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STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY
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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HL+C

3-1-88

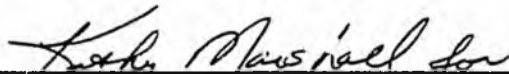
1:30 p.m.

HB 531: An Act extending the termination date of the Board of Chiropractic Examiners; and providing for an effective date.

The Board of Chiropractic Examiners is presently in its sunset year and scheduled to terminate on June 30, 1988. HB 531 extends the board to June 30, 1992.

The performance report conducted by the Legislature's Budget and Audit Committee found the process of licensure by the board to be neither unduly restrictive nor too lax, and no found violations of statute or regulations by the board. In addition, the performance report found that the licenses were correctly granted strictly on the basis of the applicant's professional qualifications.

We believe the board is necessary for the regulation of qualified professionals in order to protect the public's health, safety and welfare; the department concurs with the audit report's finding that the board should be reestablished.



J. Anthony Smith, Commissioner
Department of Commerce and Economic
Development

Date: 2/29/88

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022988b

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: An Act extending the termination
date of the Board of Chiropractic Examiners;...
 Sponsor: House Labor & Commerce
 Requestor: _____
 Agency Affected: Commerce & Economic Dev.
 BRU: Occupational Licensing
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

The bill extends the termination date of the Board of Chiropractic Examiners to June 30, 1992. Funding for the board is included in the department's FY 89 operating budget request.

Prepared by: Jennifer Strickler, Management Analyst Phone: 465-2144
 Division: Occupational Licensing Date: 2/29/88

Approved by Commissioner: J. Anthony Smith Date: 2/29/88
 Agency: Commerce and Economic Development

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

A PERFORMANCE REPORT
ON THE BOARD OF
CHIROPRACTIC EXAMINERS

July 1, 1983 - June 30, 1987

Audit Control Number

08-1315-88-R

Commissioner, Department of
Commerce and Economic
Development

J. Anthony Smith

Deputy Commissioner, Department
of Commerce and Economic
Development

John Williams

Members of the
Board of Chiropractic Examiners

Kenneth Ketz, D.C. (Chair)
Carol J. Davis, D.C.
Thomas Gundelfinger, D.C.
Frank J. Kufel (Public)
Leland P. Oldjer, D.C.

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
P.O. BOX W
JUNEAU, ALASKA 99811 3300

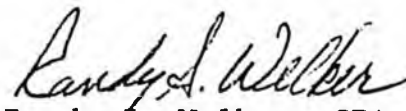
December 31, 1987

Members of the Legislative Budget
and Audit Committee:

According to the provisions of Titles 24 and 44 of the Alaska Statutes, the Division of Legislative Audit is required to conduct a "Sunset" review of the Board of Chiropractic Examiners.

At the request of the Chairman, during Fiscal Year 1988 budget deliberations, the Audit Division's budget was revised to reflect certain changes in the organization of the Committee's two Divisions. The revised budget of the Audit Division reflected efficiencies that might be obtained by utilizing the staff of the Legislative Finance Division on selected audit assignments during the interim.

As a result, the audit of the Board of Chiropractic Examiners was conducted and this report has been prepared by the Legislative Finance Division. We feel this report discharges our responsibility under Titles 24 and 44. The report is submitted for your review.



Randy S. Welker, CPA
Acting Legislative Auditor
Division of Legislative Audit

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
POUCH WF-STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3795

November 16, 1987

Members of the Legislative Budget
and Audit Committee:

In accordance with the intent of Titles 24 and 44 of the
Alaska Statutes (sunset legislation), the attached report is
submitted for your review.

A PERFORMANCE REPORT
ON THE BOARD OF
CHIROPRACTIC EXAMINERS

July 1, 1983 - June 30, 1987

Audit Control Number

08-1315-88-R

MGREANY

Mike Greany, Director
Division of Legislative Finance

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PURPOSE AND SCOPE OF THE REPORT

PURPOSE

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have examined the activities of the Board of Chiropractic Examiners for the past four fiscal years. Our examination was conducted to determine if the Board has been operating in a effective and efficient manner.

