

Offered: 4/12/74
Referred: Judiciary

Original sponsor: Butrovich & T. Miller

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 442

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the regulation of physicians,
7 physician assistants and physician-trained mobile
8 intensive care paramedics by the State Medical Board."

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

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

11 Sec. 08.64.050. OATH OF OFFICE. Each member shall take an oath
12 of office. The oath shall be filed and preserved in the division of
13 occupational licensing [CENTRAL LICENSING SECTION] of the department.

14 * Sec. 2. AS 08.64 is amended by adding a new section to read:

15 Sec. 08.64.107. REGULATION OF PHYSICIAN ASSISTANTS AND INTENSIVE
16 CARE PARAMEDICS. The board shall adopt regulations regarding the regis-
17 tration of physician assistants and physician-trained mobile intensive
18 care paramedics, and the medical services that each may perform, includ-
19 ing but not limited to (1) the educational and other qualifications, (2)
20 the application and registration procedures, (3) the scope of activities
21 authorized, and (4) the responsibilities of the supervising or training
22 physician.

23 * Sec. 3. AS 08.64.170(a) is amended to read:

24 (a) No person may practice medicine or osteopathy in the state
25 unless he is licensed under this chapter, except that

26 (1) a physician assistant may examine, diagnose or treat
27 persons under the supervision, control, and responsibility of either a
28 physician licensed under this chapter or a physician exempted from licen-
29 sure under sec. 370 of this chapter; and

1 (2) a physician-trained mobile intensive care paramedic may
2 render emergency lifesaving service.

3 * Sec. 4. AS 08.64.170(b) is repealed.

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

5 Sec. 08.64.200. QUALIFICATIONS OF PHYSICIAN APPLICANTS. Except
6 for foreign medical graduates as specified in sec. 225 of this chapter,
7 each [EACH] physician applicant shall

8 (1) be of good moral character;

9 (2) submit a certificate of graduation from a legally char-
10 tered medical school accredited by the Association of American Medical
11 Colleges and the Council on Medical Education of the American Medical
12 Association;

13 (3) submit a certificate from a recognized hospital certify-
14 ing that the applicant has satisfactorily performed the duties of resi-
15 dent physician or intern for a period of one year; [AND]

16 (4) not have a license to practice medicine in another state,
17 province, or territory which is currently suspended or revoked for
18 disciplinary reasons; and

19 (5) be a citizen of the United States or be lawfully admitted
20 for permanent residence.

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

22 Sec. 08.64.205. QUALIFICATIONS FOR OSTEOPATH APPLICANTS. Each
23 osteopath applicant shall meet the qualifications prescribed in sec.
24 200(1), [AND] (4) and (5) of this chapter and shall

25 (1) submit a certificate of graduation from a legally char-
26 tered school of osteopathy approved by the board;

27 (2) submit a certificate from a hospital approved by the
28 American Medical Association or the American Osteopathic Association
29 which certifies that he has satisfactorily completed and performed the

1 duties of intern or resident physician for one year;

2 (3) take the examination required by sec. 210 of this
3 chapter or be certified to practice by the National Board of Examiners
4 for Osteopathic Physicians and Surgeons [; NO WAIVER OF THIS REQUIREMENT
5 FOR AN OSTEOPATH APPLICANT MAY BE GIVEN].

6 * Sec. 7. AS 08.64.225 is amended to read:

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

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

15 Sec. 08.64.270. TEMPORARY PERMITS. (a) The board may issue a
16 [NONRENEWABLE] temporary permit to an applicant [FOR LICENSURE BY
17 ENDORSEMENT OR BY EXAMINATION] who meets the requirements of sec. 200
18 or 205 of this chapter and pays the required fee.

19 (b) A temporary permit [ISSUED TO AN APPLICANT FOR LICENSURE BY
20 ENDORSEMENT] is valid for eight months or until the board meets to con-
21 sider the application, whichever occurs first.

22 (c) A temporary permit may be renewed at the board's discretion
23 one time only. [A TEMPORARY PERMIT ISSUED TO AN APPLICANT FOR LICENSURE
24 BY EXAMINATION IS VALID UNTIL THE RESULTS OF THE FIRST EXAMINATION FOR
25 WHICH THE APPLICANT IS SCHEDULED ARE PUBLISHED. IF THE APPLICANT FAILS
26 TO TAKE THE FIRST EXAMINATION FOR WHICH HE IS SCHEDULED HIS TEMPORARY
27 PERMIT IS REVOKED ON THE DAY OF THE EXAMINATION.]

28 * Sec. 9. AS 08.64.330(b) is amended to read:

29 (b) After a hearing, a [A] license may be suspended, limited, re-

1 voked or annulled, or the licensee may be reprimanded, censured or
2 disciplined by the board for (1) unprofessional or dishonorable conduct
3 as defined in sec. 380(3) of this chapter, [OR FOR] (2) professional
4 incompetence, or (3) a violation of this chapter or a regulation adopted
5 under it.

