

HOUSE BILL NO. 423

IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE BY REQUEST

Introduced: 2/2/94

Referred: Labor & Commerce, Health, Education & Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to regulation of occupations; and providing for an effective
2 date."

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

4 * Section 1. AS 08.01.020 is amended to read:

5 Sec. 08.01.020. BOARD ORGANIZATION. Board members are appointed
6 by the governor and serve at the pleasure of the governor. If a particular
7 occupational license is required by law as a qualification for appointment to a
8 board, a person may not be appointed nor retain appointment to that position if
9 the person does not hold an active, valid state license in the specified occupation.
10 The [UNLESS OTHERWISE PROVIDED, THE] governor may designate the chair
11 of a board, and all other officers shall be elected by the board members. Unless
12 otherwise provided, officers of a board are the chair, vice-chair, and the secretary. A
13 board shall hold elections every two years. A board may provide by regulation that
14 three or more unexcused absences from meetings are cause for removal.

1 • **Sec. 2. AS 08.01.030 is amended to read:**

2 **Sec. 08.01.030. QUORUM. A majority of the membership of a board**
3 **constitutes a quorum unless otherwise provided. For purposes of this section,**
4 **"membership" means the number of member positions set by law for a board.**

5 • **Sec. 3. AS 08.01.050(a) is amended to read:**

6 **(a) The department shall perform the following administrative and budgetary**
7 **services when appropriate:**

8 **(1) collect and record fees;**

9 **(2) maintain records and files;**

10 **(3) issue and receive application forms;**

11 **(4) notify applicants of acceptance or rejection as determined by the**
12 **board or as determined by the department under AS 08.06 for acupuncturists, under**
13 **AS 08.11 for audiologists, under AS 08.18 for contractors, under AS 08.45 for**
14 **naturopaths, or under AS 08.55 for hearing aid dealers;**

15 **(5) designate dates examinations are to be held and notify applicants;**

16 **(6) publish notice of examinations and proceedings;**

17 **(7) arrange space for holding examinations and proceedings;**

18 **(8) notify applicants of results of examinations;**

19 **(9) issue licenses or temporary licenses as authorized by the board or**
20 **as authorized by the department under AS 08.06 for acupuncturists, under AS 08.11**
21 **for audiologists, under AS 08.18 for contractors, under AS 08.45 for naturopaths, or**
22 **under AS 08.55 for hearing aid dealers;**

23 **(10) issue duplicate licenses upon submission of a written request by**
24 **the licensee attesting to loss of or the failure to receive the original and payment by**
25 **the licensee of a fee established by regulation adopted by the department;**

26 **(11) notify licensees of renewal dates at least 30 days before the**
27 **expiration date of their licenses;**

28 **(12) compile and maintain a current register of licensees;**

29 **(13) answer routine inquiries;**

30 **(14) maintain files relating to individual licensees;**

31 **(15) arrange for printing and advertising;**

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- (16) purchase supplies;
- (17) employ additional help when needed;
- (18) perform other services that may be requested by the board;
- (19) provide inspection, enforcement, and investigative services to the boards and for the occupations listed in AS 08.01.010 [,] regarding all licenses issued by or through the department;
- (20) retain and safeguard the official seal of a board and prepare, sign, and affix a board seal, as appropriate, for licenses approved by a board;
- (21) issue business licenses under AS 43.70; and
- (22) refer requests for administrative hearings to a hearing officer for adjudication.

* Sec. 4. AS 08.01.070 is amended to read:

Sec. 08.01.070. ADMINISTRATIVE DUTIES OF BOARDS. Each board shall perform the following duties in addition to those provided in its respective law:

- (1) ensure that [TAKE] minutes and records of all proceedings are maintained;
- (2) hold a minimum of one meeting each year; the meeting may be teleconferenced as provided in AS 44.62.310;
- (3) publicly offer to hold at least one examination each year;
- (4) refer to [REQUEST, THROUGH] the department violations of statutes and regulations for [,] investigation [OF VIOLATIONS OF ITS LAWS AND REGULATIONS];
- (5) prepare and grade, or contract through the department for the preparation and grading of, board examinations;
- (6) set minimum qualifications for applicants for examination and license;
- (7) [FORWARD A DRAFT OF THE MINUTES OF PROCEEDINGS TO THE DEPARTMENT WITHIN 20 DAYS AFTER THE PROCEEDINGS;
- (8)] forward results of board administered examinations to the department within 20 days after the examination is given;
- (8) [(9)] notify the department of meeting dates and agenda items at

1 least ~~30~~ [15] days before meetings and other proceedings are held;

2 ~~(9)~~ [(10)] submit on or before August 1 of each [THE END OF THE
3 FISCAL] year an annual performance report to the department stating the board's
4 accomplishments, activities, and needs;

5 ~~(10)~~ ensure that the licensing processes used by the board are in
6 compliance with 42 U.S.C. (Americans with Disabilities Act).

7 * Sec. 5. AS 08.01 is amended by adding new sections to read:

8 Sec. 08.01.071. GENERAL POWERS OF BOARDS AND THE
9 DEPARTMENT. (a) Within the authority otherwise granted in this title, a board may

10 (1) authorize the issuance of and establish the criteria for issuance,
11 renewal, and reinstatement of licenses for the practice of the occupation the board
12 regulates;

13 (2) adopt regulations applicable to the occupation the board regulates,
14 including, notwithstanding other provisions of law, regulations that are necessary to
15 meet federal requirements; and

16 (3) impose disciplinary sanctions on an individual licensed to practice
17 the occupation the board regulates.

18 (b) If there is no board for an occupation regulated under this title, the
19 department has the powers listed in (a) of this section regarding that occupation.

20 Sec. 08.01.072. GROUNDS FOR IMPOSITION OF DISCIPLINARY
21 SANCTIONS OR DENIAL OF LICENSE. (a) In addition to the disciplinary grounds
22 established by other provisions of law, a board may impose disciplinary sanctions on
23 a person licensed in the occupation the board regulates if the board finds that the
24 licensee

25 (1) obtained the license through deceit, fraud, or intentional
26 misrepresentation;

27 (2) engaged in deceit, fraud, or intentional misrepresentation while
28 providing services or engaging in activities related to the practice of the occupation;

29 (3) advertised services related to the practice of the occupation in a
30 false or misleading manner;

31 (4) has been convicted of a felony or of a lesser crime if the lesser

1 **crime is related to qualifications, functions, or duties related to the practice of the**
2 **occupation;**

3 **(5) violated this chapter or a provision of the chapter regulating the**
4 **occupation for which the person is licensed, a regulation adopted under this chapter**
5 **or under the chapter regulating the occupation for which the person is licensed, or an**
6 **order of the board or the department;**

7 **(6) continued to practice the occupation after becoming unfit due to**
8 **(A) professional incompetence, negligence, or gross negligence;**
9 **(B) failure to keep informed of or use professional theories or**
10 **practices related to the practice of the occupation;**

11 **(C) addiction to, dependency on, or habitual use of alcohol or**
12 **a drug that impairs the licensee's ability to practice competently or safely; or**

13 **(D) physical or mental disability;**

14 **(7) permitted another person to use the license for any purpose;**

15 **(8) performed professional services, or permitted the performance of**
16 **professional services by persons under the licensee's supervision, that do not conform**
17 **to minimum standards of the occupation, regardless of whether actual injury occurred;**

18 **(9) has had, for any cause other than the failure to pay a fee, the**
19 **authority to practice the occupation in any licensing jurisdiction cancelled, revoked,**
20 **or suspended or the renewal of the authority to practice refused;**

21 **(10) engaged in lewd or immoral conduct that would constitute a crime**
22 **if the crime relates to qualifications, functions, or duties related to the practice of the**
23 **occupation; or**

24 **(11) engaged in unprofessional conduct as defined by regulations of the**
25 **board.**

26 **(b) If there is no board for an occupation regulated under this title, the**
27 **department may impose disciplinary sanctions on a licensee based on the grounds**
28 **listed in (a) of this section.**

29 **(c) A board may refuse to authorize the department to issue a license to an**
30 **applicant for the same reasons that the board may impose disciplinary sanctions under**
31 **(a) of this section. If there is no board for an occupation regulated under this title, the**

1 department may refuse to issue a license for the same reasons that the department may
2 impose disciplinary sanctions under (b) of this section. A board or the department
3 may also suspend processing an application until the applicant has demonstrated that
4 the applicant is not the subject of an unresolved complaint, review procedure, or
5 disciplinary proceeding in another licensing jurisdiction.

