

LEG. FINANCE - BILLS 1979 - 1980 1102

HB 441 thru HB 445 1102



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O Smith
Signature of Camera Operator

3/20/90
Date

COMMITTEE REPORT

HOUSE

FURTHER:

April 5, 1979

Date: _____

Mr. Speaker:

The Committee on FINANCE has had HB 441

"An Act terminating the existence of the Board of Chiropractic Examiners on Jan. 1, 1981 and reassigning its responsibilities to the Dept. of Commerce and Economic Development; eff. date."

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 without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

6959
Bradley

Introduced: 4/5/79
Referred: Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 441

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act terminating the existence of the Board of
7 Chiropractic Examiners on January 1, 1981 and reassign-
8 ing its responsibilities to the Department of Commerce
9 and Economic Development; and providing for an effec-
10 tive date."

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

12 * Section 1. TERMINATION OF BOARD OF CHIROPRACTIC EXAMINERS. Notwith-
13 standing the provisions of AS 08.03.010, the Board of Chiropractic Examiners
14 will continue in existence until January 1, 1981, and after that date the
15 Department of Commerce and Economic Development will have jurisdiction over
16 the licensing of chiropractors and the practice of chiropractic under the
17 provisions of AS 08.20.005 - 08.20.220. During the period until January 1,
18 1981, the members of the board will facilitate the orderly transfer of
19 functions and responsibilities of the board to the department. Nothing in
20 this Act or AS 08.03.010 reduces or limits the authority of the board under
21 AS 08.20.010 - 08.20.220 before January 1, 1981.

22 * Sec. 2. AS 08.01.010 is amended by adding a new subsection to read:

23 (b) This chapter applies to the responsibilities of the department
24 over licensing and regulation of chiropractors (AS 08.20.005).

25 * Sec. 3. AS 08.01.050(a)(19) is amended to read:

26 (19) provide investigative services to the boards established
27 under [AS 08.20,] AS 08.32, AS 08.36, AS 08.64, AS 08.68, AS 08.71,
28 AS 08.72, AS 08.80, AS 08.84, and AS 08.86; for the purpose of assisting
29 those boards in matters of professional discipline.

1 * Sec. 4. AS 08.01.050(a) is amended by adding a new paragraph to read:
2 (20) conduct investigations in matters of professional disci-
3 pline for the profession established under AS 08.20.

4 * Sec. 5. AS 08.01.050(b) is amended to read:

5 (b) The form and content of a license [,] authorized under AS 08
6 [BY A BOARD LISTED IN AS 08.01.010], including any document evidencing
7 renewal of a license, shall be determined by the department after con-
8 sultation with and consideration of the views of any [THE] board con-
9 cerned.

10 * Sec. 6. AS 08.20 is amended by adding a new section to read:

11 Sec. 08.20.005. AUTHORITY OF DEPARTMENT. The department has
12 jurisdiction over the licensing of chiropractors and the practice of
13 chiropractic under this chapter.

14 * Sec. 7. AS 08.20.055 is amended to read:

15 Sec. 08.20.055. DEPARTMENTAL [BOARD] REGULATIONS. The department
16 [BOARD] shall adopt substantive regulations necessary to effect the
17 provisions of this chapter.

18 * Sec. 8. AS 08.20.110 is amended to read:

19 Sec. 08.20.110. APPLICATION FOR LICENSE. A person desiring to
20 practice chiropractic shall apply in writing to the department [BOARD].

21 * Sec. 9. AS 08.20.120 is amended to read:

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

24 (1) (repealed)

25 (2) has had a high school education or its equivalent;

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

28 (4) is a graduate of a legally chartered accredited school or
29 college of chiropractic, approved by the department [BOARD], which

1 requires for graduation a residence course of instruction of not less
2 than four years of nine months each;

3 (5) passes an examination given by the department [BOARD];

4 (6) (repealed)

5 (7) passes to the satisfaction of the department [BOARD] Part
6 I and Part II of the examination of the National Board of Chiropractic
7 Examiners.

8 * Sec. 10. AS 08.20.130(a) is amended to read:

9 (a) Examinations for a license to practice chiropractic may be
10 held in the time and manner fixed by the department [BOARD].

11 * Sec. 11. AS 08.20.140 is amended to read:

12 Sec. 08.20.140. OUT-OF-STATE LICENSES. The department [BOARD] may
13 issue a license without examination to an applicant presenting satis-
14 factory proof of the possession of a license or certificate of registra-
15 tion in a state or territory of the United States, or a foreign country,
16 if the requirements for registration at the date of his license are
17 considered by the department [BOARD] as equivalent to those in this
18 chapter, and if the licensing jurisdiction extends the same privilege to
19 those holding a license from this state.

20 * Sec. 12. AS 08.20.160 is amended to read:

21 Sec. 08.20.160. TEMPORARY PERMITS. Temporary permits may be
22 issued to persons apparently qualified until the next regular examina-
23 tion [MEETING OF THE BOARD].

24 * Sec. 13. AS 08.20.170 is amended to read:

25 Sec. 08.20.170. GROUNDS FOR SUSPENSION, REVOCATION OR REFUSAL TO
26 ISSUE A LICENSE. (a) The department [BOARD] may refuse to issue, or
27 may suspend or revoke a license upon any of the following grounds:

28 (1) malpractice;

29 (2) misrepresentation;

1 (3) unprofessional conduct, including but not limited to the
2 denial of care or treatment to a patient or person seeking assistance
3 from the chiropractor if the sole reason for the denial is the failure
4 or refusal of the patient or person seeking assistance to execute an
5 agreement to arbitrate a dispute, controversy, or issue arising out of
6 the care or treatment, as provided in AS 09.55.535(a);

7 (4) habitual intemperance, or addiction to the use of narco-
8 tics;

9 (5) conviction of a felony or misdemeanor involving moral
10 turpitude;

11 (6) violation of any provision of this act.

12 (b) The Administrative Procedure Act (AS 44.62) applies to any
13 action taken by the department [BOARD] for the suspension or revocation
14 of a license.

15 (c) Any person whose license is suspended or revoked may within
16 two years from date of suspension apply for reinstatement, and if the
17 department [BOARD] is satisfied that the applicant should be rein-
18 stated, it shall order reinstatement.

19 * Sec. 14. AS 08.20.175 is amended to read:

20 Sec. 08.20.175. LIMITS OR CONDITIONS ON LICENSE; DISCIPLINE. (a)
21 In addition to action under AS 08.20.170, upon a finding that by reason
22 of demonstrated problems of competence, experience, education or health
23 the authority to practice chiropractic should be limited or conditioned
24 or the practitioner disciplined, the department [BOARD] may reprimand,
25 censure, place on probation, restrict practice by specialty, procedure
26 or facility, require additional education or training, or revoke or
27 suspend a license.

28 (b) The Administrative Procedure Act (AS 44.62) applies to any
29 action taken by the department [BOARD] under this section.

1 * Sec. 15. AS 08.20.180 is amended to read:

2 Sec. 08.20.180. FEES. The department [BOARD] shall impose and
3 collect the following fees:

- 4 (1) upon the filing of an application for examination, \$25;
5 (2) upon application for re-examination, \$10;
6 (3) for issuance of temporary permit, \$25;
7 (4) initial and renewal biennial license, \$50;
8 (5) associate license, \$30.

9 * Sec. 16. AS 08.20.190 is amended to read:

10 Sec. 08.20.190. DISPOSITION OF FEES. All fees collected by the
11 department [BOARD] shall be paid into the general fund of the state.

12 * Sec. 17. AS 08.20.200 is amended to read:

13 Sec. 08.20.200. VIOLATION OF AS 08.20.100. A person who violates
14 AS 08.20.100 is guilty of a class B misdemeanor [, AND UPON CONVICTION
15 IS PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000, OR BY IMPRISONMENT FOR
16 NOT MORE THAN A YEAR, OR BY BOTH]. In prosecutions under this section,
17 evidence that the defendant has failed to file his certificate of
18 registration with the department [BOARD] is prima facie evidence that he
19 is not a licensed chiropractor.

20 * Sec. 18. REPEALER. AS 08.01.010(4), AS 08.03.010(a)(1), AS 08.20.010 -
21 08.20.050, 08.20.060, and 08.20.090 are repealed.

22 * Sec. 19. EFFECTIVE DATE. Section 1 of this Act takes effect
23 immediately in accordance with AS 01.10.070(c). Sections 2 - 18 of this Act
24 take effect January 1, 1981.

ALASKA STATE LEGISLATURE

ELEVENTH Legislature . FIRST Session

HOUSE ... BILL NO. ... 441 ..

By .. THE COMMERCE COMMITTEE ..

An Act terminating the existence of the Board of Chiropractic Examiners on January 1, 1981 and reassigning its responsibilities to the Department of Commerce and Economic Development; and providing for an effective date.

Board of Chiropractic Examiners

Introduced in the House ... 4-5 .., 19.. 79

HISTORY IN THE HOUSE

19 79

April 5

Read first time and referred to Committee on Finance

Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reconsideration

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reported correctly engrossed
Signed by Speaker
Sent to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reconsideration

PASS Effective Date
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Absent Absent
Excused Excused

Reported correctly engrossed
Signed by President
Returned to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Received from Senate

Concurred in Senate amendment thus adopting:
VOTE

Failed to concur in Senate amendment; asked Senate to recede
VOTE

Senate receded from amendment
VOTE

Senate failed to recede from amendment
VOTE

CC appointed by House

CC appointed by Senate

CC adopted by House
VOTE

CC adopted by Senate
VOTE

To enrolling
Reported correctly enrolled
Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.

Introduced: 4/5/79
Referred: Finance

1 IN THE HOUSE

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7 Chiropractic Examiners on January 1, 1981 and reassign-
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15 Department of Commerce and Economic Development will have jurisdiction over
16 the licensing of chiropractors and the practice of chiropractic under the
17 provisions of AS 08.20.005 - 08.20.220. During the period until January 1,
18 1981, the members of the board will facilitate the orderly transfer of
19 functions and responsibilities of the board to the department. Nothing in
20 this Act or AS 08.03.010 reduces or limits the authority of the board under
21 AS 08.20.010 - 08.20.220 before January 1, 1981.

22 * Sec. 2. AS 08.01.010 is amended by adding a new subsection to read:

23 (b) This chapter applies to the responsibilities of the department
24 over licensing and regulation of chiropractors (AS 08.20.005).

25 * Sec. 3. AS 08.01.050(a)(19) is amended to read:

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27 under [AS 08.20,] AS 08.32, AS 08.36, AS 08.64, AS 08.68, AS 08.71,
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21 08.20.050, 08.20.060, and 08.20.090 are repealed.

22 * Sec. 19. EFFECTIVE DATE. Section 1 of this Act takes effect
23 immediately in accordance with AS 01.10.070(c). Sections 2 - 18 of this Act
24 take effect January 1, 1981.



