

Original sponsor: Health, Welfare
and Education Committee

Offered: 4/22/69
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 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 provid-
7 ing for an effective date."

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

9 * Section 1. AS 08.64.050 is amended to read:

10 Sec. 08.64.050. OATH OF OFFICE. Each member shall take an oath of
11 office. The oath shall be filed and preserved in the central licensing
12 section of the department [OFFICE OF THE SECRETARY-TREASURER OF THE
13 BOARD].

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

15 Sec. 08.64.070. OFFICERS. The board shall elect a president and
16 secretary [SECRETARY-TREASURER] from among its members. The president
17 and secretary [SECRETARY-TREASURER] may administer oaths.

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

19 Sec. 08.64.180. APPLICATION FOR LICENSE. A person who desires to
20 practice medicine, or osteopathy in the state shall apply in writing to
21 the department [DEPARTMENT OF COMMERCE] for a license.

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

23 Sec. 08.64.190. CONTENTS OF APPLICATION. The application shall
24 state the name, age, residence, the duration of residence, the time
25 spent in medical, or osteopathy study, the place, [AND THE] year and
26 school in which degrees were granted, and other information the board
27 considers necessary. The application shall be made under oath.

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

29 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 for
27 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 repealed and re-enacted to read:

3 Sec. 08.64.210. EXAMINATION REQUIRED. The applicant shall take
4 an examination in the medical and basic sciences in subjects the board
5 considers necessary.

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

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

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 AS 08.64.220(c) is repealed and re-enacted to read:

11 (c) The examinations, answers and scores shall be preserved
12 and filed.

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

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

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

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

26 (b) If the osteopath applicant passes the examination and meets
27 the requirements of sec. 205 of this chapter, the board shall grant a
28 license to him to practice osteopathy in the state.

29 (c) Each license shall be signed by the secretary and president

1 of the board, and have the seal of the board affixed to it.

2 * Sec. 12, AS 08.64.240 is amended to read:

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

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

9 Sec. 08.64.250. EXAMINATION WAIVED AND RECIPROCITY. The board may
10 waive the examination requirement if the applicant meets the requirements
11 of sec. 200 of this chapter, pays the required fee and [AN APPLICANT] has

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

16 (2) a certificate that the applicant is qualified to practice
17 medicine in the state or province issuing the license, and that the
18 license was issued after a thorough examination qualifying the applicant;
19 or

20 (3) passed an examination given by the National Board
21 of Medical Examiners.

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

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

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

1 Sec. 08.64.250. RE-EXAMINATION. (a) If the applicant fails the
2 examination, he may take another examination not less than six months
3 nor more than two years after the date of the first examination. If
4 the applicant fails a second examination, he may, after a year of post
5 graduate study approved by the board, make a new application.

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

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

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

14 * Sec. 16. AS 08.64.270 is amended to read:

15 Sec. 08.64.270. TEMPORARY PERMIT. (a) To prevent delay and in-
16 convenience a member of the board may grant a temporary permit to an
17 applicant without examination if the applicant meets the requirements
18 of sec. 200 of this chapter and pays the required fee [A FEE OF \$25].

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

23 (c) A temporary permit is valid only in the judicial district for
24 which it is issued. It is effective until the next regular meeting of
25 the board or for the period specified, whichever occurs first.

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

27 Sec. 08.64.275. TEMPORARY PERMIT FOR LOCUM TENENS PRACTICE. (a)
28 A member of the board may grant a temporary permit to a physician for
29 the purpose of substituting for another physician licensed in this

1 state. The permit shall be valid for 90 consecutive days, and a second
2 permit will not be issued during the same calendar year. If circum-
3 stances warrant, an extension of the permit may be granted upon the
4 consent of the entire board.

5 (b) A physician applying under (a) of this section shall pay the
6 required fee and shall meet the requirements of sec. 200(4) and (5)
7 of this chapter; in addition he shall submit evidence of holding a
8 license to practice medicine in a state of the United States or evi-
9 dence of eligibility for a license to practice medicine in this state.

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

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

14 Sec. 08.64.290. EXAMINATION FEE. The examination fee shall be
15 paid [IS \$25, AND THE APPLICANT SHALL PAY THE FEE] at the time of
16 applying for examination. The board may refund the examination fee
17 only if the applicant is unavoidably prevented from taking the examina-
18 tion.

19 * Sec. 19. AS 08.64.300 is repealed.

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

21 Sec. 08.64.310. LICENSE RENEWAL AND FEES. Licensees residing
22 outside Alaska may renew their licenses on an inactive basis. Licensees
23 who do practice from time to time in Alaska may not be considered as
24 inactive license holders.

25 * Sec. 21. AS 08.64 is amended by adding a new section to read:

26 Sec. 08.64.315. FEES. The following fees shall be imposed
27 under this chapter when applicable:

- 28 (1) application fee. \$25
29 (2) license by examination fee 125

1	(3) license by reciprocity or waiver of examination	
2	fee	\$100
3	(4) temporary permit fee	25
4	(5) locum tenens permit fee	25
5	(6) active biennial license renewal fee	100
6	(7) inactive biennial license renewal fee	25

7 * Sec. 22. AS 08.64.330 is amended to read:

8 Sec. 08.64.330. GROUNDS FOR REVOCATION OF LICENSE. (a) A
9 license may be revoked for failure to pay the [ANNUAL] license renewal
10 fee prescribed in sec. 310 of this chapter. If the fee is not paid
11 within the time provided, the department [SECRETARY-TREASURER OF THE
12 BOARD] shall give written notice to the licensee that he is in default.
13 Notice may be served on him personally or by registered mail addressed
14 to his last known residence. If he fails to pay the fee within three
15 months after notice of default, the secretary [SECRETARY-TREASURER]
16 shall revoke his license on behalf of the board and notify the licensee
17 of the revocation by mail or by personal service of the revocation.

