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Article 3. Nursing Education Programs.

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280. Nursing education program prohibited unless accredited	310. Accreditation
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Sec. 08.68.280. Nursing education program prohibited unless accredited. No person, institution or agency may conduct a nursing education program for professional or practical nurses unless the program is accredited by the board. (§ 18 ch 90 SLA 1957)

Sec. 08.68.290. Application for accreditation. An institution desiring to conduct a nursing education program to prepare professional or practical nurses shall apply to the board and submit evidence that (1) it is prepared to carry out the curriculum approved by the board for professional nursing or for practical nursing, as the case may be, and that (2) it is prepared to meet other standards established by law and by the board. (§ 17 ch 90 SLA 1957)

Sec. 08.68.300. Survey and accreditation by the board. The board shall designate the executive officer, a board member, or a consultant to survey the institution applying for accreditation to determine if the standards and requirements required by law and the board are met. The board may survey a nursing education program in the state at any time. Written reports of the surveys shall be filed with the board and retained by it. (§ 18 ch 90 SLA 1957)

Sec. 08.68.310. Accreditation. If, in the opinion of the board, the nursing education program meets the requirements established by the board, the board shall accredit it as an approved nursing education program for professional or practical nurses. The graduates of an accredited nursing program are eligible for licenses. (§ 18 ch 90 SLA 1957)

Sec. 08.68.320. Denial of accreditation. The board may deny, revoke or suspend accreditation of a nursing education program if it determines that required standards are not being maintained. (§ 18 ch 90 SLA 1957)

Sec. 08.68.330. List of accredited programs. The board shall prepare, maintain, and from time to time publish a list of accredited nursing education programs in the state. (§ 19 ch 90 SLA 1957)

Article 4. Unlawful Acts.

Section	Section
340. Violations	370. Application for injunction
350. Punishment for misdemeanor	380. Issuance of injunction
360. Unlicensed practice a public nuisance	390. Remedy not exclusive

Sec. 08.68.340. Violations. It is a misdemeanor for a person to

(1) sell or fraudulently obtain or furnish a nursing diploma, license renewal or record, or aid or abet therein; or

(2) practice nursing under cover of a diploma, license, or record illegally or fraudulently obtained or signed or issued unlawfully or by fraudulent representation; or

(3) practice or offer to practice nursing without a license, except when rendering necessary aid to the ill, injured or infirm in an emergency, or to knowingly employ a person without a license to practice nursing; or

(4) use in connection with his name a designation tending to imply that he is a licensed nurse unless he is licensed; or

(5) practice nursing during the time his license is lapsed, suspended or revoked; or

(6) conduct a nursing education program unless the program has been accredited by the board; or

(7) violate any provision of this chapter. (§§ 1, 22 ch 90 SLA 1957; am § 9 ch 129 SLA 1974)

Effect of amendment. — The 1974 amendment inserted "or to knowingly employ a person without a license to practice nursing" in paragraph (3). **C.J.S. references.** — 53 C.J.S. Licenses §§ 62 to 65; 70 C.J.S. Physicians and Surgeons § 8.

Sec. 08.68.350. Punishment for misdemeanor. A person who violates § 340 of this chapter is punishable by imprisonment for not less than 10 days nor more than one year, or by a fine of not less than \$10 nor more than \$500, or by both. (§ 22 ch 90 SLA 1957)

Sec. 08.68.360. Unlicensed practice a public nuisance. The practice of professional or practical nursing for compensation by a person who is not licensed, or whose license is suspended, or revoked, or expired, is declared to be inimical to the public welfare and to constitute a public nuisance. (art VIII ch 90 SLA 1957)

Sec. 08.68.370. Application for injunction. The board may, apply for an injunction in a competent court to enjoin a person not licensed or whose license is suspended or revoked, or expired, from practicing professional or practical nursing. The court may issue a temporary injunction enjoining the defendant from practicing professional or practical nursing. (art VIII ch 90 SLA 1957)

Sec. 08.68.380. Issuance of injunction. If it is established that the defendant has been, or is practicing professional or practical nursing without a license or has been or is practicing nursing after his license has been suspended, or revoked, or has expired, the court may enjoin the defendant from further practice. (art VIII ch 90 SLA 1957)

Sec. 08.68.390. Remedy not exclusive. If a person violates an injunction issued under this section, he may be punished for contempt

of court. The injunction proceeding is in addition to other penalties and remedies provided in this chapter. (art VIII ch 90 SLA 1957)

Article 5. General Provisions.

Section

400. Exceptions to application of chapter

410. Definitions

Sec. 08.68.400. Exceptions to application of chapter. (a) This chapter does not apply to

(1) a qualified nurse licensed in another state employed by the United States Government or a bureau, or agency, or division of the United States Government while in the discharge of his official duties;

(2) nursing service given temporarily in the event of a public emergency or disaster;

(3) the practice of nursing by a student enrolled in a nursing education program accredited by the board when the practice is in connection with the student's course of study; or

(4) the practice of nursing by a nurse enrolled in an approved refresher course.

(b) For purposes of this section the word "nurses" includes professional and practical nurses, and "nursing" means professional and practical nursing. (art IX ch 90 SLA 1957; am § 10 ch 129 SLA 1974)

Effect of amendment. — The 1974 amendment added paragraph (4) to subsection (a).

Sec. 08.68.410. Definitions. As used in this chapter

(1) "board" means the Board of Nursing;

(2) "licensed professional nurse" is equivalent to the common title registered nurse;

(3) "licensed practical nurse" is equivalent to the title licensed vocational nurse;

(4) "practical nursing" also means vocational nursing;

(5) "practice of professional nursing" means the performance for compensation of observation, care and counsel of the ill, injured, or infirm, or the maintenance of health or prevention of illness of others, the supervision and teaching of personnel; or the administration of medications and treatments prescribed by a licensed physician or dentist which require substantial specialized judgment and skill based on knowledge and application of the principles of biological, physical, and social science; but the foregoing do not include acts of medical diagnosis, or the prescription of medical therapeutic or corrective measures unless authorized by regulations promulgated jointly by the State Medical Board and the Board of Nursing and as implemented by the Board of Nursing;

(6) "practice of practical nursing" means the performance for compensation of selected acts in the care or prevention of illness, and in the care of the ill, injured, or infirm under the direction of a licensed professional nurse or a licensed physician or a licensed dentist not requiring the substantial specialized skill, judgment and knowledge required in professional nursing;

(7) an "accredited nursing education program" is a program having curricula and standards which meet the requirements established by the board;

(8) "endorsement" is the licensing or registering of an applicant without examination through the acceptance of a license or registration issued by any state or territory after a comprehensive examination which is equivalent to the examination offered in this state, and providing the applicant meets all other qualifications required by law;

(9) "advanced nurse practitioner" means a registered professional nurse who by virtue of specialized education and experience, has become certified to perform acts of medical diagnosis, and prescription of medical, therapeutic or corrective measures as authorized by regulations promulgated under (5) of this section. (§ 2 ch 90 SLA 1957; am § 5 ch 37 SLA 1970; am § 3 ch 67 SLA 1973; am §§ 11, 12 ch 129 SLA 1974)

Effect of amendments. — The 1973 amendment added the language beginning "unless authorized" to the end of paragraph (5).

The 1974 amendment substituted "state or territory" for "state, territory, or foreign country" near the middle of paragraph (8) and added paragraph (9).

CHAPTER 44. BOARD OF NURSING

Article

1. Nursing Education of Professional Nurses
2. Nursing Education of Practical Nurses
3. Examination and Licensure
4. Advanced Nurse Practitioner
5. General Provisions

ARTICLE I. NURSING EDUCATION OF PROFESSIONAL NURSES

Section

10. Purpose of accreditation
20. Types of accreditation
30. Survey
40. Establishment of school of professional nursing
50. Discontinuance of program
60. Organization of schools
70. Budget
80. Student clinical experience
90. Faculty
100. Qualifications of director and professional nursing instructors
110. Records
120. School catalogue
130. Curriculum requirements
140. Reports

12 AAC 44.010. PURPOSE OF ACCREDITATION. The purpose of accreditation is

(1) to assure the safe practice of nursing by setting minimum requirements for the conduct of school of professional nursing that prepares the nurse practitioner;

(2) to assure the graduate of their eligibility for admission to the licensing examination for professional nurses in Alaska; and

(3) to encourage within school of professional nursing self-evaluation and study for growth, development and improvement of its program. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100
AS 08.68.290

12 AAC 44.020. TYPES OF ACCREDITATION. (a) Full accreditation is

granted a school of professional nursing that has met the requirements as set forth in secs. 10 - 140 of this chapter.

(b) Provisional accreditation is granted a school of professional nursing that has not been in operation long enough to fulfill the standards of accreditation of secs. 10 - 140 of this chapter.

(c) Conditional accreditation is granted a school of professional nursing which has failed to maintain minimum standards and has been notified that it must meet the requirements of the board within one year from date of notice. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.109(1),(3) and (4)
AS 08.68.290

12 AAC 44.030. SURVEY. (a) The completed application for provisional accreditation shall be submitted to the board when the school of professional nursing is ready for a survey visit.

(b) A survey of each school of nursing, including affiliations and extended campus facilities, is required for the purpose of full accreditation and shall be made by one or more representatives of the board and may include a faculty member from an established professional nursing program.

(c) Each school of professional nursing shall permit periodic surveys by the board or their designated representative for the purpose of determining compliance with accreditation standards.

(d) Prior to a survey visit, specific information will be requested by the board.

(e) The information supplied by the school and the written report of the survey will be given to the board. The report and recommendations of the board will be sent to the administrator of the controlling body and the delegated nurse administrator of the program. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(1),(3) and (4)
AS 08.68.300

12 AAC 44.040. ESTABLISHMENT OF SCHOOL OF PROFESSIONAL NURSING. (a) Any university or college wishing to establish a school of professional nursing shall inform the

board in writing during the initial planning period.

(b) There shall be information on the availability of clinical facilities and job opportunities for graduates. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(1),(3) and (4)
AS 08.68.300

12 AAC 44.050. DISCONTINUANCE OF PROGRAM. When a school of professional nursing plans on discontinuing its program it shall

(1) notify the board in writing as soon as the decision is made;

(2) give assurances that the educational standards shall be maintained until the last class has graduated or that adequate provisions are made for the transfer of students unable to complete the program; and

(3) make provision for the preservation of students' records. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(1)

12 AAC 44.060. ORGANIZATION OF SCHOOLS. (a) There shall be a clear statement of philosophy which shall be filed with the board.

(b) The school of professional nursing shall be an integral part of an accredited institution of higher learning. There shall be a plan of organization and administration of the school of professional nursing with an organization diagram available to all persons concerned with the school of professional nursing. This chart shall indicate responsibilities and lines of communication and show how individuals and units within the school of professional nursing stand in relation to one another and to such groups as the board of control and clinical facilities. The relationships may be direct, advisory, contractual, coordinating or cooperative in nature. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(1) and (3)

12 AAC 44.070. BUDGET. (a) The financial statement of a school of professional nursing shall be submitted annually to the board and must include assets and liabilities, allowance for

fiscal year for faculty salaries, administrative positions, laboratory equipment, maintenance, capitol improvement, library.

(b) In addition to the information required in (a) of this section, a school of professional nursing applying for initial, provisional accreditation shall submit a proposed budget for five years which includes projected amounts and sources of funding, and an analysis of projected disbursements. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(1) and (3)

12 AAC 44.080. STUDENT CLINICAL EXPERIENCE. (a) Assignment of students for clinical experience shall be the responsibility of the director of the school of professional nursing and the faculty.

(b) Each school of professional nursing shall include in its curriculum student experience in meeting the physical, emotional and social needs of people of all ages in health and illness for nursing care.

(c) If there is more than one professional nursing program having clinical experience simultaneously within the same clinical area, each group shall have separate instructors.

(d) In student clinical experience, the clinical instructor-student ratio may not exceed 1:12 at any given time. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(1) and (3)

12 AAC 44.090. FACULTY. The administration and teaching staff shall consist of

(1) a director of the school of professional nursing;

(2) nursing instructors prepared in the major broad areas of current nursing practice. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(1) and (3)

12 AAC 44.100. QUALIFICATIONS OF DIRECTOR AND PROFESSIONAL NURSING INSTRUCTORS. (a) The director of a school of professional nursing shall be a professional nurse and have at least a master's degree in education or nursing, including coursework in curriculum development and counseling, and at least one

year of experience either in instruction or administration of nursing education.

(b) Instructors who are responsible for the development and implementation of curriculum in one of the specialty areas shall have a master's degree in nursing, and have at least one year of clinical nursing experience in that area.

(c) Instructors who supervise nursing practice in a school of professional nursing shall have at least a baccalaureate degree in nursing and have at least one year of clinical nursing experience in the area in which they are teaching. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(1) and (3)

12 AAC 44.110. RECORDS. The school of professional nursing shall provide for

(1) pre-admission and current records for each student, including information as to the student's knowledge and skills related to the practice of professional nursing; and

(2) the official transcript of each student. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(1) and (3)
AS 08.68.300

12 AAC 44.120. SCHOOL CATALOGUE. In the catalogue of the accredited institution there shall be a current official statement, developed by the nursing faculty, describing the nursing program, which includes

(1) a statement of the philosophy and objectives of the school of professional nursing;

(2) admission and graduation policies and procedures;

(3) the curriculum, course description, and list of faculty members; and

(4) description of physical facilities. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(1) and (3)

12 AAC 44.130. CURRICULUM REQUIREMENTS. Baccalaureate and associate degree programs shall comply with the following minimum curriculum requirements:

(1) biological and physical sciences

(A) academic faculty prepared in these areas shall provide this instruction;

(B) subject matter shall relate to structure and function of the human body;

(2) behavioral and social sciences

(A) academic faculty prepared in these areas shall provide this instruction;

(B) subject matter shall include principles of psychology, communications, growth and development, and interpersonal relationships;

(3) nursing science

(A) the school of professional nursing shall provide instruction and clinical experience in the major broad areas of current nursing practice;

(B) it shall provide instruction in allied subjects such as community health, pharmacology, nutrition and diet therapy, history and trends in nursing and professional responsibilities;

(C) theory and laboratory experience shall be concurrent to enable students to develop basic skills in professional nursing;

(D) throughout the program the student shall have experience applying the principles learned by working with the health team in providing nursing services and health education to people of all ages. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(1) and (3)
AS 08.68.290

12 AAC 44.140. REPORTS. By July 1 of each year, schools of professional nursing shall submit to the Board of Nursing reports related to faculty, students and current curriculum as follows:

(1) written job descriptions and qualifications for each category of faculty;

(2) names, educational qualifications, and titles of all nursing faculty members;

(3) a count of students admitted, withdrawn, transferred and graduated on forms provided by the board;

(4) a copy of the catalogue;

(5) course outlines for all nursing courses;

(6) budget information required in sec. 70 of this chapter; and

(7) a copy of any written agreement between the school of professional nursing and clinical facilities. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.300

ARTICLE 2. NURSING EDUCATION OF PRACTICAL NURSES

Section

- 150. Purpose of accreditation
- 160. Types of accreditation
- 170. Survey
- 180. Establishment of school of practical nursing
- 190. Discontinuance of program
- 200. Organization of schools
- 210. Budget
- 220. Student clinical experience
- 230. Faculty
- 240. Qualifications of director and practical nursing instructors
- 250. Records
- 260. School catalogue
- 270. Curriculum requirements
- 280. Reports

12 AAC 44.150. PURPOSE OF ACCREDITATION. The purpose of accreditation is

(1) to assure safe practice of nursing by setting minimum requirements for the conduct of school of practical nursing that prepares the practical nurse;

(2) to assure the graduates of their eligibility for admission to the licensing examination for practical nurses in Alaska; and

(3) to encourage within school of practical nursing self-evaluation and study for growth,

development and improvement of its program. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100
AS 08.68.290

12 AAC 44.160. TYPES OF ACCREDITATION. (a) Full accreditation is granted a school of practical nursing that has met the requirements as set forth in secs. 150 – 280 of this chapter.

(b) Provisional accreditation is granted a school of practical nursing that has not been in operation long enough to fulfill the standards of accreditation of secs. 150 – 280 of this chapter.

