



# LAWS OF ALASKA

1969

Source

CSHB 326(Finance) am

Chapter No.

77

## AN ACT

Relating to the medical profession; and providing for an effective date.

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

- \* Section 1. AS 08.64.050 is amended to read:

Sec. 08.64.050. OATH OF OFFICE. Each member shall take an oath of office. The oath shall be filed and preserved in the central licensing section of the department.

- \* Sec. 2. AS 08.64.070 is amended to read:

Sec. 08.64.070. OFFICERS. The board shall elect a president and secretary from among its members. The president and secretary may administer oaths.

- \* Sec. 3. AS 08.64.180 is amended to read:

Sec. 08.64.180. APPLICATION FOR LICENSE. A person who desires to practice medicine, or osteopathy in the state shall apply in writing to the department for a license.

- \* Sec. 4. AS 08.64.190 is amended to read:

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.

- \* Sec. 5. AS 08.64.200 is amended to read:

Sec. 08.64.200. QUALIFICATIONS OF PHYSICIAN APPLICANTS. Each physician applicant shall

(3) be of good moral character;

(4) submit a certificate of graduation from a legally chartered medical school whose requirements for graduation were at the time of graduation not less than the requirements of the Association of American Medical Colleges; and

(5) submit a certificate from a recognized hospital certifying that the applicant has faithfully performed the duties of resident physician or intern for a period of one year, or evidence satisfactory to the board that the applicant is a licensed physician and has been engaged in active practice of the profession for a term of four years.

\* Sec. 6. 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 sec. 200(3) 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 faithfully completed and performed the duties of resident osteopathic physician for one year;

(3) take the examination required by sec. 210 of this chapter; no waiver of this requirement for an osteopath applicant shall be given, the provisions of AS 08.64.250 notwithstanding.

\* Sec. 7. AS 08.64.210 is repealed and re-enacted to read:

Sec. 08.64.210. EXAMINATION REQUIRED. The applicant shall take an examination in the medical and basic sciences in subjects the board considers necessary.

\* Sec. 8. AS 08.64.220(a) is amended to read:

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

\* Sec. 9. AS 08.64.220(c) is repealed and re-enacted to read:

(c) The examinations, answers and scores shall be preserved and filed.

\* Sec. 10. AS 08.64 is amended by adding a new section 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(3) 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 province

with which Alaska reciprocates.

- \* Sec. 11. AS 08.64.230 is repealed and re-enacted to read:

Sec. 08.64.230. LICENSE GRANTED. (a) If the physician applicant passes the examination and meets the requirements of sec. 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 sec. 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.

- \* Sec. 12. 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 ethically 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. 13. AS 08.64.250 is amended to read:

Sec. 08.64.250. EXAMINATION WAIVED AND RECIPROCITY. The board may waive the examination requirement if the applicant meets the requirements of sec. 200 of this chapter, pays the required fee and has

(1) a license from a board of medical examiners established under the laws of a state of the United States or a province of Canada, and that board recognizes licenses from this state and issues reciprocal licenses; and

(2) a certificate that the applicant is qualified to practice medicine in the state or province issuing the license, and that the license was issued after a thorough examination qualifying the applicant; or

(3) passed an examination given by the National Board of Medical Examiners.

- \* Sec. 14. AS 08.64 is amended by adding a new section to read:

Sec. 08.64.255. INTERVIEW REQUIRED. All applicants for a license under sec. 250 of this chapter shall successfully complete an oral interview before 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. 15. AS 08.64.260 is repealed and re-enacted to read:

Sec. 08.64.260. RE-EXAMINATION. (a) If the applicant fails the examination, he may 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 of post graduate study approved by the board, make a new application.

(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.

\* Sec. 16. AS 08.64.270 is amended to read:

Sec. 08.64.270. TEMPORARY PERMIT. (a) To prevent delay and inconvenience a member of the board may grant a temporary permit to an applicant without examination if the applicant meets the requirements of sec. 200 of this chapter and pays the required fee.

(b) Within 10 days from the date of granting the permit, the board member shall forward the fee to the department together with a report of the issuance of the permit.

(c) A temporary permit is valid only in the judicial district for which it is issued. It is effective until the next regular meeting of the board or for the period specified, whichever occurs first.

