

**ALASKA STATE LEGISLATURE
HOUSE LABOR AND COMMERCE STANDING COMMITTEE**

May 3, 2002

3:25 p.m.

MEMBERS PRESENT

Representative Lisa Murkowski, Chair
Representative Andrew Halcro, Vice Chair
Representative Kevin Meyer
Representative Pete Kott
Representative Norman Rokeberg
Representative Harry Crawford
Representative Joe Hayes

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CS FOR SENATE JOINT RESOLUTION NO. 44(L&C)
Relating to preparation of a joint state-federal research and development plan.

- MOVED HCS CSSJR 44(L&C) OUT OF COMMITTEE

CS FOR SENATE BILL NO. 270(L&C)
"An Act extending the termination date of the Board of Dispensing Opticians; relating to the regulation of dispensing opticians; and providing for an effective date."

- HEARD AND HELD

CONFIRMATION HEARINGS

Alaska State Board of Public Accountancy

Margerie Kaiser
Steven Tarola
Sandra Wilson

- CONFIRMATIONS ADVANCED

Alcoholic Beverage Control Board

Ellen L. Ganley

- CONFIRMATION ADVANCED

State Board of Registration for Architects, Engineers, and Land Surveyors

Linda Cyra-Korsgaard
Donald J. Iverson
Scott McLane
Patricia Peirsol

- CONFIRMATIONS ADVANCED

Board of Barbers and Hairdressers

William "Randy" Graf

- CONFIRMATION ADVANCED

Board of Chiropractic Examiners

Dr. Gregory M. Culbert
Dr. Carol J. Davis
Dr. R. Clark Davis

- CONFIRMATIONS ADVANCED

Board of Dental Examiners

Dr. Robert J. Allen
Dr. William L. Gerace
Dr. Rebecca Neslund

- CONFIRMATIONS ADVANCED

Board of Dispensing Opticians

James Rothmeyer
David Matthews, Jr.
Cindy Tidd

- CONFIRMATIONS ADVANCED

Alaska Labor Relations Agency

Roberta Demoski
Aaron T. Isaacs

David D. Rasley
Raymond P. Smith

- CONFIRMATIONS ADVANCED

Board of Marine Pilots

Jack G. Poulson

- CONFIRMATION ADVANCED

Board of Marital and Family Therapy

Larry Holman
Bill Platte

- CONFIRMATIONS ADVANCED

State Medical Board

Dr. Allan G. Schlicht
Thomas H. Wilson

- CONFIRMATIONS ADVANCED

Board of Certified Direct-Entry Midwives

Martha J. Falkar Linden

- CONFIRMATION ADVANCED

Board of Nursing

Barbara Berner
Dr. Nancy L. Sanders

- CONFIRMATIONS ADVANCED

Board of Examiners in Optometry

Dr. Erik D. Christianson

- CONFIRMATION ADVANCED

Board of Pharmacy

Gerry Knasiak

Laura Lee Nelson
Margaret Soden

- CONFIRMATIONS ADVANCED

State Physical Therapy and Occupational Therapy Board

Sundi M. Hondl
Laura McDonough
Linda Newman
Dr. George D. Rhyneer

- CONFIRMATIONS ADVANCED

Board of Professional Counselors

Janet McGillivary
Dr. Allan A. Morotti

- CONFIRMATIONS ADVANCED

Board of Psychologist and Psychological Associate Examiners

Dr. Carey S. Edney

- CONFIRMATION ADVANCED

Board of Certified Real Estate Appraisers

Judy Kemplen
Stephen F. Turner

- CONFIRMATIONS ADVANCED

Real Estate Commission

Lowell (Tom) T. Freeman
Jeannie Johnson
Susan Rainey

- CONFIRMATIONS ADVANCED

Regulatory Commission of Alaska

Will Abbott

- CONFIRMATION ADVANCED

Board of Social Work Examiners

Lorraine M. Jaeger-Kirsch
Denny Patella
Sammye Pokryfki

- CONFIRMATIONS ADVANCED

Alaska Workers' Compensation Board

Dorothy Bradshaw
John Giuchici
Stephen T. Hagedorn
James (Jay) N. Rhodes
Philip E. Ulmer

- CONFIRMATIONS ADVANCED

PREVIOUS ACTION

BILL: SJR 44

SHORT TITLE: STATE-FEDERAL JOINT RESEARCH PLAN

SPONSOR(S): LABOR & COMMERCE

Jrn-Date	Jrn-Page		Action
04/09/02	2683	(S)	READ THE FIRST TIME - REFERRALS
04/09/02	2684	(S)	L&C, FIN
04/16/02		(S)	L&C AT 1:30 PM BELTZ 211
04/16/02		(S)	Moved CS(L&C) Out of Committee
04/16/02		(S)	MINUTE(L&C)
04/17/02	2807	(S)	L&C RPT CS 4DP SAME TITLE
04/17/02	2807	(S)	DP: STEVENS, TORGERSON, LEMAN, DAVIS
04/17/02	2807	(S)	FN1: ZERO(S.L&C)
04/24/02	2923	(S)	FIN RPT CS(L&C) 7DP 1NR
04/24/02	2923	(S)	DP: KELLY, GREEN, AUSTERMAN, HOFFMAN,
04/24/02	2923	(S)	WILKEN, LEMAN, WARD; NR: DONLEY
04/24/02	2923	(S)	FN1: ZERO(S.L&C)
04/24/02		(S)	FIN AT 9:00 AM SENATE FINANCE 532
04/24/02		(S)	Moved CS(HES) Out of Committee