(c) Conditional accreditation is granted a school of practical nursing which has failed to maintain minimum standards and has been notified that it must meet the requirements of the board within one year from date of notice. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.109(1)(3)(4)
AS 08.68.290

12 AAC 44.170. SURVEY. (a) The completed application for provisional accreditation shall be submitted to the board when the school of practical nursing is ready for a survey visit.

(b) A survey of each school of nursing, including affiliations and extended campus facilities, is required for the purpose of FULL accreditation and shall be made by one or more representatives of the board and may include a faculty member from an established practical nursing program.

(c) Each school of practical nursing shall permit periodic surveys by the board or their designated representative for the purpose of determining compliance with accreditation standards.

(d) Prior to a survey visit, specific information will be requested by the board.

(e) The information supplied by the school and the written report of the survey will be given to the board. The report and recommendations of the board will be sent to the administrator of

the controlling body and the delegated nurse administrator of the program. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(1)(3)(4)
AS 08.68.300

12 AAC 44.180. ESTABLISHMENT OF SCHOOL OF PRACTICAL NURSING. (a) Any college wishing to establish a school of practical nursing shall inform the board in writing during the initial planning period.

b) There shall be information on the availability of clinical facilities and job opportunities for graduates. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(1)(3)(4)
AS 08.68.300

12 AAC 44.190. DISCONTINUANCE OF PROGRAM. When a school of practical nursing plans on discontinuing its program it shall

(1) notify the board in writing as soon as the decision is made;

(2) give assurances that the educational standards shall be maintained until the last class has graduated or that adequate provisions are made for the transfer of students unable to complete the program; and

(3) make provision for preservation of students' records. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(1)

12 AAC 44.200. ORGANIZATION OF SCHOOLS. (a) There shall be a clear statement of philosophy which shall be filed with the board

(b) The school of practical nursing shall be an integral part of an accredited institution of higher learning. There shall be a plan of organization and administration of the school of practical nursing with an organization diagram available to all persons concerned with the school of practical nursing. This chart shall indicate responsibilities and lines of communication and show how individuals and units within the school of practical nursing stand in relation to one another and to such groups as the board of control and clinical facilities. The relationships may be direct, advisory,

contractual, coordinating or cooperative in nature. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(1)(3)

12 AAC 44.210. BUDGET. (a) The financial statement of a school of practical nursing shall be submitted annually to the board and must include assets and liabilities, allowance for fiscal year for faculty salaries, administrative positions, laboratory equipment, maintenance, capital improvement library.

(b) In addition to the information required in (a) of this section, a school of practical nursing applying for initial, provisional accreditation shall submit a proposed budget for five years which includes projected amounts and sources of funding, and an analysis of projected disbursements. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(1)(3)

12 AAC 44.220. STUDENT CLINICAL EXPERIENCE. (a) Assignment of students for clinical experience shall be the responsibility of the director of the school of practical nursing and the faculty.

(b) Each school of practical nursing shall include in its curriculum, student clinical experience in the areas of medical, surgical, obstetrical, psychiatric and pediatric nursing.

(c) If there is more than one nursing program having clinical experience simultaneously within the same clinical area, each group shall have separate instructors.

(d) In student clinical experience, the clinical instructor-student ratio may not exceed 1:12 at any given time. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(1)(3)

12 AAC 44.230. FACULTY. The administration and teaching staff shall consist of

(1) a director of the school of practical nursing; and

(2) nursing instructors in each specialty area, medical, surgical, obstetrical, psychiatric and pediatric nursing. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(1)(3)

12 AAC 44.240. QUALIFICATIONS OF DIRECTOR AND PRACTICAL NURSING INSTRUCTORS. (a) The director of a school of practical nursing shall have at least a baccalaureate degree in nursing, including coursework in curriculum development and counseling, and at least one year of experience either in instruction or administration of nursing education and one year clinical nursing experience in the areas in which he is teaching.

(b) Instructors who teach in a school of practical nursing shall be registered nurses with a bachelor's degree who have at least one year of clinical nursing experience in the area in which they are teaching. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(1)(3)

12 AAC 44.250. RECORDS. The school of practical nursing shall provide for

(1) pre-admission and current records for each student, including information as to the student's knowledge and skills related to the practice of practical nursing; and

(2) the official transcript of each student. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(1)(3)
AS 08.68.300

12 AAC 44.260. SCHOOL CATALOGUE. In the catalogue of the accredited institution there shall be a current official statement, developed by the nursing faculty describing the nursing program, which includes

(1) a statement of the philosophy and objectives of the school of practical nursing;

(2) admission and graduation policies and procedures;

(3) the curriculum, course description, and list of faculty members; and

(4) description of physical facilities. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(1)(3)

12 AAC 44.270. CURRICULUM REQUIREMENTS. The program for a school of practical nursing shall comply with the following minimum requirements:

(1) the school of practical nursing shall provide instruction and clinical experience in medical, surgical, obstetrical, pediatric and psychiatric nursing;

(2) the school of practical nursing shall provide instruction in those basic principles of the physical, social and behavioral sciences which relate to the practice of practical nursing;

(3) the school of practical nursing shall provide instruction in basic concepts of nutrition, pharmacology, communications, history and trends in nursing, and vocational responsibilities;

(4) theory and laboratory experience shall be concurrent to enable students to develop basic skills in practical nursing; and

(5) throughout the program the student shall have experience applying all principles learned by working with the health team in providing basic bedside care to patients. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(1) and (3)
AS 08.68.290

12 AAC 44.280. REPORTS. By July 1 of each year, schools of practical nursing shall submit to the board reports related to faculty, students, and current curriculum as follows:

(1) written job descriptions and qualifications for each category of faculty;

(2) names, educational qualifications, and titles of all nursing faculty members;

(3) a count of students admitted, withdrawn, transferred and graduated, on forms provided by the board;

(4) a copy of the catalogue;

(5) course outlines for all nursing courses;

(6) budget information required in sec. 210 of this chapter; and

(7) a copy of any written agreement between the school of practical nursing and clinical facilities. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.300

**ARTICLE 3.
EXAMINATION AND LICENSURE**

Section

- 290. Application for examination
- 300. State board examinations
- 310. Licensure of graduates of foreign schools of nursing
- 320. Temporary permits

12 AAC 44.290. APPLICATION FOR EXAMINATION. (a) All applicants for license by examination in Alaska shall

(1) make written application on forms provided by the board for permission to be admitted to the licensing examination;

(2) pay the required fee;

(3) provide the board with a complete certified transcript of her nursing education; and

(4) submit a letter of recommendation for examination from the director of the school of nursing.

(b) Application, fee, and all credentials shall be on file in the board office not later than six weeks prior to the date of the examination. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(1) and (5)
AS 08.68.190

12 AAC 44.300. STATE BOARD EXAMINATIONS. (a) Candidates shall write the State Board Test Pool Examination.

(b) Registered nurse candidates who receive a standard score of 350 or above in each area of the examination will be issued a license by the Board of Nursing.

(c) Registered nurse candidates who fail one or two areas of the examination need repeat only the areas failed. Candidates who fail three or more areas of the examination shall repeat the entire examination.

(d) Licensed practical nurse candidates who receive a standard score of 350 or above will be issued a license by the Board of Nursing.

(e) Licensed practical nurse candidates who fail the examination shall repeat said examination.

(f) After the third failure both registered nurse and licensed practical nurse candidates shall be required to repeat, at an accredited school of nursing, the theory and practice in the areas failed. The candidate shall provide proof of having fulfilled this requirement. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(i) and (5)
AS 08.68.190

12 AAC 44.310. LICENSURE OF GRADUATES OF FOREIGN SCHOOLS OF NURSING. (a) Applicants shall submit all required documents accompanied by certified English translations if the original documents are not in English.

(b) Unless otherwise provided by this section, nurses who have received nursing education outside the United States shall write the State Board Test Pool Examination.

(c) Applicants who have successfully completed the State Board Test Pool Examination elsewhere shall be licensed by endorsement.

(d) If licensed in Canada as a result of passing the national Canadian examination, and having received a score of at least 350 on each part of the examination, an applicant may receive a license by endorsement in the manner provided by AS 08.68.200. If the examination did not include all subjects included in the State Board Test Pool Examination, the applicant will be required to examine in those subjects. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.190
AS 08.68.200
AS 08.68.210(a) and (b)

12 AAC 44.320. TEMPORARY PERMITS. A temporary nonrenewable permit may be issued to an applicant who has taken the State Board Test Pool Examination one time and the results are pending. This permit will be valid until the results of this examination are published. (Eff. 10/14/72, Reg. 43; am 6/27/76, Reg. 58)

Authority: AS 08.68.100(1) and (5)
AS 08.68.200
AS 08.68.210(a) and (b)

ARTICLE 4.
ADVANCED NURSE PRACTITIONER

Section

322. Nurse-midwife

12 AAC 44.322. NURSE-MIDWIFE. (a) A person may not practice or offer to practice as a nurse-midwife in Alaska or use a title or initials signifying that he or she is a nurse-midwife unless authorized to do so by the board.

(b) An applicant for authorization to practice as a nurse-midwife must meet the following requirements:

(1) apply on forms provided by the board;

(2) at the time of application, provide written evidence of an established collaborative relationship with a physician or physicians appropriate to the area of practice, at least one physician who must be certified by the American Board of Obstetrics and Gynecology or eligible for certification by that board;

(3) pay a fee of \$25, which must accompany the application;

(4) be currently licensed to practice as a professional nurse in Alaska;

(5) be certified by the American College of Nurse-Midwives; and

(6) within the five years before application have

(A) practiced nurse-midwifery on a continuing basis at least one year; or

(B) completed a basic nurse-midwifery program approved by the American College of Nurse Midwives.

(c) A person authorized to practice as a nurse-midwife by the board shall immediately report in writing to the board any change in conditions or terms in his or her collaborative relationship.

(d) A nurse-midwife may

(1) manage all in- and out-patient care of a

low-risk obstetrical patient, which includes the prescription of necessary medical therapeutic or corrective measures, or those patients who meet criteria established by an advisory committee jointly appointed by the board and the State Medical Board; and

(2) provide family planning services.

(e) A nurse-midwife may not

(1) continue to manage a patient if abnormal conditions or complications are apparent or known to exist, except that emergency measures may be performed, if necessary, after summoning a physician but before arrival of a physician;

(2) perform deliveries except within a hospital licensed under AS 18.30.101 - 18.30.130 unless prevented from doing so by unusual or emergency circumstances.

(f) The executive officer of the board will prepare and transmit to the Alaska Board of Pharmacy a listing of all nurse-midwives. The listing will contain

(1) the name and Drug Enforcement Administration number, if issued, of each nurse-midwife;

(2) the beginning and ending dates of the nurse-midwife's authority to prescribe; and

(3) any limitations on the prescribing authority of the nurse-midwife.

(g) The executive officer of the board will notify the Alaska Board of Pharmacy within 24 hours of a termination or any other change in the prescribing authority of the nurse-midwife and the reason for the action.

(h) The authority to practice as a nurse-midwife will be denied, revoked or suspended in accordance with AS 08.68.270 and provisions of this chapter. (Eff. 6/27/76, Reg. 58; am 2/8/78, Reg. 65)

Authority: AS 08.68.100(1) and (5)
AS 08.68.111
AS 08.68.410(5)

**ARTICLE 5.
GENERAL PROVISIONS**

Section

- 330. License renewal
- 340. Reinstatement of a suspended license
- 350. Reinstatement of a revoked license
- 360. Change of name
- 370. Definitions

12 AAC 44.330. LICENSE RENEWAL. (a) All licenses shall be renewed biennially by June 30. Notice of renewal with inventory questionnaire will be mailed to every currently licensed nurse on or before May 1 of every even-numbered year.

(b) Any licenses not renewed by June 30 will be automatically canceled by July 1 or placed on the inactive list at the request of the licensee.

(c) To retain legal recognition as a nurse-midwife, a license must be renewed biennially by June 30 with

(1) a fee of \$20 accompanying the renewal application;

(2) evidence of meeting any existing educational requirements for continued certification by the American College of Nurse-Midwives. (Eff. 10/14/72, Reg. 43; am 6/27/76, Reg. 58)

Authority: AS 08.68.100(1) and (5)

12 AAC 44.340. REINSTATEMENT OF A SUSPENDED LICENSE. A suspended license may be reinstated at the termination of suspension only if the requirements in the suspension order have been met. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(1) and (5)

12 AAC 44.350. REINSTATEMENT OF A REVOKED LICENSE. (a) One year after revocation of a license the licensee may apply to the board in writing for reinstatement of a license.

(b) The applicant for reinstatement may be requested to appear before the board.

(c) The board may request the applicant to work under supervision for a specified length of

time in an agency approved by the board as a condition for temporary reinstatement of license.

(d) The applicant shall be responsible for providing a written evaluation from the employing agency regarding his performance and will be evaluated by the board to determine whether or not the license shall be reinstated. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(1) and (5)

12 AAC 44.360. CHANGE OF NAME. The name of a licensed nurse shall be changed on the records when a request is made in writing and accompanied by one of the following:

(1) affidavit form supplied by the board;

(2) certified copy of marriage certificate; or

(3) certified copy of court ruling. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(1)

12 AAC 44.370. DEFINITIONS. As used in this chapter

(1) "board" means Alaska Board of Nursing;

(2) "shall" indicates a mandatory requirement,

(3) "may" indicates permission at the discretion of the board;

(4) "school" or "program" means a division in a college or university which is responsible for preparing persons for practice of professional or practical nursing;

(5) "clinical facility" means any facility which provides laboratory experience for the education of students in a school of professional or practical nursing;

(6) "accreditation" means the approval granted a school of professional or practical nursing which has met the minimum requirements of the board;

(7) "baccalaureate program" is conducted in a senior college or university and is an academic department, division, school or college of the

senior college or university, which prepares persons for a baccalaureate degree in nursing;

(8) "associate degree program" includes general academic and nursing courses, is conducted within a community or junior college, and prepares persons for an associate degree in nursing;

(9) "collaborative relationship" is a working relationship between a nurse and a physician which utilizes their respective areas of expertise to meet the common goal of providing comprehensive care for the patient;

(10) "manage" means select and perform those measures essential to the effective execution of care and treatment regimens;

(11) "low-risk obstetrical patient" is a person who meets the following criteria:

(A) general good health;

(B) no major medical disorders, such as diabetes, heart disease, epilepsy, kidney disease, blood dyscrasia;

(C) no previous major obstetrical complications;

(D) parity under six;

(E) not presenting during the course of pregnancy symptoms of toxemia, hydramnios, placenta previa or abruptio, malposition of fetus, multiple pregnancy;

(F) vital signs remaining within normal curve;

(G) labor progressing according to normal curve;

(H) no prolonged rupture of membranes;

(I) no anesthesia, required or desired, other than pudendal or local; and

(J) acceptance of management of care by a nurse-midwife. (Eff. 10/14/72, Reg. 43; am 6/27/76, Reg. 58)

Authority: AS 08.68.100(1)
AS 08.68.410(5)

Editor's Note: All old regulations adopted by the Board of Nursing, Sections 1000 - 1090, were repealed as of 10/14/72. Check Register 3, June 1961, for the old regulations.

XII

STATE OF ALASKA
Medical Board
(October, 1978)

Findings

The need for regulating the medical profession in the public interest is self evident. As stated in 37 ALR Annotated 676: "Careful preparation is required of one who enters the medical profession. No one has, or ought to have, the right to practise (sic) medicine who does not possess the necessary skill and learning. The physician must not only be able to detect readily the presence of disease, but also to ascertain its nature or character and to prescribe appropriate remedies for its cure. Many may have occasion to consult a physician, but few are able to determine his qualifications. Reliance in this respect must therefore be placed upon an assurance, usually in the form of a license granted by competent authority. Consideration for the protection of society has led many states to exclude from the practice of medicine those who upon an examination have been found not qualified therefor." (1924)

I. General Information

A. Regulated Parties

1. Physicians
2. Podiatrists
3. Chiropodists
5. Acupuncturists
6. Physician Assistants (pending)
7. Paramedics (pending)

B. Statutory Definition of Regulated Profession

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

- (A) maintaining an office or place of business for the purpose of treating the sick or injured for pay; or
- (B) the public display of one's name and the letters 'M.D.,' 'M.B.' or 'D.O.' or the words 'physician' or 'osteopath' or 'osteopathic physician,' or 'osteopathic surgeon,' or 'osteopathic physician and surgeon,' or a specialist designation such as 'surgeon' or 'dermatologist,' 'psychiatrist,' or the like; or
- (C) the assumption or promulgation of a title which tends to show that the person is willing or qualified to diagnose or treat the sick or injured; or
- (D) for a fee prescribing, directing or recommending for the use of a person, a drug or medicine for the treatment, cure or relief of a disease, infirmity, bodily injury or defect; or

(E) for a fee performing a surgical operation for the cure, relief or reduction of disease, bodily injury, deformity, or defect..."