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James O Smith
Signature of Camera Operator

3/20/90
Date

COMMITTEE REPORT

HOUSE

FURTHER:

April 5, 1979

Date: _____

Mr. Speaker:

The Committee on FINANCE has had HB 442

"An Act terminating the existence of the Board of Examiners in Optometry on Jan. 1, 1981 and reassigning its responsibilities to the Dept. of Commerce and Economic Development; eff. date."

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- AND attaches a "Letter of Intent" New Fiscal Note
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5 A BILL

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7 Examiners in Optometry on January 1, 1981 and reas-
8 signing its responsibilities to the Department of
9 Commerce and Economic Development; and providing for an
10 effective date."

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

12 * Section 1. TERMINATION OF BOARD OF EXAMINERS IN OPTOMETRY. Notwith-
13 standing the provisions of AS 08.03.010, the Board of Examiners in Optometry
14 will continue in existence until January 1, 1981, and after that date the
15 Department of Commerce and Economic Development will have jurisdiction over
16 the licensing of optometrists and the practice of optometry under the provi-
17 sions of AS 08.72.005 - 08.72.300. During the period until January 1, 1981,
18 the members of the board will facilitate the orderly transfer of functions
19 and responsibilities of the board to the department. Nothing in this Act or
20 AS 08.03.010 reduces or limits the authority of the board under AS 08.72.-
21 010 - 08.72.300 before January 1, 1981.

22 * Sec. 2. AS 08.01.010 is amended by adding a new subsection to read:

23 (b) This chap : applies to the responsibilities of the department
24 over licensing and regulation of optometrists (AS 08.72.005).

25 * Sec. 3. AS 08.01.050(a)(19) is amended to read:

26 (19) provide investigative services to the boards established
27 under AS 08.20, AS 08.32, AS 08.36, AS 08.64, AS 08.68, AS 08.71,
28 [AS 08.72,] AS 08.80, AS 08.84, and AS 08.86, for the purpose of
29 assisting those boards in matters of professional discipline.

COMMITTEE COPY

1 * Sec. 4. AS 08.01.050(a) is amended by adding a new paragraph to read:
2 (20) provide investigative services in matters of professional
3 discipline for the profession established under AS 08.72.

4 * Sec. 5. AS 08.01.050(b) is amended to read:

5 (b) The form and content of a license [,] authorized under AS 08
6 [BY A BOARD LISTED IN AS 08.01.010], including any document evidencing
7 renewal of a license, shall be determined by the department after con-
8 sultation with and consideration of the views of any [THE] board con-
9 cerned.

10 * Sec. 6. AS 08.72 is amended by adding a new section to read:

11 Sec. 08.72.005. AUTHORITY OF DEPARTMENT. The department has
12 jurisdiction over the practice of optometry and the licensing of optome-
13 trists under this chapter.

14 * Sec. 7. AS 08.72.050 is amended to read:

15 Sec. 08.72.050. POWER OF DEPARTMENT [BOARD] TO ADOPT REGULATIONS.

16 The department [BOARD] shall adopt [RULES AND] regulations

17 [(1) NECESSARY FOR THE PROPER PERFORMANCES OF ITS DUTIES;]

18 (2) governing [THE APPLICANTS AND] applications for licensing
19 of optometrists;

20 (3) for the registration of optometrists;

21 (4) necessary to govern the practice of optometry.

22 * Sec. 8. AS 08.72.060(e) is amended to read:

23 (e) The department [BOARD] may define professional conduct and
24 adopt regulations governing [RULES OF] professional conduct.

25 * Sec. 9. AS 08.72.070 is amended to read:

26 Sec. 08.72.070. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.
27 The department [BOARD] shall comply with the Administrative Procedure
28 Act (AS 44.62).

29 * Sec. 10. AS 08.72.120 is amended to read:

1 Sec. 08.72.120. REGISTRATION. It is unlawful for a person to
2 practice, or attempt, or offer to practice, optometry without first
3 obtaining a certificate of registration from the department [BOARD], and
4 without filing the certificate with the clerk of the superior court in
5 each judicial district in which he practices.

6 * Sec. 11. AS 08.72.125 is amended to read:

7 Sec. 08.72.125. REGISTRATION OF BRANCH OFFICES. (a) The depart-
8 ment [BOARD] may issue to an Alaskan licensee who maintains a full-time
9 practice in the state but who serves other communities in the state on a
10 part-time basis a branch office certificate of registration.

11 (b) It is unlawful for a person to practice, or to attempt or
12 offer to practice, optometry in communities on a part-time basis without
13 obtaining a branch office certificate of registration from the depart-
14 ment [BOARD], and without filing the certificate with the clerk of the
15 superior court in each judicial district in which he maintains a branch
16 office.

17 (c) The department [BOARD] shall prescribe in the regulations the
18 factors to be considered in issuing a branch office certificate of
19 registration.

20 * Sec. 12. AS 08.72.140 is amended to read:

21 Sec. 08.72.140. QUALIFICATIONS FOR EXAMINATION. The department
22 [BOARD] shall admit to the examination a person who furnishes proof that

23 (1) (repealed)

24 (2) he has normal color perception and a visual acuity of a
25 standard of at least 20/40 in at least one eye as corrected;

26 (3) he is not afflicted with a contagious or infectious
27 disease;

28 (4) he has had education equivalent to four years attendance
29 at a state high school;

1 (5) he is a graduate of a recognized school or college of
2 optometry;

3 (6) he is of good moral character.

4 * Sec. 13. AS 08.72.150 is amended to read:

5 Sec. 08.72.150. APPLICATION FOR EXAMINATION AND ISSUANCE OF
6 CERTIFICATE. An applicant shall apply for the examination by filing an
7 application with the department together with the examination fee at
8 least 15 days before the examination. Upon successful completion of the
9 examination by the applicant and payment of the fee, the department
10 [BOARD] shall issue a certificate of registration as a licensed optome-
11 trist to the applicant. After the applicant has properly filed his
12 certificate of registration he may practice optometry in the state.

13 * Sec. 14. AS 08.72.170 is amended to read:

14 Sec. 08.72.170. ISSUANCE OF CERTIFICATE BY WAIVER OF WRITTEN
15 EXAMINATION. (a) The department [BOARD] may waive the written portion
16 of the examination requirement for an applicant who:

17 (1) meets the qualifications of AS 08.72.140;

18 (2) holds a current license by examination in another state,
19 territory or foreign country and has been established in ethical
20 optometric practice for at least three years before the application, or
21 shows satisfactory evidence of having passed the written portion of the
22 examination given by the National Board of Examiners in Optometry; and

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

25 * Sec. 15. AS 08.72.181(c) and (d) are amended to read:

26 (c) An application for license renewal shall contain the name,
27 office and post office address, date and license number of the licensee,
28 and other information the department [BOARD] considers necessary.

29 (d) Before a license may be renewed the licensee shall submit to

1 the department [BOARD] evidence of 24 hours post graduate education as
2 prescribed by regulations of the department [BOARD].

3 * Sec. 16. AS 08.72.240 is amended to read:

4 Sec. 08.72.240. REVOCATION OF REGISTRATION CERTIFICATE OR
5 EXEMPTION. The department [BOARD] may revoke a certificate of registra-
6 tion or exemption granted by it if the holder

7 (1) has violated an [A RULE,] order or regulation of the
8 department [BOARD]; or

9 (2) has violated this chapter or is guilty of a crime; or

10 (3) is grossly incompetent, afflicted with a contagious
11 disease, habitually drunk or guilty of unprofessional conduct; [.]

12 (4) denies care or treatment to a patient or person seeking
13 assistance from the optometrist if the sole reason for the denial is the
14 failure or refusal of the patient or person seeking assistance to
15 execute an agreement to arbitrate a dispute, controversy, or issue
16 arising out of the care or treatment, as provided in AS 09.55.535(a).

17 * Sec. 17. AS 08.72.250 is amended to read:

18 Sec. 08.72.250. DEPARTMENTAL [BOARD] ACTION ON REVOCATION AND
19 RENEWAL. In a proceeding for the revocation of a certificate of regis-
20 tration or for the annulment of registration the department [BOARD]
21 shall make a complete written report of its findings, and if the
22 department [BOARD] finds that any of the charges are sustained, the
23 department [BOARD] may revoke the certificate of the accused, or annul
24 his registration, or both. If the department [BOARD] annuls the regis-
25 tration, it shall transmit to the clerk of the judicial district in
26 which the accused is registered as an optometrist, a certificate under
27 its seal, certifying that his registration has been annulled. The clerk
28 shall, upon receipt of the certificate, file it and mark the registra-
29 tion "annulled." The department [BOARD] may, after the expiration of

1 one year, entertain an application for the renewal of a revoked certi-
2 ficate, in the same manner as an original application for a certificate
3 and may exempt the applicant from the examination.

4 * Sec. 18. AS 08.72.255 is amended to read:

5 Sec. 08.72.255. LIMITS OR CONDITIONS ON LICENSE; DISCIPLINE. (a)
6 In addition to action under AS 08.72.240 and 08.72.250, upon a finding
7 that by reason of demonstrated problems of competence, experience,
8 education, or health the authority to practice optometry under this
9 chapter should be limited or conditioned or the practitioner disci-
10 plined, the department [BOARD] may reprimand, censure, place on proba-
11 tion, restrict practice by specialty, procedure or facility, require
12 additional education or training, or revoke or suspend a license.

13 (b) The Administrative Procedure Act (AS 44.62) applies to any
14 action taken by the department [BOARD] under this section.

15 * Sec. 19. AS 08.72.260 is amended to read:

16 Sec. 08.72.260. REVOCATION OF LICENSE BY COURT. A license may be
17 revoked by the superior court upon proof of violation of law or for a
18 cause for which the department [BOARD] may refuse admittance to its
19 examination. The attorney general shall prosecute appropriate judicial
20 proceedings upon request of the department [A MEMBER OF THE BOARD].

21 * Sec. 20. AS 08.72.280 is amended to read:

22 Sec. 08.72.280. VIOLATIONS. No person may falsely personate a
23 registered optometrist, nor buy, sell or fraudulently obtain a certi-
24 ficate of registration issued to another or advertise the practice of
25 optometry in violation of regulations [RULES] of the department [BOARD].
26 Practicing or offering to practice optometry is sufficient evidence of a
27 violation of this chapter.

28 * Sec. 21. REPEALER. AS 08.01.010(11); AS 08.03.010(a)(6); AS 08.72.-
29 010 - 08.72.040; and 08.72.060(a) - (c) are repealed.

1 * Sec. 22. EFFECTIVE DATE. Section 1 of this Act takes effect immedi-
2 ately in accordance with AS 01.10.070(c). Sections 2 - 21 of this Act take
3 effect January 1, 1981.
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ALASKA STATE LEGISLATURE

ELEVENTH Legislature FIRST Session

HOUSE BILL..... NO. 442...

By ...THE COMMERCE COMMITTEE...

"An Act terminating the existence of the Board of Examiners in Optometry on January 1, 1981 and reassigning its responsibilities to the Department of Commerce and Economic Development; and providing for an effective date."

