

ALASKA STATE LEGISLATURE
SENATE LABOR AND COMMERCE STANDING COMMITTEE

February 7, 2019

1:31 p.m.

MEMBERS PRESENT

Senator Lora Reinbold, Chair
Senator Mia Costello, Vice Chair
Senator Click Bishop
Senator Chris Birch
Senator Elvi Gray-Jackson

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 36

"An Act extending the termination date of the Board of Nursing; and providing for an effective date."

- MOVED SB 36 OUT OF COMMITTEE

SENATE BILL NO. 29

"An Act extending the termination date of the Board of Marine Pilots; and providing for an effective date."

- MOVED SB 29 OUT OF COMMITTEE

SENATE BILL NO. 25

"An Act extending the termination date of the Board of Dental Examiners; and providing for an effective date."

- MOVED SB 25 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 36

SHORT TITLE: EXTEND BOARD OF NURSING

SPONSOR(S): SENATOR(S) GIESSEL

01/25/19	(S)	READ THE FIRST TIME - REFERRALS
01/25/19	(S)	L&C, FIN

BILL: SB 29

SHORT TITLE: EXTEND BOARD OF MARINE PILOTS

SPONSOR(s): SENATOR(s) STEDMAN

01/23/19 (S) READ THE FIRST TIME - REFERRALS
01/23/19 (S) L&C, FIN

BILL: SB 25

SHORT TITLE: EXTEND BOARD OF DENTAL EXAMINERS

SPONSOR(s): SENATOR(s) WILSON

01/18/19 (S) READ THE FIRST TIME - REFERRALS
01/18/19 (S) L&C, FIN

WITNESS REGISTER

SENATOR CATHY GIESSEL
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified as sponsor of SB 36.

KRIS CURTIS, Legislative Auditor
Legislative Audit Division
Legislative Agencies and Offices
Juneau, Alaska

POSITION STATEMENT: Presented audit findings on the Board of Nursing during the discussion of SB 36.

DAVID SCOTT, Staff
Senator Bert Stedman
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented SB 29 on behalf of the sponsor.

KRIS CURTIS, Legislative Auditor
Legislative Audit Division
Legislative Agencies and Offices
Juneau, Alaska

POSITION STATEMENT: Presented audit findings on the Board of Marine Pilots during the discussion of SB 29.

BARRY OLIVER, Captain; Member
Southeast Alaska Pilots' Association
Juneau, Alaska

POSITION STATEMENT: Testified during the discussion of SB 29.

SENATOR DAVID WILSON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified as sponsor of SB 25.

KRIS CURTIS, Legislative Auditor
Legislative Audit Division
Legislative Agencies and Offices
Juneau, Alaska

POSITION STATEMENT: Presented audit findings on the Board of Dental Examiners during the discussion of SB 25.

DAVID NIELSON, Dentist (DDS); Member
Board of Dental Examiners
Division of Corporations, Business & Professional Licensing
Department of Commerce, Community and Economic Development
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 25.

SARA CHAMBERS, Director
Division of Corporations, Business & Professional Licensing
Department of Commerce, Community and Economic Development
Juneau, Alaska

POSITION STATEMENT: Answered questions during the discussion of SB 25.

DAVID LOGAN, Dentist (DDS)
Executive Director
Alaska Dental Society
Juneau, Alaska

POSITION STATEMENT: Testified during the discussion of SB 25.

ACTION NARRATIVE

[1:31:49 PM](#)

CHAIR LORA REINBOLD called the Senate Labor and Commerce Standing Committee meeting to order at 1:31 p.m. Present at the call to order were Senators Gray-Jackson, Costello, Birch, Bishop, and Chair Reinbold.

SB 36-EXTEND BOARD OF NURSING

[1:32:50 PM](#)

CHAIR REINBOLD announced that the first order of business would be SENATE BILL NO. 36, "An Act extending the termination date of the Board of Nursing; and providing for an effective date."

CHAIR REINBOLD stated her intention to move SB 36 if it is the will of the committee. She solicited a motion and Senator Costello made a clarifying motion to bring the original version before the committee.

