

C S H B

2 2 2

SENATE COMMITTEE REPORT

FURTHER:

5/11/87

DATE TURNED INTO OFFICE 5/17/87

Mr. President:

FINANCE Committee considered CSHB 222(Fin)

occupational licesing; efd.

and recommended:

replace with CS FOR _____) same title
 or adopt _____ CS FOR _____) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Handwritten signatures: Paul Smith, Howard...]

[Handwritten signature] Do Pass
Chairman signature and recommendation

Committee Backup Attached

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

No. 2

Bill Version: CSHB 222(Fin)
Publish Date: HOUSE 4/29/87

REQUEST: _____

Revision Date: _____
Title: An Act relating to occupational
licensing; and providing for an effective date.
Sponsor: House Labor & Commerce.
Requestor: _____

Agency Affected: Commerce & Economic Dev.
BRU: Occupational Licensing
Components: All

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

(See attached)

Prepared by: Jennifer Strickler, Management Analyst
Division: Occupational Licensing

Phone: 465-2144
Date: 4/3/87

Approved by Commissioner: J. Anthony Smith
Agency: Commerce and Economic Development

Date: _____

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

HB 222

HB 222 makes miscellaneous housekeeping amendments to AS 08.01 to standardize provisions regarding board member appointments, terms of office, duration of licensing periods and disciplinary sanctions.

The bill also make amendments to the various licensing statutes to conform with the standardization in the central licensing act.

One of the amendments in the bill establishes a biennial license renewal cycle for all licensed occupations. This change will allow the division to budget and maintain licensing fees at a rate sufficient to cover expenditures. However, the provisions of the bill do not require new funding in order to be implemented.

Original sponsor: Labor and Commerce
Committee

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 222 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to occupational licensing; and
7 providing for an effective date."

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

9 * Section 1. AS 05.05.010(a) is amended to read:

10 (a) There is created an athletic commission within the Depart-
11 ment of Commerce and Economic Development. The commission consists of
12 four members appointed by the governor. One member of the commission
13 shall [MUST] be appointed from each of the four judicial districts.
14 The commissioners shall [MUST] be appointed for overlapping four-year
15 [TWO YEAR] terms. Members of the commission serve at the pleasure of
16 the governor and shall [MUST] be selected on the basis of their known
17 interest in and knowledge of athletics in the state.

18 * Sec. 2. AS 08.01.020 is amended to read:

19 Sec. 08.01.020. BOARD ORGANIZATION. Board [UNLESS OTHERWISE
20 PROVIDED, ALL BOARD] members are appointed by the governor and serve
21 at the pleasure of the governor. Unless otherwise provided, the
22 governor may [SHALL] designate the chair [CHAIRMAN] of a [THE] board,
23 and all other officers shall be elected by the board members. Unless
24 otherwise provided, officers of a board are the chair and the secre-
25 tary. A board may provide by regulation that three or more unexcused
26 absences from meetings are cause for removal.

27 * Sec. 3. AS 08.01 is amended by adding a new section to read:

28 Sec. 08.01.035. APPOINTMENTS. Members of boards subject to this
29 chapter and members of the Real Estate Commission under AS 08.88 are

1 appointed for staggered terms of four years. A member of a board
2 serves until a successor is appointed. An appointment to fill a
3 vacancy on a board is for the remainder of the unexpired term. A
4 member who has served all or part of two successive terms on a board
5 may not be reappointed to that board unless four years have elapsed
6 since the person has last served on the board.

7 * Sec. 4. AS 08.01.050(a) is amended to read:

8 (a) The department shall perform the following administrative
9 and budgetary services when appropriate:

- 10 (1) collect and record fees [AND ISSUE RECEIPTS];
- 11 (2) maintain records and files;
- 12 (3) issue and receive application forms;
- 13 (4) notify applicants of acceptance or rejection [OF APPLI-
14 CANTS] as determined by the board or as determined by the department
15 under AS 08.11 for audiologists, under AS 08.45 for naturopaths, or
16 under AS 08.55 for hearing aid dealers;
- 17 (5) designate dates examinations are to be held and notify
18 applicants;
- 19 (6) publish notice of examinations and proceedings [EXAM-
20 INATION];
- 21 (7) arrange space for holding examinations and proceedings;
- 22 (8) notify applicants of results of examinations;
- 23 (9) issue licenses [AND CERTIFICATES] or temporary licenses
24 [OR CERTIFICATES] as authorized by the board or as authorized by the
25 department under AS 08.11 for audiologists, under AS 08.45 for naturo-
26 paths, or under AS 08.55 for hearing aid dealers;
- 27 (10) issue duplicate licenses [OR CERTIFICATES] upon sub-
28 mission of a written request [PROOF] by the licensee attesting to [OF]
29 loss of or the failure to receive the original and payment by the