Optometry

Introduced in the House 4-5, 19...79

HISTORY IN THE HOUSE

19 79	Read first time and referred to Committee on Finance												
April 5	Reported back with recommendation that												
	Read second time and												
	Read third time and												
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	Reported correctly engrossed												
	Signed by Speaker												
	Sent to Senate												
	CHIEF CLERK OF THE HOUSE												

HISTORY IN THE SENATE

19	Read first time and referred to Committee on												
	Reported back with recommendation that												
	Read second time and												
	Read third time and												
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Yeas	Yeas												
Nays	Nays												
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Excused	Excused												
	Reported correctly engrossed												
	Signed by President												
	Returned to House												
	SECRETARY OF THE SENATE												

HISTORY IN THE HOUSE

19	Received from Senate
	Concurred in Senate amendment thus adopting: VOTE
	Failed to concur in Senate amendment; asked Senate to recede VOTE
	Senate receded from amendment VOTE
	Senate failed to recede from amendment VOTE
	CC appointed by House
	CC appointed by Senate
	CC adopted by House VOTE
	CC adopted by Senate VOTE
	To enrolling Reported correctly enrolled Sent to Governor by Governor
	Filed with Lt. Governor
	Chapter No.

Introduced: 4/5/79
Referred: Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 442

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act terminating the existence of the Board of
7 Examiners in Optometry on January 1, 1981 and reas-
8 signing its responsibilities to the Department of
9 Commerce and Economic Development; and providing for an
10 effective date."

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

12 * Section 1. TERMINATION OF BOARD OF EXAMINERS IN OPTOMETRY. Notwith-
13 standing the provisions of AS 08.03.010, the Board of Examiners in Optometry
14 will continue in existence until January 1, 1981, and after that date the
15 Department of Commerce and Economic Levelopment will have jurisdiction over
16 the licensing of optometrists and the practice of optometry under the provi-
17 sions of AS 08.72.005 - 08.72.300. During the period until January 1, 1981,
18 the members of the board will facilitate the orderly transfer of functions
19 and responsibilities of the board to the department. Nothing in this Act or
20 AS 08.03.010 reduces or limits the authority of the board under AS 08.72.-
21 010 - 08.72.300 before January 1, 1981.

22 * Sec. 2. AS 08.01.010 is amended by adding a new subsection to read:

23 (b) This chapter applies to the responsibilities of the department
24 over licensing and regulation of optometrists (AS 08.72.005).

25 * Sec. 3. AS 08.01.050(a)(19) is amended to read:

26 (19) provide investigative services to the boards established
27 under AS 08.20, AS 08.32, AS 08.36, AS 08.64, AS 08.68, AS 08.71,
28 [AS 08.72,] AS 08.80, AS 08.84, and AS 08.86, for the purpose of
29 assisting those boards in matters of professional discipline.

1 * Sec. 4. AS 08.01.050(a) is amended by adding a new paragraph to read:

2 (20) provide investigative services in matters of professional
3 discipline for the profession established under AS 08.72.

4 * Sec. 5. AS 08.01.050(b) is amended to read:

5 (b) The form and content of a license [,] authorized under AS 08
6 [BY A BOARD LISTED IN AS 08.01.010], including any document evidencing
7 renewal of a license, shall be determined by the department after con-
8 sultation with and consideration of the views of any [THE] board con-
9 cerned.

10 * Sec. 6. AS 08.72 is amended by adding a new section to read:

11 Sec. 08.72.005. AUTHORITY OF DEPARTMENT. The department has
12 jurisdiction over the practice of optometry and the licensing of optome-
13 trists under this chapter.

14 * Sec. 7. AS 08.72.050 is amended to read:

15 Sec. 08.72.050. POWER OF DEPARTMENT [BOARD] TO ADOPT REGULATIONS.
16 The department [BOARD] shall adopt [RULES AND] regulations
17 [(1) NECESSARY FOR THE PROPER PFRFORMANCES OF ITS DUTIES;]
18 (2) governing [THE APPLICANTS AND] applications for licensing
19 of optometrists;
20 (3) for the registration of optometrists;
21 (4) necessary to govern the practice of optometry.

22 * Sec. 8. AS 08.72.060(e) is amended to read:

23 (e) The department [BOARD] may define professional conduct and
24 adopt regulations governing [RULES OF] professional conduct.

25 * Sec. 9. AS 08.72.070 is amended to read:

26 Sec. 08.72.070. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.
27 The department [BOARD] shall comply with the Administrative Procedure
28 Act (AS 44.62).

29 * Sec. 10. AS 08.72.120 is amended to read:

1 Sec. 08.72.120. REGISTRATION. It is unlawful for a person to
2 practice, or attempt, or offer to practice, optometry without first
3 obtaining a certificate of registration from the department [BOARD], and
4 without filing the certificate with the clerk of the superior court in
5 each judicial district in which he practices.

6 * Sec. 11. AS 08.72.125 is amended to read:

7 Sec. 08.72.125. REGISTRATION OF BRANCH OFFICES. (a) The depart-
8 ment [BOARD] may issue to an Alaskan licensee who maintains a full-time
9 practice in the state but who serves other communities in the state on a
10 part-time basis a branch office certificate of registration.

11 (b) It is unlawful for a person to practice, or to attempt or
12 offer to practice, optometry in communities on a part-time basis without
13 obtaining a branch office certificate of registration from the depart-
14 ment [BOARD], and without filing the certificate with the clerk of the
15 superior court in each judicial district in which he maintains a branch
16 office.

17 (c) The department [BOARD] shall prescribe in the regulations the
18 factors to be considered in issuing a branch office certificate of
19 registration.

20 * Sec. 12. AS 08.72.140 is amended to read:

21 Sec. 08.72.140. QUALIFICATIONS FOR EXAMINATION. The department
22 [BOARD] shall admit to the examination a person who furnishes proof that

23 (1) (repealed)

24 (2) he has normal color perception and a visual acuity of a
25 standard of at least 20/40 in at least one eye as corrected;

26 (3) he is not afflicted with a contagious or infectious
27 disease;

28 (4) he has had education equivalent to four years attendance
29 at a state high school;

1 (5) he is a graduate of a recognized school or college of
2 optometry;

3 (6) he is of good moral character.

4 * Sec. 13. AS 08.72.150 is amended to read:

5 Sec. 08.72.150. APPLICATION FOR EXAMINATION AND ISSUANCE OF
6 CERTIFICATE. An applicant shall apply for the examination by filing an
7 application with the department together with the examination fee at
8 least 15 days before the examination. Upon successful completion of the
9 examination by the applicant and payment of the fee, the department
10 [BOARD] shall issue a certificate of registration as a licensed optome-
11 trist to the applicant. After the applicant has properly filed his
12 certificate of registration he may practice optometry in the state.

13 * Sec. 14. AS 08.72.170 is amended to read:

14 Sec. 08.72.170. ISSUANCE OF CERTIFICATE BY WAIVER OF WRITTEN
15 EXAMINATION. (a) The department [BOARD] may waive the written portion
16 of the examination requirement for an applicant who:

17 (1) meets the qualifications of AS 08.72.140;

18 (2) holds a current license by examination in another state,
19 territory or foreign country and has been established in ethical
20 optometric practice for at least three years before the application, or
21 shows satisfactory evidence of having passed the written portion of the
22 examination given by the National Board of Examiners in Optometry; and

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

25 * Sec. 15. AS 08.72.181(c) and (d) are amended to read:

26 (c) An application for license renewal shall contain the name,
27 office and post office address, date and license number of the licensee,
28 and other information the department [BOARD] considers necessary.

29 (d) Before a license may be renewed the licensee shall submit to

1 the department [BOARD] evidence of 24 hours post graduate education as
2 prescribed by regulations of the department [BOARD].

3 * Sec. 16. AS 08.72.240 is amended to read:

4 Sec. 08.72.240. REVOCATION OF REGISTRATION CERTIFICATE OR
5 EXEMPTION. The department [BOARD] may revoke a certificate of registra-
6 tion or exemption granted by it if the holder

7 (1) has violated an [A RULE,] order or regulation of the
8 department [BOARD]; or

9 (2) has violated this chapter or is guilty of a crime; or

10 (3) is grossly incompetent, afflicted with a contagious
11 disease, habitually drunk or guilty of unprofessional conduct; [.]

12 (4) denies care or treatment to a patient or person seeking
13 assistance from the optometrist if the sole reason for the denial is the
14 failure or refusal of the patient or person seeking assistance to
15 execute an agreement to arbitrate a dispute, controversy, or issue
16 arising out of the care or treatment, as provided in AS 09.55.535(a).

17 * Sec. 17. AS 08.72.250 is amended to read:

18 Sec. 08.72.250. DEPARTMENTAL [BOARD] ACTION ON REVOCATION AND
19 RENEWAL. In a proceeding for the revocation of a certificate of regis-
20 tration or for the annulment of registration the department [BOARD]
21 shall make a complete written report of its findings, and if the
22 department [BOARD] finds that any of the charges are sustained, the
23 department [BOARD] may revoke the certificate of the accused, or annul
24 his registration, or both. If the department [BOARD] annuls the regis-
25 tration, it shall transmit to the clerk of the judicial district in
26 which the accused is registered as an optometrist, a certificate under
27 its seal, certifying that his registration has been annulled. The clerk
28 shall, upon receipt of the certificate, file it and mark the registra-
29 tion "annulled." The department [BOARD] may, after the expiration of

1 one year, entertain an application for the renewal of a revoked certi-
2 ficate, in the same manner as an original application for a certificate
3 and may exempt the applicant from the examination.

4 * Sec. 18. AS 08.72.255 is amended to read:

5 Sec. 08.72.255. LIMITS OR CONDITIONS ON LICENSE; DISCIPLINE. (a)
6 In addition to action under AS 08.72.240 and 08.72.250, upon a finding
7 that by reason of demonstrated problems of competence, experience,
8 education, or health the authority to practice optometry under this
9 chapter should be limited or conditioned or the practitioner disci-
10 plined, the department [BOARD] may reprimand, censure, place on proba-
11 tion, restrict practice by specialty, procedure or facility, require
12 additional education or training, or revoke or suspend a license.

13 (b) The Administrative Procedure Act (AS 44.62) applies to any
14 action taken by the department [BOARD] under this section.

15 * Sec. 19. AS 08.72.260 is amended to read:

16 Sec. 08.72.260. REVOCATION OF LICENSE BY COURT. A license may be
17 revoked by the superior court upon proof of violation of law or for a
18 cause for which the department [BOARD] may refuse admittance to its
19 examination. The attorney general shall prosecute appropriate judicial
20 proceedings upon request of the department [A MEMBER OF THE BOARD].

21 * Sec. 20. AS 08.72.280 is amended to read:

22 Sec. 08.72.280. VIOLATIONS. No person may falsely personate a
23 registered optometrist, nor buy, sell or fraudulently obtain a certi-
24 ficate of registration issued to another or advertise the practice of
25 optometry in violation of regulations [RULES] of the department [BOARD].
26 Practicing or offering to practice optometry is sufficient evidence of a
27 violation of this chapter.

28 * Sec. 21. REPEALER. AS 08.01.010(11); AS 08.03.010(a)(6); AS 08.72.-
29 010 - 08.72.040; and 08.72.060(a) - (c) are repealed.

