

HB

97

# HOUSE COMMITTEE REPORT

2  
(5)

Date Referred: January 20, 1989

FURTHER REFERRALS: FINANCE

Date of Committee Action: 2/9/89

The HEALTH, EDUCATION & SOCIAL SERVICES Committee recommends that:

HOUSE BILL NO. 97

"An Act extending the termination date of the State Physical Therapy and Occupational Therapy Board; and providing for an effective date."

be replaced with CSHB 97 (HESS)  the same title  
 a new title

have attached amendment(s)

- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact
- zero fiscal note
- zero with analysis

APPROVES PREVIOUS:

- fiscal note(s) published:  
1/20/89
- zero fiscal notes(s) published:

SIGNING DO PASS:

[Signature]

Walt Furnace

George [Signature]

[Signature]

Peter [Signature]

Mark [Signature]

SIGNING OTHER THAN DO PASS:

(Do Not Pass, No Recommendation, Amend)

Cheri Davis No Rec

\_\_\_\_\_

\_\_\_\_\_

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[Signature]

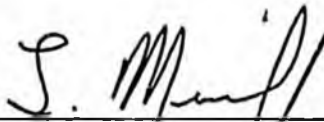
Chairman's signature

HB 97: An Act extending the termination date of the State Physical Therapy and Occupational Therapy Board and providing for an effective date.

The bill proposes to extend the termination date of the State Physical Therapy and Occupational Therapy Board to June 30, 1993. To date, the board has issued licenses to 308 practitioners and continues to operate in the best interest of the public by granting licensure only to competent, qualified individuals.

Over the past year, the board has worked hard to fully enact the provisions of HB 205 (Ch. 2, FSSLA 87) which added the licensure of occupational therapists and occupational therapy assistants.

The performance report by the Division of Legislative Audit recommended that the State Physical Therapy and Occupational Therapy Board be reestablished. The department fully supports the findings contained in the performance report and also supports HB 97.



\_\_\_\_\_  
Larry Mercurieff, Commissioner

Date: 2-6-89

LW/dgl3198D-1  
020689b

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: An Act extending the termination  
date of the State Physical Therapy and  
Sponsor: Rules Committee  
Requestor: Governor

Agency Affected: Commerce & Economic Dev.  
BRU: Occupational Licensing  
Occupational Therapy Board...  
Components: Admin. & Licensing Boards

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		8.7	8.7	8.7	8.7	8.7
TRAVEL		1.1	1.1	1.1	1.1	1.1
CONTRACTUAL		3.1	3.1	3.1	3.1	3.1
SUPPLIES		.1	.1	.1	.1	.1
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		13.0	13.0	13.0	13.0	13.0
<b>CAPITAL</b>						
<b>REVENUE</b>		13.0	13.0	13.0	13.0	13.0

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER		13.0	13.0	13.0	13.0	13.0
<b>TOTAL</b>		13.0	13.0	13.0	13.0	13.0

**POSITIONS:**

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

**ANALYSIS : (Attach a separate page if necessary)**

CSHB 205(HESS)AM which added the licensing of occupational therapists (OT) to the State Physical Therapy Board originally passed the State Legislature in FY 87 with a fiscal note of \$13.0 to cover expenses of the new OT licensing program. The bill was vetoed by the Governor on 6/17/87 and over-ruled by the Legislature in special session on 7/1/87. The fiscal note however, did not

Prepared by: Jennifer Strickler, Admin. Officer Phone: 465-2144  
Division: Occupational Licensing Date: 11/2/88

Approved by Commissioner: Larry Mercurieff Date: 11/3/88  
Agency: Commerce and Economic Development

**Distribution (by preparer):**

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

## CONTINUATION OF FISCAL NOTE ANALYSIS

HB 97  
HOUSE 1/20/89

Accompany the final passage of the bill during the special session.

This meant that the Division of Occupational Licensing had to provide budgetary support for licensing of OTs for the first year. The division's budget cannot continue to absorb this cost. As with CSHB 205 (HESS) AM, this Fiscal Note is based on the following:

1. PERSONAL SERVICES:	\$ 8,700
- .40% of administrative support costs (.40% is based on the number of occupational therapists (100) divided by the total number of division licensees (27,049) which includes physical therapists);	
- 10% of a licensing examiner; and	
- 5% of an investigator.	
2. TRAVEL:	\$ 1,100
- Costs for two members to attend a board meeting.	
3. CONTRACTUAL:	
- professional services (exam) costs;	
- communication costs; and	
- advertising and printing costs, etc.	
4. SUPPLIES:	\$ <u>100</u>
TOTAL:	<u>\$13,000</u>

The occupational therapy profession has expressed willingness to pay licensing fees necessary to cover costs associated with regulating the profession. Therefore, this appropriation is expected to be covered by program receipts generated from licensing fees.

