

SB

244

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 2/8/02

REPORTED OUT
FFB 1 2 2002
SENATE FINANCE
COMMITTEE

FURTHER:

DATE TURNED IN TO OFFICE: 02/12/02

Finance Committee considered **SENATE BILL NO. 244**

SB 244 OPTOMETRISTS: SUNSET AND MISCELLANEOUS

"An Act extending the termination date of the Board of Examiners in Optometry; and relating to optometrists."

and recommends:

- be replaced with CS SB 244 (FIN)
- adopt previous CS FORTH COMING ()
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

- Senate Bill:**
 same title
 new title
House Bill:
 same title
 technical title
 new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
DCED	1/30/02	17.7		1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	—			
<i>[Signature]</i>	—			
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
COCHAIR: <i>[Signature]</i>				
COCHAIR: <i>[Signature]</i>	✓			

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

FEB 12 2002

SENATE FINANCE
COMMITTEE

Fiscal Note Number: 1
Bill Version: SB 244
(S) Publish Date: 2/8/02

Revision Date/Time (Note if correction): 01/30/2002 8:39 a.m. Dept. Affected: DCED
Title: An Act extending the termination date of the BRU: Occupational Licensing (117)
Board of Examiners in Optometry Component: Occupational Licensing
Sponsor: Rules by Request
Requester: Senate Labor & Commerce Component No.: 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	8.4	8.4	8.4	8.4	8.4	
Travel	7.6	7.6	7.6	7.6	7.6	
Contractual	1.7	1.7	1.7	1.7	1.7	
Supplies	0.0	0.0	0.0	0.0	0.0	
Equipment	0.0	0.0	0.0	0.0	0.0	
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	17.7	17.7	17.7	17.7	17.7	0.0

CAPITAL EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
CHANGE IN REVENUES ()	17.7	17.7	17.7	17.7	17.7	

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other 1156-Receipt Supported Services	17.7	17.7	17.7	17.7	17.7	
TOTAL	17.7	17.7	17.7	17.7	17.7	0.0

Estimate of any current year (FY2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal: X

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
The bill extends the Board of Examiners in Optometry to June 30, 2006. In accordance with AS 08.03.020, funding is extended one year following the termination date allowing the board to conclude its affairs. The information above identifies direct expenditure and revenue information included in the FY 2003 Operating Budget request. The bill also amends application for examination requirements; written exam content; and licensure by credentials. New funds are not required to implement these changes.

Prepared by: Jennifer Strickler, Administrative Manager Phone (907) 465-2144
Division: Occupational Licensing Date/Time 01/30/2002 8:30 a.m.
Approved by: Deborah B. Sedwick, Commissioner Date 1/30/2002
Agency: Department of Community & Economic Development

Audit Report

DEPARTMENT OF COMMUNITY
AND ECONOMIC DEVELOPMENT
BOARD OF EXAMINERS IN OPTOMETRY
SUNSET REVIEW

September 12, 2001



Audit Control Number:

08-20011-01

Division of Legislative Audit
P.O. Box 113300, Juneau, Alaska 99811-3300

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

DIVISION OF LEGISLATIVE AUDIT

The Legislative Budget and Audit Committee is a permanent interim committee of the Alaska Legislature. The committee is made up of five senators and five representatives, with one alternate from the Senate and two from the House. The chairmanship of the committee alternates between the two chambers every legislature.

The committee is responsible for providing the legislature with audits of state government agencies. The programs and activities of state government now cost more than \$6 billion a year. As legislators and administrators try increasingly to allocate state revenues effectively and make government work more efficiently, they need information to evaluate the work of governmental agencies. The audit work performed by the Division of Legislative Audit helps provide that information.

As a guide to all their work, the Division of Legislative Audit complies with generally accepted auditing standards established by the American Institute of Certified Public Accountants and with government auditing standards established by the U.S. General Accounting Office.

Audits are performed as mandated by Alaska Statutes or at the direction of the Legislative Budget and Audit Committee. Individual legislators or committees can submit requests for audits of specific programs or agencies to the committee for consideration. Copies of all completed audits are available from the Division of Legislative Audit's offices in either Juneau, Anchorage, or our web site <http://www.legis.state.ak.us/legaud/web/default.htm>.

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October 1, 2001

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes, the attached report is submitted for your review.

DEPARTMENT OF COMMUNITY
AND ECONOMIC DEVELOPMENT
BOARD OF EXAMINERS IN OPTOMETRY
SUNSET REVIEW

September 12, 2001

Audit Control Number

08-20011-01

This audit was conducted as required by AS 44.66.050 and under the authority of AS 24.20.271(1). Alaska Statute 44.66.050(c) lists criteria to be used to assess the demonstrated public need for a given board, commission, agency, or program subject to the sunset review process. Currently under AS 08.03.010(c)(14), the Board of Examiners in Optometry is scheduled to terminate on June 30, 2002. The board would be allowed one year in which to conclude its administrative operations.