Legislative intent requires consideration of this report during legislative oversight hearings to determine whether the Board of Chiropractic Examiners should be reestablished. The law now specifies that the Board will terminate June 30, 1988 and have one year from that date to conclude its affairs.

SCOPE

The major areas reviewed were the Board's operations and its licensing, examination, administration, complaint and affirmative action functions. Our review consisted of analyzing and evaluating the following:

1. Applicable statutes and Board regulations.
2. Interviews with Board members.
3. Discussions with the Division of Occupational Licensing personnel.
4. Tests of the records and documents of the Board and the Division of Occupational Licensing.
5. Complaints filed with the Division of Occupational Licensing, Ombudsman's Office, Consumer Protection Agency, Equal Employment Opportunity Office, and the Human Rights Commission.

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ORGANIZATION AND FUNCTION

Created in 1939, the Alaska Board of Chiropractic Examiners is a regulatory board comprised of five members appointed by the Governor. Four are licensed chiropractors and one is a public individual.

The underlying reasons for this Board are fourfold. First, the Board is responsible for reviewing the applications of individuals desiring to enter the chiropractic profession in Alaska. Secondly, the Board has the responsibility of administering an examination to test the applicant's ability. Third, the Board is responsible for the adoption of regulations regarding the standards of professional practice in Alaska and fourth, to investigate and act upon complaints filed against members of the regulated profession.

To assist the Board, it has the staff support of the Division of Occupational licensing (OL), Department of Commerce and Economic Development which is comprised of two sections. The licensing section processes applications, maintains license files, collects statistics, answers inquires, and provides administrative help to the Board. The investigation section provides investigative services to the Board in the event of consumer or other professional complaints.

The Board of Chiropractic Examiners issues licenses to applicants that have met all licensing requirement and have taken and passed the State examination. The Board may also issue a license without examination if the applicant holds a current license in another state whose licensing requirements are essentially equivalent to those of Alaska.

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REPORT CONCLUSION

In our opinion, the Board of Chiropractic Examiners should be reestablished. The regulation and licensing of qualified professionals is necessary to protect the public's health, safety and welfare. The Board establishes minimum educational and experience requirements that provide reasonable assurance that persons licensed are qualified. Further, active investigation of complaints and revocation or suspension of licenses, as appropriate, insure that licensees act in a competent manner.

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ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses indicate both positive and negative factors as they relate to the public need as defined in the "sunset" law. These analyses are not intended to be comprehensive, but to address those areas we were able to cover during our examination.

- I. The extent to which the board, commission or program has operated in the public interest.

The Board has addressed each of the recommendations made in the previous review. The balance between public protection and ease of licensure is adequate and appropriate.

- II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.

Reductions in the agency budget have limited staff support to all professional licensing boards. Present levels of funding are adequate, but further reductions would be detrimental.

- III. The extent to which the board, commission, or agency has recommended statutory changes which are generally of benefit to the public interest.

The Board has supported Senate Bill 264, which provides a statutory basis for the continuing education requirement now in regulation. An additional bill, not yet introduced, provides for locum tenens licensure to replace temporary licensing and clarifies license by credential requirements.

- IV. The extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.

The Board publishes public notices of all examinations, meetings, and regulation changes.

- V. The extent to which the board, commission, or agency has encouraged public participation in the making of its regulations and decisions.

The Board announces proposed regulation changes or additions in the newspaper, in accordance with the Administrative Procedures Act.

- VI. The efficiency with which public inquiries or complaints regarding the activities of the board, commission, or agency filed with it, with the department to which a board or commission is administratively assigned, or with the Office of the Ombudsman have been processed and resolved.

Procedures for handling complaints by the Division of Occupational Licensing have been improved. No complaints have been filed with the Attorney General's Office or with the Human Rights Commission.

- VII. The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.

The process of licensure for the practice of chiropractic in Alaska is neither unduly restrictive nor too lax. Qualified applicants are readily licensed.

- VIII. The extent to which State personnel practices, including affirmative action requirements, have been complied with by the board, commission, or agency to its own activities and the area of activity or interest.

There appear to be no violations of statute or regulation. Licenses are granted strictly on the basis of professional qualifications.