STEVE COWPER  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

HB 95  
96  
97

January 19, 1989

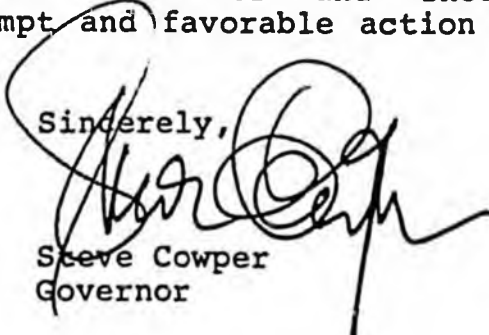
The Honorable Sam Cotten  
Speaker of the House  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Representative Cotten:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting three bills, to extend the Board of Pharmacy, the Board of Veterinary Examiners, and the State Physical Therapy and Occupational Therapy Board, respectively, for the standard four years. These boards are currently scheduled to "sunset" on June 30, 1989.

The boards provide valuable services and should be continued. I urge your prompt and favorable action on all three bills.

Sincerely,



Steve Cowper  
Governor

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 97 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to physical and occupational thera-  
7 pists; extending the termination date of the State  
8 Physical Therapy and Occupational Therapy Board; and  
9 providing for an effective date."

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

11 \* Section 1. AS 08.02.010(a) is amended to read:

12 (a) An audiologist licensed under AS 08.11, a person licensed in  
13 the state as a chiropractor under AS 08.20, a dentist under AS 08.36,  
14 a medical practitioner or osteopath under AS 08.64, a registered nurse  
15 under AS 08.68, an optometrist under AS 08.72, a registered pharmacist  
16 under AS 08.80, a [REGISTERED] physical therapist or occupational  
17 therapist licensed under AS 08.84, a psychologist under AS 08.86, or a  
18 clinical social worker licensed under AS 08.95, shall use as profes-  
19 sional identification appropriate letters or a title after that per-  
20 son's name which represents that person's specific field of practice.  
21 The letters or title shall appear on all signs, stationery, or other  
22 advertising in which the person offers or displays personal profes-  
23 sional services to the public. In addition, a person engaged in the  
24 practice of medicine or osteopathy under AS 08.64.380(2) or a person  
25 engaged in any manner in the healing arts who diagnoses, treats,  
26 tests, or counsels other persons in relation to human health or dis-  
27 ease and uses the letters "M.D." or the title "doctor" or "physician"  
28 or another title that tends to show that the person is willing or  
29 qualified to diagnose, treat, test, or counsel another person, shall

1 clarify the letters or title by adding the appropriate specialist  
2 designation, if any, such as "dermatologist", "radiologist", "audiolo-  
3 gist", "naturopath", or the like.

4 \* Sec. 2. AS 08.03.010(c)(8) is amended to read:

5 (8) State Physical Therapy and Occupational Therapy Board  
6 (AS 08.84.010) -- June 30, 1993 [1989].

7 \* Sec. 3. AS 08.84.010(b) is amended to read:

8 (b) The board shall control all matters pertaining to the licens-  
9 ing of physical therapists, physical therapy assistants, occupational  
10 therapists, and occupational therapy assistants and the practice of  
11 physical therapy and the practice of occupational therapy. The board  
12 shall

13 (1) pass upon the qualifications of applicants;

14 (2) provide for the examination of applicants;

15 (3) issue temporary permits and licenses to persons quali-  
16 fied under this chapter;

17 (4) suspend, revoke, or refuse to issue or renew a license  
18 under AS 08.84.120;

19 (5) keep a current register listing the name, business  
20 address, date, and number of the license of each person who is li-  
21 censed to practice under this chapter;

22 (6) keep a record and minutes of its meetings, proceedings,  
23 and hearings and submit an annual report of its activities to the  
24 governor and other interested parties;

25 (7) adopt regulations under AS 44.62 necessary to carry out  
26 the purposes of this chapter including regulations establishing quali-  
27 fications for licensure and ensuring that renewal of licensure is  
28 contingent upon proof of continued competency on the part of the  
29 licensee [UNDER THIS CHAPTER].