6 • Sec. 6. AS 08.01.075(a) is amended to read:

7 (a) In addition to the disciplinary actions provided for by other provisions
8 of law, a [A] board may take the following disciplinary actions, singly or in
9 combination:

10 (1) [PERMANENTLY] revoke a license;

11 (2) suspend a license for a specified period;

12 (3) censure [OR REPRIMAND] a licensee;

13 (4) issue a private reprimand to a licensee;

14 (5) impose limitations or conditions on the [PROFESSIONAL] practice
15 of the occupation by a licensee;

16 (6) place a licensee on probation and require the licensee to

17 (A) report regularly to the board on matters relating to the
18 probation;

19 (B) limit practice of the occupation as ordered by the board;

20 (C) undertake and continue professional education as
21 ordered by the board until a satisfactory degree of skill has been attained
22 in the areas determined to need improvement;

23 (D) submit to peer review as ordered by the board;

24 (E) fulfill other conditions ordered by the board, including
25 payment of restitution, participation in evaluations by professionals for
26 substance abuse, mental health or medical problems, and completion of
27 any prescribed treatment or counseling programs;

28 (7) [(5) REQUIRE A LICENSEE TO SUBMIT TO PEER REVIEW;

29 (6) IMPOSE REQUIREMENTS FOR REMEDIAL PROFESSIONAL
30 EDUCATION TO CORRECT DEFICIENCIES IN THE EDUCATION, TRAINING,
31 AND SKILL OF THE LICENSEE;

1 (7) IMPOSE PROBATION REQUIRING A LICENSEE TO REPORT
2 REGULARLY TO THE BOARD ON MATTERS RELATED TO THE GROUNDS
3 FOR PROBATION;

4 (8)] impose a civil fine not to exceed \$5,000 for each occurrence that
5 violates this chapter, the chapter regulating the occupation, or a regulation
6 adopted under either chapter; each day a violation continues after notice has been
7 given constitutes a separate violation.

8 * Sec. 7. AS 08.01.075(d) is amended to read:

9 (d) A board may reinstate a suspended or revoked license based on a petition
10 under AS 44.62.550 if, after a hearing, the board finds that the applicant is able to
11 practice the occupation [PROFESSION] with skill and safety.

12 * Sec. 8. AS 08.01.075 is amended by adding a new subsection to read:

13 (g) If there is no board for an occupation regulated under this title, the
14 department may exercise the power authorized to a board under this section.

15 * Sec. 9. AS 08.01 is amended by adding a new section to read:

16 Sec. 08.01.076. CRIMINAL PENALTY. In addition to the penalties that a
17 board or the department may assess or the court may impose under other provisions
18 of law, a person who violates a provision of this chapter or a provision of the chapter
19 regulating the occupation in which the person is licensed, a regulation adopted under
20 this chapter or under the chapter regulating the occupation in which the person is
21 licensed, or an order of the board or the department is guilty of a class B
22 misdemeanor.

23 * Sec. 10. AS 08.01 is amended by adding new sections to read:

24 Sec. 08.01.081. EXPIRED LICENSE. (a) If the licensee does not timely
25 submit an application for renewal of a license issued under this title, the license
26 expires. A licensee with an expired license may not practice the occupation for which
27 the license was issued until the license is reinstated by the department.

28 (b) The department may reinstate a license that has been expired for less than
29 five years upon receipt of

30 (1) an application for reinstatement;

31 (2) payment of all fees due under applicable regulations for the entire

1 period the license was expired, including a renewal penalty assessed under
2 AS 08.01.100; and

3 (3) presentation of proof satisfactory to the board, or the department
4 if no board exists for the occupation, that all continuing education requirements,
5 recency requirements, practice requirements, or other requirements for continued
6 licensure have been met by the licensee for the period that the license was expired.

7 **Sec. 08.01.082. INACTIVE LICENSE AUTHORIZED; ACTIVE LICENSE**
8 **REQUIRED.** (a) A licensee who does not practice the occupation in the state may
9 hold an inactive license under the terms set out in this section unless otherwise
10 provided in the chapter regulating the licensee's occupation.

11 (b) A licensee may request the department to convert an active license to an
12 inactive license only at the time of application for license renewal. The request must
13 be accompanied by

14 (1) payment of the inactive license renewal fee for that license period;
15 and

16 (2) proof of compliance with all other applicable licensing
17 requirements, including continuing education as required by the board, or the
18 department in the absence of a board.

19 (c) An inactive licensee may request the department to convert an inactive
20 license to an active license at any time. The request must be accompanied by

21 (1) payment of the remainder of the required active license renewal fee
22 for that license period; and

23 (2) proof of compliance with all other applicable licensing
24 requirements, including continuing education as applicable.

25 (d) Except as otherwise provided by law, a person may not practice in the
26 state, however infrequently, an occupation regulated under this title unless the person
27 has an active license issued under this title.

28 * **Sec. 11. AS 08.01.087 is repealed and reenacted to read:**

29 **Sec. 08.01.087. POWERS AND DUTIES OF DEPARTMENT.** (a) The
30 department may, upon receiving a complaint or when the department considers it in
31 the public interest, conduct investigations to determine whether a person regulated

1 under this title has violated a provision of this title, a regulation adopted under this
2 title, or a provision of AS 43.70, or to secure information useful in the administration
3 of this title.

4 (b) If it appears to the department that a person regulated under this title has
5 violated or is about to violate a provision of this title, a regulation adopted under this
6 title, an order issued under this title, or a provision of AS 43.70, the commissioner
7 may, if the commissioner considers it in the public interest, issue an order directing
8 the person to stop the violation. The stop order is effective immediately upon issuance.
9 A person to whom a stop order is issued is entitled to a hearing before the department
10 within 15 days after the person is served with the order. The commissioner shall issue
11 a final order affirming, modifying, or reversing the stop order within 10 days after the
12 hearing. If the person does not request a hearing within 15 days after being served
13 with the stop order, the order becomes final without further action. The department
14 shall provide a copy of the stop order to the appropriate board.

15 (c) The department may bring an action in the superior court to enjoin a
16 violation of this title or a violation of AS 43.70 by a person regulated under this title;
17 to enforce compliance with this title or, concerning a person regulated under this title,
18 compliance with AS 43.70; to enforce compliance with a regulation adopted under this
19 title or, concerning a person regulated under this title, adopted under AS 43.70; or to
20 enforce an order issued under this title or, concerning a person regulated under this
21 title, issued under AS 43.70. In an action brought by the department, the court may
22 assess civil fines not to exceed \$5,000 for each act, practice, or omission that violates
23 this title or AS 43.70, a regulation adopted under this title or AS 43.70, or an order
24 issued under this title or AS 43.70. Evidence of a single act is sufficient to justify an
25 injunction and a civil fine without evidence of a general course of conduct.

26 (d) As the result of an active investigation, the department may examine or
27 have examined the books and records of a person whose business activities are
28 regulated under this title or AS 43.70 and may require the person to pay the reasonable
29 costs of the examination.

30 (e) The department may issue subpoenas for the attendance of witnesses and
31 the production of books, records, and other documents in support of an active

1 ~~investigation.~~

2 ~~investigation and~~ (f) The department may provide, receive, and exchange confidential and public
3 information with licensing, medical assistance, tax, and law enforcement officials of
4 any jurisdiction including

5 (1) information concerning an applicant for a license under this title;
6 (2) information concerning disciplinary actions taken under this title,
7 under a regulation adopted under this title, or under authority of similar provisions in
8 other jurisdictions;

9 (3) information concerning investigations; and

10 (4) statistical information.

11 (g) In the course of an investigation, the department may require an applicant
12 for a license issued under this title to be fingerprinted to determine whether the
13 applicant has a record of criminal convictions in any jurisdiction relevant to
14 qualifications for licensure. The department or a board may use the information
15 obtained to make its determination of the applicant's qualifications for licensure.