1 * Sec. 22. EFFECTIVE DATE. Section 1 of this Act takes effect immedi-
2 ately in accordance with AS 01.10.070(c). Sections 2 - 21 of this Act take
3 effect January 1, 1981.

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RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O Smith
Signature of Camera Operator

3/20/90
Date

COMMITTEE REPORT

HOUSE

FURTHER:

April 5, 1979

Date: _____

Mr. Speaker:

The Committee on FINANCE has had HB 443

"An Act terminating the existence of the Board of Dispensing Opticians on Jan. 1, 1981 and reassigning its responsibilities to the Dept. of Commerce and Economic Development; eff. date."

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 without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

6967
Brodley

Introduced: 4/5/79
Referred: Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 443

3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act terminating the existence of the Board of
7 Dispensing Opticians on January 1, 1981 and reassigning
8 its responsibilities to the Department of Commerce and
9 Economic Development; and providing for an effective
10 date."

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

12 * Section 1. TERMINATION OF BOARD OF DISPENSING OPTICIANS. Notwithstand-
13 ing the provisions of AS 08.03.010, the Board of Dispensing Opticians will
14 continue in existence until January 1, 1981, and after that date the Depart-
15 ment of Commerce and Economic Development will have jurisdiction over the
16 licensing of dispensing opticians under the provisons of AS 08.71.005 -
17 08.71.240. During the period until January 1, 1981, the members of the board
18 will facilitate the orderly transfer of functions and responsibilities of the
19 board to the department. Nothing in this Act or AS 08.03.010 reduces or
20 limits the authority of the board under AS 08.71.010 - 08.71.240 before
21 January 1, 1981.

22 * Sec. 2. AS 08.01.010 is amended by adding a new subsection to read:

23 (b) This chapter applies to the responsibilities of the department
24 over licensing and regulation of dispensing opticians (AS 08.71.005).

25 * Sec. 3. AS 08.01.050(a)(19) is amended to read:

26 (19) provide investigative services to the boards established
27 under AS 08.20, AS 08.32, AS 08.36, AS 08.64, AS 08.68, [AS 08.71,]
28 AS 08.72, AS 08.80, AS 08.84, and AS 08.86 for the purpose of assisting
29 those boards in matters of professional discipline.

1 * Sec. 4. AS 08.01.050(a) is amended by adding a new paragraph to read:
2 (20) provide investigative services in matters of professional
3 discipline for the profession established under AS 08.71.

4 * Sec. 5. AS 08.01.050(b) is amended to read:

5 (b) The form and content of a license [,] authorized under AS 08
6 [BY A BOARD LISTED IN AS 08.01.010], including any document evidencing
7 renewal of a license, shall be determined by the department after con-
8 sultation with and consideration of the views of any [THE] board con-
9 cerned.

10 * Sec. 6. AS 08.71 is amended by adding a new section to read:

11 Sec. 08.71.005. AUTHORITY OF DEPARTMENT. The department has
12 jurisdiction over the licensing and the practice of dispensing opticians
13 under this chapter.

14 * Sec. 7. AS 08.71.050 is amended to read:

15 Sec. 08.71.050. DEPARTMENTAL [BOARD] REGULATIONS. The department
16 [BOARD] may adopt regulations:

17 (1) necessary or advisable to carry out the provisions of
18 this chapter and which help to assure the competency of dispensing
19 opticians and prevent conduct on their part which would tend to do harm
20 to the visual health of the public;

21 (2) governing the practice of dispensing opticians;

22 (3) specifying the subject matter to be covered in examina-
23 tions for dispensing opticians.

24 * Sec. 8. AS 08.71.070 is amended to read:

25 Sec. 08.71.070. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.
26 The department [BOARD] shall comply with the Administrative Procedure
27 Act (AS 44.62).

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

29 Sec. 08.71.080. LICENSE REQUIRED. No person may act as a dis-

1 dispensing optician in the state unless he is licensed under this chapter.
2 In order to be licensed under this chapter, a person shall pass an
3 examination given by the department [BOARD], unless he is eligible for
4 licensing without examination under AS 08.71.150. A license shall be
5 issued for (1) the dispensing of contact lenses, or (2) the dispensing
6 of other lenses, eyeglasses, spectacles, artificial eyes, and their
7 appurtenances, or (3) both. The department [BOARD] shall by endorsement
8 on the license designate for which aspect of dispensing opticianry the
9 license is issued. The department [BOARD] shall license successful
10 examinees.

11 * Sec. 10. AS 08.71.090 is amended to read:

12 Sec. 08.71.090. CONTENT OF EXAMINATION. To be licensed as a
13 dispensing optician a person, unless eligible for licensing without
14 examination under AS 08.71.150, shall pass an examination given by the
15 department [BOARD]. At the discretion of the department [BOARD], the
16 examination may test orally, in writing, or otherwise, knowledge and
17 skills in any or all of the following subjects: optics, anatomy,
18 laboratory technology, ophthalmic dispensing, contact lens technology,
19 technical mathematics and physics, and business concepts of optical dis-
20 pensing.

21 * Sec. 11. AS 08.71.100 is amended to read:

22 Sec. 08.71.100. ADMINISTRATION OF EXAMINATION. The department
23 [BOARD] shall offer an examination at least once a year. Examinations
24 shall be administered so that one who grades the written part of the
25 examination does not know whose paper he is grading.

26 * Sec. 12. AS 08.71.130(c) and (d) are amended to read:

27 (c) If the license remains lapsed for more than one year, the
28 department [BOARD] may require the applicant to be examined under AS 08.
29 71.090.

1 (d) Before a license may be renewed the licensee shall submit to
2 the department [BOARD] evidence of 15 hours of continuing competence in
3 optical dispensing as prescribed by regulations of the department
4 [BOARD].

5 * Sec. 13. AS 08.71.150 is amended to read:

6 Sec. 08.71.150. ISSUANCE OF LICENSE BY RECIPROCITY. An applicant
7 who has been licensed and has been practicing as a dispensing optician
8 in a state, territory, district or possession of the United States which
9 has requirements for licensing and gives reciprocal rights equivalent to
10 those of this state, and who otherwise meet the requirements of AS 08.-
11 71.110, shall be licensed by the department [BOARD] without examination.

12 * Sec. 14. AS 08.71.160(a) is amended to read:

13 (a) A person may be employed by a licensed dispensing optician as
14 an apprentice. An apprentice shall be designated as such in the records
15 of the department [BOARD] at the request of a licensed physician,
16 optometrist or dispensing optician and shall be in training and under
17 the direct supervision of a licensed physician, optometrist or dis-
18 pensing optician. No apprentice may be employed under this section for
19 longer than six years unless the department [BOARD] determines that an
20 apprentice is prevented by circumstances beyond his control from obtain-
21 ing a license as a dispensing optician within that time.

22 * Sec. 15. AS 08.71.170 is amended to read:

23 Sec. 08.71.170. GROUNDS FOR REVOCATION, SUSPENSION OR DENIAL OF
24 LICENSE. The department [BOARD], after compliance with the Administra-
25 tive Procedure Act (AS 44.62), may revoke, suspend or deny the license
26 of a person who

- 27 (1) has been convicted of a felony involving moral turpitude;
28 (2) is addicted to the use of alcohol or any other drug;
29 (3) has used advertising, whether printed, radio, display, or

1 of any other nature, which is fraudulent, misleading or inaccurate in
2 any material particular, or misrepresents in any way goods, services or
3 credit terms, values, policies, services or the nature or form of the
4 business conducted,

5 (4) has practiced fraud or deception in his application for
6 or in his examination for a license;

7 (5) has used the word "licensed", "registered", or any of
8 their synonyms publicly, except as provided in AS 08.71.140;

9 (6) has displayed or published directly or indirectly by any
10 means, a price, terms of payment, or a discount, or a policy or practice
11 of generally underselling competitors, or any reference to the benefits
12 available to the subscribers to any prepaid health plan;

13 (7) has participated in the division, assignment, rebate or
14 refund of fees to a physician or optometrist in consideration of patient
15 referrals;

16 (8) has bartered or given away as premiums in any manner
17 either on his own account or as agent or representative for another
18 person, firm or corporation, any eyeglasses, spectacles, lenses or
19 frames;

20 (9) has advertised the "free examinations of eyes", "free
21 consultation", "consultation without obligation", "free advice", or any
22 words or phrases of similar import which convey the impression to the
23 public that eyes are examined free or are of a character tending to
24 deceive or mislead the public, or are in the nature of "bait advertis-
25 ing";

26 (10) has employed either directly or indirectly any person
27 commonly known as a "capper" or a "steerer" to obtain business;

28 (11) has solicited or employed any person to solicit from
29 house to house;

1 (12) has used advertising offering a service to the public for
2 which he is not licensed under this chapter; however, nothing in this
3 section prohibits the optician from advertising merchandise for which
4 the license which is the subject of this chapter is not required;

5 (13) has engaged in a group contract for the duplication of
6 eyeglasses or spectacles without a written prescription from an optome-
7 trist or physician; [OR]

8 (14) has advertised the services of any other segment of the
9 healing arts; [.]

10 (15) denies care or treatment to a patient or person seeking
11 assistance from the optician if the sole reason for the denial is the
12 failure or refusal of the patient to execute an agreement to arbitrate a
13 dispute, controversy, or issue arising out of the care or treatment, as
14 provided in AS 09.55.535(a).

15 * Sec. 16. AS 08.71.175 is amended to read:

16 Sec. 08.71.175. LIMITS OR CONDITIONS ON LICENSE; DISCIPLINE. (a)
17 In addition to action under AS 08.71.170, upon a finding that by reason
18 of demonstrated problems of competence, experience, education, or health
19 the authority to practice as a dispensing optician under this chapter
20 should be limited or conditioned or the practitioner disciplined, the
21 department [BOARD] may reprimand, censure, place on probation, restrict
22 practice by procedure or facility, require additional education or
23 training, or revoke or suspend a license.

24 (b) The Administrative Procedure Act (AS 44.62) applies to any
25 action taken by the department [BOARD] under this section.

26 * Sec. 17. AS 08.71.220(a) and (b) are amended to read:

27 (a) Within 60 days after July 1, 1973, a person who has been
28 engaged in practice in Alaska as a dispensing optician for a period of
29 at least six months immediately preceding July 1, 1973 shall be issued a

1 license without examination upon the payment of a fee of \$50 and a
2 certification to the department [BOARD] under oath that he is of good
3 moral character and that

4 (1) he has been engaged as a dispensing optician for not less
5 than 3,000 hours; or

6 (2) he has been engaged as a dispensing optician in contact
7 lens fitting for not less than 6,000 hours.

8 (b) If a person qualifies for a license under (a)(1) or (2) of
9 this section, the department [BOARD] shall by endorsement on the license
10 designate for which aspect of dispensing opticianry the license is
11 issued. If a person qualifies for a license under (a)(1) and (2) of
12 this section, the department [BOARD] shall by endorsement on the license
13 so designate.

