

LEG. FINANCE - BILLS 1981 - 1982 1654

SB 237

1654



COMMITTEE REPORT  
SENATE

3/4/81

FURTHER

Judiciary

Date: \_\_\_\_\_

Mr. President:

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had SB 237

professional licensing and regulation of the practice of medicine

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 CS SB 237 (HESS)  same title  
 new title  
and recommends do pass
- 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:

1 [Signature]

1 [Signature]

1 [Signature]

[Signature]

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[Signature]  
CHAIRMAN

Original sponsor: Rules/Governor

Offered: 4/15/81  
Referred: Judiciary

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 237 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the regulation of the practice of  
7 medicine."

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

9 \* Section 1. AS 08.01.050 is amended by adding a new subsection to read:

10 (c) After consulting with the State Medical Board (AS 08.64.010),  
11 the department shall employ an individual who is not a member of the  
12 board to be assigned as the investigator for the board. The investi-  
13 gator shall

14 (1) conduct investigations into alleged violations of  
15 AS 08.64, and into alleged violations of regulations and orders of the  
16 State Medical Board;

17 (2) at the request of the State Medical Board, conduct in-  
18 vestigations based on complaints filed with the department or with the  
19 board; and

20 (3) be directly responsible and accountable to the State  
21 Medical Board, except that only the department has authority to termi-  
22 nate his employment.

23 \* Sec. 2. AS 08.64.010 is amended to read:

24 Sec. 08.64.010. CREATION AND MEMBERSHIP OF STATE MEDICAL BOARD.  
25 The governor shall appoint a board of medical examiners, to be known as  
26 the State Medical Board, consisting of five [LICENSED] physicians li-  
27 censed in the state and [,] residing in as many separate geographical  
28 areas of the state [ALASKA JUDICIAL DISTRICTS] as possible, and two  
29 persons with no direct financial interest in the health care industry.

1 \* Sec. 3. AS 08.64.020 is amended to read:

2       Sec. 08.64.020. [STATE MEDICAL BOARD] TERM OF OFFICE. Members  
3 shall be appointed for staggered terms [A TERM] of four years, subject  
4 to confirmation by a majority of the members of the legislature in  
5 joint session, and shall hold the office until their successors are ap-  
6 pointed and qualified. A person who has served two successive complete  
7 terms may not be reappointed until four years after the expiration of  
8 the second term [THE TERMS OF THE PUBLIC MEMBERS OF THE BOARD SHALL BE  
9 STAGGERED SO THAT THEY DO NOT EXPIRE AT THE SAME TIME].

10 \* Sec. 4. AS 08.64.040 is amended to read:

11       Sec. 08.64.040. REMOVAL OF MEMBERS. The governor may remove a  
12 member of the board for cause. The board may by regulation provide  
13 that unexcused absences from meetings is cause for removal.

14 \* Sec. 5. AS 08.64 is amended by adding new sections to read:

15       Sec. 08.64.075. EXECUTIVE OFFICER OF THE BOARD. After consulting  
16 with the board, the department shall employ an individual who is not a  
17 member of the board to serve as the executive officer of the board.  
18 The executive officer shall

19           (1) perform the administrative duties required by the depart-  
20 ment, by the board, and by this chapter;

21           (2) carry out regulations and policies of the board; and

22           (3) assist the board in conducting continuing education  
23 programs and examinations of applicants for licenses.

24       Sec. 08.64.085. MEETINGS OF THE BOARD. The board shall meet at  
25 least four times a year.

26 \* Sec. 6. AS 08.64 is amended by adding a new section to read:

27       Sec. 08.64.101. DUTIES. The board shall

28           (1) examine and issue licenses to applicants;

29           (2) submit an annual report of its proceedings to the gover-

1 nor, including a statement of money received and disbursed;

2 (3) after a hearing, impose disciplinary sanctions on per-  
3 sons who violate this chapter, or the regulations or orders of the  
4 board;

5 (4) adopt regulations insuring that renewal of licenses is  
6 contingent upon proof of continued competency on the part of the licen-  
7 see.

8 \* Sec. 7. AS 08.64.240 is repealed and reenacted to read:

9 Sec. 08.64.240. LICENSE REFUSED. (a) The board shall refuse to  
10 grant a license if

11 (1) the applicant fails or cheats during the examination;

12 (2) the board determines that the applicant is professional-  
13 ly unfit to practice medicine or osteopathy in the state; or

14 (3) the applicant fails to comply with a requirement of this  
15 chapter.

16 (b) The board may refuse to grant a license to any applicant for  
17 the same reasons that it may impose disciplinary sanctions under AS 08.-  
18 64.325.

19 \* Sec. 8. AS 08.64.250 is amended to read:

20 Sec. 08.64.250. LICENSE BY CREDENTIALS [ENDORSEMENT]. The board  
21 may waive the examination requirement and license by credentials [EN-  
22 DORSEMENT] if the physician or podiatry applicant meets the require-  
23 ments of AS 08.64.200 or 08.64.209, submits proof of continued compe-  
24 tence as required by regulation, pays the required fee and has

25 (1) an active license from a board of medical examiners ex-  
26 tablished under the laws of a state or territory of the United States  
27 or a province of Canada issued after thorough examination; or

28 (2) passed an examination given by the National Board of  
29 Medical Examiners or the Federation of State Medical Boards of the

1 United States if the applicant is a physician, or passed an examination  
2 given by the National Board of Podiatry Examiners if the applicant is a  
3 podiatrist.

4 \* Sec. 9. AS 08.64.270(a) is amended to read:

5 (a) The board may issue a temporary permit to an applicant who  
6 meets the requirements of AS 08.64.200, [OR] 08.64.205, or 08.64.209  
7 and pays the required fee.

8 \* Sec. 10. AS 08.64.311 is amended to read:

9 Sec. 08.64.311. [BIENNIAL] LICENSE RENEWAL. Licenses shall be  
10 renewed four years after the date of issue [BIENNIALY].

11 \* Sec. 11. AS 08.64.315 is amended to read:

12 Sec. 08.64.315. FEES. The following fees are imposed under this  
13 chapter:

- |    |  |       |        |
|----|--|-------|--------|
| 14 | (1) application . . . . .                          | \$ 50 | [\$25] |
| 15 | (2) license by examination . . . . .               | 200   | [125]  |
| 16 | (3) license by <u>credentials</u> [ENDORSEMENT] or |       |        |
| 17 | waiver of examination . . . . .                    | 200   | [100]  |
| 18 | (4) temporary permit . . . . .                     | 50    | [ 25]  |
| 19 | (5) locus tenens permit . . . . .                  | 50    | [ 25]  |
| 20 | (6) license renewal [, BIENNIAL], active . . .     | 600   | [100]  |
| 21 | (7) license renewal [, BIENNIAL], inactive . .     | 200   | [ 25]  |
| 22 | (8) license by reexamination . . . . .             | 150   | [ 75]  |

23 \* Sec. 12. AS 08.64.325 is repealed and reenacted to read:

24 Sec. 08.64.325. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.

25 (a) The board may impose a sanction if the board finds after a hearing  
26 that a licensee

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

29 (2) engaged in deceit, fraud, or intentional misrepresenta-

1 tion while providing professional services or engaging in professional  
2 activities;

3 (3) advertised professional services in a false or mislead-  
4 ing manner;

5 (4) has been convicted, including conviction based on a  
6 guilty plea or plea of nolo contendere, of (A) a felony or other crime  
7 if the felony or other crime is substantially related to the qualifica-  
8 tions, functions, or duties of the licensee; or (B) a crime involving  
9 the unlawful procurement, sale, prescription or dispensing of drugs;

10 (5) has procured, sold, prescribed or dispensed drugs in vi-  
11 olation of any law, regardless of whether there has been a criminal ac-  
12 tion;

13 (6) intentionally or negligently permitted the performance  
14 of patient care by persons under his supervision which does not conform  
15 to minimum professional standards even if the patient was not injured;

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

18 (8) has demonstrated

19 (A) professional incompetence, gross negligence or re-  
20 peated negligent conduct;

21 (B) addiction to, severe dependency on, or habitual  
22 overuse of alcohol or other drugs which impairs his ability to  
23 practice safely;

24 (C) unfitness because of physical or mental disability;

25 (9) engaged in unprofessional conduct or in lewd or immoral  
26 conduct in connection with the delivery of professional services to  
27 patients;

28 (10) has violated AS 18.16.010;

29 (11) has violated any code of ethics adopted by regulation by

1 the board;

2 (12) has denied care or treatment to a patient or person  
3 seeking assistance from the physician if the only reason for the denial  
4 is the failure or refusal of the patient to agree to arbitrate as pro-  
5 vided in AS 09.55.535(a);

6 (13) has had his license or certificate to practice medicine  
7 in another state, territory of the United States or a province or Can-  
8 ada suspended or revoked unless the suspension or revocation was caused  
9 by the failure of the licensee to pay fees to that state, territory or  
10 province.

11 (b) In any case involving (a)(13) of this section, the final  
12 findings of fact, conclusions of law and order of the authority which  
13 suspended or revoked a license or certificate constitutes a prima facie  
14 case that the license or certificate was suspended or revoked and the  
15 grounds under which the suspension or revocation was granted.

16 \* Sec. 13. AS 08.64.330 is repealed and reenacted to read:

17 Sec. 08.64.330. DISCIPLINARY SANCTIONS. (a) If the board finds  
18 that a licensee has committed an act set out in AS 08.64.325(a), the  
19 board may

- 20 (1) permanently revoke a license to practice;  
21 (2) suspend a license for a determinate period of time;  
22 (3) censure a licensee;  
23 (4) issue a letter of reprimand;  
24 (5) place a licensee on probationary status and require him

25 to

26 (A) report regularly to the board on matters involving  
27 the basis of probation;

28 (B) limit practice to those areas prescribed;

29 (C) continue professional education until a satisfac-

1 tory degree of skill has been attained in those areas determined  
2 by the board to need improvement;

3 (6) impose limitations or conditions on the practice of a  
4 licensee; or

5 (7) impose one or more of the sanctions set out in (1) --  
6 (6) of this subsection.

7 (b) The board may end the probation of a licensee if it finds  
8 that the deficiencies which required this sanction have been remedied.

9 (c) The board may summarily suspend a license before final hear-  
10 ing or during the appeals process if the board finds that the licensee  
11 poses a clear and immediate danger to the public health and safety if  
12 he continues to practice. A person whose license is suspended under  
13 this section is entitled to a hearing by the board no later than seven  
14 days after the effective date of the order. He may appeal the suspen-  
15 sion after a hearing to a court of competent jurisdiction.

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

19 (e) A license may be suspended upon receipt of a certified copy  
20 of evidence that the licensee's license to practice medicine in another  
21 state or territory of the United States or province of Canada has been  
22 suspended or revoked. The suspension remains in effect until a hearing  
23 can be held by the board.

24 (f) The board shall be consistent in the application of disci-  
25 plinary sanctions. A significant departure from earlier decisions of  
26 the board involving similar situations must be explained in findings of  
27 fact or orders made by the board.

28 \* Sec. 14. AS 08.64.360 is amended to read:

29 Sec. 08.64.360. PENALTY FOR PRACTICING WITHOUT A LICENSE OR IN

1 VIOLATION OF CHAPTER. Except for a physician assistant, [AND] a physi-  
2 cian-trained mobile intensive care paramedic under AS 08.64.170, or a  
3 person licensed or authorized under another chapter of this title who  
4 engages in practices for which he is licensed or authorized under that  
5 chapter, a person practicing medicine or osteopathy in the state with-  
6 out a valid [OBTAINING AND FILING AN APPROPRIATE] license or permit is  
7 guilty of a class B misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY A  
8 FINE OF NOT LESS THAN \$50 NOR MORE THAN \$100, OR BY IMPRISONMENT FOR  
9 NOT LESS THAN 10 DAYS NOR MORE THAN 90 DAYS, OR BY BOTH]. Evidence  
10 that the defendant has failed to file a license with the clerk of the  
11 court is prima facie evidence that the defendant is not licensed. Each  
12 day of illegal practice is a separate offense.