SENATOR BISHOP objected for discussion purposes.

[1:33:59 PM](#)

SENATOR CATHY GIESSEL, Alaska State Legislature, said she wanted to declare that she does not have a conflict of interest as the sponsor of SB 36. She explained that she has two licenses regulated by the Board of Nursing, but she will not gain any benefit or harm in sponsoring this bill. The board's charge is to protect the public through safe practice of nursing, not to protect her licenses in any way.

She related her understanding that the Legislative sunset review audit is in members' packets. She directed attention to page 7 of the audit, related to licensing activity for the board from FY 15-18. She said she served two terms on this board and chaired this board for five years. The total number of licenses at the end of January 2018 is nearly 20,000. She estimated that when she was chair, the total number of licensees for the Board of Nursing represented about 25 percent of the total licensees regulated by the state and she is not certain if that percentage has changed.

SENATOR GIESSEL pointed out that the board oversees six categories of licenses. She listed them: Certified Nurse Aide (CNA), Advanced Nurse Practitioner Preceptorship (ANPP), Advanced Practice Registered Nurse (APRN), Certified Registered Nurse Anesthetist (CRNA), Licensed Practical Nurse (LPN), and Registered Nurse (RN).

She said the Board of Nursing regulates the most diverse population of licensees. Each category on this list has different education and training requirements for licensure, ranging from high school to a doctoral degree. She said that this is a huge task. For example, the CNA is an entry level position and for certification, a CNA must have a high school diploma, undergo training for several months, and pass an exam.

SENATOR GIESSEL said the audit report highlights some gaps the board needs to address. One gap the auditor identified was the need to better monitor the CNA programs, another gap related to nursing services being provided via distance delivery or telemedicine. The nursing profession also refers to telemedicine

as telehealth. During the time she chaired the Board of Nursing, the board felt that this authority had already been given to the Advanced Practice Registered Nurses (APRNs). In fact, APRNs have been providing telehealth services since the late 1990s, she said. In 1998, an APRN conducted a model or test program in Girdwood using telemedicine. Avalanches often cause road closures and limit travel between Anchorage and Girdwood, she said. If a skier had an injury, using telemedicine the APRN could transmit the skier's X-ray to an orthopedic surgeon in Anchorage, who would suggest treatment. This same APRN also began a clinic in Hope, a small community across Turnagain Arm that did not have health care services. Using telemedicine, the clinic communicated telephonically and via computer imaging to provide medical services to Hope. Until recently, the board thought it had the authority to authorize telemedicine services. She suggested that members may wish to ask the board's executive administrator how the board is progressing on telemedicine.

[1:40:17 PM](#)

SENATOR BIRCH asked for further clarification on the difference in training and qualifications for nurses and paramedics.

SENATOR GIESSEL responded that RNs are educated to care for the "entire" person, and either are diploma graduates with a two-year college degree or have earned a bachelor's degree. She said that RNs can practice in hospitals or clinics and their practices range from orthopedic care to obstetrics. Paramedics have extensive and intensive training, are regulated by the State Medical Board, and have focused education on emergency medical situations. She described the difference that paramedics provide very urgent care and RNs provide long-term global health care and public health nursing services.

[1:41:42 PM](#)

KRIS CURTIS, Legislative Auditor, Legislative Audit Division, Legislative Agencies and Offices, related the division conducted a sunset audit on the Board of Nursing [Audit Control Number 08-20113-18]. She explained the purpose of a sunset audit is to determine whether a board or commission is serving the public's interest and if its termination date should be extended. The legislative audit determined that the Board of Nursing is serving the public's interest by conducting meetings in accordance with state law, by amending certain regulations to improve the CNA and nursing occupations, and by effectively licensing CNAs and nurses. The audit also determined that the board failed to serve the public's interest because it failed to establish telehealth regulations, did not adequately monitor the

CNA training program, and did not notify appropriate entities when a licensee's prescription authority was suspended, revoked, or surrendered. The audit determined that improvements were needed with the Division of Corporation, Business, & Professional Licensing's (DCBPL) investigative process. She said the auditors recommend the legislature extend the Board of Nursing for six years.