14 * Sec. 18. REPEALER. AS 08.01.010(19), AS 08.03.010(a)(5), AS 08.71.-
15 010 - 08.71.040, 08.71.060, and 08.71.240(1) are repealed.

16 * Sec. 19. EFFECTIVE DATE. Section 1 of this Act takes effect immedi-
17 ately in accordance with AS 01.10.070(c). Sections 2 - 18 of this Act take
18 effect January 1, 1981.

ALASKA STATE LEGISLATURE

ELEVENTH Legislature . . . FIRST Session

HOUSE BILL NO. 443 . . .

By . . . THE COMMERCE COMMITTEE

"An Act terminating the existence of the Board of Dispensing Opticians on January 1, 1981 and reassigning its responsibilities to the Department of Commerce and Economic Development and providing for an effective date."

Board of Dispensing Opticians

Introduced in the House 4-5, 19. 79

HISTORY IN THE HOUSE

19	79	Read first time and referred to Committee on Finance												
April	5	Reported back with recommendation that												
		Read second time and												
		Read third time and												
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		Reported correctly engrossed Signed by Speaker Sent to Senate												
CHIEF CLERK OF THE HOUSE														

HISTORY IN THE SENATE

19		Read first time and referred to Committee on												
		Reported back with recommendation that												
		Read second time and												
		Read third time and												
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PASS	Effective Date													
Yeas	Yeas													
Nays	Nays													
Absent	Absent													
Excused	Excused													
		Reported correctly engrossed Signed by President Returned to House												
SECRETARY OF THE SENATE														

HISTORY IN THE HOUSE

19		Received from Senate
		Concurred in Senate amendment thus adopting: VOTE
		Failed to concur in Senate amendment; asked Senate to recede VOTE
		Senate receded from amendment VOTE
		Senate failed to recede from amendment VOTE
		CC appointed by House
		CC appointed by Senate
		CC adopted by House VOTE
		CC adopted by Senate VOTE
		To enrolling Reported correctly enrolled Sent to Governor by Governor
		Filed with Lt. Governor
		Chapter No.

Introduced: 4/5/79
Referred: Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 443

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act terminating the existence of the Board of
7 Dispensing Opticians on January 1, 1981 and reassigning
8 its responsibilities to the Department of Commerce and
9 Economic Development; and providing for an effective
10 date."

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

12 * Section 1. TERMINATION OF BOARD OF DISPENSING OPTICIANS. Notwithstand-
13 ing the provisions of AS 08.03.010, the Board of Dispensing Opticians will
14 continue in existence until January 1, 1981, and after that date the Depart-
15 ment of Commerce and Economic Development will have jurisdiction over the
16 licensing of dispensing opticians under the provisions of AS 08.71.005 -
17 08.71.240. During the period until January 1, 1981, the members of the board
18 will facilitate the orderly transfer of functions and responsibilities of the
19 board to the department. Nothing in this Act or AS 08.03.010 reduces or
20 limits the authority of the board under AS 08.71.010 - 08.71.240 before
21 January 1, 1981.

22 * Sec. 2. AS 08.01.010 is amended by adding a new subsection to read:

23 (b) This chapter applies to the responsibilities of the department
24 over licensing and regulation of dispensing opticians (AS 08.71.005).

25 * Sec. 3. AS 08.01.050(a)(19) is amended to read:

26 (19) provide investigative services to the boards established
27 under AS 08.20, AS 08.32, AS 08.36, AS 08.64, AS 08.68, [AS 08.71,]
28 AS 08.72, AS 08.80, AS 08.84, and AS 08.86 for the purpose of assisting
29 those boards in matters of professional discipline.

1 * Sec. 4. AS 08.01.050(a) is amended by adding a new paragraph to read:
2 (20) provide investigative services in matters of professional
3 discipline for the profession established under AS 08.71.

4 * Sec. 5. AS 08.01.050(b) is amended to read:

5 (b) The form and content of a license [,] authorized under AS 08
6 [BY A BOARD LISTED IN AS 08.01.010], including any document evidencing
7 renewal of a license, shall be determined by the department after con-
8 sultation with and consideration of the views of any [THE] board con-
9 cerned.

10 * Sec. 6. AS 08.71 is amended by adding a new section to read:

11 Sec. 08.71.005. AUTHORITY OF DEPARTMENT. The department has
12 jurisdiction over the licensing and the practice of dispensing opticians
13 under this chapter.

14 * Sec. 7. AS 08.71.050 is amended to read:

15 Sec. 08.71.050. DEPARTMENTAL [BOARD] REGULATIONS. The department
16 [BOARD] may adopt regulations:

17 (1) necessary or advisable to carry out the provisions of
18 this chapter and which help to assure the competency of dispensing
19 opticians and prevent conduct on their part which would tend to do harm
20 to the visual health of the public;

21 (2) governing the practice of dispensing opticians;

22 (3) specifying the subject matter to be covered in examina-
23 tions for dispensing opticians.

24 * Sec. 8. AS 08.71.070 is amended to read:

25 Sec. 08.71.070. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.
26 The department [BOARD] shall comply with the Administrative Procedure
27 Act (AS 44.62).

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

29 Sec. 08.71.080. LICENSE REQUIRED. No person may act as a dis-

1 dispensing optician in the state unless he is licensed under this chapter.
2 In order to be licensed under this chapter, a person shall pass an
3 examination given by the department [BOARD], unless he is eligible for
4 licensing without examination under AS 08.71.150. A license shall be
5 issued for (1) the dispensing of contact lenses, or (2) the dispensing
6 of other lenses, eyeglasses, spectacles, artificial eyes, and their
7 appurtenances, or (3) both. The department [BOARD] shall by endorsement
8 on the license designate for which aspect of dispensing opticianry the
9 license is issued. The department [BOARD] shall license successful
10 examinees.

11 * Sec. 10. AS 08.71.090 is amended to read:

12 Sec. 08.71.090. CONTENT OF EXAMINATION. To be licensed as a
13 dispensing optician a person, unless eligible for licensing without
14 examination under AS 08.71.150, shall pass an examination given by the
15 department [BOARD]. At the discretion of the department [BOARD], the
16 examination may test orally, in writing, or otherwise, knowledge and
17 skills in any or all of the following subjects: optics, anatomy,
18 laboratory technology, ophthalmic dispensing, contact lens technology,
19 technical mathematics and physics, and business concepts of optical dis-
20 pensing.

21 * Sec. 11. AS 08.71.100 is amended to read:

22 Sec. 08.71.100. ADMINISTRATION OF EXAMINATION. The department
23 [BOARD] shall offer an examination at least once a year. Examinations
24 shall be administered so that one who grades the written part of the
25 examination does not know whose paper he is grading.

26 * Sec. 12. AS 08.71.130(c) and (d) are amended to read:

27 (c) If the license remains lapsed for more than one year, the
28 department [BOARD] may require the applicant to be examined under AS 08.
29 71.090.

1 (d) Before a license may be renewed the licensee shall submit to
2 the department [BOARD] evidence of 15 hours of continuing competence in
3 optical dispensing as prescribed by regulations of the department
4 [BOARD].

5 * Sec. 13. AS 08.71.150 is amended to read:

6 Sec. 08.71.150. ISSUANCE OF LICENSE BY RECIPROCITY. An applicant
7 who has been licensed and has been practicing as a dispensing optician
8 in a state, territory, district or possession of the United States which
9 has requirements for licensing and gives reciprocal rights equivalent to
10 those of this state, and who otherwise meet the requirements of AS 08.-
11 71.110, shall be licensed by the department [BOARD] without examination.

12 * Sec. 14. AS 08.71.160(a) is amended to read:

13 (a) A person may be employed by a licensed dispensing optician as
14 an apprentice. An apprentice shall be designated as such in the records
15 of the department [BOARD] at the request of a licensed physician,
16 optometrist or dispensing optician and shall be in training and under
17 the direct supervision of a licensed physician, optometrist or dis-
18 pensing optician. No apprentice may be employed under this section for
19 longer than six years unless the department [BOARD] determines that an
20 apprentice is prevented by circumstances beyond his control from obtain-
21 ing a license as a dispensing optician within that time.

22 * Sec. 15. AS 08.71.170 is amended to read:

23 Sec. 08.71.170. GROUNDS FOR REVOCATION, SUSPENSION OR DENIAL OF
24 LICENSE. The department [BOARD], after compliance with the Administra-
25 tive Procedure Act (AS 44.62), may revoke, suspend or deny the license
26 of a person who

- 27 (1) has been convicted of a felony involving moral turpitude;
28 (2) is addicted to the use of alcohol or any other drug;
29 (3) has used advertising, whether printed, radio, display, or

1 of any other nature, which is fraudulent, misleading or inaccurate in
2 an material particular, or misrepresents in any way goods, services or
3 credit terms, values, policies, services or the nature or form of the
4 business conducted;

5 (4) has practiced fraud or deception in his application for
6 or in his examination for a license;

7 (5) has used the word "licensed", "registered", or any of
8 their synonyms publicly, except as provided in AS 08.71.140;

9 (6) has displayed or published directly or indirectly by any
10 means, a price, terms of payment, or a discount, or a policy or practice
11 of generally underselling competitors, or any reference to the benefits
12 available to the subscribers to any prepaid health plan;

13 (7) has participated in the division, assignment, rebate or
14 refund of fees to a physician or optometrist in consideration of patient
15 referrals;

16 (8) has bartered or given away as premiums in any manner
17 either on his own account or as agent or representative for another
18 person, firm or corporation, any eyeglasses, spectacles, lenses or
19 frames;

20 (9) has advertised the "free examinations of eyes", "free
21 consultation", "consultation without obligation", "free advice", or any
22 words or phrases of similar import which convey the impression to the
23 public that eyes are examined free or are of a character tending to
24 deceive or mislead the public, or are in the nature of "bait advertis-
25 ing";

26 (10) has employed either directly or indirectly any person
27 commonly known as a "capper" or a "steerer" to obtain business;

28 (11) has solicited or employed any person to solicit from
29 house to house;

1 (12) has used advertising offering a service to the public for
2 which he is not licensed under this chapter; however, nothing in this
3 section prohibits the optician from advertising merchandise for which
4 the license which is the subject of this chapter is not required;

5 (13) has engaged in a group contract for the duplication of
6 eyeglasses or spectacles without a written prescription from an optome-
7 trist or physician; [OR]

8 (14) has advertised the services of any other segment of the
9 healing arts; [.]

10 (15) denies care or treatment to a patient or person seeking
11 assistance from the optician if the sole reason for the denial is the
12 failure or refusal of the patient to execute an agreement to arbitrate a
13 dispute, controversy, or issue arising out of the care or treatment, as
14 provided in AS 09.55.535(a).

15 * Sec. 16. AS 08.71.175 is amended to read:

16 Sec. 08.71.175. LIMITS OR CONDITIONS ON LICENSE; DISCIPLINE. (a)
17 In addition to act on under AS 08.71.170, upon a finding that by reason
18 of demonstrated problems of competence, experience, education, or health
19 the authority to practice as a dispensing optician under this chapter
20 should be limited or conditioned or the practitioner disciplined, the
21 department [BOARD] may reprimand, censure, place on probation, restrict
22 practice by procedure or facility, require additional education or
23 training, or revoke or suspend a license.