13 \* Sec. 15. AS 08.64.380(2) is repealed and reenacted to read:

14 (2) "practice of medicine" or "practice of osteopathy"

15 means:

16 (A) for a fee, donation or other consideration, to  
17 diagnose, treat, operate on, prescribe for, or administer to, any  
18 human ailment, blemish, deformity, disease, disfigurement, disor-  
19 der, or injury; or to attempt to perform or represent that a  
20 person is authorized to perform any of the acts set out in this  
21 subparagraph;

22 (B) to use or publicly display a title in connection  
23 with a person's name including "doctor of medicine," "M.D.," or  
24 "doctor of osteopathic medicine" or "D.O." or a specialist desig-  
25 nation including "surgeon," "dermatologist," or a similar title,  
26 or any title which tends to show that the person is willing or  
27 qualified to diagnose or treat the sick or injured;

28 \* Sec. 16. AS 08.64.380(5) is amended to read:

29 (5) "department" means the Department of Commerce and Econ-

1        omic Development.

2        \* Sec. 17. AS 08.64.030, 08.64.110, 08.64.140, 08.64.200(1), and 08.64.-  
3 380(3) are repealed.

Introduced: 3/4/81  
Referred: Health, Education &  
Social Services and Judiciary

1 IN THE SENATE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 237

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to professional licensing and to the  
7 regulation of the practice of medicine."

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10 Sec. 08.64.010. CREATION AND MEMBERSHIP OF STATE MEDICAL BOARD.  
11 The governor shall appoint a board of medical examiners, to be known as  
12 the State Medical Board, consisting of five [LICENSED] physicians li-  
13 censed in the state and [.] residing in as many separate geographical  
14 areas of the state [ALASKA JUDICIAL DISTRICTS] as possible, and two  
15 persons with no direct financial interest in the health care industry.

16 \* Sec. 2. AS 08.64.020 is amended to read:

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18 shall be appointed for staggered terms [A TERM] of four years, subject  
19 to confirmation by a majority of the members of the legislature in  
20 joint session, and shall hold the office until their successors are ap-  
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23 the second term [THE TERMS OF THE PUBLIC MEMBERS OF THE BOARD SHALL BE  
24 STAGGERED SO THAT THEY DO NOT EXPIRE AT THE SAME TIME].

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29 \* Sec. 4. AS 08.64 is amended by adding new sections to read:

1           Sec. 08.64.085. MEETINGS OF THE BOARD. The board shall meet at  
2 least four times a year.

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4           (1) examine and issue licenses to applicants;

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7           (3) after a hearing, impose disciplinary sanctions on per-  
8 sons who violate this chapter, or the regulations or orders of the  
9 board;

10           (4) adopt regulations insuring that renewal of licenses is  
11 contingent upon proof of continued competency on the part of the licen-  
12 see.

13 \* Sec. 5. AS 08.64.170 is amended to read:

14           Sec. 08.64.170. LICENSE TO PRACTICE MEDICINE OR OSTEOPATHY OR AS-  
15 SIST AT CHILDBIRTH. (a) No person may practice medicine, podiatry,  
16 osteopathy, [OR] acupuncture, or for a fee, donation, or other compensa-  
17 tion assist at childbirth in the state unless he is licensed under this  
18 chapter, except that

19           (1) a physician assistant may examine, diagnose or treat  
20 persons under the supervision, control, and responsibility of either a  
21 physician licensed under this chapter or a physician exempted from li-  
22 censing [LICENSURE] under AS 08.64.370;

23           (2) a physician-transco mobile intensive care paramedic may  
24 render emergency lifesaving service; [AND]

25           (3) a person licensed under AS 08.36 may perform acupuncture  
26 in the regular practice of dentistry, subject to the regulations of the  
27 Board of Dental Examiners;

28           (4) a person may assist at childbirth if authorized under  
29 regulations of the board or if licensed or subject to regulations

1 adopted under AS 08.62; and

2 (5) a person who is licensed or authorized under another  
3 chapter of this title may engage in a practice which is authorized un-  
4 der that chapter.

5 \* Sec. 6. AS 08.64.240 is repealed and reenacted to read:

6 Sec. 08.64.240. LICENSE REFUSED. (a) The board shall refuse to  
7 grant license if

8 (1) the applicant fails or cheats during the examination;

9 (2) the board determines that the applicant is professional-  
10 ly unfit to practice medicine or osteopathy in the state; or

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12 chapter.

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14 the same reasons that it may impose disciplinary sanctions under AS 08.-  
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22 (1) an active license from a board of medical examiners ex-  
23 tablished under the laws of a state or territory of the United States  
24 or a province of Canada issued after thorough examination; or

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6 Sec. 08.64.311. [BIENNIAL] LICENSE RENEWAL. Licenses shall be  
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9 Sec. 08.64.315. FEES. The following fees are imposed under this  
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- 11 (1) application . . . . . \$ 50 [25]  
12 (2) license by examination . . . . . 200 [125]  
13 (3) license by credentials [ENDORSEMENT] or  
14 waiver of examination . . . . . 200 [100]  
15 (4) temporary permit . . . . . 50 [ 25]  
16 (5) locum tenens permit . . . . . 50 [ 25]  
17 (6) license renewal [, BIENNIAL], active . . . 600 [100]  
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5 tions, functions, or duties of the licensee; or (B) a crime involving  
6 the unlawful procurement, sale, prescription or dispensing of drugs;

7 (5) has procured, sold, prescribed or dispensed drugs in vi-  
8 olation of any law, regardless of whether there has been a criminal ac-  
9 tion;

10 (6) intentionally or negligently permitted the performance  
11 of patient care by persons under his supervision which does not conform  
12 to minimum professional standards even if the patient was not injured;

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14 under this chapter, or with an order of the board;

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17 peated negligent conduct;

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23 conduct in connection with the delivery of professional services to  
24 patients;

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1 is the failure or refusal of the patient to agree to arbitrate as pro-  
2 vided in AS 09.55.535(a);

3 (13) has had his license or certificate to practice medicine  
4 in another state, territory of the United States or a province or Can-  
5 ada suspended or revoked unless the suspension or revocation was caused  
6 by the failure of the licensee to pay fees to that state, territory or  
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23 (A) report regularly to the board on matters involving  
24 the basis of probation;

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27 tory degree of skill has been attained in those areas determined  
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1 licensee; or

2 (7) impose one or more of the sanctions set out in (1) --  
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4 (b) The board may end the probation of a licensee if it finds  
5 that the deficiencies which required this sanction have been remedied.

6 (c) The board may summarily suspend a license before final hear-  
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22 plinary sanctions. A significant departure from earlier decisions of  
23 the board involving similar situations must be explained in findings of  
24 fact or orders made by the board.

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29 person licensed or authorized under another chapter of this title who

1 engages in practices for which he is licensed or authorized under that  
2 chapter, a person practicing medicine or osteopathy in the state with-  
3 out a valid [OBTAINING AND FILING AN APPROPRIATE] license or permit is  
4 guilty of a class E misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY A  
5 FINE OF NOT LESS THAN \$50 NOR MORE THAN \$100, OR BY IMPRISONMENT FOR  
6 NOT LESS THAN 10 DAYS NOR MORE THAN 90 DAYS, OR BY BOTH]. Evidence  
7 that the defendant has failed to file a license with the clerk of the  
8 court is prima facie evidence that the defendant is not licensed. Each  
9 day of illegal practice is a separate offense.

10 \* Sec. 14. AS 03.64 is amended by adding a new section in art. IV to  
11 read:

12 Sec. 03.64.369. ASSISTANCE AT CHILDBIRTH. The board shall adopt  
13 regulations regarding the authorization under this chapter of a person  
14 who assists at childbirth for a fee, donation, or other compensation,  
15 and the medical services the person may perform, including but not lim-  
16 ited to (1) qualifications, (2) application and authorization proce-  
17 dures, (3) the scope of activities authorized, and (4) the supervisory  
18 relationship, if any, between the person and a practicing physician.

19 \* Sec. 15. AS 08.64.320(2) is repealed and reenacted to read:

20 (2) "practice of medicine" or "practice of osteopathy"

21 means:

22 (A) for a fee, donation or other consideration, to di-  
23 agnose, treat, operate on, prescribe for, or administer to, any  
24 human ailment, blemish, deformity, disease, disfigurement, disor-  
25 der, injury, or other mental or physical condition; or to attempt  
26 to perform or represent that a person is authorized to perform any  
27 of the acts set out in this subparagraph;

28 (B) to use or publicly display a title in connection  
29 with a person's name including "doctor of medicine," "M.D.," or

1 "doctor of osteopathic medicine" or "D.O." or a specialist desig-  
2 nation including "surgeon," "dermatologist," or a similar title,  
3 or any title which tends to show that the person is willing or  
4 qualified to diagnose or treat the sick or injured;

5 \* Sec. 15. AS 08.64.380(5) is amended to read:

6 (5) "department" means the Department of Commerce and Econ-  
7 omic Development.

8 \* Sec. 17. AS 08.64.030, 08.64.110, 08.64.140, 08.64.200(1), and 08.64.-  
9 380(3) are repealed.

237

March 4, 1981

The Honorable Jalmar Kerttula  
President of the Senate  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to licensing for and regulation of the practice of medicine. The bill would revise and clarify the statutes relating to licensing for the practice of medicine, and the powers and duties of the State Medical Board. The bill also would clarify the grounds for disciplinary action by the board and the types of disciplinary action which it may take.

Further, the bill would revise the definition of the practice of medicine to include modern views of what constitutes medical practice. The new language also expands the definition of the practice of medicine to encompass types of activity not clearly regulated under existing law, including the treatment of a person who does not clearly fall within the definition of a person who is "sick or injured."

The bill also would add provisions that regulate child delivery by persons commonly known as midwives or by other persons. The provision would require any unlicensed person who assists at child delivery for compensation to be authorized either by the State Medical Board or the Board of Nursing to carry out this function. The bill would also require the board to adopt regulations which define requirements and procedures for the grant of authority to assist at childbirth. The intent of these provisions is to protect the public when an unforeseen medical emergency arises in childbirth.

Lay midwives should be encouraged by these provisions to seek medical assistance when a problem develops. Midwives often feel that they are working outside the law and are afraid to turn to physicians or hospitals when it is necessary.

Sincerely,

S/JSH

Jay S. Hammond  
Governor

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. \_\_\_\_\_ "An Act relating to professional  
 Title licensing and to the regulation of the practice of medicine.  
 Requested by Governor Date 2-27-81

II. FISCAL DETAIL  
 Agency Affected Department of Commerce & Economic Development  
 Program Category Affected Public Protection  
 BRU, Program, or Subprogram(s) Affected Regulation and licensing of professions; boards  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

No fiscal impact. Functions already budgeted for by the department.

IV. DATE 2-27-81 PREPARED BY Harry D. Treager, Director  
 AGENCY Division of Occupational Licensing  
 PHONE 465-2534  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. CSSB 237 (HESS) "An Act relating to professional licensing and  
 Title to the regulation of the practice of medicine.  
 Requested by Governor Date 4-9-81

II. FISCAL DETAIL  
 Agency Affected Department of Commerce & Economic Development  
 Program Category Affected Public Protection  
 BRU, Program, or Subprogram(s) Affected Regulation & licensing of professions; administration & investigations  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)  
EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		102.8	110.0	117.7	125.9	134.7
200 TRAVEL		5.1	5.7	6.4	7.2	8.0
300 CONTRACTUAL		10.2	10.9	11.7	12.5	13.4
400 COMMODITIES		.0	.0	.0	.0	.0
500 EQUIPMENT		2.4	.0	.0	.0	.0
600 LAND & STRUCTURES		8.1	8.1	8.1	8.1	8.1
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>128.6</b>	<b>134.7</b>	<b>143.9</b>	<b>153.7</b>	<b>164.2</b>

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND		128.6	134.7	143.9	153.7	164.2
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME	3	3	3	3	3	3
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

PERSONAL SERVICES - FY'82 salary schedule, 7% inflation factor projected.