1 \* Sec. 4. AS 08.84.190(7) is amended to read:

2 (7) "physical therapy assistant" means a person who assists  
3 in the practice of physical therapy or portions of it as initiated,  
4 supervised, and terminated by a licensed [REGISTERED] physical thera-  
5 pist; a physical therapy assistant's responsibilities do not include  
6 testing or evaluation.

7 \* Sec. 5. AS 21.88.900(15) is amended to read:

8 (15) "physical therapist" means a person licensed [REGIS-  
9 TERED] under AS 08.84;

10 \* Sec. 6. This Act takes effect immediately under AS 01.10.070(c).  
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A PERFORMANCE REPORT ON THE  
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT  
STATE PHYSICAL THERAPY AND OCCUPATIONAL THERAPY BOARD

July 1, 1985 - June 30, 1988

Audit Control Number

08-1342-89-R

Acting Commissioner, Department of  
Commerce and Economic Development

Larry Mercurieff

Deputy Commissioner, Department of  
Commerce and Economic Development

Vacant

Members of the  
State Physical Therapy and Occupational Therapy Board

Chairperson

Gail E. Dudley, PT

Member

Morris R. Horning, MD

Member (Public)

E. "Bud" Simpson

Member

Beverly A. Ingram, OT

Member

Nancy B. James, OT

Member

Gary W. McCarthy, PT

Member

Susan J. Thompson, PT

# STATE OF ALASKA

## THE LEGISLATURE BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION  
PO BOX W  
JUNEAU, ALASKA 99811-3300


October 13, 1988

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 State Physical Therapy and Occupational Therapy Board.

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 State Physical Therapy and Occupational Therapy Board 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  
Legislative Auditor  
Division of Legislative Audit

# STATE OF ALASKA

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION  
P.O. BOX WF  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3795

October 10, 1988

Members of the Legislative Budget  
and Audit Committee:

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

A PERFORMANCE REPORT ON THE  
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT  
STATE PHYSICAL THERAPY AND OCCUPATIONAL THERAPY BOARD

July 1, 1985 - June 30, 1988

Audit Control Number

08-1342-89-R



Mike Greany, Director  
Division of Legislative Finance

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## PURPOSE OF THE REPORT

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the State Physical Therapy and Occupational Therapy Board for the past three fiscal years to determine if the Board has been operating in an efficient and effective manner.

Legislative intent requires consideration of this report during legislative oversight hearings to determine whether the State Physical Therapy Board should be reestablished. The law now specifies that the Board will terminate June 30, 1989, and have one year from that date to conclude its affairs.

The major areas of our examination were the licensing, examination, administration, complaint, and affirmative action functions of the Board. We reviewed and performed the following:

1. Applicable statutes and regulations.
2. Tests of files and documents of licensees.
3. Interviews with the licensing examiners.
4. Complaints filed with the Division of Occupational Licensing, Equal Employment Opportunity Office, and the Ombudsman's Office.
5. Discussions with Board members.
6. Minutes of Board meetings and Division correspondence files.
7. Attorney General's Opinions applicable to professional boards.

## ORGANIZATION AND FUNCTION

In 1987, HB205, Chapter 2 was enacted to expand the former State Physical Therapy Board, established in 1974, to include Occupational Therapy. This new regulatory Board (State Physical and Occupational Therapy Board) consists of seven members; three physical therapists, two occupational therapists, one medical doctor, and one public member appointed by the Governor. Board members serve staggered terms of four years.

The Board is organized under the Department of Commerce and Economic Development, Division of Occupation Licensing (OL). OL provides the Board with licensing and investigative support. The licensing section processes applications, maintains license files, answers inquiries, and provides other administrative help to the Board.

The Board sets the minimum standards to practice in Alaska by:

1. Examining and issuing licenses to qualified applicants.
2. Establishing, amending, or eliminating regulations necessary and desirable to enforce statutes.
3. Revoking, annulling, or suspending licenses in accordance with the Administrative Procedures Act when a person has violated physical and occupational therapist statutes or regulations.

## REPORT CONCLUSION

### REPORT CONCLUSION

In our opinion, the State Physical Therapy and Occupational Therapy Board should be reestablished. The regulation and licensing of qualified professionals is necessary to protect the public's health, safety, and welfare. The Board provides this service by establishing minimum educational and examination requirements that provide reasonable assurance that persons licensed are qualified. Also, assurance that those licensed act in a competent manner is provided by active investigation of complaints and revocation or suspension of licenses where appropriate.