1 licensee of a fee established by regulation adopted by the department
2 [OF \$2 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE];

3 (11) notify licensees of renewal dates at least 30 days
4 before the expiration date of their licenses;

5 (12) compile and maintain a current [A] register of licens-
6 ees [LICENSES];

7 (13) answer routine inquiries;

8 (14) maintain files relating to individual licensees;

9 (15) arrange for printing and advertising;

10 (16) purchase supplies;

11 (17) employ additional [SECRETARIAL] help when needed;

12 (18) perform other services that may be requested by the
13 board;

14 (19) provide inspection, enforcement, and investigative
15 services to the boards and for the occupations listed in AS 08.01.010,
16 regarding all licenses issued by or through the department;

17 (20) retain and safeguard the official seal of a board and
18 prepare, sign, and affix a board seal, as appropriate, for licenses
19 approved by a board [ESTABLISHED UNDER AS 08.04, AS 08.20, AS 08.36,
20 AS 08.64, AS 08.68, AS 08.70, AS 08.71, AS 08.72, AS 08.80, AS 08.84,
21 AND AS 08.86, FOR THE PURPOSE OF ASSISTING THOSE BOARDS IN MATTERS OF
22 PROFESSIONAL DISCIPLINE AND IN RESPONDING TO CONSUMER COMPLAINTS].

23 * Sec. 5. AS 08.01.070 is amended to read:

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

27 (1) take [KEEP] minutes and records of all proceedings;

28 (2) hold a minimum of one meeting each year;

29 (3) hold at least one examination each year;

- 1 (4) request, through the department, investigation of
- 2 violations of its laws and regulations;
- 3 (5) prepare and grade board examinations;
- 4 (6) set minimum [PASS ON] qualifications for [OF] appli-
- 5 cants for examination and license;
- 6 (7) forward a draft of the minutes of proceedings [MEET-
- 7 INGS] to the department within 20 days after the proceedings;
- 8 (8) forward results of board examinations to the department
- 9 within 20 days after the examination is given;
- 10 (9) notify the department of meeting dates and agenda items
- 11 at least 15 days before meetings and other proceedings are held;
- 12 (10) submit before the end of the fiscal year an annual
- 13 performance report to the department stating the board's accomplish-
- 14 ments, activities, and needs [MEETING].

15 * Sec. 6. AS 08.01 is amended by adding a new section to read:

- 16 Sec. 08.01.075. DISCIPLINARY POWERS OF BOARDS. (a) A board may
- 17 take the following disciplinary actions, singly or in combination:
- 18 (1) permanently revoke a license;
 - 19 (2) suspend a license for a specified period;
 - 20 (3) censure or reprimand a licensee;
 - 21 (4) impose limitations or conditions on the professional
 - 22 practice of a licensee;
 - 23 (5) require a licensee to submit to peer review;
 - 24 (6) impose requirements for remedial professional education
 - 25 to correct deficiencies in the education, training, and skill of the
 - 26 licensee;
 - 27 (7) impose probation requiring a licensee to report regu-
 - 28 larly to the board on matters related to the grounds for probation;
 - 29 (8) impose a civil fine not to exceed \$5,000.

1 (b) A board may withdraw probationary status if the deficiencies
2 that required the sanction are remedied.

3 (c) A board may summarily suspend a licensee from the practice
4 of the profession before a final hearing is held or during an appeal
5 if the board finds that the licensee poses a clear and immediate
6 danger to the public health and safety. A person is entitled to a
7 hearing before the board to appeal the summary suspension within seven
8 days after the order of suspension is issued. A person may appeal an
9 adverse decision of the board on an appeal of a summary suspension to
10 a court of competent jurisdiction.

11 (d) A board may reinstate a suspended or revoked license if,
12 after a hearing, the board finds that the applicant is able to prac-
13 tice the profession with skill and safety.