04/24/02		(S)	MINUTE(FIN)
04/26/02		(S)	RLS AT 10:45 AM FAHRENKAMP 203
04/26/02		(S)	MINUTE(RLS)
04/29/02	3022	(S)	RULES TO CALENDAR 4/29/02
04/29/02	3026	(S)	READ THE SECOND TIME
04/29/02	3026	(S)	L&C CS ADOPTED UNAN CONSENT
04/29/02	3026	(S)	ADVANCED TO 3RD READING FLD Y13 N6 E1
04/29/02	3026	(S)	ADVANCED TO THIRD READING 4/30 CALENDAR
04/30/02	3051	(S)	READ THE THIRD TIME CSSJR 44(L&C)
04/30/02	3051	(S)	PASSED Y20 N-
04/30/02	3054	(S)	TRANSMITTED TO (H)
04/30/02	3054	(S)	VERSION: CSSJR 44(L&C)
05/01/02	3252	(H)	READ THE FIRST TIME - REFERRALS
05/01/02	3252	(H)	L&C
05/03/02		(H)	L&C AT 3:15 PM CAPITOL 17

BILL: SB 270

SHORT TITLE:DISPENSING OPTICIANS:EXTEND BD/REGULATION

SPONSOR(S): RLS BY REQUEST OF LEG BUDGET & AUDIT

Jrn-Date	Jrn-Page		Action
02/01/02	2089	(S)	READ THE FIRST TIME - REFERRALS
02/01/02	2089	(S)	L&C, FIN
02/14/02		(S)	L&C AT 1:30 PM BELTZ 211
02/14/02		(S)	Moved CS(L&C) Out of Committee
02/14/02		(S)	MINUTE(L&C)
02/19/02	2222	(S)	L&C RPT CS 3DP 1NR SAME TITLE
02/19/02	2222	(S)	DP: STEVENS, DAVIS, TORGERSON;
02/19/02	2222	(S)	NR: AUSTERMAN
02/19/02	2222	(S)	FN1: (CED)
03/25/02	2517	(S)	FIN RPT CS(L&C) 5DP 3NR
03/25/02	2518	(S)	DP: KELLY, AUSTERMAN, OLSON, WILKEN,
03/25/02	2518	(S)	LEMAN; NR: DONLEY, GREEN, WARD
03/25/02	2518	(S)	FN1: (CED)
03/25/02		(S)	FIN AT 9:00 AM SENATE FINANCE 532
03/25/02		(S)	Moved Out of Committee

03/25/02		(S)	MINUTE(FIN)
03/28/02		(S)	RLS AT 8:30 AM FAHRENKAMP 203
03/28/02		(S)	-- Time Change --
03/28/02		(S)	MINUTE(RLS)
04/02/02	2586	(S)	RULES TO CALENDAR 4/2/02
04/02/02	2588	(S)	READ THE SECOND TIME
04/02/02	2588	(S)	L&C CS ADOPTED UNAN CONSENT
04/02/02	2589	(S)	ADVANCED TO THIRD READING UNAN CONSENT
04/02/02	2589	(S)	READ THE THIRD TIME CSSB 270(L&C)
04/02/02	2589	(S)	PASSED Y18 N- E2
04/02/02	2589	(S)	EFFECTIVE DATE(S) SAME AS PASSAGE
04/02/02	2593	(S)	TRANSMITTED TO (H)
04/02/02	2593	(S)	VERSION: CSSB 270(L&C)
04/03/02	2770	(H)	READ THE FIRST TIME - REFERRALS
04/03/02	2770	(H)	L&C, FIN
04/12/02		(H)	L&C AT 3:15 PM CAPITOL 17
04/12/02		(H)	Heard & Held
04/12/02		(H)	MINUTE(L&C)
04/17/02		(H)	L&C AT 3:15 PM CAPITOL 17
04/17/02		(H)	<Bill Postponed>
05/01/02		(H)	L&C AT 3:15 PM CAPITOL 17
05/01/02		(H)	Heard & Held MINUTE(L&C)
05/03/02		(H)	L&C AT 3:15 PM CAPITOL 17

WITNESS REGISTER

RUSS KELLY

Legislative Intern to Senator Leman

Room 516

Alaska State Capitol

Juneau, AK 99801-1182

POSITION STATEMENT: Introduced CSSJR 44.

CATHERINE REARDON, Director

Division of Occupational Licensing

Department of Community & Economic Development

P.O. Box 110806

Juneau, AK 99811-0806

POSITION STATEMENT: Opposed Version S of SB 270.

LARRY HARPER

Board of Dispensing Opticians

534 West Second Avenue
Anchorage, AK 99501-2208
POSITION STATEMENT: Opposed SB 270.

DAVID G. MATTHEWS JR.
Board of Dispensing Opticians
P.O. Box 1138
Kotzebue, AK 99752
POSITION STATEMENT: Opposed SB 270.

ROBERTA RAWCLIFFE, Public Member
Board of Dispensing Opticians
PO Box 623
Palmer, Alaska 99645
POSITION STATEMENT: Recommended changes to [HCS CSSB 270,
Version S].

JIM GRAVES, Optometric Physician
(No address provided)
POSITION STATEMENT: Testified in support of [HCS CSSB 270]
Version S.

ALICIA MILES
(No address provided)
POSITION STATEMENT: During testimony on SB 270, noted support
of the voluntary licensure.

JAMES ROTHMEYER, Chair
Board of Dispensing Opticians
(No address provided)
POSITION STATEMENT: During testimony on SB 270, urged the
[legislature] and committee to pass a simple continuous bill for
four years or leave things as they are.

PAM GAJDOS
Image Optical
1867 Airport Way
Fairbanks, Alaska 99709
POSITION STATEMENT: Testified in opposition to SB 270.

JOANNE YANAG, dispensing optician
Image Optical
1867 Airport Way
Fairbanks, Alaska 99709
POSITION STATEMENT: Testified in opposition to SB 270.

