

ALASKA STATE LEGISLATURE
HOUSE LABOR AND COMMERCE STANDING COMMITTEE

January 28, 2002

3:20 p.m.

MEMBERS PRESENT

Representative Lisa Murkowski, Chair
Representative Andrew Halcro, Vice Chair
Representative Kevin Meyer
Representative Pete Kott
Representative Harry Crawford

MEMBERS ABSENT

Representative Norman Rokeberg
Representative Joe Hayes

COMMITTEE CALENDAR

HOUSE BILL NO. 343

"An Act extending the termination date of the Board of Professional Counselors."

- HEARD AND HELD

PREVIOUS ACTION

BILL: HB 343

SHORT TITLE: EXTEND BOARD OF PROFESSIONAL COUNSELORS

SPONSOR(S): LABOR & COMMERCE

Jrn-Date	Jrn-Page		Action
01/18/02	2008	(H)	READ THE FIRST TIME - REFERRALS
01/18/02	2008	(H)	L&C, FIN
01/18/02	2008	(H)	REFERRED TO LABOR & COMMERCE
01/28/02		(H)	L&C AT 3:15 PM CAPITOL 17

WITNESS REGISTER

AMY ERICKSON, Staff
to Representative Lisa Murkowski
Alaska State Legislature
Capitol Building, Room 408
Juneau, Alaska 99801

POSITION STATEMENT: As committee aide, presented HB 343 on behalf of the House Labor and Commerce Standing Committee, sponsor.

CATHERINE REARDON, Director
Division of Occupational Licensing
Department of Community & Economic Development
PO Box 110806
Juneau, Alaska 99811-0806

POSITION STATEMENT: Testified on HB 343, and answered questions.

ANNE HENRY, Chair
Board of Professional Counselors;
and Special Projects Coordinator
Division of Mental Health and Developmental Disabilities
Department of Community & Economic Development
PO Box 110620
Juneau, Alaska 99811-0620

POSITION STATEMENT: Testified on HB 343. She said the Board of Professional Counselors are not opposed to a merger, but would like more time.

DIXIE HOOD, Member
Board of Marital and Family Therapy
222 Seward Street, Suite 210
Juneau, Alaska 99801

POSITION STATEMENT: Provided board's position on HB 343.

PAT DAVIDSON, Legislative Auditor
Legislative Audit Division
Alaska State Legislature
PO Box 113300
Juneau, Alaska 99811-3300

POSITION STATEMENT: Provided the Legislative Audit Division's position on HB 343.

ACTION NARRATIVE

TAPE 02-6, SIDE A
Number 0001

CHAIR LISA MURKOWSKI called the House Labor and Commerce Standing Committee meeting to order at 3:20 p.m. Members present at the call to order were Representatives Murkowski, Halcro, Meyer, and Crawford. Representative Kott joined the meeting already in progress.

Number 0050

HB 343-EXTEND BOARD OF PROFESSIONAL COUNSELORS

CHAIR MURKOWSKI announced that the first order of business would be HOUSE BILL [NO. 343], "An Act extending the termination date of the Board of Professional Counselors."

Number 0106

AMY ERICKSON, Staff to Representative Lisa Murkowski, Alaska State Legislature, speaking as the committee aide, presented HB 343 on behalf of the House Labor and Commerce Standing Committee. She said HB 343 extends the termination date of the Board of Professional Counselors (BPC), as recommended by the Division of Legislative Audit, and suggests a possible merger between the Board of Marital and Family Therapists (BMFT) and the BPC. At this time, HB 343 does not satisfy the above statement, but instead the termination date has been extended to June 30, 2005. This would put the cycle of termination on the same schedule as the BMFT, making it easier to discuss the merger at that point.

CHAIR MURKOWSKI informed the committee that the Division of Legislative Audit recommended a termination date [for the BPC] of 2006, which would keep up with a "normal cycle." House Bill 343 would shorten the BPC's termination date by one year, matching the termination date of the BMFT. Chair Murkowski noted the proposed merger of the two boards would be a large topic of discussion.