She remarked Senator Giessel already reviewed the licensing statistics. She directed attention to page 11 of the sunset audit to the schedule of revenues and expenditures. This board had a deficit of \$337,000 at the end of March 2018, she said. According to DCBPL's management, a fee analysis was planned for May 2018. She directed attention to the board's license fees on page 12 for more detail.

MS. CURTIS said page 14 of the audit included four recommendations for improvements. Audit Recommendation No. 1 recommended that the board adopt regulations to address the distance delivery of nursing services through technology, also referred to as telehealth. In FY 15, a licensee approached the board requesting guidance to provide telehealth services. This prompted the board to issue an advisory opinion, which defined telehealth and provided limited guidance on the scope of practice. However, this guidance was insufficient to promote, preserve or protect the public health, safety, and welfare, she said. Although the board discussed the need for telehealth regulations, it could not agree on the specific regulatory language. Providing insufficient guidance to licensees increases the risk that nurses may not maintain acceptable standards of practice and may not adequately protect patient confidentiality.

She said Recommendation No. 2 asked the board to take steps to ensure that the appropriate entities are notified when a licensee's prescription authority is suspended, revoked or surrendered. The audit identified eight APRNs who had their prescription authority revoked or surrendered between the dates of July 2014 through January 2018. In all cases, the board did not notify the Board of Pharmacy or the federal DEA [Drug Enforcement Agency] about the licensing action. These entities were not notified because the statutes or regulations were not in place to require the notification. Failure to notify the DEA or the Board of Pharmacy increases the risk that controlled substances are abused or diverted, she said.

[1:44:54 PM](#)

MS. CURTIS referred to page 15 to Recommendation No. 3. The audit recommended that the DCBPL's chief investigator ensure nurse investigations are adequately documented and performed timely. The audit identified 273 cases that were open for a period of more than 180 days. The auditors found that 13 of the 28 cases it reviewed had unjustified periods of inactivity that ranged from 61 days to 3.6 years. The delays were mainly caused by investigative staff turnover and competing priorities. The auditors also found two licensees who had been recommended for investigation by the Long-term Care Ombudsman as potentially practicing outside their scope of practice. Auditors could not evaluate these cases due to a lack of documentation in the files. However, auditors did note that these cases had been placed in storage for 1.5 years due to an office remodel and did not progress during that time. One of the two licensees continued to practice during the 4 years that the cases were outstanding, potentially posing a risk to public safety.

[1:46:08 PM](#)

MS. CURTIS referred to page 16 to Recommendation No. 4, which recommends the board chair take steps to ensure that the required Certified Nurse Aide (CNA) onsite training program reviews and self-evaluations are conducted prior to re-approving the programs. The regulations require the CNA training programs be "board approved" every two years with an onsite review. Self-evaluations are required in the year that the onsite review is not conducted. The audit found the onsite reviews and the self-evaluation forms were not being conducted during the audit period. According to board staff, the onsite reviews were performed by a contractor who was terminated in FY 14 due to a conflict of interest. The procurement process to hire a new contractor was not successful. Eventually the division was able to re-designate a PCN [Position Control Number] as a nurse consultant position, hired and trained a person, and the reviews resumed in the spring of 2016. The board continued to approve these training programs due to the need for the programs to continue to be available to train CNAs.

She said that responses to this audit begin on page 27. The department stated that procedures had been implemented to notify the Board of Pharmacy and the federal DEA when the prescription authority has been revoked or surrendered. Additionally, the department stated it has instituted procedures to help improve the timeliness of investigations.

MS. CURTIS said the board's response to the audit begins on page 29. The board agreed with all four recommendations and stated it

will take corrective actions. The board also stated it will work on the telehealth regulations at its November 2018 meeting.

1:48:00 PM

CHAIR REINBOLD asked for further clarification on the \$337,000 deficit for license fees.

