

SB

298

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 2/11/94

FURTHER: L&C
Judiciary

Date of 5-Day Notice: 3/3/94
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 4/11/94

HESS Committee considered SB 298

"An Act relating to licensure by the State Medical Board."

and recommends:

replace with _____ CS SB 298 (HES)

same title
 new title
 technical title change (HB only)

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
Commerce & Econ Dev	2/29/94		1.3

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

Mike Miller
Loren A. Lewman
Kent Thoms

OTHER RECOMMENDATIONS:

John Sellers No Rec.
Judith E. Sals No Rec.

Steve Klein Do Pass

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB 298

Revision Date: 2/25/94
 Title: An Act relating to licensure by the
State Medical Board.
 Sponsor: Senate HES
 Requestor: Senate HES

Department: Commerce and Economic Dev.
 BRU: Occupational Licensing
 Component: Operations

COMPONENT SERIAL NO. 1844

Expenditures/Revenues		(Thousands of Dollars)				
OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	1.3	0.0	0.0	0.0	0.0	0.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	1.3	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
CHANGE IN REVENUES	1.3	0.0	0.0	0.0	0.0	0.0

FUND SOURCE		(Thousands of Dollars)				
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts	1.3					
1006 GF/MHTIA						
Other						
TOTAL	1.3	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 94) cost: \$ None

POSITIONS						
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

SB 298 provides authority for the State Medical Board to designate a representative to interview applicants for licensure. The bill also provides a temporary permit to be issued to provide health care services on a temporary basis in an area of the state where services are needed, as determined by the board under regulations. This fiscal note provides funding to cover the costs of a regulation project to address the issue. Licensing fees will be reviewed and adjusted, if necessary, to cover the costs.

Prepared by: Jennifer Strickler, Administrative Officer *JS* Phone: 465-2144
 Division: Occupational Licensing Date: 2/25/94
 Approved by Commissioner: Faul Fuhs *Gary Bell for* Date: 2-28-94
 Agency: Commerce and Economic Development

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ALASKA STATE MEDICAL ASSOCIATION

4107 Laurel Street • Anchorage, Alaska 99508-5334 • (907) 562-2662

March 7, 1994

Senator Steve Rieger
Chairman HESS Committee
State Capitol, Rm. 516
Alaska State Senate
Pouch V
Juneau AK 99801

Dear Senator Rieger,

On behalf of the Alaska State Medical Association, I would like to offer my strong support for SB 298, an Act relating to licensure by the State Medical Board. This is a good bill that can be made even better. As you may be aware, the requirement that applicants for medical licensure within the state of Alaska have face to face interviews with board members has been a difficult and expensive proposition particularly for physicians in Southeast Alaska and the bush. Allowing designated representatives to conduct the interviews will be of some help.

I must say that after canvassing over 30 physicians in this state I have yet to find anyone that has found the interview to be significant or worthwhile. I have talked with several people who have found the interview to take less than two minutes, my own experience included. In this day of electronic data banks and fax machines, I believe the value of personal interviews is decreasing.

On behalf of the State Medical Association, I would respectfully request that your bill be further amended under Sec. 1, Line 4 to have the word "Shall" changed to "May". This would allow the board to continue to fully obtain and review documentation on all applicants, and allow them to interview any applicant that they wished when they felt further personal information was desirable.

It would also allow them to avoid completely unnecessary interviews and allow them to devote their time, and interests to investigative and disciplinary duties as necessary. Eliminating mandatory personal interviews is not a radical concept. Fewer than half the states currently require board interviews.

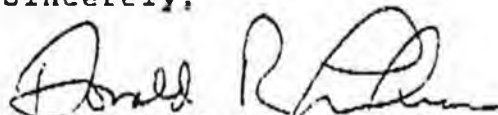
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Senator Steve Rieger
Page 2

I recently testified before the House HESS Committee on HB the companion bill to SB 298. I was able to convince the committee of the importance of the language change. I would hope that you would likewise amend the Senate version.

If you have any questions regarding SB 298 or the position of the State Medical Association, do not hesitate to contact me. I would be happy to be of assistance.

