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COMMITTEE REPORT

SENATE

FURTHER: Finance

4/25/80

Date: 5-7-80

Mr. President:

The Committee on HEALTH, EDUCATION AND
~~ANEX~~ SOCIAL SERVICES has had SB 578
relating to the practice of chiropractic

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back with ~~no~~ recommendation
Order. Memorandum
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Committee on

John Hachem

CHAIRMAN

DO NOT SIGN

Introduced 4-25-80

Logged 4-25-80

Referral Finance

Comm. meeting 5-7-80

" action passed with indiv. rec. (taken Devote Recy @ 8:30 AM, 5-8-80)

LB 578 "An act relating to the practice of chiropractic and providing for effective date.
By: HESS

may

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CHIROPRACTORS - SECTIONAL

- Sec. 1 -- With the exception of our health boards, DOL is mandated to issue licenses biennially as currently provided for in statute
- Sec. 2 -- Changes board's composition - Increases number of chiropractors from three to four and reduces the number of public members from two to one
- Sec. 3 -- Allows for "removal of board members"
- Sec. 4 -- Changes board members' terms from three to four years and limits boardmembership to two successive four-year terms
- Sec. 5 -- Add language in subsection ^{(a)(2) "OR HE HAS ENGAGED IN THE ACTIVE} ~~(a)~~ and adds subsections ~~(b) and (c)~~ PRACTICE OF CHIROPRACTIC FOR THE THREE OF THE FOUR YEARS PRECEDING THE FILING OF THIS APPLICATION.
- Sec. 6 -- Provides for "associate" licenses not to be issued after July 1, 1980
- Sec. 7 -- "Licensure by credentials"
- Sec. 8 -- Imposition of disciplinary sanctions
- Sec. 9 -- Continued competency requirement
- Sec. 10 -- ~~DISCIPLINARY SANCTIONS~~
- Sec. 11 - Fees and allows renewal to occur every four years
- Sec. 12 - Associate program repealed
- Sec. 13 - Effective date

Introduced: 4/25/80
Referred: Health, Education
& Social Services and Finance

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 SENATE BILL NO. 578

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the practice of chiropractic; and
7 providing for an effective date."

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

9 * Section 1. AS 08.01.100(a) is amended to read:

10 (a) Except as otherwise provided in this title, [ALL] licenses
11 shall be renewed biennially on the dates set by the department with the
12 approval of the respective board.

13 * Sec. 2. AS 08.20.020 is amended to read:

14 Sec. 08.20.020. MEMBERS OF BOARD. Four [THREE] members of the
15 board shall be licensed chiropractic physicians who have practiced
16 chiropractic in this state not less than two years. One member [TWO
17 MEMBERS] of the board shall be a person [PERSONS] with no direct finan-
18 cial interest in the health care industry. Each member serves without
19 pay but is entitled to per diem and travel expenses allowed by law.

20 * Sec. 3. AS 08.20 is amended by adding a new section to read:

21 Sec. 08.20.025. REMOVAL OF BOARD MEMBERS, A member of the board
22 may be removed from office by the governor for cause. The board may by
23 regulation provide that unexcused absences from meetings constitute
24 cause for removal.

25 * Sec. 4. AS 08.20.030 is amended to read:

26 Sec. 08.20.030. MEMBERS' TERMS; VACANCIES. (a) Members serve for
27 staggered terms of four [THREE] years. [THE TERMS OF THE PUBLIC MEMBERS
28 OF THE BOARD MAY NOT EXPIRE AT THE SAME TIME.] Vacancies on the board
29 shall be filled for the unexpired term.

1 (b) A member who has served two successive four-year terms may
2 not be reappointed until four years after the expiration of the second
3 term.