MS. CURTIS said the audit does not have any recommendation on fees. She noted that the board has operated in a surplus except for this year. The way the statute reads, the board must set license fees to cover its operating costs. This results in alternating years of deficit with increased fees, followed by a surplus with decreased fees. Unless auditors see a pattern arise in which the board fails to increase fees when the board routinely has deficits, the auditors will not write a recommendation and will allow the process to carry out.

CHAIR REINBOLD asked for the next audit date to follow up on the audit recommendations.

MS. CURTIS answered that it depends on how long the legislature extends the termination date. If SB 36 were to pass in its current form, it would extend the board for six years, and the legislative auditors will conduct another sunset audit in six years.

1:49:22 PM

SENATOR COSTELLO asked if the division takes into consideration the board's response to the audit when the agency makes a recommendation for the length of time to extend the board. She said six years seemed like a long time, but it seemed that the Division of Legislative Audit received information that the board agrees with the audit recommendations and is willing to address the concerns.

MS. CURTIS answered that the division relies on the legislative oversight process and the committee process in terms of the legislature holding the board and the division accountable for implementing any recommendations and determining the status. She said that a lag time of eight to ten months typically happens between the audit and the legislative review. During that time, the board has an opportunity to take corrective action. She said the Division of Legislative Audit does not have a standard, but its auditors review prior recommendations during the next sunset audit to determine how well the board has implemented them. She said the 2010 sunset audit had four recommendations, three of which are still outstanding.

CHAIR REINBOLD said she read the board's letter that the board agreed with all four recommendations and indicated it will take corrective action. She said she was very impressed with the board's response.

[1:50:56 PM](#)

SENATOR GIESSEL referred to the budget report on page 14 dated March 2018. In November 2018 most license renewals are due and "a glut" of revenue will be collected.

[1:51:52 PM](#)

CHAIR REINBOLD opened public testimony on SB 36 and after first determining no one wished to testify, closed public testimony on SB 36.

[1:54:03 PM](#)

SENATOR GIESSEL said she urged the board to act on two items, including monitoring the CNA program. The federal government supplies \$100,000 per year to fund a position to examine the program. She acknowledged it does involve travel throughout the state. She emphasized that the board needs to fill the position. She will hold the board's "feet to the fire" on telehealth and the auditor mentioned the division will also monitor it.

[1:54:43 PM](#)

SENATOR BISHOP removed his objection.

[1:54:54 PM](#)

SENATOR BISHOP reviewed the fiscal note from the Department of Commerce, Community and Economic Development (DCCED). The appropriation is to the Division of Corporations, Business, and Professional Licensing, the allocation is to the Division of Corporations, Business, and Professional Licensing, and the OMB component number is 2360. The bill would extend the Board of Nursing until June 30, 2025. The source of the total operating costs of \$28,400 are designated general fund (DGF) dollars. He reviewed the breakdown of expenditures: \$26,000 is for seven board members and one examiner to travel to board meetings, \$400 is for advertising, \$1,000 is for training and conference fees, and \$100 is for stipends.

[1:56:31 PM](#)

SENATOR COSTELLO moved to report SB 36, Version 31-LS0314\A, from committee with individual recommendations and attached fiscal note. There being no objection, SB 36 was reported from the Senate Labor and Commerce Standing Committee.

[1:56:44 PM](#)

At-ease.

[1:58:21 PM](#)

CHAIR REINBOLD reconvened the meeting.

SB 29-EXTEND BOARD OF MARINE PILOTS

[1:58:35 PM](#)

CHAIR REINBOLD announced that the next order of business would be SENATE BILL NO. 29, "An Act extending the termination date of the Board of Marine Pilots; and providing for an effective date."

[1:58:44 PM](#)

DAVID SCOTT, Staff, Senator Bert Stedman, Alaska State Legislature, introduced himself.

CHAIR REINBOLD solicited a motion and Senator Costello made a clarifying motion to bring the original version before the committee. Senator Bishop objected for discussion purposes.