Sincerely,



Donald R. Lehmann, M.D.
Chairman, Legislative Affairs Committee
President, Alaska State Medical Association

DRL:til

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR RIEGER

TO: SB 298

Page 1, lines 5 - 6:

Delete "the board's designated representative"

Insert "by a licensed physician designated for that purpose by the board"

A M E N D M E N T

OFFERED IN THE SENATE
TO: SB 298

BY SENATOR RIEGER

Page 1, line 1, after "Board":

Insert "and temporary permits for certain optometrists"

Page 2, after line 2:

Insert a new bill section to read:

"* Sec. 3. AS 08.72 is amended by adding a new section to read:

Sec. 08.72.172. PERMIT FOR LOCUM TENENS PRACTICE. (a) A member of the board may issue a temporary permit to a nonresident optometrist for the purpose of assisting or substituting for an optometrist licensed under this chapter. The office employing an optometrist with a permit under this section must be an established practice, as determined under regulations adopted by the board, and be owned by a licensed optometrist whose practice is full time.

(b) A permit issued under this section is valid for 60 consecutive days and may be renewed up to three times within a 12-month period if circumstances warrant. Permits issued under this section are not valid for more than 240 consecutive days of practice within a 12-month period.

(c) A person who applies for a permit under this section shall pay the required fee and furnish proof of

(1) meeting the requirements of AS 08.72.140; and

(2) holding a valid license to practice optometry issued by a state or territory of the United States or by a province or territory of Canada.

(d) Within 10 days after a permit has been issued under this section, the board member shall forward to the department a report of the issuance of the permit."

PROPOSED:

Sec. 08.xxxxxx Temporary permit for 'locum tenens practice.'

(a) A member of the board of examiners in Optometry may grant a temporary permit to an optometrist for the purpose of assisting or substituting for another optometrist licensed in this state. The office employing a Locum Optometrist must be an established practice, and the Locum employed by a resident Alaska licensed optometrist who owns and practices full time in that practice. The permit is valid for sixty (60) consecutive days. If circumstances warrant, an extension of the permit may be granted by the board.

(b) A Locum Optometrist applying under (a) of this section shall pay the required fee and shall meet the requirements of AS 08.72-140. In addition, the optometrist shall submit evidence of holding a license to practice optometry in a state or territory of the United States or in a province or territory of Canada.

(c) Within ten (10) days after the permit has been granted, the board member shall forward to the department a report of the issuance of the permit.

(d) Permits and extensions of permits issued under this section to an individual are not valid for more than 240 (two hundred forty) consecutive days during any consecutive 12 (twelve) months.

RATIONALE:

Alaska has a lot of solo practitioners in remote and semi-remote areas of the State. If the practitioner becomes injured, seriously ill or must leave temporarily, he presently must close down his clinic. This can bring a hardship to his patients.

Also, outside specialists in subnormal vision, visual therapy etc can be scheduled to assist local doctors where specialty care does not now exist.

The Locum Tenens statute would allow a temporary permit be issued to a nonresident optometrist for the purpose of assisting or substituting for an optometrist licensed under this chapter.

Sec. 08.72.115. Malpractice insurance. [Repealed, § 40 ch 117 SLA 1978.]

Sec. 08.72.120. Registration. [Repealed § 9 ch 50 SLA 1988.]

Sec. 08.72.125. Licensing of branch offices. (a) The board shall license each branch office of an Alaskan licensee.

(b) A person may not practice, or attempt or offer to practice, optometry without obtaining a license for each branch office from the board.

(c) The board shall prescribe in the regulations the factors to be considered in issuing a branch office license. (§ 2 ch 76 SLA 1969; am § 9 ch 75 SLA 1980; am § 12 ch 37 SLA 1986; am § 4 ch 50 SLA 1988)

Effect of amendments. — The 1988 amendment, effective May 26, 1988, substituted "Licensing" for "Registration" in the catchline, rewrote subsection (a), which read "The board shall issue a branch office certificate of registration to an Alaskan licensee," and substituted

"without obtaining a license for each branch office" for "in communities on a part-time basis without obtaining a branch office certificate of registration" in subsection (b) and "license" for "certificate of registration" in subsection (c).

Sec. 08.72.130. Optometry register. [Repealed, § 13 ch 37 SLA 1986.]

