

COMMITTEE REPORT  
SENATE

FURTHER:

1/11/83

Date: 1/11/83

Mr. President:

The Committee on FINANCE has had HR 385

referred to the inclusion in the bill to exempt service of licensed  
psychologists employed by the division of mental health and developmental  
disabilities, Department of Health and Social Services

under consideration and (a majority of the committee) (the committee)  
reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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CHAIRMAN

Introduced: 1/21/83  
Referred: Health, Education and  
Social Services & Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE LEGISLATIVE  
COUNCIL (for the Blue  
Ribbon Commission on the  
State Personnel Act)

1 IN THE HOUSE

2 HOUSE BILL NO. 108

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the inclusion in the state exempt  
7 service of licensed physicians employed by the divi-  
8 sion of mental health and developmental disabilities,  
9 Department of Health and Social Services."

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

11 \* Section 1. AS 39.25.110(13) is amended to read:

12 (13) [LICENSED] physicians licensed to practice in this  
13 state and[, AS DEFINED IN AS 47.30.340(9)] employed by the division of  
14 mental health and developmental disabilities, Department of Health and  
15 Social Services [THE STATE];



JUNEAU, ALASKA

# Alaska State Legislature

BLUE RIBBON COMMISSION ON THE  
STATE PERSONNEL ACT

Senator Bill Ray, Chairman

Pouch YG  
Mail Stop 3123  
Juneau, Alaska 99811  
(907) 465-4442

## M E M O R A N D U M

February 14, 1983

TO: House Finance Committee

FROM: Teresa B. Cramer *Teresa B. Cramer*  
Administrative Assistant

SUBJECT: House Bill 108 - Licensed Physicians in the Department of  
Health and Social Services

An unintended change created by an amendment to the State Personnel Act last session has caused some question in the Department of Health and Social Services. Prior to the amendment, licensed physicians employed by the Division of Mental Health and Developmental Disabilities were placed in the exempt service. Other physicians working for the department were members of the classified service. This system worked well. The exception for those working in the mental health field was necessary in order to attract and pay qualified staff.

The amendment placed all licensed physicians, as defined in AS 47.30.340(9), employed by the state into the exempt service. Title 47.30 addresses mentally ill and insane persons but the definition section defined "licensed physician" in general terms. The department brought to the commission's attention an unforeseen situation. There were two employees in the Division of Public Health serving as Regional Health Officers. One was a medical doctor and the other a licensed veterinarian. Under the amended version of the State Personnel Act, the doctor would be placed in the exempt service and the veterinarian would remain in the classified service. Both have the same duties, though in different locations.

The commission recommends that legislation be adopted to return all medical doctors except those employed by the Division of Mental Health and Developmental Disabilities to the classified service.

### Bill Analysis

The bill amends the section of the State Personnel Act which lists membership in the exempt service to place only those physicians employed by the Division of Mental Health and Developmental Disabilities in the exempt service.

TBC:lmk



Alaska Public  
Employees Association **APEA**  
State Headquarters: 340 N. Franklin, Juneau, AK 99801 (907) 586-2334

FACT SHEET

FROM: Cherie Shelley, Executive Director  
Alaska Public Employees Association (APEA)

TO: Representatives Milo Fritz and Mae Tischer  
Co-Chairpersons, BESS House Committee

SUBJECT: House Bill No. 108

DATE: February 4, 1983

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APEA position concerning HB 108

APEA favors the passage of HB 108.

Employees groups referred to in HB 108

Classified - are those employees who meet state requirements and can be fired only for "just cause".

Exempt - are those employees in the state political hierarchy and can be fired without "just cause".

Physicians affected by HB 108

Physicians in "Exempt" group - are those physicians employed by the Division of Mental Health and Developmental Disabilities, Department of Health and Social Services. This group is comprised of psychiatrists and one medical physician, working mainly out of API in Anchorage. They have been and still are in the "Exempt" group.

Physicians in "Classified" group - are five medical physicians, Department of Health and Social Services, (not psychiatrists) working throughout the state. There are two Public Health Medical Specialists, a Medical Specialist/Child Development Services, a Regional Medical Officer and a Regional Health Officer in Fairbanks who is a veterinarian. They have been and still are in the "Classified" group.