24 (b) The Administrative Procedure Act (AS 44.62) applies to any
25 action taken by the department [BOARD] under this section.

26 * Sec. 17. AS 08.71.220(a) and (b) are amended to read:

27 (a) Within 60 days after July 1, 1973, a person who has been
28 engaged in practice in Alaska as a dispensing optician for a period of
29 at least six months immediately preceding July 1, 1973 shall be issued a

1 license without examination upon the payment of a fee of \$50 and a
2 certification to the department [BOARD] under oath that he is of good
3 moral character and that

4 (1) he has been engaged as a dispensing optician for not less
5 than 3,000 hours; or

6 (2) he has been engaged as a dispensing optician in contact
7 lens fitting for not less than 6,000 hours.

8 (b) If a person qualifies for a license under (a)(1) or (2) of
9 this section, the department [BOARD] shall by endorsement on the license
10 designate for which aspect of dispensing opticianry the license is
11 issued. If a person qualifies for a license under (a)(1) and (2) of
12 this section, the department [BOARD] shall by endorsement on the license
13 so designate.

14 * Sec. 18. REPEALER. AS 08.01.010(19), AS 08.03.010(a)(5), AS 08.71.-
15 010 - 08.71.040, 08.71.060, and 08.71.240(1) are repealed.

16 * Sec. 19. EFFECTIVE DATE. Section 1 of this Act takes effect immedi-
17 ately in accordance with AS 01.10.070(c). Sections 2 - 18 of this Act take
18 effect January 1, 1981.



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O Smith
Signature of Camera Operator

3/20/90
Date

(11)

COMMITTEE REPORT
HOUSE

FURTHER:

April 5, 1979

Date: _____

Mr. Speaker:

The Committee on FINANCE has had H3 444

"An Act terminating the existence of the Board of Veterinary Examiners on January 1, 1981 and reassigning its responsibilities to the Department of Commerce and Economic Development; eff. date."

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 without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

6964
Bradley

Introduced: 4/5/79
Referred: Finance

1 IN THE HOUSF

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 444

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act terminating the existence of the Board of
7 Veterinary Examiners on January 1, 1981 and reassigning
8 its responsibilities to the Department of Commerce and
9 Economic Development; and providing for an effective
10 date."

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

12 * Section 1. TERMINATION OF BOARD OF VETERINARIAN EXAMINERS. Notwith-
13 standing the provisions of AS 08.03.010, the Board of Veterinary Examiners
14 will continue in existence until January 1, 1981, and after that date the
15 Department of Commerce and Economic Development will have jurisdiction over
16 the licensing of veterinarians and the practice of veterinary medicine,
17 surgery, or dentistry under the provisions of AS 08.98.005 - 08.98.250.
18 During the period until January 1, 1981, the members of the board will
19 facilitate the orderly transfer of functions and responsibilities of the
20 board to the department. Nothing in this Act or AS 08.03.010 reduces or
21 limits the authority of the board under AS 08.98.010 - 08.98.250 before
22 January 1, 1981.

23 * Sec. 2. AS 08.01.010 is amended by adding a new subsection to read:

24 (b) This chapter applies to the responsibilities of the department
25 over licensing and regulations of veterinarians (AS 08.98.010).

26 * Sec. 3. AS 08.01.050(b) is amended to read:

27 (b) The form and content of the license [,] authorized under AS 08
28 [BY A BOARD LISTED IN AS 08.01.010], including any document evidencing
29 renewal of a license, shall be determined by the department after con-

HB 444

1 sultation with and consideration of the views of any [THE] board con-
2 cerned.

3 * Sec. 4. AS 08.98 is amended by adding a new section to read:

4 Sec. 08.98.005. AUTHORITY OF DEPARTMENT. The department has
5 jurisdiction over the licensing of veterinarians and the practice of
6 veterinary medicine, surgery, and dentistry under this chapter.

7 * Sec. 5. AS 08.98.050 is amended to read:

8 Sec. 08.98.050. DUTIES OF THE DEPARTMENT [BOARD]. The department
9 [BOARD] shall

10 (1) pass on qualifications of applicants for licenses and
11 issue licenses to those who qualify;

12 (2) prepare and grade examinations, provided that the depart-
13 ment [BOARD] may use examinations prepared by the National Board of
14 Veterinary Examiners;

15 (3) after hearing, have the authority to suspend or revoke
16 the license of a licensed veterinarian who

17 (A) obtained his license by fraud, misrepresentation, or
18 deception;

19 (B) is chronically drunk or is a drug addict;

20 (C) makes untruthful statements about his professional
21 ability, to solicit business;

22 (D) distributes alcohol or drugs except as required by
23 the practice of veterinary medicine, surgery, or dentistry;

24 (E) in his professional capacity, conducts himself in a
25 way that indicates he is not a competent veterinarian;

26 (F) is convicted of a felony or any crime involving
27 moral turpitude;

28 (G) falsifies an official state or federal certificate
29 relating to veterinary medicine.

1 * Sec. 6. AS 08.98.060 is amended to read:

2 Sec. 08.98.060. DEPARTMENT [BOARD] REGULATIONS. (a) The depart-
3 ment [BOARD] shall adopt procedural regulations describing how a person
4 applies for and takes an examination under this chapter.

5 (b) The department [BOARD] shall adopt substantive regulations

6 (1) defining conduct which, if engaged in by a veterinarian,
7 is evidence of incompetence;

8 (2) specifying approved schools under AS 08.98.170(1);

9 (3) specifying the subject matter to be covered in an exam-
10 ination for veterinarians.

11 * Sec. 7. AS 08.98.130 is amended to read:

12 Sec. 08.98.130. EXAMINATION. A person who passes the examination
13 given by the department [BOARD] is entitled to be licensed as a veteri-
14 narian.

15 * Sec. 8. AS 08.98.150 is amended to read:

16 Sec. 08.98.150. ADMINISTRATION OF EXAMINATION. The department
17 [BOARD] shall offer examinations at least once a year. Examinations
18 shall be so administered that, whenever possible, one who grades a
19 written examination does not know whose paper he is grading.

20 * Sec. 9. AS 08.98.170(1) and (3) are amended to read:

21 (1) was graduated from a school of veterinary medicine
22 approved by the department [BOARD];

23 (3) has completed application forms and returned them to the
24 department [BOARD];

25 * Sec. 10. AS 08.98.210 is amended to read:

26 Sec. 08.98.210. OUT-OF-STATE VETERINARIAN. A veterinarian in good
27 standing in a veterinary association of another state or territory or
28 the District of Columbia which licenses veterinarians to practice
29 veterinary medicine may be licensed without examination and otherwise

1 upon substantially the same terms and conditions as are fixed in the
2 jurisdiction from which he has come for the licensure of a veterinarian
3 from this state. As a prerequisite to licensure the department [BOARD]
4 shall require a veterinarian to take and pass an examination, unless the
5 applicant has

6 (1) passed a state veterinarian examination;

7 (2) engaged in the active practice of veterinary medicine for
8 at least five out of the previous seven years before filing the applica-
9 tion excluding time spent in the military service of the United States;

10 (3) graduated from an accredited school of veterinary
11 medicine;

12 (4) met the character requirements established by the depart-
13 ment [BOARD].

14 * Sec. 11. AS 08.98.230 is amended to read:

15 Sec. 08.98.230. INJUNCTION. When it appears that a person has
16 engaged in or is about to engage in an act constituting a violation of
17 AS 08.98.120, the department [BOARD, THROUGH ITS EXECUTIVE SECRETARY,]
18 shall bring an action in the superior court to enjoin the act and to
19 enforce compliance with AS 08.98.120.

20 * Sec. 12. REPEALER. AS 08.01.010(14), AS 08.03.010(a)(8), AS 08.98.-
21 010 - 08.98.040, 08.98.070 - 08.98.080, 08.98.100, and 08.98.250(2) are
22 repealed.

23 * Sec. 13. EFFECTIVE DATE. Section 1 of this Act takes effect immedi-
24 ately in accordance with AS 01.10.070(c). Sections 2 - 12 of this Act take
25 effect January 1, 1981.

ALASKA STATE LEGISLATURE

ELEVENTH Legislature FIRST Session

HOUSE BILL NO. 444

By THE COMMERCE COMMITTEE.....

"An Act terminating the existence of the Board of Veterinary Examiners on January 1, 1981 and reassigning its responsibilities to the Department of Commerce and Economic Development; and providing for an effective date."

Board of Veterinary Examiners

Introduced in the House 4-5, 19... 79

HISTORY IN THE HOUSE

19 79	Read first time and referred to Committee on Finance												
April 5	Reported back with recommendation that												
	Read second time and												
	Read third time and												
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused		
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	Reported correctly engrossed Signed by Speaker Sent to Senate												
CHIEF CLERK OF THE HOUSE													

HISTORY IN THE SENATE

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SECRETARY OF THE SENATE													

HISTORY IN THE HOUSE

19	Received from Senate
	Concurred in Senate amendment thus adopting: VOTE
	Failed to concur in Senate amendment; asked Senate to recede VOTE
	Senate receded from amendment VOTE
	Senate failed to recede from amendment VOTE
	CC appointed by House
	CC appointed by Senate
	CC adopted by House VOTE
	CC adopted by Senate VOTE
	To enrolling Reported correctly enrolled Sent to Governor by Governor
	Filed with Lt. Governor
	Chapter No.

Introduced: 4/5/79
Referred: Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 444

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act terminating the existence of the Board of
7 Veterinary Examiners on January 1, 1981 and reassigning
8 its responsibilities to the Department of Commerce and
9 Economic Development; and providing for an effective
10 date."

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

12 * Section 1. TERMINATION OF BOARD OF VETERINARIAN EXAMINERS. Notwith-
13 standing the provisions of AS 08.03.010, the Board of Veterinary Examiners
14 will continue in existence until January 1, 1981, and after that date the
15 Department of Commerce and Economic Development will have jurisdiction over
16 the licensing of veterinarians and the practice of veterinary medicine,
17 surgery, or dentistry under the provisions of AS 08.98.005 - 08.98.250.
18 During the period until January 1, 1981, the members of the board will
19 facilitate the orderly transfer of functions and responsibilities of the
20 board to the department. Nothing in this Act or AS 08.03.010 reduces or
21 limits the authority of the board under AS 08.98.010 - 08.98.250 before
22 January 1, 1981.

23 * Sec. 2. AS 08.01.010 is amended by adding a new subsection to read:

24 (b) This chapter applies to the responsibilities of the department
25 over licensing and regulations of veterinarians (AS 08.98.010).

26 * Sec. 3. AS 08.01.050(b) is amended to read:

27 (b) The form and content of the license [,] authorized under AS 08
28 [BY A BOARD LISTED IN AS 08.01.010], including any document evidencing
29 renewal of a license, shall be determined by the department after con-

1 sultation with and consideration of the views of any [THE] board con-
2 cerned.