14 (e) A board may accept the voluntary surrender of a license. A
15 license may not be returned unless the board determines that the
16 licensee is competent to resume practice and the licensee pays the
17 appropriate renewal fee.

18 (f) A board shall seek consistency in the application of disci-
19 plinary sanctions. A board shall explain a significant departure from
20 prior decisions involving similar facts in the order imposing the
21 sanction.

22 * Sec. 7. AS 08.01.100(a) is amended to read:

23 (a) Licenses [EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE LI-
24 CENSES] shall be renewed biennially on the dates set by the department
25 with the approval of the respective board.

26 * Sec. 8. AS 08.01.100(b) is repealed and reenacted to read:

27 (b) A license subject to renewal shall be renewed on or before
28 the date set by the department. If the license is not renewed by the
29 date set by the department, the license lapses. In addition to

1 renewal fees required for reinstatement of the lapsed license, the
2 department may impose a delayed renewal penalty, established by regu-
3 lation, that shall be paid before a license that has been lapsed for
4 more than 60 days may be renewed. The department may adopt a delayed
5 renewal penalty only with the concurrence of the appropriate board.

6 * Sec. 9. AS 08.01.100 is amended by adding new subsections to read:

7 (c) When continuing education or other requirements are made a
8 condition of license renewal, the requirements shall be satisfied
9 before a license is renewed.

10 (d) Except as otherwise provided, a license may not be renewed
11 if it has been lapsed for five years or more.

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

13 Sec. 08.01.102. CITATION FOR UNLICENSED PRACTICE. The depart-
14 ment may issue a citation for a violation of a license requirement of
15 a board or profession listed in AS 08.01.010 if there is probable
16 cause to believe a person has practiced a profession for which a
17 license is required without holding the license. Each day a violation
18 continues after a citation for the violation has been issued consti-
19 tutes a separate violation.

20 Sec. 08.01.103. PROCEDURE AND FORM OF CITATION. (a) A citation
21 issued under AS 08.01.102 must be in writing. A person receiving the
22 citation is not required to sign a notice to appear in court.

23 (b) The time specified in the notice to appear on a citation
24 issued under AS 08.01.102 shall be at least five days, not including
25 weekends and holidays, after the issuance of the citation, unless the
26 person cited requests an earlier hearing.

27 (c) The department is responsible for the issuance of books con-
28 taining appropriate citations, and shall maintain a record of each
29 book issued and each citation contained in it. The department shall

1 require and retain a receipt for every book issued to an employee of
2 the department.

3 (d) The department shall deposit the original or a copy of the
4 citation with a court having jurisdiction over the alleged offense.
5 Upon its deposit with the court, the citation may be disposed of only
6 by trial in the court or other official action taken by the magis-
7 trate, judge, or prosecutor. The department may not dispose of a
8 citation, copies of it, or of the record of its issuance except as
9 required under this subsection and (e) of this section.

10 (e) The department shall require the return of a copy of every
11 citation issued by the department and of all copies of a citation that
12 has been spoiled or upon which an entry has been made and not issued
13 to an alleged violator. The department shall also maintain, in con-
14 nection with each citation, a record of the disposition of the charge
15 by the court where the original or copy of the citation was deposited.

16 (f) If the form of citation includes the essential facts con-
17 stituting the offense charged, and if the citation is sworn to as
18 required under the laws of this state for a complaint charging commis-
19 sion of the offense alleged in the citation, then the citation when
20 filed with a court having jurisdiction is considered to be a lawful
21 complaint for the purpose of prosecution.

22 Sec. 08.01.104. FAILURE TO OBEY CITATION. Unless the citation
23 has been voided or otherwise dismissed by the magistrate, judge, or
24 prosecutor, a person who without lawful justification or excuse fails
25 to appear in court to answer a citation issued under AS 08.01.102,
26 regardless of the disposition of the charge for which the citation was
27 issued, is guilty of a class B misdemeanor.