"(6) 'acupuncture' means a medical practice to cure disease or relieve pain, alter function or induce anesthesia by piercing portions of the body with needles;"

"(7) 'physician-trained mobile intensive care paramedic' means a person who

(A) has successfully completed the advanced first aid course prescribed by the board;

(B) is trained by a licensed physician

(i) to carry out all phases of cardio-pulmonary resuscitation,

(ii) to administer drugs under written or oral authorization of a licensed physician,

(iii) to administer intravenous solutions under written or oral authorization of a licensed physician; and

(C) has been examined and certified as a physician-trained mobile intensive care paramedic by the board or by the board's designated representatives;"

"(9) 'practice of podiatry' means the medical, mechanical, and surgical treatment of ailments of the foot, the muscles and tendons of the leg governing the functions of the foot, and superficial lesions of the hand other than those associated with trauma; the use of preparations, medicines, and drugs as are necessary for the treatment of these ailments; the treat-

ment of the local manifestations of systemic diseases as they appear in the hand and foot, except that

- (A) a patient shall be concurrently referred to a physician or osteopath for the treatment of the systemic disease itself;
- (B) general anaesthetics may be used only in colleges of podiatry approved by the State Medical Board and in hospitals approved by the joint commission on the accreditation of hospitals, or the American Osteopathic Association; and
- (C) the use of X ray or radium for therapeutic purposes is not permitted." (AS 08.64.380)

C. Nature and Composition of the Board

1. Board members and terms:

Four-year term (no restrictions regarding consecutive terms or number of terms).

Hilbert J. Henrickson, M.D. (Chairman)	ends April 31, 1982
Jeffrey A. Partnow, M.D.	ends November 6, 1980
Thomas J. Harrison, M.D.	ends July 8, 1980
Thomas Stengl, M.D.	ends January 12, 1980
Winthrop Fish, M.D.	ends April 21, 1981
Janette P. Adasiak	ends August 13, 1980
Hugh Geilert	ends January 19, 1981

2. Representation:

Profession = 5

Public = 2

3. Qualifications:

The Board shall consist of "five licensed physicians, residing in as many separate Alaska judicial districts as possible, and two persons with no direct financial interest in the health care industry." (AS 08.64.010)

D. Licensing Data

Current active licenses:

in-State = 387
out-of-State = 72
total = 459
(through May, 1978)

E. Fees

1. application	\$ 25.00
2. license by examination	125.00
3. endorsement or waiver	100.00
4. temporary permit	25.00
5. locum tenens permit	25.00
6. biennial renewal, active	100.00
7. biennial renewal, inactive	25.00
8. reexamination	75.00
Part I	\$15.00
Part II	20.00
Part III	40.00
Parts I and II	10.00

F. Board Revenues and Expenditures

	FY '75	FY '76	FY '77	FY '78
Receipts	\$61,097.00	\$14,510.00	\$62,545.00	\$18,203.75
- refunds	<u>35.00</u>	<u>25.00</u>	<u>522.00</u>	<u>652.50</u>
Total	61,062.00	14,485.00	62,023.00	17,551.25
Expenditures				
Per Diem	1,276.00	1,618.75	1,844.50	2,251.50
Transportation	1,765.67	2,335.56	2,199.13	2,695.36
Phone	202.95	108.26	255.96	589.28
Printing, Adver. & Postage	700.94	637.46	1,079.30	490.50
fees & Services	216.30	804.20	368.65	225.00
Rents, Leases				
Other	<u>-</u>	<u>49.13</u>	<u>108.00</u>	<u>94.68</u>
Total	<u>4,161.86</u>	<u>5,553.36</u>	<u>5,855.54</u>	<u>6,346.32</u>
Surplus	56,900.14	8,931.64	56,167.46	11,204.93
Deficit	-	-	-	-

(EXCLUDES DIVISION OF OCCUPATIONAL LICENSING ADMINISTRATIVE OVERHEAD)

G. Complaints

	Received	Closed	To Litigation
1975	6	0	0
1976	11	1	0
1977	20	2	0
1978	6	27	2
(through August, 1978)			

Pending: 13

These complaints involve allegations ranging from overcharging to drug abuse and malpractice resulting in death. At least 20 were filed with the administrative agency by members of the public at large, however, most of these concerned fees charged by the practitioner. Two additional complaints were received by the Office of the Ombudsman: one regarding a delay in investigating a grievance was justified and rectified, the other for failure to refund a license application fee which also was justified and rectified.

II. Criteria and Analysis

A. To what extent has the Medical Board operated in the public interest?

The Medical Board is statutorily directed to adopt regulations regarding abortion procedures and the registration and practice of physician assistants and physician-trained mobile intensive care paramedics. Board responsibilities include governing the licensing and practice of chiropractors, podiatrists, osteopaths and acupuncturists.

Most applicants for licensure in Alaska have a current license elsewhere and are seeking endorsement privileges. Those who have not successfully completed examination are administered a national examination, the

Federation Licensing Examination (FLEX), or appropriate portions. These FLEX examinations are given twice each year in all states at the same time and in the same manner. All applicants must have an oral interview with a member of the Board at which time a temporary permit is usually issued by the member unless there is a problem regarding the individual's qualifications or application. Graduates of medical colleges not accredited by the American Medical Association (AMA) must have been examined and certified by the Education Council on Foreign Medical Graduates or be licensed in another state, U.S. territory or Canada.

Another method by which physicians may practice in Alaska is the locum tenens permit. This is issued following an interview by a Board member to a physician licensed in another jurisdiction who wishes to substitute for an Alaska physician in his absence. Locum tenens permits are valid for 120 consecutive days.

Temporary permits are issued routinely to allow apparently qualified individuals to practice pending licensure. Permits are valid for eight months or until the Board meets to consider the application, whichever occurs first, and may be renewed by the Board one time only. Documentation of Board renewal is not contained in individual files or in meeting minutes even though there is a time lapse between permit expiration date and the effective date of initial licensure.

Utilization of all methods which allow entry into the profession operates in the public interest. Board regulations and policies are consistent with the goal of protecting the public by insuring qualifications and availability of practitioners.

Continuing education as a condition of relicensure, and exemption provisions, are required by AS 08.64.312. Regulations have been promulgated but are not yet in effect which delineate hours and methods of

compliance. Both the American Medical Association and the Alaska State Medical Association advocate continuing education as a means of keeping physicians up-to-date on current practices and technology. This too serves in the interests of public protection and welfare.

B. To what extent has the operation of the Medical Board been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, or any other matter, including budgetary, resource and personnel matters?

Medical Board statutes are considered to be adequate in governing the profession. There are no real problems with existing regulations or Board policies in general.

A major impediment to Board operation is a lack of technical and clerical assistance partially due to a high turnover rate of personnel in the administrative agency. Three to five meetings are scheduled each year and are usually one day in length due to professional commitments of Board members. Although much is accomplished during meetings, priority items (i.e. three sets of pending regulations) consume a major portion of this time. For instance, the practice of podiatry has recently (1976) been placed under the Medical Board and although applications for licensure are pending, procedures and requirements have not yet been formulated. The requirement for submission of an annual report has not been complied with. Board members have not taken an oath of office as required by statute. Board minutes and files are lacking such documentation as Board approval for licensure and renewal of temporary permits. It is not felt that these deficiencies are so much a result of negligence as they are of lack of time and adequate administrative support. The administrative agency position which is responsible for support services to this Board is also responsible to two other professional boards with equally valid demands and priorities. Additionally, when the pending regulations go into effect, this Board will be examining, regulating and

licensing mobile intensive care paramedics and physician assistants and will be reviewing continuing education compliance and collaborative relationships between physicians and advanced nurse practitioners.

The Medical Board has experienced the same difficulties as other boards and commissions with respect to investigative services coming under the jurisdiction of the administrative agency. During the past year two investigator positions remained unfilled. As a result, one of these positions was abolished by the Legislature. One position was recently filled in Anchorage. Moreover, procedural constraints of the Administrative Adjudication Article of the Administrative Procedure Act (AS 44.62.330 - 630), while necessary, restrict timely disposition of litigation. Prioritization based on time, staffing and nature of alleged offense results in pursuit of only the most flagrant and potentially injurious licensing complaints.

It is undeniably in the public interest to enforce the laws promulgated for the protection of public health and welfare and to take expeditious action upon receipt of such potentially serious complaints as those received regarding the medical profession. The administrative agency will continue to address the need for initial assessment and follow through on complaints with emphasis on magnitude of offense as it relates to public safety.

C. To what extent has the Medical Board recommended statutory changes which are generally of benefit to the public interest?

1976 amendments to Medical Board statutes included: addition on the Board of two public members to serve staggered terms, addition of podiatrists and the practice of podiatry under Board regulation, Medical Indemnity provisions, applicability of the Administrative Procedure Act, the right of a physician to administer laetrile at the patient's request, mandatory continuing education, and general "housekeeping items."

Specific statutory recommendations of direct benefit to the public have not been made by the Board.

- D. To what extent has the Medical Board encouraged interested persons to participate in and report to it concerning the making and effect of its regulations and decisions, or to report to it concerning the effectiveness, economy, and availability of service which it has provided?

The bulk of interest and participation concerning Board activities and services has come from this and related professions. The Board is sensitive to all input, however, very little general public interest has been demonstrated. Most public concern is expressed as a result of controversial issues or publicity, or by individuals with particular problems directly approaching Board members. Notices of pending meetings and new or changing regulations are published in major newspapers in the State. It can be assumed that members of the public are somewhat reluctant to involve themselves in areas of a technical or scientific nature which may be considered too complex for anything but minimal scrutinization by a layperson. A technical and professional "barrier" of sorts exists, due to the nature of the occupation involved, which probably tends to deter public knowledgeability and participation.

The Board has not taken overt action to solicit general public response to its quality and availability of service. Positive steps could be taken to solicit interest and make the public aware of the existence and functions of the Board, such as public service radio announcements. Wider dissemination of general information regarding the Board may help to mitigate public disinterest.

Public interests are furthered by existence of public members on professional boards. The State of California, which provides for a one-third public membership on health care boards and a public majority on other boards, has indicated that its experience with public members has been highly rewarding.¹

E. How efficiently are public inquiries or complaints regarding the activities of the Medical Board processed and resolved?

No complaints were received against individual members of the Board or the Board as a whole.

Among complaints received against practitioners were charges relating to drug abuse, malpractice and negligence resulting in death. These cases are one to two years old and still pending largely due to the lengthy processes of litigation. As previously noted, this and all other boards have experienced some difficulty in timely and efficient receipt of investigative services. Also as previously noted, complaints of such a serious nature where health and life are in danger should be acted upon immediately. The administrative agency is addressing the matter of procedure and prioritization with emphasis on magnitude of offense as it relates to public welfare and safety.

¹Shimberg, B. and Roederer, D., Occupational Licensing: Questions a Legislator Should Ask, The Council of State Governments, Lexington, Kentucky, March, 1978, p. 20.

- F. To what extent does the Medical Board present qualified applicants to serve the public?

Applicants for licensure are not sponsored by the Medical Board. Individuals wishing to practice within the State must submit fees and application to the administrative agency with documentation of qualifications. Two examinations are given each year, for those who need examination, both in Alaska and nationwide. Applicants who demonstrate the required level of knowledge or qualifications are issued a license.

Provisions for endorsement, temporary permits, locum tenens permits and for licensure of foreign graduates function to encourage availability of health care in the State. Continuing education, licensure qualifications, and regulation of related health care providers function to enhance the quality of services to the public.

- G. To what extent have State personnel practices, including affirmative action requirements, been complied with by the Medical Board in its own activities, and its area of activity or interest?

Board staff consists of the support services of a licensing examiner employed by the Division of Occupational Licensing (responsible for two other boards) who is hired through the State Personnel System, and therefore, subject to affirmative action requirements.

The Medical Board issues licenses on the basis of specific education and performance criteria. Affirmative action requirements are not applicable to licensure qualifications.

- H. To what extent are statutory, regulatory, budgetary, or other changes necessary to enable the Medical Board to better serve the interests of the public?

Present Medical Board statutes are considered to be generally adequate except that AS 08.64.030 regarding substitution of members should be reviewed for validity. Pending regulations should be finalized as soon as possible. The Board and the administrative agency should comply with statutory requirements such as submission of an annual report. Appropriate steps need to be taken to formalize qualification and application procedures for podiatry applicants.

A lack of specific and adequate support services for this Board has contributed to the length of time in which action is taken on Board business such as documentation and follow through on requests. The administrative agency position assigned to the Medical Board also is responsible to two other professional boards. There has been a turnover in personnel that has not enhanced efficient Board operation.

Board and administrative expenses outweigh the revenues collected through regulation of this profession. Fees collected are not adequate to cover transportation and per diem for meetings and examinations and the Division of Occupational Licensing administrative overhead, such as staff salary, investigative services and litigation costs.

III. Conclusion

The Medical Board and State regulation of the professions under its jurisdiction function to protect the public health, safety and welfare.

IV. Summary of Recommendations

The Medical Board and State regulation should be reestablished for another four-year period. The following recommendations are made:

1. The Board should take formal action as a body on approvals for licensure and for extensions of temporary permits. This information should be recorded in meeting minutes and in Board files. (See discussion on p. 8)
2. The Board should take expeditious action on regulations now pending so that the intent of its statutes and policies may be in effect. (See discussion on p. 9)
3. The problem of providing adequate support services to this Board and possible administrative and budgetary implications should be considered. (See discussion on p. 9)
4. The Board should comply with statutory provisions such as those requiring an oath of office and an annual report on its activities. (See discussion p. 9)
5. The Board should take steps to formalize its requirements for podiatry applicants. (See discussion on p. 9)
6. The Board and the administrative agency should take positive steps to inform the public of Board and profession activities. (See discussion on p. 11)

Chapter 64. Medicine.

Article

1. State Medical Board (§§ 08.64.010 — 08.64.160)
2. Licensing (§§ 08.64.170 — 08.64.350)
3. Unlawful Acts (§ 08.64.360)
4. Miscellaneous Provisions (§§ 08.64.365 — 08.64.368)
5. General Provisions (§§ 08.64.370 — 08.64.380)

Article 1. State Medical Board.

Section

10. Creation and membership of State Medical Board
20. State Medical Board term of office
30. Substitution of members
40. Removal of members
50. Oath of office
60. Seal
70. Officers
80. [Repealed]
90. Quorum
100. Power of board to adopt regulations

Section

105. Regulation of abortion procedures
107. Regulation of physician assistants and intensive care paramedics
110. Per diem and expenses
120. [Repealed]
130. Board records
140. Annual report to governor
150. [Repealed]
160. Applicability of Administrative Procedure Act

Sec. 08.64.010. Creation and membership of State Medical Board.

The governor shall appoint a board of medical examiners, to be known as the State Medical Board, consisting of five licensed physicians, residing in as many separate Alaska judicial districts as possible, and two persons with no direct financial interest in the health care industry. (§ 35-3-82 ACLA 1949; am § 1 ch 148 SLA 1970; am § 11 ch 102 SLA 1976)

Effect of amendment. — The 1976 amendment added the language beginning "and two persons" to the end of the section and deleted the former second sentence, which read "Each member shall be chosen from a panel of three, for each vacancy, submitted to the Governor by the Alaska State Medical Association."

Am. Jur., ALR and C.J.S. references. — 41 Am. Jur., Physicians and Surgeons, §§ 7 to 69.

Validity of statute providing revocation of license of physician or surgeon, 5 ALR 94; 79 ALR 323.

Constitutionality of statute prescribing conditions of practicing medicine or

surgery as affected by question of discrimination against particular school or method, 16 ALR 709; 37 ALR 680; 42 ALR 1342; 54 ALR 600.

Grounds for revocation of license, 54 ALR 1504; 82 ALR 1184.

What offenses involve moral turpitude within statute providing grounds for denying license, 109 ALR 1459.

What amounts to conviction within statute making conviction ground for refusing license, 113 ALR 1179.