1 Investigator, Range 18, gen. govt., 12 mos.	\$ 40,348.00
1 Executive Officer, Range 18, partially exempt, 12 mos.	40,348.00
1 Clerk typist III, Range 8, gen. govt., 12 mos.	22,140.00
	\$ 102,836.00

TRAVEL - 12 % inflation factor projected

Investigator: 5 days per diem per month @ \$67/day	4,000.00
One out-of-town trip per month @ \$250.00 per trip	3,000.00
Executive Officer, 5 board meetings	1,500.00
One out-of-state trip	700.00
	\$ 9,200.00

CONTRACTUAL - 7% inflation factor projected.

1 Mag Card typewriter lease	3,000.00
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IV. DATE 4-9-81 PREPARED BY Marjorie Odland, Regulations Specialist (continued next page)  
 AGENCY Division of Occupational Licensing  
 PHONE 465-2535  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

CCSB 237 continued. . . .

Computer terminal use, prorated share at \$350/mo.	4,200.00
Postage, phones, printing, publication and operating costs	3,000.00
	<u>\$ 10,200.00</u>

EQUIPMENT - one time cost FY'82 only.

2 desks, double pedestal, 60x30	704.64
1 desk, single pedestal with typing extension	432.83
2 chairs, exec. swivel with arms	353.66
1 chair, posture without arms	134.77
2 bookcases, 3 shelves	205.28
1 lanier recorder	355.00
1 file cabinet, 4 drawer legal with lock	215.99
	<u>\$ 2,402.17</u>

LAND & STRUCTURES

(for 3 positions) 150 sq.ft. X 1.50 X 12 X 3 = \$8,100

ALASKA STATE LEGISLATURE

TWELFTH Legislature .. FIRST Session

SENATE ..... BILL ..... NO. ... 237 ..

By .. THE RULES COMMITTEE BY ...  
REQUEST OF THE GOVERNOR

"An Act relating to professional  
licensing and to the regulation  
of the practice of medicine."

Introduced in the Senate ..... 3/4/ ..... 19..... 81

HISTORY IN THE SENATE

19	31	Read first time and referred to Committee on HESS and Judiciary
3	4	
4/15		Reported back with HESS recommendation that <i>replace w/CS, new title MD do pass to Judiciary</i>
4/16		<i>File referred to J. J. J.</i>
5/11		<i>Just Waiver - TO PIN</i>
		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 President
		Sent to House
SECRETARY OF THE SENATE		

HISTORY IN THE HOUSE

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
		Yeas Yeas
		Nays Nays
		Absent Absent
		Excused Excused
		Reported correctly engrossed
		Signed by Speaker
		Returned to Senate
CHIEF CLERK OF THE HOUSE		

HISTORY IN THE SENATE

19		Received from House
		To enrolling
		Reported correctly enrolled
		Sent to Governor
		..... by Governor
		Filed with Lt. Governor
		Chapter No. ....

POSITION PAPER

CS For Senate Bill No. 237 (Finance)

"An Act relating to the regulation of the practice of medicine."

CS for Senate Bill No. 237 (Finance) makes a number of changes to the State Medical Board and the practice of medicine laws in the State of Alaska. The language relating to the creation and maintenance of a viable board is made more precise. A new fee schedule and clarification of licensing procedures for physicians is accomplished. In addition a few minor housekeeping corrections are made.

In particular, sections 11 and 12 of the bill outline sanctions in a more effective manner than the existing statute. These changes make real enforcement a viable option when the board, after appropriate hearings, feels it is indicated.

Overall, the bill appears to lay the groundwork for better medical care and a more effective and timely response to those concerns raised by the public about the kind and quality of medical care they have received.

The Department of Health and Social Services supports the passage of this bill.

Recommended by: E. S. Rabeau  
E. S. Rabeau, M.D., Director  
Division of Public Health

Date: 4-14-82

Approved by: Helen D. Beirne  
Helen D. Beirne, Commissioner  
Department of Health and  
Social Services

Date: 4-17-82

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS For Senate Bill No. 237 (Finance)  
 Title "An Act relating to the regulation of the practice of medicine."  
 Requested by Commissioner's Office Date 4/14/82

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services  
 Program Category Affected Health/Public Health  
 BRU, Program, Or Subprogram(s) Affected \_\_\_\_\_  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Source)	0	0	0	0	0	0

POSITIONS

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

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

IV. DATE 4/14/82 PREPARED BY David Bruce  
 AGENCY Dept. of Health & Social Services  
 Original: Legislative Finance PHONE 465-3090  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 33-001 (Rev. 12/81)

JCC

Original sponsor: Rules/Governor

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 237 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the regulation of the practice of  
7 medicine."

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

9 \* Section 1. AS 08.64.010 is amended to read:

10 Sec. 08.64.010. CREATION AND MEMBERSHIP OF STATE MEDICAL BOARD.  
11 The governor shall appoint a board of medical examiners, to be known as  
12 the State Medical Board, consisting of five [LICENSED] physicians li-  
13 censed in the state and [,] residing in as many separate geographical  
14 areas of the state [ALASKA JUDICIAL DISTRICTS] as possible, and two  
15 public members [PERSONS WITH NO DIRECT FINANCIAL INTEREST IN THE HEALTH  
16 CARE INDUSTRY].

17 \* Sec. 2. AS 08.64.020 is amended to read: ;

18 Sec. 08.64.020. [STATE MEDICAL BOARD] TERM OF OFFICE. Members  
19 shall be appointed for staggered terms [A TERM] of four years, subject  
20 to confirmation by a majority of the members of the legislature in joint  
21 session, and shall hold the office until their successors are appointed  
22 and qualified. A person who has served two successive complete terms may  
23 not be reappointed until four years after the expiration of the second  
24 term [THE TERMS OF THE PUBLIC MEMBERS OF THE BOARD SHALL BE STAGGERED SO  
25 THAT THEY DO NOT EXPIRE AT THE SAME TIME].

26 \* Sec. 3. AS 08.64.040 is amended to read:

27 Sec. 08.64.040. REMOVAL OF MEMBERS. The governor may remove a  
28 member of the board for cause. The board may by regulation provide  
29 that unexcused absences from meetings is cause for removal.

1 \* Sec. 4. AS 08.64 is amended by adding a new section to read:

2       Sec. 08.64.085. MEETINGS OF THE BOARD. The board shall meet at  
3       least four times a year.

4 \* Sec. 5. AS 08.64 is amended by adding a new section to read:

5       Sec. 08.64.101. DUTIES. The board shall

6             (1) examine and issue licenses to applicants;

7             (2) submit an annual report of its proceedings to the gover-  
8       nor, including a statement of money received and disbursed;

9             (3) after a hearing, impose disciplinary sanctions on persons  
10       who violate this chapter, or the regulations or orders of the board;

11            (4) adopt regulations insuring that renewal of licenses is  
12       contingent upon proof of continued competency on the part of the licen-  
13       see.

14 \* Sec. 6. AS 08.64.240 is repealed and reenacted to read:

15       Sec. 08.64.240. LICENSE REFUSED. (a) The board shall refuse to  
16       grant a license if

17             (1) the applicant fails or cheats during the examination;

18             (2) the board determines that the applicant is professionally  
19       unfit to practice medicine or osteopathy in the state; or

20             (3) the applicant fails to comply with a requirement of this  
21       chapter.

22       (b) The board may refuse to grant a license to any applicant for  
23       the same reasons that it may impose disciplinary sanctions under AS 08.-  
24       64.325.

25 \* Sec. 7. AS 08.64.250 is amended to read:

26       Sec. 08.64.250. LICENSE BY CREDENTIALS [ENDORSEMENT]. The board  
27       may waive the examination requirement and license by credentials [EN-  
28       DORSEMENT] if the physician or podiatry applicant meets the requirements  
29       of AS 08.64.200 or 08.64.209, submits proof of continued competence as

1 required by regulation, pays the required fee and has

2 (1) an active license from a board of medical examiners ex-  
3 tablished under the laws of a state or territory of the United States or  
4 a province of Canada issued after thorough examination; or

5 (2) passed an examination given by the National Board of  
6 Medical Examiners or the Federation of State Medical Boards of the  
7 United States if the applicant is a physician, or passed an examination  
8 given by the National Board of Podiatry Examiners if the applicant is a  
9 podiatrist.

10 \* Sec. 8. AS 08.64.270(a) is amended to read:

11 (a) The board may issue a temporary permit to an applicant who  
12 meets the requirements of AS 08.64.200, [OR] 08.64.205, or 08.64.209 and  
13 pays the required fee.

14 \* Sec. 9. AS 08.64.311 is amended to read:

15 Sec. 08.64.311. [BIENNIAL] LICENSE RENEWAL. A license [LICENSES]  
16 shall be renewed four years after the date it is issued [BIENNIALY].

17 \* Sec. 10. AS 08.64.315 is amended to read: ;

18 Sec. 08.64.315. FEES. The following fees are imposed under this  
19 chapter:

- 20 (1) application . . . . . \$ 50 [\$25]  
21 (2) license by examination . . . . . 200 [125]  
22 (3) license by credentials [ENDORSEMENT] or  
23 waiver of examination . . . . . 200 [100]  
24 (4) temporary permit . . . . . 50 [ 25]  
25 (5) locum tenens permit . . . . . 50 [ 25]  
26 (6) license renewal [, BIENNIAL], active . . . 600 [100]  
27 (7) license renewal [, BIENNIAL], inactive . . 200 [ 25]  
28 (8) license by reexamination . . . . . 150 [ 75]

29 \* Sec. 11. AS 08.64.325 is repealed and reenacted to read:

1           Sec. 08.64.325.    GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.

2           (a)   The board may impose a sanction if the board finds after a hearing  
3           that a licensee

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

6                   (2)   engaged in deceit, fraud, or intentional misrepresenta-  
7           tion while providing professional services or engaging in professional  
8           activities;

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

11                   (4)   has been convicted, including conviction based on a  
12          guilty plea or plea of nolo contendere, of

13                           (A)   a felony or other crime if the felony or other crime  
14          is substantially related to the qualifications, functions, or  
15          duties of the licensee; or

16                           (B)   a crime involving the unlawful procurement, sale,  
17          prescription or dispensing of drugs; ;

18                   (5)   has procured, sold, prescribed or dispensed drugs in vi-  
19          olation of any law, regardless of whether there has been a criminal ac-  
20          tion;

21                   (6)   intentionally or negligently permitted the performance of  
22          patient care by persons under his supervision that does not conform to  
23          minimum professional standards even if the patient was not injured;

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

26                   (8)   has demonstrated

27                           (A)   professional incompetence, gross negligence or re-  
28          peated negligent conduct;

29                           (B)   addiction to, severe dependency on, or habitual

1 overuse of alcohol or other drugs that impairs his ability to  
2 practice safely;

3 (C) unfitness because of physical or mental disability;

4 (9) engaged in unprofessional conduct or in lewd or immoral  
5 conduct in connection with the delivery of professional services to  
6 patients;

7 (10) has violated AS 18.16.010;

8 (11) has violated a code of ethics adopted by regulation by  
9 the board;

10 (12) has denied care or treatment to a patient or person  
11 seeking assistance from the physician if the only reason for the denial  
12 is the failure or refusal of the patient to agree to arbitrate as pro-  
13 vided in AS 09.55.535(a);

14 (13) has had his license or certificate to practice medicine  
15 in another state, territory of the United States, or a province of Can-  
16 ada suspended or revoked, unless the suspension or revocation was caused  
17 by the failure of the licensee to pay fees to that state, territory, or  
18 province.

