

FCC

Original sponsors: Thomas and Haggland

Offered: 3/3/70
Referred: Rules

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2 HOUSE CS FOR 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; and providing for an effective
8 date."

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

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

11 Sec. 08.64.010. CREATION AND MEMBERSHIP OF STATE MEDICAL BOARD.
12 The governor shall appoint a board of medical examiners, to be known
13 as the State Medical Board, consisting of five licensed physicians,
14 residing in as many separate Alaska judicial districts as possible.
15 Each member shall be chosen from a panel of three, for each vacancy,
16 submitted to the governor by the Alaska State Medical Association
17 [MEMBERS, TWO FROM THE FIRST JUDICIAL DISTRICT AND ONE FROM EACH OF
18 THE OTHER THREE JUDICIAL DISTRICTS. EACH MEMBER SHALL BE LEARNED
19 AND SKILLED IN THE THEORY AND PRACTICE OF MEDICINE AND SURGERY AND
20 SHALL BE A LICENSED PRACTITIONER OF MEDICINE AND SURGERY IN THE STATE].

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

22 (b) If a member is unavoidably prevented from attending a
23 [REGULAR] meeting of the board, the governor may appoint a [PROPERLY
24 QUALIFIED PHYSICIAN AS] substitute examiner to serve pro tem with
25 the same duties and 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(3) is amended to read:

7 (3) 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 08.64.200 is amended by adding a new paragraph to read:

14 (4) not have a license to practice medicine in another
15 state, province, or territory which is currently suspended or revoked
16 for disciplinary reasons.

17 * Sec. 7. AS 08.64.205 is amended to read:

18 Sec. 08.64.205. QUALIFICATIONS FOR OSTEOPATH APPLICANTS. Each
19 osteopath applicant shall meet the qualifications prescribed in secs.
20 200(1) and (4) of this chapter and shall

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

23 (2) submit a certificate from a hospital approved by the
24 American Osteopathic Association which certifies that he has satis-
25 factorily [FAITHFULLY] completed and performed the duties of intern or
26 resident [OSTEOPATHIC] physician for one year;

27 (3) take the examination required by sec. 210 of this
28 chapter; no waiver of this requirement for an osteopath applicant may
29 [SHALL] be given [, THE PROVISIONS OF SEC. 250 OF THIS CHAPTER

NOTWITHSTANDING].

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

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

(b) The application for examination shall be submitted to the board at least 40 days before the examination date.

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

(a) The board shall make the examination written and oral [IN NATURE]; and sufficient to test the applicant's fitness to practice medicine or osteopathy.

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

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

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

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

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

Sec. 08.64.250. LICENSURE BY ENDORSEMENT [EXAMINATION WAIVED

1 AND RECIPROCITY]. The board may waive the examination requirement
2 and license by endorsement if the physician applicant meets the require-
3 ments of sec. 200 of this chapter, pays the required fee and has

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

9 (2) A CERTIFICATE THAT THE APPLICANT IS QUALIFIED TO
10 PRACTICE MEDICINE IN THE STATE OR PROVINCE ISSUING THE LICENSE, AND
11 THAT THE LICENSE WAS ISSUED AFTER A THOROUGH EXAMINATION QUALIFYING
12 THE APPLICANT; OR]

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

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

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

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

25 (a) If the applicant fails the examination, he may, on the same
26 application and payment of a re-examination fee, take another examina-
27 tion not less than six months nor more than two years after the date
28 of the first examination. If the applicant fails a second examination,
29 he may, after a year or more of further study or training [OF POST

1 GRADUATE STUDY] approved by the board, make a new application for
2 licensure.

3 * Sec. 15. AS 08.64.270 is repealed and re-enacted to read:

4 Sec. 08.64.270. TEMPORARY PERMITS. (a) The board may issue a
5 nonrenewable temporary permit to an applicant for licensure by endorse-
6 ment or by examination who meets the requirements of sec. 200 of this
7 chapter and pays the required fee.

8 (b) A temporary permit issued to an applicant for licensure by
9 endorsement is valid for eight months or until the board meets to
10 consider the application, whichever occurs first.

11 (c) A temporary permit issued to an applicant for licensure by
12 examination is valid for eight months or until the results of the
13 first examination for which the applicant is scheduled are published,
14 whichever occurs first. If the applicant fails to take the first
15 examination for which he is scheduled his temporary permit is revoked
16 on the day of the examination.