4 * Sec. 5. AS 08.20.120 is repealed and re-enacted to read:

5 Sec. 08.20.120. QUALIFICATIONS FOR LICENSE. (a) An applicant
6 shall be issued a license to practice chiropractic if he

7 (1) has a high school education or its equivalent;

8 (2) has successfully completed at least two academic years of
9 study in a college of liberal arts or sciences or he has engaged in the
10 active practice of chiropractic for three of the four years preceding
11 the filing of this application;

12 (3) is a graduate of a legally chartered accredited school or
13 college of chiropractic approved by the board which requires for gradua-
14 tion a residence course of instruction of not less than four years of
15 nine months each;

16 (4) passes an examination given by the board;

17 (5) passes to the satisfaction of the board Part I and Part
18 II of the examination of the National Board of Chiropractic Examiners.

19 (b) The board may issue a license without examination to an appli-
20 cant under AS 08.20.140.

21 * Sec. 6. AS 08.20.135 is amended by adding a new subsection to read:

22 (b) A license may not be issued under (a) of this section after
23 July 1, 1980.

24 * Sec. 7. AS 08.20.140 is amended to read:

25 Sec. 08.20.140. LICENSURE BY CREDENTIALS [OUT-OF-STATE LICENSES].

26 The board may issue a license without examination to an applicant pre-
27 senting satisfactory proof of the possession of a license or certificate
28 of registration in good standing in a state or territory of the United
29 States, or a foreign country, if the requirements for registration at

1 the date of his license are essentially [CONSIDERED BY THE BOARD AS]
2 equivalent to those in this chapter [, AND IF THE LICENSING JURISDICTION
3 EXTENDS THE SAME PRIVILEGE TO THOSE HOLDING A LICENSE FROM THIS STATE].

4 * Sec. 8. AS 08.20.170(a) is repealed and re-enacted to read:

5 (a) The board may, after a hearing, impose a disciplinary sanction
6 on a person licensed under this chapter when the board finds that he

7 (1) secured a license through deceit, fraud, or intentional
8 misrepresentation;

9 (2) engaged in deceit, fraud, or intentional misrepresenta-
10 tion in the course of providing professional services or engaging in
11 professional activities;

12 (3) advertised professional services in a false or misleading
13 manner;

14 (4) has been convicted of a felony or other crime which
15 affects his ability to continue to practice competently and safely;

16 (5) intentionally or negligently engaged in or permitted the
17 performance of patient care by persons under his supervision which does
18 not conform to minimum professional standards **established by regulation**
19 regardless of whether actual injury to the patient occurred;

20 (6) failed to comply with this chapter, with a regulation
21 adopted under this chapter, or with an order of the board;

22 (7) continued to practice after becoming unfit due to

23 (A) professional incompetence;

24 (B) failure to keep informed of or use current pro-
25 fessional theories or practices;

26 (C) addiction or severe dependency on alcohol or a drug
27 which impairs his ability to practice safely;

28 (D) physical or mental disability;

29 (8) engaged in lewd or immoral conduct in connection with the

1 delivery of professional service to patients.

2 * Sec. 9. AS 08.20.170 is amended by adding a new subsection to read:

3 (d) The board shall adopt regulations which insure that renewal of
4 license is contingent on proof of continued competency by a practitioner.

5 * Sec. 10. AS 08.20.175 is repealed and re-enacted to read:

6 Sec. 08.20.175. **DISCIPLINARY SANCTIONS.** (a) When it finds that a
7 chiropractor is guilty of an offense under AS 08.20.170, the board may
8 impose the following sanctions singly or in combination:

9 (1) permanently revoke the chiropractor's license to prac-
10 tice;

11 (2) suspend the chiropractor's license for a determinate
12 period of time;

13 (3) censure the chiropractor;

14 (4) issue a letter of reprimand to the chiropractor;

15 (5) place the chiropractor on probationary status and require
16 him to

17 (A) report regularly to the board upon matters involving
18 the basis of probation;

19 (B) limit practice to those areas prescribed;

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

23 (6) impose limitations or conditions on the practice of the
24 chiropractor.