19 (b) In a case involving (a)(13) of this section, the final findings  
20 of fact, conclusions of law, and order of the authority that suspended  
21 or revoked a license or certificate constitutes a prima facie case that  
22 the license or certificate was suspended or revoked and the grounds  
23 under which the suspension or revocation was granted.

24 \* Sec. 12. AS 08.64.330 is repealed and reenacted to read:

25 Sec. 08.64.330. DISCIPLINARY SANCTIONS. (a) If the board finds  
26 that a licensee has committed an act set out in AS 08.64.325(a), the  
27 board may

28 (1) permanently revoke a license to practice;

29 (2) suspend a license for a determinate period of time;

- 1 (3) censure a licensee;  
2 (4) issue a letter of reprimand;  
3 (5) place a licensee on probationary status and require him

4 to

5 (A) report regularly to the board on matters involving  
6 the basis of probation;

7 (B) limit practice to those areas prescribed;

8 (C) continue professional education until a satisfactory  
9 degree of skill has been attained in those areas determined by the  
10 board to need improvement;

11 (6) impose limitations or conditions on the practice of a  
12 licensee; or

13 (7) impose one or more of the sanctions set out in (1) - (6)  
14 of this subsection.

15 (b) The board may end the probation of a licensee if it finds that  
16 the deficiencies that required this sanction have been remedied.

17 (c) The board may summarily suspend a license before final hearing  
18 or during the appeals process if the board finds that the licensee poses  
19 a clear and immediate danger to the public health and safety if he  
20 continues to practice. A person whose license is suspended under this  
21 section is entitled to a hearing by the board no later than seven days  
22 after the effective date of the order. He may appeal the suspension  
23 after a hearing to a court of competent jurisdiction.

24 (d) The board may reinstate a license that has been suspended or  
25 revoked if the board finds after a hearing that the applicant is able to  
26 practice with reasonable skill and safety.

27 (e) A license may be suspended upon receipt of a certified copy of  
28 evidence that the licensee's license to practice medicine in another  
29 state or territory of the United States or province of Canada has been

1 suspended or revoked. The suspension remains in effect until a hearing  
2 can be held by the board.

3 (f) The board shall be consistent in the application of disci-  
4 plinary sanctions. A significant departure from earlier decisions of  
5 the board involving similar situations must be explained in findings of  
6 fact or orders made by the board.

7 \* Sec. 13. AS 08.64.360 is amended to read:

8 Sec. 08.64.360. PENALTY FOR PRACTICING WITHOUT A LICENSE OR IN  
9 VIOLATION OF CHAPTER. Except for a physician assistant, [AND] a physi-  
10 cian-trained mobile intensive care paramedic under AS 08.64.170, or a  
11 person licensed or authorized under another chapter of this title who  
12 engages in practices for which he is licensed or authorized under that  
13 chapter, a person practicing medicine or osteopathy in the state without  
14 a valid [OBTAINING AND FILING AN APPROPRIATE] license or permit is  
15 guilty of a class B misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY A  
16 FINE OF NOT LESS THAN \$50 NOR MORE THAN \$100, OR BY IMPRISONMENT FOR NOT  
17 LESS THAN 10 DAYS NOR MORE THAN 90 DAYS, OR BY BOTH]. Evidence that the  
18 defendant has failed to file a license with the clerk of the court is  
19 prima facie evidence that the defendant is not licensed. Each day of  
20 illegal practice is a separate offense.

21 \* Sec. 14. AS 08.64.380(2) is repealed and reenacted to read:

22 (2) "practice of medicine" or "practice of osteopathy" means

23 (A) for a fee, donation or other consideration, to  
24 diagnose, treat, operate on, prescribe for, or administer to, any  
25 human ailment, blemish, deformity, disease, disfigurement, disor-  
26 der, or injury; or to attempt to perform or represent that a person  
27 is authorized to perform any of the acts set out in this subpara-  
28 graph;

29 (B) to use or publicly display a title in connection

1 with a person's name including "doctor of medicine", "M.D.", or  
2 "doctor of osteopathic medicine" or "D.O." or a specialist desig-  
3 nation including "surgeon", "dermatologist", or a similar title, or  
4 any title that tends to show that the person is willing or qualified  
5 to diagnose or treat the sick or injured;

6 \* Sec. 15. AS 08.64.380(5) is amended to read:

7 (5) "department" means the Department of Commerce and Econ-  
8 omic Development.

9 \* Sec. 16. AS 08.64.030, 08.64.110, 08.64.140, 08.64.200(1), and 08.64.-  
10 380(3) are repealed.

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. CSSB 237 (Finance) "An Act relating to the  
 Title regulation and practice of Medicine."  
 Requested by Senate Finance Date 4/13/82

II. FISCAL DETAIL  
 Agency Affected Department of Commerce & Economic Development  
 Program Category Affected Public Protection  
 BRU, Program, Or Subprogram(s) Affected Regulation & licensing of professions  
 (Note: If more than one budget component is affected, separate line-item  
 amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		0	0	0	0	0'

FUNDING (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME		0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

IV. DATE April 14, 1982 PREPARED BY *Marjorie Odland*  
Marjorie Odland  
 AGENCY Division of Occupational Licensing  
 Original: Legislative Finance PHONE 465-2535  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 33-001 (Rev. 12/81)

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

POUCH D

JUNEAU, ALASKA 99811

Phone: 465-2500

May 12, 1981

RECEIVED

MAY 14 1981

Honorable Patrick M. Rodey  
Chairman  
Senate Judiciary Committee  
Pouch V  
Juneau, Alaska 99811

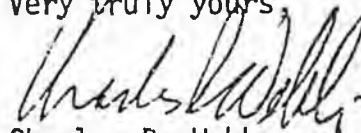
Dear Senator Rodey:

Re: CSSB 237

The Department of Commerce and Economic Development fully supports those sections in CSSB 237 which amend existing language in the Medical Practice Act, particularly Sections 7, 12, 13 and 14, which clarify and govern grounds for license refusal and disciplinary sanctions, and Section 15 which provides for a more clear and enforceable definition of the practice of medicine.

The department does not support Sections 1 and 2, which create an investigator position and an executive officer position for exclusive use by the State Medical Board. This increase in governmental employees is not cost effective.

Very truly yours,



Charles R. Webber  
Commissioner

CRW/mc2/2

March 4, 1981

The Honorable Jalmar Kerttula  
President of the Senate  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to licensing for and regulation of the practice of medicine. The bill would revise and clarify the statutes relating to licensing for the practice of medicine, and the powers and duties of the State Medical Board. The bill also would clarify the grounds for disciplinary action by the board and the types of disciplinary action which it may take.

Further, the bill would revise the definition of the practice of medicine to include modern views of what constitutes medical practice. The new language also expands the definition of the practice of medicine to encompass types of activity not clearly regulated under existing law, including the treatment of a person who does not clearly fall within the definition of a person who is "sick or injured."

The bill also would add provisions that regulate child delivery by persons commonly known as midwives or by other persons. The provision would require any unlicensed person who assists at child delivery for compensation to be authorized either by the State Medical Board or the Board of Nursing to carry out this function. The bill would also require the board to adopt regulations which define requirements and procedures for the grant of authority to assist at childbirth. The intent of these provisions is to protect the public when an unforeseen medical emergency arises in childbirth.

Lay midwives should be encouraged by these provisions to seek medical assistance when a problem develops. Midwives often feel that they are working outside the law and are afraid to turn to physicians or hospitals when it is necessary.

Sincerely,

S/JSH

Jay S. Hammond  
Governor

POSITION PAPER

CS For Senate Bill No. 237 (HESS)

"An Act relating to the regulation of the practice of medicine."

CS For Senate Bill No. 237 (HESS) makes a number of changes to the State Medical Board and the practice of medicine laws in the State of Alaska. It provides for the assignment of an investigator to work at the direction of the State Medical Board, the language relating to the creation and maintenance of a viable board is made more precise. A new fee schedule and clarification of licensing procedures for physicians is accomplished. In addition a few minor housekeeping corrections are made.

In particular, sections 12 and 13 of the bill outline sanctions in a more effective manner than the existing statute. These changes make real enforcement a viable option when the board, after appropriate hearings, feels it is indicated.

Overall, the bill appears to lay the groundwork for better medical care and a more effective and timely response to those concerns raised by the public about the kind and quality of medical care they have received.

Recommended by: David Bruce  
David Bruce, Deputy Director  
Division of Public Health

Date: May 5 1981

Approved by: Helen D. Beirne  
Helen D. Beirne, Commissioner

Date: 5-11-81

THE LEGISLATURE OF THE STATE OF ALASKA  
 TWILIGHT HOUSES

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS For Senate Bill No. 237 (HESS)  
 Title "An Act relating to the regulation of the practice of medicine."  
 Requested by Commissioner's Office Date 5/4/81

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services  
 Program Category Affected Public Health  
 BRU, Program, or Subprogram(s) Affected \_\_\_\_\_  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)  
EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Fund Source)	0	0	0	0	0	0

POSITIONS

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

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE 5/4/81 PREPARED BY David Bruce  
 AGENCY Dept. of Health & Social Services  
 PHONE 465-3090  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named) M&B Approval [Signature] Date 5/4/81

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
Bill/Resolution No. CSSE 237 (HESS) "An Act relating to professional licensing and  
Title to the regulation of the practice of medicine.  
Requested by Governor Date 4-9-81

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development  
Program Category Affected Public Protection  
BRU, Program, or Subprogram(s) Affected Regulation & licensing of professions; administration  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each  
component in the analysis section.) investigations  
EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		102.8	110.0	117.7	125.9	134.7
200 TRAVEL		5.1	5.7	6.4	7.2	8.0
300 CONTRACTUAL		10.2	10.9	11.7	12.5	13.4
400 COMMODITIES		.0	.0	.0	.0	.0
500 EQUIPMENT		2.4	.0	.0	.0	.0
600 LAND & STRUCTURES		8.1	8.1	8.1	8.1	8.1
700 GRANTS, CLAIMS, ETC.						
TOTAL		128.6	134.7	143.9	153.7	164.2

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND		128.6	134.7	143.9	153.7	164.2
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME	3	3	3	3	3	3
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

PERSONAL SERVICES - FY'82 salary schedule, 7% inflation factor projected.

1 Investigator, Range 18, gen. govt., 12 mos.	\$ 40,348.00
1 Executive Officer, Range 18, partially exempt, 12 mos.	40,348.00
1 Clerk typist III, Range 8, gen. govt., 12 mos.	22,140.00
	<u>\$ 102,836.00</u>

TRAVEL - 12 % inflation factor projected

Investigator: 5 days per diem per month @ \$67/day	4,000.00
One out-of-town trip per month @ \$250.00 per trip	3,000.00
Executive Officer, 5 board meetings	1,500.00
One out-of-state trip	700.00
	<u>\$ 9,200.00</u>

CONTRACTUAL - 7% inflation factor projected.

1 Mag Card typewriter lease	3,000.00
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IV. DATE 4-9-81

PREPARED BY Marjorie Odland Regulations Specialist (continued next pa  
AGENCY Division of Occupational Licensing  
PHONE 465-2535

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

CSSE 237 continued. . .

Computer terminal use, prorated share at \$350 mo.	4,200.00
Postage, phones, printing, publication and operating costs	<u>3,000.00</u>
	\$ 10,200.00

EQUIPMENT - one time cost FY'82 only.