Number 0279

CATHERINE REARDON, Director, Division of Occupational Licensing, Department of Community & Economic Development (DCED), informed the committee that the Division of Occupational Licensing provides the staff support to both the BMFT and the BPC.

Number 0357

CHAIR MURKOWSKI said the audit reported that the BPC has developed the regulations to provide for licensure by examination; however, it has not yet developed or offered an exam. She inquired about the status of this development.

Number 0409

ANNE HENRY, Chair, Board of Professional Counselors; and Special Projects Coordinator, Division of Mental Health and Developmental Disabilities, Department of Community & Economic Development, said the BPC has not developed an examination, but has come to an agreement with the National Board of Counselor Certification to use the National Counselor Exam (NCE), a standardized exam used by several other states. She said the BPC has been in contact with the National Board of Counselor Certification to work out the details of how people can take the examination.

Number 0486

CHAIR MURKOWSKI asked Ms. Henry if the statement in the audit referring to the BPC's working toward developing an exam is accurate, because the BPC already has the NCE in place.

MS. HENRY said Chair Murkowski's foregoing statement is correct.

Number 0511

CHAIR MURKOWSKI changed the topic of discussion to the proposed merger between BMFT and BPC, and said the auditors hope there would be a cost savings by merging the two boards.

Number 0567

MS. REARDON said the DCED sets license fees by regulation, and, under statute, adjusts fees up or down with the goal of each profession paying its regulatory costs. She said the goal of the Division of Occupational Licensing is to have a zero balance. The Division of Occupational Licensing aims to spend as much regulating the licensees as it is paid in fees. Deficits and surpluses roll forward to be used or paid back in future years.

MS. REARDON said currently the fee for a marital and family therapist two-year license is \$775. When the board was formed in 1993, the initial fee for a license was \$300. That \$300 fee remained through FY 96. Then the fee grew to \$425, and in FY 99 it climbed to \$775.

Number 0600

MS. REARDON reported that the primary reason for the spike to \$775 was an attempt to have the professionals pay back a

significant deficit that arose as a result of legal investigative costs. The legal costs are the billings from the Department of Law. Billings include time spent preparing cases and representing the board in appeals of license-denial cases.

Number 0781

MS. REARDON noted that the BMFT had a deficit the last time license fees were set, which is every two years. The deficit was \$52,000 as of July, 2000. Ms. Reardon said the BPC has been in existence a much shorter period of time, and its two-year license fee is currently \$530, down from the initial fee of \$675, which brought in too much money. Even though the fee was lowered at the first renewal, there still is a significant surplus. The BPC was conservative in lowering the fee because it did not have a very long track record of expenses.

MS. REARDON said, "At the beginning of this fiscal year, there were 327 licensees." At the end of fiscal year 2000, the surplus was \$121,000. Ms. Reardon summarized by saying the BMFT had a deficit of \$50,000 in July 2000, while the BPC had a surplus of \$121,000.

CHAIR MURKOWSKI asked Ms. Reardon how many marital and family therapists currently maintain a license.

Number 0830

MS. REARDON said the BMFT had 100 licensees on the first day of the fiscal year.

MS. HENRY said the reason there are slightly different numbers right now is because of differences in the renewal date. Ms. Henry said, "Generally, a few licensees are lost at renewal time, but hopefully they come back the next year." She said currently the BPC has 274 licensees.

Number 0873

CHAIR MURKOWSKI asked if the BPC would soon see a spike in its fees similar to what the BMFT saw, because the BPC has not been in operation as long as the BMFT.

Number 0928

MS. REARDON said she isn't sure the BPC will see the same spike in fees as the BMFT experienced, but she agreed there wouldn't

be expensive disciplinary proceedings the first year of a board's existence, because there aren't many licensees "to accuse of things." Ms. Reardon said that most of the initial costs for a new board are from writing the regulations and having license-denial appeals. There being a large number of applications for licensure in the first year or two, not every applicant is successful. However, when a license is denied because one did not meet the qualifications, that person has an opportunity to appeal his or her denial to a hearing officer. The BPC has been in operation for a long enough period of time that an expensive disciplinary case could happen at any time. She said if the BPC keeps some disciplinary costs in the projection of expenses, it may soften the spike of fees when, or if, an expensive disciplinary case occurs.

