to read:

14 (c) Examinations, answers and scores shall be preserved and filed
15 in the central licensing section of the department.

16 * Sec. 10. AS 08.64 is amended by adding a new section to read:

17 Sec. 08.64.225. FOREIGN MEDICAL GRADUATES. Applicants who are
18 graduates of medical colleges not accredited by the American Medical
19 Association or one of its agencies shall meet the requirements of
20 sec. 200(2), (3) and (5) of this chapter and must have passed an ex-
21 -amination and be certified by the Education Council on Foreign Medical
22 Graduates, or be licensed by examination in another state or province
23 with which Alaska reciprocates.

24 * Sec. 11. AS 08.64.230 is repealed and re-enacted to read:

25 Sec. 08.64.230. LICENSE GRANTED. (a) If the physician applicant
26 passes the examination and meets the requirements of sec. 200 of this
27 chapter, the board shall grant a license to him to practice medicine
28 in the state.

29 (b) If the osteopath applicant passes the examination and meets

1 the requirements of sec. 205 of this chapter, the board shall grant a
2 license to him to practice osteopathy in the state.

3 (c) Each license shall be signed by the secretary and president
4 of the board, and have the seal of the board affixed to it.

5 * Sec. 12. AS 08.64.240 is amended to read:

6 Sec. 08.64.240. LICENSE REFUSED. If the applicant fails the
7 examination, or is determined by the board to be ethically or profes-
8 sionally unfit to practice medicine or osteopathy in this state, or
9 fails to comply with any of the other requirements of this chapter, the
10 board shall refuse to grant the license.

11 * Sec. 13. AS 08.64.250 is amended to read:

12 Sec. 08.64.250. EXAMINATION WAIVED. The board may waive the
13 examination requirement if an applicant has

14 (1) a license from a board of medical examiners established
15 under the laws of a state of the United States or a province of
16 Canada, and that board recognizes licenses from this state and issues
17 reciprocal licenses; and

18 (2) a certificate that the applicant is qualified to practice
19 medicine in the state or province issuing the license, and that the
20 license was issued after a thorough examination qualifying the appli-
21 cant; or has passed an examination given by the National Board of
22 Medical Examiners.

23 * Sec. 14. AS 08.64 is amended by adding a new section to read:

24 Sec. 08.64.255. INTERVIEW REQUIRED. All applicants for a license
25 under sec. 250 of this chapter shall successfully complete an oral
26 interview before at least one member of the board before a license will
27 be issued. The interview shall be recorded, and, if the application is
28 denied on the basis of the interview, the denial shall be stated in
29 writing with the reasons for it, and the record shall be preserved.

1 * Sec. 15. AS 08.64.260 is repealed and re-enacted to read:

2 Sec. 08.64.260. RE-EXAMINATION. (a) If the applicant fails the
3 examination, he may take another examination not less than six months
4 nor more than two years after the date of the first examination. If
5 the applicant fails a second examination, he may, after a year of post
6 graduate study approved by the board, make a new application.

7 (b) Applicants failing every portion of the examination shall re-
8 take the entire examination and pay the full examination fee.

9 (c) Applicants failing portions of part I or part II of the
10 examination may retake the portions failed at a prorated fee prescribed
11 in the regulations by the board.

12 (d) Applicants failing part III of the examination shall retake
13 the entire part at a prorated fee prescribed in the regulations by the
14 board.

15 * Sec. 16. AS 08.64.270(b) is amended to read:

16 (b) Within 10 days from the date of granting the permit, the
17 board member shall forward the fee to the department [SECRETARY-
18 TREASURER OF THE BOARD] together with a report of the issuance of the
19 permit.

20 * Sec. 17. AS 08.64 is amended by adding a new section to read:

21 Sec. 08.64.275. TEMPORARY PERMIT FOR LOCUM TENENS PRACTICE. (a)
22 A member of the board may grant a temporary permit to a physician for
23 the purpose of substituting for another physician licensed in this
24 state. The permit shall be valid for 90 consecutive days, and a second
25 permit will not be issued during the same calendar year. If circum-
26 stances warrant, an extension of the permit may be granted upon the
27 consent of the entire board.