## ANALYSIS OF PUBLIC NEED

### Limited Analysis

The following analyses of board activities relate to the public need factors defined in the "sunset" law. These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

- I. The extent to which the board, commission, or program has operated in the public interest.
  - A. The Board has established regulations governing its duties and licensure requirements.
  - B. The Board has enforced the laws for issuing licenses in a uniform and consistent manner.
  - C. The Board has held meetings and administered examinations in accordance with statutory requirements.
- 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.
  - A. The public's confidence and well-being has been enhanced through statutory and regulatory amendments.
  - B. The Board receives administrative services support from the Division of Occupational Licensing.
- III. The extent to which the board, commission, or agency has recommended statutory changes which are generally of benefit to the public interest.
  - A. Statutory changes were made to expand the Board to license occupational therapists and occupational therapy assistants.
  - B. The Board has proposed regulatory changes concerning continuing education and license renewal requirements. Also, regulations are being considered for all aspects of licensing occupational therapists.
- 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 has published public notices of all examination, 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 has announced proposed regulation changes or additions in newspapers according to the Administrative Procedures Act.

- VI. The efficiency with which public inquires 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.

According to the Division of Occupational Licensing's files, there have been approximately 11 investigation cases (9 unlicensed activities, 1 negligence, 1 supervision of several assistants) in the past few years. Currently there are 6 unlicensed activity cases open at the request of the Board. No complaints were filed with the Office of Ombudsman, Human Rights Commission, and Equal Employment Opportunity.

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

A. In the past three years, the number of currently licensed physical therapists and physical therapy assistants has increased from 180 to 200.

B. We found no instances where the Board had licensed unqualified practitioners.

C. There are 184 physical therapists, 16 physical therapy assistants, 60 occupational therapists, and 2 occupational therapy assistants licensed in Alaska.

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

There have not been any violations of statutes or regulations pertaining to affirmative action requirements. Licenses are awarded based on the applicant's 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.

Legislative Finance has no recommendations concerning the Board's compliance with the public need factors as enumerated in this section of the report.

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APPENDIXES

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APPENDIX A  
STATE PHYSICAL THERAPY AND OCCUPATIONAL THERAPY BOARD  
SCHEDULE OF REVENUES COMPARED WITH EXPENDITURES  
For Fiscal Year 1988  
(Unaudited)  
(Note 1)

Average Revenue (Note 2)	\$ 8,760
Expenditures (Note 3)	
Personal Services	\$25,427
Travel	6,062
Contractual Services	4,447
Supplies	312
Equipment	<u>331</u>
	<u>36,579</u>
Excess of Expenditures Over Revenues (Note 5)	<u>&lt;\$27,819&gt;</u>

Schedule 1  
Types of Revenues  
(Note 4)

<u>Revenues</u>	<u>Amount</u>	<u>Collection Time</u>
License Application Fee	\$ 30	With application
Examination Fee	\$ 75	With application
License Fee	\$100	At initial biennial license period
License Renewal Fee	\$100	Every two years
Temporary Permit Fee	\$ 50	With application
Limited Permit Fee	\$ 50	With application

Note 1

The Schedule of Revenues Compared with Expenditures was prepared from available records and discussions with the Division of Occupation 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

Revenues are primarily composed of license renewal fees. Due to a change in law, licenses will be renewed on a biennial basis starting December 1988. Because of the two year renewal cycle, revenues will increase substantially every second year. To obtain an average of annual revenues collected, we combined actual receipts collected in FY88 with the division's estimate of revenues to be collected in FY89. For the current fee structure, see Schedule 1 above.

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. The expenditures do not include expenses incurred by other Departments or other division of the Department of Commerce and Economic Development in assisting the Board.

Note 4

The schedule reflects the changes in licensing fees as of October 1988. Some fees were raised in response to legislative intent to make the Boards more self supporting.

Note 5

The amount of revenue generated by a board's activity depends upon the number of licensee's that are regulated by the board. A small number of licensed professionals, generally lead to an excess of expenditures over revenues. Conversely, a large number of licensees generally results in an excess of revenues over expenditures.