Number 1007

MS. REARDON reported that the range of annual expenses, money that the Division of Occupational Licensing attributes to the professions, varies from year to year. In FY 99 the amount of annual expenses for the BPC was \$20,000. In 2000, its expenses were \$25,000. In 2001, the amount of expenses was \$57,000, and in the first six months of 2002, the amount is already at \$34,000. The increase in expenses from 2000 to 2001 came from legal and personnel services. Most of the expense in personnel services came from hearing officer activity.

Number 1115

MS. REARDON indicated that for the BMFT, the costs have gone from \$30,000 in 1996 and 1997 to \$145,000 in 1998. Of that \$145,000, about \$70,000 came from legal expenses. In 1999, the expenses were \$60,000, and in 2000 the costs dropped to \$26,000. In FY 01, the expenses are already up to \$47,000. Ms. Reardon said the average annual cost is about \$60,000.

Number 1177

CHAIR MURKOWSKI asked if there are any dual license [marital and family therapist and professional counselor] holders in the state. She inquired if the cost increase for a BMFT license might discourage dual license holders from renewing, because holding a BPC license is less expensive.

Number 1208

DIXIE HOOD, Member, Board of Marital and Family Therapy, responded by saying that when the BMFT fees increased, one of the first things noticed was that a number of dual license holders dropped their BMFT licenses.

CHAIR MURKOWSKI verified what Ms. Hood said, that some of the dual license holders made a choice to not renew their BMFT license because of the jump in fees.

MS. HOOD said originally many of the license holders wanted to hold a BMFT license for the purpose of advertising themselves as licensed marital and family therapists. She said in Alaska, professionals can call themselves marital and family therapists without a license, so many chose to not renew their BMFT license.

MS. HENRY said the initial fee for the BPC license was \$675, which at that time was higher than the BMFT license. She also said the BPC had some psychological associates, social workers, and psychologists "grandparented" into this license, creating a diverse pool of licensed professional counselors.

Number 1350

CHAIR MURKOWSKI asked if the state ever considered an "omnibus" board for several mental health divisions.

Number 1437

MS. REARDON said at the beginning of Governor Hickel's administration, the Office of Boards and Commissions proposed to have several omnibus bills for the health professions. This idea received hostile reactions from the professional community. One reason was the proposal had not been carefully "sold or packaged." The BMFT, in its discussion of the current audit, discussed the possibility of a psychologist and marital and family therapist professional counselor.

Number 1461

MS. HOOD said for some time the BMFT had overlapping meetings with the social workers and psychologists. Ms. Hood thought these meetings were useful to compare what each group was working on, and what similarities they shared. The extra costs associated with holding three meetings at once, and the burden of doing minutes for three boards, was a problem. As the three groups worked through some issues, it seemed there was not an

urgency to do so on a regular basis. Ms. Hood reflected on her experience of being a licensed marriage and family counselor in California, where there is a board of behavioral science examiners that includes social workers, marital and family therapists, and psychologists.

MS. HOOD said there has been talk of developing a similar board in Alaska, but there have been objections from the psychologists. The social workers showed an interest in developing a behavioral science board. She said as of 2001, there are approximately 13 states, out of approximately 46 membership states, that have combined boards. Then the social workers began developing several different levels of licensure, and therefore stepped back from developing a combined board to focus on the new levels of licensure.

MS. HOOD said in the 2001 October and March meetings, the BMFT discussed the possibility of combining the BMFT and BPC. There was reservation by the professionals on the board to adopt this idea. One problem was that licensed MFTs have strived to distinguish their profession, and combining with the BPC might "blur" their professional distinction. Ms. Hood suggested that with the social workers and psychologists unwilling to merge, the BPC felt they were on a "higher level" and thus were unwilling to merge also.

MS. HOOD said that after speaking with the former chair of the BMFT, she was reminded of a task force that existed a few years ago. This group included representation from each of the professions, and a representative from each of the professional associations. Ms. Hood suggested there could be a similar task force developed in Alaska before the next sunset deadline including the social workers, psychologists, marital and family therapists, and professional counselors.