2 desks, double pedestal, 60x30	704.64
1 desk, single pedestal with typing extension	432.83
2 chairs, exec. swivel with arms	353.66
1 chair, posture without arms	134.77
2 bookcases, 3 shelves	205.28
1 lanier recorder	355.00
1 file cabinet, 4 drawer legal with lock	<u>215.99</u>
	\$ 2,402.17

LAND & STRUCTURES

(for 3 positions) 150 sq.ft. X 1.50 X 12 X 3 = \$8,100

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. CSSB 237 "An Act relating to professional licensing and  
 Title to the regulation of the practice of medicine.  
 Requested by Senate HESS Committee Date 4-9-81

II. FISCAL DETAIL  
 Agency Affected Department of Commerce & Economic Development  
 Program Category Affected Public Protection  
 BRU, Program, or Subprogram(s) Affected Regulation & licensing of professions; administration & investigations  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)  
EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		102.8	110.0	117.7	125.9	134.7
200 TRAVEL		5.1	5.7	6.4	7.2	8.0
300 CONTRACTUAL		10.2	10.9	11.7	12.5	13.4
400 COMMODITIES		.0	.0	.0	.0	.0
500 EQUIPMENT		2.4	.0	.0	.0	.0
600 LAND & STRUCTURES		8.1	8.1	8.1	8.1	8.1
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>128.6</b>	<b>134.7</b>	<b>143.9</b>	<b>153.7</b>	<b>164.2</b>

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND		128.6	134.7	143.9	153.7	164.2
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME		3	3	3	3	3
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

PERSONAL SERVICES - FY'82 salary schedule, 7% inflation factor projected.

1 Investigator, Range 18, gen. govt., 12 mos.	\$ 40,348.00
1 Executive Officer, Range 18, partially exempt, 12 mos.	40,348.00
1 Clerk typist III, Range 8, gen. govt., 12 mos.	22,140.00
	<u>\$ 102,836.00</u>

TRAVEL - 12 % inflation factor projected

Investigator: 5 days per diem per month @ \$67/day	4,000.00
One out-of-town trip per month @ \$250.00 per trip	3,000.00
Executive Officer, 5 board meetings	1,500.00
One out-of-state trip	700.00
	<u>\$ 9,200.00</u>

CONTRACTUAL - 7% inflation factor projected.

1 Mag Card typewriter lease	3,000.00
-----------------------------	----------

Marjorie Odland,  
Regulations Specialist (continued next page)

IV. DATE 4-9-81

PREPARED BY Division of Occupational Licensing  
 AGENCY 465-2535

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

CCSB 237 continued. . .

Computer terminal use, prorated share at \$350/mo.	4,200.00
Postage, phones, printing, publication and operating costs	3,000.00
	<u>\$ 10,200.00</u>

EQUIPMENT - one time cost FY'82 only.

2 desks, double pedestal, 60x30	704.64
1 desk, single pedestal with typing extension	432.83
2 chairs, exec. swivel with arms	353.66
1 chair, posture without arms	134.77
2 bookcases, 3 shelves	205.28
1 lanier recorder	355.00
1 file cabinet, 4 drawer legal with lock	215.99
	<u>\$ 2,402.17</u>

LAND & STRUCTURES

(for 3 positions) 150 sq.ft. X 1.50 X 12 X 3 = \$8,100

## POSITION PAPER

Senate Bill No. 237

"An Act relating to professional licensing and to the regulation of the practice of medicine."

Discussion of State Medical Board provisions

This bill contains several provisions that will make the function of the State Board of Medicine more effective and efficient. It requires the physician members to be licensed in the state, thus helping to insure that physicians with a commitment to Alaskan medicine will be appointed. Non-participation after appointment will be eliminated by this bill's provision for this being a cause for removal. Renewal of licenses every four (4) years will result in clerical efficiency without endangering the health of Alaskans.

Position:

The Department favors all these provisions.

Discussion of Maternal Care in Alaska

Section 14 of the bill adds a new section which empowers the State Medical Board to adopt regulations which would give authorization for persons to assist at childbirth for a fee, donation, or other compensation.

Before widespread availability of medical facilities, adequate transportation and professional providers; the Department promoted training for lay midwives in remote village areas through maternal and child health nurse consultants. In 1968, specific training was discontinued because of the establishment of the Community Health Aide training program by the Alaska Native Health Service. The program emphasizes the Community Health Aide's collaborative relationship with the Alaska Native Health physicians, which has resulted in moving the vast majority of village home births to the protected environment of hospitals.

The national trend toward higher requirements for mid level practitioners (nurse midwives), has resulted in the establishment of certified extended nurse practitioner programs throughout the nation. Alaska recognized the advanced nurse practitioner role by adopting regulation 12 AAC.44.400 which address the scope of practice and certification requirements. These increased training and educational requirements for para professionals and professionals have evolved to assure competent, quality health care for the mother and child.

Section 14 of the bill establishes an authorization process to assure this same quality of care for mother and child in the hands of other childbirth assistants. The Department, however, is concerned how this will be accomplished since there are no recognized, formal training programs and no certification process.

To assure consumer protection 12 AAC 44.410 requires certified nurse midwives have a collaborative physician relationship. It is recommended that childbirth assistants not be exempt from this requirement. It is impossible to ascertain exactly how many childbirth assistants in Alaska would be impacted by this statute, but an informed guess would be 6-10 persons.

The Department recognizes the demand for home deliveries is a growing phenomena, primarily in urban Alaska due to economic reasons or the desire for family oriented birthing experience. Analysis of birth statistics (with an approximation for the number of unreported home births) in 1979 indicates that 200-300 out of 9,000 births probably occurred at home. These home births are primarily in Anchorage, Fairbanks, Homer, and Juneau. The few home births that occur in remote areas are primarily due to medical emergencies and hazardous travel conditions.

Alaska is attempting to address the needs of these individuals through the following programs:

1. Expansion of Medicaid coverage for maternity care.
2. General relief medical assistance for those not eligible for Medicaid.
3. Support for family centered birthing attitudes and procedures in hospitals.
4. Medical care assistance through Improved Pregnancy Outcome and Maternal and Infant Care projects.

Recommended by: David Bruce  
David Bruce, Deputy Director  
Division of Public Health

Date: April 3, 1981

Approved by: Helen D. Beirne  
Helen D. Beirne  
Commissioner

Date: 4/3/81

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST Senate Bill No. 257  
 Bill/Resolution No. \_\_\_\_\_  
 Title "An Act relating to professional licensing and to the regulation of the practice of  
Requested by Commissioner's Office Date 4/2/81 medicine."

II. FISCAL DETAIL  
 Agency Affected Department of Health and Social Services  
 Program Category Affected Public Health  
 BRU, Program, or Subprogram(s) Affected \_\_\_\_\_

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Fund Source)	0	0	0	0	0	0

POSITIONS

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

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE 4/2/81 PREPARED BY David Spence, M.D.  
 AGENCY Dept. of Health & Social Services  
 Original: Legislative Finance PHONE 465-3100  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named) M&B Approval [Signature] Date 4/2/81

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 237 "An Act relating to profession  
Title licensing and to the regulation of the practice of medicine.  
Requested by Governor Date 2-27-81

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development  
Program Category Affected Public Protection  
BRU, Program, or Subprogram(s) Affected Regulation and licensing of professions; boards  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

No fiscal impact. Functions already budgeted for by the department.

IV. DATE 2-27-81

PREPARED BY Harry D. Treager, Director  
AGENCY Division of Occupational Licensing  
PHONE 465-2534

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

1 \* Sec. 3. AS 08.64.020 is amended to read:

2       Sec. 08.64.020. [STATE MEDICAL BOARD] TERM OF OFFICE. Members  
3 shall be appointed for staggered terms [A TERM] of four years, subject  
4 to confirmation by a majority of the members of the legislature in  
5 joint session, and shall hold the office until their successors are ap-  
6 pointed and qualified. A person who has served two successive complete  
7 terms may not be reappointed until four years after the expiration of  
8 the second term [THE TERMS OF THE PUBLIC MEMBERS OF THE BOARD SHALL BE  
9 STAGGERED SO THAT THEY DO NOT EXPIRE AT THE SAME TIME].

10 \* Sec. 4. AS 08.64.040 is amended to read:

11       Sec. 08.64.040. REMOVAL OF MEMBERS. The governor may remove a  
12 member of the board for cause. The board may by regulation provide  
13 that unexcused absences from meetings is cause for removal.

14 \* Sec. 5. AS 08.64 is amended by adding new sections to read:

15       Sec. 08.64.075. EXECUTIVE OFFICER OF THE BOARD. After consulting  
16 with the board, the department shall employ an individual who is not a  
17 member of the board to serve as the executive officer of the board.

18       The executive officer shall

19               (1) perform the administrative duties required by the depart-  
20 ment, by the board, and by this chapter;

21               (2) carry out regulations and policies of the board; and

22               (3) assist the board in conducting continuing education  
23 programs and examinations of applicants for licenses.

24       Sec. 08.64.085. MEETINGS OF THE BOARD. The board shall meet at  
25 least four times a year.

26 \* Sec. 6. AS 08.64 is amended by adding a new section to read:

27       Sec. 08.64.101. DUTIES. The board shall

28               (1) examine and issue licenses to applicants;

29               (2) submit an annual report of its proceedings to the gover-

Original sponsor: Rules/Governor

Offered: 4/15/81  
Referred: Judiciary

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 237 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the regulation of the practice of  
7 medicine."

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

9 \* Section 1. AS 08.01.050 is amended by adding a new subsection to read:

10 (c) After consulting with the State Medical Board (AS 08.64.010),  
11 the department shall employ an individual who is not a member of the  
12 board to be assigned as the investigator for the board. The investi-  
13 gator shall

14 (1) conduct investigations into alleged violations of  
15 AS 08.64, and into alleged violations of regulations and orders of the  
16 State Medical Board;

17 (2) at the request of the State Medical Board, conduct in-  
18 vestigations based on complaints filed with the department or with the  
19 board; and

20 (3) be directly responsible and accountable to the State  
21 Medical Board, except that only the department has authority to termi-  
22 nate his employment.

23 \* Sec. 2. AS 08.64.010 is amended to read:

24 Sec. 08.64.010. CREATION AND MEMBERSHIP OF STATE MEDICAL BOARD.  
25 The governor shall appoint a board of medical examiners, to be known as  
26 the State Medical Board, consisting of five [LICENSED] physicians li-  
27 censed in the state and [,] residing in as many separate geographical  
28 areas of the state [ALASKA JUDICIAL DISTRICTS] as possible, and two  
29 persons with no direct financial interest in the health care industry.

1 nor, including a statement of money received and disbursed;

2 (3) after a hearing, impose disciplinary sanctions on per-  
3 sons who violate this chapter, or the regulations or orders of the  
4 board;

5 (4) adopt regulations insuring that renewal of licenses is  
6 contingent upon proof of continued competency on the part of the licen-  
7 see.

8 \* Sec. 7. AS 08.64.240 is repealed and reenacted to read:

9 Sec. 08.64.240. LICENSE REFUSED. (a) The board shall refuse to  
10 grant a license if

11 (1) the applicant fails or cheats during the examination;

12 (2) the board determines that the applicant is professional-  
13 ly unfit to practice medicine or osteopathy in the state; or

14 (3) the applicant fails to comply with a requirement of this  
15 chapter.

16 (b) The board may refuse to grant a license to any applicant for  
17 the same reasons that it may impose disciplinary sanctions under AS 08.-  
18 64.325.