MARIA MASSEY, Licensed Optician

Image Optical
1867 Airport Way
Fairbanks, Alaska 99709
POSITION STATEMENT: Testified in opposition to SB 270.

CHRISTI BRAND
201 Old Steese Highway, Suite 2
Fairbanks, Alaska 99701
POSITION STATEMENT: Urged the committee to postpone any action on SB 270 because it isn't in the public's best interest in its current form.

JAN AMUNDSON
PO Box 75177
Fairbanks, Alaska 99707
POSITION STATEMENT: Urged the committee to continue licensure for opticians and not take action on SB 270.

ACTION NARRATIVE

TAPE 02-71, SIDE A
Number 0001

CHAIR LISA MURKOWSKI called the House Labor and Commerce Standing Committee meeting to order at 3:25 p.m. Representatives Murkowski, Kott, Rokeberg, and Crawford were present at the call to order. Representatives Halcro, Meyer, and Hayes arrived as the meeting was in progress.

SJR 44-STATE-FEDERAL JOINT RESEARCH PLAN

CHAIR MURKOWSKI announced that the first order of business would be CS FOR SENATE JOINT RESOLUTION NO. 44(L&C), Relating to preparation of a joint state-federal research and development plan.

CHAIR MURKOWSKI reminded committee members they had previously heard the House version of this legislation.

RUSS KELLY, Legislative Intern for Senator Leman, paraphrased the sponsor statement as follows:

CSSJR 44 (L&C) requests that state and federal agencies work together to develop a joint research and development plan to help expand and diversify Alaska's economy, strengthen and maintain state research

institutions and protect the health of Alaskans and the environment of Alaska.

Alaska's economy is heavily dependent on the research and development activities of public, private, and academic sectors to attract investment, jobs, and revenue to the state. Effective research and development apply knowledge toward efficient resource extraction, resource protection, provision of human health, and the export of intellectual property.

The goal of the joint effort will be to develop and present to the legislature a plan to identify and assess areas of high economic potential for resource development and tourism on federal and state lands in Alaska.

MR. KELLY sighted the Alaska Science and Technology Foundation (ASTF), the University of Alaska, and the U.S. Arctic Research Commission as examples of the research and development institutions the resolution addressed. He explained that two members of the House of Representatives and two members of the Senate would be assigned to make sure that the legislature has input in research and development plans in the future.

CHAIR MURKOWSKI announced that there was an amendment in front of the committee. She marked it as amendment one.

REPRESENTATIVE ROKEBERG moved to adopt Amendment 1. There being no objection, Amendment 1 was adopted.

CHAIR MURKOWSKI asked Mr. Kelly if the omission of the North Pacific Research Board was due to an oversight.

MR. KELLY answered it was.

CHAIR MURKOWSKI pointed out that the amendment also added the chair of the North Pacific Research Board.

Number 0307

REPRESENTATIVE ROKEBERG moved CSSJR 44(L&C) as amended from committee with individual recommendations and the attached zero fiscal note. There being no objection HCS CSSJR 44(L&C) was moved from committee.

An at-ease was taken from 3:32 p.m. to 3:33 p.m.

SB 270-DISPENSING OPTICIANS:EXTEND BD/REGULATION

Number 357

CHAIR MURKOWSKI announced that the next order of business would be CS FOR SENATE BILL NO. 270(L&C), "An Act extending the termination date of the Board of Dispensing Opticians; relating to the regulation of dispensing opticians; and providing for an effective date."

CHAIR MURKOWSKI reminded the committee that before it was Version S, which it had adopted at the May 1, 2002, meeting.

CATHERINE REARDON, Director, Division of Occupational Licensing, Department of Community and Economic Development (DCED), informed the committee the Division of Occupational Licensing staffs the Board of Dispensing Opticians. She believed three of the five board members were on teleconference. Although they had not had a formal board meeting in the last two days because of public meeting requirements it was her clear understanding that the board strongly opposes the Version S.

CHAIR MURKOWSKI asked Ms. Reardon if redefining the definition of dispensing optician was by direction from the board.

MS. REARDON explained that following the previous committee hearing legislative aides requested she supply an alternative definition for the practice of dispensing optician. She responded to the request and supplied the aide with the information. Ms. Reardon said she believes the purpose of the request for a revised definition was that if the definition of dispensing optician were narrower and limited to the most potentially risky activities, perhaps the legislature would be more willing to continue with mandatory licensure.

MS. REARDON pointed out that Version S does two significant things: eliminates the Board of Dispensing Opticians and moves from mandatory licensure to voluntary licensure. It would no longer be required that someone hold a dispensing optician license in order to practice that profession, she explained. She responded to the suggestion of a more limited definition because it is an unsettling idea to dispensing opticians who believe it is important that individuals be licensed.

CHAIR MURKOWSKI asked whether or not that might have been a directive from the board.

MS REARDON answered it was a staff request. She related her understanding that the board would like to stick with the existing definition of dispensing optician as well as the mandatory licensure requirement.

Number 0673

REPRESENTATIVE ROKEBERG referred to correspondence from a dispensing optician that said the board rewrote their examination in April and after administering the new examination to six candidates, only one passed it. Representative Rokeberg said that the aforementioned results seemed to indicate there is need to have some examination and practicum to ensure these people know what they are doing.

MS. REARDON said she believes that is how the board interpreted those results. Ms. Reardon pointed out that the bill also eliminates the practical examination and reduces the number of apprenticeship hours required for licensure. She felt the correspondence Representative Rokeberg referred to was an example of why dispensing opticians believe it is important to keep the practical exam that the bill eliminates.

REPRESENTATIVE ROKEBERG asked if removal of the board would eliminate the ability to administer the exam.

MS. REARDON answered that the bill will eliminate the practical exam. If a practical exam is returned to the law, it is helpful to have a board to administer it otherwise the Division of Occupational Licensing must contract with someone to write and administer a practical exam.