CHAIR MURKOWSKI said the mission of the auditors is to make sure the professions are operating efficiently and effectively, and that the public interest is being safeguarded. She emphasized the need to address the issue of consumer protection and to determine how the public is best protected. Chair Murkowski said she feels it does no good to set up separate boards just because of some "turf" issues in professional identities. She said she would like to find out if the individual boards are operating efficiently and effectively and are safeguarding the public interest, or if combining the boards would satisfy these requirements better.

MS. REARDON said she would be in favor of having representative members from each profession in a "roundtable-type of discussion." She said in a larger state there are thousands of licensees in each field, which would require a more complicated structure, such as subcommittees. Ms. Reardon argued that a roundtable board would be feasible with the number of licensees in Alaska, while this probably would not work in a state with thousands of licensees.

Number 1936

REPRESENTATIVE HALCRO said it seems from the audit that the psychologists are the only group strongly opposed to the merger. He asked why the psychologists have a say in the merging of the BPC and BMFT, when they already have their own board.

MS. REARDON said the Division of Legislative Audit surveyed all three boards to find their opinions on the idea of merging two or three of them. Ms. Reardon explained that the audit was not meant to ask the psychologists, "Should the BMFT and BPC merge?" The audit was intended to ask the psychologists how they would feel about merging with the other professions.

MS. REARDON said there are differences in the licensing processes between the psychologists and the BMFT and BPC. She said the BMFT and BPC are governed by title-restriction laws, while psychologists have a mandatory licensing law. In order to practice psychology, the professional must have a psychology license. In order for professional counselors and marital and family therapists to call themselves licensed, they must have a BMFT or BPC license. Without a license, they can still practice and call themselves marital and family therapists and professional counselors. Ms. Reardon mentioned that this relates to drops in the number of licensees.

MS. REARDON said that in the scopes of practice, there is some overlap in the description of the practices of psychology, professional counseling, and marital and family therapy. She commented that some of the psychologists' reluctance to merge could be because they are finding it increasingly difficult to distinguish their profession, which requires a license, from that of marital and family therapists and professional counselors, who aren't required to maintain a license.

Number 2055

REPRESENTATIVE HALCRO pointed out that in the audit, one of the psychologists said that "fees in Alaska are eight times higher than any other state." Representative Halcro said that it was a little confusing because one of the suggested benefits of a combined board would be a reduction in administrative costs. He asked if these fees are exclusive to psychologists.

Number 2100

PAT DAVIDSON, Legislative Auditor, Legislative Audit Division, Alaska State Legislature, said not all states have statutes similar to Alaska's, which require the professions to pay 100 percent of all their costs. Public protection issues like denial of license applications and investigations compose many of the legal fees and escalate costs. In some other states, these legal fees do not have to be paid for by the boards. Ms. Davidson said the audit included questions relating to fees specifically to get people to respond to the survey.

Number 2155

CHAIR MURKOWSKI asked Ms. Davidson why there were only three boards [psychologists, BPC, BMFT] considered for the merger, and if there was discussion to include any other boards.

MS. DAVIDSON said the boards that the Legislative Audit Division considered internally were those for social workers and psychologists, as well as the BMFT and the BPC. [The division] decided later to exclude the social workers from the audit. She said the Legislative Audit Division was looking for the best commonality between the professions, and wanted to develop a survey to get an idea of what the licensees thought an appropriate combination of boards would be. The survey results, and the level of response from the boards, indicated that the psychologists are "overwhelmingly opposed."

Number 2207

CHAIR MURKOWSKI noted that it was the psychologists who thought the best combination for a merger was between the BPC and the BMFT.

REPRESENTATIVE CRAWFORD asked if there was another approach to make it less expensive for the boards to conduct business, rather than trying to combine them and spread the cost. He suggested creating a grievance committee to work on some of the problems before they begin accumulating expensive legal costs.