Sec. 08.72.140. Qualifications for examination. The board shall admit to the examination a person who furnishes proof that the person

- (1) has a visual acuity of a standard of at least 20/40 in at least one eye as corrected;
 - (2) is not afflicted with a contagious or infectious disease;
 - (3) has had education equivalent to four years attendance at a state high school;
 - (4) is a graduate of a recognized school or college of optometry.
- (§ 35-3-141 ACLA 1949; am § 1 ch 95 SLA 1966; am §§ 3 — 5 ch 76 SLA 1969; am §§ 10, 23 ch 75 SLA 1980)

Sec. 08.72.150. Application for examination and issuance of license. An applicant shall apply for the examination by filing an application with the department together with the examination fee at least 15 days before the examination. Upon successful completion of the examination by the applicant and payment of the license fee, the board shall issue a license to the successful applicant. The applicant may practice optometry in the state upon receipt of the license. (§ 35-3-141 ACLA 1949; am § 6 ch 76 SLA 1969; am § 5 ch 50 SLA 1988)

Legislative Research Agency

Alaska State Legislature



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Juneau, Alaska 99801-2196

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March 1, 1994

MEMORANDUM

TO: Representative Cynthia Toohey

FROM: Patricia Young *by Young*
Legislative Analyst

RE: **Licensing Requirements for Medical Doctors**
Research Request 94.159

You asked if other states require that physicians be interviewed by members of the state medical board as a condition of licensure. As you know, pursuant to AS 08.64.255, this is the case in Alaska.

According to information provided by the Federation of State Medical Boards of the United States (FSMB), 18 states require interviews of all license applicants. Interviews are required of some applicants in 21 states. Interviews are not required of applicants in 8 states or the District of Columbia. It is not clear what is required in 3 states. The pertinent table from the FSMB's publication on licensing requirements, *1992-1993 Exchange*, is attached. Relevant information provided by Leslie Haywood, executive secretary of the Alaska State Medical Board, is also attached.

As you will see from the final attachment, "Section V. Requirements for Full Licensure," of FSMB's *Guide to the Essentials of a Modern Medical Practice Act*, sixth edition, published in 1991, the federation supports personal appearances by applicants.

I hope this information is sufficient for your purposes. If you have questions, or need further information, please let us know.

