



LAWS OF ALASKA

1970

Source

FCCS HCSSB 468

Chapter No.

148

AN ACT

Relating to the State Medical Board and the practice of medicine;
and providing for an effective date.

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

* Section 1. AS 08.64.010 is amended to read:

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. Each member shall be chosen from a panel of three, for each vacancy, submitted to the governor by the Alaska State Medical Association.

* Sec. 2. AS 08.64.030(b) is amended to read:

(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.

* Sec. 3. AS 08.64.090 is amended to read:

Sec. 08.64.090. QUORUM. Three members of the board constitute a quorum for the transaction of all business properly before the board.

* Sec. 4. AS 08.64.170 is amended to read:

Sec. 08.64.170. LICENSE TO PRACTICE MEDICINE OR OSTEO-PATHY. No person may practice medicine or osteopathy in the state unless he is licensed under this chapter.

* Sec. 5. AS 08.64.200(3) is amended to read:

(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;

* Sec. 6. AS 08.64.200 is amended by adding a new paragraph to read:

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

* Sec. 7. AS 08.64.205 is amended to read:

Sec. 08.64.205. QUALIFICATIONS FOR OSTEOPATH APPLICANTS. Each osteopath applicant shall meet the qualifications prescribed in secs. 200(1) and (4) of this chapter and shall

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

(2) submit a certificate from a hospital approved by 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 sec. 210 of this chapter; no waiver of this requirement for an osteopath applicant may be given.

* Sec. 8. AS 08.64.210 is amended to read:

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

(b) The application for examination shall be submitted to the board at least 40 days before the examination date.

* Sec. 9. AS 08.64.220(a) is amended to read:

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

* Sec. 10. AS 08.64.225 is amended to read:

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 sec. 200(1), (3) and (4) 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.

* Sec. 11. AS 08.64.240 is amended to read:

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.

* Sec. 12. AS 08.64.250 is amended to read:

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 sec. 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.

* Sec. 13. AS 08.64.255 is amended to read:

Sec. 08.64.255. INTERVIEW REQUIRED. All applicants for a license under sec. 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.

* Sec. 14. AS 08.64.260(a) is amended to read:

(a) If the applicant fails the examination, he may, on the same application and payment of a reexamination 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.

* Sec. 15. AS 08.64.270 is repealed and re-enacted to read:

Sec. 08.64.270. TEMPORARY PERMITS. (a) The board may issue a nonrenewable temporary permit to an applicant for licensure by endorsement or by examination who meets the requirements of sec. 200 of this chapter and pays the required fee.

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

(c) A temporary permit issued to an applicant for licensure by examination is valid for eight months or until the results of the first examination for which the applicant is scheduled are published, whichever occurs first. If the applicant fails to take the first examination for which he is scheduled his temporary permit is revoked on the day of the examination.

* Sec. 16. AS 08.64 is amended by adding a new section to read:

Sec. 08.64.272. RESIDENCY AND INTERNSHIP. The board may issue a temporary permit to an applicant without examination (for the limited purpose of doing residency or internship work) if the applicant meets the requirements of sec. 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.

* Sec. 17. AS 08.64.275(a) is amended to read:

(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.

* Sec. 18. AS 08.64.275(b) is amended to read:

(b) A physician applying under (a) of this section shall pay the required fee and shall meet the requirements of sec. 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.

* Sec. 19. AS 08.64.275 is amended by adding a new subsection to read:

(c) An osteopath applying under (a) of this section shall pay the required fee and shall meet the requirements of sec. 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.

* Sec. 20. AS 08.64.280(a) is amended to read:

(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.

* Sec. 21. AS 08.64.311 is repealed and re-enacted to read:

Sec. 08.64.311. BIENNIAL LICENSE RENEWAL. Licenses shall be renewed biennially. A licensee residing outside Alaska may renew his license as inactive. If he practices intermittently in Alaska, he may not hold an inactive license.

* Sec. 22. AS 08.64.315 is amended to read:

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

* Sec. 23. AS 08.64.370(2) is repealed and re-enacted to read:

(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;

* Sec. 24. AS 08.64.370 is amended by adding a new paragraph to read:

(5) a person while serving as a student trainee, intern, resident physician, or post-doctorate fellow at a hospital, clinic, or medical office in the state.

* Sec. 25. AS 08.64.380(2) is amended to read:

(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) testifying in court as an expert on medical matters;

* Sec. 26. AS 08.64.380(3) is amended to read:

(3) "unprofessional or dishonorable conduct" means

(A) procuring or aiding or abetting in procuring a criminal abortion;

(B) habitual overuse of alcoholic beverages or addiction to the use of drugs as defined under AS 17.12.040(a);

(C) conviction of an offense involving moral turpitude;

(D) advertising professional services to the public except for notice of opening, closing, or removing practice;

(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 Harrison Anti-Narcotic Act;

* Sec. 27. AS 08.64.220(b), 08.64.368 and 08.64.380(4) are repealed.

* Sec. 28. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.