Salary Schedule for "Exempt" group - the one medical physician is in range 27. The psychiatrists are in ranges 28 and 29. The Director is a range 30. Their salary is based on the F step plus five percent.

Salary Schedule for "Classified" group - the five medical physicians are in ranges 26 and 27.

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Note "Exempt" group wages are higher than "Classified" group.

#### Legislation background

Last year SB 193, sponsored on behalf of the Blue Ribbon Commission of which I am a member, proposed the following as part of an effort to clarify the State Personnel Rules: "(15) Licensed physicians, as defined in AS 47.30.340(9), employed by the division of mental health and developmental disabilities, Department of Health and Social Services..."

SB 193 was amended by the Senate State Affairs Committee. The portion amended was AS 39.25.110, which lists the membership of the exempt service to include: "(13) all licensed physicians as defined in AS 47.30.340(9) employed by the state...."

The amendment was merely a means to shorten the language content. AS 47.30 is entitled "Mentally Ill and Insane Persons". AS 47.30.340(9) referred to physicians (psychiatrists) working for Division of Mental Health. Therefore it was redundant to state "employed by the division of mental health and development disabilities, Department of Health and Social Services..." However, AS 47.30.340(9), when read out of context with AS 47.30, entitled "Mentally Ill and Insane Persons" with articles dealing with the mental health program - could be interpreted to mean all physicians working for the state and not just the psychiatrists.

#### HB 108

HB 108 corrects the unintentional implication of the amendment language change. The intent of the legislation was not to move all physicians from the "Classified" to the "Exempt" group. The intent was to leave those physicians (medical) in the "Classified" group and to leave those physicians (psychiatrists) in the "Exempt" group.

#### Reason for APEA's involvement

Physicians that could be affected if this legislation does not pass are the medical doctors (not psychiatrists), employed by the Division of Public Health. As APEA members, they have contacted the Association to voice their concern about the amendment last session of the State Personnel Act (SB 193). APEA has spoken with three of the five physicians. They wish to remain in the "Classified" employee group. It is our understanding that the physicians (psychiatrists) in the "Exempt" employee group wish to remain there as set forth in the legislation.

#### Passage of Bill

Would satisfy physicians (medical and psychiatrists) now working for the state - would not cost the state anything as salary schedules would remain the same - and would appear to be the most practical and expedient method of correcting an inadvertent language error in the amendment.

BILL SHEFFIELD, GOVERNOR

**DEPT. OF HEALTH AND SOCIAL SERVICES**  
**OFFICE OF THE COMMISSIONER**

POUCH H 01  
JUNEAU, ALASKA 99811  
PHONE: 465-3030

December 14, 1982

The Honorable Bill Ray, Chairman  
Blue Ribbon Commission on the State Personnel Act  
Pouch YG, Mail Station 3123

Attention: Terry Cramer, Administrative Assistant

Subject: Licensed Physicians - Department of Health & Social Services

Dear Senator Ray:

Subsequent to the December 7 meeting of the Blue Ribbon Commission, and at its direction, the Department of Health & Social Services considered the circumstances surrounding the statutory language relating to licensed physicians employed by the state. The original purpose for the inclusion of licensed physicians in the exempt service under AS 39.25.0110 (19) was to provide for recruitment and retention of qualified and competent staff within the Division of Mental Health & Developmental Disabilities. That situation has worked well since that time.

The amendments to that statute as adopted under HCS CSSB 193 in 1982 eliminated that particular distinction. As presently written, that statute could be interpreted to include licensed physicians in the Division of Public Health. That action is not adjudged to be in the best interests of the state and those employees. It should be noted that in 1981, AS 47.30.340 was repealed in its entirety and AS 47.30.915 was added. That section again defined "licensed physician" in the legislative reference to mental health programs.

It is therefore respectfully requested that the language in AS 39.25.110 (13) be amended to read as follows: "licensed physicians, as defined in AS 47.30.915 (11), employed by the Division of Mental Health & Developmental Disabilities, Department of Health & Social Services.

Thank you for your consideration of this matter.

Sincerely,



Allen K. Korhonen  
Acting Commissioner