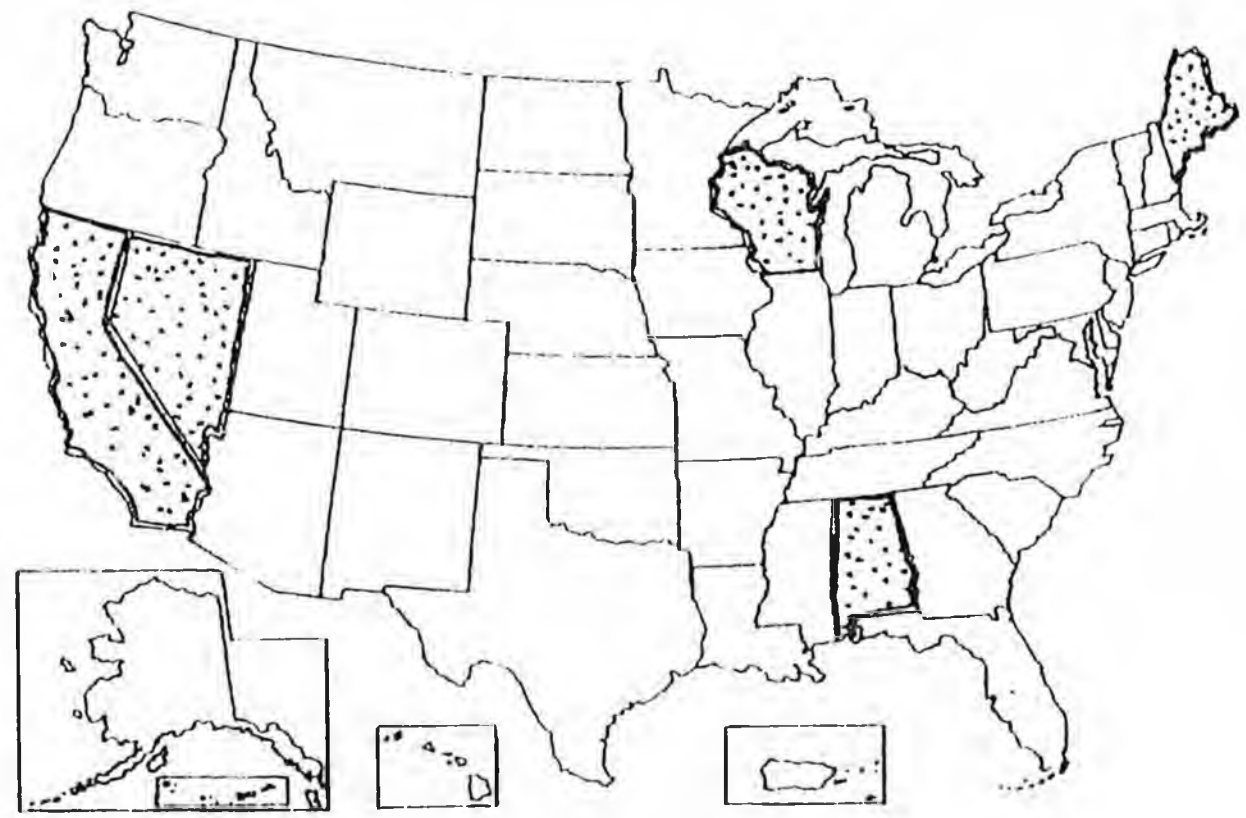
Attachments

United States Medical Licensure Statistics

Oral Exam or *Possible* Oral Exam

- Alabama - Oral exam if not American board certified within 10 years.
- California - Oral exam & written exam at board discretion.
- Maine - Oral exam. (No further information available.)
- Nevada - Oral exam only at board request.
- Wisconsin - Oral Exam only at board request.

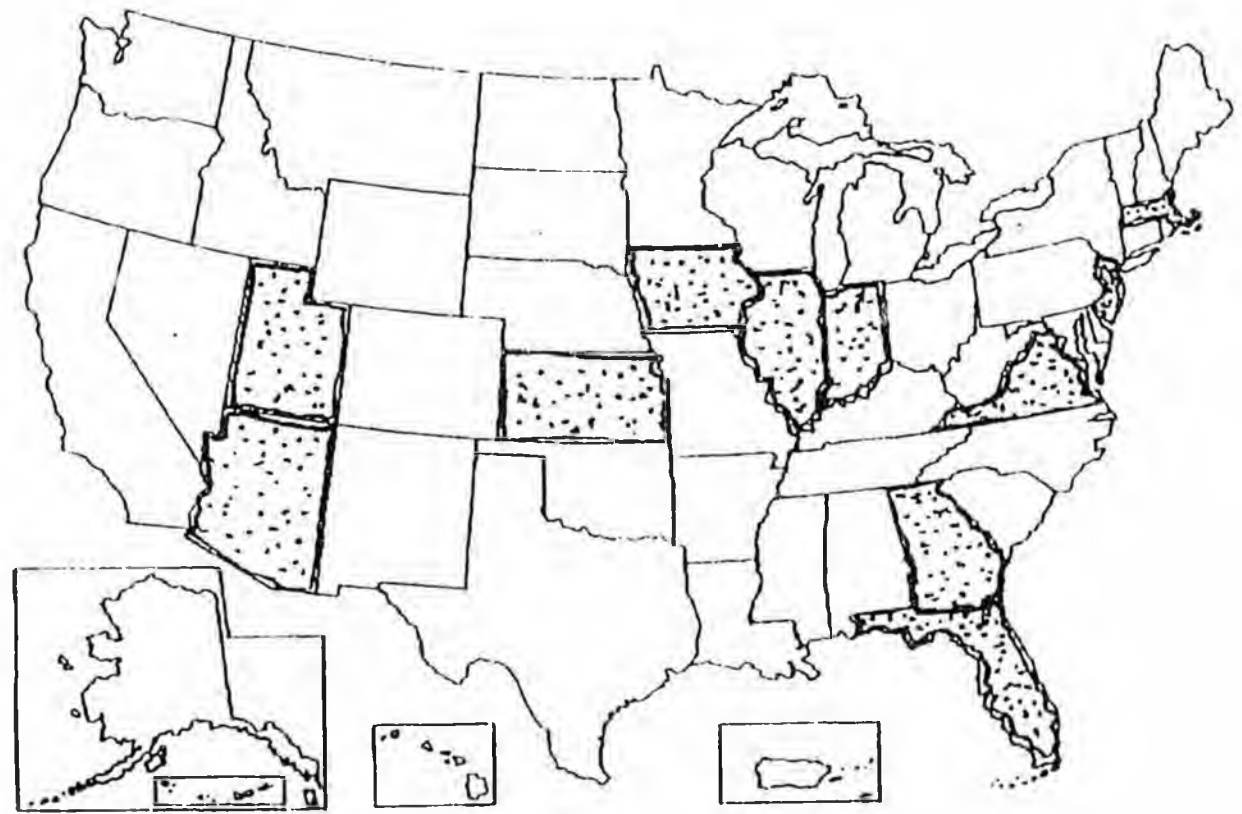
Option # 3 Propose revision of 12.AAC 40.055 to include ' or a possible oral exam.'