\* Sec. 17. AS 08.64 is amended by adding a new section to read:

Sec. 08.64.275. TEMPORARY PERMIT FOR LOCUM TENENS PRACTICE. (a) A member of the board may grant a temporary permit to a physician for the purpose of substituting for another physician licensed in this state. The permit shall be valid for 90 consecutive days, and a second permit will not be issued during the same calendar year. If circumstances warrant, an extension of the permit may be granted upon the consent of the entire board.

(b) A physician applying under (a) of this section shall pay the required fee and shall meet the requirements of sec. 200(4) and (5) of this chapter; in addition he shall submit evidence of holding a license to practice medicine in a state of the United States or evidence of eligibility for a license to practice medicine in this state.

(c) 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.

\* Sec. 18. AS 08.64.290 is amended to read:

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 taking the examination.

\* Sec. 19. AS 08.64.300 is repealed.

\* Sec. 20. AS 08.64.310 is repealed and re-enacted to read:

Sec. 08.64.310. LICENSE RENEWAL AND FEES. Licensees residing outside Alaska may renew their licenses on an inactive basis. Licensees who do practice from time to time in Alaska may not be considered as inactive license holders.

\* Sec. 21. AS 08.64 is amended by adding a new section to read:

Sec. 08.64.315. FEES. The following fees shall be imposed under this chapter when applicable:

(1) application fee . . . . .	\$ 25
(2) license by examination fee . . . . .	125
(3) license by reciprocity or waiver of examination fee . . . . .	100
(4) temporary permit fee . . . . .	25
(5) locum tenens permit fee . . . . .	25
(6) active biennial license renewal fee. . . . .	100
(7) inactive biennial license renewal fee . . . . .	25

\* Sec. 22. AS 08.64.330 is amended to read:

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 sec. 310 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) A license may be revoked for unprofessional or dishonorable conduct as defined in sec. 380(3) of this chapter, or for professional incompetence.

\* Sec. 23. AS 08.64.340 is amended to read:

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.

\* Sec. 24. AS 08.64.350 is amended to read:

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 sec. 280 of this chapter.

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

Sec. 08.64.360. PENALTY FOR PRACTICING WITHOUT A LICENSE OR IN VIOLATION OF 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.

\* Sec. 26. AS 08.64.370(2) is amended to read:

(2) a person who is a duly registered practitioner of medicine or osteopathy in another state, who may be called upon by a registered physician or osteopath of this state to consult with him in the case under treatment;

\* Sec. 27. AS 08.64.380 is amended by adding new paragraphs to read:

(4) "practicing osteopathy" means

(A) those acts described in sec. 380(2)(A), (C), (D) and (E) of this chapter, or

(B) publicly displaying his name and the words "Osteopath", "D. O.", "Dr." or "Doctor" in public view;

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

\* Sec. 28. AS 08.64.150 is repealed.

\* Sec. 29. AS 08.16.190 is amended to read:

Sec. 08.16.190. ISSUANCE OF CERTIFICATE WITHOUT EXAMINATION. The board may issue a certificate of registration in the basic sciences without examination to an applicant meeting the requirements of sec. 140(1) - (3) of this chapter who presents satisfactory evidence of having passed an examination in the basic sciences before a legal examining board or officer of another territory, state, or foreign country whose standards are determined by the board to be as high as those of this state, and if the jurisdiction extends the same privilege to persons licensed to practice healing in this state. Application

for a certificate without examination shall be accompanied by a fee of \$25.

\* Sec. 30. AS 08.16.260(a)(1) and (2) are repealed.

\* Sec. 31. AS 08.16.260(a)(4) is amended to read:

(4) nurses, chiropodists, dentists, optometrists, barbers, cosmeticians, druggists, pharmacists, masseurs, medical doctors and osteopaths.

\* Sec. 32. AS 08.16.270(2)(A) is amended to read:

(A) for a fee, gift, compensation or reward or in expectation of a fee, gift, compensation or reward, engaging in, or holding himself out to the public as engaging in the practice of chiropractic, the practice of any legalized method of healing or the diagnosis, analysis, treatment, correction or cure of any disease, injury, defect, deformity, infirmity, ailment or affliction of human beings or any condition incident to pregnancy or childbirth or examination into the fact, condition or cause of human health or disease;

\* Sec. 33. AS 08.16.270(2)(D) is amended to read:

(D) attaching the title of doctor, M. B., D. C., or any other word, abbreviation or title to his name indicating or designed to indicate that he is engaged in the practice of healing.

\* Sec. 34. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.