28 * Sec. 11. AS 08.02.020 is amended to read:

29 Sec. 08.02.020. LIMITATION OF LIABILITY FOR MEMBERS OF LICENSING

1 BOARDS AND PEER REVIEW COMMITTEES. A person is not liable for damages
2 or other relief in an action by reason of the person's performance of
3 a duty, function, or activity as a member of a licensing board or peer
4 review committee established to review a licensing matter, or by
5 reason of a recommendation or action of the board or peer review
6 committee when the person acts in the reasonable belief that the
7 action or recommendation is warranted by facts known to the person or
8 to the board or peer review committee after reasonable efforts to
9 ascertain the facts upon which the action or recommendation is made.

10 * Sec. 12. AS 08.04.040 is amended to read:

11 Sec. 08.04.040. VACANCY ON BOARD [TERM OF OFFICE]. [THE TERM OF
12 OFFICE FOR EACH MEMBER OF THE BOARD IS THREE YEARS.] A vacancy shall
13 be filled by appointment for the unexpired term and all vacancies
14 shall be filled within 60 days. After the expiration of a member's
15 term of office a member continues to serve until a successor is ap-
16 pointed and qualifies, formally advises the board of acceptance of the
17 appointment, and appears at the next meeting of the board.

18 * Sec. 13. AS 08.13.100(a) is amended to read:

19 (a) The board shall authorize the issuance of a license to each
20 qualified applicant who has passed an examination under AS 08.13.090.
21 [THE LICENSE IS VALID FOR TWO YEARS AND SUBJECT TO RENEWAL.]

22 * Sec. 14. AS 08.18.031(a) is amended to read:

23 (a) A certificate of registration [EXPIRES ON DECEMBER 31 OF
24 EACH EVEN-NUMBERED YEAR AND] shall be renewed under the same require-
25 ments as for an original registration. The commissioner shall issue
26 to the applicant a certificate of registration upon compliance with
27 the registration requirements of this chapter.

28 * Sec. 15. AS 08.32.071 is amended to read:

29 Sec. 08.32.071. RENEWAL OF REGISTRATION. [A REGISTRATION

1 CERTIFICATE IS VALID FOR FOUR YEARS.] At least 60 days before ex-
2 piration of a licensee's registration certificate, the division of
3 occupational licensing shall mail a form for renewal of registration
4 to each licensed dental hygienist. Each licensee who wishes to renew
5 a registration certificate shall complete the form and return it with
6 the appropriate fee and evidence of continued professional competence
7 as required by the board. The division of occupational licensing
8 shall, as soon as practicable, issue a registration certificate valid
9 for a stated number of years. Each licensee shall keep the registra-
10 tion certificate beside or attached to the licensee's license. Fail-
11 ure to receive the registration form does not exempt a licensee from
12 renewing registration.

13 * Sec. 16. AS 08.32.171(c) is amended to read:

14 (c) [THE BOARD MAY SUMMARILY SUSPEND A LICENSE BEFORE FINAL
15 HEARING OR DURING THE APPEALS PROCESS IF THE BOARD FINDS THAT CON-
16 TINUED PRACTICE BY THE LICENSEE POSES A CLEAR AND IMMEDIATE DANGER TO
17 THE PUBLIC HEALTH AND SAFETY.] The board may summarily suspend the
18 license of a licensee who refuses to submit to a physical or mental
19 examination under AS 08.36.070(b)(1). A person whose license is
20 suspended under this section is entitled to a hearing by the board
21 within [NO LATER THAN] seven days after the effective date of the
22 order. If, after a hearing, the board upholds the suspension, the
23 licensee may appeal the suspension to a court of competent jurisdic-
24 tion.

25 * Sec. 17. AS 08.36.020 is amended to read:

26 Sec. 08.36.020. [APPOINTMENT AND] TERM OF OFFICE. [MEMBERS OF
27 THE BOARD ARE APPOINTED BY THE GOVERNOR, SUBJECT TO CONFIRMATION BY
28 THE LEGISLATURE IN JOINT SESSION. EACH BOARD MEMBER SERVES FOR A TERM
29 OF FOUR YEARS, AND UNTIL THAT MEMBER'S SUCCESSOR IS APPOINTED AND

1 QUALIFIED.] The term of office of a member of the board begins on
2 February 1. [AN APPOINTMENT TO A VACANCY IS FOR THE UNEXPIRED TERM.
3 A PERSON WHO HAS SERVED TWO SUCCESSIVE COMPLETE TERMS MAY NOT BE
4 REAPPOINTED UNTIL FOUR YEARS FROM THE EXPIRATION OF THE SECOND TERM.]

