

Introduced: 4/5/79
Referred: Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 441

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act terminating the existence of the Board of
7 Chiropractic Examiners on January 1, 1981 and reassign-
8 ing its responsibilities to the Department of Commerce
9 and Economic Development; and providing for an effec-
10 tive date."

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

12 * Section 1. TERMINATION OF BOARD OF CHIROPRACTIC EXAMINERS. Notwith-
13 standing the provisions of AS 08.03.010, the Board of Chiropractic Examiners
14 will continue in existence until January 1, 1981, and after that date the
15 Department of Commerce and Economic Development will have jurisdiction over
16 the licensing of chiropractors and the practice of chiropractic under the
17 provisions of AS 08.20.005 - 08.20.220. During the period until January 1,
18 1981, the members of the board will facilitate the orderly transfer of
19 functions and responsibilities of the board to the department. Nothing in
20 this Act or AS 08.03.010 reduces or limits the authority of the board under
21 AS 08.20.010 - 08.20.220 before January 1, 1981.

22 * Sec. 2. AS 08.01.010 is amended by adding a new subsection to read:

23 (b) This chapter applies to the responsibilities of the department
24 over licensing and regulation of chiropractors (AS 08.20.005).

25 * Sec. 3. AS 08.01.050(a)(19) is amended to read:

26 (19) provide investigative services to the boards established
27 under [AS 08.20,] AS 08.32, AS 08.36, AS 08.64, AS 08.68, AS 08.71,
28 AS 08.72, AS 08.80, AS 08.84, and AS 08.86, for the purpose of assisting
29 those boards in matters of professional discipline.

1 * Sec. 4. AS 08.01.050(a) is amended by adding a new paragraph to read:
2 (20) conduct investigations in matters of professional disci-
3 pline for the profession established under AS 08.20.

4 * Sec. 5. AS 08.01.050(b) is amended to read:
5 (b) The form and content of a license [,] authorized under AS 08
6 [BY A BOARD LISTED IN AS 08.01.010], including any document evidencing
7 renewal of a license, shall be determined by the department after con-
8 sultation with and consideration of the views of any [THE] board con-
9 cerned.

10 * Sec. 6. AS 08.20 is amended by adding a new section to read:
11 Sec. 08.20.005. AUTHORITY OF DEPARTMENT. The department has
12 jurisdiction over the licensing of chiropractors and the practice of
13 chiropractic under this chapter.

14 * Sec. 7. AS 08.20.055 is amended to read:
15 Sec. 08.20.055. DEPARTMENTAL [BOARD] REGULATIONS. The department
16 [BOARD] shall adopt substantive regulations necessary to effect the
17 provisions of this chapter.

18 * Sec. 8. AS 08.20.110 is amended to read:
19 Sec. 08.20.110. APPLICATION FOR LICENSE. A person desiring to
20 practice chiropractic shall apply in writing to the department [BOARD].

21 * Sec. 9. AS 08.20.120 is amended to read:
22 Sec. 08.20.120. QUALIFICATIONS FOR LICENSE. An applicant shall be
23 issued a license to practice chiropractic if he

- 24 (1) (repealed)
- 25 (2) has had a high school education or its equivalent;
- 26 (3) has successfully completed at least two academic years of
27 study in a college of liberal arts or sciences;
- 28 (4) is a graduate of a legally chartered accredited school or
29 college of chiropractic, approved by the department [BOARD], which

1 requires for graduation a residence course of instruction of not less
2 than four years of nine months each;

3 (5) passes an examination given by the department [BOARD];

4 (6) (repealed)

5 (7) passes to the satisfaction of the department [BOARD] Part
6 I and Part II of the examination of the National Board of Chiropractic
7 Examiners.

8 * Sec. 10. AS 08.20.130(a) is amended to read:

9 (a) Examinations for a license to practice chiropractic may be
10 held in the time and manner fixed by the department [BOARD].

11 * Sec. 11. AS 08.20.140 is amended to read:

12 Sec. 08.20.140. OUT-OF-STATE LICENSES. The department [BOARD] may
13 issue a license without examination to an applicant presenting satis-
14 factory proof of the possession of a license or certificate of registra-
15 tion in a state or territory of the United States, or a foreign country,
16 if the requirements for registration at the date of his license are
17 considered by the department [BOARD] as equivalent to those in this
18 chapter, and if the licensing jurisdiction extends the same privilege to
19 those holding a license from this state.