- IX. The extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency, board, or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

Passage of SB264 would provide the statutory basis for the continuing education requirement now contained in regulation. The general occupational licensing housekeeping bill to be introduced, will further enhance public protection.

APPENDIXES

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APPENDIX A

BOARD OF CHIROPRACTIC EXAMINERS
SCHEDULE OF REVENUES COMPARED WITH EXPENDITURES
For Fiscal Year 1987
(Unaudited)
(Note 1)

Average Revenue (Note 2)	\$ 8,791
Expenditures (Note 3)	<u>26,418</u>
Excess of Expenditures Over Revenues	<u>\$17,627</u>

Note 1

The Schedule of Revenues Compared with Expenditures was prepared from available records and discussions with the Division of Occupational Licensing (DOL) personnel. The records were not audited by us and, accordingly, we do not express an opinion on the Board's Schedule of Revenues Compared with Expenditures.

Note 2

A significant portion of revenues is composed of license renewal fees. Licenses are renewed quadrennially. Because of the renewals, revenues vary substantially every fourth year. Therefore, we combined revenues collected in fiscal year 1984, 1985, 1986 and 1987; and calculated a total in order to obtain a representative amount of average annual revenues collected. Licensing fees were increased in November 1986 in response to legislative intent to make the Boards more self supporting. See Appendix B, Schedule 1 for the current fee schedule.

Note 3

Expenditures consist of direct costs resulting from board member activities, (i.e. travel and per diem) and an allocation of direct and indirect costs of DOL. It should be noted, that represented expenditures do not include expenses incurred by other Departments or other divisions of the Department of Commerce and Economic Development in assisting the Board.

APPENDIX B

BOARD OF CHIROPRACTIC EXAMINERS
SCHEDULE OF ESTIMATED REVENUES
COMPARED WITH BUDGETED EXPENDITURES

For Fiscal Year 1988

(Unaudited)

(Note 1)

Average Revenue (Note 2)	\$ 7,150
Expenditures (Note 3)	<u>29,445</u>
Excess of Expenditures Over Revenues	<u>\$22,295</u>

Schedule 1
Types of Revenues
(Note 4)

<u>Revenues</u>	<u>Amount</u>	<u>Collection Time</u>
Application Fee	\$ 20	With Application
Credential Review Fee	\$ 20	With Application
Temporary Permit	\$ 20	With Application
Initial License	\$200	With Application
Renewal License	\$200	With Application

Note 1

The Division of Occupational Licensing (DOL) prepared the above Schedule of Estimated Revenues Compared with Budgeted Expenditures. The schedule is included for informational purposes only and has not been audited by us. Accordingly, we do not express an opinion on the Board's Schedule of Estimated Revenues Compared with Budgeted Expenditures.

Note 2

Revenues were estimated based upon the current licensing fees (See schedule 1) and projected license renewals and application fees for fiscal years 1988, 1989, 1990 and 1991. Because of a downward trend in Alaska's economy the projection for revenues includes a factor representing a 20% to 30% decline in the number licensed professionals.

Note 3

Expenditures consist of FY88 budgeted direct costs associated with board member activities (i.e. travel and per diem) and a allocation of direct and indirect costs of DOL. It should be noted that represented expenditures do not include expenses incurred by other Departments or other divisions of the Department of Commerce and Economic Development in assisting the Board.

Note 4

This schedule represents the licensing fees currently in effect. Fees were raised in November 1986 in response to legislative intent to make the Boards more self supporting.

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STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

P. O. BOX D
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2500

OFFICE OF THE COMMISSIONER

January 21, 1988

RECEIVED
JAN 27 1988

LEGISLATIVE
AUDIT

Mr. Randy Welker
Acting Legislative Auditor
Division of Legislative Audit
Budget and Audit Committee
P.O. Box W
Juneau, AK 99811

Dear Mr. Welker:

The Department of Commerce and Economic Development (hereinafter "Department") obviously supports and appreciates the conclusion of the Budget and Audit Committee that the Board of Chiropractic Examiners should be reestablished. We are confident the Board will continue to serve the public well.

Sincerely,

Kathy Marshall for
J. Anthony Smith
Commissioner

JAS/mst7203m
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