Number 2248

MS. HOOD indicated she was interested in finding out if there was another approach. For example, some states have subcommittees that deal only with disciplinary action. These subcommittee members are not members of the licensing board. There is initial contact with the licensing board when a complaint is received, and one of the members of the licensing board would be privy to this complaint. If these initial complaints were able to be worked out at an early stage between the member of the licensing board and the professional that had the complaint brought against him or her, there would not be a need for an in-depth investigation. She said there would be some helpful suggestions made by the licensing board member to the investigators about aspects of the situation that are a problem. Ms. Hood said she found that the investigators preferred to go out and gather the evidence and do the initial investigation themselves, fearing that people would be shredding reports and files and therefore making it difficult to prosecute.

MS. HOOD commented that she'd requested a copy of an investigation from the "Anchorage office." She said that she thought the nearly 400-page report seemed excessive. She thought that much of the information, gathered at an early stage in the investigation, could have been acted on earlier. She said there were comments by some members of the regulatory board who thought the investigation was a zealous process. Ms. Hood noted that others, not just herself, had expressed concern regarding the investigative process.

MS. HOOD said the BMFT made a proposal to try to find another approach to help offset some of the legal fees. This proposal included a list of licensed marital and family therapists who would be willing to be consultants. The licensing board also was willing to designate one of the board members as a consultant. The division was opposed to this proposal because the consultants would have to recuse themselves from any further action, and the licensing board has a limited number of people.

Number 2420

REPRESENTATIVE CRAWFORD commented that there is no impetus for the division to keep costs down. Speaking about his union, he said that by sitting an employee down with a committee before taking the complaint to the next step, the union was able to

reduce the number of cases that went beyond the initial committee because they worked out any grievances earlier. He noted that there may be a way to "weed out" some of the expensive cases before legal costs begin.

Number 2462

MS. REARDON agreed with Representative Crawford and said one problem is that some of the expensive legal cases involve more serious problems. She said several of the investigations that have led to high costs involve allegations of "quite significant sexual improprieties, or improper treatment of children." [Ends mid-speech because of tape change.]

TAPE 02-6, SIDE B
Number 2503

MS. REARDON emphasized the importance of investigating the facts regarding a claim before the negotiation begins. She said when a claim against a professional is received, and it suggests that a "moderate level infraction" has occurred, there may be more to that claim than the investigator initially realized. By investigating the claim further, the board member may find that the claim is much more serious than previously believed. She said that if the claim is not fully investigated, then there will be "two unequal people negotiating." There is one person who knows what he or she did wrong, and the other person only has the facts that are listed in the claim. She said this results in "negotiating without knowledge, without facts, and just believing whatever the person is telling you." She said the goal is to find harmony between the two parties.

MS. REARDON gave an example of a worker and a supervisor who are clashing on a particular subject. What they both want is to find a way to work together and get over the issue. She noted that "it doesn't matter so much what an investigation of the facts might bring up; it matters what those two people think the facts are, and can discuss right there." Ms. Reardon said in a situation in which an accused licensee is meeting with a board member, the goal is not for the two people to find an agreement and get along, but rather to protect the public. The board needs to know what that licensee did wrong before the board can decide what is an appropriate solution.

Number 2375

MS. HENRY said the investigations that the BPC has experienced are "at a considerably lower degree." She said there are varying degrees of cases: some of the larger cases involve things such as sexual misconduct or unethical behavior, while the smaller cases could just be a license denial. She pointed out that some costs could be avoided by addressing the smaller cases before the legal costs begin to get too large.

MS. REARDON said there is an impartial hearing officer who hears most appeals or disciplinary hearings and then gives the board a proposed decision. Sometimes the proposed decision is very lengthy. She said that a 60-page report is not unheard of; the reasoning behind such a thorough report is that if the case is appealed to the superior court, the whole story is laid out already.

Number 2282

CHAIR MURKOWSKI asked if the hearing officer would deliver a 30-page proposal to the board if the case is a license-denial appeal, where the professional does not meet the requisite number of hours and the decision seems obvious.

MS. REARDON said the board informs the individual that his or her application for a license was denied because the requisite number of hours has not been satisfied. The individual has the option to appeal that decision. Ms. Reardon said, "I do not control the investigation, but the part I am responsible for is how much money is spent, how much paper is generated in the investigation, and the events that lead up to the hearing officer."