Number 0850

LARRY HARPER, Board of Dispensing Opticians, explained that he along with the Chairman of the Board of Dispensing Opticians, Mr. James Rothmeyer, and other board members worked many hours at their expense and completely revised the test. They contracted with Colts Laboratory to provide lens specimens that the applicants would have to identify and neutralize. The board wanted to make it a first class test and this test is now very objective, there are no gray areas and it is very clear. A gage master for the equipment was brought in and used so the applicants themselves could test the accuracy of the equipment. In the past about 90 percent of what the board was questioned on from the test takers was whether the equipment was accurate and

how to go about proving that. "So everything that the legislative budget and audit found to be a problem with our examination we have addressed." He said he would give legislative audit every bit of due on this because they brought this subject up time and time again.

MR. HARPER pointed out that this is a brand new board and over the previous 18-24 months has addressed the issues of greatest concern. Mr. Harper noted his pride in the work the board has done. "We still have a miserable pass rate and quite frankly it was obvious from the test takers that they simply came untrained and unprepared to the testing site, he said." Mr. Harper referred to a letter to committee members that outlined a program called the Career Progression Program (CPP) administered by the National Academy of Opticianry. The program usually takes a year and a half to two years for an applicant to complete. There are three people involved, the apprentice, the apprentice's sponsor who is local and a Professor of Optics. The Professor of Optics works as a mentor for both the teacher and the student. This is a distance learning program that is absolutely ideal as it is custom tailored for rural Alaskan situations as well as urban settings. Coordinating this program eliminates so many problems that were inherent in the apprenticeship program from the lack of guidance.

MR. HARPER concluded by relating that the board felt it had addressed the main issues, although there are going to be other issues the board would like the opportunity to address. The board not only opposes the committee substitute, he said, but it also opposes SB 270 in its original form.

Number 1045

REPRESENTATIVE ROKEBERG asked Mr. Harper if the board opposed Version F.

MR. HARPER replied yes.

REPRESENTATIVE ROKEBERG pointed out that Version F kept the board of directors. He asked Mr. Harper about the apprenticeship issue in terms of the hours.

MR. HARPER said the board had already undertaken a reduction of apprenticeship hours based on bringing in the CPP program at the same time. The board wanted to turn it from a time and grade type program to a results-orientated program. Therefore, someone who was on the ball, had good sponsors, and worked hard

could get through the program sooner. There is no reason to hold an apprentice back because some abstract hours had not been met. The board decided the 3,000-hour requirement would ultimately work the best in conjunction with passing the CPP final exam and would suffice as a minimum entry level training. That individual would then be free to take their practical exam.

MR. HARPER informed the committee he had been on the Board of Directors of the National Contact Lens Examiners (NCLE) for nine years. This national certification agency writes the test the State of Alaska uses as a written exam. That test was never designed in its entirety to sit as a stand-alone exam for licensure. The test must be used in conjunction with a practical examination.

REPRESENTATIVE ROKEBERG asked if the Dispensing Opticians Board wants the practical exam and a 3,000-hour requirement as well as a correspondence course.

MR. HARPER said yes, a distance learning program.

Number 1243

DAVID MATTHEWS JR., Board of Dispensing Opticians, gave the following testimony as a new member of the board who had lived in Kotzebue for over 20 years. He informed the committee that going to school in Albuquerque, New Mexico for about four years to obtain an Associates Degree in Optomic Technology was costly for his family. The CPP course the board recommends is a great opportunity for people in the Bush to study to be an optician and be able to take the practical exam, he said. The practical exam is very important and is necessary to protect the public as evidenced by the test results.

MR. MATTHEWS agreed with Mr. Harper that the American Board of Opticians and the NCLE written certification exams do not prove the competency of the applicant for licensure; the practical test is necessary to protect the public. People who have not trained but have gone through the process of the CPP course along with the 3,000-hour apprenticeship could potentially go to the Bush and incorrectly fit a patient. This could endanger the patient's vision such that he/she may have to obtain care outside of their Bush community, which costs the state more money through Medicaid. Getting rid of the practical exam would only have negative results, he charged. At his first board meeting the practical exam was administered and it was obvious there had been a large amount of personal time spent developing

this practical exam. Having taken the old practical exam, Mr. Matthews said the new test is much better; it is a really professional test.

MR. MATTHEWS, in response to Chair Murkowski, explained that the practical exam basically covers what an optician should know. Therefore the exam includes a portion on menthrometry (ph), reading prescriptions, fitting, and calculations.

CHAIR MURKOWSKI recalled that Mr. Matthews commented earlier that during the practical exam, the applicant is tested on those things that might impact public health and safety. She specified that she was trying to understand how the practical exam related to consumer protection.

MR. MATTHEWS explained that lensometry is the actual reading of the prescription. Before a pair of glasses are dispensed, the glasses must be checked in order to confirm that the glasses meet minimal standards. There is an American National Standards Institute (ANSI) standard in optics that must be met.

Number 1566

ROBERTA RAWCLIFFE, Public Member, Board of Dispensing Opticians, testified via teleconference. She informed the committee that she was appointed to the board in 1999 and takes her obligation seriously. She highlighted that this is the third exam she has sat through and the first re-write of the new exam. Ms. Rawcliffe turned to Version S and said, "To me, the bottom line to this draft is money plain and simple: who gets to make more and at whose expense?" Ms. Rawcliffe related her belief that it's not in the public's interest to allow just anyone to fit, dispense, or fabricate eyewear. The only benefactors to such legislation [as Version S] would be the owners of optical shops. She expressed the need for [folks who fit, dispense, or fabricate eyewear to pass a written exam as well as [an exam] on use of the necessary machinery. If Version S is enacted, Ms. Rawcliffe said she believes that the cost will be higher than the current cost to the state. Currently, the licensees pay the expenses of all the oversight provided by the state as well as for the expense of the board.