19 \* Sec. 8. AS 08.64.250 is amended to read:

20 Sec. 08.64.250. LICFNSE BY CREDENTIALS [ENDORSEMENT]. The board  
21 may waive the examination requirement and license by credentials [EN-  
22 DORSEMENT] if the physician or podiatry applicant meets the require-  
23 ments of AS 08.64.200 or 08.64.209, submits proof of continued compe-  
24 tence as required by regulation, pays the required fee and has

25 (1) an active license from a board of medical examiners ex-  
26 tablished under the laws of a state or territory of the United States  
27 or a province of Canada issued after thorough examination; or

28 (2) passed an examination given by the National Board of  
29 Medical Examiners or the Federation of State Medical Boards of the

1 United States if the applicant is a physician, or passed an examination  
2 given by the National Board of Podiatry Examiners if the applicant is a  
3 podiatrist.

4 \* Sec. 9. AS 08.64.270(a) is amended to read:

5 (a) The board may issue a temporary permit to an applicant who  
6 meets the requirements of AS 08.64.200, [OR] 08.64.205, or 08.64.209  
7 and pays the required fee.

8 \* Sec. 10. AS 08.64.311 is amended to read:

9 Sec. 08.64.311. [BIENNIAL] LICENSE RENEWAL. Licenses shall be  
10 renewed four years after the date of issue [BIENNIALY].

11 \* Sec. 11. AS 08.64.315 is amended to read:

12 Sec. 08.64.315. FEES. The following fees are imposed under this  
13 chapter:

- 14 (1) application . . . . . \$ 50 [\$25]  
15 (2) license by examination . . . . . 200 [125]  
16 (3) license by credentials [ENDORSEMENT] or  
17 waiver of examination . . . . . 200 [100]  
18 (4) temporary permit . . . . . 50 [ 25]  
19 (5) locum tenens permit . . . . . 50 [ 25]  
20 (6) license renewal [, BIENNIAL], active . . . 600 [100]  
21 (7) license renewal [, BIENNIAL], inactive . . 200 [ 25]  
22 (8) license by reexamination . . . . . 150 [ 75]

23 \* Sec. 12. AS 08.64.325 is repealed and reenacted to read:

24 Sec. 08.64.325. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.

25 (a) The board may impose a sanction if the board finds after a hearing  
26 that a licensee

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

29 (2) engaged in deceit, fraud, or intentional misrepresenta-

1 tion while providing professional services or engaging in professional  
2 activities;

3 (3) advertised professional services in a false or mislead-  
4 ing manner;

5 (4) has been convicted, including conviction based on a  
6 guilty plea or plea of nolo contendere, of (A) a felony or other crime  
7 if the felony or other crime is substantially related to the qualifica-  
8 tions, functions, or duties of the licensee; or (B) a crime involving  
9 the unlawful procurement, sale, prescription or dispensing of drugs;

10 (5) has procured, sold, prescribed or dispensed drugs in vi-  
11 olation of any law, regardless of whether there has been a criminal ac-  
12 tion;

13 (6) intentionally or negligently permitted the performance  
14 of patient care by persons under his supervision which does not conform  
15 to minimum professional standards even if the patient was not injured;

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

18 (8) has demonstrated

19 (A) professional incompetence, gross negligence or re-  
20 peated negligent conduct;

21 (B) addiction to, severe dependency on, or habitual  
22 overuse of alcohol or other drugs which impairs his ability to  
23 practice safely;

24 (C) unfitness because of physical or mental disability;

25 (9) engaged in unprofessional conduct or in lewd or immoral  
26 conduct in connection with the delivery of professional services to  
27 patients;

28 (10) has violated AS 18.16.010;

29 (11) has violated any code of ethics adopted by regulation by

1 the board;

2 (12) has denied care or treatment to a patient or person  
3 seeking assistance from the physician if the only reason for the denial  
4 is the failure or refusal of the patient to agree to arbitrate as pro-  
5 vided in AS 09.55.535(a);

6 (13) has had his license or certificate to practice medicine  
7 in another state, territory of the United States or a province or Can-  
8 ada suspended or revoked unless the suspension or revocation was caused  
9 by the failure of the licensee to pay fees to that state, territory or  
10 province.

11 (b) In any case involving (a)(13) of this section, the final  
12 findings of fact, conclusions of law and order of the authority which  
13 suspended or revoked a license or certificate constitutes a prima facie  
14 case that the license or certificate was suspended or revoked and the  
15 grounds under which the suspension or revocation was granted.

16 \* Sec. 13. AS 08.64.330 is repealed and reenacted to read:

17 Sec. 08.64.330. DISCIPLINARY SANCTIONS. (a) If the board finds  
18 that a licensee has committed an act set out in AS 08.64.325(a), the  
19 board may

- 20 (1) premanently revoke a license to practice;  
21 (2) suspend a license for a determinate period of time;  
22 (3) censure a licensee;  
23 (4) issue a letter of reprimand;  
24 (5) place a licensee on probationary status and require him

25 to

26 (A) report regularly to the board on matters involving  
27 the basis of probation;

28 (B) limit practice to those areas prescribed;

29 (C) continue professional education until a satisfac-

1 tory degree of skill has been attained in those areas determined  
2 by the board to need improvement;

3 (6) impose limitations or conditions on the practice of a  
4 licensee; or

5 (7) impose one or more of the sanctions set out in (1) --  
6 (6) of this subsection.

7 (b) The board may end the probation of a licensee if it finds  
8 that the deficiencies which required this sanction have been remedied.

9 (c) The board may summarily suspend a license before final hear-  
10 ing or during the appeals process if the board finds that the licensee  
11 poses a clear and immediate danger to the public health and safety if  
12 he continues to practice. A person whose license is suspended under  
13 this section is entitled to a hearing by the board no later than seven  
14 days after the effective date of the order. He may appeal the suspen-  
15 sion after a hearing to a court of competent jurisdiction.

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

19 (e) A license may be suspended upon receipt of a certified copy  
20 of evidence that the licensee's license to practice medicine in another  
21 state or territory of the United States or province of Canada has been  
22 suspended or revoked. The suspension remains in effect until a hearing  
23 can be held by the board.

24 (f) The board shall be consistent in the application of disci-  
25 plinary sanctions. A significant departure from earlier decisions of  
26 the board involving similar situations must be explained in findings of  
27 fact or orders made by the board.

28 \* Sec. 14. AS 08.64.360 is amended to read:

29 Sec. 08.64.360. PENALTY FOR PRACTICING WITHOUT A LICENSE OR IN

1 tory degree of skill has been attained in those areas determined  
2 by the board to need improvement;

3 (6) impose limitations or conditions on the practice of a  
4 licensee; or

5 (7) impose one or more of the sanctions set out in (1) --  
6 (6) of this subsection.

7 (b) The board may end the probation of a licensee if it finds  
8 that the deficiencies which required this sanction have been remedied.

9 (c) The board may summarily suspend a license before final hear-  
10 ing or during the appeals process if the board finds that the licensee  
11 poses a clear and immediate danger to the public health and safety if  
12 he continues to practice. A person whose license is suspended under  
13 this section is entitled to a hearing by the board no later than seven  
14 days after the effective date of the order. He may appeal the suspen-  
15 sion after a hearing to a court of competent jurisdiction.

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

19 (e) A license may be suspended upon receipt of a certified copy  
20 of evidence that the licensee's license to practice medicine in another  
21 state or territory of the United States or province of Canada has been  
22 suspended or revoked. The suspension remains in effect until a hearing  
23 can be held by the board.

24 (f) The board shall be consistent in the application of disci-  
25 plinary sanctions. A significant departure from earlier decisions of  
26 the board involving similar situations must be explained in findings of  
27 fact or orders made by the board.

28 \* Sec. 14. AS 08.64.360 is amended to read:

29 Sec. 08.64.360. PENALTY FOR PRACTICING WITHOUT A LICENSE OR IN

1 VIOLATION OF CHAPTER. Except for a physician assistant, [AND] a physi-  
2 cian-trained mobile intensive care paramedic under AS 08.64.170, or a  
3 person licensed or authorized under another chapter of this title who  
4 engages in practices for which he is licensed or authorized under that  
5 chapter, a person practicing medicine or osteopathy in the state with-  
6 out a valid [OBTAINING AND FILING AN APPROPRIATE] license or permit is  
7 guilty of a class B misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY A  
8 FINE OF NOT LESS THAN \$50 NOR MORE THAN \$100, OR BY IMPRISONMENT FOR  
9 NOT LESS THAN 10 DAYS NOR MORE THAN 90 DAYS, OR BY BOTH]. Evidence  
10 that the defendant has failed to file a license with the clerk of the  
11 court is prima facie evidence that the defendant is not licensed. Each  
12 day of illegal practice is a separate offense.

13 \* Sec. 15. AS 08.64.380(2) is repealed and reenacted to read:

14 (2) "practice of medicine" or "practice of osteopathy"  
15 means:

16 (A) for a fee, donation or other consideration, to  
17 diagnose, treat, operate on, prescribe for, or administer to, any  
18 human ailment, blemish, deformity, disease, disfigurement, disorder,  
19 or injury; or to attempt to perform or represent that a  
20 person is authorized to perform any of the acts set out in this  
21 subparagraph;

22 (B) to use or publicly display a title in connection  
23 with a person's name including "doctor of medicine," "M.D.," or  
24 "doctor of osteopathic medicine" or "D.O." or a specialist designation  
25 including "surgeon," "dermatologist," or a similar title,  
26 or any title which tends to show that the person is willing or  
27 qualified to diagnose or treat the sick or injured;

28 \* Sec. 16. AS 08.64.380(5) is amended to read:

29 (5) "department" means the Department of Commerce and Econ-

1        omic Development.

2        \* Sec. 17. AS 08.64.030, 08.64.110, 08.64.140, 08.64.200(1), and 08.64.-  
3 380(3) are repealed.

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Original sponsor: Rules/Governor

Offered: 4/15/81  
Referred: Judiciary

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 237 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the regulation of the practice of  
7 medicine."

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

9 \* Section 1. AS 08.01.050 is amended by adding a new subsection to read:

10 (c) After consulting with the State Medical Board (AS 08.64.010),  
11 the department shall employ an individual who is not a member of the  
12 board to be assigned as the investigator for the board. The investi-  
13 gator shall

14 (1) conduct investigations into alleged violations of  
15 AS 08.64, and into alleged violations of regulations and orders of the  
16 State Medical Board;

17 (2) at the request of the State Medical Board, conduct in-  
18 vestigations based on complaints filed with the department or with the  
19 board; and

20 (3) be directly responsible and accountable to the State  
21 Medical Board, except that only the department has authority to termi-  
22 nate his employment.

23 \* Sec. 2. AS 08.64.010 is amended to read:

24 Sec. 08.64.010. CREATION AND MEMBERSHIP OF STATE MEDICAL BOARD.  
25 The governor shall appoint a board of medical examiners, to be known as  
26 the State Medical Board, consisting of five [LICENSED] physicians li-  
27 censed in the state and [,] residing in as many separate geographical  
28 areas of the state [ALASKA JUDICIAL DISTRICTS] as possible, and two  
29 persons with no direct financial interest in the health care industry.

1 \* Sec. 3. AS 08.64.020 is amended to read:

2 Sec. 08.64.020. [STATE MEDICAL BOARD] TERM OF OFFICE. Members  
3 shall be appointed for staggered terms [A TERM] of four years, subject  
4 to confirmation by a majority of the members of the legislature in  
5 joint session, and shall hold the office until their successors are ap-  
6 pointed and qualified. A person who has served two successive complete  
7 terms may not be reappointed until four years after the expiration of  
8 the second term [THE TERMS OF THE PUBLIC MEMBERS OF THE BOARD SHALL BE  
9 STAGGERED SO THAT THEY DO NOT EXPIRE AT THE SAME TIME].