In our opinion, the termination date for the Board of Examiners in Optometry should be extended. The regulation and licensure of optometrists contributes to the protection of the public welfare. We recommend the legislature extend the termination date of the Board of Examiners in Optometry to June 30, 2006.

This audit was conducted in accordance with generally accepted government auditing standards. Fieldwork procedures utilized in the course of developing the findings and discussion presented in this report are discussed in the Objectives, Scope and Methodology section of this report.

A handwritten signature in cursive script that reads "Pat Davidson".

Pat Davidson, CPA
Legislative Auditor

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OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with the intent of Title 24 and 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Board of Examiners in Optometry. Under AS 44.66.050(a), the legislative committee of reference is to consider this report during the legislative oversight process to determine whether the board should be reestablished. Currently, AS 08.03.010(c)(14) requires the board to terminate on June 30, 2002. If the legislature takes no action to extend the termination date, the board will have one year from that date to conclude its operations.

Objectives

There are three central, interrelated, objectives of our report. They are:

1. To determine if the termination date of the board should be extended.
2. To determine if the board is operating in the public interest.
3. To determine if the board has exercised appropriate regulatory oversight of licensed optometrists.

The assessment of the operations and performance of the board was based on criteria set out in AS 44.66.050(c). Criteria set out in this statute relate to the determination of a demonstrated public need for the board.

Scope and Methodology

Under the direction and supervision of the Division of Legislative Audit, another auditor conducted the majority of this review. We followed professional standards to determine that the other auditor was independent and that their work was competent and sufficient.

Our audit reviewed the operations and activities of the Board of Examiners in Optometry for the period of FY 99 through FY 01.

During the course of our examination, we reviewed and evaluated the following:

1. Compliance with statutes and regulations related to the licensing of optometrists. Our evaluation addressed consideration of applications, testing of candidates, and continuing education necessary for an individual to maintain his/her optometry license in good standing.
2. Minutes of meetings of the Board of Examiners in Optometry.
3. Annual reports issued by the board.
4. Complaints filed with the Division of Occupational Licensing.

We also conducted interviews with employees of the Department of Community and Economic Development, Division of Occupational Licensing.

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ORGANIZATION AND FUNCTION

The Board of Examiners in Optometry was established under the provisions of Title 8, Chapter 72 of the Alaska Statutes. The board consists of five members appointed by the Governor and subject to legislative confirmation. Four board members must be licensed, practicing optometrists who have been residents in the State for at least three years. The statute also requires one member of the general public to sit on the board.

The board regulates the practice of optometry in the state by setting education, training, and work experience standards necessary for an individual to be licensed as an optometrist.

Alaska Statute (AS 08.72) defines the practice of optometry as the examination, diagnosis, and treatment of conditions of the human eyes and visual system, other than by use of laser, x-rays, surgery, or pharmaceutical agents.¹

Board of Examiners in Optometry
(As of June 30, 2001)

Aharon Sternberg, Optometrist, Chairman
Erik Christianson, Optometrist, Secretary
John Cobbett, Optometrist
William Faulkner, Optometrist
Thomas Carter, Public Member

The board's duties and responsibilities under statute include:

1. Holding a minimum of one meeting per year.
2. Examining and issuing licenses to qualified applicants.
3. Holding hearings in order to impose disciplinary sanctions on persons who violate optometry licensing statutes and/or regulations.
4. Adopting regulations necessary to enforce the statutes relating to the Board.
5. Adopting a code of ethical practice for optometry.

Applicants must be a high school graduate or equivalent in addition to having graduated from a recognized college or school of optometry. Additionally, all applicants must pass all parts of the National Board of Examiners in Optometry (NBEO) examination, the Treatment and Management of Ocular Disease (TMOD) examination and all sections of the state board examination (written, practical and oral). Licensed optometrists are required to obtain various amounts of continuing education every year depending on the endorsements to their license.

To become licensed in Alaska, optometrists licensed in other states must provide the board with official documentation verifying Alaskan optometry educational requirements have been met. They must also apply for and pass all parts of the state optometry examination, pay all examination and application fees, and fulfill all other licensing requirements. Optometrists must submit completed applications and pay all the required fees to the Division of Occupational Licensing biennially.

