

Introduced: 2/6/70
Referred: Health, Welfare
and Education

1 IN THE SENATE

BY THOMAS AND HAGGLAND

2 SENATE BILL NO. 468

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the State Medical Board and the
7 practice of medicine."

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

9 * Section 1. AS 08.64.010 is amended to read:

10 Sec. 08.64.010. CREATION AND MEMBERSHIP OF STATE MEDICAL BOARD.

11 The governor shall appoint a board of medical examiners, to be known
12 as the State Medical Board, consisting of five licensed physicians,
13 residing in as many separate Alaska judicial districts as possible.
14 Each member shall be chosen from a panel of three, for each vacancy,
15 submitted to the governor by the Alaska State Medical Association
16 [MEMBERS, TWO FROM THE FIRST JUDICIAL DISTRICT AND ONE FROM EACH OF
17 THE OTHER THREE JUDICIAL DISTRICTS. EACH MEMBER SHALL BE LEARNED
18 AND SKILLED IN THE THEORY AND PRACTICE OF MEDICINE AND SURGERY AND
19 SHALL BE A LICENSED PRACTITIONER OF MEDICINE AND SURGERY IN THE STATE].

20 * Sec. 2. AS 08.64.030(b) is amended to read:

21 (b) If a member is unavoidably prevented from attending a
22 [REGULAR] meeting of the board, the commissioner of health and welfare
23 or his deputy [GOVERNOR] may appoint a [PROPERLY QUALIFIED PHYSICIAN
24 AS] substitute examiner to serve pro tem with the same duties and
25 responsibilities as a regular member.

26 * Sec. 3. AS 08.64.090 is amended to read:

27 Sec. 08.64.090. QUORUM. Three [TWO] members of the board con-
28 stitute a quorum for the transaction of all business properly before
29 the board [EXCEPT THE ISSUANCE AND REVOCATION OF LICENSES].

1 * Sec. 4. AS 08.64.170 is amended to read:

2 Sec. 08.64.170. LICENSE TO PRACTICE MEDICINE OR OSTEOPATHY.

3 No person [, EXCEPT ONE ENGAGED IN THE PRACTICE OF MEDICINE UNDER
4 EXISTING LAWS ON APRIL 28, 1917,] may practice medicine or osteopathy
5 in the state unless he is licensed under this chapter.

6 * Sec. 5. AS 08.64.200(5) is amended to read:

7 (5) submit a certificate from a recognized hospital certi-
8 fying that the applicant has satisfactorily [FAITHFULLY] performed the
9 duties of resident physician or intern for a period of one year [, OR
10 EVIDENCE SATISFACTORY TO THE BOARD THAT THE APPLICANT IS A LICENSED
11 PHYSICIAN AND HAS BEEN ENGAGED IN ACTIVE PRACTICE OF THE PROFESSION
12 FOR A TERM OF FOUR YEARS].

13 * Sec. 6. AS 08.64.205(2) is amended to read:

14 (2) submit a certificate from a hospital approved by the
15 American Osteopathic Association which certifies that he has satisfac-
16 torily [FAITHFULLY] completed and performed the duties of intern or
17 resident [OSTEOPATHIC] physician for one year;

18 * Sec. 7. AS 08.64.205(3) is amended to read:

19 (3) take the examination required by sec. 210 of this chap-
20 ter; no waiver of this requirement for an osteopath applicant may
21 [SHALL] be given [, THE PROVISIONS OF SEC. 250 OF THIS CHAPTER NOT-
22 WITHSTANDING].

23 * Sec. 8. AS 08.64.210 is amended to read:

24 Sec. 08.64.210. EXAMINATION REQUIRED. The applicant shall take
25 examinations [AN EXAMINATION] in [THE MEDICAL AND BASIC SCIENCES IN]
26 subjects the board considers necessary, unless excused under provisions
27 of sec. 250 of this chapter.

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

29 (a) The board shall make the examination written and oral [IN

1 NATURE] and sufficient to test the applicant's fitness to practice
2 medicine or osteopathy.

3 * Sec. 10. AS 08.64.225 is amended to read:

4 Sec. 08.64.225. FOREIGN MEDICAL GRADUATES. Applicants who are
5 graduates of medical colleges not accredited by the American Medical
6 Association or one of its agencies shall meet the requirements of
7 sec. 200(1) and (3) of this chapter and must have passed an examination
8 and be certified by the Education Council on Foreign Medical Graduates,
9 or be licensed by examination in another state or territory of the
10 United States or province of Canada [PROVINCE WITH WHICH ALASKA RECIP-
11 ROCATES].