10 \* Sec. 4. AS 08.64.040 is amended to read:

11 Sec. 08.64.040. REMOVAL OF MEMBERS. The governor may remove a  
12 member of the board for cause. The board may by regulation provide  
13 that unexcused absences from meetings is cause for removal.

14 \* Sec. 5. AS 08.64 is amended by adding new sections to read:

15 Sec. 08.64.075. EXECUTIVE OFFICER OF THE BOARD. After consulting  
16 with the board, the department shall employ an individual who is not a  
17 member of the board to serve as the executive officer of the board.  
18 The executive officer shall

19 (1) perform the administrative duties required by the depart-  
20 ment, by the board, and by this chapter;

21 (2) carry out regulations and policies of the board; and

22 (3) assist the board in conducting continuing education  
23 programs and examinations of applicants for licenses.

24 Sec. 08.64.085. MEETINGS OF THE BOARD. The board shall meet at  
25 least four times a year.

26 \* Sec. 6. AS 08.64 is amended by adding a new section to read:

27 Sec. 08.64.101. DUTIES. The board shall

28 (1) examine and issue licenses to applicants;

29 (2) submit an annual report of its proceedings to the gover-

1 nor, including a statement of money received and disbursed;

2 (3) after a hearing, impose disciplinary sanctions on per-  
3 sons who violate this chapter, or the regulations or orders of the  
4 board;

5 (4) adopt regulations insuring that renewal of licenses is  
6 contingent upon proof of continued competency on the part of the licen-  
7 see.

8 \* Sec. 7. AS 08.64.240 is repealed and reenacted to read:

9 Sec. 08.64.240. LICENSE REFUSED. (a) The board shall refuse to  
10 grant a license if

11 (1) the applicant fails or cheats during the examination;

12 (2) the board determines that the applicant is professional-  
13 ly unfit to practice medicine or osteopathy in the state; or

14 (3) the applicant fails to comply with a requirement of this  
15 chapter.

16 (b) The board may refuse to grant a license to any applicant for  
17 the same reasons that it may impose disciplinary sanctions under AS 08.-  
18 64.325.

19 \* Sec. 8. AS 08.64.250 is amended to read:

20 Sec. 08.64.250. LICENSE BY CREDENTIALS [ENDORSEMENT]. The board  
21 may waive the examination requirement and license by credentials [EN-  
22 DORSEMENT] if the physician or podiatry applicant meets the require-  
23 ments of AS 08.64.200 or 08.64.209, submits proof of continued compe-  
24 tence as required by regulation, pays the required fee and has

25 (1) an active license from a board of medical examiners ex-  
26 tablished under the laws of a state or territory of the United States  
27 or a province of Canada issued after thorough examination; or

28 (2) passed an examination given by the National Board of  
29 Medical Examiners or the Federation of State Medical Boards of the

1 United States if the applicant is a physician, or passed an examination  
2 given by the National Board of Podiatry Examiners if the applicant is a  
3 podiatrist.

4 \* Sec. 9. AS 08.64.270(a) is amended to read:

5 (a) The board may issue a temporary permit to an applicant who  
6 meets the requirements of AS 08.64.200, [OR] 08.64.205, or 08.64.209  
7 and pays the required fee.

8 \* Sec. 10. AS 08.64.311 is amended to read:

9 Sec. 08.64.311. [BIENNIAL] LICENSE RENEW/L. Licenses shall be  
10 renewed four years after the date of issue [BIENNIALY].

11 \* Sec. 11. AS 08.64.315 is amended to read:

12 Sec. 08.64.315. FEES. The following fees are imposed under this  
13 chapter:

- 14 (1) application . . . . . 50 [\$25]  
15 (2) license by examination . . . . . 200 [125]  
16 (3) license by credentials [ENDORSEMENT] or  
17 waiver of examination . . . . . 200 [100]  
18 (4) temporary permit . . . . . 50 [ 25]  
19 (5) locum tenens permit . . . . . 50 [ 25]  
20 (6) license renewal [, BIENNIAL], active . . . 600 [100]  
21 (7) license renewal [, BIENNIAL], inactive . . 200 [ 25]  
22 (8) license by reexamination . . . . . 150 [ 75]

23 \* Sec. 12. AS 08.64.325 is repealed and reenacted to read:

24 Sec. 08.64.325. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.

25 (a) The board may impose a sanction if the board finds after a hearing  
26 that a licensee

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

29 (2) engaged in deceit, fraud, or intentional misrepresenta-

1 tion while providing professional services or engaging in professional  
2 activities;

3 (3) advertised professional services in a false or mislead-  
4 ing manner;

5 (4) has been convicted, including conviction based on a  
6 guilty plea or plea of nolo contendere, of (A) a felony or other crime  
7 if the felony or other crime is substantially related to the qualifica-  
8 tions, functions, or duties of the licensee; or (B) a crime involving  
9 the unlawful procurement, sale, prescription or dispensing of drugs;

10 (5) has procured, sold, prescribed or dispensed drugs in vi-  
11 olation of any law, regardless of whether there has been a criminal ac-  
12 tion;

13 (6) intentionally or negligently permitted the performance  
14 of patient care by persons under his supervision which does not conform  
15 to minimum professional standards even if the patient was not injured;

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

18 (8) has demonstrated

19 (A) professional incompetence, gross negligence or re-  
20 peated negligent conduct;

21 (B) addiction to, severe dependency on, or habitual  
22 overuse of alcohol or other drugs which impairs his ability to  
23 practice safely;

24 (C) unfitness because of physical or mental disability;

25 (9) engaged in unprofessional conduct or in lewd or immoral  
26 conduct in connection with the delivery of professional services to  
27 patients;

28 (10) has violated AS 18.16.010;

29 (11) has violated any code of ethics adopted by regulation by

1 the board;

2 (12) has denied care or treatment to a patient or person  
3 seeking assistance from the physician if the only reason for the denial  
4 is the failure or refusal of the patient to agree to arbitrate as pro-  
5 vided in AS 09.55.535(a);

6 (13) has had his license or certificate to practice medicine  
7 in another state, territory of the United States or a province or Can-  
8 ada suspended or revoked unless the suspension or revocation was caused  
9 by the failure of the licensee to pay fees to that state, territory or  
10 province.

11 (b) In any case involving (a)(13) of this section, the final  
12 findings of fact, conclusions of law and order of the authority which  
13 suspended or revoked a license or certificate constitutes a prima facie  
14 case that the license or certificate was suspended or revoked and the  
15 grounds under which the suspension or revocation was granted.

16 \* Sec. 13. AS 08.64.330 is repealed and reenacted to read:

17 Sec. 08.64.330. DISCIPLINARY SANCTIONS. (a) If the board finds  
18 that a licensee has committed an act set out in AS 08.64.325(a), the  
19 board may

- 20 (1) premanently revoke a license to practice;  
21 (2) suspend a license for a determinate period of time;  
22 (3) censure a licensee;  
23 (4) issue a letter of reprimand;  
24 (5) place a licensee on probationary status and require him

25 to

26 (A) report regularly to the board on matters involving  
27 the basis of probation;

28 (B) limit practice to those areas prescribed;

29 (C) continue professional education until a satisfac-

1 tory degree of skill has been attained in those areas determined  
2 by the board to need improvement;

3 (6) impose limitations or conditions on the practice of a  
4 licensee; or

5 (7) impose one or more of the sanctions set out in (1) --  
6 (6) of this subsection.

7 (b) The board may end the probation of a licensee if it finds  
8 that the deficiencies which required this sanction have been remedied.

9 (c) The board may summarily suspend a license before final hear-  
10 ing or during the appeals process if the board finds that the licensee  
11 poses a clear and immediate danger to the public health and safety if  
12 he continues to practice. A person whose license is suspended under  
13 this section is entitled to a hearing by the board no later than seven  
14 days after the effective date of the order. He may appeal the suspen-  
15 sion after a hearing to a court of competent jurisdiction.

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

19 (e) A license may be suspended upon receipt of a certified copy  
20 of evidence that the licensee's license to practice medicine in another  
21 state or territory of the United States or province of Canada has been  
22 suspended or revoked. The suspension remains in effect until a hearing  
23 can be held by the board.

24 (f) The board shall be consistent in the application of disci-  
25 plinary sanctions. A significant departure from earlier decisions of  
26 the board involving similar situations must be explained in findings of  
27 fact or orders made by the board.

28 \* Sec. 14. AS 08.64.360 is amended to read:

29 Sec. 08.64.360. PENALTY FOR PRACTICING WITHOUT A LICENSE OR IN

1 VIOLATION OF CHAPTER. Except for a physician assistant, [AND] a physi-  
2 cian-trained mobile intensive care paramedic under AS 08.64.170, or a  
3 person licensed or authorized under another chapter of this title who  
4 engages in practices for which he is licensed or authorized under that  
5 chapter, a person practicing medicine or osteopathy in the state with-  
6 out a valid [OBTAINING AND FILING AN APPROPRIATE] license or permit is  
7 guilty of a class B misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY A  
8 FINE OF NOT LESS THAN \$50 NOR MORE THAN \$100, OR BY IMPRISONMENT FOR  
9 NOT LESS THAN 10 DAYS NOR MORE THAN 90 DAYS, OR BY BOTH]. Evidence  
10 that the defendant has failed to file a license with the clerk of the  
11 court is prima facie evidence that the defendant is not licensed. Each  
12 day of illegal practice is a separate offense.

13 \* Sec. 15. AS 08.64.380(2) is repealed and reenacted to read:

14 (2) "practice of medicine" or "practice of osteopathy"

15 means:

16 (A) for a fee, donation or other consideration, to  
17 diagnose, treat, operate on, prescribe for, or administer to, any  
18 human ailment, blemish, deformity, disease, disfigurement, disor-  
19 der, or injury; or to attempt to perform or represent that a  
20 person is authorized to perform any of the acts set out in this  
21 subparagraph;

22 (B) to use or publicly display a title in connection  
23 with a person's name including "doctor of medicine," "M.D.," or  
24 "doctor of osteopathic medicine" or "D.O." or a specialist desig-  
25 nation including "surgeon," "dermatologist," or a similar title,  
26 or any title which tends to show that the person is willing or  
27 qualified to diagnose or treat the sick or injured;

28 \* Sec. 16. AS 08.64.380(5) is amended to read:

29 (5) "department" means the Department of Commerce and Econ-

1        omic Development.

2        \* Sec. 17. AS 08.64.030, 08.64.110, 08.64.140, 08.64.200(1), and 08.64.-  
3 380(3) are repealed.

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Introduced: 3/4/81  
Referred: Health, Education &  
Social Services and Judiciary

1 IN THE SENATE BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 237

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to professional licensing and to the  
7 regulation of the practice of medicine."

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

9 \* Section 1. AS 08.64.010 is amended to read:

10 Sec. 08.64.010. CREATION AND MEMBERSHIP OF STATE MEDICAL BOARD.  
11 The governor shall appoint a board of medical examiners, to be known as  
12 the State Medical Board, consisting of five [LICENSED] physicians li-  
13 censed in the state and [,] residing in as many separate geographical  
14 areas of the state [ALASKA JUDICIAL DISTRICTS] as possible, and two  
15 persons with no direct financial interest in the health care industry.

16 \* Sec. 2. AS 08.64.020 is amended to read:

17 Sec. 08.64.020. [STATE MEDICAL BOARD] TERM OF OFFICE. Members  
18 shall be appointed for staggered terms [A TERM] of four years, subject  
19 to confirmation by a majority of the members of the legislature in  
20 joint session, and shall hold the office until their successors are ap-  
21 pointed and qualified. A person who has served two successive complete  
22 terms may not be reappointed until four years after the expiration of  
23 the second term [THE TERMS OF THE PUBLIC MEMBERS OF THE BOARD SHALL BE  
24 STAGGERED SO THAT THEY DO NOT EXPIRE AT THE SAME TIME].