MS. RAWCLIFFE felt that it would be irresponsible to enact legislation removing the safety net provided by licensing requirements. Therefore, Ms. Rawcliffe suggested that SB 270 be amended to include the following: retention of the practical examination as a requirement for licensure, licensure as a

requirement for a dispensing optician in the state, and an insertion of a [registration] requirement for those who wish to become licensed apprentices. For those who don't wish to become an optician, Ms. Rawcliffe recommended allowing those folks to be frame fitters and work in an optician's office without registering as an apprentice. For those who want to become an apprentice, Ms. Rawcliffe suggested the inclusion of a requirement for the career progression program for apprentices. She further suggested that apprentices only have to serve as an apprentice for 3,000 hours rather than the currently mandated 6,000 hours. Moreover, she suggested that the apprentices be required to take the national certification course exams and pass the practical examination.

MS. RAWCLIFFE turned to Representative Rokeberg's question regarding the results of the six candidates that took the exam. She informed the committee that five of the six seemed to be unprepared for the exam and they didn't have a clue how to use the lensometer. Therefore, she said she feared that without a licensure requirement there could be a car lot attendant passing out and fitting glasses. This would ultimately be at the expense of the consumer. In conclusion, Ms. Rawcliffe recommended that the committee [not pass along] Version S but rather rework SB 270.

Number 1828

CHAIR MURKOWSKI surmised that Ms. Rawcliffe would hold the opinion that it would help to provide a more specific definition for [an apprentice].

MS. RAWCLIFFE agreed. She pointed out that the definition of dispensing optician under AS 08.71.240 is clear. However, the definition of an apprentice is unclear and could be amended. Currently, an apprentice has to put in 6,000 hours worth of apprenticeship before being allowed to sit for the practical exam. She reiterated the need to recognize that there will be some employees of an optician who don't wish to [become apprentices], and therefore the board, in recognition of that, suggested that the number of apprentice hours be shortened to 3,000 hours and inserted a requirement for a career progression program. This is not unlike becoming a beautician.

Number 1971

JIM GRAVES, Optometric Physician, testified via teleconference in support of Version S. Dr. Graves provided the following testimony:

Since laboratory or bench opticians are exempted from the law and unlicensed, this testimony is specific to the people who adjust glasses, frames, and nose pads, measure the head for frame size set by (indisc.) or Progressives and ... pick a flattering frame. Opticians do not need mandatory license to do this and they do not need a license to simply fill a contact lens prescription, a Class II FDA medical device. These devices are, by law, prescribed and followed by the doctors in the state of Alaska. As to unlicensed opticians being a threat to the public, I truly feel that there's more threat to the public in a receptionist working for an optometrist or ophthalmologist who doesn't understand the difference between emergency, immediate care, and routine appointments. Some opticians claim that they are skilled in the medical field, but there is no evidence of this or a requirement to show proficiency in this area for licensure. Some also claim that they provide eye care as licensed opticians but it is not in the optician definition in statute. Some may wish the standards were higher, but they are not and any expanded duties are delegated by a doctor who is responsible for them.

Also, what about the higher educated, ... such as para-optometrics, optometric techs, ophthalmic techs, surgical techs, visual therapy techs, contact lens techs, and vision techs for screening, et. cetera. These necessary individuals are unlikely unregulated and certainly can often do dispensing optician duties and usually much more. And their primary functions are to assist the doctors in practice. When opticians try to enforce that these individuals, somehow, need mandatory optician apprenticeship and licensure status. In my clinical experiences over 20 years, that doesn't make sense. A national TV show did a research project where they had 10 different optical shops making up glasses, then they tested those glasses. All 10 were incorrect. This is why when patients go to an optician in various optical shops, ... the prescribing doctors will tell them, "Bring

your glasses back for a free evaluation to be ... certain that the prescription is filled correctly.

In 27 states and D.C., opticians are not even regulated and find no valid reason to do so. No state has adopted licensure in over 21 years. There has been no experience of harm reported. Some are better than others when it comes to opticians, but that's the way it is with all service providers. This has been a simple monopoly turf protection at the expense of the public. I would rather have tattoists and piercers regulated because hepatitis can definitely be more threatening than an ugly pair of glasses. Licensure is the most stringent form of regulation imposed by the state legislature upon occupations and professions that pose a clear and present danger to the public's health, safety, and welfare. Opticians currently perform their services without any apparent harm to the public, and therefore should have optional licensure. I agree with the audit report. I support the current committee substitute to reduce the costs for consumers and also for those desiring an opticians license. Again, I am in support of Version S and I do think they should have licensure. Now, that would protect those with current licensure status

DR. GRAVES recalled Mr. Harper's mention that opticians are experts in physiological optics. Dr. Graves disagreed because [physiological optics] is related to visual science and more specific to a physician. Therefore, he said he thought Mr. Harper meant to refer to ophthalmic optics. He also recalled Mr. Matthews' testimony that a bad pair of glasses could cause a lesion on one's eye. To the best of his knowledge, Dr. Graves said he knew of no lesion that could be induced by a bad prescription. Dr. Graves reiterated his belief that most of the responsibility lies with the physician rather than the dispensing optician.

Number 2225

CHAIR MURKOWSKI requested that Dr. Graves speak to the practical exam and the need for it. "Is there anything a dispensing optician does, in your opinion then, that could potentially effect the public health of an individual," she asked.

DR. GRAVES replied, "I don't." He reiterated that he doesn't feel that there should be mandatory licensure. With regard to

the earlier reference to lensometry, there are automatic lensometers that anyone can learn how to run. Furthermore, there is another digital device that can cross reference the optical center. Although Dr. Graves acknowledged that some opticians consider lens parameters a threat to the public, he felt the greatest threat would have to do ... [tape changes sides].