5 * Sec. 18. AS 08.36.025 is amended to read:

6 Sec. 08.36.025. [REMOVAL OR] SUSPENSION OF BOARD MEMBERS. [A
7 MEMBER OF THE BOARD MAY BE REMOVED FROM OFFICE BY THE GOVERNOR FOR
8 CAUSE. THE BOARD MAY BY REGULATION PROVIDE THAT UNEXCUSED ABSENCES
9 FROM MEETINGS CONSTITUTE CAUSE FOR REMOVAL.] A member against whom an
10 accusation has been filed under AS 44.62 for violation of AS 08.32.160
11 or AS 08.36.315 is suspended from the board until the decision of the
12 board on the accusation takes effect under AS 44.62.520.

13 * Sec. 19. AS 08.36.250(a) is amended to read:

14 (a) [A REGISTRATION CERTIFICATE IS VALID FOR FOUR YEARS.] At
15 least 60 days before expiration of a licensee's registration certifi-
16 cate, the division of occupational licensing shall mail a form for
17 renewal of registration to each licensed dentist. Each licensee who
18 wishes to renew a license shall complete the form and return it with
19 the appropriate fee and evidence of continued professional competence
20 as required by the board. The division of occupational licensing
21 shall, as soon as practicable, issue a registration certificate valid
22 for a stated number of years. Each licensee shall keep the registra-
23 tion certificate beside or attached to the licensee's license. Fail-
24 ure to receive the registration form does not exempt a licensee from
25 renewing registration.

26 * Sec. 20. AS 08.36.320(c) is amended to read:

27 (c) [THE BOARD MAY SUMMARILY SUSPEND A LICENSE BEFORE FINAL
28 HEARING OR DURING THE APPEALS PROCESS IF THE BOARD FINDS THAT CON-
29 TINUED PRACTICE BY THE LICENSEE POSES A CLEAR AND IMMEDIATE DANGER TO

1 THE PUBLIC HEALTH AND SAFETY.] The board may summarily suspend the
2 license of a licensee who refuses to submit to a physical or mental
3 examination under AS 08.36.070(b)(1). A person whose license is
4 suspended under this section is entitled to a hearing by the board
5 within [NO LATER THAN] seven days after the effective date of the
6 order. If, after a hearing, the board upholds the suspension, the
7 licensee may appeal the suspension to a court of competent jurisdic-
8 tion.

9 * Sec. 21. AS 08.42.020(b) is amended to read:

10 (b) A person who has actively practiced embalming in the state
11 for at least one year and holds a valid embalmer's license issued in
12 this state before January 1, 1977, shall be granted a license to
13 practice embalming and may renew the license [BIENNIALY]. A person
14 who has actively practiced in the state as a funeral director for a
15 period of at least one year shall be granted a license to practice as
16 a funeral director and may renew that license [BIENNIALY].

17 * Sec. 22. AS 08.42.020(c) is amended to read:

18 (c) In the event the dead body is to be disposed of in a manner
19 not requiring embalming, the department may issue a permit to an
20 unlicensed person [, ON AN ANNUAL BASIS,] for the care and disposition
21 of dead human bodies for compensation. This permit otherwise in no
22 way licenses the holder to practice mortuary science.

23 * Sec. 23. AS 08.55.020(b) is amended to read:

24 (b) On or before the expiration of [ONE YEAR AFTER THE ISSUANCE
25 OF] a license under this chapter, a licensee may apply for renewal of
26 the license, and the department shall renew the license if the li-
27 censee pays the renewal fee, has a current business license to act as
28 a hearing aid dealer under AS 43.70.020, and provides evidence satis-
29 factory to the department that the individual has not engaged in

1 conduct that is a ground for imposing disciplinary sanctions under AS
2 08.55.130.

3 * Sec. 24. AS 08.62.120 is amended to read:

4 Sec. 08.62.120. RENEWAL [DURATION, RENEWAL]. [A LICENSE ISSUED
5 UNDER THIS CHAPTER SHALL BE RENEWED BIENNIALLY ON DATES SET BY THE
6 DEPARTMENT.] A license shall be renewed without examination upon the
7 payment of the [BIENNIAL] license fee.