Revocability of license for fraud or other misconduct before or at the time of its issuance, 165 ALR 1138.

70 C.J.S. Physicians and Surgeons § 1.

Sec. 08.64.020. State Medical Board term of office. Members shall be appointed for a term of four years, subject to confirmation by a majority of the members of the legislature in joint session, and shall hold office until their successors are appointed and qualified. The terms of the public members of the board shall be staggered so that they do not expire at the same time. (§ 35-3-82 ACLA 1949; am § 4 ch 107 SLA 1969; am § 12 ch 102 SLA 1976)

Effect of amendment. — The 1976 amendment added the second sentence.

Sec. 08.64.030. Substitution of members. (a) If impracticable, a member of the board residing in another judicial district is not obligated to attend meetings of the board.

(b) If a member is unavoidably prevented from attending a meeting of the board, the governor may appoint a substitute examiner to serve pro tem with the same duties and responsibilities as a regular member. (§§ 35-3-82, 35-3-84 ACLA 1949; am § 2 ch 148 SLA 1970)

Sec. 08.64.040. Removal of members. The governor may remove a member of the board for cause. (§ 35-3-84 ACLA 1949)

Sec. 08.64.050. Oath of office. Each member shall take an oath of office. The oath shall be filed and preserved in the division of occupational licensing of the department. (§ 35-3-83 ACLA 1949; am § 1 ch 77 SLA 1969; am § 1 ch 101 SLA 1974)

Effect of amendment. — The 1974 amendment substituted "division of occupational licensing" for "central licensing section."

Sec. 08.64.060. Seal. The board shall adopt a seal. (§ 35-3-83 ACLA 1949)

Sec. 08.64.070. Officers. The board shall elect a president and secretary from among its members. The president and secretary may administer oaths. (§ 35-3-83 ACLA 1949; am § 2 ch 77 SLA 1969)

Sec. 08.64.080. Meetings of board.
Repealed by § 3 ch 59 SLA 1966.

Sec. 08.64.090. Quorum. Four members of the board constitute a quorum for the transaction of all business properly before the board. (§ 35-3-83 ACLA 1949; am § 3 ch 148 SLA 1970; am § 13 ch 102 SLA 1976)

Effect of amendment. — The 1976 amendment substituted "Four members" for "Three members" at the beginning of the section.

Sec. 08.64.100. Power of board to adopt regulations. The board may prescribe and establish rules and regulations necessary to carry into effect the provisions of this chapter. (§ 35-3-95 ACLA 1949)

Sec. 08.64.105. Regulation of abortion procedures. The State Medical Board shall adopt regulations necessary to carry into effect the provisions of AS 11.15.060 and shall define ethical, unprofessional or dishonorable conduct as related to abortions, set standards of professional competency in the performance of abortions and establish procedures and set standards for facilities, equipment and care of patients in the performance of an abortion. (§ 2 ch 103 SLA 1970)

Legislative committee report. — For report on ch. 103, SLA 1970 (CSSB 527 (HWE)), see 1970 Senate Journal Supplement No. 10; 1970 House Journal Supplements Nos. 12, 13. Also refer to the following relevant reports on abortion bills: 1970 Senate Journal Supplements Nos. 1, 4 (re SB 411); 1970 House Journal Supplement No. 11 (re CSHB 776).

Sec. 08.64.107. Regulation of physician assistants and intensive care paramedics. The board shall adopt regulations regarding the registration of physician assistants and physician-trained mobile intensive care paramedics, and the medical services that each may perform, including but not limited to (1) the educational and other qualifications, (2) the application and registration procedures, (3) the scope of activities authorized, and (4) the responsibilities of the supervising or training physician. (§ 2 ch 101 SLA 1974)

Sec. 08.64.110. Per diem and expenses. The members of the board are entitled to per diem and expenses authorized by law. (§ 35-3-95 ACLA 1949)

Revisor's note. — This section was impliedly amended by § 1, ch. 130, SLA 1953, as amended by § 1, ch. 34, SLA 1960.

Sec. 08.64.120. Coverage of funds and warrants for expenses.
Repealed by § 3 ch 59 SLA 1966.

Sec. 08.64.130. Board records. The board shall preserve a record of its proceedings, which shall contain the name, age, residence and duration of residence of each applicant for a license, the time spent by him in medical study, the place of medical study, and the year and school from which degrees were granted. The record shall also show whether the applicant was granted a license or rejected. (§ 35-3-84 ACLA 1949)

Sec. 08.64.140. Annual report to governor. The board shall report annually to the governor, furnishing an itemized account of all money received and disbursed, with a complete record of the proceedings of the board for the preceding year. (§ 35-3-84 ACLA 1949)

Sec. 08.64.150. Bond of secretary-treasurer.

Repealed by § 28 ch 77 SLA 1969.

Editor's note. — The repealed section derived from § 35-3-84, ACLA 1949.

Sec. 08.64.160. Applicability of Administrative Procedure Act. The board shall comply with the Administrative Procedure Act (AS 44.62)

Article 2. Licensing.

Section	Section
170. License to practice medicine or osteopathy	275. Temporary permit for locum tenens practice
180. Application for license	280. Record of license
190. Contents of application	290. Examination fee
200. Qualifications of physician applicants	300 — 310. [Repealed]
205. Qualifications for osteopath applicants	311. Biennial license renewal
207. Qualifications for acupuncture applicants	312. Continuing education requirements
209. Qualifications for podiatry applicants	313. Inactive license
210. Examination required	315. Fees
215. Insurance required	320. Disposition of fees
220. Contents of examination and grading	325. Limits or conditions on license; discipline
225. Foreign medical graduates	330. Grounds for revocation of license
230. License granted	332. Automatic suspension for mental incompetency or insanity
240. License refused	334. Voluntary surrender
250. Licensure by endorsement	336. Duty of physicians to report
255. Interview required	340. Statement of grounds of refusal or revocation of license
260. Re-examination	350. Certification of revocation
270. Temporary permits	
272. Residency and internship	

Sec. 08.64.170. License to practice medicine or osteopathy. (a) No person may practice medicine, podiatry, osteopathy or acupuncture in the state unless he is licensed under this chapter, except that

(1) a physician assistant may examine, diagnose or treat persons under the supervision, control, and responsibility of either a physician licensed under this chapter or a physician exempted from licensure under § 370 of this chapter;

(2) a physician-trained mobile intensive care paramedic may render emergency lifesaving service; and

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

(b) Repealed by § 4 ch 101 SLA 1974.

(c) A chiropractor practicing in the state on May 16, 1972 is exempt from this section.

(d) A podiatrist practicing in the state on March 26, 1976 is exempt from this section, and shall be issued a license without examination if application is made within one year of the effective date of this act. (§ 35-3-81 ACLA 1949; am § 4 ch 148 SLA 1970; am § 1 ch 5 SLA 1972; am § 1 ch 21 SLA 1974; am §§ 3, 4 ch 101 SLA 1974; am §§ 1, 2 ch 24 SLA 1976)

Effect of amendments. — The first 1974 amendment, in subsection (a), substituted "medicine, osteopathy or acupuncture" for "medicine or osteopathy" in the introductory language and added a sentence which has been designated by the revisor as paragraph (3).

The second 1974 amendment designated the provisions of subsection (a) as subsection (a)(1), added paragraph (2) of that subsection, and repealed subsection (b).

The 1976 amendment inserted "podiatry" in the introductory language of subsection (a) and added subsection (d).

Legislative committee report. — For report on ch. 5, SLA 1972 (SCS C.H.B 34), see 1971 House Journal, pp. 250, 251.

C.J.S. references. — 53 C.J.S. Licenses §§ 32 to 39; 70 C.J.S. Physicians and Surgeons §§ 8 to 14.

Sec. 08.64.180. Application for license. A person who desires to practice medicine, osteopathy or acupuncture in the state shall apply in writing to the department for a license. (§ 35-3-85 ACLA 1949; am § 1 ch 22 SLA 1960; am § 4 ch 143 SLA 1968; am § 3 ch 77 SLA 1969; am § 2 ch 21 SLA 1974)

Effect of amendment. — The 1974 amendment substituted "medicine, osteopathy or acupuncture" for "medicine or osteopathy."

Legislative committee report. — For report on ch. 143, SLA 1968 (HB 707), see 1968 House Journal, p. 836.

Sec. 08.64.190. Contents of application. The application shall state the name, age, residence, the duration of residence, the time spent in medical or osteopathy study, the place, year and school in which degrees were granted, and other information the board considers necessary. The application shall be made under oath. (§ 35-3-85 ACLA 1949; am § 1 ch 22 SLA 1960; am § 4 ch 77 SLA 1969)

Sec. 08.64.200. Qualifications of physician applicants. Except for foreign medical graduates as specified in § 225 of this chapter, each physician applicant shall

- (1) be of good moral character;
- (2) submit a certificate of graduation from a legally chartered medical school accredited by the Association of American Medical Colleges and the Council on Medical Education of the American Medical Association;
- (3) submit a certificate from a recognized hospital certifying that the applicant has satisfactorily performed the duties of resident physician or intern for a period of one year;

(4) not have a license to practice medicine in another state, province, or territory which is currently suspended or revoked for disciplinary reasons; and

(5) be a citizen of the United States or be lawfully admitted for permanent residence. (§ 55-3-85 ACLA 1949; am § 1 ch 22 SLA 1960; am § 1 ch 18 SLA 1963; am § 5 ch 77 SLA 1969; am §§ 5, 6 ch 148 SLA 1970; am § 1 ch 85 SLA 1972; am § 5 ch 101 SLA 1974)

Effect of amendment. — The 1974 amendment added the exception to the beginning of the section and added paragraph (5).

Legislative committee report. — For report on ch. 77, SLA 1969 (CSHB 326 [Finance] am), see 1969 House Journal, p. 738.

Sec. 08.64.205. Qualifications for osteopath applicants. Each osteopath applicant shall meet the qualifications prescribed in § 200(1), (4) and (5) of this chapter and shall

(1) submit a certificate of graduation from the legally chartered school of osteopathy approved by the board;

(2) submit a certificate from a hospital approved by the American Medical Association or the American Osteopathic Association which certifies that he has satisfactorily completed and performed the duties of intern or resident physician for one year;

(3) take the examination required by § 210 of this chapter or be certified to practice by the National Board of Examiners for Osteopathic Physicians and Surgeons. (§ 1 ch 56 SLA 1966; am § 6 ch 77 SLA 1969; am § 7 ch 148 SLA 1970; am § 6 ch 101 SLA 1974)

Effect of amendment. — The 1974 amendment inserted the reference to § 200 (5) in the introductory language, inserted "the American Medical Association or" in paragraph (2), and substituted "or be

certified to practice by the National Board of Examiners for Osteopathic Physicians and Surgeons" for "no waiver of this requirement for an osteopath applicant may be given" in paragraph (3).

Sec. 08.64.207. Qualifications for acupuncture applicants. Each acupuncture applicant shall meet all of the qualifications prescribed in § 200 of this chapter and shall meet those requirements of experience or education in the practice of acupuncture as may be required by the board. (§ 3 ch 21 SLA 1974)

Sec. 08.64.209. Qualifications for podiatry applicants. (a) Each applicant who desires to practice podiatry shall meet the qualifications prescribed in § 200(1) and (4) of this chapter and shall

(1) submit a certificate of graduation from a legally chartered school of podiatry approved by the board;

(2) take the examination required by § 210 of this chapter; the State Medical Board shall call to its aid a podiatrist of known ability who is licensed to practice podiatry to assist in the examination and licensure of applicants for a license to practice podiatry,

(3) meet other qualifications of experience or education which the board may require.

(b) The provisions of §§ 180 — 190, 220, and 230 — 380 of this chapter relating to the practice of medicine or osteopathy apply to the application procedure, testing, and practice of podiatry, as appropriate. (§ 3 ch 24 SLA 1976)

Sec. 08.64.210. Examination required. (a) The applicant shall take examinations in subjects the board considers necessary, unless excused under provisions of § 250 of this chapter.

(b) The application for examination shall be submitted to the board at least 40 days before the examination date. (§ 35-3-85 ACLA 1949; am § 1 ch 22 SLA 1960; am § 7 ch 77 SLA 1969; am § 8 ch 148 SLA 1970)

Sec. 08.64.215. Insurance required. (a) To be eligible for an active license under this chapter, a person shall maintain insurance issued by the Medical Indemnity Corporation of Alaska against liability to patients for medical malpractice in limits of not less than \$200,000 per occurrence and \$600,000 aggregate liability per year. This requirement is satisfied if a person's employer maintains insurance for him from the Medical Indemnity Corporation of Alaska in the required amounts.

(b) The director of insurance or his designee shall waive the requirement in (a) of this section for a person if that person furnishes satisfactory evidence of his having other insurance providing coverage in amounts not less than those specified in (a) of this section. No waiver granted under this subsection may extend beyond the normal expiration date of the person's insurance policy or January 1, 1977, whichever occurs first. (§ 14 ch 102 SLA 1976)

Sec. 08.64.220. Contents of examination and grading. (a) The board shall make the examination written and oral and sufficient to test the applicant's fitness to practice medicine or osteopathy.

(b) Repealed by § 27 ch 148 SLA 1970.

(c) The examinations, answers and scores shall be preserved and filed. (§ 35-3-85 ACLA 1949; am § 1 ch 22 SLA 1960; am §§ 8, 9 ch 77 SLA 1969; am §§ 9, 27 ch 148 SLA 1970)

Sec. 08.64.225. Foreign medical graduates. Applicants who are graduates of medical colleges not accredited by the American Medical Association or one of its agencies shall meet the requirements of § 200(1), (3), (4) and (5) of this chapter and must have passed an examination and be certified by the Education Council on Foreign Medical Graduates, or be licensed by examination in another state or territory of the United States or province of Canada. (§ 10 ch 77 SLA 1969; am § 10 ch 148 SLA 1970; am § 7 ch 101 SLA 1974)

Effect of amendment. — The 1974 amendment inserted the reference to § 200 (5) near the middle of the section.

Sec. 08.64.230. License granted. (a) If the physician applicant passes the examination and meets the requirements of § 200 of this chapter, the board shall grant a license to him to practice medicine in the state.

(b) If the osteopath applicant passes the examination and meets the requirements of § 205 of this chapter, the board shall grant a license to him to practice osteopathy in the state.

(c) Each license shall be signed by the secretary and president of the board, and have the seal of the board affixed to it. (§ 35-3-85 ACLA 1949; am § 1 ch 22 SLA 1960; am § 11 ch 77 SLA 1969)

Sec. 08.64.240. License refused. If the applicant fails the examination, or is determined by the board to be morally or professionally unfit to practice medicine or osteopathy in this state, or fails to comply with any of the other requirements of this chapter, the board shall refuse to grant the license. (§ 35-3-85 ACLA 1949; am § 1 ch 22 SLA 1960; am § 12 ch 77 SLA 1969; am § 11 ch 148 SLA 1970)

Sec. 08.64.250. Licensure by endorsement. The board may waive the examination requirement and license by endorsement if the physician applicant meets the requirements of § 200 of this chapter, pays the required fee and has

(1) an active license from a board of medical examiners established under the laws of a state or territory of the United States or a province of Canada issued after thorough examination; or

(2) passed an examination given by the National Board of Medical Examiners or the Federation of State Medical Boards of the United States. (§ 35-3-85 ACLA 1949; am § 1 ch 22 SLA 1960; am § 13 ch 77 SLA 1969; am § 8 ch 69 SLA 1970; am § 12 ch 148 SLA 1970)

Revisor's note (1970). — Section 8, ch. 69, SLA 1970 and § 12, ch. 148, SLA 1970, both amended AS 08.64.250, making

changes not compatible with each other. The earlier enactment (ch. 69) made a technical change to remove an ambiguity;

it was superseded by the later enactment which made a substantive change that incidentally eliminated the source of the ambiguity. Since the earlier amendment never took effect it is not set out here.

Legislative committee report. — For report on ch. 69, SLA 1970 (HB 564), see 1970 House Journal Supplement No. 2, p. 7.

Sec. 08.64.255. Interview required. All applicants for a license under § 250 of this chapter shall be interviewed in person by at least one member of the board before a license will be issued. The interview shall be recorded, and, if the application is denied on the basis of the interview, the denial shall be stated in writing with the reasons for it, and the record shall be preserved. (§ 14 ch 77 SLA 1969; am § 13 ch 148 SLA 1970)

Legislative committee report. — For report on ch. 77, SLA 1969 (CSHB 326

[Finance] am), see 1969 House Journal, p. 738.

