

Introduced: 4/5/79  
Referred: Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 445

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 State Physical  
7 Therapy Board on January 1, 1981 and reassigning its  
8 responsibilities to the Department of Commerce and  
9 Economic Development; and providing for an effective  
10 date."

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

12 \* Section 1. TERMINATION OF STATE PHYSICAL THERAPY BOARD. Notwithstand-  
13 ing the provisions of AS 08.03.010, the State Physical Therapy Board will  
14 continue in existence until January 1, 1981, and after that date the Depart-  
15 ment of Commerce and Economic Development will have jurisdiction over the  
16 licensing of physical therapists and the practice of physical therapy under  
17 the provisions of AS 08.84.005 - 08.84.200. During the period until  
18 January 1, 1981, the members of the board will facilitate the orderly trans-  
19 fer of functions and responsibilities of the board to the department.  
20 Nothing in this Act or AS 08.03.010 reduces or limits the authority of the  
21 board under AS 08.84.010 - 08.84.200 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 physical therapists (AS 08.84.010).

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 assist-  
29 ing 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) provide investigative services in matters of professional  
3 discipline for the profession established under AS 08.84.

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 consul-  
8 tation with and consideration of the views of any [THE] board concerned.

9 \* Sec. 6. AS 08.84 is amended by adding a new section to read:

10 Sec. 08.84.005. AUTHORITY OF DEPARTMENT. The department has  
11 jurisdiction over the licensing of physical therapists and the practice  
12 of physical therapy under this chapter.

13 \* Sec. 7. AS 08.84.010(b) is amended to read:

14 (b) The department [PHYSICAL THERAPY BOARD] shall conduct examina-  
15 tions for applicants and shall control all matters pertaining to the  
16 registration of physical therapists and physical therapy assistants and  
17 the practice of physical therapy. The department [BOARD] shall

18 (1) pass upon the qualifications of applicants;

19 (2) conduct examinations;

20 (3) issue temporary permits and registration certificates to  
21 physical therapists and physical therapy assistants qualified under this  
22 chapter;

23 (4) suspend or revoke registration certificates, when neces-  
24 sary;

25 (5) keep a current register listing the name, business  
26 address, date and number of registration certificate of each physical  
27 therapist and physical therapy assistant who is registered to practice  
28 in this state;

29 (6) keep a record and minutes of its meetings, proceedings

1 and hearings.

2 \* Sec. 8. AS 08.84.020 is amended to read:

3 Sec. 08.84.020. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.

4 The department [BOARD] shall comply with the Administrative Procedure  
5 Act (AS 44.62).

6 \* Sec. 9. AS 08.84.030 is amended to read:

7 Sec. 08.84.030. QUALIFICATIONS FOR REGISTRATION. To be eligible  
8 for registration by the department [BOARD] as a physical therapist or  
9 physical therapy assistant, an applicant shall

10 (1) be of good moral character;

11 (2) have graduated from a school of physical therapy approved  
12 by the Council on Medical Education and Hospitals of the American  
13 Medical Association, or the American Physical Therapy Association;

14 (3) pass to the satisfaction of the department [BOARD] an  
15 examination from the Professional Examination Service Association, to  
16 determine his fitness for practice as a physical therapist or physical  
17 therapy assistant or be entitled to registration without examination as  
18 provided in AS 08.84.060.

19 \* Sec. 10. AS 08.84.040 is amended to read:

20 Sec. 08.84.040. APPLICATION FOR REGISTRATION. To be registered as  
21 a physical therapist or physical therapy assistant, an applicant shall  
22 apply to the department [BOARD] on a form prescribed by the department  
23 [BOARD]. An applicant shall include in his application, evidence under  
24 oath that he possesses the qualifications required by AS 08.84.030.

25 \* Sec. 11. AS 08.84.060 is amended to read:

26 Sec. 08.84.060. REGISTRATION BY ENDORSEMENT. The department  
27 [BOARD] may register without examination an applicant who is a physical  
28 therapist or physical therapy assistant registered under the laws of  
29 another state or territory, if the requirements for registration in that

1 state or territory were, at the date of his registration, substantially  
2 equal to the requirements in this state.