16 (h) The department may adopt regulations that the department considers
17 reasonable and necessary to carry out the purposes of this title.

18 (i) The department may coordinate with or contract with public agencies and
19 private professional organizations to establish programs to assist and treat licensees
20 who abuse or are addicted to alcohol, drugs, or other substances.

21 (j) In the course of an investigation, the department may for good cause
22 require an individual who has applied for or been issued a license under this title to
23 submit to a physical or mental health examination to be performed by a licensed
24 professional selected by the department. The examination may require submission of
25 biological specimens as requested by the examining professional. The report of the
26 examining professional shall be submitted to the individual and to the department. The
27 report is a confidential record, not subject to disclosure under AS 09.25.110 -
28 09.25.220.

29 (k) The department may require a person who has applied for or been issued
30 a license under this title to submit to peer review.

31 (l) The department may employ hearing officers to conduct hearings under this

1 title in accordance with AS 44.62 (Administrative Procedure Act).

2 • **Sec. 12. AS 08.01 is amended by adding new sections to read:**

3 **Sec. 08.01.088. SUBPOENA FOR PRODUCTION OF DOCUMENTS. (a)**

4 The department may issue a subpoena for the production of documentary material
5 during the course of an investigation under this title. A subpoena may require the
6 production of documentary material of any kind that the department considers relevant
7 to the investigation.

8 (b) A subpoena for the production of documentary material must

9 (1) be in writing;

10 (2) state the general subject matter of the investigation;

11 (3) describe, with reasonable specificity so as to fairly indicate the
12 material required, the documentary material to be produced;

13 (4) set a return date within which the documentary material must be
14 produced;

15 (5) identify the department representative to whom the documentary
16 material is to be made available for inspection and copying; and

17 (6) be signed by the commissioner or the commissioner's designee.

18 (c) A subpoena for the production of documentary material may not

19 (1) require the production of documentary material that would be
20 privileged from disclosure if required by a subpoena issued by a court of this state; or

21 (2) contain a requirement that would be unreasonable or improper if
22 contained in a subpoena issued by a court of this state.

23 (d) Documentary material produced under a subpoena is confidential and may
24 not be produced for inspection or copying by any person, nor may its contents be
25 disclosed to any person except

26 (1) by order of a court of competent jurisdiction, issued for good cause
27 shown and upon the conditions that the court imposes;

28 (2) to the attorney general or the attorney general's designee, in
29 confidence;

30 (3) to licensing, tax, medical assistance, and law enforcement officers
31 of any jurisdiction, in confidence; or

1 (4) as the department considers reasonable and necessary in the
2 enforcement of this title, including presentation to a court, presentation to a board,
3 presentation to a hearing officer, or use in an administrative proceeding.

4 (e) At any time before the return date specified in the subpoena, or within 20
5 days after the date the demand was served, whichever is earlier, the person upon whom
6 the subpoena was served may petition the superior court, for good cause shown, to
7 extend the return date for, modify, or set aside the subpoena.

8 (f) A person served with a subpoena shall produce the material requested for
9 inspection and copying by the department at the time and place stated in the subpoena,
10 and shall fully and fairly comply with the terms of the subpoena, unless excused by
11 order of the superior court under (e) of this section.

12 (g) A person who avoids, prevents, or obstructs compliance, in whole or part,
13 with a subpoena issued under this section, or who removes from any place, conceals,
14 withholds, destroys, falsifies, mutilates, or alters documentary material that is the
15 subject of a subpoena, or who fails to produce documentary material requested at the
16 time, date, and place stated in the subpoena, is subject to applicable criminal penalty,
17 and to a civil fine by the superior court, upon petition of the department, of not more
18 than \$5,000 for each act or occurrence.

19 Sec. 08.01.089. SUBPOENA FOR TESTIMONY UNDER OATH. (a) The
20 department may issue a subpoena for testimony under oath during the course of an
21 investigation under this title. A subpoena may require the testimony under oath of a
22 person whom the department considers to have information relevant to the
23 investigation.

24 (b) A subpoena for testimony under oath must

- 25 (1) be in writing;
- 26 (2) state the general subject matter of the investigation;
- 27 (3) name the person who is to appear and testify;
- 28 (4) specify a date, time, and place where the person will be examined;
- 29 (5) identify the department's representative, the attorney general, or the
30 attorney general's designee who will examine the witness; and
- 31 (6) be signed by the commissioner or the commissioner's designee.

1 (c) A subpoena for testimony under oath may not require testimony on matters
2 that would be privileged from disclosure in a court of this state.

3 (d) Testimony under oath given under a subpoena is confidential and may not
4 be divulged or disclosed except

5 (1) by order of a court of competent jurisdiction, issued for good cause
6 shown and upon the conditions that the court imposes;

7 (2) to the attorney general or the attorney general's designee, in
8 confidence;

9 (3) to licensing, tax, medical assistance, and law enforcement officers
10 of any jurisdiction, in confidence; or

11 (4) as the department considers reasonable and necessary in the
12 enforcement of this title, including presentation to a court, presentation to a board,
13 presentation to a hearing officer, or use in an administrative proceeding.

14 (e) At any time before the return date specified in the subpoena, or within 20
15 days after the date the subpoena is served, whichever is earlier, the person upon whom
16 the subpoena is served may petition the superior court, for good cause shown, to
17 extend the return date for, modify, or set aside the subpoena.

18 (f) A person served with a subpoena for testimony under oath shall appear and
19 be examined by the department, the department's representative, or by the attorney
20 general or the attorney general's designee, at the time and place stated in the subpoena,
21 and shall fully and fairly testify in compliance with the subpoena, unless excused by
22 order of the superior court under (e) of this section.

23 (g) A person who avoids, prevents, or obstructs compliance, in whole or part,
24 with a subpoena issued under this section, or who conceals, withholds, falsifies, or
25 alters testimony that is the subject of a subpoena issued under this section, or who fails
26 to appear for examination at the time, place, and date stated in the subpoena, is subject
27 to any applicable criminal penalty, and to a civil fine by the superior court, upon
28 petition of the department, of not more than \$5,000 for each act or occurrence.

29 * Sec. 13. AS 08.01.090 is amended to read:

30 Sec. 08.01.090. [APPLICABILITY OF THE] ADMINISTRATIVE
31 PROCEEDINGS [PROCEDURE ACT]. AS 44.62 (Administrative Procedure Act)

1 [THE (AS 44.62)] applies to regulations adopted and proceedings held under this title
2 by a board or the department [CHAPTER], except that AS 44.62 does not apply
3 to proceedings [THOSE] under AS 08.01.087(b).

4 * Sec. 14. AS 08.01.090 is amended by adding new subsections to read:

5 (b) The department may employ or contract with a hearing officer who meets
6 the qualifications of AS 44.62.350 to conduct hearings under this title.
7 Notwithstanding AS 44.62.350(a) regarding assignment by the governor, the
8 commissioner or the commissioner's designee shall assign hearings and other duties
9 to hearing officers employed by or under contract with the department.

10 (c) The standard of proof in proceedings held under this title is proof by a
11 preponderance of the evidence.

12 * Sec. 15. AS 08.01 is amended by adding a new section to read:

13 Sec. 08.01.095. EXCLUSIONS. The authority, powers, and duties of the
14 department and the commissioner under this title do not extend to

15 (1) the Alaska Bar Association, the Alaska Bar Rules, or to matters
16 arising under AS 08.08 (Alaska Integrated Bar Act), including attorney discipline; or

17 (2) matters specifically assigned by this title to the Department of
18 Revenue, the Department of Public Safety, the Department of Labor, or another agency
19 of the state.

20 * Sec. 16. AS 08.01.100(b) is amended to read:

21 (b) A license subject to renewal shall be renewed on or before the date set by
22 the department. If the license is not renewed by the date set by the department, the
23 license expires under AS 08.01.081. Failure of the licensee to receive a license
24 renewal form does not exempt a licensee from applying to renew the license
25 [LAPSES]. In addition to renewal fees required for reinstatement of the expired
26 [LAPSED] license, the department may impose a [DELAYED] renewal penalty,
27 established by regulation, that shall be paid before a license that has expired [BEEN
28 LAPSED FOR MORE THAN 60 DAYS] may be renewed. [THE DEPARTMENT
29 MAY ADOPT A DELAYED RENEWAL PENALTY ONLY WITH THE
30 CONCURRENCE OF THE APPROPRIATE BOARD.]