25 \* Sec. 3. AS 08.64.040 is amended to read:

26 Sec. 08.64.040. REMOVAL OF MEMBERS. The governor may remove a  
27 member of the board for cause. The board may by regulation provide  
28 that unexcused absences from meetings is cause for removal.

29 \* Sec. 4. AS 08.64 is amended by adding new sections to read:

1           Sec. 08.64.085. MEETINGS OF THE BOARD. The board shall meet at  
2 least four times a year.

3           Sec. 08.64.101. DUTIES. The board shall

4                 (1) examine and issue licenses to applicants;

5                 (2) submit an annual report of its proceedings to the gover-  
6 nor, including a statement of money received and disbursed;

7                 (3) after a hearing, impose disciplinary sanctions on per-  
8 sons who violate this chapter, or the regulations or orders of the  
9 board;

10                (4) adopt regulations insuring that renewal of licenses is  
11 contingent upon proof of continued competency on the part of the licen-  
12 see.

13 \* Sec. 5. AS 08.64.170 is amended to read:

14           Sec. 08.64.170. LICENSE TO PRACTICE MEDICINE OR OSTEOPATHY OR AS-  
15 SIST AT CHILDBIRTH. (a) No person may practice medicine, podiatry,  
16 osteopathy, [OR] acupuncture, or for a fee, donation, or other compensa-  
17 tion assist at childbirth in the state unless he is licensed under this  
18 chapter, except that

19                 (1) a physician assistant may examine, diagnose or treat  
20 persons under the supervision, control, and responsibility of either a  
21 physician licensed under this chapter or a physician exempted from li-  
22 censing [LICENSURE] under AS 08.64.370;

23                 (2) a physician-trained mobile intensive care paramedic may  
24 render emergency lifesaving service; [AND]

25                 (3) a person licensed under AS 08.36 may perform acupuncture  
26 in the regular practice of dentistry, subject to the regulations of the  
27 Board of Dental Examiners;

28                 (4) a person may assist at childbirth if authorized under  
29 regulations of the board or if licensed or subject to regulations

1       adopted under AS 08.68; and

2               (5) a person who is licensed or authorized under another  
3 chapter of this title may engage in a practice which is authorized un-  
4 der that chapter.

5 \* Sec. 6. AS 08.64.240 is repealed and reenacted to read:

6               Sec. 08.64.240. LICENSE REFUSED. (a) The board shall refuse to  
7 grant a license if

8                       (1) the applicant fails or cheats during the examination;

9                       (2) the board determines that the applicant is professional-  
10 ly unfit to practice medicine or osteopathy in the state; or

11                      (3) the applicant fails to comply with a requirement of this  
12 chapter.

13               (b) The board may refuse to grant a license to any applicant for  
14 the same reasons that it may impose disciplinary sanctions under AS 08.-  
15 64.325.

16 \* Sec. 7. AS 08.64.250 is amended to read:

17               Sec. 08.64.250. LICENSE BY CREDENTIALS [ENDORSEMENT]. The board  
18 may waive the examination requirement and license by credentials [EN-  
19 DORSEMENT] if the physician or podiatry applicant meets the require-  
20 ments of AS 08.64.200 or 08.64.209, submits proof of continued compe-  
21 tence as required by regulation, pays the required fee and has

22                      (1) an active license from a board of medical examiners ex-  
23 tablished under the laws of a state or territory of the United States  
24 or a province of Canada issued after thorough examination; or

25                      (2) passed an examination given by the National Board of  
26 Medical Examiners or the Federation of State Medical Boards of the  
27 United States if the applicant is a physician, or passed an examination  
28 given by the National Board of Podiatry Examiners if the applicant is a  
29 podiatrist.

1 \* Sec. 8. AS 08.64.270(a) is amended to read:

2 (a) The board may issue a temporary permit to an applicant who  
3 meets the requirements of AS 08.64.200, [OR] 08.64.205, or 08.64.209  
4 and pays the required fee.

5 \* Sec. 9. AS 08.64.311 is amended to read:

6 Sec. 08.64.311. [BIENNIAL] LICENSE RENEWAL. Licenses shall be  
7 renewed four years after the date of issue [BIENNIALY].

8 \* Sec. 10. AS 08.64.315 is amended to read:

9 Sec. 08.64.315. FEES. The following fees are imposed under this  
10 chapter:

- 11 (1) application . . . . . \$ 50 [\$25]  
12 (2) license by examination . . . . . 200 [125]  
13 (3) license by credentials [ENDORSEMENT] or  
14 waiver of examination . . . . . 200 [100]  
15 (4) temporary permit . . . . . 50 [ 25]  
16 (5) locum tenens permit . . . . . 50 [ 25]  
17 (6) license renewal [, BIENNIAL], active . . . 600 [100]  
18 (7) license renewal [, BIENNIAL], inactive . . 200 [ 25]  
19 (8) license by reexamination . . . . . 150 [ 75]

20 \* Sec. 11. AS 08.64.325 is repealed and reenacted to read:

21 Sec. 08.64.325. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.

22 (a) The board may impose a sanction if the board finds after a hearing  
23 that a licensee

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

26 (2) engaged in deceit, fraud, or intentional misrepresenta-  
27 tion while providing professional services or engaging in professional  
28 activities;

29 (3) advertised professional services in a false or mislead-

1 ing manner;

2 (4) has been convicted, including conviction based on a  
3 guilty plea or plea of nolo contendere, of (A) a felony or other crime  
4 if the felony or other crime is substantially related to the qualifica-  
5 tions, functions, or duties of the licensee; or (B) a crime involving  
6 the unlawful procurement, sale, prescription or dispensing of drugs;

7 (5) has procured, sold, prescribed or dispensed drugs in vi-  
8 olation of any law, regardless of whether there has been a criminal ac-  
9 tion;

10 (6) intentionally or negligently permitted the performance  
11 of patient care by persons under his supervision which does not conform  
12 to minimum professional standards even if the patient was not injured;

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

15 (8) has demonstrated

16 (A) professional incompetence, gross negligence or re-  
17 peated negligent conduct;

18 (B) addiction to, severe dependency on, or habitual  
19 overuse of alcohol or other drugs which impairs his ability to  
20 practice safely;

21 (C) unfitness because of physical or mental disability;

22 (9) engaged in unprofessional conduct or in lewd or immoral  
23 conduct in connection with the delivery of professional services to  
24 patients;

25 (10) has violated AS 18.16.010;

26 (11) has violated any code of ethics adopted by regulation by  
27 the board;

28 (12) has denied care or treatment to a patient or person  
29 seeking assistance from the physician if the only reason for the denial

1 is the failure or refusal of the patient to agree to arbitrate as pro-  
2 vided in AS 09.55.535(a);

3 (13) has had his license or certificate to practice medicine  
4 in another state, territory of the United States or a province or Can-  
5 ada suspended or revoked unless the suspension or revocation was caused  
6 by the failure of the licensee to pay fees to that state, territory or  
7 province.

8 (b) In any case involving (a)(13) of this section, the final  
9 findings of fact, conclusions of law and order of the authority which  
10 suspended or revoked a license or certificate constitutes a prima facie  
11 case that the license or certificate was suspended or revoked and the  
12 grounds under which the suspension or revocation was granted.

13 \* Sec. 12. AS 08.64.330 is repealed and reenacted to read:

14 Sec. 08.64.330. DISCIPLINARY SANCTIONS. (a) If the board finds  
15 that a licensee has committed an act set out in AS 08.64.325(a), the  
16 board may

- 17 (1) premanently revoke a license to practice;
- 18 (2) suspend a license for a determinate period of time;
- 19 (3) censure a licensee;
- 20 (4) issue a letter of reprimand;
- 21 (5) place a licensee on probationary status and require him

22 to

23 (A) report regularly to the board on matters involving  
24 the basis of probation;

25 (B) limit practice to those areas prescribed;

26 (C) continue professional education until a satisfac-  
27 tory degree of skill has been attained in those areas determined  
28 by the board to need improvement;

- 29 (6) impose limitations or conditions on the practice of a

1 licensee; or

2 (7) impose one or more of the sanctions set out in (1) --  
3 (6) of this subsection.

4 (b) The board may end the probation of a licensee if it finds  
5 that the deficiencies which required this sanction have been remedied.

6 (c) The board may summarily suspend a license before final hear-  
7 ing or during the appeals process if the board finds that the licensee  
8 poses a clear and immediate danger to the public health and safety if  
9 he continues to practice. A person whose license is suspended under  
10 this section is entitled to a hearing by the board no later than seven  
11 days after the effective date of the order. He may appeal the suspen-  
12 sion after a hearing to a court of competent jurisdiction.

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

16 (e) A license may be suspended upon receipt of a certified copy  
17 of evidence that the licensee's license to practice medicine in another  
18 state or territory of the United States or province of Canada has been  
19 suspended or revoked. The suspension remains in effect until a hearing  
20 can be held by the board.

21 (f) The board shall be consistent in the application of disci-  
22 plinary sanctions. A significant departure from earlier decisions of  
23 the board involving similar situations must be explained in findings of  
24 fact or orders made by the board.

25 \* Sec. 13. AS 08.64.360 is amended to read:

26 Sec. 08.64.360. PENALTY FOR PRACTICING WITHOUT A LICENSE OR IN  
27 VIOLATION OF CHAPTLR. Except for a physician assistant, [AND] a physi-  
28 cian-trained mobile intensive care paramedic under AS 08.64.170, or a  
29 person licensed or authorized under another chapter of this title who

1 engages in practices for which he is licensed or authorized under that  
2 chapter, a person practicing medicine or osteopathy in the state with-  
3 out a valid [OBTAINING AND FILING AN APPROPRIATE] license or permit is  
4 guilty of a class B misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY A  
5 FINE OF NOT LESS THAN \$50 NOR MORE THAN \$100, OR BY IMPRISONMENT FOR  
6 NOT LESS THAN 10 DAYS NOR MORE THAN 90 DAYS, OR BY BOTH]. Evidence  
7 that the defendant has failed to file a license with the clerk of the  
8 court is prima facie evidence that the defendant is not licensed. Each  
9 day of illegal practice is a separate offense.

10 \* Sec. 14. AS 08.64 is amended by adding a new section in art. IV to  
11 read:

12 Sec. 08.64.369. ASSISTANCE AT CHILDBIRTH. The board shall adopt  
13 regulations regarding the authorization under this chapter of a person  
14 who assists at childbirth for a fee, donation, or other compensation,  
15 and the medical services the person may perform, including but not lim-  
16 ited to (1) qualifications, (2) application and authorization proce-  
17 dures, (3) the scope of activities authorized, and (4) the supervisory  
18 relationship, if any, between the person and a practicing physician.

19 \* Sec. 15. AS 08.64.380(2) is repealed and reenacted to read:

20 (2) "practice of medicine" or "practice of osteopathy"  
21 means.

22 (A) for a fee, donation or other consideration, to di-  
23 agnose, treat, operate on, prescribe for, or administer to, any  
24 human ailment, blemish, deformity, disease, disfigurement, disor-  
25 der, injury, or other mental or physical condition; or to attempt  
26 to perform or represent that a person is authorized to perform any  
27 of the acts set out in this subparagraph;

28 (B) to use or publicly display a title in connection  
29 with a person's name including "doctor of medicine," "M.D.," or

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"doctor of osteopathic medicine" or "D.O." or a specialist designation including "surgeon," "dermatologist," or a similar title, or any title which tends to show that the person is willing or qualified to diagnose or treat the sick or injured;

\* Sec. 16. AS 08.64.380(5) is amended to read:

(5) "department" means the Department of Commerce and Economic Development.

\* Sec. 17. AS 08.64.030, 08.64.11C, 08.64.140, 08.64.200(1), and 08.64.-380(3) are repealed.