8 * Sec. 25. AS 08.71.020 is amended to read:

9 Sec. 08.71.020. MEMBERSHIP [AND TERM OF OFFICE]. The board
10 consists of four opticians licensed under AS 08.71.080 and one public
11 member appointed by the governor. [MEMBERS SERVE STAGGERED TERMS OF
12 FOUR YEARS WHICH SHALL BE SET SO THAT THEY DO NOT EXPIRE AT THE SAME
13 TIME. VACANCIES ON THE BOARD SHALL BE FILLED FOR THE UNEXPIRED TERM.
14 A PERSON WHO HAS SERVED TWO SUCCESSIVE COMPLETE TERMS MAY NOT BE
15 REAPPOINTED UNTIL FOUR YEARS FROM THE EXPIRATION OF THE SECOND TERM.]

16 * Sec. 26. AS 08.72.020 is amended to read:

17 Sec. 08.72.020. MEMBERSHIP OF BOARD [AND TERMS OF OFFICE]. The
18 board consists of five persons [, APPOINTED BY THE GOVERNOR. MEMBERS
19 SERVE STAGGERED TERMS OF FOUR YEARS].

20 * Sec. 27. AS 08.72.040 is amended to read:

21 Sec. 08.72.040. QUALIFICATIONS. Four board members shall be
22 licensed, practicing optometrists who have been residents for at least
23 three years. One board member shall be a public member. [A PERSON
24 WHO HAS SERVED TWO SUCCESSIVE COMPLETE TERMS MAY NOT BE REAPPOINTED
25 UNTIL FOUR YEARS FROM THE EXPIRATION OF THE SECOND TERM THAT THE
26 PERSON SERVED.]

27 * Sec. 28. AS 08.80.020 is amended to read:

28 Sec. 08.80.020. TERM OF OFFICE. [MEMBERS OF THE BOARD ARE
29 APPOINTED BY THE GOVERNOR, AND CONFIRMED BY THE LEGISLATURE IN JOINT

1 SESSION, FOR OVERLAPPING TERMS OF FOUR YEARS, OR UNTIL THEIR SUCCES-
2 SORS ARE APPOINTED AND QUALIFIED. THE TERMS OF THE PUBLIC MEMBERS
3 SHALL BE STAGGERED SO THAT THEY DO NOT EXPIRE AT THE SAME TIME. AN
4 APPOINTMENT TO FILL A VACANCY IS FOR THE UNEXPIRED TERM.] The term of
5 office of a member of the board begins on April 1 of each year. [A
6 PERSON WHO HAS SERVED TWO SUCCESSIVE COMPLETE TERMS MAY NOT BE REAP-
7 POINTED UNTIL FOUR YEARS FROM THE EXPIRATION OF THE SECOND TERM.]

8 * Sec. 29. AS 08.84.010(a) is amended to read:

9 (a) There is created the State Physical Therapy Board, which
10 consists of five members [APPOINTED BY THE GOVERNOR]. The membership
11 consists of one physician licensed to practice medicine in the state,
12 three physical therapists licensed in the state or two physical thera-
13 pists and a physical therapy assistant licensed in the state, and one
14 lay person with no direct financial interest in the health care indus-
15 try. Members of the board shall be U.S. citizens domiciled in the
16 state [AND SHALL BE APPOINTED FOR A TERM OF FOUR YEARS, AND UNTIL
17 THEIR SUCCESSORS ARE APPOINTED. A MEMBER MAY NOT SERVE MORE THAN TWO
18 TERMS IN SUCCESSION. THE GOVERNOR MAY REMOVE A MEMBER FROM THE BOARD
19 FOR NEGLECT OF DUTY, INCOMPETENCE, DISHONORABLE CONDUCT, OR SUSPENSION
20 OR REVOCATION OF LICENSE].