31 * Sec. 17. AS 08.01.100(d) is repealed and reenacted to read:

1 (d) A suspended license is subject to expiration and shall be renewed as
2 provided in this section, but the renewal does not entitle the person while the license
3 remains suspended to practice the occupation or to engage in other activity or conduct
4 that violates the order or judgment that suspended the license.

5 * Sec. 18. AS 08.01.102 is amended to read:

6 Sec. 08.01.102. CITATION FOR UNLICENSED PRACTICE OR ACTIVITY.

7 The department may issue a citation for a violation of a license requirement for an
8 occupation covered under this chapter or a business activity subject to AS 43.70 if
9 there is probable cause to believe a person has practiced an occupation [A
10 PROFESSION] or engaged in business for which a license is required without a
11 current, valid [HOLDING THE] license that has not been suspended, revoked, or
12 obtained by fraud. Each day a violation continues after a citation for the violation
13 has been issued constitutes a separate violation.

14 * Sec. 19. AS 08.01.105 is repealed and reenacted to read:

15 Sec. 08.01.105. PENALTY FOR IMPROPER PAYMENT. An applicant shall
16 pay a penalty fee established by regulation by the department each time a negotiable
17 instrument is presented to the department in payment of an amount due and payment
18 is subsequently refused by the named payor.

19 * Sec. 20. AS 08.01.110(1) is amended to read:

20 (1) "board" means [INCLUDES] the boards and commissions listed in
21 AS 08.01.010;

22 * Sec. 21. AS 08.01.110(5) is amended to read:

23 (5) "licensee" means a person with [WHO HOLDS] a license issued
24 under this title;

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

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

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

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

1 (B) a member of a committee appointed under AS 08.64.336(c);
2 (C) a contractor or agent of a contractor under AS 08.01.087(i)
3 [AS 08.01.050(d)] or AS 08.64.101(6);

4 (2) a recommendation or action in accordance with the prescribed
5 duties of a licensing board, peer review committee established to review a licensing
6 matter, committee appointed under AS 08.64.336(c), or contractor or agent of a
7 contractor under AS 08.01.087(i) [AS 08.01.050(d)] or AS 08.64.101(6) when the
8 person acts in the reasonable belief that the action or recommendation is warranted by
9 facts known to the person, board, peer review committee, committee appointed under
10 AS 08.64.336(c), or contractor or agent of the contractor under AS 08.01.087(i)
11 [AS 08.01.050(d)] or AS 08.64.101(6) after reasonable efforts to ascertain the facts
12 upon which the action or recommendation is made; or

13 (3) a report made in good faith to a public agency by the person, or
14 participation by the person in an investigation by a public agency or a judicial or
15 administrative proceeding relating to the report, if the report relates to the abuse of
16 alcohol, other drugs, or other substances by a person licensed under this title [BY A
17 BOARD LISTED IN AS 08.01.050(d)].

18 * Sec. 23. AS 08.03.020 is amended by adding a new subsection to read:

19 (d) After the date that is one year after the termination of a board listed in
20 AS 08.03.010, other than the Board of Governors of the Alaska Bar Association, the
21 department may exercise the responsibilities and powers of the terminated board,
22 unless the licensing requirements related to that board have been repealed or the
23 powers of the board have been transferred to another entity by law.

24 * Sec. 24. AS 08.04.650 is amended to read:

25 Sec. 08.04.650. SINGLE ACT EVIDENCE OF PRACTICE. The display or
26 uttering by a person of a card, sign, advertisement or other printed, engraved, or
27 written instrument or device, bearing a person's name in conjunction with the words
28 "certified public accountant," or any abbreviation of that phrase, or with the words
29 "public accountant," or any abbreviation of that phrase, or any words or abbreviations
30 likely to be confused with any of them, is prima facie evidence [IN ANY ACTION
31 BROUGHT UNDER AS 08.04.630 OR 08.04.640] that the person whose name is

1 displayed caused the display or uttering of the card, sign, advertisement or written
2 instrument or device, and that the person is holding out to be a certified public
3 accountant or public accountant. In any action, evidence of the commission of a single
4 act prohibited by this chapter is sufficient to justify an injunction or a conviction
5 without evidence of a general course of conduct.

6 * Sec. 25. AS 08.13.070 is amended to read:

7 Sec. 08.13.070. LICENSE REQUIRED. A person may not

8 (1) practice barbering, hairdressing, or cosmetology without a license,
9 temporary license [PERMIT], or apprentice license [STUDENT PERMIT] unless
10 exempted under AS 08.13.160(d);

11 (2) practice barbering, hairdressing, or cosmetology except in a shop
12 or school licensed under this chapter unless exempted under AS 08.13.160(d) or
13 permitted under AS 08.13.160(e);

14 (3) open or conduct a school of barbering, hairdressing, or cosmetology
15 without a license;

16 (4) teach in a school of barbering, hairdressing, or cosmetology, or
17 supervise an apprentice without an instructor's license;

18 (5) operate a shop in violation of AS 08.13.120;

19 (6) permit an employee or other person being supervised who is not
20 exempted under AS 08.13.160(d) to practice barbering, hairdressing, or cosmetology
21 without a license, temporary license [PERMIT], or apprentice license [STUDENT
22 PERMIT];

23 (7) permit the use of the person's license, temporary license [PERMIT],
24 or apprentice license [STUDENT PERMIT] by another person;

25 (8) obtain or attempt to obtain a license, temporary license [PERMIT],
26 or apprentice license [STUDENT PERMIT] by fraudulent means.

27 * Sec. 26. AS 08.13.130 is amended to read:

28 Sec. 08.13.130. DISPLAY OF LICENSE [OR PERMIT]. A practitioner shall
29 display the practitioner's license in a conspicuous location in the practitioner's place
30 of business. Each shop owner is responsible for the display of the licenses of
31 employees. A person holding an apprentice license or temporary license [A

1 **STUDENT PERMIT OR TEMPORARY PERMIT]** shall display the license [PERMIT]
2 in a conspicuous location in the school in which the person is enrolled or the shop in
3 which the apprentice works. The school or shop owner is responsible for the display
4 of a license [PERMIT] for each enrolled student or apprentice.

5 * **Sec. 27.** AS 08.13.160(d) is amended to read:

6 (d) The licensing [AND PERMIT] provisions of this chapter do not apply to

7 (1) a person practicing barbering, hairdressing, or cosmetology in a
8 community having a population of less than 1,000 people that is not within 25 miles
9 of a community of more than 1,000 people and who uses only chemicals available to
10 the general public;

11 (2) a shampoo person;

12 (3) a licensed health care professional;

13 (4) a person licensed by another licensing jurisdiction in a field of
14 practice licensed by this chapter while demonstrating techniques or products to persons
15 holding licenses [OR PERMITS] under this chapter.

16 * **Sec. 28.** AS 08.13.170 is amended to read:

17 **Sec. 08.13.170. TEMPORARY AND APPRENTICE LICENSES**

18 [PERMITS]. The department may [SHALL] issue a temporary license [PERMIT] to
19 an applicant for licensing who holds a license to practice as a barber, hairdresser, or
20 cosmetologist in another state. A temporary license [THE PERMIT] is valid for a
21 maximum of six months or until the board either issues a permanent license or rejects
22 the application. [THE BOARD SHALL ACT ON AN APPLICATION WITHIN SIX
23 MONTHS.]