Sec. 08.64.260. Re-examination. (a) If the applicant fails the examination, he may, on the same application and payment of a re-examination fee, take another examination not less than six months nor more than two years after the date of the first examination. If the applicant fails a second examination, he may, after a year or more of further study or training approved by the board, make a new application for licensure.

(b) Applicants failing every portion of the examination shall retake the entire examination and pay the full examination fee.

(c) Applicants failing portions of part I or part II of the examination may retake the portions failed at a prorated fee prescribed in the regulations by the board.

(d) Applicants failing part III of the examination shall retake the entire part at a prorated fee prescribed in the regulations by the board. (§ 35-3-92 ACLA 1949; am § 15 ch 77 SLA 1969; am § 14 ch 148 SLA 1970)

Sec. 08.64.270. Temporary permits. (a) The board may issue a temporary permit to an applicant who meets the requirements of § 200 or 205 of this chapter and pays the required fee.

(b) A temporary permit is valid for eight months or until the board meets to consider the application, whichever occurs first.

(c) A temporary permit may be renewed at the board's discretion one time only. (§ 35-3-96 ACLA 1949; am § 16 ch 77 SLA 1969; am § 15 ch 148 SLA 1970; am §§ 2, 3 ch 85 SLA 1972; am § 8 ch 101 SLA 1974)

Effect of amendment. — The 1974 amendment deleted "nonrenewable" preceding "temporary permit" and "for licensure by endorsement or by examination" following "applicant" in subsection (a), deleted "issued to an applicant for licensure by endorsement" following "temporary permit" in subsection (b), and rewrote subsection (c).

Sec. 08.64.272. Residency and internship. For the limited purpose of doing residency or internship work, the board may issue a temporary permit to an applicant without examination if the applicant meets the requirements of § 200(1) and (2) of this chapter, pays the required fee, and has been accepted by an eligible institution in the state for the purpose of doing residency or internship work. (§ 16 ch 148 SLA 1970)

Sec. 08.64.275. Temporary permit for locum tenens practice. (a) A member of the board may grant a temporary permit to a physician or osteopath for the purpose of substituting for another physician or osteopath licensed in this state. The permit is valid for 120 consecutive days. If circumstances warrant, an extension of the permit may be granted by the board.

(b) A physician applying under (a) of this section shall pay the required fee and shall meet the requirements of § 200 of this chapter. In addition, he shall submit evidence of holding a license to practice medicine in a state or territory of the United States or in a province of Canada.

(c) An osteopath applying under (a) of this section shall pay the required fee and shall meet the requirements of § 205 of this chapter. In addition, he shall submit evidence of holding a license to practice in a state or territory of the United States or in a province of Canada.

(d) Within 10 days from the granting of the permit, the board member shall forward the fee to the department with a report of the issuance of the permit. (§ 17 ch 77 SLA 1969; am §§ 17 — 19 ch 148 SLA 1970)

Sec. 08.64.280. Record of license. (a) Before engaging in the practice of medicine or osteopathy, the licensee shall file the license or a certified copy of it with the clerk of the superior court in the judicial district in which he intends to practice medicine. The clerk shall file the certificate in his office and enter a memorandum of it in a book provided for that purpose containing the date of the license, the ground upon which it is issued, and the name and address of the licensee. The certificate and memorandum are open to public inspection.

(b) The clerk shall give the secretary of the board notice of all licenses recorded.

(c) If a licensee moves to another judicial district he shall file his license as provided in (a) of this section.

(d) Proof of failure to file the license is prima facie evidence of a violation of this chapter. (§ 35-3-91 ACLA 1949; am § 20 ch 148 SLA 1970)

Sec. 08.64.290. Examination fee. The examination fee shall be paid at the time of applying for examination. The board may refund the examination fee only if the applicant is unavoidably prevented from making the examination. (§ 35-3-86 ACLA 1949; am § 18 ch 77 SLA 1969)

Sec. 08.64.300. Fee for license by reciprocity.

Repealed by § 19 ch 77 SLA 1969.

Editor's note. — The repealed section derived from § 35-3-86, ACLA 1949.

Sec. 08.64.310. Annual license fee.

Repealed by § 20 ch 77 SLA 1969.

Editor's note. — The repealed section derived from § 35-3-87, ACLA 1949.

Sec. 08.64.311. Biennial license renewal. Licenses shall be renewed biennially. (§ 20 ch 77 SLA 1969; am § 21 ch 148 SLA 1970)

Revisor's note (1969). — In ch. 77, SLA 1969, this section was numbered AS 08.64.310.

Sec. 08.64.312. Continuing education requirements. (a) The Board shall promote a high degree of competence in the practice of medicine by requiring every physician licensed in the state to fulfill continuing education requirements.

(b) Before a license may be renewed the licensee shall submit evidence to the board that continuing education requirements prescribed by regulations adopted by the board have been met.

(c) The board may exempt a physician from the requirements of (b) of this section upon an application by him giving evidence satisfactory to the board that he is unable to comply with the requirements because of extenuating circumstances. However, no person may be exempted from more than 15 hours of continuing education in a five-year period. (§ 14 ch 102 SLA 1976)

Sec. 08.64.313. Inactive license. A licensee residing outside Alaska may renew his license as inactive. If he practices intermittently in Alaska, he may not hold an inactive license. (§ 21 ch 148 SLA 1970)

Sec. 08.64.315. Fees. The following fees are imposed under this chapter:

(1) application	\$ 25
(2) license by examination	125
(3) license by endorsement or waiver of examination	100
(4) temporary permit	25
(5) locum tenens permit	25
(6) license renewal, biennial, active	100
(7) license renewal, biennial, inactive	25
(8) license by reexamination	75

(§ 21 ch 77 SLA 1969; am § 22 ch 148 SLA 1970)

Legislative committee report. — For [Finance] am), see 1969 House Journal, p. report on ch. 77 SLA 1969 (CSHB 326 738.

Sec. 08.64.320. Disposition of fees. Fees collected by the board shall be deposited in the general fund. (§ 35-3-86 ACLA 1949)

Sec. 08.64.325. Limits or conditions on license; discipline. (a) In addition to action under § 330 of this chapter, upon a finding that by reason of demonstrated problems of competence, experience, education, or health the authority to practice under this chapter should be limited or conditioned or the practitioner disciplined, the board may reprimand, censure, place on probation, restrict practice by speciality, procedure or facility, require additional education or training, or revoke or suspend a license.

(b) The Administrative Procedure Act (AS 44.62) applies to any action taken by the board under this section. (§ 14 ch 102 SLA 1976)

Sec. 08.64.330. Grounds for revocation of license. (a) A license may be revoked for failure to pay the license renewal fee prescribed in § 315 of this chapter. If the fee is not paid within the time provided, the department shall give written notice to the licensee that he is in default. Notice may be served on him personally or by registered mail addressed to his last known residence. If he fails to pay the fee within three months after notice of default, the secretary shall revoke his license on behalf of the board and notify the licensee of the revocation by mail or by personal service of the revocation.

(b) After a hearing, a license may be suspended, limited, revoked or annulled, or the licensee may be reprimanded, censured or disciplined by the board for (1) unprofessional or dishonorable conduct as defined in § 380(3) of this chapter, (2) professional incompetence, or (3) a violation of this chapter or a regulation adopted under it. (§ 35-3-89 ACLA 1949; am § 22 ch 77 SLA 1969; am § 9 ch 101 SLA 1974)

Effect of amendment. — The 1974 [Finance] am), see 1969 House Journal, p. amendment rewrote subsection (b). 738.

Legislative committee report. — For report on: ch. 77, SLA 1969 (CSHB 326

Sec. 08.64.332. Automatic suspension for mental incompetency or insanity. Notwithstanding AS 44.62.330 — 44.62.640, if a person holding a license to practice medicine and surgery or osteopathy under this chapter is adjudged mentally incompetent or insane by any final order or adjudication by a court of competent jurisdiction or by voluntary commitment to an institution for the treatment of mental illness, his license shall be automatically suspended by the board. The suspension shall continue in effect until the licensee is found or adjudged by the court to be restored to reason or until he is determined to be restored to reason by a licensed psychiatrist approved by the board. (§ 10 ch 101 SLA 1974)

Sec. 08.64.334. Voluntary surrender. The board, at its discretion, may accept the voluntary surrender of a license. No license may be returned unless the board determines, under regulations established by it, that the licensee is competent to resume his practice. However, no license may be returned to the licensee if the voluntary surrender resulted in the dropping or suspension of civil or criminal charges against the physician. (§ 10 ch 101 SLA 1974)

Sec. 08.64.336. Duty of physicians to report. (a) A physician who professionally treats a person licensed to practice medicine and surgery or osteopathy in this state for alcoholism or drug addiction, or for mental, emotional or personality disorders, shall report it to the board if he feels that the person may constitute a danger to the health and welfare of his patients or the public if he continues in practice. The report shall state the name and address of the person and the condition found.

(b) Upon receipt of a report under (a) of this section, the board shall investigate the matter and, upon a finding of reasonable cause, may appoint a committee of three qualified physicians to examine the licensee and report their findings to the board.

(c) If the board finds that the licensee is unable to continue to practice medicine and surgery or osteopathy with reasonable safety to his patients or the public, it shall initiate action to suspend, revoke, limit or condition his license to the extent determined necessary for the protection of the public. (§ 10 ch 101 SLA 1974)

Sec. 08.64.340. Statement of grounds of refusal or revocation of license. If the board refuses to issue a license or revokes a license, it shall file a brief and concise statement of the grounds and reasons for the action in the office of the secretary of the board and in the department. The statement, together with the written decision of the board, shall remain of record in the department. (§ 35-3-89 ACLA 1949; am § 23 ch 77 SLA 1969)

Sec. 08.64.350. Certification of revocation. When a license is revoked, the fact of revocation shall be certified by the secretary of the board to the clerk of the superior court in the judicial district where the license is on file. The clerk shall endorse the fact of revocation and the date of revocation on the face of the license or a certified copy of it which is on file. The same information shall be noted in the registry book provided for in § 280 of this chapter. (§ 35-3-94 ACLA 1949; am § 24 ch 77 SLA 1969)

Article 3. Unlawful Acts.

Section

360. Penalty for practicing without a license or in violation of chapter

Sec. 08.64.360. Penalty for practicing without a license or in violation of chapter. Except for a physician assistant and a physician-trained mobile intensive care paramedic under § 170 of this chapter, a person practicing medicine or osteopathy in the state without obtaining and filing an appropriate license is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$50 nor more than \$100, or by imprisonment for not less than 10 days nor more than 90 days, or by both. Evidence that the defendant has failed to file a license with the clerk of the court is prima facie evidence that the defendant is not licensed. Each day of illegal practice is a separate offense. (§ 35-3-93 ACLA 1949; am § 25 ch 77 SLA 1969; am § 2 ch 5 SLA 1972; am § 11 ch 101 SLA 1974)

Effect of amendment. — The 1974 amendment inserted “and a physician-trained mobile intensive care paramedic” near the beginning of the first sentence.

C.J.S. references. — 53 C.J.S. Licenses §§ 44, 62 to 71; 70 C.J.S. Physicians and Surgeons §§ 24 to 30.

Legislative committee report. — For report on ch. 5, SLA 1972 (SCS CSHB 34), see 1971 House Journal, pp. 250, 251.

Article 4. Miscellaneous Provisions.

Section	Section
365. [Repealed]	367. Prescription or administration of laetrile by physicians
366. Liability for services rendered by a physician-trained mobile intensive care paramedic	368. [Repealed]

Sec. 08.64.365. Physicians acting under emergency circumstances.

Repealed by § 46 ch 102 SLA 1976.

Editor's note. — The repealed section derived from § 1, ch. 6, SLA 1962.

Sec. 08.64.366. Liability for services rendered by a physician-trained mobile intensive care paramedic. No act or omission of a physician-trained mobile intensive care paramedic done or omitted in good faith while rendering emergency lifesaving service to a person who is in immediate danger of loss of life shall impose any liability upon the physician-trained mobile intensive care paramedic, the supervising physician, a hospital, the officers, members of the staff, nurses, or other employees of a hospital or upon a federal, state, borough, city or other local governmental unit or upon other employees of a governmental unit; however, this section does not relieve a physician or a hospital of a duty otherwise imposed by law upon the physician or hospital for the designation or training of a physician-trained mobile intensive care paramedic or for the provision or maintenance of equipment to be used

by the physician trained mobile intensive care paramedic. (§ 14 ch 101 SLA 1974)

Sec. 08.64.367. Prescription or administration of laetrile by physicians. (a) No physician may be subject to disciplinary action by the State Medical Board for prescribing or administering amygdalin (laetrile) to a patient under his care who has requested the substance unless the State Medical Board in a hearing conducted under the Administrative Procedure Act (AS 44.62) has made a formal finding that the substance is harmful.

(b) No hospital or health facility may interfere with the physician-patient relationship by restricting or forbidding the use of amygdalin (laetrile) when prescribed or administered by a physician and requested by a patient unless the substance as prescribed or administered by the physician is found to be harmful by the State Medical Board in a hearing conducted under the provisions of the Administrative Procedure Act (AS 44.62). (§§ 1, 2 ch 227 SLA 1976)

Sec. 08.64.368. Permits for isolated areas.

Repealed by § 27 ch 148 SLA 1970.

Editor's note. — The repealed section derived from § 3, ch. 93, SLA 1965.

Article 5. General Provisions.

Section

- 370. Persons not affected
- 380. Definitions

Sec. 08.64.370. Persons not affected. This chapter does not apply to

(1) officers in the regular medical service of the armed services of the United States or the United States Public Health Service while in the discharge of their official duties;

(2) a physician or osteopath, who is not a resident of this state, who is asked by a physician or osteopath licensed in this state to help in the diagnosis or treatment of a case;

(3) the practice of the religious tenets of a church;

(4) Repealed by § 13 ch 127 SLA 1974.

(5) a person while serving as a student, intern, resident physician, or fellow at a hospital, clinic, or medical facility in the state;

(6) a physician in the regular medical service of the United States Public Health Service or the armed services of the United States volunteering his services without pay or other remuneration to a hospital, clinic, medical office, or other medical facility in the state. (§ 35-3-97 ACLA 1949; am § 4 ch 93 SLA 1965; am § 26 ch 77 SLA 1969; am §§ 23, 24 ch 148 SLA 1970; am §§ 1, 2 ch 88 SLA 1972; am § 13 ch 127 SLA 1974)

Effect of amendment. — The 1974 amendment repealed paragraph (4).

Legislative committee report. — For report on ch. 127, SLA 1974 (SCSHB 817 am S), see 1974 House Journal, p. 657.

Sec. 08.64.380. Definitions. As used in this chapter

(1) "board" means the State Medical Board;

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

(A) maintaining an office or place of business for the purpose of treating the sick or injured for pay; or

(B) the public display of one's name and the letters "M.D.", "M.B." or "D.O." or the words "physician" or "osteopath" or "osteopathic physician", or "osteopathic surgeon", or "osteopathic physician and surgeon", or a specialist designation such as "surgeon" or "dermatologist", "psychiatrist", or the like; or

(C) the assumption or promulgation of a title which tends to show that the person is willing or qualified to diagnose or treat the sick or injured; or

(D) for a fee prescribing, directing or recommending for the use of a person, a drug or medicine for the treatment, cure or relief of a disease, infirmity, bodily injury or defect; or

(E) for a fee performing a surgical operation for the cure, relief or reduction of disease, bodily injury, deformity, or defect; or

(F) Repealed by § 1 ch 117 SLA 1971.

(3) "unprofessional or dishonorable conduct" means

(A) a violation of the provisions of AS 11.15.060 or regulations lawfully adopted by the State Medical Board concerning abortion procedures and practice;

(B) habitual overuse of alcoholic beverages or depressant, hallucinogenic or stimulant drugs, as defined in AS 17.12.150(3), or addiction to the use of narcotic drugs as defined in AS 17.10.230(13);

(C) conviction of an offense involving moral turpitude;

(D) advertising professional services to the public except for notice of opening, closing, or removing practice, and except for directories listing physicians in a community on a uniform and nondiscriminatory basis, containing only factual, truthful descriptions of physicians and their services;

(E) making untruthful or fraudulent statements in the application for examination, or deceiving or cheating during the examination for license, or procuring a license by deceit or fraud;

(F) violating the Controlled Substances Act (P.L. 91-513; 84 Stat. 1242) or any other federal law pertaining to medical practice and drugs;

(G) violating the principles of medical ethics of the American Medical Association and of the Alaska State Medical Association;

(4) Repealed by § 27 ch 148 SLA 1970.