The comparison of revenues and expenditures for all licensing boards indicates, that collectively, the licensing boards are substantially self supporting. The following schedule represents revenues and expenditures for all boards combined:

Average Revenue	\$2,130,834
Expenditures	<u>2,242,216</u>
Excess Expenditures	< <u>\$ 111,382</u> >

APPENDIX B

STATE PHYSICAL THERAPY & OCCUPATIONAL THERAPY BOARD  
EXAMINATION STATISTICS FOR PHYSICAL THERAPISTS  
AND PHYSICAL THERAPY ASSISTANTS

Fiscal Years 1983 - 1988

<u>FISCAL</u> <u>YEAR</u>	<u>PASSES</u>	<u>FAILS</u>	<u>TOTAL</u>
1983	5	1	6
1984	3	0	3
1985	2	0	2
1986	2	0	2
1987	4	0	4
1988	5	0	5

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APPENDIX C

STATE PHYSICAL THERAPY & OCCUPATIONAL THERAPY BOARD  
ADMINISTRATIVE STATISTICS

August 29, 1988

Licensed Physical Therapists	184
Licensed Physical Therapy Assistants	16
Licensed Occupational Therapists	60
Licensed Occupational Therapy Assistants	2

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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

December 20, 1988

DEC 22 1988

Randy S. Welker  
Legislative Auditor  
Division of Legislative Audit  
Budget and Audit Committee  
P.O. Box W  
Juneau, AK 99811-3300

Dear Mr. Welker:

The Department of Commerce and Economic Development supports and appreciates the conclusion of the preliminary audit report on the State Physical Therapy and Occupational Therapy Board (PT/OT Board) that the board should be reestablished.

The PT/OT Board has worked very hard this past year to fully incorporate the newly enacted provisions of HB 205 (1987); the audit provides a favorable report on its actions to date.

We are confident the PT/OT Board will continue to serve the public interest.

Sincerely,



Larry Mercurieff  
Commissioner

LB/RB/mm0472t  
122088b

Collateral references. — 61 Am. Jur. 70 C.J.S., Physicians and Surgeons, 2d, Physicians, Surgeons and Other §§ 6, 13. Healers, §§ 11, 86.

**Article 1. State Physical Therapy and Occupational Therapy Board.**

<p><b>Section</b> 10. State Physical Therapy and Occupational Therapy Board</p>	<p><b>Section</b> 20. Applicability of Administrative Procedure Act</p>
-------------------------------------------------------------------------------------	-----------------------------------------------------------------------------

**Sec. 08.84.010. State Physical Therapy and Occupational Therapy Board.** (a) There is created the State Physical Therapy and Occupational Therapy Board, which consists of seven members. The membership consists of one physician licensed to practice medicine in the state, three physical therapists licensed in the state or two physical therapists and a physical therapy assistant licensed in the state, two occupational therapists licensed in the state or an occupational therapist and occupational therapy assistant licensed in the state, and one lay person with no direct financial interest in the health care industry. Members of the board shall be United States citizens domiciled in the state.

(b) The board shall control all matters pertaining to the licensing of physical therapists, physical therapy assistants, occupational therapists, and occupational therapy assistants and the practice of physical therapy and the practice of occupational therapy. The board shall

- (1) pass upon the qualifications of applicants;
- (2) provide for the examination of applicants;
- (3) issue temporary permits and licenses to persons qualified under this chapter;
- (4) suspend, revoke, or refuse to issue or renew a license under AS 08.84.120;
- (5) keep a current register listing the name, business address, date, and number of the license of each person who is licensed to practice under this chapter;
- (6) keep a record and minutes of its meetings, proceedings, and hearings and submit an annual report of its activities to the governor and other interested parties;
- (7) adopt regulations under AS 44.62 necessary to carry out the purposes of this chapter including regulations establishing qualifications for licensure and renewal of licensure under this chapter. (§ 15 ch 74 SLA 1957; am § 8 ch 49 SLA 1969; am § 1 ch 71 SLA 1974; am § 1 ch 208 SLA 1975; am § 2 ch 43 SLA 1977; am § 1 ch 55 SLA 1980; am §§ 40, 41 ch 94 SLA 1987; am § 4 ch 2 FSSLA 1987)

Division of Occupational Licensing

STATE PHYSICAL THERAPY AND OCCUPATIONAL THERAPY BOARD

Proposed Amendment to AS 08.84

Amend AS 08.84.010(b)(7), the powers and duties section of the PT/OT statute, to provide for proof of having met board established continuing education requirements at time of license renewal:

(7) adopt regulations under AS 42.62 necessary to carry out the purposes of this chapter, including regulations establishing qualifications for licensure and insuring that renewal of licensure is contingent upon proof of continued competency on the part of the licensee [UNDER THIS CHAPTER].