[1:59:21 PM](#)

MR. SCOTT paraphrased the sponsor statement for SB 29, which read as follows:

The Board of Marine Pilots (Board) protects the safety of the public and the environment by licensing and regulating marine pilots for almost all foreign vessels and vessels over a certain size in Alaskan waters. Board activities provide a good level of assurance that marine pilot licensees are competent and able to safely pilot passenger and cargo ships.

As required under Title 24 and Title 44 of the Alaska statutes, the Legislative Budget and Audit Division reviewed the actions of the Board of Marine Pilots. The audit found a continued need for the Board and that the Board is following the law, processing investigations timely, and actively changing regulations to "improve the industry and better protect the public." The audit recommended the Legislature extend the Board's termination date to June 30, 2027. SB 29 extends the termination date of the Board of Marine Pilots to June 30, 2027.

He said that the board consists of seven members consisting of two pilots, two agents of vessels, two public members, and the commissioner of the Department of Commerce, Community and Economic Development. He defined an agent of vessels as someone who works for the company that owns the vessel or directly for the vessel who hires the marine pilot. The board adopts regulations to ensure pilots are competent and qualified, makes final licensing decisions, and takes disciplinary action against marine pilots who violate laws, he said. He stated the sunset audit and the board's response to the audit is in members' packets and Ms. Curtis will address the two recommendations.

2:01:20 PM

KRIS CURTIS, Legislative Auditor, Legislative Audit Division, Legislative Agencies and Offices, related the division conducted a sunset audit on the Board of Marine Pilots dated April 2018 [Audit Control Number 08-20112-18]. She said the audit found the board is serving the public's interest by effectively licensing marine pilots, deputy marine pilots, and by appropriately approving trainees and apprentices. She related that board meetings were conducted in compliance with law, investigations were processed timely, and the board actively changed regulations to improve the industry and better protect the public. The audit recommends an eight-year extension. She referred to licensing activity on page 12. She related the board oversees 103 licensees as of January 2018. She referred to the board's schedule of revenues and expenditures on page 14. She noted that board fees are located on page 13, that this board had a surplus of approximately \$229,000 as of March 31, 2018.

She referred to the two recommendations for improvements listed on page 15-16: Recommendation 1: The audit recommends the Board of Marine Pilots ensure all applicable documents are aboard foreign pleasure crafts in accordance with regulatory requirements. She said that regulations require that the operator of a pleasure craft applying for a pilotage exemption must ensure that the pleasure craft have aboard certain documents, such as nautical charts, tide tables, and other guides. The auditors found that five of the seven applications that were tested stated that the vessel did not have those documents aboard. It has been standard procedure for the board to approve exemptions with the understanding that the applicant will follow through at a later date and obtain the required documents. The board did not consider the need for or importance of ensuring that those documents were actually obtained. In addition, the exemption itself did not include a stipulation that the applicant obtain the required documents prior to

entering the applicable area. She said that issuing foreign pleasure craft exemptions without verifying required documents are aboard the vessel increases the risk to public safety.

[2:03:30 PM](#)

MS. CURTIS referred to page [16] to Recommendation 2: The board should ensure the Southeast Alaska Pilots' Association (APA) improves procedures for tracking drug test notification. She reported that in a sample of nine drug test donors from the association, the auditor found three donors notified by mail were not tracked in terms of date and recipient. The APA relied on a contractor and was not aware the contractor was not tracking that information, she said. Inadequate procedures for tracking drug test notifications limit the ability to verify timeliness and therefore increase the risk to public safety. She offered her belief that this should be an easy administrative fix.

She referred to the responses to the audit on page 25. The response from the department and the board are essentially the same response because the commissioner is also the board chair. She said that the department and the board agree with both recommendations.

[2:04:28 PM](#)

SENATOR COSTELLO asked whether it was common practice for a commissioner to also serve as the board chair.

MS. CURTIS answered that it happens on occasion.

SENATOR COSTELLO asked for further clarification on the commissioner and the board chair being the same person.