28 (b) A physician applying under (a) of this section shall pay a
29 \$25 fee and shall meet the requirements of sec. 200(4) and (5) of this

1 chapter; in addition he shall submit evidence of holding a license to
2 practice medicine in a state of the United States or evidence of
3 eligibility for a license to practice medicine in this state.

4 (c) Within 10 days from the granting of the permit, the board
5 member shall forward the fee to the Department of Commerce with a
6 report of the issuance of the permit.

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

8 Sec. 08.64.290. EXAMINATION FEE. The examination fee is \$125
9 ~~[\$25]~~, and the applicant shall pay the fee at the time of applying
10 for examination. The board may refund the examination fee only if the
11 applicant is unavoidably prevented from taking the examination.

12 * Sec. 19. AS 08.64.300 is repealed and re-enacted to read:

13 Sec. 08.64.300. FEE FOR LICENSE BY RECIPROCITY OR WAIVER OF
14 EXAMINATION. The fee for a license issued by reciprocity or waiver
15 of examination is \$100.

16 * Sec. 20. AS 08.64.310 is repealed and re-enacted to read:

17 Sec. 08.64.310. LICENSE RENEWAL AND FEES. (a) Licensees residing
18 outside Alaska may renew their licenses on an inactive basis. Licensees
19 who do practice from time to time in Alaska may not be considered as
20 inactive license holders.

21 (b) Original and renewal biennial license fees, other than
22 original license by reciprocity or waiver of examination, are:

- 23 (1) active license. \$100
24 (2) inactive license. 25

25 (c) License fees are not refundable and may not be prorated.

26 * Sec. 21. AS 08.64.330 is amended to read:

27 Sec. 08.64.330. GROUNDS FOR REVOCATION OF LICENSE. (a) A license
28 may be revoked for failure to pay the [ANNUAL] license renewal fee
29 prescribed in sec. 310 of this chapter. If the fee is not paid within

1 the time provided, the department [SECRETARY-TREASURER OF THE BOARD],
2 shall give written notice to the licensee that he is in default.
3 Notice may be served on him personally or by registered mail addressed
4 to his last known residence. If he fails to pay the fee within three
5 months after notice of default, the secretary [SECRETARY-TREASURER]
6 shall revoke his license on behalf of the board and notify the licensee
7 of the revocation by mail or by personal service of the revocation.

8 (b) A license may be revoked for unprofessional or dishonorable
9 conduct, as defined in sec. 380(3) of this chapter, or for professional
10 incompetence.

11 * Sec. 22. AS 08.64.340 is amended to read:

12 Sec. 08.64.340. STATEMENT OF GROUNDS OF REFUSAL OR REVOCATION OF
13 LICENSE. If the board refuses to issue a license or revokes a license,
14 it shall file a brief and concise statement of the grounds and reasons
15 for the action in the office of the secretary [SECRETARY-TREASURER] of
16 the board and in the department. The statement, together with the
17 written decision of the board, shall remain of record in the department
18 [OFFICE].

19 * Sec. 23. AS 08.64.350 is amended to read:

20 Sec. 08.64.350. CERTIFICATION OF REVOCATION. When a license is
21 revoked, the fact of revocation shall be certified by the secretary
22 [SECRETARY-TREASURER] of the board to the clerk of the superior court
23 in the judicial district where the license is on file. The clerk
24 shall endorse the fact of revocation and the date of revocation on the
25 face of the license or a certified copy of it which is on file. The
26 same information shall be noted in the registry book provided for in
27 sec. 280 of this chapter.

28 * Sec. 24. AS 08.64.360 is amended to read:

29 Sec. 08.64.360. PENALTY FOR PRACTICING WITHOUT A LICENSE OR IN

1 VIOLATION OF CHAPTER. A person practicing medicine or osteopathy in
2 the state without obtaining and filing an appropriate [A] license is
3 guilty of a misdemeanor and upon conviction is punishable by a fine of
4 not less than \$50 nor more than \$100, or by imprisonment for not less
5 than 10 days nor more than 90 days, or by both. Evidence that the
6 defendant has failed to file a license with the clerk of the court is
7 prima facie evidence that the defendant is not licensed. Each day of
8 illegal practice is a separate offense.