3 * Sec. 4. AS 08.98 is amended by adding a new section to read:

4 Sec. 08.98.005. AUTHORITY OF DEPARTMENT. The department has
5 jurisdiction over the licensing of veterinarians and the practice of
6 veterinary medicine, surgery, and dentistry under this chapter.

7 * Sec. 5. AS 08.98.050 is amended to read:

8 Sec. 08.98.050. DUTIES OF THE DEPARTMENT [BOARD]. The department
9 [BOARD] shall

10 (1) pass on qualifications of applicants for licenses and
11 issue licenses to those who qualify;

12 (2) prepare and grade examinations, provided that the depart-
13 ment [BOARD] may use examinations prepared by the National Board of
14 Veterinary Examiners;

15 (3) after hearing, have the authority to suspend or revoke
16 the license of a licensed veterinarian who

17 (A) obtained his license by fraud, misrepresentation, or
18 deception;

19 (B) is chronically drunk or is a drug addict;

20 (C) makes untruthful statements about his professional
21 ability, to solicit business;

22 (D) distributes alcohol or drugs except as required by
23 the practice of veterinary medicine, surgery, or dentistry;

24 (E) in his professional capacity, conducts himself in a
25 way that indicates he is not a competent veterinarian;

26 (F) is convicted of a felony or any crime involving
27 moral turpitude;

28 (G) falsifies an official state or federal certificate
29 relating to veterinary medicine.

1 * Sec. 6. AS 08.98.060 is amended to read:

2 Sec. 08.98.060. DEPARTMENT [BOARD] REGULATIONS. (a) The depart-
3 ment [BOARD] shall adopt procedural regulations describing how a person
4 applies for and takes an examination under this chapter.

5 (b) The department [BOARD] shall adopt substantive regulations

6 (1) defining conduct which, if engaged in by a veterinarian,
7 is evidence of incompetence;

8 (2) specifying approved schools under AS 08.98.170(1);

9 (3) specifying the subject matter to be covered in an exam-
10 ination for veterinarians.

11 * Sec. 7. AS 08.98.130 is amended to read:

12 Sec. 08.98.130. EXAMINATION. A person who passes the examination
13 given by the department [BOARD] is entitled to be licensed as a veteri-
14 narian.

15 * Sec. 8. AS 08.98.150 is amended to read:

16 Sec. 08.98.150. ADMINISTRATION OF EXAMINATION. The department
17 [BOARD] shall offer examinations at least once a year. Examinations
18 shall be so administered that, whenever possible, one who grades a
19 written examination does not know whose paper he is grading.

20 * Sec. 9. AS 08.98.170(1) and (3) are amended to read:

21 (1) was graduated from a school of veterinary medicine
22 approved by the department [BOARD];

23 (3) has completed application forms and returned them to the
24 department [BOARD];

25 * Sec. 10. AS 08.98.210 is amended to read:

26 Sec. 08.98.210. OUT-OF-STATE VETERINARIAN. A veterinarian in good
27 standing in a veterinary association of another state or territory or
28 the District of Columbia which licenses veterinarians to practice
29 veterinary medicine may be licensed without examination and otherwise

1 upon substantially the same terms and conditions as are fixed in the
2 jurisdiction from which he has come for the licensure of a veterinarian
3 from this state. As a prerequisite to licensure the department [BOARD]
4 shall require a veterinarian to take and pass an examination, unless the
5 applicant has

6 (1) passed a state veterinarian examination;

7 (2) engaged in the active practice of veterinary medicine for
8 at least five out of the previous seven years before filing the applica-
9 tion excluding time spent in the military service of the United States;

10 (3) graduated from an accredited school of veterinary
11 medicine;

12 (4) met the character requirements established by the depart-
13 ment [BOARD].

14 * Sec. 11. AS 08.98.230 is amended to read:

15 Sec. 08.98.230. INJUNCTION. When it appears that a person has
16 engaged in or is about to engage in an act constituting a violation of
17 AS 08.98.120, the department [BOARD, THROUGH ITS EXECUTIVE SECRETARY,]
18 shall bring an action in the superior court to enjoin the act and to
19 enforce compliance with AS 08.98.120.

20 * Sec. 12. REPEALER. AS 08.01.010(14), AS 08.03.010(a)(8), AS 08.98.-
21 010 - 08.98.040, 08.98.070 - 08.98.080, 08.98.100, and 08.98.250(2) are
22 repealed.

23 * Sec. 13. EFFECTIVE DATE. Section 1 of this Act takes effect immedi-
24 ately in accordance with AS 01.10.070(c). Sections 2 - 12 of this Act take
25 effect January 1, 1981.



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O Smith
Signature of Camera Operator

3/20/90
Date

COMMITTEE REPORT

HOUSE

FURTHER:

April 5, 1979

Date: _____

Mr. Speaker:

The Committee on FINANCE has had HB 445

"An Act terminating the existence of the State Physical Therapy Board on Jan. 1, 1981 and reassigning its responsibilities to the Dept. of Commerce and Economic Development; eff. date."

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 without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

6968
Bradley

Introduced: 4/5/79
Referred: Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 445

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act terminating the existence of the State Physical
7 Therapy Board on January 1, 1981 and reassigning its
8 responsibilities to the Department of Commerce and
9 Economic Development; and providing for an effective
10 date."

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

12 * Section 1. TERMINATION OF STATE PHYSICAL THERAPY BOARD. Notwithstand-
13 ing the provisions of AS 08.03.010, the State Physical Therapy Board will
14 continue in existence until January 1, 1981, and after that date the Depart-
15 ment of Commerce and Economic Development will have jurisdiction over the
16 licensing of physical therapists and the practice of physical therapy under
17 the provisions of AS 08.84.005 - 08.84.200. During the period until
18 January 1, 1981, the members of the board will facilitate the orderly trans-
19 fer of functions and responsibilities of the board to the department.
20 Nothing in this Act or AS 08.03.010 reduces or limits the authority of the
21 board under AS 08.84.010 - 08.84.200 before January 1, 1981.

22 * Sec. 2. AS 08.01.010 is amended by adding a new subsection to read:

23 (b) This chapter applies to the responsibilities of the department
24 over licensing and regulation of physical therapists (AS 08.84.010).

25 * Sec. 3. AS 08.01.050(a)(19) is amended to read:

26 (19) provide investigative services to the boards established
27 under AS 08.20, AS 08.32, AS 08.36, AS 08.64, AS 08.68, AS 08.71,
28 AS 08.72, AS 08.80, [AS 08.84,] and AS 08.86 for the purpose of assist-
29 ing those boards in matters of professional discipline.

1 * Sec. 4. AS 08.01.050(a) is amended by adding a new paragraph to read:

2 (20) provide investigative services in matters of professional
3 discipline for the profession established under AS 08.84.

4 * Sec. 5. AS 08.01.050(b) is amended to read:

5 (b) The form and content of a license [,] authorized under AS 08
6 [BY A BOARD LISTED IN AS 08.01.010], including any document evidencing
7 renewal of a license, shall be determined by the department after consul-
8 tation with and consideration of the views of any [THE] board concerned.

9 * Sec. 6. AS 08.84 is amended by adding a new section to read:

10 Sec. 08.84.005. AUTHORITY OF DEPARTMENT. The department has
11 jurisdiction over the licensing of physical therapists and the practice
12 of physical therapy under this chapter.

13 * Sec. 7. AS 08.84.010(b) is amended to read:

14 (b) The department [PHYSICAL THERAPY BOARD] shall conduct examina-
15 tions for applicants and shall control all matters pertaining to the
16 registration of physical therapists and physical therapy assistants and
17 the practice of physical therapy. The department [BOARD] shall

18 (1) pass upon the qualifications of applicants;

19 (2) conduct examinations;

20 (3) issue temporary permits and registration certificates to
21 physical therapists and physical therapy assistants qualified under this
22 chapter;

23 (4) suspend or revoke registration certificates, when neces-
24 sary;

25 (5) keep a current register listing the name, business
26 address, date and number of registration certificate of each physical
27 therapist and physical therapy assistant who is registered to practice
28 in this state;

29 (6) keep a record and minutes of its meetings, proceedings

1 and hearings.

2 * Sec. 8. AS 08.84.020 is amended to read:

3 Sec. 08.84.020. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.

4 The department [BOARD] shall comply with the Administrative Procedure
5 Act (AS 44.62).

6 * Sec. 9. AS 08.84.030 is amended to read:

7 Sec. 08.84.030. QUALIFICATIONS FOR REGISTRATION. To be eligible
8 for registration by the department [BOARD] as a physical therapist or
9 physical therapy assistant, an applicant shall

10 (1) be of good moral character;

11 (2) have graduated from a school of physical therapy approved
12 by the Council on Medical Education and Hospitals of the American
13 Medical Association, or the American Physical Therapy Association;

14 (3) pass to the satisfaction of the department [BOARD] an
15 examination from the Professional Examination Service Association, to
16 determine his fitness for practice as a physical therapist or physical
17 therapy assistant or be entitled to registration without examination as
18 provided in AS 08.84.060.

19 * Sec. 10. AS 08.84.040 is amended to read:

20 Sec. 08.84.040. APPLICATION FOR REGISTRATION. To be registered as
21 a physical therapist or physical therapy assistant, an applicant shall
22 apply to the department [BOARD] on a form prescribed by the department
23 [BOARD]. An applicant shall include in his application, evidence under
24 oath that he possesses the qualifications required by AS 08.84.030.

25 * Sec. 11. AS 08.84.060 is amended to read:

26 Sec. 08.84.060. REGISTRATION BY ENDORSEMENT. The department
27 [BOARD] may register without examination an applicant who is a physical
28 therapist or physical therapy assistant registered under the laws of
29 another state or territory, if the requirements for registration in that

1 state or territory were, at the date of his registration, substantially
2 equal to the requirements in this state.

3 * Sec. 12. AS 08.84.065(a) and (b) are amended to read:

4 (a) The department [BOARD] may issue a nonrenewable temporary
5 permit to an applicant for registration by endorsement or by examination
6 who meets the requirements of AS 08.84.030(1) and (2) and pays the
7 required fee.

8 (b) A temporary permit issued to an applicant for registration by
9 endorsement is valid for eight months or until the department [BOARD]
10 considers the applicant's endorsement application, whichever occurs
11 first.

12 * Sec. 13. AS 08.84.080(a) is amended to read:

13 (a) The department [BOARD] shall examine applicants for registra-
14 tion as physical therapists or physical therapy assistants at the times
15 and places it determines.

16 * Sec. 14. AS 08.84.090 is amended to read:

17 Sec. 08.84.090. REGISTRATION. The department [BOARD] shall
18 register an applicant who meets the qualifications for registration
19 under this chapter. It shall issue a certificate of registration to
20 each person registered. A certificate of registration is prima facie
21 evidence of the right of the person to represent himself as a registered
22 physical therapist or registered physical therapy assistant.

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

24 (b) A penalty of \$10 shall be charged in addition to all delin-
25 quent renewal fees for reinstatement of a registration which remains
26 lapsed for more than 60 days. If the registration remains lapsed for
27 more than three years, the department [BOARD] may require the applicant
28 to take and pass the examination given under AS 08.84.030(3).