20 * Sec. 12. AS 08.20.160 is amended to read:

21 Sec. 08.20.160. TEMPORARY PERMITS. Temporary permits may be
22 issued to persons apparently qualified until the next regular examina-
23 tion [MEETING OF THE BOARD].

24 * Sec. 13. AS 08.20.170 is amended to read:

25 Sec. 08.20.170. GROUNDS FOR SUSPENSION, REVOCATION OR REFUSAL TO
26 ISSUE A LICENSE. (a) The department [BOARD] may refuse to issue, or
27 may suspend or revoke a license upon any of the following grounds:

28 (1) malpractice;

29 (2) misrepresentation;

1 (3) unprofessional conduct, including but not limited to the
2 denial of care or treatment to a patient or person seeking assistance
3 from the chiropractor if the sole reason for the denial is the failure
4 or refusal of the patient or person seeking assistance to execute an
5 agreement to arbitrate a dispute, controversy, or issue arising out of
6 the care or treatment, as provided in AS 09.55.535(a);

7 (4) habitual intemperance, or addiction to the use of narco-
8 tics;

9 (5) conviction of a felony or misdemeanor involving moral
10 turpitude;

11 (6) violation of any provision of this act.

12 (b) The Administrative Procedure Act (AS 44.62) applies to any
13 action taken by the department [BOARD] for the suspension or revocation
14 of a license.

15 (c) Any person whose license is suspended or revoked may within
16 two years from date of suspension apply for reinstatement, and if the
17 department [BOARD] is satisfied that the applicant should be rein-
18 stated, it shall order reinstatement.

19 * Sec. 14. AS 08.20.175 is amended to read:

20 Sec. 08.20.175. LIMITS OR CONDITIONS ON LICENSE; DISCIPLINE. (a)
21 In addition to action under AS 08.20.170, upon a finding that by reason
22 of demonstrated problems of competence, experience, education or health
23 the authority to practice chiropractic should be limited or conditioned
24 or the practitioner disciplined, the department [BOARD] may reprimand,
25 censure, place on probation, restrict practice by specialty, procedure
26 or facility, require additional education or training, or revoke or
27 suspend a license.

28 (b) The Administrative Procedure Act (AS 44.62) applies to any
29 action taken by the department [BOARD] under this section.

1 * Sec. 15. AS 08.20.180 is amended to read:

2 Sec. 08.20.180. FEES. The department [BOARD] shall impose and
3 collect the following fees:

- 4 (1) upon the filing of an application for examination, \$25;
5 (2) upon application for re-examination, \$10;
6 (3) for issuance of temporary permit, \$25;
7 (4) initial and renewal biennial license, \$50;
8 (5) associate license, \$30.

9 * Sec. 16. AS 08.20.190 is amended to read:

10 Sec. 08.20.190. DISPOSITION OF FEES. All fees collected by the
11 department [BOARD] shall be paid into the general fund of the state.

12 * Sec. 17. AS 08.20.200 is amended to read:

13 Sec. 08.20.200. VIOLATION OF AS 08.20.100. A person who violates
14 AS 08.20.100 is guilty of a class B misdemeanor [, AND UPON CONVICTION
15 IS PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000, OR BY IMPRISONMENT FOR
16 NOT MORE THAN A YEAR, OR BY BOTH]. In prosecutions under this section,
17 evidence that the defendant has failed to file his certificate of
18 registration with the department [BOARD] is prima facie evidence that he
19 is not a licensed chiropractor.

20 * Sec. 18. REPEALER. AS 08.01.010(4), AS 08.03.010(a)(1), AS 08.20.010 -
21 08.20.050, 08.20.060, and 08.20.090 are repealed.

22 * Sec. 19. EFFECTIVE DATE. Section 1 of this Act takes effect
23 immediately in accordance with AS 01.10.070(c). Sections 2 - 18 of this Act
24 take effect January 1, 1981.

25
26
27
28
29