(F) adapting environments for the disabled;

(4) "occupational therapy assistant" means a person who assists in the practice of occupational therapy under the supervision of an occupational therapist;

(5) "physical therapist" means a person who practices physical therapy;

(6) "physical therapy" means the examination, treatment and instruction of human beings to detect, assess, prevent, correct, alleviate and limit physical disability, bodily malfunction, pain from injury, disease and other bodily or mental conditions and includes the administration, interpretation and evaluation of tests and measurements of bodily functions and structures; the planning, administration, evaluation and modification of treatment and instruction including the use of physical measures, activities and devices for preventive and therapeutic purposes; the provision of consultative, educational and other advisory services for the purpose of reducing the incidence and severity of physical disability, bodily malfunction and pain; "physical therapy" does not include the use of roentgen rays and radioactive materials for diagnosis and therapeutic purposes, the use of electricity for surgical purposes, and the diagnosis of disease;

(7) "physical therapy assistant" means a person who assists in the practice of physical therapy or portions of it as initiated, supervised, and terminated by a registered physical therapist; a physical therapy assistant's responsibilities do not include testing or evaluation. (§ 2 ch 74 SLA 1957; am § 11 ch 71 SLA 1974; am § 17 ch 55 SLA 1980; am §§ 23, 24 ch 2 FSSLA 1987; am § 2 ch 74 SLA 1988)

Effect of amendments. — The 1988 amendment, effective May 28, 1988, inserted "for compensation" in the introductory language of paragraph (3).

### Chapter 86. Psychologists and Psychological Associates.

Article 5. Prohibitions and Penalties (§ 08.86.200)

#### Article 5. Prohibitions and Penalties.

Section 200. Confidentiality of communication

Sec. 08.86.200. Confidentiality of communication. (a) A psychologist or psychological associate may not reveal to another person a communication made to the psychologist or psychological associate by a client about a matter concerning which the client has employed the psychologist or psychological associate in a professional capacity. This section does not apply to

(1) a case conference with other psychologists, psychological associates, or with physicians and surgeons;

(2) a case in which the client in writing authorized the psychologist or psychological associate to reveal a communication;

(3) a case where an immediate threat of serious physical harm to an identifiable victim is communicated to a psychologist or psychological associate by a client;

(4) disclosures of confidential communications required under Rule 504, Alaska Rules of Evidence; or

(5) proceedings conducted by the board or the department where the disclosure of confidential communications is necessary to defend against charges that the psychologist or psychological associate has violated provisions of this chapter.

(b) Notwithstanding (a) of this section, a psychologist or psychological associate shall report to the appropriate authority incidents of child abuse or neglect as required by AS 47.17.020, incidents of elder abuse as required by AS 47.24.010, and incidents of abuse of disabled persons disclosed to the psychologist or psychological associate by a client. In this subsection "disabled person" means a person who has a physical or mental disability or a physical or mental impairment, as defined in AS 18.80.300. (§ 1 ch 136 SLA 1967; am § 10 ch 65 SLA 1973; am § 7 ch 63 SLA 1986; am §§ 1, 2 ch 102 SLA 1988)

Effect of amendments. — The 1988 amendment, in subsection (a), divided the formerly undivided language into an introductory paragraph and paragraphs (1) and (2), made a series of minor stylistic changes in paragraphs (1) and (2), and added paragraphs (3)-(5); and, in subsection (b), added the second sentence and, in the first sentence, inserted "to the appropriate authority" and added all of the language at the end beginning with "incidents of elder abuse."

### Chapter 95. Clinical Social Work.

Article

1. Board of Clinical Social Work Examiners (§§ 08.95.010 — 08.95.040)
2. Licensing (§§ 08.95.100 — 08.95.130)
3. General Provisions (§§ 08.95.900 — 08.95.990)

Cross references. — For statement of legislative purpose in connection with the enactment of this chapter, see sec. 1, ch. 126, SLA 1988 in the Temporary and Special Acts.

Effective date of chapter — Section 8, ch. 126, SLA 1988, provides: "This Act takes effect July 1, 1988."

*Change to physical therapist*  
*Supplement to physical therapist*

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Mary Van Nimwegen

H. HESS

2-9-89