12 * Sec. 11. AS 08.64.240 is amended to read:

13 Sec. 08.64.240. LICENSE REFUSED. If the applicant fails the
14 examination, or is determined by the board to be morally [ETHICALLY] or
15 professionally unfit to practice medicine or osteopathy in this state,
16 or fails to comply with any of the other requirements of this chapter,
17 the board shall refuse to grant the license.

18 * Sec. 12. AS 08.64.250 is amended to read:

19 Sec. 08.64.250. LICENSURE BY ENDORSEMENT [EXAMINATION WAIVED
20 AND RECIPROCITY]. The board may waive the examination requirement and
21 license by endorsement if the physician applicant meets the require-
22 ments of sec. 200 of this chapter, pays the required fee and has

23 (1) an active [A] license from a board of medical examiners
24 established under the laws of a state or territory of the United
25 States or a province of Canada issued after thorough examination [,
26 AND THAT BOARD RECOGNIZES LICENSES FROM THIS STATE AND ISSUES RECIPROCAL
27 LICENSES]; or [AND]

28 [(2) A CERTIFICATE THAT THE APPLICANT IS QUALIFIED TO
29 PRACTICE MEDICINE IN THE STATE OR PROVINCE ISSUING THE LICENSE, AND

1 THAT THE LICENSE WAS ISSUED AFTER A THOROUGH EXAMINATION QUALIFYING
2 THE APPLICANT; OR]

3 (3) passed an examination given by the National Board of
4 Medical Examiners or the Federation of State Medical Boards of the
5 United States.

6 * Sec. 13. AS 08.64.255 is amended to read:

7 Sec. 08.64.255. INTERVIEW REQUIRED. All applicants for a license
8 under sec. 250 of this chapter shall be interviewed in person by
9 [SUCCESSFULLY COMPLETE AN ORAL INTERVIEW BEFORE] at least one member
10 of the board before a license will be issued. The interview shall be
11 recorded, and, if the application is denied on the basis of the inter-
12 view, the denial shall be stated in writing with the reasons for it,
13 and the record shall be preserved.

14 * Sec. 14. AS 08.64.260(a) is amended to read:

15 (a) If the applicant fails the examination, he may, on the same
16 application, take another examination not less than six months nor more
17 than two years after the date of the first examination. If the appli-
18 cant fails a second examination, he may, after a year or more of further
19 study or training [OF POST GRADUATE STUDY] approved by the board, make
20 a new application for licensure.

21 * Sec. 15. AS 08.64.270(c) is amended to read:

22 (c) A temporary permit is valid only in the judicial district
23 for which it is issued. It is effective until the next [REGULAR] meet-
24 ing of the board or for the period specified [, WHICHEVER OCCURS FIRST].

25 * Sec. 16. AS 08.64.275(a) is amended to read:

26 (a) A member of the board may grant a temporary permit to a
27 physician for the purpose of substituting for another physician licensed
28 in this state. The permit is valid for 120 [90] consecutive days [,
29 AND A SECOND PERMIT MAY NOT BE ISSUED DURING THE SAME CALENDAR YEAR].

1 If circumstances warrant, an extension of the permit may be granted.
2 by the [UPON THE CONSENT OF THE ENTIRE] board.

3 * Sec. 17. AS 08.64.275(b) is amended to read:

4 (b) A physician applying under (a) of this section shall pay the
5 required fee and shall meet the requirements of sec. 200 [(2) and (3)]
6 of this chapter. In addition, he shall submit evidence of holding a
7 license to practice medicine in a state or territory of the United
8 States or in a province of Canada [OR EVIDENCE OF ELIGIBILITY FOR A
9 LICENSE TO PRACTICE MEDICINE IN THIS STATE].

10 * Sec. 18. AS 08.64.280(a) is amended to read:

11 (a) Before engaging in the practice of medicine or osteopathy,
12 the licensee shall file the license or a certified copy of it with the
13 clerk of the superior court in the judicial district in which he intends
14 to practice medicine. The clerk shall file the certificate in his
15 office and enter a memorandum of it in a book provided for that purpose
16 containing the date of the license, the ground upon which it is issued,
17 and the name and address of the licensee. The certificate and memo-
18 randum are open to public inspection.

19 * Sec. 19. AS 08.64.311 is repealed and re-enacted to read:

20 Sec. 08.64.311. BIENNIAL LICENSE RENEWAL. Licenses shall be
21 renewed biennially. A licensee residing outside Alaska may renew his
22 license as inactive. If he practices intermittently in Alaska, he may
23 not hold an inactive license.