Possible Interview.

- Arizona
- Florida
- Georgia
- Illinois
- Indiana
- Iowa
- Kansas
- Massachusetts
- New Jersey
- Utah
- Virginia

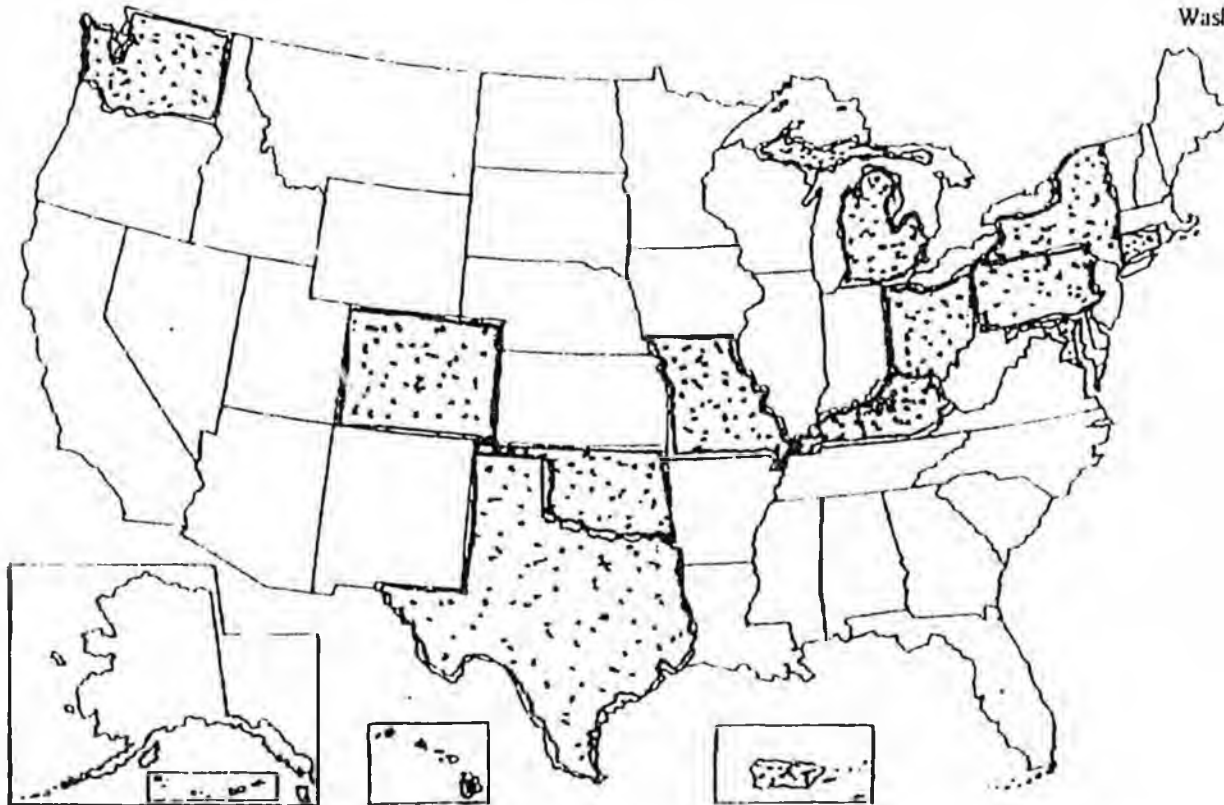
Option # 4 Propose revision of AS Sec. 08.64.255, AS Sec. 08.64.279 and 12 AAC 40.055 to read:
"Possible interview required."



No interview.