21 * Sec. 30. AS 08.84.010(b) is amended to read:

22 (b) The Physical Therapy Board shall control all matters per-
23 taining to the licensing of physical therapists and physical therapy
24 assistants and the practice of physical therapy. The board shall

- 25 (1) pass upon the qualifications of applicants;
26 (2) conduct examinations;
27 (3) issue temporary permits and licenses to physical thera-
28 pists and physical therapy assistants qualified under this chapter;
29 (4) suspend, revoke, or refuse to issue or renew a license

1 under [IN ACCORDANCE WITH] AS 08.84.120;

2 (5) keep a current register listing the name, business
3 address, date and number of the license of each physical therapist and
4 physical therapy assistant who is licensed to practice in this state;

5 (6) keep a record and minutes of its meetings, proceedings,
6 and hearings and submit an annual report of its activities to the
7 governor and other interested parties; and

8 (7) [LIMIT OR CONDITION THE AUTHORITY TO PRACTICE PHYSICAL
9 THERAPY, OR DISCIPLINE A PRACTITIONER, IN ACCORDANCE WITH AS 08.84.-
10 185(a); AND

11 (8)] adopt regulations under AS 44.62 necessary to carry
12 out the purposes of this chapter including regulations establishing
13 qualifications for licensure and renewal of licensure as a physical
14 therapist or physical therapy assistant.

15 * Sec. 31. AS 08.84.100(b) is amended to read:

16 (b) [BEFORE REINSTATEMENT OF A LICENSE THAT REMAINS LAPSED FOR
17 MORE THAN 60 DAYS, THE APPLICANT MUST PAY ALL DELINQUENT RENEWAL FEES
18 AND ANY PENALTY ESTABLISHED UNDER AS 08.01.100(b).] If a license
19 remains lapsed for more than three years, the board may require the
20 applicant to take and pass the examination given under AS 08.84.-
21 030(:).

22 * Sec. 32. AS 08.88.026 is repealed and reenacted to read:

23 Sec. 08.88.026. TERMS OF OFFICE. The terms of office of members
24 of the commission begin on February 1 after appointment.

25 * Sec. 33. AS 08.92.010 is amended to read:

26 Sec. 08.92.010. REGISTRATION REQUIRED. A person may not engage
27 in the business of promoting concerts in the state without a valid
28 promoter's certificate of registration issued by the department. To
29 remain valid, a certificate of registration must be renewed

1 [BIENNIALY] on a date set by the department.

2 * Sec. 34. AS 08.92.020(b) is amended to read:

3 (b) The [BIENNIAL] fee for the renewal of a registration certifi-
4 cate is also established by regulations adopted under AS 08.01.065.

5 * Sec. 35. TRANSITION. (a) Notwithstanding secs. 1 - 34 and 36 of
6 this Act, a member of the Athletic Commission or a member of a board or
7 commission established under AS 08 who is serving in that position on the
8 effective date of this Act shall continue to serve the remainder of the
9 term to which the member was appointed.

10 (b) Notwithstanding secs. 1 - 34 and 36 of this Act, a license regis-
11 tration, certificate, permit, or other evidence of licensure issued under
12 AS 08 that is in effect on the effective date of this Act is valid for the
13 period for which it was issued unless revoked or suspended under procedures
14 set out in AS 08.

15 * Sec. 36. AS 08.01.050(c); AS 08.04.430; AS 08.11.030(a), 08.11.-
16 030(b); AS 08.13.020; AS 08.20.030, 08.20.175; AS 08.32.171(a), 08.32.-
17 171(b), 08.32.171(d), 08.32.171(e); AS 08.36.320(a), 08.36.320(b), 08.36.-
18 320(d), 08.36.320(e); AS 08.40.020; AS 08.42.080; AS 08.48.021(b); AS 08.-
19 54.020, 08.54.190(d); AS 08.55.020(a), 08.55.020(c); AS 08.64.020, 08.64.-
20 040, 08.64.311; AS 08.68.020, 08.68.030, 08.68.050; AS 08.70.020(b), 08.-
21 70.020(c), 08.70.140(b), 08.70.160; AS 08.71.045, 08.71.130(a), 08.71.-
22 130(b), 08.71.175; AS 08.72.025, 08.72.030, 08.72.181(a), 08.72.250, 08.-
23 72.255; AS 08.80.266; AS 08.84.100(a), 08.84.185; AS 08.86.020, 08.86.025,
24 08.86.140(b), 08.86.206; AS 08.88.021; AS 08.98.020, 08.98.025, and 08.98.-
25 240 are repealed.

26 * Sec. 37. This Act takes effect immediately under AS 01.10.070(c).

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 29, 1987

SUBJECT: CSHB 222 (Finance)
(Work Order No. 5-0616)

TO: Representative Al Adams, Chairman
House Finance Committee

FROM: George Utermohle *GU*
Legislative Counsel

This memorandum accompanies the final CSHB 222 (Finance).