(5) "department" means the Department of Commerce.

(6) "acupuncture" means a medical practice to cure disease or relieve pain, alter function or induce anesthesia by piercing portions of the body with needles;

(7) "physician-trained mobile intensive care paramedic" means a person who

(A) has successfully completed the advanced first aid course prescribed by the board;

(B) is trained by a licensed physician

(i) to carry out all phases of cardio-pulmonary resuscitation,

(ii) to administer drugs under written or oral authorization of a licensed physician,

(iii) to administer intravenous solutions under written or oral authorization of a licensed physician; and

(C) has been examined and certified as a physician-trained mobile intensive care paramedic by the board or by the board's designated representatives;

(8) "emergency lifesaving service" means medical assistance given to a person whose physical condition, in the opinion of a reasonably prudent person, is such that his life is endangered;

(9) "practice of podiatry" means the medical, mechanical, and surgical treatment of ailments of the foot, the muscles and tendons of the leg governing the functions of the foot, and superficial lesions of the hand other than those associated with trauma; the use of preparations, medicines, and drugs as are necessary for the treatment of these ailments; the treatment of the local manifestations of systemic diseases as they appear in the hand and foot, except that

(A) a patient shall be concurrently referred to a physician or osteopath for the treatment of the systemic disease itself;

(B) general anaesthetics may be used only in colleges of podiatry approved by the State Medical Board and in hospitals approved by the joint commission on the accreditation of hospitals, or the American Osteopathic Association; and

(C) the use of X ray or radium for therapeutic purposes is not permitted. (§§ 35-3-94, 35-3-38 ACLA 1949; am § 27 ch 77 SLA 1969; am § 3 ch 103 SLA 1970; am §§ 25 — 27 ch 148 SLA 1970; am § 9 ch 32 SLA 1971; am § 1 ch 117 SLA 1971; am § 4 ch 85 SLA 1972; am § 4 ch 21 SLA 1974; am §§ 12, 13 ch 101 SLA 1974; § 1 ch 127 SLA 1975; am § 4 ch 24 SLA 1976)

Cross reference. — As to malpractice actions, see AS 09.55.530 — 09.55.560.

Effect of amendments. — The first 1974 amendment added paragraph (6).

The second 1974 amendment added subparagraph (G) to paragraph (3) and added paragraphs (7) and (8).

The 1975 amendment added the language beginning "and except for directories

listing physicians" to the end of paragraph (3) (D).

The 1976 amendment added paragraph (9).

Legislative committee report. — For report on ch. 32, SLA 1971 (HB 111 am), see 1971 House Journal, p. 138.

The statutory definition of practicing medicine or surgery is very broad and within the literal meaning of the words

would include the practice of dentistry, optometry, podiatry, chiropractic, etc. By its very breadth the definition precludes a literal interpretation inasmuch as dentists, for example, have had a separate licensing procedure as long as have those who practice medicine or surgery. 1962 Op. Att'y Gen., No. 17.

Prescription of drugs or medicine by chiropractor. — It is illegal and criminal for a chiropractor, without additional qualifications, to prescribe drugs or medicine to sick or injured persons. 1961 Op. Att'y Gen., No. 23.

Cited in *Leege v. Martin*, Sup. Ct. Op. No. 131 (File No. 256), 379 P.2d 447 (1963).

CHAPTER 40.
STATE MEDICAL BOARD.

Article

1. Licensing
2. Abortions
3. General Provisions

ARTICLE 1.
LICENSING.

Section

10. License by endorsement
20. License by examination
30. Re-examination fees
40. Recognized hospital
50. Biographical data required

12 AAC 40.010. LICENSE BY ENDORSEMENT. An applicant for license by endorsement shall submit evidence satisfactory to the board that he has passed an examination in the medical and basic science subjects. (Eff. 12/20/70, Reg. 36)

Authority: AS 08.64.250

12 AAC 40.020. LICENSE BY EXAMINATION. (a) The written examination will be the FLEX examination administered in Alaska.

(b) The oral examination required under AS 08.64.220 will be given in conjunction with the written examination.

(c) An applicant for license by examination must attain a FLEX weighted average of not less than 75 percent on his examination. (Eff. 12/20/70, Reg. 36; am 8/29/73, Reg. 47)

Authority: AS 08.64.100
AS 08.64.220

12 AAC 40.030. RE-EXAMINATION FEES. The following fees will be charged for re-examination where applicable:

- | | |
|-----------------------------------------------|------|
| (1) Part I | \$15 |
| (2) Part II | 20 |
| (3) Part III | 40 |
| (4) Part I and II by individual subject | 10 |

(Eff. 12/20/70, Reg. 36)

Authority: AS 08.64.260

12 AAC 40.040. RECOGNIZED HOSPITAL. For the purpose of AS 08.64.200(3) a recognized hospital is one which has been approved for internship or residency training by the Council on Medical Education of the American Medical Association or the Canadian Medical Association. (Eff. 12/20/70, Reg. 36)

Authority: AS 08.64.100
AS 08.64.200

12 AAC 40.050. BIOGRAPHICAL DATA REQUIRED. (a) The department will request biographical data from the American Medical Association on each applicant for licensure by examination or endorsement, and no application will be considered complete until the form entitled "Biographical Data on Physicians" is on file.

(b) The department will request data from the United States Department of Justice, Bureau of Narcotics and Dangerous Drugs, on each applicant for licensure by examination or endorsement, and no application will be considered complete until the report is on file. (Eff. 8/29/73, Reg. 47)

Authority: AS 08.64.190

ARTICLE 2.
ABORTIONS.

Section

60. Termination of pregnancy
70. Informed consent
80. Medical procedures
90. Evaluation
100. Consultation requirements
110. Abortion procedures
120. Standards for hospitals and facilities
130. Records
140. Limitation

12 AAC 40.060. TERMINATION OF PREGNANCY. Termination of pregnancy must be requested by the pregnant woman, unless she has been adjudged mentally incompetent or is unmarried and under 18 years of age, in which case the request must be made by her parent or guardian. (Eff. 12/20/70, Reg. 36; am 8/29/73, Reg. 47)

Authority: AS 11.15.060(a)(3)
AS 08.64.105

12 AAC 40.070. INFORMED CONSENT.

Unless otherwise provided in sec. 60, a written informed consent shall be obtained from the patient or from any other person whose consent is required before termination of a pregnancy. Such written informed consent shall be on the patient's chart. The patient and other persons whose consent is required shall be advised of the medical implications and the possible emotional and physical sequelae of the procedure. (Eff. 12/20/70, Reg. 36; am 8/29/73, Reg. 47)

Authority: AS 08.64.105

12. AAC 40.080. MEDICAL PROCEDURES.

The patient shall be examined by a physician licensed in Alaska, and a written record of the patient's physical and emotional health shall be prepared before performing an abortion procedure as set out in sec. 110 of this chapter. (Eff. 12/20/70, Reg. 36; am 8/29/73, Reg. 47)

Authority: AS 08.64.105

12 AAC 40.090. EVALUATION.

The attending physician shall make an evaluation of the patient and an estimation of the duration of gestation based upon the patient's history, examination and test results. This information shall be recorded on the patient's chart. (Eff. 12/20/70, Reg. 36)

Authority: AS 08.64.105

12 AAC 40.100. CONSULTATION REQUIREMENTS.

Abortions interrupting a pregnancy up to and including the twelfth week of gestation may be performed without consultation. Abortions performed after the twelfth week of gestation shall be preceded by consultation with another physician. The consultation shall include an opinion as to the preferred method of termination of pregnancy. (Eff. 12/20/70, Reg. 36; am 8/29/73, Reg. 47)

Authority: AS 08.64.105

12 AAC 40.110. ABORTION PROCEDURES.

During the second or third trimester of a pregnancy, acceptable procedures include dilatation and curettage, suction aspiration of the uterus, injection of pharmacological agents, hysterectomy and hysterotomy. The exact procedure to be used will depend upon the patient's total health, age, associated disease and pathology, and anomalies such as skeletal defects and other medical indications. (Eff. 12/20/70, Reg. 36; am 8/29/73, Reg. 47)

Authority: AS 08.64.105

12 AAC 40.120. STANDARDS FOR

HOSPITALS AND FACILITIES. (a) During the second or third trimester of a pregnancy, abortions shall be performed under sterile conditions. A bed and a registered nurse shall be available for a minimum recovery period of one-half hour. A registered nurse shall be present during the procedure.

(b) During the second or third trimester of a pregnancy, blood, blood derivatives, blood substitutes or plasma expanders shall be immediately available when an abortion is performed, and an operating room appropriately staffed and equipped for major surgery in accordance with regulations adopted under AS 18.20.060 shall be immediately available. (Eff. 12/20/70, Reg. 36; am 8/29/73, Reg. 47)

Authority: AS 08.64.105

12 AAC 40.130. RECORDS. During the second or third trimester of a pregnancy, the attending physician shall record a medical history, findings of the physical examination, operative report of the abortion procedure and pathology report as part of the clinical record to be maintained by the hospital or facility. The physician and hospital or facility shall treat the patient's identity and medical record as confidential information. (Eff. 12/20/70, Reg. 36; am 8/29/73, Reg. 47)

Authority: AS 08.64.105

12 AAC 40.140. LIMITATION. A fetus which has not developed beyond 150 days after the first day of the last menstrual period may be considered non-viable for purposes of AS 11.15.060(a). In the performance of an abortion after that date, the physician shall be guided by a reasonable judgment as to whether the fetus is viable in fact. (Eff. 12/20/70, Reg. 36; am 8/29/73, Reg. 47)

Authority: AS 11.15.060(a)
AS 08.64.105

**ARTICLE 3.
GENERAL PROVISIONS.**

Section

150. Professional incompetence

160. Definitions

12 AAC 40.150. PROFESSIONAL INCOMPETENCE. As used in AS 08.64.330(b),

"professional incompetence" means lacking in sufficient knowledge or skills or both, in that field of practice in which the physician concerned engages, to a degree likely to endanger the health of his patients. (Eff. 8/29/73, Reg. 47)

Authority: AS 08.64.330(b)

12 AAC 40.160. DEFINITIONS. In this chapter

(1) "department" means Department of Commerce;

(2) "pharmacological agents" means saline, glucose, prostaglandins and pitocin;

(3) "board" means State Medical Board;

(4) "FLEX examinations" means the written examinations prepared by the Federation of State Medical Boards of the United States. (Eff. 8/29/73, Reg. 47)

Authority: AS 08.64.100

XIII



LAWS OF ALASKA

1977

Source

Chapter No.

CSHB 1 (Finance) am S

149

AN ACT

Relating to the termination, continuation, or reestablishment of certain boards and commissions, and establishing a procedure for evaluation of agency programs and activities.

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

* Section 1. The legislature finds that the substantial increase in the number of state agencies, boards and commissions, and the proliferation of rules and regulations which each has adopted have contributed to a public disenchantment with the operation of state government, and that there is need for an effective and regular system of scrutiny of the programs and activities of all agencies, boards and commissions. The legislature further finds that the establishment of a system for periodic review by the public and the executive and legislative branches of certain state agencies, boards and commissions will help the governor and the legislature to determine the need for the continued existence of each of the agencies, boards and commissions.

* Sec. 2. AS 08 is amended by adding a new chapter to read:

CHAPTER 03. TERMINATION, CONTINUATION AND REESTABLISHMENT OF REGULATORY BOARDS.

Sec. 08.03.010. TERMINATION, CONTINUATION AND REESTABLISHMENT OF REGULATORY BOARDS. (a) Boards listed in this subsection have a termination date of June 30, 1979:

- (1) Board of Chiropractic Examiners (AS 08.20.010);
- (2) Board of Dental Examiners (AS 08.36.010);
- (3) State Medical Board (AS 08.64.010);

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- (4) Board of Nursing (AS 08.68.010);
- 010); (5) Board of Dispensing Opticians (AS 08.71.-
- 010); (6) Board of Examiners in Optometry (AS 08.72.-
- 010); (7) Board of Pharmacy (AS 08.80.010);
- 010); (8) Board of Veterinary Examiners (AS 08.98.-
- (9) Board of Psychologist and Psychological Associate Examiners (AS 08.86.010);
- (10) Board of Nursing Home Administrators (AS 08.70.010);
- (11) Physical Therapy Board (AS 08.84.010).

(b) Boards listed in this subsection have a termination date of June 30, 1980:

- 010); (1) Board of Public Accountancy (AS 08.04.-
- (2) Board of Barber Examiners (AS 08.12.010),
- (3) Collection Agency Board (AS 08.24.011);
- Examiners (4) Board of Hairdressing and Beauty Culture (AS 08.28.010);
- (5) Board of Electrical Examiners (AS 08.40.010),
- Engineers (6) State Board of Registration for Architects and Land Surveyors (AS 08.48.011);
- 54.010); (7) Guide Licensing and Control Board (AS 08.-
- (8) Board of Marine Pilots (AS 08.62.010);
- (9) Real Estate Commission (AS 08.68.011);
- (10) Board of Welding Examiners (AS 08.99.010),
- (11) Board of Governors of the Alaska Bar Association (AS 08.08.040).

(c) Upon termination, each board listed in (a) and (b) of this section shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs. During this period, termination does not reduce or otherwise limit the powers or authority of each board. One year after the date of termination, a board not continued shall cease all activities.

(d) The termination, dissolution, continuation or reestablishment of a regulatory board shall be governed by the legislative oversight procedures of AS 44.66.050.

(e) A board scheduled for termination under this chapter may be continued or reestablished by the legislature for a period not to exceed four years.

* Sec. 3. AS 44 is amended by adding a new chapter to read:

CHAPTER 66. REVIEW OF THE ACTIVITIES OF AGENCIES,
BOARDS AND COMMISSIONS.

Sec. 44.66.010. TERMINATION OF STATE BOARDS AND COMMISSIONS. (a) Boards and commissions listed in this subsection expire on the date set out after each:

- (1) Alcoholic Beverage Control Board (AS 04.05.010) -- June 30, 1979;
- (2) Alaska Transportation Commission (AS 42.07.011) -- June 30, 1979;
- (3) State Board of Parole (AS 33.15.010) -- June 30, 1980;
- (4) Alaska Public Utilities Commission (AS 42.05.010) -- June 30, 1980;
- (5) Alaska Pipeline Commission (AS 12.05.010) -- June 30, 1981.

(b) Upon termination, a commission listed in (a) of this section shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs.

(c) A commission scheduled for termination under this chapter may be continued or reestablished by the legislature for a period not to exceed four years.

Sec. 44.66.020. AGENCY PROGRAMS. (a) Agency programs and activities listed in this subsection which are specifically designated as provided in sec. 30 of this chapter are subject to termination during the regular legislative session convening in the month and year set out after each:

- (1) programs in the budget categories of general government, public protection, and administration of justice -- January, 1980;
- (2) programs in the budget categories of education and the University of Alaska -- January, 1981.
- (3) programs in the budget categories of health and social services -- January, 1982;
- (4) programs in the budget categories of natural resources management, development and transportation -- January, 1983.

(b) An agency program or activity designated in (a) of this section shall be subject to termination during the regular legislative session convening for years

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after the preceding review and may be subject to termination at any time upon the recommendation of the Legislative Budget and Audit Committee and the concurrence of the legislature as if under sec. 30 of this chapter.

Sec. 44.66.030. PROGRAM IDENTIFICATION. During the legislative session preceding each of the years set out in sec. 20 of this chapter, the Legislative Budget and Audit Committee shall designate, not later than March 1 of those years, the programs and activities within each program category which shall be subject to termination in the next fiscal year. The recommendations of the Legislative Budget and Audit Committee shall be submitted to the respective houses of the legislature in the form of a bill which, if enacted into law, would terminate those designated programs and activities on or before July 1 of the following year.