24 * **Sec. 29.** AS 08.20.160 is amended to read:

25 **Sec. 08.20.160. TEMPORARY LICENSES [PERMITS]. The Department**
26 **of Commerce and Economic Development may issue temporary licenses**
27 **[TEMPORARY PERMITS MAY BE ISSUED] to persons apparently qualified that**
28 **are valid until the next regular meeting of the board.**

29 * **Sec. 30.** AS 08.32.070 is amended to read:

30 **Sec. 08.32.070. [REGISTRATION AND] LICENSING OF DENTAL**
31 **HYGIENISTS. The Department of Commerce and Economic Development**

1 [BOARD] shall [REGISTER EACH SUCCESSFUL APPLICANT AND] issue each
2 successful [THE] applicant a license upon authorization by the board and payment
3 of all required fees.

4 * Sec. 31. AS 08.40.190(c) is amended to read:

5 (c) Work within the exclusionary provisions of this section is nevertheless
6 subject to [THE] inspection by the Department of Labor [PROVISIONS OF
7 AS 08.40.070] and must follow the regulations regarding workmanship adopted by the
8 Department of Labor [DEPARTMENT].

9 * Sec. 32. AS 08.42.070(b) is amended to read:

10 (b) The department shall examine each applicant under this section on the
11 following subjects: Alaska vital statistics law, the applicable provisions of this title
12 [CHAPTER], and the regulations adopted by the department under applicable
13 provisions of this title [CHAPTER].

14 * Sec. 33. AS 08.48.051 is amended to read:

15 Sec. 08.48.051. ORGANIZATION AND MEETINGS. The board shall hold
16 at least four regular meetings each year. Special meetings may be held as the bylaws
17 of the board provide. [THE BOARD SHALL ELECT OR APPOINT ANNUALLY
18 FROM ITS MEMBERS THE FOLLOWING OFFICERS: PRESIDENT,
19 VICE-PRESIDENT AND SECRETARY. A QUORUM OF THE BOARD CONSISTS
20 OF NOT LESS THAN FIVE MEMBERS.]

21 * Sec. 34. AS 08.48.295(g) is amended to read:

22 (g) An action to enforce an order under this section may be combined with an
23 action for an injunction under AS 08.01.087(c) [AS 08.48.131].

24 * Sec. 35. AS 08.62.130 is amended to read:

25 Sec. 08.62.130. EXPIRED [LAPSED] LICENSE. (a) Notwithstanding
26 AS 08.01.081, the [THE] board shall reinstate an expired [A LAPSED] marine pilot
27 license if, in addition to complying with the requirements of AS 08.01.100
28 [AS 08.01.100(a) - (c)] and AS 08.62.120, the pilot takes and passes a written and oral
29 examination if the license has been expired [LAPSED] one year or more.

30 (b) The board shall establish criteria for reinstatement of an expired [A
31 LAPSED] deputy marine pilot license.

1 * **Sec. 36.** AS 08.64.270 is amended to read:

2 **Sec. 08.64.270. TEMPORARY LICENSES [PERMITS].** (a) The board may
3 issue a temporary license [PERMIT] to a physician applicant, osteopath applicant, or
4 podiatry applicant who meets the requirements of AS 08.64.200, 08.64.205, 08.64.209,
5 or 08.64.225 and pays the required fee.

6 (b) A temporary license [PERMIT] issued under this section is valid for six
7 months and shall be reviewed by the board at the next regularly scheduled board
8 meeting that occurs after its issuance.

9 (c) A temporary license [PERMIT] issued under this section may not be
10 renewed.

11 (d) The fee for a license [PERMIT] issued under this section is one-fourth of
12 the fee for a biennial license, plus the appropriate application fee.

13 (e) Upon application by the licensee [PERMITTEE] and approval of the board,
14 a temporary license [PERMIT] issued under this section may be converted to a
15 biennial license upon payment of the biennial fee minus the six-month license
16 [PERMIT] fee paid under (d) of this section, plus the appropriate application fee.

17 * **Sec. 37.** AS 08.64.272 is amended to read:

18 **Sec. 08.64.272. TEMPORARY LICENSES FOR RESIDENCY AND**
19 **INTERNSHIP [PERMITS].** (a) A person may not serve as a resident or intern
20 without a temporary license [PERMIT] issued under this section.

21 (b) For the limited purpose of residency or internship, the board may issue a
22 residency or internship license [PERMIT] to an applicant without examination if the
23 applicant meets the requirements of AS 08.64.200(a)(1) and applicable regulations of
24 the board, meets the requirements of AS 08.64.279, pays the required fee, and has been
25 accepted by an eligible institution in the state for the purpose of residency or
26 internship.

27 (c) A temporary license [PERMIT] issued under this section is valid for the
28 period specified by the board, but not to exceed one year after the date of issue.

29 * **Sec. 38.** AS 08.64.275(a) is amended to read:

30 (a) A member of the board or its executive secretary may issue [GRANT] a
31 temporary license for locum tenens [PERMIT] to a physician or osteopath for the

1 purpose of substituting for another physician or osteopath licensed in this state. The
2 temporary license for locum tenens [PERMIT] is valid for 60 consecutive days. If
3 circumstances warrant, an extension of the temporary license for locum tenens
4 [PERMIT] may be granted by the board.

5 * Sec. 39. AS 08.64.275(d) is amended to read:

6 (d) Within 10 days after issuing the temporary license for locum tenens
7 [PERMIT HAS BEEN GRANTED], the board member shall forward to the department
8 a report of the issuance of the temporary license for locum tenens together with all
9 fees paid [PERMIT].

10 * Sec. 40. AS 08.64.275(e) is amended to read:

11 (e) Temporary licenses [PERMITS] and extensions of temporary licenses
12 [PERMITS] issued under this section [TO AN INDIVIDUAL] are not valid for more
13 than 240 days during any consecutive 24 months.

14 * Sec. 41. AS 08.64.279 is amended to read:

15 Sec. 08.64.279. INTERVIEW REQUIRED FOR LICENSES [PERMITS]. An
16 applicant for a temporary license for residency or internship [AN INTERN
17 PERMIT, A RESIDENT PERMIT], or a temporary license [PERMIT] for locum
18 tenens practice, shall be interviewed in person by at least one member of the board,
19 the executive secretary of the board, or a person designated for that purpose by the
20 board.

21 * Sec. 42. AS 08.68.200 is amended to read:

22 Sec. 08.68.200. LICENSURE BY CREDENTIALS [LICENSE BY
23 ENDORSEMENT]. The board may issue a license by credentials [ENDORSEMENT]
24 to practice as a registered or practical nurse, whichever is appropriate, to an applicant
25 who

26 (1) is licensed as either a registered or practical nurse under the laws
27 of another state [,] if, in the opinion of the board, the applicant meets the qualifications
28 required for licensing in the state [,] and meets the requirements of AS 08.68.170;

29 (2) meets the requirements of AS 08.68.170 and has successfully
30 completed the Canadian Nurses' Association Testing Service examination if the board
31 determines it is comparable to the examination administered by this state; or

1 (3) has not worked as a nurse within the last five years [,] if the
2 applicant meets the continuing competency requirements of the board or completes a
3 course of study approved by the board.

4 * Sec. 43. AS 08.68.210(a) is amended to read:

5 (a) The board may issue a temporary license [PERMIT], nonrenewable and
6 valid for a period not exceeding four months, to an applicant for a license by
7 credentials [ENDORSEMENT] if the applicant

8 (1) submits proof satisfactory to the board that the applicant is currently
9 licensed in another state or Canadian province or Canadian territory that administers
10 an examination approved by the board under AS 08.68.200(2); [,]

11 (2) meets the requirements of AS 08.68.170; [,] and

12 (3) pays the required fee.

13 * Sec. 44. AS 08.68.400(a) is amended to read:

14 (a) This chapter does not apply to

15 (1) a qualified nurse licensed in another state employed by the United
16 States government [GOVERNMENT] or a bureau, or agency, or division of the
17 United States government [GOVERNMENT] while in the discharge of official duties;

18 (2) nursing service given temporarily in the event of a public
19 emergency, epidemic, or disaster;

20 (3) the practice of nursing by a student enrolled in a nursing education
21 program accredited by the board when the practice is in connection with the student's
22 course of study;

23 (4) the practice of nursing by an individual enrolled in an approved
24 program or course of study approved by the board to satisfy the requirements of
25 AS 08.01.071(a) [AS 08.68.251];

26 (5) the practice of nursing by a nurse licensed in another state who
27 engages in nursing education or nursing consultation activities [,] if these activities and
28 contact with clients do not exceed 20 working days within a licensing period; or

29 (6) the practice of nursing by a nurse licensed in another state whose
30 employment responsibilities include transporting patients into, out of, or through this
31 state; however, this exception is valid for a period not to exceed 48 hours for each

1 transport.