TAPE 02-71, SIDE B

Number 2327

ALICIA MILES testified via teleconference. She informed the committee that she sat on the Board of Dispensing Opticians for eight years and is very familiar with the state process, the budget and audit process, and the testing process. During those eight years, she experienced several audits with the state. Some of the concerns brought to light with the audits continue, such as the objectivity of the exam. One of the statements the board heard from the Joint Committee on Legislative Budget and Audit was that the exam must be of minimum competency. She noted that [during her time on the board], the board was pleased when there was a 50-60 percent passing rate.

MS. MILES reiterated Dr. Graves' testimony with regard to contact lenses being fit under the supervision of and in conjunction with physicians so that problems with a contact lens would be caught by the physician. She remarked that the contact lens licensure can probably do the most damage to someone if there was an error. She informed the committee that of the 102 licenses, only 29 have contact lens licenses. Of those 29 contact lens licenses, four don't live in the state. She informed the committee that the fabrication of glasses is done by bench opticians, who have never been required to have a license. She echoed Dr. Graves' point that most of today's equipment has been computerized and is much more accurate than people can be.

Number 2212

MS. MILES turned to the apprenticeship issue. She informed the committee that there are 102 licensed opticians in Alaska while there are 172 apprentices in the state. Alaska's law specifies that apprentices can only be an apprentice for six years and then must take the exam. However, the law doesn't specify any consequences for not taking the exam. She related that she knew of several instances in which the apprenticeship has lapsed and

the individual has re-applied and done another six years as an apprentice. Furthermore, the consequences for unlicensed activities are only class B misdemeanors. She noted that when she sat on the board and the board received a complaint in this vein, the investigator would investigate but actually going to court was difficult. Most of the complaints were related to unlicensed practices.

MS. MILES recalled that about 10 years ago, the legislature decided that the board should become self-supporting. Of the last few audits performed, only one of those audits showed the board [to be self-supporting]. In the last audit for the renewal period, the board was \$14,000 in the red and the next renewal period left the board another \$14,000 in the red for a total of \$28,000. She recalled that last year the new fees, \$580 to renew an opticians license, were unveiled. However, two weeks prior to the renewal deadline, the fee was decreased to \$280, which she attributed to public pressure. Therefore, the board would remain in a deficit situation because the board's budget was \$53,000. In order for the board to cover its cause, the next renewal license would need to cost \$800 each, based on a 102 people holding a license. Ms. Miles concluded by noting her support of the voluntary licensure because it holds folks to a standard while making the cost of a license much more affordable, which could be a great advantage in recognition of the state's fiscal gap.

Number 2074

CHAIR MURKOWSKI asked if Ms. Miles felt that the six-year apprentice is an effort to avoid the high fees currently assessed on the dispensing opticians.

MS. MILES opined that the continued apprenticeship is done to avoid the high fees and the testing fee. Furthermore, many folks don't like to take tests and will avoid doing so at all costs. In further response to Chair Murkowski, Ms. Miles informed the committee that an average salary for an optician is between \$30,000 and \$40,000.

Number 1959

JAMES ROTHMEYER, Chair, Board of Dispensing Opticians, testified via teleconference. Mr. Rothmeyer provided the following testimony:

Opticianry is a complex and technical field that requires those engaged in it to be educated and trained in basic optics and physiology and how they play a role in the design, fit, and fabrication of prescription eyewear and other ophthalmic devices. The method best suited to determine or demonstrate the individual's ability to apply this knowledge is by a mandatory practical or clinical licensing examination. I believe that the state and public is being better served by mandatory licensure through examination. I see no apparent good come of proposing lower standards of education and training requirements. Poor service and less protection of the public by having less training and less qualified persons dispensing prescription eyewear and fitting contact lenses is not, in my opinion, a good idea and it doesn't deserve support. As a board we fixed most of the past problems. It seems to me we have hangnail-size problem and they're being told we must cut the finger off to fix it. I think this is a rush to judgment; I think there's a lot of issues that need much further investigation and understanding to make such sweeping changes in the way the public receives prescription eyewear and contact lenses. I would urge the [legislature] and committee to pass a simple continuous bill for four years or leave things as they are. I would like to keep working with the [Joint Committee on Legislative] Budget and Audit ... to resolve any problems in the future.

MR. ROTHMEYER, in response to Chair Murkowski, informed the committee that the board meets once a year. The next board meeting is scheduled for April 2003. He noted that the board members participate via teleconference or commute.

CHAIR MURKOWSKI explained that she is trying to understand how much the board has had an opportunity to digest the recommendations from the Joint Committee on Legislative Budget and Audit as well as Version S.

MR. ROTHMEYER pointed out that the board has rewritten the practical examination. Furthermore, the board has followed the Joint Committee on Legislative Budget and Audit's recommendation to decrease the apprenticeship hours from 6,000 hours to 3,000 hours. Mr. Rothmeyer noted that the board has adopted the nationally recognized career progression program. Therefore, everyone has the ability to acquire the same knowledge base to

understand and better perform tasks in this occupation as well as being better prepared to pass the state's licensing exam.

Number 1810

PAM GAJDOS, Image Optical, testified via teleconference. She informed the committee that she is a business owner and served on the Board of Dispensing Opticians for two terms in the 1990s. Ms. Gajdos emphasized that from the beginning she has promoted the adoption of the career progression program. She pointed out that although the career progression program was [adopted] two years before her term was over, the legislature changed the language to "may" which was very disappointing. Furthermore, she agreed with shortening the [apprenticeship] hours as long as the career progression program was required. Ms. Gajdos compared this situation to that of the dental hygienist who isn't a dentist but does a lot of the work along side the dentist. Ms. Gajdos noted her concurrence in the statements of Ms. Rawcliffe in regard to the lack of understanding as to how any lowering of the standards would benefit the public in any way. Ms. Gajdos informed the committee that the test was changed this year not only because of the audit but also because the test has been worked on at the national level for the last few years. In this situation, the public is what matters and what opticians do is imperative, she remarked. Ms. Gajdos requested that the committee take no action and let the regular sunset continue with the adoption of the career progression program and the reduction in apprenticeship hours. She further remarked that the definition of apprentice should be changed in order to allow folks to be a desk clerk or frame clerk.