Number 2220

MS. HOOD said the fears Ms. Reardon has on this topic are legitimate, and that it is worth looking at other states that already have a process similar to the one she has proposed. She said if there is a licensee who is under investigation, and there is enough information to have his or her license revoked immediately, that person can still remain in practice in Alaska. The professionals who have their licenses revoked can still call themselves marital and family therapists, only they can't call themselves licensed marital and family therapists.

Number 2169

CHAIR MURKOWSKI asked what the BMFT and the BPC have done to explore the idea of merging.

MS. HENRY said in the letter the BPC sent to the auditor [11/12/01] it asked for the "recommendation to be changed." This would allow the BPC to take the time to make a thoughtful decision as to whether or not to combine boards, and also to design statutory language that both boards would agree upon.

CHAIR MURKOWSKI asked if steps have been taken in that direction.

MS. HENRY said the BPC has not done this yet; members wanted to wait and see what happened at this committee meeting, to see if HB 343 would come forward on its own or not.

MS. REARDON suggested that the only time the details of a bill should be discussed is after both boards have come up with something they can support. She said:

If we're only talking about merging these two boards [BPC and BMFT] - if we're not talking about the psychologists, that there isn't a way you can write the bill that both boards could support - I'm afraid that we'll get into a task, which is write a bill. But there's not a bill that can be written that can get support if the psychologists aren't in there, and then it would just be a waste of time.

Number 2030

REPRESENTATIVE MEYER asked Ms. Reardon what she would suggest to solve the merger problem. Representative Meyer said he thought Ms. Reardon was supportive of the merger.

MS. REARDON said she is trying to maintain a neutral position.

CHAIR MURKOWSKI reminded the committee that Ms. Reardon said earlier that the merger could be feasible because the "numbers are workable."

MS. REARDON responded by saying that if the two boards were to merge, it would be important to not make the structure too complicated. She said she is advocating for a more simple structure, but if the two professions do not want to merge, then they should not be forced to.

REPRESENTATIVE MEYER observed that in 1998 when the BPC was first started, there was a lot of discussion about merging, but the high startup costs and the decision to wait a few years prevented the merger. He asked about possible risks involved in this merger.

MS. REARDON responded that one risk is that those in the professions would be unhappy with the group that would regulate them. She said a loss of a distinct professional identity is another risk. She commented that the financial savings of a merger would not be very significant. Much of the higher costs for the boards comes from investigative legal action, and that would not be significantly affected by a merged board. The savings would come from smaller travel costs, depending on how many members are on the board. She summarized by saying that the financial savings will be relatively modest, but that there could be intangible gains, such as the sharing of professional ideas.

Number 1825

CHAIR MURKOWSKI asked if the problem facing the merger is that the boards did not start out merged, and after having their own entities for several years, they find it difficult to join together. She compared the proposed merger to the Board of Architects, Engineers, and Land Surveyors, and said that they are distinct professions that have successfully merged to form a larger board.

MS. REARDON agreed with Chair Murkowski and said once the boards have existed as an entity, they develop a unique identity. They are concerned that a merger would blur their professional identities.

MS. HOOD said that the BMFT thought that if all four groups merged to form one board, rather than just two of them, that there might be a "mutuality of purpose and exchange of information."

MS. HENRY stated that the BPC was not opposed to merging, but wanted to get further ahead on its current project. She said the BPC is working on some issues with the statutes they have in place.

Number 1680

REPRESENTATIVE MEYER commented that if the BPC and BMFT merged, it seems that it would be in the best interest of the psychologists to merge also.

MS. REARDON said when the BPC was created, one of the primary reasons the two boards did not merge was the issue of each board's seeking to maintain its professional identity.

Number 1612

CHAIR MURKOWSKI said the proposal that the two boards would form a task force to look at the feasibility of merging is not a bad idea, provided they are committed to making it work.

MS. HOOD commented that the social workers, psychologists, professional counselors, and marital and family therapists could legitimately merge to form one group. She said the idea of forcing two of the groups to join together, with hope that the remaining two groups would eventually join on their own will, is misleading.