2 * Sec. 45. AS 08.70.130 is amended to read:

3 Sec. 08.70.130. TEMPORARY [PROVISIONAL] LICENSES. (a) A
4 temporary [PROVISIONAL] license may be granted without examination to a person
5 who meets the standards adopted by the board under AS 08.70.050 and who is needed
6 to fill a vacancy in an administrative position.

7 (b) A temporary [PROVISIONAL] license is valid for six months and is
8 nonrenewable.

9 * Sec. 46. AS 08.71.080 is amended to read:

10 Sec. 08.71.080. LICENSE REQUIRED. A person may not act as a dispensing
11 optician in the state unless the person is licensed under this chapter. In order to be
12 licensed under this chapter, a person shall pass an examination given by the board,
13 unless the person is eligible for licensing without examination under AS 08.71.145
14 [AS 08.71.150]. A license shall be issued for (1) the dispensing of contact lenses, or
15 (2) the dispensing of other lenses, eyeglasses, spectacles, artificial eyes, and their
16 appurtenances, or (3) both. The board shall by endorsement on the license designate
17 for which aspect of dispensing opticianry the license is issued. The board shall license
18 successful examinees.

19 * Sec. 47. AS 08.71.090 is amended to read:

20 Sec. 08.71.090. CONTENT OF EXAMINATION. To be licensed as a
21 dispensing optician, a person, unless eligible for licensing without examination under
22 AS 08.71.145 [AS 08.71.150], shall pass an examination given by the board. At the
23 discretion of the board, the examination may test orally, in writing, or otherwise,
24 knowledge and skills in any or all of the following subjects: optics, anatomy,
25 laboratory technology, ophthalmic dispensing, contact lens technology, technical
26 mathematics and physics, and business concepts of optical dispensing.

27 * Sec. 48. AS 08.72.170(a) is amended to read:

28 (a) The board may authorize the department to issue a license by
29 credentials without [WAIVE THE] written [PORTION OF THE] examination ~~to~~
30 [REQUIREMENT FOR] an applicant who:

31 (1) meets the qualifications of AS 08.72.140;

1 (2) holds a current license by examination in another state or a province
2 of Canada and has been established in lawful [ETHICAL] optometric practice for at
3 least three years before the application, or shows satisfactory evidence of having
4 passed the written portion of the examination given by the National Board of
5 Examiners in Optometry; and

6 (3) has not had a certificate or license revoked for cause in any state,
7 territory, or foreign country.

8 * Sec. 49. AS 08.72.270(a) is amended to read:

9 (a) A licensee [LICENSED OPTOMETRIST,] who temporarily practices
10 optometry away from the licensee's [OPTOMETRIST'S] regular place of business [,]
11 shall display a license issued under this chapter and deliver to each patient or person
12 fitted or supplied with glasses or contact lenses a receipt showing the licensee's
13 regular [OPTOMETRIST'S PERMANENT] place of business or post office address
14 and the amount charged.

15 * Sec. 50. AS 08.72.310 is amended to read:

16 Sec. 08.72.310. SHORT TITLE. This chapter may be cited as the Alaska
17 Optometry Law.

18 * Sec. 51. AS 08.80.030 is amended to read:

19 Sec. 08.80.030. POWERS OF THE BOARD. The board may

20 (1) [ELECT A PRESIDENT AND SECRETARY FROM ITS
21 MEMBERSHIP AND ADOPT RULES FOR THE CONDUCT OF ITS BUSINESS;

22 (2) EXAMINE APPLICANTS FOR REGISTRATION
23 AS PHARMACISTS;

24 (3)] assist the department in inspections and investigations for
25 violations of this chapter, or of any other state or federal statute relating to the practice
26 of pharmacy;

27 (2) [(4)] adopt regulations and do whatever else is necessary and
28 advisable to carry out the purposes of this chapter;

29 (3) license [(5) ADOPT REGULATIONS TO CARRY OUT THE
30 PURPOSES OF THIS CHAPTER;

31 (6) REGISTER] intern pharmacists and adopt regulations relating to

1 their minimum experience requirements;

2 ~~(4)~~ [(7)] adopt regulations to ensure adequate security for all dangerous
3 drugs;

4 ~~(5)~~ [(8)] adopt requirements for licensing in addition to the
5 requirements set out in this chapter.

6 * Sec. 52. AS 08.80.110 is amended to read:

7 Sec. 08.80.110. QUALIFICATIONS FOR LICENSURE [REGISTRATION].

8 An applicant for licensure [REGISTRATION] as a pharmacist shall

9 (1) be fluent in the reading, writing, and speaking of the English
10 language;

11 (2) furnish the board with at least two affidavits from reputable
12 citizens, that the applicant has known for at least one year, attesting to the applicant's
13 good moral character and freedom from addiction to the use of drugs or alcoholic
14 liquors;

15 (3) be a graduate of a college of pharmacy recognized by the American
16 Council on Pharmaceutical Education or, if the applicant has received a bachelor of
17 science degree in pharmacy or an equivalent degree from an institution located outside
18 of the United States and its territories, possess the Foreign Pharmacy Graduate
19 Equivalency Committee certificate issued by the Foreign Pharmacy Graduate
20 Equivalency Committee of the National Association of Boards of Pharmacy
21 Foundation;

22 (4) pass an examination by a board of pharmacy which has been
23 approved by the National Association of Boards of Pharmacy;

24 (5) have completed at least 1,500 hours of internship training under the
25 direct supervision of a licensed pharmacist in a licensed pharmacy, 160 hours of which
26 must have been completed after graduation.

27 * Sec. 53. AS 08.80.155 is amended to read:

28 Sec. 08.80.155. TEMPORARY LICENSE FOR LOCUM TENENS
29 [EMERGENCY PERMIT]. (a) ~~A~~ [THE BOARD, OR A] member of the board [,]
30 may ~~issue a temporary license for locum tenens~~ [GRANT AN EMERGENCY
31 PERMIT] to a pharmacist for the purpose of providing ~~services~~ [COVERAGE] in a

1 pharmacy that is temporarily without the services of a pharmacist due to death, illness,
2 or other emergency circumstances.

3 (b) A pharmacist applying for a temporary license for locum tenens under
4 [(a) OF] this section shall submit proof that the pharmacist holds a license in good
5 standing in a state recognized by the National Association of Boards of Pharmacy, and
6 shall pay the fee required by the Department of Commerce and Economic
7 Development [UNDER AS 08.80.160].

8 (c) A temporary license for locum tenens [PERMIT ISSUED UNDER THIS
9 SECTION] is valid for a period not to exceed 60 days. A temporary license for
10 locum tenens may be renewed once.

11 * Sec. 54. AS 08.80.155 is amended by adding a new subsection to read:

12 (d) Within 10 days after issuing or renewing a temporary license for locum
13 tenens, the board member shall forward to the Department of Commerce and Economic
14 Development a report of the issuance or renewal of the temporary license, together
15 with all fees paid.

16 * Sec. 55. AS 08.80.157(a) is amended to read:

17 (a) If an applicant furnishes proof satisfactory to the board that the applicant
18 is equipped with land, facilities, and equipment, in fee or leased, necessary to carry on
19 the business described in the application and the applicant complies with this chapter,
20 applicable regulations adopted by the board, and pays applicable fees [PROVIDED
21 FOR UNDER AS 08.80.160], the board may issue

22 (1) a wholesale drug dealer license to an applicant who manufactures
23 or distributes noncontrolled legend drugs to licensed retail pharmacists, dentists,
24 physicians, surgeons, or veterinarians, who may legally purchase noncontrolled legend
25 drugs at a wholesale level, or to government agencies that [WHICH] may legally
26 purchase noncontrolled legend drugs at a wholesale level;

27 (2) a wholesale drug dealer license to a qualified applicant who is in
28 compliance with the Federal Controlled Substance Act of 1969 as amended; or

29 (3) a license to a retail pharmacy.