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

21 * Sec. 23. AS 08.64.340 is amended to read:

22 Sec. 08.64.340. STATEMENT OF GROUNDS OF REFUSAL OR REVOCATION OF
23 LICENSE. If the board refuses to issue a license or ~~revokes a license,~~
24 it shall file a brief and concise statement of the grounds and reasons
25 for the action in the office of the secretary [SECRETARY-TREASURER] of
26 the board and in the department. The statement, together with the
27 written decision of the board, shall remain of record in the department
28 [OFFICE].

29 * Sec. 24. AS 08.64.350 is amended to read:

1 Sec. 08.64.350. CERTIFICATION OF REVOCATION. When a license is
2 revoked, the fact of revocation shall be certified by the secretary
3 [SECRETARY-TREASURER] of the board to the clerk of the superior court
4 in the judicial district where the license is on file. The clerk
5 shall endorse the fact of revocation and the date of revocation on the
6 face of the license or a certified copy of it which is on file. The
7 same information shall be noted in the registry book provided for in
8 sec. 280 of this chapter.

9 * Sec. 25. AS 08.64.360 is amended to read:

10 Sec. 08.64.360. PENALTY FOR PRACTICING WITHOUT A LICENSE OR IN
11 VIOLATION OF CHAPTER. A person practicing medicine or osteopathy in
12 the state without obtaining and filing an appropriate [A] license is
13 guilty of a misdemeanor and upon conviction is punishable by a fine of
14 not less than \$50 nor more than \$100, or by imprisonment for not less
15 than 10 days nor more than 90 days, or by both. Evidence that the
16 defendant has failed to file a license with the clerk of the court is
17 prima facie evidence that the defendant is not licensed. Each day of
18 illegal practice is a separate offense.

19 * Sec. 26. AS 08.64.370(2) is amended to read:

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

24 * Sec. 27. AS 08.64.380 is amended by adding new paragraphs to read:

- 25 (4) "practicing osteopathy" means
26 (A) those acts described in sec. 380(2)(A), (C), (D)
27 and (E) of this chapter, or
28 (B) publicly displaying his name and the words "Osteo-
29 path", "D.O.", "Dr." or "Doctor" in public view;

1 (5) "Department" means the Department of Commerce.

2 * Sec. 28. AS 08.04.150 is repealed.

3 * Sec. 29. AS 08.16.190 is amended to read:

4 Sec. 08.16.190. ISSUANCE OF CERTIFICATE WITHOUT EXAMINATION [TO
5 APPLICANTS FROM OTHER JURISDICTIONS]. The board may issue a certificate
6 of registration in the basic sciences without examination to an appli-
7 cant meeting the requirements of sec. 140(1) - (3) of this chapter who
8 presents satisfactory evidence of having passed an examination in the
9 basic sciences [BEFORE THE NATIONAL BOARD OF MEDICAL EXAMINERS OR] be-
10 fore a legal examining board or officer of another territory, state, or
11 foreign country whose standards are determined by the board to be as
12 high as those of this state, and if the jurisdiction extends the same
13 privilege to persons licensed to practice healing in this state.
14 Application for a certificate without examination shall be accompanied
15 by a fee of \$25.

16 * Sec. 30. AS 08.16.260(a)(1) and (2) are repealed.

17 * Sec. 31. AS 08.16.260(a)(4) is amended to read:

18 (4) nurses, chiroprodists, dentists, optometrists, barbers,
19 cosmeticians, druggists, pharmacists, [AND] masseurs, medical doctors
20 and osteopaths.

21 * Sec. 32. AS 08.16.270(2)(A) is amended to read:

22 (A) for a fee, gift, compensation or reward or in
23 expectation of a fee, gift, compensation or reward, engaging in,
24 or holding himself out to the public as engaging in the practice
25 of [MEDICINE OR SURGERY, THE PRACTICE OF OSTEOPATHY, THE PRACTICE
26 OF] chiropractic, the practice of any legalized method of healing
27 or the diagnosis, analysis, treatment, correction or cure of any
28 disease, injury, defect, deformity, infirmity, ailment or afflic-
29 tion of human beings or any condition incident to pregnancy or

1 childbirth or examination into the fact, condition or cause of
2 human health or disease;

3 * Sec. 33. AS 08.16.270(2)(D) is amended to read:

4 (D) attaching the title of doctor, [PHYSICIAN, SURGEON,
5 SPECIALIST, M.D.,] M.B., [D.O.,] D.C., or any other word, abbreviation
6 or title to his name indicating or designed to indicate that he is
7 engaged in the practice of healing.

8 * Sec. 34. This Act takes effect on the day after its passage and approv-
9 al or on the day it becomes law without approval.