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POSITION PAPER

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

Senate Bill 671

"An Act relating to licensing of certain chiropractors without examination; and providing for an effective date."

The Department of Commerce and Economic Development supports SB 671.

This bill provides the Board of Chiropractic Examiners an effective vehicle to scrutinize applicants desiring licensure in Alaska without examination. The present licensure by credentials law, AS 08.20.140, is vague and does not allow the board to interview applicants or require the necessary licensing information needed for the board to judge an applicant's competence to practice as a chiropractor in Alaska. SB 671 definitely provides better protection of Alaska citizens seeking chiropractic treatment.

This bill, if passed, is not expected to require an increased appropriation. An applicant requiring an interview with the board can meet with them at a regularly scheduled meeting (at least three times each year).

Recommended by:

Harry D. Treager
Harry D. Treager, Director

Date:

March 30, 1982

Approved by:

Edward W. Eboch
Edward Eboch, Deputy Commissioner
Department of Commerce & Economic
Development

Date:

3-30-82



Alaska State Legislature

Senate

Official Business

Labor & Commerce Committee

Pouch V
State Capitol
Juneau, Alaska 99811

SB 671 Summary:

Allows for the issuance of a license to practice chiropractics without a license when additional conditions have been met. Current law provides that an applicant who presents satisfactory proof of the possession of a valid foreign or out of state license may be issued a license without examination if the requirements for the license he holds are equivalent to those of Alaska.

Chiropractor must be a graduate of a legally chartered accredited school of chiropractics, approved by the board, that requires a residence course of instruction of at least four years of nine months each;

The chiropractor must have been actively engaged in the practice for at least three years immediately preceding the application; he must not be the subject of an unresolved complaint, review procedure, or disciplinary procedure undertaken by a professional chiropractic association.

The chiropractor must not have had a previous license revoked, and he must not have failed the practical examination authorized by AS 08.20.130. He must also be personally interviewed by the board, and must pay all fees required by the state.

(2) has successfully completed at least two academic years of study in a college of liberal arts or sciences;

(4) 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;

(5) passes an examination given by the board;

(6) Repealed by § 8 ch 32 SLA 1971.

(7) passes to the satisfaction of the board Part I and Part II of the examination of the National Board of Chiropractic Examiners. (§ 35-3-25 ACLA 1949; am § 1 ch 53 SLA 1955; am § 1 ch 91 SLA 1965; am § 25 ch 245 SLA 1970; am § 8 ch 32 SLA 1971; am § 1 ch 84 SLA 1972)

Revisor's note (1972). — In ch. 84, SLA 1972, the apparently necessary word "examination" was omitted from AS 08.20.120(7). It has been added here.

Legislative committee reports. — Chapter 245, SLA 1970 (HCSSB 399 am H),

was identical to CSHB 406 (Jud.). For report on CSHB 406 (Jud.), see 1970 House Journal Supplement No. 6. For report on ch. 32, SLA 1971 (HB 111 am), see 1971 House Journal, p. 138.

Sec. 08.20.130. Examinations. (a) Examinations for a license to practice chiropractic may be held in the time and manner fixed by the board.

(b) The examination may include practical demonstration and oral and written examination in those subjects usually taught in accredited chiropractic schools.

(c) A general average rating of 75 per cent is a passing grade on the examination.

(d) An applicant may take a re-examination within one year after failing the examination upon payment of a fee of \$10. (§ 35-3-27 ACLA 1949; am § 2 ch 91 SLA 1965)

Am. Jur. reference. — 41 Am. Jur., Physicians and Surgeons, §§ 40, 41.

Sec. 08.20.135. Associate. A person who complies with § 120 (1), (2), (4), (5), and (6) of this chapter shall, pending compliance with (3) of § 120 of this chapter, be licensed to serve as an associate in an existing chiropractic clinic or office under the direct supervision of a licensed chiropractor for a period not to exceed three years. (§ 3 ch 91 SLA 1965)

Editor's note. — Paragraphs (1) and (6) of § 120, referred to in this section have been repealed.

Sec. 08.20.140. 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

Sec. 08.20.140. Licensure by credentials. 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 good standing 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 equivalent to those in AS 08.20.010 — 08.20.220. (§ 35-3-25 ACIA 1949; am § 1 ch 53 SLA 1955; am § 8 ch 162 SLA 1980)

Effect of amendments. — The 1980 amendment inserted, "in good standing," substituted "essentially" for "considered by the board as," and deleted "and if the licensing jurisdiction extends the same privilege to those holding a license from this date" following "in AS 08.20.010 — 08.20.220" at the end of the section.

Sec. 08.20.170. Grounds for suspension, revocation or refusal to issue a license. (a) The board may, after a hearing, impose a disciplinary sanction on a person licensed under AS 08.20.010 — 08.20.220 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 established by regulation regardless of whether actual injury to the patient occurred;

(6) failed to comply with AS 08.20.010 — 08.20.220, with a regulation adopted under AS 08.20.010 — 08.20.220, or with an order of the board;

(7) continued to practice after becoming unfit due to

(A) professional incompetence;

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

(C) physical or mental disability;

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

(b) The Administrative Procedure Act (AS 44.62) applies to any action taken by the board for the suspension or revocation of a license.

(c) Any person whose license is suspended or revoked may within two years from date of suspension apply for reinstatement, and if the board is satisfied that the applicant should be reinstated, it shall order reinstatement.

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

Effect of amendments. — The 1980 amendment rewrote the section.

Sec. 08.20.180. Fees. 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;
 - (3) for issuance of temporary permit, \$50;
 - (4) initial and renewal license, due every four years, \$200.
- (§ 35-3-30 ACLA 1949; am § 1 ch 13 SLA 1968; am § 12 ch 162 SLA 1980)

Effect of amendments. — The 1980 amendment substituted "\$50" for "\$25" in paragraphs (1) and (3), "\$20" for "\$10" in paragraph (2), and "due every four years, \$200" for "\$50," in paragraph (4), deleted

"biennial" following "initial and renewal" in paragraph (4), and deleted former paragraph (5), which read: "associate license, \$30."

Chapter 24. Collection Agencies.

NOTES TO DECISIONS

AS 08.24.011 — 08.24.380 does not regulate the activities of debt collection agencies vis-a-vis debtors; its primary concern is the relationship between debt collection agencies and the state. *State v. O'Neill Investigations, Inc.*, Sup. Ct. Op. No. 2053 (File Nos. 4109, 4165), 609 P.2d 520 (1980).

Effect of exemption clause of AS 45.50.481(1). — The exemption clause of

AS 45.50.481(1) does not withdraw the activities of independent debt collection agencies from the scope of the Unfair Trade Practices and Consumer Protection Act (AS 45.50.471 — 45.50.561). *State v. O'Neill Investigations, Inc.*, Sup. Ct. Op. No. 2053 (File Nos. 4109, 4165), 609 P.2d 520 (1980).

Article 3. Licensing.

Sec. 08.24.150. Bond.

NOTES TO DECISIONS

Cited in *Allison v. State*, Sup. Ct. Op. No. 1703 (File No. 3716), 583 P.2d 813 (1978).