6 * Sec. 10. AS 08.64 is amended by adding new sections to read:

7 Sec. 08.64.332. AUTOMATIC SUSPENSION FOR MENTAL INCOMPETENCY OR
8 INSANITY. Notwithstanding AS 44.62.330 - 44.62.640, if a person holding
9 a license to practice medicine and surgery or osteopathy under this
10 chapter is adjudged mentally incompetent or insane by any final order
11 or adjudication by a court of competent jurisdiction or by voluntary
12 commitment to an institution for the treatment of mental illness, his
13 license shall be automatically suspended by the board. The suspension
14 shall continue in effect until the licensee is found or adjudged by the
15 court to be restored to reason or until he is determined to be restored
16 to reason by a licensed psychiatrist approved by the board.

17 Sec. 08.64.334. VOLUNTARY SURRENDER. The board, at its discretion,
18 may accept the voluntary surrender of a license. No license may be
19 returned unless the board determines, under regulations established by
20 it, that the licensee is competent to resume his practice. However, no
21 license may be returned to the licensee if the voluntary surrender
22 resulted in the dropping or suspension of civil or criminal charges
23 against the physician.

24 Sec. 08.64.336. DUTY OF PHYSICIANS TO REPORT. (a) A physician
25 who professionally treats a person licensed to practice medicine and
26 surgery or osteopathy in this state for alcoholism or drug addiction, or
27 for mental, emotional or personality disorders, shall report it to the
28 board if he feels that the person may constitute a danger to the health
29 and welfare of his patients or the public if he continues in practice.

1 The report shall state the name and address of the person and the condi-
2 tion found.

3 (b) Upon receipt of a report under (a) of this section, the board
4 shall investigate the matter and, upon a finding of reasonable cause,
5 may appoint a committee of three qualified physicians to examine the
6 licensee and report their findings to the board.

7 (c) If the board finds that the licensee is unable to continue
8 to practice medicine and surgery or osteopathy with reasonable safety to
9 his patients or the public, it shall initiate action to suspend, revoke,
10 limit or condition his license to the extent determined necessary for the
11 protection of the public.

12 * Sec. 11. AS 08.64.360 is amended to read:

13 Sec. 08.64.360. PENALTY FOR PRACTICING WITHOUT A LICENSE OR IN
14 VIOLATION OF CHAPTER. Except for a physician assistant and a physician-
15 trained mobile intensive care paramedic under sec. 170 of this chapter,
16 a person practicing medicine or osteopathy in the state without obtaining
17 and filing an appropriate license is guilty of a misdemeanor and upon
18 conviction is punishable by a fine of not less than \$50 nor more than
19 \$100, or by imprisonment for not less than 10 days nor more than 90 days,
20 or by both. Evidence that the defendant has failed to file a license
21 with the clerk of the court is prima facie evidence that the defendant
22 is not licensed. Each day of illegal practice is a separate offense.

23 * Sec. 12. AS 08.64.380(3) is amended by adding a new subparagraph to read

24 (H) violating the principles of medical ethics of the
25 American Medical Association and of the Alaska State Medical
26 Association.

27 * Sec. 13. AS 08.64.380 is amended by adding new paragraphs to read:

28 (6) "physician-trained mobile intensive care paramedic" means
29 a person who

1 (A) has successfully completed the advanced first aid
2 course prescribed by the board;

3 (B) is trained by a licensed physician

4 (i) to carry out all phases of cardio-pulmonary
5 resuscitation,

6 (ii) to administer drugs under written or oral
7 authorization of a licensed physician,

8 (iii) to administer intravenous solutions under
9 written or oral authorization of a licensed physician; and

10 (C) has been examined and certified as a physician-
11 trained mobile intensive care paramedic by the board or by the
12 board's designated representatives;

13 (7) "emergency lifesaving service" means medical assistance
14 given to a person whose physical condition, in the opinion of a reasonably
15 prudent person, is such that his life is endangered.

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

17 Sec. 08.64.366. LIABILITY FOR SERVICES RENDERED BY A PHYSICIAN-
18 TRAINED MOBILE INTENSIVE CARE PARAMEDIC. No act or omission of a physi-
19 cian-trained mobile intensive care paramedic done or omitted in good
20 faith while rendering emergency lifesaving service to a person who is
21 in immediate danger of loss of life shall impose any liability upon the
22 physician-trained mobile intensive care paramedic, the supervising
23 physician, a hospital, the officers, members of the staff, nurses, or
24 other employees of a hospital or upon a federal, state, borough, city
25 or other local governmental unit or upon other employees of a govern-
26 mental unit; however, this section does not relieve a physician or a
27 hospital of a duty otherwise imposed by law upon the physician or hospi-
28 tal for the designation or training of a physician-trained mobile inter-
29 sive care paramedic or for the provision or maintenance of equipment to be
used by the physician-trained mobile intensive care paramedic.

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