MS. GAJDOS emphasized the need for the opticians to remain licensed. She noted her disagreement with earlier comments that people allow their training hours to lapse because of financial reasons. Ms. Gajdos related her belief that people aren't sitting for the test because these folks never had the desire to [become licensed] to begin with. Ms. Gajdos also noted that the automated equipment can produce different measurements. In conclusion, Ms. Gajdos announced her opposition to SB 270.

Number 1253

JOANNE YANAG, dispensing optician, Image Optical, testified via teleconference. She said, "As a second year dispensing optician apprentice, I feel that it would be a great disservice to the public to eliminate the Board of Opticianry and licensure." One of the benefits of the program is that apprentices are trained

in the field with supervision while receiving extensive education through the career progressions program. Both of the aforementioned are measured by the current system. She said that she can personally affirm that [to become a dispensing optician] requires a combination of on-the-job training and education to learn the profession and provide the highest quality of service to the public. As an apprentice, her measurements are verified by an licensed optician. Therefore, the [licensed optician] helps her provide the correct lenses for each patient while teaching her the how and why for each particular prescription, she related. "There's just so much more to being an optician than selling frames," she stated. Ms. Yanag requested that the state licensing board continue, and therefore she also requested no action on SB 270 [Version S].

Number 1411

MARIA MASSEY, licensed optician, Image Optical, testified via teleconference. Ms. Massey requested the continuance of the Board of Dispensing Opticians and that no action be taken on SB 270. More time is required to make the necessary changes. In order to do the job well, there must be trained medical staff. Furthermore, she said she was sure that most doctors would like trained medical staff.

Number 1358

CHRISTI BRAND testified via teleconference. She informed the committee that she has worked in the eye care field in Fairbanks since 1986 and her education [led to the opening] of her own optical shop in 2000. Ms. Brand expressed concern with regard to the future of her profession as well as the public's safety and quality of care. She stressed that prescriptive eyewear directly impacts the quality of life of the wearer. She reviewed the effects of incorrectly prescribed lenses and contacts. Ms. Brand informed the committee that contact lenses have been classified by the Food & Drug Administration as a drug and the fitting and dispensing of contacts should be limited to licensed qualified people. Mandatory testing and licensure must be continued in order to ensure the public's safety. Ms. Brand urged the committee to postpone any action on SB 270 because it isn't in the public's best interest in its current form.

Number 1253

JAN AMUNDSON testified via teleconference. She informed the committee that she has been working in opticianry for 30 years.

She related how she began as a receptionist [in] a wholesale fabricating lab and moved through the licensure process and ultimately opened her own business. Ms. Amundson said that she was lucky to have performed her apprenticeship under highly competent licensed opticians. She noted that over the years she has had several apprentices licensed under her license. Therefore, she said she takes the responsibility to train this folks seriously. Ms. Amundson informed the committee that she has been employed by an optical chain store and the optometrists were unable to supervise or train the staff. She stressed that most of the employees [in the optical chain store] had little or no experience and thus things were done by trial and error. Ms. Amundson emphasized her serious concern with the standard of care for those in Alaska. Ms. Amundson concluded by requesting that the Board of Dispensing Opticians be continued and SB 270 squelched.

CHAIR MURKOWSKI, upon determining that no one else wished to testify, closed the public testimony on SB 270.

[CSSB 270(L&C) was held over.]

CONFIRMATIONS

CHAIR MURKOWSKI announced that the last order of business would be the confirmation hearings. She informed the committee that all of the names presented do meet the qualifications as set out in statute. Therefore, the committee will make recommendations regarding whether the names should be forward to the full body for confirmation. Chair Murkowski explained that she would read through the names for each board.

Number 0958

Alaska State Board of Public Accountancy

CHAIR MURKOWSKI began with the appointees to the Alaska State Board of Public Accountancy and asked if there were any objections to forwarding the following names: Margerie J. Kaiser, Steven R. Tarola, and Sandra R. Wilson. There being no objection, the aforementioned names were forwarded to the full body for consideration.

Alcoholic Beverage Control Board

CHAIR MURKOWSKI continued with the appointee to the Alcoholic Beverage Control Board and asked if there were any objections to

forwarding the name of Ellen L. Ganley. There being no objection, the aforementioned name was forwarded to the full body for consideration.

State Board of Registration for Architects, Engineers, and Land Surveyors

CHAIR MURKOWSKI turned to the appointees to the State Board of Registration for Architects, Engineers, and Land Surveyors and asked if there were any objections to forwarding the following names: Linda Cyra-Korsgaard, Donald J. Iverson, Scott McLane, and Patricia Peirsol. There being no objection, the aforementioned names were forwarded to the full body for consideration.

Number 0882

Board of Barbers and Hairdressers

CHAIR MURKOWSKI continued with the appointees to the Board of Barbers and Hairdressers and asked if there were any objections to forwarding the name of William "Randy" Graf. There being no objection, the aforementioned name was forwarded to the full body for consideration.

Board of Chiropractic Examiners

CHAIR MURKOWSKI moved on to the appointees to the Board of Chiropractic Examiners and asked if there were any objections to forwarding the following names: Dr. Gregory M. Culbert, Dr. Carol J. Davis, and Dr. R. Clark Davis. There being no objection, the aforementioned names were forwarded to the full body for consideration.