30 * Sec. 56. AS 08.80.410 is amended to read:

31 Sec. 08.80.410. USE OF TITLE [TERM "PHARMACIST"] PROHIBITED.

1 ~~A person may not assume or use the title "pharmacist," or any variation of the title,~~
2 ~~or hold out to be a pharmacist, without being licensed as a pharmacist under this~~
3 ~~chapter [REGISTERED].~~

4 * Sec. 57. AS 08.84.032 is amended to read:

5 Sec. 08.84.032. FOREIGN-TRAINED APPLICANTS. (a) To be eligible for
6 licensure by the board as a physical therapist or physical therapy assistant, an applicant
7 who is a graduate of a school of physical therapy that is located outside of the United
8 States shall

9 (1) have completed, to the satisfaction of the board, a resident course
10 of study and professional instruction equivalent to that provided by a school approved
11 by the Council on Medical Education and Hospitals of the American Medical
12 Association or the American Physical Therapy Association, and furnish documentary
13 evidence of compliance with this paragraph, translated, if necessary, into the English
14 language by a person verifying the accuracy of the translations;

15 (2) have completed, to the satisfaction of the board, an internship under
16 the continuous direction and immediate supervision of a physical therapist in an
17 institution that ordinarily provides physical therapy and is approved by the board, for
18 that period of time specified by the board, and furnish documentary evidence of
19 compliance with this paragraph;

20 (3) pass an oral examination administered by a member of the board;

21 (4) have met applicable requirements under 8 U.S.C. 1101 - 1503 (
22 [THE FEDERAL] Immigration and Nationality Act [(8 U.S.C. 1101 ET SEQ.)], unless
23 a United States citizen;

24 (5) pass the examination administered by the board under
25 AS 08.84.030(a)(2); and

26 (6) pay the fee required [UNDER AS 08.84.050].

27 (b) To be eligible for licensure by the board as an occupational therapist or
28 occupational therapy assistant, an applicant who is a graduate of a school of
29 occupational therapy that is located outside of the United States shall

30 (1) have completed, to the satisfaction of the board, a resident course
31 of study and professional instruction equivalent to that provided by a curriculum

1 approved by the Committee of Allied Health Education and Accreditation of the
2 American Medical Association and the American Occupational Therapy Association,
3 and have furnished documentary evidence of compliance with this paragraph,
4 translated, if necessary, into the English language by a person verifying the accuracy
5 of the translations;

6 (2) have completed, to the satisfaction of the board, supervised field
7 work equivalent to that required under AS 08.84.030(b);

8 (3) have met applicable requirements under 8 U.S.C. 1101 - 1503
9 (Immigration and Nationality Act) unless a United States citizen;

10 (4) pass an examination administered or approved by the board under
11 AS 08.84.030; and

12 (5) pay the fee required [UNDER AS 08.84.050].

13 * Sec. 58. AS 08.84.065 is amended to read:

14 Sec. 08.84.065. TEMPORARY LICENSE [PERMIT]. (a) The board may
15 issue a nonrenewable temporary license [PERMIT] to an applicant for a license
16 [LICENSURE] by [ACCEPTANCE OF] credentials or by examination who

17 (1) meets the requirements of

18 (A) AS 08.84.030(a)(1) or (b)(1); or

19 (B) AS 08.84.032(a)(2) and (4) or (b)(2) and (3); and

20 (2) pays the required fee.

21 (b) A temporary license [PERMIT] issued to an applicant for a license
22 [LICENSURE] by [ACCEPTANCE OF] credentials is valid for eight months or until
23 the board considers the applicant's application [FOR ACCEPTANCE OF
24 CREDENTIALS], whichever occurs first.

25 (c) A temporary license [PERMIT] issued to an applicant for [LICENSURE
26 AS] a physical therapist or physical therapy assistant license by examination is valid
27 for eight months or until the results of the first examination for which the applicant
28 is scheduled are published, whichever occurs first. If the applicant fails to take the
29 first examination for which the applicant is scheduled the applicant's temporary license
30 expires [PERMIT LAPSES] on the day of the examination.

31 (d) A temporary license [PERMIT] issued to an applicant who is a graduate

1 of a foreign school of physical therapy or occupational therapy located outside the
2 United States is valid until the results of the first examination for which the applicant
3 is scheduled are published following completion of the internship required under
4 AS 08.84.032.

5 (e) A temporary license [PERMIT] issued to an applicant for [LICENSURE
6 AS] an occupational therapist or occupational therapy assistant license by examination
7 is valid for eight months or until the results of the examination for which the applicant
8 is scheduled are published, whichever occurs first. If the applicant fails to take an
9 examination for which the applicant is scheduled the applicant's temporary license
10 expires [PERMIT LAPSES] on the day of the examination.

11 * Sec. 59. AS 08.84.075 is amended to read:

12 Sec. 08.84.075. TEMPORARY LICENSE FOR LOCUM TENENS
13 [LIMITED PERMIT]. (a) The board may issue a temporary license for locum
14 tenens [A LIMITED PERMIT] to a person to practice occupational therapy in the state
15 as a visiting, nonresident occupational therapist or occupational therapy assistant, if the
16 person

17 (1) applies on the form provided by the board;

18 (2) has not previously been denied occupational therapy licensure in the
19 state;

20 (3) is licensed to practice occupational therapy in another state or
21 satisfies the requirements for certification by the American Occupational Therapy
22 Association;

23 (4) provides proof satisfactory to the board that the person will not
24 practice in the state for more than 120 days in the calendar year for which the
25 temporary license for locum tenens [PERMIT] is issued; and

26 (5) pays the fee required [UNDER AS 08.84.050].

27 (b) The board may issue a temporary license for locum tenens [LIMITED
28 PERMIT] to a person to practice physical therapy in the state as a visiting, nonresident
29 physical therapist or physical therapy assistant, if the person

30 (1) applies on the form provided by the board;

31 (2) has not previously been denied physical therapy licensure in the

1 state;

2 (3) is licensed to practice physical therapy in another state;

3 (4) provides proof satisfactory to the board that the person will not
4 practice in the state for more than 120 days in the calendar year for which the
5 temporary license for locum tenens [PERMIT] is issued; and

6 (5) pays the fee required [UNDER AS 08.84.050].

7 (c) A temporary license for locum tenens [LIMITED PERMIT] is valid for
8 a period not exceeding 120 days in a calendar year.

9 (d) A person may not receive more than three temporary licenses for locum
10 tenens for [LIMITED PERMITS TO PRACTICE] occupational therapy or physical
11 therapy during the person's lifetime.

12 * Sec. 60. AS 08.84.200 is amended to read:

13 Sec. 08.84.200. SHORT TITLE. This chapter may be cited as the Alaska
14 Physical Therapists and Occupational Therapists Practice Act.

15 * Sec. 61. AS 08.88.263 is amended to read:

16 Sec. 08.88.263. LICENSURE BY CREDENTIALS. The commission shall
17 authorize the Department of Commerce and Economic Development to issue an
18 equivalent license by credentials to a [LICENSE BY ENDORSEMENT. A] person
19 who holds a valid, active [REAL ESTATE] license issued by another state [SHALL
20 BE GRANTED AN EQUIVALENT ALASKA REAL ESTATE LICENSE] if that
21 person [:]

22 (1) passes the portion of the appropriate real estate examination given
23 under AS 08.88.181 [WHICH EXAMINES] on Alaska law, if any; [AND]

24 (2) meets the requirements of AS 08.88.171; and

25 (3) pays all required fees.

26 * Sec. 62. AS 08.98.040 is amended to read:

27 Sec. 08.98.040. BOARD MEETINGS. The board shall hold at least three
28 meetings each year. [THE BOARD MAY HOLD SPECIAL MEETINGS AT THE
29 CALL OF THE CHAIRMAN OR OF A MAJORITY OF THE MEMBERS. A
30 MAJORITY OF BOARD MEMBERS CONSTITUTES A QUORUM AND A
31 MAJORITY VOTE OF THOSE PRESENT IS THE DECISION OF THE BOARD.]

