



STATE OF ALASKA
DEPARTMENT OF
COMMERCE
COMMUNITY AND
ECONOMIC DEVELOPMENT

Sean Parnell, Governor
Susan K. Bell, Commissioner
Don Habeger, Director

Division of Corporations, Business and Professional Licensing

MEMORANDUM

TO: Senator Stedman, Co-Chair
Senator Hoffman, Co-Chair
Senate Finance Committee

DATE: February 7, 2012

FROM: Don Habeger, Division Director
Corporations, Business and Professional
Licensing

RE: Department Response to Questions regarding
SB 119: Athletic Trainer Licensing

In response to the Committee's questions on SB 119: Athletic Trainer Licensing, the Division of Corporations, Business and Professional Licensing offers the following information:

- 1) What are the initial fees for other occupational license groups that do not have a board?
 - To look at all professions is a daunting task as some of our professions are decades old and initial fee information would take a great deal of time to try and research. However, the Pawnbroker license is a new program that is the result of the passage of SB 292 in 2010. The cost of this license when first issued (and continues to be) is \$500. This is further broken down to a \$100 Application Fee and a \$400 License Fee.
- 2) What are the penalties if there is a complaint or a revoked license?
 - If the division needed to impose a penalty on a licensee we would first consult the program chapter within Title 8 to see if the program had specified penalty language. If the program chapter did not have specific language addressing the issue the division would fall back to centralized licensing statutes in which "impose a civil fine not to exceed \$5000" is seen. Currently SB 119 does not specify penalty language so the division would rely on its general licensing statute if the Athletic Trainer Program be implemented.
- 3) What would you anticipate as being the process for an investigation or revoking a license?
 - Generally the following is the investigative pathway: The division is made aware of a possible violation by a licensee through the public complaint process. The division takes an initial complaint and determines if they have jurisdiction over the issue and there is merit to the complaint: this is our "Intake" stage. If the answer to initial review is 'yes', then the issue is moved into "Complaint" status for additional work to determine whether or not it is likely a violation. Once established that it is likely a violation has occurred, then the case reaches its "Investigation" stage where all supporting evidence is gathered and the division is in the best position to prove our case.
 - In all cases compliance with statute and regulation by a licensee is the goal. To obtain compliance, a number of tools may be employed. One tool is a Consent Agreement, with which the division and the licensee may settle the issue prior to a hearing process. This tool leads to compliance and is generally less costly to the division, licensee and profession. If an agreement cannot be reached by the parties then the division proceeds to tool number two, which is a formal Allegation through the Department of Law. This process generally leads to a hearing before an Administrative Law Judge and is more time intensive and costly. If

after a hearing the Law Judge determines a violation has been committed, they recommend to a board or the department sanctions, including suspension/revocation. Generally, these are adopted by the board or the department.

- 4) Testimony during the hearing made reference to a \$25 licensing fee for state licensed nutritionist.
 - It is true that at the end of FY11 there were five licensed Nutritionists. It is also true that current licensing fees for a Nutritionist is \$50 per biennial licensing cycle (\$25 per year). The division believes, however, a broader context to these facts is warranted to provide the Committee the best information from which to compare program costs. This additional information is below.
 - The Division issues a biennial license to both Nutritionists and Dietitians. This program, established by Chapter 38 of Title 8, reports 185 licenses at year end FY11. As the division has biennial licensing cycles, it also watches program costs on a corresponding biennial cycle. The last two fiscal years for Dietitian and Nutritionist include program expenses of \$22,120. The division does not believe licensing Athletic Trainers, should SB 119 pass the Legislature, would have program costs equal to licensing 185 Dietitians and Nutritionists, but if they had to pass these same costs on to Athletic Trainers, the biennial licensing fee for the reported 40 licensees would become approximately \$550. To also add perspective to the issue of licensing fees, the division points out that Dietitians and Nutritionist paid a licensing fee of \$200 during the FY08-09 licensing cycle.