25 (b) The board may withdraw probationary status of a chiropractor
26 if it finds that the deficiencies which required the sanction have been
27 remedied.

28 (c) The board may summarily suspend a chiropractor's license
29 before final hearing or during the appeals process if the board finds

1 that he poses a clear and immediate danger to the public health and
2 safety if he continues to practice. A chiropractor whose license is
3 suspended under this section is entitled to a hearing by the board no
4 later than seven days after the effective date of the order. The chiro-
5 practor may appeal the suspension after a hearing to a court of com-
6 petent jurisdiction.

7 (d) The board may reinstate a license which has been suspended or
8 revoked if the board finds after a hearing that the applicant is able to
9 practice with skill and safety.

10 (e) The board shall seek consistency in the application of disci-
11 plinary sanctions, and significant departure from earlier decisions
12 involving similar situations shall be explained in findings of fact or
13 orders.

14 * Sec. 11. AS 08.20.180 is amended to read:

15 Sec. 08.20.180. FEES. The board shall impose and collect the
16 following fees:

17 (1) upon the filing of an application for examination, \$50
18 [\$25];

19 (2) upon application for re-examination, \$20 [\$10];

20 (3) for issuance of temporary permit, \$50 [\$25];

21 (4) initial and renewal [BIENNIAL] license, due every four
22 years, \$200 [\$50];

23 (5) ASSOCIATE LICENSE, \$30].

24 * Sec. 12. AS 08.20.135 is repealed on July 1, 1983.

25 * Sec. 13. This Act takes effect June 30, 1980.
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WORK DRAFT BILL

WORKSHOP RECOMMENDED CHANGES - CHIROPRACTIC BOARD

SB 578

- Page 1, line 25 - Delete work draft's language re: "removal of Board members" and insert "removal" language that we have used in our other health board bills
- Page 2, line 27 - Section 5 - Delete AS 08.20.120(5)(c)
- Page 4, line 1 - Add language "established by regulation"
Add "disciplinary sanctions"
- Page 5, line 4 - Section 10 - Delete 08.20.180(b) and add "every four years" to license renewal

Page 1, line 21

Page 3, line 18

Page 4, line 5

Page 5, line 21

WO#8215
Bradley ✓

IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

ELEVENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act continuing the Board of Chiropractic Examiners relating to the practice of chiropractic; and providing for an effective date."

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

* Section 1. AS 08.01.100(a) is amended to read:

(a) Except as otherwise provided in this title, [ALL] licenses shall be renewed biennially on the dates set by the department with the approval of the respective board.

* Sec. ² AS 08.20.020 is amended to read:

Sec. 08.20.020. MEMBERS OF BOARD. Four [THREE] members of the board shall be licensed chiropractic physicians who have practiced chiropractic in this state not less than two years. One member [TWO MEMBERS] of the board shall be a person [PERSONS] with no direct financial interest in the health care industry. Each member serves without pay but is entitled to per diem and travel expenses allowed by law.

* Sec. ³ AS 08.20 is amended by adding a new section to read:

Sec. 08.20.025. **REMOVAL OF BOARD MEMBERS.** (a) The governor may remove a member of the board only for cause.

(b) As used in (a) of this section, "cause" means

- (1) unexcused absences which hamper the work of the board;
- (2) the suspension of the license of a board member for a

violation of AS 08.20.170(a);

(3) disability; and

(4) malfeasance in office.

* Sec. ~~5~~. AS 08.20.030 is amended to read:

Sec. 08.20.030. MEMBERS' TERMS; VACANCIES. (a) Members serve for staggered terms of four [THREE] years. [THE TERMS OF THE PUBLIC MEMBERS OF THE BOARD MAY NOT EXPIRE AT THE SAME TIME.] Vacancies on the board shall be filled for the unexpired term.

(b) A member who has served two successive four-year terms may not be reappointed until four years after the expiration of the second term.