MS. CURTIS responded that it is not uncommon for an entity within a department to have very similar responses to an audit. She remarked it makes one wonder if the responses were "penned" by the same person. However, it does not raise any concerns from the Division of Legislative Audit's perspective, she said.

[2:05:22 PM](#)

CHAIR REINBOLD asked whether these vessels carry fuels.

MS. CURTIS replied that she had no idea what cargo the vessels being piloted carry.

CHAIR REINBOLD related she raises concern on drug testing due to the Exxon Valdez oil spill incident. She said that auditors were

not able to confirm the drug tests is a huge issue for her and the issue should be addressed.

2:06:48 PM

BARRY OLIVER, Captain; Member, Southeast Alaska Pilots' Association, stated that he previously served as a pilot for the Alaska Marine Highway System and currently serves as a Southeast Alaska marine pilot. Most of the vessels he pilots are cruise ships, he said. He responded to the concern about drug testing, by saying, "We are all drug tested." He assured her that drug testing occurred throughout the period in question. Apparently, the facility had a computer crash and lost the records so auditors could not locate the records to confirm the marine pilots' drug testing. However, he personally confirmed that he was drug tested.

CHAIR REINBOLD said she was glad to know the marine pilots were drug tested. She related her understanding that the board will work with the contractor to remedy the record issue.

CAPTAIN OLIVER replied that is correct.

2:08:26 PM

SENATOR BIRCH referred to the documents that needed to be on board the vessels, such as charts to bring these vessels in safely. He asked whether the marine pilots use electronic devices such as using an iPad instead of a binder that contains charts and other items.

CAPTAIN OLIVER answered that marine pilots carry "a personal pilot unit," which is plugged into GPS, so they monitor their own tracking. He said that marine pilots are trained to use all of the vessel's instruments, but the personal pilot unit acts as verification that everything is working satisfactorily. He explained that the act of piloting is visual, so pilots look out the window. The background electronics on vessels allow pilots to verify what they see. The captain is there to protect personal property, marine life, and the marine environment on behalf of the state, he said.

2:10:31 PM

CHAIR REINBOLD asked him to identify the three regions in Alaska that marine pilots serve.

CAPTAIN OLIVER related the three regions for marine pilots in Alaska: Region 1 covers Southeast Alaska from Ketchikan to Yakutat Bay, Region 2 covers Southwest and Southcentral Alaska

from Icy Bay to Kodiak, including the Kenai Peninsula, and Alaska Marine Pilots Region 3 covers the Aleutians. He has worked on the Alaska Marine Highway System and has pilotage all the way to Kodiak at the federal level. However, licensing in the state only allows a pilot to operate in one region at a time. He lives in Juneau and serves Southeast Alaska.

[CHAIR REINBOLD closed public testimony on SB 29.]

[2:12:17 PM](#)

SENATOR BISHOP removed his objection.

[2:12:18 PM](#)

SENATOR COSTELLO moved to report SB 29, Version 31-LS0167/A, from committee with individual recommendations and attached fiscal note. There being no objection, SB 29 was reported from the Senate Labor and Commerce Standing Committee.

[2:12:33 PM](#)

At-ease

[2:14:15 PM](#)

CHAIR REINBOLD reconvened the meeting.

SB 25-EXTEND BOARD OF DENTAL EXAMINERS

[2:14:23 PM](#)

CHAIR REINBOLD announced that the final order of business would be SENATE BILL NO. 25, "An Act extending the termination date of the Board of Dental Examiners; and providing for an effective date."

[2:14:34 PM](#)

SENATOR COSTELLO clarified that the committee would be considering the original version of the bill.

SENATOR BISHOP objected for the purpose of discussion.

[2:15:03 PM](#)

SENATOR DAVID WILSON, Alaska State Legislature, paraphrased from his sponsor statement, which read as follows:

Senate Bill 25 extends the termination date for the Board of Dental Examiners until June 30th, 2027. The Board of Dental Examiners is composed of nine members: six dentists, two dental hygienists, and one public member.