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

18 (a) A member of the board may grant a temporary permit to a
19 physician or osteopath for the purpose of substituting for another
20 physician or osteopath licensed in this state. The permit is valid for
21 120 [90] consecutive days [, AND A SECOND PERMIT MAY NOT BE ISSUED DURING
22 THE SAME CALENDAR YEAR]. If circumstances warrant, an extension of
23 the permit may be granted by the [UPON THE CONSENT OF THE ENTIRE] board
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25 * Sec. 17. AS 08.64.275(b) is amended to read:

26 (b) A physician applying under (a) of this section shall pay the
27 required fee and shall meet the requirements of sec. 200 [(2) and (3)]
28 of this chapter. In addition, he shall submit evidence of holding a
29 license to practice medicine in a state or territory of the United
States or in a province of Canada [EVIDENCE OF ELIGIBILITY FOR A

LICENSE TO PRACTICE MEDICINE IN THIS STATE].

* Sec. 18. AS 08.64.275 is amended by adding a new subsection to read:

(c) An osteopath applying under (a) of this section shall pay the required fee and shall meet the requirements of sec. 205 of this chapter. In addition, he shall submit evidence of holding a license to practice in a state or territory of the United States or in a province of Canada.

* Sec. 19. AS 08.64.280(a) is amended to read:

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

* Sec. 20. AS 08.64.311 is repealed and re-enacted to read:

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

* Sec. 21. AS 08.64.315 is amended to read:

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

- (1) application fee. \$ 25
- (2) license by examination [FEE] 125
- (3) license by endorsement [RECIPROCITY] or
waiver of examination [FEE] 100
- (4) temporary permit [FEE] 25

1 (5) locum tenens permit [FEE] 25
 2 (6) license renewal, biennial, active [BIENNIAL
 3 LICENSE RENEWAL FEE] 100
 4 (7) license renewal, biennial inactive [BIENNIAL
 5 LICENSE RENEWAL FEE] 25
 6 (8) license by re-examination 75

7 * Sec. 22. AS 08.64.370(2) is repealed and re-enacted to read:

8 (2) a physician or osteopath, who is not a resident of this
 9 state, who is asked by a physician or osteopath licensed in this state
 10 to help in the diagnosis or treatment of a case;

11 * Sec. 23. AS 08.64.370 is amended by adding a new paragraph to read:

12 (5) a person while serving as a student trainee, intern,
 13 resident physician, or post-doctorate fellow at a hospital clinic,
 14 or medical office in the state.

15 * Sec. 24. AS 08.64.380(2) is amended to read:

16 (2) "practice of [PRACTICING] medicine" or "practice of
 17 osteopathy" means

18 (A) the maintenance of [MAINTAINING] an office or
 19 place of business for the purpose of treating the sick or injured
 20 for pay; or

21 (B) the public display of one's name and the letters
 22 "M.D.," "M.B." or "D.O." or the words "physician" or "osteopath"
 23 or "osteopathic physician", or "osteopathic surgeon", or "osteo-
 24 pathic physician and surgeon", or a specialist designation such
 25 as "surgeon" or "dermatologist", "psychiatrist", or the like
 26 [PUBLICLY DISPLAYING HIS NAME AND THE WORDS "PHYSICIAN" OR
 27 "SURGEON," "M.D.," "DR.," OR "DOCTOR" IN PUBLIC VIEW]; or

28 (C) the assumption or promulgation of [ASSUMING OR
 29 ADVERTISING] a title which [SHOWS OR] tends to show that the

1 person is willing or qualified to diagnose or treat the sick or
2 injured; or

3 (D) for a fee prescribing, directing or recommending
4 for the use of a person, a drug or medicine for the treatment,
5 cure or relief of a disease, infirmity, bodily injury, or defect;
6 or

7 (E) for a fee performing a surgical operation for the
8 cure, relief or reduction of disease, bodily injury, deformity,
9 or defect; or

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

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

13 (3) "unprofessional or dishonorable conduct" means

14 (A) procuring or aiding or abetting in procuring a
15 criminal abortion;

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

20 (C) conviction of a felony or an offense involving
21 moral turpitude;

22 (D) advertising professional services to the public
23 except for notice of opening, closing, or removing practice
24 [DECEIT OR FRAUD IN ADVERTISING OR PERFORMING A SURGICAL OPERATION

25 (E) WILFULLY BETRAYING A PROFESSIONAL SECRET];

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

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

* Sec. 26. AS 08.64.220(b), 08.64.368 and 08.64.380(4) are
repealed.

* Sec. 27. This Act takes effect on the day after its passage and
approval or on the day it becomes law without approval.