9 * Sec. 25. AS 08.64.370(2) is amended to read:

10 (2) a person who is a duly registered practitioner of medi-
11 cine or osteopathy in another state, who may be called upon by a
12 registered physician or osteopath of this state to consult with him
13 in the case under treatment;

14 * Sec. 26. AS 08.64.380 is amended by adding new paragraphs to read:

15 (4) "practicing osteopathy" means

16 (A) those acts described in sec. 380(2)(A), (C), (D)
17 and (E) of this chapter, or

18 (B) publicly displaying his name and the words "Osteo-
19 path", "D.O.", "Dr." or "Doctor" in public view;

20 (5) "department" means the Department of Commerce.

21 * Sec. 27. AS 08.64.150 is repealed.

22 * Sec. 28. AS 08.16.190 is amended to read:

23 Sec. 08.16.190. ISSUANCE OF CERTIFICATE WITHOUT EXAMINATION [TO
24 APPLICANTS FROM OTHER JURISDICTIONS]. The board may issue a certificate
25 or registration in the basic sciences without examination to an appli-
26 cant meeting the requirements of sec. 140(1) - (3) of this chapter who
27 presents satisfactory evidence of having passed an examination in the
28 basic sciences [BEFORE THE NATIONAL BOARD OF MEDICAL EXAMINERS OR] be-
29 fore a legal examining board or officer of another territory, state, or

1 foreign country whose standards are determined by the board to be as
2 high as those of this state, and if the jurisdiction extends the same
3 privilege to persons licensed to practice healing in this state.
4 Application for a certificate without examination shall be accompanied
5 by a fee of \$25.

6 * Sec. 29. AS 08.16.200 is amended to read:

7 Sec. 08.16.200. BASIC SCIENCE CERTIFICATE AS PREREQUISITE TO
8 EXAMINATION, LICENSE, OR REGISTRATION IN ANY BRANCH OR SYSTEM OF HEAL-
9 ING. No examining board for a branch or system of healing may admit
10 to its examination or license or register any applicant for examination
11 by the board unless the applicant presents a certificate of registra-
12 tion in the basic sciences or a certificate of graduation under sec. 205
13 of this chapter. The examining board for a branch or system of healing
14 shall not require another examination in any of the basic sciences,
15 except as provided for by AS 08.64.210.

16 * Sec. 30. AS 08.16 is amended by adding a new section to read:

17 Sec. 08.16.205. EFFECT OF CERTIFICATE OF GRADUATION. For pur-
18 poses of this chapter a certificate of graduation from a legally
19 chartered medical school, whose requirements for graduation were at the
20 time of graduation not less than the requirements of the Association of
21 American Medical Colleges, is equivalent to, and may be substituted
22 for, a certificate of registration in the basic sciences.

23 * Sec. 31. AS 08.16.210 is amended to read:

24 Sec. 08.16.210. CERTIFICATE TO BE FILED. A person holding a
25 certificate of registration under this chapter or a certificate of
26 graduation under sec. 205 of this chapter shall, before commencing the
27 practice of healing, file the original certificate or a certified copy
28 of it with the Department of Commerce. The department shall file the
29 certificate and enter a memorandum of it in a book to be provided for

1 that purpose, giving the date of the certificate and the name and
2 address of the holder.

3 * Sec. 32. AS 08.16.230 is amended to read:

4 Sec. 08.16.230. PRACTICE WITHOUT CERTIFICATE A MISDEMEANOR. A
5 person not specifically exempted by sec. 260 of this chapter who prac-
6 tices healing in this state without a certificate of registration in
7 the basic sciences or a certificate of graduation under sec. 205 of
8 this chapter is guilty of a misdemeanor, and upon conviction is punish-
9 able by a fine of not more than \$1,000, or by imprisonment for not
10 more than one year, or by both. In a prosecution under this section,
11 evidence that the defendant failed to file his certificate of regis-
12 tration in the basic sciences or certificate of graduation under sec.
13 205 of this chapter is prima facie evidence that he is not a regularly
14 licensed practitioner.

15 * Sec. 33. This Act takes effect on the day after its passage and approv-
16 al or on the day it becomes law without approval.