Legislative Audit conducted their review of this board and determined that "The audit concludes that the board operated in the public's interest by effectively licensing and regulating dentists, dental hygienists, and dental assistants. The board monitored licensees and worked to ensure only qualified individuals practiced in Alaska. Furthermore, the board was active in amending regulations to improve the industry. In accordance with AS 08.03.010(c)(7), the board is scheduled to terminate on June 30, 2019. We recommend that the legislature extend the board's termination date eight years to June 30, 2027."

The Board of Dental Examiners serves an important role in adopting regulations to carry out the laws governing the practice of dentistry and dental hygiene in Alaska. The continuation of this board plays an important role in ensuring high standards of dental care are offered throughout the state.

Thank you for your consideration of this legislation.

SENATOR WILSON remarked that Ms. Curtis could speak to the two recommendations the audit made.

[2:16:38 PM](#)

KRIS CURTIS, Legislative Auditor, Legislative Audit Division, Legislative Agencies and Offices, presented audit findings on the Board of Dental Examiners, [Audit Control Number 08-20111-18] dated April 26, 2018 in members' packets. This audit concluded that the board served the public's interest by effectively licensing and regulating dentists, dental hygienists, and dental assistants. The board monitored licensees and worked to ensure only qualified individuals practiced in Alaska. Furthermore, the board was active in amending regulations to improve the industry. The audit recommends the legislature extend the board for eight years.

She referred to page 6 and related that the auditors reviewed licensing activity. She reported the number of licensees at the end of January 2018 was 2,399 active licensees. On page 7, the schedule of the board's revenues and expenditures shows that the board had a deficit of approximately \$36,000 as of March 31, 2018. She referred members to page 8 for the 2018 fee analysis.

MS. CURTIS referred to the two audit recommendations on pages 9-10. She turned to audit recommendation 1, which read, "The Board of Dental Examiners (board) president should take steps to correct a regulation error." She said the auditors found that a 2016 regulation change referenced a repealed section of regulations. She characterized this as an easy administrative fix.

She turned to audit recommendation 2, which read, "DCBPL's chief investigator, in consultation with the board, should implement controls to ensure the appropriate entities are notified when a licensee's prescription authority is suspended or revoked." She explained that the auditors found that during the audit period two licensed dentists had their prescription authority revoked or suspended. In both cases, the board did not notify the Board of Pharmacy or the federal Drug Enforcement Administration, mainly because there were no procedures that required notification. Failure to notify the DEA that a dentist's prescription authority has been suspended or revoked may result in improper or unauthorized prescriptions. She referred to the department's response to the audit on page 19. The department reported that it has implemented a policy to notify both entities. She turned to the board's response on page 21. The board agreed with both recommendations and agreed to take corrective action, she said.

[2:19:22 PM](#)

CHAIR REINBOLD opened public testimony on SB 25.

[2:20:04 PM](#)

DAVID NIELSON, Dentist (DDS); Member, Board of Dental Examiners, Division of Corporations, Business & Professional Licensing, Department of Commerce, Community and Economic Development, stated he was just reappointed to the Board of Dental Examiners. He said that the board serves a vital role in the regulation of dentistry by always keeping the health and welfare of Alaska's citizens in mind. He offered his belief that licensing, permitting, certification and disciplinary action, when appropriate, is a cornerstone of what the public should expect from the state government to have confidence in their health care providers. He said that he enjoys the challenges and appreciates the opportunity to continue to fulfill the board's purpose. He stated his support for SB 25.

[2:21:05 PM](#)

SENATOR COSTELLO asked him to address the need for more dentists in Alaska. She further asked if he would discuss the future of telemedicine in dentistry.

DR. NEILSON related that the board has been working to accept more national licensing exams and that will increase the pool of applicants and will improve the pathway to licensure. Further, the board has been considering allowing some military training in lieu of certain things done by examination. The board already reviews applicants' credentials. The distribution of dentists is an issue, but the overall number of dentists is probably fine.