1 * Sec. 63. AS 08.98.180 is amended to read:

2 Sec. 08.98.180. **TEMPORARY LICENSE.** A person who meets the
3 requirements of AS 08.98.165(a)(1) and (5) is entitled to be temporarily licensed after
4 applying for examination [,] if the person works under the supervision of a licensed
5 veterinarian. A license issued under this section is valid until the results of the
6 examinations are published. A person may not receive more than one temporary
7 license. An application for a temporary license must be signed by the supervising
8 veterinarian and accompanied by the temporary license fee [REQUIRED UNDER
9 AS 08.98.190].

10 * Sec. 64. AS 08.98.186 is amended to read:

11 Sec. 08.98.186. **TEMPORARY LICENSE FOR LOCUM TENENS**
12 **[PERMIT]. (a) A member of the board may issue a temporary license for locum**
13 **tenens to a person licensed to practice veterinary medicine in another state to conduct**
14 **the practice of a person licensed under this chapter who is or will be absent from**
15 **practice if the applicant**

16 **(1) [WHO] meets the requirements of AS 08.98.165(a)(1) and (5); and**
17 **(2) pays all required fees [MAY BE GRANTED A TEMPORARY**
18 **PERMIT TO CONDUCT THE PRACTICE OF A PERSON LICENSED IN THE**
19 **STATE WHO IS ABSENT FROM PRACTICE].**

20 **(b) An application for a temporary license for locum tenens shall be signed**
21 **by the person who is or will be absent from practice and by the applicant. A**
22 **temporary license for locum tenens [PERMIT] is valid for no longer than 60**
23 **consecutive days after issuance but may be renewed once by a board member. The**
24 **board member shall forward to the department a report of the issuance or**
25 **renewal of the temporary license for locum tenens, together with all fees paid,**
26 **within 10 days after issuing or renewing a temporary license.**

27 * Sec. 65. AS 18.20.310(a) is amended to read:

28 **(a) If the department finds that a nursing facility, or a partner, officer, director,**
29 **owner of five percent or more of the nursing facility's assets, or managing employee**
30 **of the nursing facility substantially failed or refused to comply with ~~AS 08.68.340~~**
31 **[AS 08.68.340 - 08.68.390], AS 08.70, AS 18.20.010 - 18.20.130, AS 47.07, or with**

1 a regulation adopted under any of those statutes, or, for a nursing facility that provides
2 Medicaid services under AS 47.07, failed or refused to comply with the Medicaid
3 requirements of 42 U.S.C. 1396r (Title XIX of the Social Security Act, as amended)
4 or a regulation adopted under that statute, the department may take the following
5 actions:

6 (1) ban the admission of new residents to the nursing facility;

7 (2) as provided in AS 18.20.320, deny payment under AS 47.07 and
8 AS 47.25.120 - 47.25.300 for any Medicaid or general relief-medical resident admitted
9 to the nursing facility after notice by the department of denial of payment; residents
10 who are eligible for Medicaid or general relief-medical are not responsible for payment
11 when the department takes action under this paragraph;

12 (3) assess a civil fine in accordance with AS 18.20.340;

13 (4) suspend or terminate the nursing facility's participation in the
14 Medicaid program;

15 (5) suspend, revoke, or refuse to renew the nursing facility's license
16 issued under this chapter;

17 (6) seek an appointment of temporary administration as provided in
18 AS 18.20.360 or of a receiver under AS 18.20.370;

19 (7) in case of an emergency, seek an order from the court either to
20 close the nursing facility or to transfer residents from that facility, or both.

21 * Sec. 66. AS 08.01.050(d); AS 08.04.030, 08.04.040, 08.04.050, 08.04.070(a),
22 08.04.070(g), 08.04.140, 08.04.190, 08.04.490, 08.04.495, 08.04.630, 08.04.640, 08.04.670;
23 AS 08.06.020, 08.06.090; AS 08.11.030, 08.11.110, 08.11.130; AS 08.13.050, 08.13.140,
24 08.13.150, 08.13.180, 08.13.185, 08.13.190; AS 08.20.025, 08.20.040, 08.20.050, 08.20.090,
25 08.20.110, 08.20.180, 08.20.210; AS 08.24.051, 08.24.100(b), 08.24.135, 08.24.200, 08.24.260,
26 08.24.270, 08.24.360; AS 08.32.071, 08.32.081, 08.32.165(a), 08.32.180, 08.32.185;
27 AS 08.36.020, 08.36.030, 08.36.050, 08.36.061, 08.36.070(a)(3), 08.36.080, 08.36.091,
28 08.36.250(a), 08.36.290, 08.36.340; AS 08.40.011(b), 08.40.070, 08.40.110, 08.40.135(b),
29 08.40.150, 08.40.180, 08.40.290, 08.40.310, 08.40.360, 08.40.380; AS 08.42.040, 08.42.120,
30 08.42.130; AS 08.45.020, 08.45.080, 08.45.090; AS 08.48.021, 08.48.041, 08.48.061,
31 08.48.071(a), 08.48.071(b), 08.48.071(c), 08.48.071(e), 08.48.071(f), 08.48.101, 08.48.121,

1 08.48.131, 08.48.141, 08.48.231, 08.48.265, 08.48.291; AS 08.54.450(a), 08.54.450(c),
2 08.54.530; AS 08.55.020, 08.55.040, 08.55.180; AS 08.62.020, 08.62.090(a), 08.62.090(b);
3 AS 08.63.040; AS 08.64.050, 08.64.070, 08.64.090, 08.64.100, 08.64.101(3), 08.64.110,
4 08.64.160, 08.64.313, 08.64.315, 08.64.338, 08.64.340; AS 08.68.070, 08.68.090,
5 08.68.100(a)(7), 08.68.140, 08.68.150, 08.68.210(b), 08.68.220, 08.68.251, 08.68.340(a)(1),
6 08.68.340(a)(5), 08.68.340(a)(6), 08.68.340(b), 08.68.340(c), 08.68.360, 08.68.370, 08.68.380,
7 08.68.390; AS 08.70.030, 08.70.040, 08.70.050(a)(5), 08.70.055, 08.70.090, 08.70.140,
8 08.70.150, 08.70.170; AS 08.71.040, 08.71.055, 08.71.100, 08.71.120, 08.71.130(c), 08.71.150,
9 08.71.180; AS 08.72.060(c), 08.72.150, 08.72.170(b), 08.72.181(c), 08.72.191, 08.72.230,
10 08.72.260, 08.72.270(b), 08.72.275(d), 08.72.280, 08.72.290; AS 08.80.020, 08.80.040,
11 08.80.050, 08.80.060, 08.80.070, 08.80.080, 08.80.105, 08.80.160, 08.80.440, 08.80.450,
12 08.80.460(a); AS 08.84.010(b)(6), 08.84.020, 08.84.040, 08.84.050, 08.84.080, 08.84.090,
13 08.84.100(b), 08.84.130, 08.84.140, 08.84.180; AS 08.86.040, 08.86.070(7), 08.86.080,
14 08.86.090, 08.86.100, 08.86.140, 08.86.210; AS 08.88.026, 08.88.037, 08.88.051(c), 08.88.061,
15 08.88.081, 08.88.111, 08.88.131, 08.88.141, 08.88.201, 08.88.221, 08.88.241; AS 08.92.020,
16 08.92.040(b), 08.92.050, 08.92.060(a), 08.92.080; AS 08.95.010(b); AS 08.98.050(a)(1),
17 08.98.050(a)(2), 08.98.050(a)(3), 08.98.050(a)(5), 08.98.050(a)(7), 08.98.070, 08.98.080,
18 08.98.090, 08.98.100, 08.98.150, 08.98.160, 08.98.190, and 08.98.200 are repealed.

19 * Sec. 67. REGULATIONS. Regulations authorized under changes made by this Act may
20 be adopted by the Department of Commerce and Economic Development or by a board listed
21 in AS 08.01.010, as appropriate. Regulations adopted under this section may not take effect
22 before January 1, 1995.

23 * Sec. 68. Section 67 of this Act takes effect immediately under AS 01.10.070(c).

24 * Sec. 69. Sections 1 - 66 of this Act take effect January 1, 1995.