Sec. 44.66.050. LEGISLATIVE OVERSIGHT. (a) Before the termination, dissolution, continuation or reestablishment of a board or commission under AS 08.03.010 or sec. 10 of this chapter, or of an agency program under secs. 20 and 30 of this chapter, a committee of reference of each house, which shall be the standing committee of legislative jurisdiction as provided in the Uniform Rules of the Legislature, shall hold one or more hearings to receive testimony from the public, the commissioner of the department having administrative responsibility for each named board, commission, or agency program, and the members of the board or commission involved. The hearings may be joint hearings. The committee shall also consider the proposed budget of the board, commission, or agency program, prepared in accordance with AS 37.07.050(f), and the performance audit of the activities of the board, commission, or agency program, prepared by the legislative audit division as prescribed in AS 24.20.271(1). The committee may consider any other report of the activities of the board, commission or program, including but not limited to annual reports, summaries prepared by the Legislative Affairs Agency, and any evaluation or general report of the manner of conduct of activities of the board, commission, or agency program prepared by the office of the ombudsman.

(b) During a public hearing, the board, commission or agency shall have the burden of demonstrating a public need for its continued existence or the continuation of the program, and the extent to which any change in the manner of exercise of its functions or activities may increase efficiency of administration or operation consistent with the public interest.

(c) A determination as to whether a board or commission or agency program has demonstrated a public need for its continued existence shall take into consideration the following factors:

(1) the extent to which the board, commission or program has operated in the public interest;

(2) the extent to which the operation of the board, commission, or agency program has been impeded or

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enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters;

(3) the extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest,

(4) the extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided;

(5) the extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions;

(6) the efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved;

(7) the extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public;

(8) the extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission or agency to its own activities and the area of activity or interest; and

(9) the extent to which statutory, regulatory, budgeting or other changes are necessary to enable the agency, board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

(d) As to each board, commission, or agency program assigned to it for purposes of review, the committee of reference shall, not later than the 60th day of the legislative session, submit a report to the presiding officer of the house. The report shall contain a summary of the findings of the committee as to the compliance of the board, commission or program with the factors enumerated in (c) of this section, together with a summary or recommendations of the committee as to each of the following:

(1) an identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address;

(2) a statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments;

(3) an identification of any other programs

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having similar, conflicting or duplicate objectives:

(4) an assessment of alternative methods of achieving the purposes of the program;

(5) an assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level;

(6) a justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts; and

(7) any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest.

(e) The committee of reference may introduce a bill providing for the reorganization or continuation of the board, commission or agency program. No more than one board, commission, or agency program shall be continued or reestablished in any legislative bill, and the board, commission, or agency program shall be mentioned in the title of the bill.

Sec. 44.66.060. EXISTING CLAIMS. This chapter shall not cause the termination or dismissal of a claim or right of a citizen against a board, commission or program of an agency terminated under this chapter which is subject to litigation. Claims and rights shall be assumed by the department to which the board or commission terminated under this chapter was attached for administrative purposes.

* Sec. 4. AS 24.20.271(1) is repealed and re-enacted to read:

(1) conduct a performance post-audit of boards and commissions designated in AS 44.66.010 and of those programs and activities of agencies subject to termination as determined in the manner set out in AS 44.66.020 - 44.66.040, and submit the audit, together with a written report, not later than the first day of the regular session of the legislature convening in each year set out with reference to boards, commissions or agency programs whose activities are subject to termination as prescribed in AS 44.66;

* Sec. 5. AS 37.07.050 is amended by adding a new subsection to read:

(f) Budget requests for boards and commissions and for those agency programs for the fiscal year following termination under AS 44.66.010 - 44.66.070 shall be prepared and submitted. The recommended appropriation request shall include:

(1) an identification of the objectives

intended for the program and the problem or need which the activities and operations of the board, commission or program is intended to address;

(2) an assessment of the degree to which the original objectives of the program have been achieved expressed in terms of performance, effects, or accomplishments of the program and of the program or need which it was intended to address;

(3) a statement of the performance and accomplishments of the program in each of the last four completed fiscal years and of the costs incurred in the operation of the program;

(4) a statement of the number and types of persons affected by operation of the program;

(5) a summary statement, for each of the last three completed fiscal years, of the number of personnel employed in carrying out the program and a summary of the cost of personnel employed under contract in carrying out the program;

(6) an assessment of the effect of the program on the economy of the state;

(7) an assessment of the degree to which the overall policies of the program, as expressed in regulations adopted by the agency, board or commission and its decisions, meet the objectives of the legislature in establishing the program; and

(8) an analysis of the services and performance estimated to be achieved if the life of the agency, board or commission were to be continued.

* Sec. 6. AS 37.07.090 is amended to read:

Sec. 37.07.090. PERFORMANCE REPORTING. (a) Each state agency shall submit a performance report to the division no later than September 1 for the preceding fiscal year. These reports shall be in the form prescribed by the division after consultation with the legislative finance division, and shall include

(1) an identification of the objectives intended for the program and the problem or need which the activities and operations of the board, commission or program is intended to address;

(2) an assessment of the degree to which the original objectives of the program have been achieved expressed in terms of performance, effects, or accomplishments of the program and of the program or need which it was intended to address;

(3) a statement of the performance and accomplishments of the program in each of the last four completed fiscal years and of the costs incurred in the operation of the program;

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(4) a statement of the number and types of persons affected by operation of the program,

(5) a summary statement, for each of the last three completed fiscal years, of the number of personnel employed in carrying out the program and a summary of the cost of personnel employed under contract in carrying out the program;

(6) an assessment of the effect of the program on the economy of the state;

(7) an assessment of the degree to which the overall policies of the program, as expressed in regulations adopted by the agency, board or commission and its decisions, meet the objectives of the legislature in establishing the program; and

(8) an analysis of the services and performance estimated to be achieved if the life of the agency, board or commission were to be continued.

(b) The division shall summarize the performance reports and forward copies to each member of the legislature.

Approved by the Governor ⁻⁸⁻ June 18, 1977
Actual Effective Date: September 16, 1977

SUNSET CRITERIA

(1) the extent to which the board, commission or program has operated in the public interest;

(2) the extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource and personnel matters;

(3) the extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest;

(4) the extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided;

(5) the extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions;

(6) the efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which a board or commission is administratively

assigned, or with the office of the ombudsman have been processed and resolved;

(7) the extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public;

(8) the extent to which State personnel practices, including affirmative action requirements, have been complied with by the board, commission or agency to its own activities and the area of activity or interest; and

(9) the extent to which statutory, regulatory, budgeting or other changes are necessary to enable the agency, board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

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FY '75	REVENUES			EXPENDITURES						
	Receipts	Refund	=Total	Transportation	Per Diem	Phone	Printing Advertising Postage	Fees & Services	Rents, Leases, Other	=Total
Board of Barber Examiners	4,545.00	20.00	4,525.00	968.81	638.75	30.90	200.63	--	70.00	1,909.09
Board of Chiropractic Examiners	1,205.00	--	1,205.00	--	--	--	85.98	--	75.00	160.98
Collection Agency Board	4,970.00	100.00	4,870.00	107.40	72.50	--	91.05	--	4.00	274.95
Board of Dental Examiners	11,040.00	100.00	10,940.00	130.40	--	209.30	172.30	--	50.00	562.00
Board of Electrical Examiners	24,537.00	2,033.00	22,504.00	577.40	430.00	120.00	389.75	--	--	1,517.15
Architects, Engineers and Land Surveyors	28,413.25	330.00	28,083.25	3,261.33	2,966.60	321.40	2,558.31	3,416.52	5.39	12,529.55
Hairdressing and Beauty Culture	15,500.00	95.00	15,405.00	1,136.71	2,128.75	286.80	694.38	339.50	375.00	4,961.14
Board of Marine Pilots	9,100.00	50.00	9,050.00	1,291.50	1,601.08	45.07	441.57	195.00	--	3,574.22
State Medical Board	61,097.00	35.00	61,062.00	1,765.67	1,276.00	202.95	700.04	216.30	--	4,161.86
Board of Nursing	30,433.00	385.00	30,048.00	2,654.17	3,721.74	875.37	1,832.30	1,482.67	286.60	10,852.85
Board of Dispensing Opticians	750.00	--	750.00	1,108.48	892.25	332.50	100.22	--	9.75	2,443.20
Board of Examiners in Optometry	2,190.00	110.00	2,080.00	722.15	558.00	20.50	25.40	50.00	400.00	1,776.05
Board of Pharmacy	5,570.00	25.00	5,545.00	345.20	551.25	218.00	495.58	120.00	--	1,730.03
Psychologists and Associates	1,580.00	10.00	1,570.00	168.90	35.00	207.45	39.11	56.00	--	506.46
Board of Public Accountancy	6,834.71	124.71	6,710.00	1,608.42	1,450.00	170.65	312.32	4,389.02	457.50	8,387.91
Real Estate Commission	72,535.00	5,889.00	66,646.00	2,189.37	1,798.50	637.86	2,426.51	8,118.62	--	15,170.86
Board of Veterinary Examiners	3,570.00	25.00	3,545.00	32.00	70.00	34.05	240.86	320.00	--	696.91
Nursing Home Administrators	(Created 1975)	--	--	--	--	--	--	--	--	--
Physical Therapy Board	750.00	--	750.00	--	--	16.20	--	35.00	16.30	67.50
Guide Licensing and Control	36,184.00	80.00	36,104.00	2,610.75	3,155.00	237.35	2,282.75	501.95	130.00	8,917.80
Board of Welding Examiners	--	--	--	466.00	1,435.00	1.50	155.61	--	11.43	2,069.54
Construction Contractors	173,429.00	255.00	173,174.00	2.50	77.50	232.35	1,184.35	--	--	1,496.70

FY '76

REVENUES

EXPENDITURES

	<u>Receipts</u>	<u>Refund</u>	<u>=Total</u>	<u>Transportation</u>	<u>Per Diem</u>	<u>Phone</u>	<u>Printing Advertising Postage</u>	<u>Fees & Services</u>	<u>Rents, Leases, Other</u>	<u>=Total</u>
Board of Barber Examiners	4,087.00	--	4,087.00	586.93	1,152.50	20.75	558.61	170.40	--	2,489.19
Board of Chiropractic Examiners	345.00	25.00	320.00	1,027.36	1,001.25	20.55	544.58	220.04	25.00	2,838.78
Collection Agency Board	4,164.00	--	4,164.00	--	--	--	--	--	--	--
Board of Dental Examiners	11,524.40	755.00	10,769.40	2,480.75	3,998.75	638.04	939.46	476.50	120.69	8,654.19
Board of Electrical Examiners	8,357.00	500.00	7,857.00	1,053.40	823.44	128.71	193.14	446.80	--	2,645.49
Architects, Engineers and Land Surveyors	101,502.00	125.00	101,377.00	4,879.28	5,719.75	166.49	3,020.76	4,054.98	35.50	17,876.76
Hairdressing and Beauty Culture	23,245.00	170.00	23,075.00	1,063.01	2,678.75	83.85	902.44	368.50	--	5,096.55
Board of Marine Pilots	990.00	--	990.00	865.50	1,313.75	32.98	501.29	--	--	2,713.52
State Medical Board	14,510.00	25.00	14,485.00	2,335.56	1,618.75	108.26	637.46	804.20	49.13	5,553.36
Board of Nursing	55,021.00	375.00	54,646.00	3,962.57	5,165.75	380.75	1,552.32	2,113.54	757.05	13,931.98
Board of Dispensing Opticians	2,720.00	--	2,720.00	494.23	846.25	95.53	212.88	63.70	15.75	1,728.34
Board of Examiners in Optometry	630.00	100.00	530.00	577.93	900.00	5.10	330.16	765.00	--	2,578.19
Board of Pharmacy	13,883.00	35.00	13,848.00	1,928.53	2,677.15	252.97	586.30	390.00	19.50	5,854.45
Psychologists and Associates	1,600.00	20.00	1,580.00	1,405.62	750.12	314.63	594.14	239.00	--	3,303.51
Board of Public Accountancy	21,437.00	660.00	20,777.00	2,399.90	2,051.53	131.26	897.75	6,773.90	71.15	12,325.49
Real Estate Commission	183,184.50	4,687.00	178,497.50	3,153.63	3,157.15	800.82	1,781.13	10,054.55	171.19	19,188.47
Board of Veterinary Examiners	705.00	--	705.00	355.15	493.00	88.45	230.34	540.00	--	1,706.94
Nursing Home Administrators	1,100.00	--	1,100.00	383.42	366.00	25.60	537.89	630.00	--	1,942.91
Physical Therapy Board	1,880.00	--	1,880.00	168.30	45.00	43.75	212.33	335.00	--	804.38
Guide Licensing and Control	39,054.64	254.64	38,800.00	2,913.37	5,213.88	382.99	966.17	300.00	293.90	10,070.31
Board of Welding Examiners	--	--	--	815.24	1,583.43	34.03	448.46	16.85	--	2,898.01
Construction Contractors	230,182.00	1,007.00	229,175.00	--	--	424.83	1,454.77	--	45.00	1,924.60

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FY '77

REVENUES

EXPENDITURES

	<u>Receipts</u>	<u>Refund</u>	<u>=Total</u>	<u>Transportation</u>	<u>Per Diem</u>	<u>Phone</u>	<u>Printing Advertising Postage</u>	<u>Fees & Services</u>	<u>Rents, Leases, Other</u>	<u>=Total</u>
Board of Barber Examiners	5,005.54	35.00	4,970.54	583.61	1,714.50	74.20	425.96	115.00	--	2,913.27
Board of Chiropractic Examiners	1,910.00	--	1,910.00	1,128.58	1,000.00	19.51	174.67	--	54.24	2,377.90
Collection Agency Board	8,364.00	300.00	8,064.00	438.83	212.50	20.10	140.16	--	--	811.59
Board of Dental Examiners	14,707.00	270.00	14,437.00	1,493.10	3,471.16	588.88	657.30	50.00	140.35	6,400.79
Board of Electrical Examiners	28,759.00	400.00	28,359.00	1,884.37	2,793.28	312.50	2,202.07	362.85	340.25	7,895.32
Architects, Engineers and Land Surveyors	31,086.00	30.00	31,056.00	5,180.64	7,062.50	304.42	2,268.31	4,507.27	--	19,323.14
Hairdressing and Beauty Culture	22,248.00	285.00	21,963.00	1,752.03	2,700.00	61.73	818.79	486.50	125.00	5,944.05
Board of Marine Pilots	11,122.10	--	11,122.10	2,444.46	2,271.68	42.12	706.10	35.00	15.75	5,515.11
State Medical Board	62,545.00	522.00	62,023.00	2,199.13	1,844.50	255.96	1,079.30	368.65	108.00	5,855.54
Board of Nursing	41,731.00	984.00	40,747.00	3,293.07	4,321.50	206.58	1,784.46	2,429.00	571.92	12,606.53
Board of Dispensing Opticians	1,060.00	--	1,060.00	712.16	745.00	91.00	543.16	--	--	2,091.32
Board of Examiners in Optometry	2,800.00	175.00	2,625.00	613.07	837.50	40.30	179.16	50.00	200.00	1,920.03
Board of Pharmacy	8,384.00	135.00	8,249.00	1,508.28	2,216.67	140.55	320.23	330.00	139.50	4,655.23
Psychologists and Associates	1,700.00	150.00	1,550.00	530.85	443.33	122.24	866.01	407.00	--	2,369.43
Board of Public Accountancy	15,780.00	645.00	15,135.00	2,645.48	3,117.17	316.55	2,091.24	6,532.17	436.09	15,138.70
Real Estate Commission	129,017.00	9,484.00	119,533.00	3,213.48	5,230.50	1,334.13	4,281.35	15,500.47	89.00	29,648.93
Board of Veterinary Examiners	4,236.50	50.00	4,186.50	85.14	37.50	83.35	304.54	588.32	11.34	1,110.19
Nursing Home Administrators	2,000.00	--	2,000.00	241.94	534.50	12.79	898.61	610.00	192.00	2,489.84
Physical Therapy Board	1,455.00	--	1,455.00	86.64	125.00	74.52	242.52	145.00	--	673.68
Guide Licensing and Control	39,025.50	330.00	38,695.50	2,607.63	5,057.75	569.68	1,592.27	430.00	--	10,257.33
Board of Welding Examiners	--	--	--	1,151.11	1,711.40	90.08	1,907.80	58.60	--	4,918.99
Construction Contractors	202,492.50	6,854.00	195,638.50	--	--	420.30	1,228.00	8.70	82.75	1,739.75
Board of Mortuary Science	4,635.00	150.00	4,485.00	--	--	11.00	13.00	--	--	24.00

