



LAWS OF ALASKA

1995

Source

SCS CSHB 35(HES) am S

Chapter No.

52

AN ACT

Relating to sexual misconduct as grounds for imposing disciplinary sanctions on persons licensed by the State Medical Board.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: May 27, 1995

Actual Effective Date: August 25, 1995

AN ACT

1 Relating to sexual misconduct as grounds for imposing disciplinary sanctions on persons
2 licensed by the State Medical Board.

3

4 * Section 1. AS 08.64.326(a) is amended to read:

5 (a) The board may impose a sanction if the board finds after a hearing that a
6 licensee

7 (1) secured a license through deceit, fraud, or intentional
8 misrepresentation;

9 (2) engaged in deceit, fraud, or intentional misrepresentation while
10 providing professional services or engaging in professional activities;

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

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

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

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1 or

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

4 (5) has procured, sold, prescribed, or dispensed drugs in violation of
5 a law, regardless of whether there has been a criminal action;

6 (6) intentionally or negligently permitted the performance of patient
7 care by persons under the licensee's supervision that does not conform to minimum
8 professional standards even if the patient was not injured;

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

11 (8) has demonstrated

12 (A) professional incompetence, gross negligence, or repeated
13 negligent conduct; the board may not base a finding of professional
14 incompetence solely on the basis that a licensee's practice is unconventional or
15 experimental in the absence of demonstrable physical harm to a patient;

16 (B) addiction to, severe dependency on, or habitual overuse of
17 alcohol or other drugs that impairs the licensee's ability to practice safely;

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

19 (9) engaged in unprofessional conduct, in sexual misconduct, or in
20 lewd or immoral conduct in connection with the delivery of professional services to
21 patients; in this paragraph, "sexual misconduct" includes sexual contact, as
22 defined by the board in regulations adopted under this chapter, or attempted
23 sexual contact with a patient outside the scope of generally accepted methods of
24 examination or treatment of the patient, regardless of the patient's consent or lack
25 of consent, during the term of the physician-patient relationship, as defined by the
26 board in regulations adopted under this chapter, unless the patient was the
27 licensee's spouse at the time of the contact or, immediately preceding the
28 physician-patient relationship, was in a dating, courtship, or engagement
29 relationship with the licensee;

30 (10) has violated AS 18.16.010;

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

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

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

8 * Sec. 2. APPLICABILITY. AS 08.64.326(a)(9), as amended by this Act, applies to
9 conduct by a licensee that occurs on or after the effective date of this Act.