In addition to the new language added to page 1, line 25 of the bill at the direction of the committee, the bill contains a minor amendment to Section 26 of the bill to correct an oversight in drafting. AS 08.86.140(b) is added to the list of sections repealed.

One of the objectives of HB 222 is to provide for biennial licenses for all professions regulated under Title 8. When HB 222 was drafted, AS 08.86.140(b) was overlooked. AS 08.86.140(b) provides that licenses issued to psychologists are valid for four years. By repealing AS 08.86.140(b) the license period for psychologists will be consistent with the other professions regulated under Title 8.

GU:lmb
M11/091

Enclosure

HB 222: "An act relating to occupational licensing, and providing for an effective date."

HB 222 provides for miscellaneous amendments to the centralized licensing act (AS 08.01) and to various regulatory board statutes to bring them into compliance with the amendments to AS 08.01. The intent of the proposals is to standardize board membership, terms of office, duties, renewal dates and enforcement powers and are primarily housekeeping amendments. Three of the proposals, however, are substantive.

Section 6. Disciplinary Powers of Boards not only standardizes but increases the sanctions boards can utilize in disciplining incompetent or dishonest professionals. The new provisions, which are not currently utilized by any boards, are:

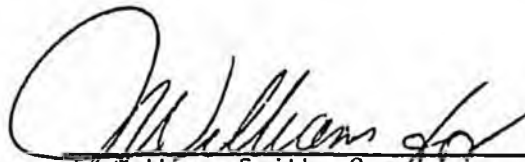
- (a)(5) require a licensee to submit to peer review
- (8) impose a civil fine not to exceed \$5,000.00
- (e) A board may accept the voluntary surrender of a license.

These provisions will increase the enforcement capability of the boards and provide less expensive and time-consuming means of disciplining licensees when license revocation or suspension is not warranted.

Section 7. License Renewal permits the department to renew all occupations on a biennial basis in order to even out the revenue collected from year to year. Currently, eight boards renew their licenses every four years. Although the average revenue collected over a four-year period is sufficient to cover the costs of operating the division from year to year, the revenue varies from year to year to the extent that expenditures are not covered by licensing fees. Biennial renewals will also insure that fees collected can be adjusted on a more timely basis when there are severe fluctuations in the economy.

Section 10. Citation for Unlicensed Practice gives the department the authority to issue citations for unlicensed activity. Currently, the department can issue cease and desist orders which allow for hearings under the Administrative Procedures Act. This is a time consuming and expensive process. Citations, on the other hand, require a mandatory court appearance and penalty fees for each continued day of unlicensed activity.

In summary, the department supports any efforts at increasing the effectiveness and efficiency of the enforcement capability of the regulatory boards.



J. Anthony Smith, Commissioner
Department of Commerce and Economic
Development

4/3/87

Date

A M E N D M E N T

Offered in the SENATE

By Fahrenkamp

TO: CSHB 222 (Finance)

Page 3, following line 22

Insert a new bill section to read:

"* Sec. 5. AS 08.01.065(c) is repealed and reenacted to read:

(c) A fee established under this section ^{should} ~~not~~ reflect, but ^{should} ~~not~~ exceed, the actual costs to the department of the activity for which the fee is charged except that the department may establish a fee that is less than the cost of the activity for which the fee is charged if the department determines that it is not reasonable to impose the full cost of the activity on the applicant or licensee."

Renumber the following bill sections accordingly.

Page 15, line 5:

Delete "1 - 34 and 36"

Insert "1 - 35 and 37"

Page 15, line 10:

Delete "1 - 34 and 36"

Insert "1 - 35 and 37"

SENATE COMMITTEE REPORT

FURTHER: FINANCE

DATE TURNED INTO OFFICE 11/18/87

Mr. President:

LABOR AND COMMERCE Committee considered CSHB 222 (FIN)

occupational licensing; efd

and recommended:

replace with CS FOR _____) same title
 or adopt _____ CS FOR _____) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous
House zero fiscal impact

MEMBERS SIGNING DO PASS

Takrenkamp
McLachlan

OTHER RECOMMENDATIONS

Rich. Kelly (No Rec)

Tim Kell - Do Pass
Chairman signature and recommendation

Committee Backup Attached