24 * Sec. 20. AS 08.64.315 is amended to read:

25 Sec. 08.64.315. FEES. The following fees are [SHALL BE] imposed
26 under this chapter [WHEN APPLICABLE]:

- 27 (1) application fee \$ 25
28 (2) license by examination [FEE]..... 125
29 (3) license by reciprocity or waiver of

| | | |
|---|---|-----------------|
| 1 | examination [FEE]..... | 100 |
| 2 | (4) temporary permit [FEE] | 25 |
| 3 | (5) locum tenens permit [FEE] | 25 |
| 4 | (6) <u>license renewal, biennial, active</u> | <u>50</u> [100] |
| 5 | [ACTIVE BIENNIAL LICENSE RENEWAL FEE] | |
| 6 | (7) <u>license renewal, biennial inactive</u> | 25 |

[INACTIVE BIENNIAL LICENSE RENEWAL FEE]

* Sec. 21. AS 08.64.330 is amended by adding a new subsection to read:
(c) The board and each member of the board is immune from civil suit for statements or action made in the course of revoking or considering revocation of a license.

* Sec. 22. AS 08.64.370(2) is repealed and re-enacted to read:
(2) a physician or osteopath, who is not a resident of this state, who is asked by a physician or osteopath licensed in this state to help in the diagnosis or treatment of a case;

* Sec. 23. AS 08.64.370 is amended by adding a new paragraph to read:
(5) a person while serving as a student trainee, intern, resident physician, or post-doctorate fellow at a hospital, clinic, or medical office in the state.

* Sec. 24. AS 08.64.380(2) is amended to read:
(2) "practice of [PRACTICING] medicine" or "practice of osteopathy" means
(A) the maintenance of [MAINTAINING] an office or place of business for the purpose of treating the sick or injured for pay; or
(B) the public display of one's name and the letters "M.D.", "M.B." or "D.O." or the words "physician" or "osteopath" or "osteopathic physician", or "osteopathic surgeon", or "osteopathic physician and surgeon", or a specialist designation such

1 as "surgeon" or "dermatologist", "psychiatrist", or the like
2 [PUBLICALLY DISPLAYING HIS NAME AND THE WORDS "PHYSICIAN" OR
3 "SURGEON," "M.D.," "DR.," OR "DOCTOR" IN PUBLIC VIEW]; or

4 (C) the assumption or promulgation of [ASSUMING OR
5 ADVERTISING] a title which [SHOWS OR] tends to show that the
6 person is willing or qualified to diagnose or treat the sick or
7 injured; or

8 (D) for a fee prescribing, directing or recommending
9 for the use of a person, a drug or medicine for the treatment,
10 cure or relief of a disease, infirmity, bodily injury, or defect;
11 or

12 (E) for a fee performing a surgical operation for the
13 cure, relief or reduction of disease, bodily injury, deformity,
14 or defect; or

15 (F) testifying in court as an expert on medical matters;

16 * Sec. 25. AS 08.64.380(3) is amended to read:

17 (3) "unprofessional or dishonorable conduct" means

18 (A) procuring or aiding or abetting in procuring a
19 criminal abortion;

20 (B) habitual overuse of alcoholic beverages [INTEM-
21 PERANCE] or addiction to the use of drugs as defined under
22 AS 17.12.040(a) [MORPHINE, COCAINE, OR OTHER DRUGS HAVING A
23 SIMILAR EFFECT];

24 (C) conviction of a felony or an offense involving
25 moral turpitude;

26 (D) advertising professional services to the public
27 except for notice of opening, closing, or removing practice
28 [DECEIT OR FRAUD IN ADVERTISING OR PERFORMING A SURGICAL OPERA-
29 TION];

1 [(E) WILFULLY BETRAYING A PROFESSIONAL SECRET;]

2 (F) making untruthful or fraudulent statements in the
3 application for examination, or deceiving or cheating during the
4 examination for license, or procuring a license by deceit or fraud;

5 (G) violating [COMMITTING THE ACTS RESPECTING, GIVING
6 OR PRESCRIBING NARCOTICS WHICH ARE PROHIBITED BY THE FEDERAL
7 STATUTE, GENERALLY KNOWN AS] the Harrison Anti-Narcotic Act.

8 * Sec. 26. AS 08.64.200(2), 08.64.210(b), 08.64.365, 08.64.368, and
9 08.64.380(4) are repealed.