Board of Dental Examiners

CHAIR MURKOWSKI continued with the appointees to the Board of Dental Examiners and asked if there were any objections to forwarding the following names: Dr. Robert J. Allen, Dr. William L. Gerace, and Dr. Rebecca Neslund. There being no objection, the aforementioned names were forwarded to the full body for consideration.

Board of Dispensing Opticians

CHAIR MURKOWSKI continued with the appointees to the Board of Dispensing Opticians and asked if there were any objections to

forwarding the following names: James Rothmeyer, David Matthews, Jr., and Cindy Tidd. There being no objection, the aforementioned names were forwarded to the full body for consideration.

Alaska Labor Relations Agency

CHAIR MURKOWSKI continued with the appointees to the Alaska Labor Relations Agency and asked if there were any objections to forwarding the following names: Roberta Demoski, Aaron T. Isaacs, David D. Rasley, and Raymond P. Smith. There being no objection, the aforementioned names were forwarded to the full body for consideration.

Board of Marine Pilots

CHAIR MURKOWSKI moved on to the appointee to the Board of Marine Pilots and asked if there were any objections to forwarding the name of Jack G. Poulson. There being no objection, the aforementioned name was forwarded to the full body for consideration.

Number 0794

Board of Marital and Family Therapy

CHAIR MURKOWSKI moved on to the appointees to the Board of Marital and Family Therapy and asked if there were any objections to forwarding the following names: Larry Holman and Bill Platte. There being no objection, the aforementioned names were forwarded to the full body for consideration.

State Medical Board

CHAIR MURKOWSKI continued with the appointees to the State Medical Board and asked if there were any objections to forwarding the names of Dr. Allan G. Schlicht and Thomas H. Wilson. There being no objection, the aforementioned names were forwarded to the full body for consideration.

Board of Certified Direct-Entry Midwives

CHAIR MURKOWSKI moved on to the appointee to the Board of Certified Direct-Entry Midwives and asked if there were any objections to forwarding the name of Martha J. Falkar Linden. There being no objection, the aforementioned name was forwarded to the full body for consideration.

Board of Nursing

CHAIR MURKOWSKI continued with the appointees to the Board of Nursing and asked if there were any objections to forwarding the names of Barbara Berner and Dr. Nancy L. Sanders. There being no objection, the aforementioned names were forwarded to the full body for consideration.

Board of Examiners in Optometry

CHAIR MURKOWSKI turned to the appointee to the Board of Examiners in Optometry and asked if there were any objections to forwarding the name of Dr. Erik D. Christianson. There being no objection, the aforementioned name was forwarded to the full body for consideration.

Board of Pharmacy

CHAIR MURKOWSKI moved on to the appointees to the Board of Pharmacy and asked if there were any objections to forwarding the following names: Gerry Knasiak, Laura Lee Nelson, and Margaret Soden. There being no objection, the aforementioned names were forwarded to the full body for consideration.

State Physical Therapy and Occupational Therapy Board

CHAIR MURKOWSKI continued with the appointees to the State Physical Therapy and Occupational Therapy Board and asked if there were any objections to forwarding the following names: Sundi M. Hondl, Laura McDonough, Linda Newman, and Dr. George D. Rhyneer. There being no objection, the aforementioned names were forwarded to the full body for consideration.

Board of Professional Counselors

CHAIR MURKOWSKI continued with the appointees to the Board of Professional Counselors and asked if there were any objections to forwarding the following names: Janet McGillivray and Dr. Allan A. Morotti. There being no objection, the aforementioned names were forwarded to the full body for consideration.

Number 0687

Board of Psychologist and Psychological Associate Examiners

CHAIR MURKOWSKI moved on to the appointee to the Board of Psychologist and Psychological Associate Examiners and asked if there were any objections to forwarding the name of Dr. Carey S. Edney. There being no objection, the aforementioned name was forwarded to the full body for consideration.

Board of Certified Real Estate Appraisers

CHAIR MURKOWSKI continued with the appointees to the Board of Certified Real Estate Appraisers and asked if there were any objections to forwarding the following names: Judy Kemplen and Stephen F. Turner. There being no objection, the aforementioned names were forwarded to the full body for consideration.

Real Estate Commission

CHAIR MURKOWSKI continued with the appointees to the Real Estate Commission and asked if there were any objections to forwarding the following names: Lowell (Tom) T. Freeman, Jeannie Johnson, and Susan Rainey. There being no objection, the aforementioned names were forwarded to the full body for consideration.

Regulatory Commission of Alaska

CHAIR MURKOWSKI turned to the appointee to the Regulatory Commission of Alaska and asked if there were any objections to forwarding the name of Will Abbott. There being no objection, the aforementioned name was forwarded to the full body for consideration.

Board of Social Work Examiners

CHAIR MURKOWSKI continued with the appointees to the Board of Social Work Examiners and asked if there were any objections to forwarding the following names: Lorraine M. Jaeger-Kirsch, Denny Patella, and Sammye Pokryfki. There being no objection, the aforementioned names were forwarded to the full body for consideration.

Number 0617

Alaska Workers' Compensation Board

CHAIR MURKOWSKI concluded with the appointees to the Alaska Workers' Compensation Board and asked if there were any objections to forwarding the following names: Dorothy Bradshaw, John Giuchici, Stephen T. Hagedorn, James (Jay) N. Rhodes, and

Philip E. Ulmer. There being no objection, the aforementioned names were forwarded to the full body for consideration.

REPRESENTATIVE MEYER inquired as to whether there is a good balance on the Alcoholic Beverage Control Board.

REPRESENTATIVE ROKEBERG related his belief that a statutory balance is required for the Alcoholic Beverage Control Board.

ADJOURNMENT

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