29 * Sec. 16. AS 08.84.120 is amended to read:

1 Sec. 08.84.120. REFUSAL, REVOCATION AND SUSPENSION OF REGISTRA-
2 TION. The department [BOARD] may refuse to register an applicant, may
3 refuse to renew the registration of a person, and may suspend or revoke
4 the registration of a person who

5 (1) is habitually drunk or addicted to the use of narcotic
6 drugs;

7 (2) is, in the judgment of the department [BOARD], guilty of
8 immoral or unprofessional conduct;

9 (3) has been convicted of violating a state or federal narco-
10 tic law;

11 (4) has been convicted of a crime involving moral turpitude;

12 (5) is guilty, in the judgment of the department [BOARD], of
13 gross negligence in his practice as a physical therapist;

14 (6) has obtained or attempted to obtain registration by fraud
15 or material misrepresentation;

16 (7) has been declared mentally ill by a court and has not
17 thereafter been lawfully declared sane; [OR]

18 (8) has treated or attempted to treat ailments of human
19 beings otherwise than by physical therapy, or has attempted to practice
20 independent of the prescription and direction of a person licensed to
21 practice medicine or osteopathy;

22 (9) as a physical therapy assistant, has attempted to prac-
23 tice physical therapy which has not been initiated, supervised and term-
24 inated by a registered physical therapist.

25 * Sec. 17. AS 08.84.180 is amended to read:

26 Sec. 08.84.180. INVESTIGATION BY DEPARTMENT [BOARD]. The depart-
27 ment [BOARD] shall investigate every supposed violation of this chapter
28 coming to its notice and shall report all cases which in the judgment of
29 the department [BOARD] warrant prosecution to the proper law enforcement.

1 officials.

2 * Sec. 18. AS 08.84.185 is amended to read:

3 Sec. 08.84.185. LIMITS OR CONDITIONS ON LICENSE; DISCIPLINE. (a)
4 In addition to action under AS 08.84.180, upon a finding that by reason
5 of demonstrated problems of competence, experience, education or health
6 the authority to practice physical therapy should be limited or condi-
7 tioned or the practitioner disciplined, the department [BOARD] may reprimand,
8 censure, place on probation, restrict practice by specialty,
9 procedure or facility, require additional education or training, or
10 revoke or suspend a registration.

11 (b) The Administrative Procedure Act (AS 44.62) applies to any
12 action taken by the department [BOARD] under this section.

13 * Sec. 19. REPEALER. AS 08.01.010(21), AS 08.03.010(a)(11), AS 08.84.-
14 010(a) and 08.84.190(1) are repealed.

15 * Sec. 20. EFFECTIVE DATE. Section 1 of this Act takes effect
16 immediately in accordance with AS 01.10.070(c). Sections 2 - 19 of this Act
17 take effect January 1, 1981.

ALASKA STATE LEGISLATURE

ELEVENTH Legislature FIRST Session

HOUSE BILL NO. 445

By THE COMMERCE COMMITTEE

"An Act terminating the existence of the State Physical Therapy Board on January 1, 1981 and reassigning its responsibilities to the Department of Commerce and Economic Development; and providing for an effective date."

State Physical Therapy Board

Introduced in the House 4-5 , 19. 79

HISTORY IN THE HOUSE

19 79

April 5

Read first time and referred to Committee on Finance

Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date
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 Excused Excused

Reconsideration
 PASS Effective Date
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 Signed by Speaker
 Sent to Senate

CHIEF CLERK OF THE HOUSE

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SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

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Concurred in Senate amendment thus adopting:
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Senate receded from amendment
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CC appointed by House

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 Reported correctly enrolled
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..... by Governor

Filed with Lt. Governor

Chapter No.

Introduced; 4/5/79
Referred; Finance

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5 A BILL

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16 licensing of physical therapists and the practice of physical therapy under
17 the provisions of AS 08.84.005 - 08.84.200. During the period until
18 January 1, 1981, the members of the board will facilitate the orderly trans-
19 fer of functions and responsibilities of the board to the department.
20 Nothing in this Act or AS 08.03.010 reduces or limits the authority of the
21 board under AS 08.84.010 - 08.84.200 before January 1, 1981.

22 * Sec. 2. AS 08.01.010 is amended by adding a new subsection to read:

23 (b) This chapter applies to the responsibilities of the department
24 over licensing and regulation of physical therapists (AS 08.84.010).

25 * Sec. 3. AS 08.01.050(a)(19) is amended to read:

26 (19) provide investigative services to the boards established
27 under AS 08.20, AS 08.32, AS 08.36, AS 08.64, AS 08.68, AS 08.71,
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8 tation with and consideration of the views of any [THE] board concerned.

9 * Sec. 6. AS 08.84 is amended by adding a new section to read:

10 Sec. 08.84.005. AUTHORITY OF DEPARTMENT. The department has
11 jurisdiction over the licensing of physical therapists and the practice
12 of physical therapy under this chapter.

13 * Sec. 7. AS 08.84.010(b) is amended to read:

14 (b) The department [PHYSICAL THERAPY BOARD] shall conduct examina-
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16 registration of physical therapists and physical therapy assistants and
17 the practice of physical therapy. The department [BOARD] shall

18 (1) pass upon the qualifications of applicants;

19 (2) conduct examinations;

20 (3) issue temporary permits and registration certificates to
21 physical therapists and physical therapy assistants qualified under this
22 chapter;

23 (4) suspend or revoke registration certificates, when neces-
24 sary;

25 (5) keep a current register listing the name, business
26 address, date and number of registration certificate of each physical
27 therapist and physical therapy assistant who is registered to practice
28 in this state;

29 (6) keep a record and minutes of its meetings, proceedings

1 and hearings.

2 * Sec. 8. AS 08.84.020 is amended to read:

3 Sec. 08.84.020. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.

4 The department [BOARD] shall comply with the Administrative Procedure
5 Act (AS 44.62).

6 * Sec. 9. AS 08.84.030 is amended to read:

7 Sec. 08.84.030. QUALIFICATIONS FOR REGISTRATION. To be eligible
8 for registration by the department [BOARD] as a physical therapist or
9 physical therapy assistant, an applicant shall

10 (1) be of good moral character;

11 (2) have graduated from a school of physical therapy approved
12 by the Council on Medical Education and Hospitals of the American
13 Medical Association, or the American Physical Therapy Association;

14 (3) pass to the satisfaction of the department [BOARD] an
15 examination from the Professional Examination Service Association, to
16 determine his fitness for practice as a physical therapist or physical
17 therapy assistant or be entitled to registration without examination as
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19 * Sec. 10. AS 08.84.040 is amended to read:

20 Sec. 08.84.040. APPLICATION FOR REGISTRATION. To be registered as
21 a physical therapist or physical therapy assistant, an applicant shall
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24 oath that he possesses the qualifications required by AS 08.84.030.

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26 Sec. 08.84.060. REGISTRATION BY ENDORSEMENT. The department
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4 (a) The department [BOARD] may issue a nonrenewable temporary
5 permit to an applicant for registration by endorsement or by examination
6 who meets the requirements of AS 08.84.030(1) and (2) and pays the
7 required fee.

8 (b) A temporary permit issued to an applicant for registration by
9 endorsement is valid for eight months or until the department [BOARD]
10 considers the applicant's endorsement application, whichever occurs
11 first.

12 * Sec. 13. AS 08.84.080(a) is amended to read:

13 (a) The department [BOARD] shall examine applicants for registra-
14 tion as physical therapists or physical therapy assistants at the times
15 and places it determines.

16 * Sec. 14. AS 08.84.090 is amended to read:

17 Sec. 08.84.090. REGISTRATION. The department [BOARD] shall
18 register an applicant who meets the qualifications for registration
19 under this chapter. It shall issue a certificate of registration to
20 each person registered. A certificate of registration is prima facie
21 evidence of the right of the person to represent himself as a registered
22 physical therapist or registered physical therapy assitant.

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

24 (b) A penalty of \$10 shall be charged in addition to all delin-
25 quent renewal fees for reinstatement of a registration which remains
26 lapsed for more than 60 days. If the registration remains lapsed for
27 more than three years, the department [BOARD] may require the applicant
28 to take and pass the examination given under AS 08.84.030(3).

29 * Sec. 16. AS 08.84.120 is amended to read:

1 Sec. 08.84.120. REFUSAL, REVOCATION AND SUSPENSION OF REGISTRA-
2 TION. The department [BOARD] may refuse to register an applicant, may
3 refuse to renew the registration of a person, and may suspend or revoke
4 the registration of a person who

5 (1) is habitually drunk or addicted to the use of narcotic
6 drugs;

7 (2) is, in the judgment of the department [BOARD], guilty of
8 immoral or unprofessional conduct;

9 (3) has been convicted of violating a state or federal narco-
10 tic law;

11 (4) has been convicted of a crime involving moral turpitude;

12 (5) is guilty, in the judgment of the department [BOARD], of
13 gross negligence in his practice as a physical therapist;

14 (6) has obtained or attempted to obtain registration by fraud
15 or material misrepresentation;

16 (7) has been declared mentally ill by a court and has not
17 thereafter been lawfully declared sane; [OR]

18 (8) has treated or attempted to treat ailments of human
19 beings otherwise than by physical therapy, or has attempted to practice
20 independent of the prescription and direction of a person licensed to
21 practice medicine or osteopathy;

22 (9) as a physical therapy assistant, has attempted to prac-
23 tice physical therapy which has not been initiated, supervised and term-
24 inated by a registered physical therapist.

25 * Sec. 17. AS 08.84.180 is amended to read:

26 Sec. 08.84.180. INVESTIGATION BY DEPARTMENT [BOARD]. The depart-
27 ment [BOARD] shall investigate every supposed violation of this chapter
28 coming to its notice and shall report all cases which in the judgment of
29 the department [BOARD] warrant prosecution to the proper law enforcement

1 officials.

2 * Sec. 18. AS 08.84.185 is amended to read:

3 Sec. 08.84.185. LIMITS OR CONDITIONS ON LICENSE; DISCIPLINE. (a)

4 In addition to action under AS 08.84.180, upon a finding that by reason
5 of demonstrated problems of competence, experience, education or health
6 the authority to practice physical therapy should be limited or condi-
7 tioned or the practitioner disciplined, the department [BOARD] may reprimand,
8 censure, place on probation, restrict practice by specialty,
9 procedure or facility, require additional education or training, or
10 revoke or suspend a registration.

11 (b) The Administrative Procedure Act (AS 44.62) applies to any
12 action taken by the department [BOARD] under this section.

13 * Sec. 19. REPEALER. AS 08.01.010(21), AS 08.03.010(a)(11), AS 08.84.-
14 010(a) and 08.84.190(1) are repealed.

15 * Sec. 20. EFFECTIVE DATE. Section 1 of this Act takes effect
16 immediately in accordance with AS 01.10.070(c). Sections 2 - 19 of this Act
17 take effect January 1, 1981.