Number 1492

MS. REARDON said that she believed if the legislature were to draft a bill that would merge just the BMFT and the BPC, "both boards will not be able to support it." She continued by saying, "At this point, I don't think there's any way that I could draft a bill to merge just these two boards that both boards would support." Ms. Reardon said the BMFT would be more supportive if there were an effort to draft a bill to merge three or more of the professional groups.

Number 1396

MS. DAVIDSON reported that the goal of the "sunset audits" is to look at public protection issues such as physical or financial protection. She said, "When you constitute a board in Alaska, except for Architects, Engineers, and Land Surveyors, and the Board of Barbers and Hairdressers, you'll typically have, in composition of the board, more professionals than public members." She also said that in some other states, the policy of the board is to involve more public members to reduce the amount of authority given to the profession.

MS. DAVIDSON said if the legislature wants to move towards having several of the boards merge, the impetus to make the changes starts with the "sunset legislation." Checking with her

records, Ms. Davidson informed the board that "marital and family therapists are up for sunset in 2005, as well as the psychologists and associates, and social workers." She suggested that moving the sunset date up to 2005 for the BPC would be an appropriate change if all the boards were to merge. Ms. Davidson said a letter of intent stating which boards are to merge, and by what date, would be needed to get the boards to start negotiating towards a merger. She said that if a merger were to occur in 2005, it would allow two full legislative sessions to consider the bills.

Number 1122

CHAIR MURKOWSKI asked if there would be any reason to accelerate the process and get the boards to merge into a behavioral science or omnibus board.

MS. HENRY said she opposes moving the sunset date forward. She said merging all the boards together is a fine idea, but the BPC is relatively young and lacks some of the regulations that the other three boards have had time to develop. She said that the BPC needs its semiannual meetings to try to license more people. She said the BPC would be lagging behind the other professions if it were forced to merge early.

REPRESENTATIVE MEYER asked if it is possible to approve the extension to year 2005 and then make it known that the intent is for all the boards to merge at that time.

Number 1020

CHAIR MURKOWSKI said the committee could attach a letter of legislative intent expressing those ideas.

REPRESENTATIVE HALCRO said his concern with this letter of intent is that the committee would be making a suggestion or decision three years prior to the date coming due, and things could change dramatically before 2005.

Number 0954

MS. DAVIDSON said having all the boards up for a sunset audit at the same time would make things run more efficiently. She said, "If there is information that you would like to have as part of your deliberation, we can always include that in the audit."

Number 0900

REPRESENTATIVE CRAWFORD said he would like some form of intent to move the division towards efficiency and to limit the number of cases, like license-denial appeals, that require an expensive investigation.

MS. REARDON said that the division is not generating the extensive reports on cases like license-denial appeals, nor can it stop them. There would have to be a letter of intent to the hearing officer stating that "it is our intent that you constrain the length of your proposed decisions."

REPRESENTATIVE CRAWFORD said he is not concerned with who is in control of generating the extensive reports, but rather how it could be stopped. He said he is interested in finding a more efficient system to limit the number of expensive proceedings when they are not needed.

Number 0777

CHAIR MURKOWSKI suggested that Representative Ogan might have some insight into the problems with the administrative hearings process. She said a few years ago Representative Ogan was researching the administrative hearings process. Chair Murkowski stated her belief that the committee would support attaching a letter of intent to the bill.

REPRESENTATIVE MEYER said he would like to see a "strong letter of intent" to have the boards merged by the year 2005.

Number 0630

CHAIR MURKOWSKI said she was certain that the committee would be willing to draft a letter of intent; she asked if the witnesses would like to look at the proposed language of intent before the bill moves out of committee.

MS. REARDON said the issue of training requirements for a professional counselor license had not received much attention, and reminded the committee that this issue was still present.

Number 0555

CHAIR MURKOWSKI informed the committee that the BPC will be meeting later in the week to discuss the licensing requirements. She suggested holding the bill in committee, drafting a strong

letter of intent, and addressing the issue of possible changes after the BPC has met. [HB 343 was held over.]

ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at 4:55 p.m.