¹ Optometrists practicing in the State of Alaska may apply for one of two types of endorsements. One type permits optometrists to administer topical pharmaceutical agents (DPA Endorsement) and the other permits optometrists to administer and prescribe pharmaceutical agents (TPA Endorsement.) Currently there is not an endorsement whereby an optometrist may use or prescribe internal pharmaceutical agents either by oral or injection; however, the Board has drafted legislation which is before the Alaska State Legislature which will allow them to use and prescribe either oral or injectable pharmaceutical agents.

The board grants license endorsements for optometrists to prescribe and use pharmaceutical agents. The board also grants endorsements for practitioners to only use pharmaceutical agents. Currently, all applicants graduating from optometry schools automatically qualify for pharmaceutical prescription and use license endorsement, after meeting all other licensing requirements.

Department of Community and Economic Development, Division of Occupational Licensing

The Department of Community and Economic Development, Division of Occupational Licensing provides administrative and investigative assistance to the Board of Examiners in Optometry. Administrative assistance includes budgetary services, functions such as collecting fees, maintaining files, receiving and issuing application forms, and publishing notices of examinations and meetings.

Alaska Statute 08.01.065 mandates the Department of Community and Economic Development, with the concurrence of the board, adopt regulations to establish the amount and manner of payment of application fees, examination fees, license fees, registration fees, permit fees, investigation fees, and all other fees as appropriate for the occupations covered by the statute.

Alaska Statute 08.01.087 empowers the Division of Occupational Licensing with the authority to act on its own initiative or in response to a complaint. The division may:

1. Conduct an investigation if it appears a person engaged or is about to engage in a prohibited professional practice.
2. Bring an action in Superior Court to enjoin the act.
3. Examine the books and records of an individual.
4. Issue subpoenas for the attendance of witnesses and records.

REPORT CONCLUSIONS

In our opinion, the termination date for the Board of Examiners in Optometry should be extended. The regulation and licensing of qualified optometrists is necessary to protect the public's health, safety, and welfare. The board assists in providing this public benefit by establishing minimum educational and work experience standards for licensure. Such standards provide reasonable assurance that persons licensed as optometrists are qualified. Standards of practice are enforced through the active investigation of complaints and revocation or suspension of licenses when appropriate.

The Board of Examiners in Optometry has been found to satisfy a public purpose and has demonstrated its ability to conduct its business in a satisfactory manner. The board carries out its regulatory oversight function in a professional, competent, and efficient manner.

Alaska Statute 08.03.010(c)(14) requires the State Board of Examiners of Optometry be terminated on June 30, 2002. Under AS 08.03.020, the board has a one-year period to administratively conclude its operations. Based upon our review of the board's performance, we recommend the legislature extend the board's termination date to June 30, 2006.

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FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The Division of Occupational Licensing should rescind the licensing application requirement that is unreasonable.

In the prior sunset audit of the Board of Examiners in Optometry (Department of Commerce and Economic Development Board of Examiners in Optometry 08-1436-96), we identified two application requirements that were unreasonable. These requirements were (1) a 3"x3" photograph of the applicant, and (2) submission of official transcripts from all colleges and universities that the applicant attended prior to graduating from an accredited school of optometry.

The Division of Occupational Licensing has dropped the requirement for the extraneous official transcripts from colleges and universities other than from the accredited school of optometry. However, the photograph is still required to accompany the application. It is our understanding the photo requirement grew out of a concern regarding examination security and verifying the identity of the applicants at the test site.

Identification with an individual's photograph such as a driver's license, passport, or state identification is currently required by examination candidates when entering the examination site, and should be sufficient to maintain examination security.

We continue to believe the application photograph is unnecessary and recommend the Division of Occupational Licensing eliminate that requirement from the application.

Recommendation No. 2

The Board of Examiners in Optometry should develop statutory amendments for legislative consideration which will allow the board to license optometrists by credentials.

Issuing a license based on past performance and licensure in another jurisdiction, in place of licensure by examination, is termed licensure by credentials. The standards adopted by the board for licensure to practice optometry in the State of Alaska are equivalent to standards in the majority of states and territories of the United States and virtually identical to standards of the National Board of Examiners in Optometry (NBEO).

Currently under AS 08.72.170(a), the board may waive the written portion of the state examination for an individual who holds a current license (received by examination in another state or Canadian province), has been practicing for at least three years in good standing, and otherwise meets the educational requirements for licensure in Alaska. However, under AS 08.72.170(b) the board is prohibited from waiving the practical examination requirement. As a result, the state does not have full licensure by credential. In our view, this provides an unreasonable impediment to entry into the profession.