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FY '78

REVENUES

EXPENDITURES

	<u>Receipts</u>	<u>Refund</u>	<u>=Total</u>	<u>Transportation</u>	<u>Per Diem</u>	<u>Phone</u>	<u>Printing Advertising Postage</u>	<u>Fees & Services</u>	<u>Rents, Leases, Other</u>	<u>=Total</u>
Board of Barber Examiners	4,410.18	10.00	4,400.18	723.22	1,297.75	84.30	228.49	300.00	300.00	2,933.75
Board of Chiropractic Examiners	1,070.00	--	1,070.00	1,815.32	1,835.00	65.98	370.55	107.63	23.59	4,218.07
Collection Agency Board	6,950.00	--	6,950.00	1,830.87	1,621.60	49.40	624.35	--	--	4,126.22
Board of Dental Examiners	6,040.24	70.00	5,970.24	3,371.97	3,202.50	741.07	394.74	914.20	151.40	8,775.88
Board of Electrical Examiners	15,912.14	475.00	15,437.14	2,232.23	2,412.75	712.90	1,217.32	--	91.22	6,666.42
Architects, Engineers and Land Surveyors	112,970.75	2,100.00	110,870.75	6,740.23	7,021.73	452.26	1,823.13	5,099.23	113.90	21,250.46
Hairdressing and Beauty Culture	22,237.00	416.00	21,821.00	1,086.96	2,133.41	127.75	405.70	347.50	411.00	4,512.32
Board of Marine Pilots	1,830.00	50.00	1,780.00	1,648.74	1,692.00	49.96	358.94	--	70.00	3,819.64
State Medical Board	18,203.75	652.50	17,551.25	2,695.36	2,251.50	589.28	490.50	225.00	94.68	5,346.32
Board of Nursing	73,312.37	1,046.50	72,265.87	6,815.61	8,195.68	445.99	1,181.20	2,687.09	772.98	20,098.55
Board of Dispensing Opticians	2,190.00	--	2,190.00	517.10	751.25	60.95	284.51	297.00	--	1,910.81
Board of Examiners in Optometry	795.00	--	795.00	2,306.22	1,991.84	67.70	488.65	50.00	800.00	5,104.41
Board of Pharmacy	16,547.00	65.00	16,482.00	1,712.80	2,016.67	215.74	313.19	100.00	543.00	4,901.40
Psychologists & Associates	2,780.00	100.00	2,680.00	1,933.63	2,385.25	138.51	660.29	500.00	20.00	5,637.68
Board of Public Accountancy	39,265.00	590.00	38,675.00	4,263.76	2,723.50	393.17	854.25	8,356.70	657.43	17,248.81
Real Estate Commission	299,849.00	14,214.08	285,634.92	4,079.75	6,035.89	1,687.91	4,622.51	20,517.25	1,234.61	38,177.92
Board of Veterinary Examiners	1,160.00	--	1,160.00	170.05	808.75	21.00	280.62	360.00	--	1,640.42
Nursing Home Administrators	1,875.00	45.00	1,830.00	489.65	397.50	14.80	241.71	490.00	70.00	1,703.66
Physical Therapy Board	3,132.00	--	3,132.00	516.51	475.00	107.95	371.13	275.00	--	1,745.59
Guide Licensing and Control	41,882.00	265.00	41,617.00	3,457.12	8,840.68	815.01	2,584.38	362.00	768.90	16,828.17
Board of Welding Examiners	--	--	--	1,020.43	1,564.25	196.75	200.82	--	--	2,982.25
Construction Contractors	333,575.40	680.00	332,895.40	--	--	681.76	2,130.78	--	--	2,812.54
Board of Mortuary Science	902.00	100.00	802.00	62.40	50.00	19.09	20.00	300.00	--	451.49

Chapter 01. Centralized Licensing.

Section

- 10. Applicability of chapter
- 20. Board organization
- 25. Public members
- 30. Quorum
- 40. Transportation and per diem
- 50. Administrative duties of department
- 60. Application for license
- 70. Administrative duties of boards

Section

- 80. Department regulations
- 87. Powers and duties of department
- 90. Applicability of the Administrative Procedure Act
- 100. License renewal, lapse and reinstatement
- 105. Penalty for improper payment
- 110. Definitions

Sec. 08.01.010. Applicability of chapter. This chapter applies to the

- (1) Board of Public Accountancy;
- (2) Board of Barber Examiners;
- (3) Repealed by § 6 ch 32 SLA 1971.
- (4) Board of Chiropractic Examiners;
- (5) Board of Hairdressing and Beauty Culture Examiners;
- (6) Board of Dental Examiners;
- (7) Board of Electrical Examiners;
- (8) State Board of Registration for Architects, Engineers and Land Surveyors;
- (9) State Medical Board;
- (10) Board of Nursing;
- (11) Board of Examiners in Optometry;
- (12) Board of Pharmacy;
- (13) Real Estate Commission;
- (14) Board of Veterinary Examiners;
- (15) Board of Psychologist and Psychological Associate Examiners;
- (16) Collection Agency Board;
- (17) Board of Welding Examiners;
- (18) Board of Marine Pilots;
- (19) Board of Dispensing Opticians;
- (20) Guide Licensing and Control Board;
- (21) State Physical Therapy Board. (§ 1 ch 59 SLA 1966; am § 2 ch 136 SLA 1967; am § 2 ch 101 SLA 1968; am § 2 ch 143 SLA 1968; am § 2 ch 151 SLA 1968; am § 1 ch 106 SLA 1970; am § 6 ch 32 SLA 1971; am § 4 ch 179 SLA 1972; am § 2 ch 45 SLA 1973; am § 14 ch 65 SLA 1973; am § 1 ch 43 SLA 1975; am § 1 ch 43 SLA 1977)

Effect of amendments. — The first 1973 amendment added paragraph (19).

The second 1973 amendment inserted "and Psychological Associate" in paragraph (15).

The 1975 amendment added paragraph (20).

The 1977 amendment added paragraph (21).

Editor's note. — Section 2, ch. 59, SLA 1966, provides: "The Department of Commerce shall provide for the orderly

transfer of the service functions which are to be performed by the department under this chapter."

Section 4, ch. 59, SLA 1966, provides: "A provision in existing law which conflicts with this Act is superseded by this Act."

Legislative committee reports. — For report on ch. 143, SLA 1968 (HB 707), see 1968 House Journal, p. 836. For report on ch. 32, SLA 1971 (HB 111 am), see 1971 House Journal, p. 138.

Sec. 08.01.020. Board organization. Unless otherwise provided, all board members are appointed by the governor and serve at his pleasure. Unless otherwise provided, the governor shall designate the chairman of the board, and all other officers shall be elected by the board members. (§ 1 ch 59 SLA 1966)

Sec. 08.01.025. Public members. No public member of a board may:

- (1) be engaged in the occupation which the board regulates;
- (2) be associated by legal contract with a member of the occupation which the board regulates except as a consumer of the services provided by a practitioner of the occupation; or
- (3) have a direct financial interest in the occupation which the board regulates. (§ 1 ch 258 SLA 1976)

Sec. 08.01.030. Quorum. A majority of the membership of a board constitutes a quorum unless otherwise provided. (§ 1 ch 59 SLA 1966)

Sec. 08.01.040. Transportation and per diem. A board member is entitled to transportation expenses and per diem as set out in AS 39.20.180. (§ 1 ch 59 SLA 1966)

Sec. 08.01.050. Administrative duties of department. (a) The department shall provide the following administrative and budgetary services when appropriate:

- (1) collect fees and issue receipts;
- (2) maintain records and files;
- (3) issue and receive application forms;
- (4) notify applicants of acceptance or rejection of applicants as determined by the board;
- (5) designate dates examinations are to be held and notify applicants;
- (6) publish notice of examination;
- (7) arrange space for holding examinations;
- (8) notify applicants of results of examinations;
- (9) issue licenses and certificates or temporary licenses or certificates as authorized by the board;
- (10) issue duplicate licenses or certificates upon proof by the licensee of loss of the original and payment by the licensee of a fee of \$2;
- (11) notify licensees of renewal dates at least 30 days before the expiration date of their licenses;
- (12) compile and maintain current a register of licenses;
- (13) answer routine inquiries;
- (14) maintain files relating to individual licensees;
- (15) arrange for printing and advertising;
- (16) purchase supplies;
- (17) employ secretarial help when needed;
- (18) perform other services which may be requested by the board;

(19) provide investigative services to the boards established under chs. 20, 32, 36, 64, 68, 71, 72, 80, 84, and 86 of this title, for the purpose of assisting those boards in matters of professional discipline.

(b) The form and content of a license, authorized by a board listed in § 10 of this chapter, including any document evidencing renewal of a license, shall be determined by the department after consultation with and consideration of the views of the board concerned. (§ 1 ch 59 SLA 1966; am § 1 ch 102 SLA 1976; am § 39 ch 218 SLA 1976; am § 2 ch 258 SLA 1976)

Effect of amendments. — The first 1976 amendment added paragraph (19) of present subsection (a).

The second 1976 amendment substituted "Department of Commerce and Economic Development" for "Department of Commerce" in the introductory paragraph of present subsection (a).

The third 1976 amendment designated the provisions of this section as subsection (a), and in that subsection, substituted

"department" for "Department of Commerce" and "when appropriate" for "for the boards" in the introductory language and inserted "by the licensee" in two places in paragraph (10). The amendment also added subsection (b).

While none of the amendments gave effect to the others, this section is set out as it appears in ch. 258, SLA 1976, with the inclusion of paragraph (19) of subsection (a) added by ch. 102, SLA 1976.

Sec. 08.01.060. Application for license. All applications for examination or licensing to engage in the business or profession covered by this chapter shall be made in writing to the department. (§ 1 ch 59 SLA 1966)

Sec. 08.01.070. Administrative duties of boards. Each board shall perform the following duties in addition to those provided in its respective law:

- (1) keep minutes and records of all proceedings;
- (2) hold a minimum of one meeting each year;
- (3) hold at least one examination each year;
- (4) request, through the department, investigation of violations of its laws and regulations;
- (5) prepare and grade examinations;
- (6) pass on qualifications of applicants for examination and license;
- (7) forward minutes of meetings to the department within 20 days;
- (8) forward results of examinations to the department;
- (9) notify the department of meeting dates at least 15 days before meeting. (§ 1 ch 59 SLA 1966)

Sec. 08.01.080. Department regulations. The department shall adopt regulations to carry out the purposes of this chapter including but not limited to describing

- (1) how an examination is to be conducted;
- (2) what is contained in application forms;
- (3) how a person applies for an examination or license. (§ 1 ch 59 SLA 1966)

Sec. 08.01.087. Powers and duties of department. (a) The department may, upon its own motion, conduct investigations to determine whether any person has violated a provision of this chapter or a regulation adopted under it or a provision of a chapter in this title dealing with one of the boards listed in § 10 of this chapter or a regulation adopted by one of those boards, or to secure information useful in the administration of this chapter.

(b) If it appears to the commissioner that a person has engaged in or is about to engage in an act or practice in violation of a provision of this chapter or a regulation adopted under it, or any of the laws pertaining to or regulations adopted by the boards listed in § 10 of this chapter, he may, if he considers it in the public interest, and after notification to all board members by telephone or telegraph of a proposed order or action unless a majority of the members of the board object within 10 days,

(1) issue an order directing the person to stop the act or practice; however, reasonable notice of and an opportunity for a hearing must first be given to the person, except that the commissioner may issue a temporary order before a hearing is held; a temporary order remains in effect until a final order affirming, modifying, or reversing the temporary order is issued or until 15 days after the person receives the notice and has not requested a hearing by that time; a temporary order becomes final if the person to whom the notice is addressed does not request a hearing within 15 days after receiving the notice; the commissioner or his designee shall be the hearing officer at the hearing and shall issue a final order within 10 days after the hearing;

(2) bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter, a regulation adopted under it, or an order issued under it, or any of the laws pertaining to or regulations adopted by the boards listed in § 10 of this chapter;

(3) examine or have examined the books and records of any person whose business activities require licensure by a board listed in § 10 of this chapter and he may require that person to pay the reasonable costs of the examination; and

(4) issue subpoenas for the attendance of witnesses, and the production of books, records and other documents. (§ 3 ch 258 SLA 1976)

Sec. 08.01.090. Applicability of the Administrative Procedure Act. The Administrative Procedure Act (AS 44.62) applies to regulations adopted and proceedings held under this chapter, except those under AS 08.01.087(b). (§ 1 ch 59 SLA 1966; am § 4 ch 258 SLA 1976)

Effect of amendment. — The 1976 amendment added "except those under AS 08.01.087(b)" to the end of the section.

Sec. 08.01.100. License renewal, lapse and reinstatement. (a) All licenses shall be renewed biennially on the dates set by the department with the approval of the respective board.

(b) A registration, license, permit or certificates requiring renewal to continue effective must be renewed on or before the date set by the department or it will lapse. A penalty of \$10 shall be charged in addition to all delinquent renewal fees for reinstatement of a registration, license, permit or certificate which remains lapsed for more than 60 days. (§ 1 ch 59 SLA 1966; am § 2 ch 94 SLA 1968)

Sec. 08.01.105. Penalty for improper payment. An applicant shall pay a penalty of \$10 each time a negotiable instrument is presented to the department in payment of an amount due and payment is subsequently refused by the named payor. (§ 3 ch 258 SLA 1976)

Sec. 08.01.110. Definitions. In this chapter

(1) "board" includes the boards and commissions listed in § 10 of this chapter;

(2) "department" means the Department of Commerce and Economic Development;

(3) "commissioner" means the commissioner of commerce and economic development;

(4) "license" means any license, certificate, permit, or registration or similar evidence of authority issued by one of the boards listed in § 10 of this chapter;

(5) "licensee" means any person who holds a license;

(6) "occupation" means any of the trades or professions for which licensure is required by one of the boards listed in § 10 of this chapter. (§ 1 ch 59 SLA 1966; am § 40 ch 218 SLA 1976; am § 5 ch 258 SLA 1976)

Effect of amendments. — The first 1976 amendment substituted "Department of Commerce and Economic Development" for "Department of Commerce" in paragraph (2).

The second 1976 amendment added paragraphs (3) through (6).

Chapter 02. Miscellaneous Provisions.

Section

- 10. Professional designation requirements
- 20. Limitation of liability for members of licensing boards

Sec. 08.02.010. Professional designation requirements. (a) A person licensed in the state as a chiropractor as defined in AS 08.20.220, a dentist as defined in AS 08.36.360, a medical practitioner or osteopath as defined in AS 08.64.380, a professional nurse as defined in AS 08.68.410, an optometrist as defined in AS 08.72.300(3), a registered pharmacist under AS 08.80, a registered physical therapist under AS 08.84, or a psychologist under AS 08.86, shall professionally identify

himself by the use of appropriate letters or a title after his name which represents his specific field of practice. The letters or title shall appear on all signs, stationery or other advertising in which the person offers or displays his professional services to the public. In addition, a person engaged in the practice of medicine or osteopathy under AS 08.64.380(2), or a person engaged in any manner in the healing arts who diagnoses, treats, tests, or counsels other persons in relation to human health or disease and identifies himself by using the letters "M.D." or the title "doctor" or "physician" or any other title which tends to show that the person is willing or qualified to diagnose, treat, test, or counsel another person, shall clarify the letters or title by adding the appropriate specialist designation, if any, such as "dermatologist", "radiologist", "audiologist", "naturopath", or the like.

(b) A person subject to (a) of this section who fails to comply with the requirements of (a) of this section shall be given notice of his noncompliance by his appropriate licensing board. If, after a reasonable time, with opportunity for a hearing, his noncompliance continues, the board may suspend or revoke his license or registration, or administer other disciplinary action which in its determination is appropriate. (§ 1 ch 6 SLA 1973)

Sec. 08.02.020. Limitation of liability for members of licensing boards. No person is liable for damages or other relief in an action by reason of his performance of a duty, function, or activity as a member of a licensing board or by reason of a recommendation or action of the board when the person acts in the reasonable belief that his action or recommendation is warranted by facts known to him or to the board after reasonable efforts to ascertain the facts upon which the action or recommendation is made. (§ 45 ch 102 SLA 1976)