

HOUSE CS FOR CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 323 (L&C)**IN THE LEGISLATURE OF THE STATE OF ALASKA****SEVENTEENTH LEGISLATURE - SECOND SESSION****BY THE HOUSE LABOR AND COMMERCE COMMITTEE****Offered: 4/29/92****Referred: Finance****Sponsor(s): SENATORS STURGULEWSKI, Pearce****A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to substance abuse by certain persons who are licensed under state law;
2 and relating to occupational licensing fees."

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

4 * Section 1. AS 08.01.050 is amended by adding a new subsection to read:

5 (d) At the request of one of the following boards, the department may contract with
6 public agencies and private professional organizations to provide assistance and treatment to
7 persons licensed by the board who abuse alcohol, other drugs, or other substances:

8 (1) Board of Clinical Social Work Examiners;

9 (2) Board of Dental Examiners;

10 (3) Board of Dispensing Opticians;

11 (4) State Medical Board;

12 (5) Board of Nursing;

13 (6) Board of Examiners in Optometry;

14 (7) Board of Pharmacy;

- 1 (8) State Physical Therapy and Occupational Therapy Board;
- 2 (9) Board of Psychologist and Psychological Associate Examiners; and
- 3 (10) Board of Veterinary Examiners.

4 * Sec. 2. AS 08.01.065(c) is repealed and reenacted to read:

5 (c) The department shall establish fee levels under (a) of this section so that the total
6 amount of fees collected for an occupation approximately equals the actual regulatory costs for
7 the occupation. The department shall annually review each fee level to determine whether the
8 regulatory costs of each occupation are approximately equal to fee collections related to that
9 occupation. If the review indicates that an occupation's fee collections and regulatory costs are
10 not approximately equal, the department shall calculate fee adjustments and adopt regulations
11 under (a) of this section to implement the adjustments. In January of each year, the department
12 shall report on all fee levels and revisions for the previous year under this subsection to the office
13 of management and budget. If a board regulates an occupation covered by this chapter, the
14 department shall consider the board's recommendations concerning the occupation's fee levels
15 and regulatory costs before revising fee schedules to comply with this subsection. In this
16 subsection, "regulatory costs" means costs of the department that are attributable to regulation
17 of an occupation plus

18 (1) all expenses of the board that regulates the occupation if the board regulates
19 only one occupation;

20 (2) the expenses of a board that are attributable to the occupation if the board
21 regulates more than one occupation.

22 * Sec. 3. AS 08.02.020 is amended to read:

23 Sec. 08.02.020. LIMITATION OF LIABILITY. An action may not be brought against
24 a person for damages resulting from

25 (1) the person's good faith performance of a duty, function, or activity required
26 as

27 (A) a member of, or witness before, a licensing board or peer review
28 committee established to review a licensing matter;

29 (B) a member of a committee appointed under AS 08.64.336(c);

30 (C) a contractor or agent of a contractor under AS 08.01.050(d) or
31 AS 08.64.101(6); [OR]

1 (2) a recommendation or action in accordance with the prescribed duties of a
2 licensing board, peer review committee established to review a licensing matter, committee
3 appointed under AS 08.64.336(c), or contractor or agent of a contractor under AS 08.01.050(d)
4 or AS 08.64.101(6) when the person acts in the reasonable belief that the action or
5 recommendation is warranted by facts known to the person, board, peer review committee,
6 committee appointed under AS 08.64.336(c), or contractor or agent of the contractor under
7 AS 08.01.050(d) or AS 08.64.101(6) after reasonable efforts to ascertain the facts upon which
8 the action or recommendation is made; or

9 (3) a report made in good faith to a public agency by the person, or
10 participation by the person in an investigation by a public agency or a judicial or
11 administrative proceeding relating to the report, if the report relates to the abuse of alcohol,
12 other drugs, or other substances by a person licensed by a board listed in AS 08.01.050(d).

13 * Sec. 4. AS 08.01.065(b) is repealed.