- Colorado - Finger prints, notarized passport or birth certifi
- Connecticut
- District of Columbia
- Hawaii
- Kentucky
- Maryland
- Michigan
- Missouri
- New York
- Ohio
- Oklahoma
- Pennsylvania
- Puerto Rico
- Texas
- Washington

Option # 5 Propose deletion of AS Sec. 08.64.255, AS Sec. 08.64.279 and 12 AAC 40.055



**A GUIDE TO THE ESSENTIALS OF
A MODERN MEDICAL PRACTICE ACT**

SIXTH EDITION

Approved by the Board of Directors of the
Federation of State Medical Boards of the United States
February 22, 1991

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Federation of State Medical Boards of the United States, Inc.
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SECTION V

REQUIREMENTS FOR FULL LICENSURE

The medical practice act should provide minimum requirements for full licensure for the independent practice of medicine that bear a reasonable relationship to the qualifications and fitness necessary for such practice. These provisions of the act should implement or be consistent with the following Federation recommendations.

- A. The applicant should provide the Board and attest to the following information and documentation in a manner required by the Board:
1. his or her full name and all aliases or other names ever used, current address, social security number, and date and place of birth;
 2. a recent signed photograph, a set of fingerprints of the applicant, and a sample of handwriting;
 3. originals of all documents and credentials required by the Board, or notarized photocopies or other verification acceptable to the Board of such documents and credentials;
 4. a list of all jurisdictions, United States or foreign, in which the applicant is licensed or has applied for licensure to practice medicine or is authorized or has applied for authorization to practice medicine;
 5. a list of all jurisdictions, United States or foreign, in which the applicant has been denied licensure or authorization to practice medicine or has voluntarily surrendered a license or an authorization to practice medicine;
 6. a list of all sanctions, judgments, awards, settlements, or convictions against the applicant in any jurisdiction, United States or foreign, that would constitute grounds for disciplinary action under the medical practice act or the Board's rules and regulations;
 7. a detailed educational history, including places, institutions, dates, and program descriptions, of all his or her education beginning with secondary schooling and including all college, pre-professional, professional, and professional graduate education;
 8. a detailed chronological life history, including places and dates of residence, employment, and military service (United States or foreign);
 9. any other information or documentation the Board determines is necessary.
- B. The applicant should possess the degree of Doctor of Medicine or Osteopathy from a medical college or school located in the United States, its territories or possessions, or Canada that was approved by the Board or by a private non-profit accrediting body approved by the Board at the time the degree was conferred. No person who graduated from a medical school that was not so approved at the time of graduation should be examined for licensure or be licensed in the jurisdiction based on credentials or documentation from that school nor should such a person be licensed by endorsement.
- C. The applicant should have satisfactorily completed at least twenty-four (24) months of progressive graduate medical training approved by the Board or by a private non-profit accrediting body approved by the Board in an institution in the United States, its territories or possessions, or Canada approved by the Board or by a private non-profit accrediting body approved by the Board.
- D. The applicant should have passed medical licensing examination(s) satisfactory to the Board.
- E. The applicant should have demonstrated a familiarity with the statutes and regulations of the jurisdiction relating to the practice of medicine and the appropriate use of controlled or dangerous substances.
- F. The applicant should be physically, mentally, and professionally capable of practicing medicine in a manner acceptable to the Board and should be required to submit to a physical, mental, or professional competency examination or a drug dependency evaluation if deemed necessary by the Board.
- G. The applicant should not have been found guilty by a competent authority, United States or foreign, of any conduct that would constitute grounds for disciplinary action under the regulations of the Board or the act. The Board should be authorized, at its discretion, to modify this restriction for cause, but it should be directed to use

such discretionary authority in a consistent manner.

H. The applicant should make a personal appearance before the Board or a representative thereof for interview, examination, or review of credentials. At the discretion of the Board, the applicant should be required to present his or her original medical education credentials for inspection at the time of personal appearance.

I. The applicant should be held responsible for verifying to the satisfaction of the Board the validity of all credentials required for his or her medical licensure. The Board should review and verify medical credentials and screen applicant records through recognized national physician information services (eg, the Board Action Data Bank of the Federation of State Medical Boards, the files of the American Medical Association and the American Osteopathic Association, and other national data banks and information resources).

J. The applicant should have paid all fees and have completed and attested to the accuracy of all application and information forms required by the Board.