DR. NEILSON answered that the tribal system uses teledentistry with its dental health aide therapists and to some extent dentists in Alaska use teledentistry with their collaborative agreements with hygienists. While the mechanisms are in place and some forms of teledentistry can be performed, dentists in Alaska do not typically use it.

[2:23:01 PM](#)

SENATOR GRAY-JACKSON asked what steps the board has taken to address the audit recommendations and findings.

DR. NEILSON said he thought the board has already addressed the regulation issue related to the radiologic inspection. He said the board agreed this needed to be fixed, that he noticed it quite a while ago. Secondly, he deferred to the licensing examiner in terms of reporting prescriptions. He stated that turnover with examiners has caused some issues with continuity, and the board has had three licensing examiners during his tenure. He said the board agrees with both audit recommendations.

[2:24:23 PM](#)

SARA CHAMBERS, Director, Division of Corporations, Business & Professional Licensing, Department of Commerce, Community and Economic Development, in response to Representative Gray-Jackson, replied that this finding is a "sister finding" to the audit recommendation for Board of Nursing mentioned earlier. She explained that when the reporting issues were brought to the division's attention the chief investigator had initiated actions to improve procedures and better coordinate with the various prescriber boards, the Board of Pharmacy, and the DEA. She said the investigator wanted to assure that communications happen "on a two-way basis," and that the board was not just waiting for the DEA to perform the check.

[2:24:59 PM](#)

SENATOR COSTELLO recalled the legislature passed legislation a few years ago that asked the state to consider reciprocity for military experience. She asked her to clarify how that is working or if the legislature needed to do something more.

MS. CHAMBERS agreed the legislature passed several bills to address some of the employment concerns of military and military dependents. This board has been given an opportunity to use a comparison of military experience to more traditional educational experience. She pointed out that the board does not get a lot of military applicants. She said the public is protected since the dentist has experience and capability and the applicant with the experience can get to work. That law has been in place, but some boards do not use it due to the small number of military applicants. However, it is exciting when the [experience and education] can be pieced together to get to the same outcome

[2:27:29 PM](#)

DAVID LOGAN, Dentist (DDS); Executive Director, Alaska Dental Society, stated that Dr. Neilson covered the board pretty well. He said it was fairly self-evident why the state needs a dental board.

[2:27:51 PM](#)

CHAIR REINBOLD, after first determining no one wished to testify, closed public testimony on SB 25.

[2:28:17 PM](#)

SENATOR BISHOP reviewed the fiscal note from the Department of Commerce, Community and Economic Development. He identified the appropriation and allocation as the Division of Corporations, Business, and Professional Licensing (DCBPL) in the amount \$35,000, as follows: travel \$3,360 for nine board members and one examiner to attend four board meetings, \$400 for advertising public notices of board meetings, \$1,000 for training and conference fees, and \$100 for board member stipends. Professional licensing programs within the division are funded by receipt-supported services. Licensing fees for each occupation are set per AS 08.01.065 so the total amount of revenue collected approximately equals the occupation's actual regulatory costs, he said.

[2:29:54 PM](#)

SENATOR BISHOP removed his objection.

[2:30:12 PM](#)

SENATOR COSTELLO moved to report SB 25, 31-LS0125\A, from committee with individual recommendations and attached fiscal note. There being no objection, SB 25 was reported from the Senate Labor and Commerce Standing Committee.

[2:30:34 PM](#)

At-ease.

[2:32:02 PM](#)

CHAIR REINBOLD remarked that the committee reviewed some of the governor's appointees on 2/5/19, which were forwarded to the full body for a vote.

Although it is not required by law, she said she thinks it is a good policy to remind members that signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees; the nominations are merely forwarded to the full legislature for confirmation or rejection.

CHAIR REINBOLD reviewed committee announcements.

[2:33:37 PM](#)

SENATOR BISHOP asked the record to reflect that Kris Curtis does an amazing job on the audit reports. She is articulate and succinct.

[2:34:20 PM](#)

There being no further business to come before the committee, Chair Reinbold adjourned the Senate Labor and Commerce Standing Committee meeting at 2:34 p.m.