



# LAWS OF ALASKA

1980

**Source**

SB 578 am H

**Chapter No.**

162

## AN ACT

Relating to the practice of chiropractic; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: July 1, 1980  
Actual Effective Date: June 30, 1980

AN ACT

Relating to the practice of chiropractic; and providing for an effective date.

\* Section 1. AS 08.01.100(a) is amended to read:

(a) Except as otherwise provided in this title, [ALL] licenses shall be renewed biennially on the dates set by the department with the approval of the respective board.

\* Sec. 2. AS 08.20.020 is amended to read:

Sec. 08.20.020. MEMBERS OF BOARD. Four [THREE] members of the board shall be licensed chiropractic physicians who have practiced chiropractic in this state not less than two years. One member [TWO MEMBERS] of the board shall be a person [PERSONS] with no direct financial interest in the health care industry. Each member serves without pay but is entitled to per diem and travel expenses allowed by law.

\* Sec. 3. AS 08.20 is amended by adding a new section to read:

Sec. 08.20.025. REMOVAL OF BOARD MEMBERS. A member of the board may be removed from office by the governor for cause. The board may by regulation provide that unexcused absences from meetings constitute cause for removal.

\* Sec. 4. AS 08.20.030 is amended to read:

Sec. 08.20.030. MEMBERS' TERMS; VACANCIES. (a) Members serve for staggered terms of four [THREE] years. [THE TERMS OF THE PUBLIC MEMBERS OF THE BOARD MAY NOT EXPIRE AT THE SAME TIME.] Vacancies on the board shall be filled for the unexpired term.

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1           (b) A member who has served two successive four-year terms may  
2           not be reappointed until four years after the expiration of the second  
3           term.

4 \* Sec. 5. AS 08.20.120(3) is amended to read:

5                   (3) has successfully completed at least two academic years of  
6           study in a college of liberal arts or sciences or has engaged in the  
7           active practice of chiropractic for three of the four years preceding  
8           the filing of the application;

9 \* Sec. 6. AS 08.20.120 is amended by adding a new subsection to read:

10                   (b) The board may issue a license without examination to an appli-  
11           cant under AS 08.20.140.

12 \* Sec. 7. AS 08.20.135 is amended by adding a new subsection to read:

13                   (b) A license may not be issued under (a) of this section after  
14           July 1, 1980.

15 \* Sec. 8. AS 08.20.140 is amended to read:

16                   Sec. 08.20.140. LICENSURE BY CREDENTIALS [OUT-OF-STATE LICENSES].  
17           The board may issue a license without examination to an applicant pre-  
18           senting satisfactory proof of the possession of a license or certificate  
19           of registration in good standing in a state or territory of the United  
20           States, or a foreign country, if the requirements for registration at  
21           the date of his license are essentially [CONSIDERED BY THE BOARD AS]  
22           equivalent to those in this chapter [, AND IF THE LICENSING JURISDICTION  
23           EXTENDS THE SAME PRIVILEGE TO THOSE HOLDING A LICENSE FROM THIS STATE].

24 \* Sec. 9. AS 08.20.170(a) is repealed and re-enacted to read:

25                   (a) The board may, after a hearing, impose a disciplinary sanction  
26           on a person licensed under this chapter when the board finds that he

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

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

1 tion in the course of providing professional services or engaging in  
2 professional activities;

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

5 (4) has been convicted of a felony or other crime which  
6 affects his ability to continue to practice competently and safely;

7 (5) intentionally or negligently engaged in or permitted the  
8 performance of patient care by persons under his supervision which does  
9 not conform to minimum professional standards established by regulation  
10 regardless of whether actual injury to the patient occurred;

11 (6) failed to comply with this chapter, with a regulation  
12 adopted under this chapter, or with an order of the board;

13 (7) continued to practice after becoming unfit due to

14 (A) professional incompetence;

15 (B) addiction or severe dependency on alcohol or a drug  
16 which impairs his ability to practice safely;

17 (C) physical or mental disability;

18 (8) engaged in lewd or immoral conduct in connection with the  
19 delivery of professional service to patients.

20 \* Sec. 10. AS 08.20.170 is amended by adding a new subsection to read:

21 (d) The board shall adopt regulations which insure that renewal of  
22 license is contingent on proof of continued competency by a practitioner.

23 \* Sec. 11. AS 08.20.175 is repealed and re-enacted to read:

24 Sec. 08.20.175. DISCIPLINARY SANCTIONS. (a) When it finds that a  
25 chiropractor is guilty of an offense under AS 08.20.170, the board may  
26 impose the following sanctions singly or in combination:

27 (1) permanently revoke the chiropractor's license to prac-  
28 tice;

29 (2) suspend the chiropractor's license for a determinate

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1 period of time;

2 (3) censure the chiropractor;

3 (4) issue a letter of reprimand to the chiropractor;

4 (5) place the chiropractor on probationary status and require  
5 him to

6 (A) report regularly to the board upon matters involving  
7 the basis of probation;

8 (B) limit practice to those areas prescribed;

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

12 (6) impose limitations or conditions on the practice of the  
13 chiropractor.

14 (b) The board may withdraw probationary status of a chiropractor  
15 if it finds that the deficiencies which required the sanction have been  
16 remedied.

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

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

28 (e) The board shall seek consistency in the application of disci-  
29 plinary sanctions, and significant departure from earlier decisions

1 involving similar situations shall be explained in findings of fact or  
2 orders.

3 \* Sec. 12. AS 08.20.180 is amended to read:

4 Sec. 08.20.180. FEES. The board shall impose and collect the  
5 following fees:

6 (1) upon the filing of an application for examination, \$50  
7 [\$25];

8 (2) upon application for re-examination, \$20 [\$10];

9 (3) for issuance of temporary permit, \$50 [\$25];

10 (4) initial and renewal [BIENNIAL] license, due every four  
11 years, \$200 [\$50];

12 (5) ASSOCIATE LICENSE, \$30].

13 \* Sec. 13. AS 08.20.135 is repealed on July 1, 1983.

14 \* Sec. 14. This Act takes effect June 30, 1980.