3 \* Sec. 12. AS 08.84.065(a) and (b) are amended to read:

4 (a) The department [BOARD] may issue a nonrenewable temporary  
5 permit to an applicant for registration by endorsement or by examination  
6 who meets the requirements of AS 08.84.030(1) and (2) and pays the  
7 required fee.

8 (b) A temporary permit issued to an applicant for registration by  
9 endorsement is valid for eight months or until the department [BOARD]  
10 considers the applicant's endorsement application, whichever occurs  
11 first.

12 \* Sec. 13. AS 08.84.080(a) is amended to read:

13 (a) The department [BOARD] shall examine applicants for registra-  
14 tion as physical therapists or physical therapy assistants at the times  
15 and places it determines.

16 \* Sec. 14. AS 08.84.090 is amended to read:

17 Sec. 08.84.090. REGISTRATION. The department [BOARD] shall  
18 register an applicant who meets the qualifications for registration  
19 under this chapter. It shall issue a certificate of registration to  
20 each person registered. A certificate of registration is prima facie  
21 evidence of the right of the person to represent himself as a registered  
22 physical therapist or registered physical therapy assitant.

23 \* Sec. 15. AS 08.84.100(b) is amended to read:

24 (b) A penalty of \$10 shall be charged in addition to all delin-  
25 quent renewal fees for reinstatement of a registration which remains  
26 lapsed for more than 60 days. If the registration remains lapsed for  
27 more than three years, the department [BOARD] may require the applicant  
28 to take and pass the examination given under AS 08.84.030(3).

29 \* Sec. 16. AS 08.84.120 is amended to read:

1           Sec. 08.84.120. REFUSAL, REVOCATION AND SUSPENSION OF REGISTRA-  
2 TION. The department [BOARD] may refuse to register an applicant, may  
3 refuse to renew the registration of a person, and may suspend or revoke  
4 the registration of a person who

5           (1) is habitually drunk or addicted to the use of narcotic  
6 drugs;

7           (2) is, in the judgment of the department [BOARD], guilty of  
8 immoral or unprofessional conduct;

9           (3) has been convicted of violating a state or federal narco-  
10 tic law;

11           (4) has been convicted of a crime involving moral turpitude;

12           (5) is guilty, in the judgment of the department [BOARD], of  
13 gross negligence in his practice as a physical therapist;

14           (6) has obtained or attempted to obtain registration by fraud  
15 or material misrepresentation;

16           (7) has been declared mentally ill by a court and has not  
17 thereafter been lawfully declared sane; [OR]

18           (8) has treated or attempted to treat ailments of human  
19 beings otherwise than by physical therapy, or has attempted to practice  
20 independent of the prescription and direction of a person licensed to  
21 practice medicine or osteopathy;

22           (9) as a physical therapy assistant, has attempted to prac-  
23 tice physical therapy which has not been initiated, supervised and term-  
24 inated by a registered physical therapist.

25 \* Sec. 17. AS 08.84.180 is amended to read:

26           Sec. 08.84.180. INVESTIGATION BY DEPARTMENT [BOARD]. The depart-  
27 ment [BOARD] shall investigate every supposed violation of this chapter  
28 coming to its notice and shall report all cases which in the judgment of  
29 the department [BOARD] warrant prosecution to the proper law enforcement

1 officials.

2 \* Sec. 18. AS 08.84.185 is amended to read:

3 Sec. 08.84.185. LIMITS OR CONDITIONS ON LICENSE; DISCIPLINE. (a)  
4 In addition to action under AS 08.84.180, upon a finding that by reason  
5 of demonstrated problems of competence, experience, education or health  
6 the authority to practice physical therapy should be limited or condi-  
7 tioned or the practitioner disciplined, the department [BOARD] may reprimand,  
8 censure, place on probation, restrict practice by specialty,  
9 procedure or facility, require additional education or training, or  
10 revoke or suspend a registration.

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

13 \* Sec. 19. REPEALER. AS 08.01.010(21), AS 08.03.010(a)(11), AS 08.84.-  
14 010(a) and 08.84.190(1) are repealed.

15 \* Sec. 20. EFFECTIVE DATE. Section 1 of this Act takes effect  
16 immediately in accordance with AS 01.10.070(c). Sections 2 - 19 of this Act  
17 take effect January 1, 1981.

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29