* Sec. ~~6~~. AS 08.20.120 is repealed and re-enacted to read:

Sec. 08.20.120. QUALIFICATIONS FOR LICENSE. (a) An applicant shall be issued a license to practice chiropractic if he

(1) has a high school education or its equivalent;

(2) has successfully completed at least two academic years of study in a college of liberal arts or sciences or the applicant has engaged in the active practice of chiropractic for three of the four years preceding the filing of this application.

(3) is a graduate of a legally chartered accredited school or college of chiropractic approved by the board which requires for graduation a residence course of instruction of not less than four years of nine months each;

(4) passes an examination given by the board;

(5) passes to the satisfaction of the board Part I and Part II of the examination of the National Board of Chiropractic Examiners.

(b) The board may issue a license without examination to an applicant under AS 08.20.140.

(c) The board may establish requirements for licensing in addition to the requirements set out in this chapter.

* Sec. ~~7~~. AS 08.20.135 is amended by adding a new subsection to read:

(b) A license may not be issued under (a) of this section after July 1, 1980.

* Sec. ~~8~~. AS 08.20.140 is amended to read:

Sec. 08.20.140. LICENSURE BY CREDENTIALS [OUT-OF-STATE LICENSES]

The board may issue a license without examination to an applicant presenting satisfactory proof of the possession of a license or certificate of registration in a state or territory of the United States, or a foreign country, if

~~the~~ requirements for registration at the date of his license are essentially [CONSIDERED BY THE BOARD AS] equivalent to those in this chapter.

* Sec. ~~8~~. AS 08.20.170(a) is repealed and re-enacted to read:

(a) The board may, after a hearing, impose a disciplinary sanction on a person licensed under this chapter when the board finds that he

(1) secured a license through deceit, fraud, or intentional misrepresentation;

(2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities;

(3) advertised professional services in a false or misleading manner;

(4) has been convicted of a felony or other crime which affects his ability to continue to practice competently and safely;

(5) intentionally or negligently engaged in or permitted the performance of patient care by persons under his supervision which does

not conform to minimum professional standards regardless of whether actual injury to the patient occurred;

(6) failed to comply with this chapter, with a regulation adopted under this chapter, or with an order of the board;

(7) continued to practice after becoming unfit due to

(A) professional incompetence;

(B) failure to keep informed of or use current professional theories or practices;

(C) addiction or severe dependency on alcohol or a drug which impairs his ability to practice safely;

(D) physical or mental disability;

(8) engaged in lewd or immoral conduct in connection with the delivery of professional service to patients;

(9) made a controlled substance available to a person except upon prescription issued by a licensed physician;

(10) was convicted of selling federal legend drugs without the prescription of a licensed physician, surgeon, dentist, or veterinarian;

(11) violated state or federal regulations pertaining to the provision of adequate security of dangerous drugs.

* Sec. ~~18~~¹⁹. AS 08.20.170 is amended by adding a new subsection to read:

(d) The board shall adopt regulations which insure that renewal of license is contingent on proof of continued competency by a practitioner.

* Sec. ~~19~~²⁰. AS 08.20.180 is amended to read:

Sec. 08.20.180. FEES. (a) The board shall impose and collect the following fees:

(1) upon the filing of an application for examination, \$50

(2) upon application for re-examination, \$20 (08.20.180)

(3) for issuance of temporary permit, \$50 (08.20.180)

1 (4) license to practice chiropractic, \$200. [INITIAL AND
2 RENEWAL BIENNIAL LICENSE, \$50;

3 (5) ASSOCIATE LICENSE, \$30.]

4 (b) A license issued under (a)(4) of this section shall be re-
5 newed under AS 08.20.170(d) four years from the date of its issuance.

6 * Sec. ~~12~~¹². AS 08.20.135 is repealed on July 1, 1983.

7 * Sec. ~~13~~¹². This Act takes effect July 1, 1980.