We recommend the board develop proposed specific statutory language related to allowing full licensure by credentials. As is done elsewhere in statute, we suggest a provision permitting licensing by credentials in instances where the applicant can provide satisfactory documentation that they are licensed in another jurisdiction where requirements and standards are essentially equivalent to those of Alaska. In our view, developing a proposed statutory amendment for consideration by the legislature would not negatively impact the

public's protection, and would allow less restrictive entry into the optometrist profession in the state.

Recommendation No. 3

The Legislature should consider amending optometry licensing statutes related to continuing education requirements for optometrists licensed in Alaska.

Alaska Statute 08.72.181(d), which relates to license renewal, states that:

Before a license may be renewed the licensee shall submit to the board evidence of 48 hours of postgraduate continuing education instruction as prescribed by regulations of the board. The board may specify by regulation those circumstances under which the requirements of this subsection may be waived. [emphasis added]

The board adopted regulation 12AAC48.210(a) requires the following:

An applicant for renewal of an optometry license is required to document an average of 12 contact hours for continuing education credit that meets the requirements of 12AAC48.200, for each complete calendar year that the applicant has been licensed in the concluding licensing period. [emphasis added]

As is apparent, state law requires optometrists renewing their license to obtain 48 hours of continuing education, while the regulations only require 24 hours for each standard two year licensing period. From our discussions with the Division of Occupational Licensing staff, the statute was developed based on a previous four-year licensing cycle rather than the current two year-cycle. Accordingly, when the legislature considers extending the termination date of the board, it may want to consider amending this statute to come into agreement with current regulation and practice.

Recommendation No. 4

The Board of Examiners in Optometry should revise regulation 12AAC48.015 to require the National Board of Examiners in Optometry (NBEO) examination and a State jurisprudence examination, eliminating the practical portion of the State examination.

State regulation (12 AAC 48.015) requires that applicants for licensure as an optometrist in the State of Alaska pass both the NBEO and the State examinations. The nationwide NBEO examination consists of four parts: 1) Basic Science, 2) Clinical Science, 3) Clinical Skills and 4) Treatment and Management of Ocular Diseases.

The State examination consists of eight parts: 1) Biomicroscopy, 2) Goldmann Applanation Tonometry, 3) Gonioscopy, 4) Contact Lenses and Spectacles, 5) Patient Examination, 6) Visual Fields, 7) Binocular Indirect Ophthalmoscopy and 8) Written Examination on Alaska Optometry Statutes and Regulations.

A current licensee wrote to the board in May 1999 stating that he believed the NBEO clinical skills examination was comparable to the State of Alaska's practical examination, and could be used in lieu of it. He noted that many state licensing boards accept the clinical skills portion of the NBEO examination in lieu of a separate state test.

From our review of the requirements of the NBEO examination compared with the state examination, it appears the NBEO examination mirrors the state examination with the exception of Part 6 (Visual Fields) and Part 8 (Written Examination on Alaska Optometry Statutes and Regulations).

Also, from research performed through the National Board of Examiners in Optometry (<http://www.optometry.org>), it was noted that the majority of states and licensing boards have decided to utilize the NBEO testing process and provide licenses based on certified scores received from that national organization.

From our review of all the US licensing jurisdictions utilizing the NBEO testing process in whole or part, 37 of them (70%) have dropped the requirement of a state optometry examination and are accepting the NBEO examination. Of those 37 jurisdictions, 14 are requiring only the NBEO examination with no further state examination and 23 are requiring a state jurisprudence examination.

We recommend the Board of Examiners in Optometry revise regulation 12AAC 48.015 requiring only the NBEO examination along with the State jurisprudence examination. This would remove redundancies in testing that currently require optometrists to pass two exams that are virtually identical.

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ANALYSIS OF PUBLIC NEED

The following analysis of the Board of Examiners in Optometry (board) activities relates to the public need factors defined in the "sunset" review law, AS 44.66.050. These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

Determine the extent to which the board, commission, or agency has operated in the public interest.

The board has kept to a reasonable meeting schedule, has consistently considered ways to make the licensing process more efficient, and has continued licensing qualified applicants through the use of a valid and relevant examination process.

Determine the extent to which the operations of the board 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.

As discussed in Recommendation No. 2, the board has not been able to establish a process whereby individuals can be licensed solely by credentials. Such constraints serve to unduly restrict access into the profession.

The board has also been impeded in the licensing of qualified optometrists by the requirement to administer a state practical exam. The state practical exam is similar to the exam offered by the National Board of Examiners in Optometry. For further discussion see Recommendation No. 4.

Determine the extent to which the board has recommended statutory changes that are generally of benefit to the public interest.

The board has recommended statutory changes which would permit licensure by credential, licensure by endorsement, and substituting the use of recognized national examinations with an appropriate national board equivalent.

Determine 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 services, economy of service, and availability of services that it has provided.

The location, date, and time of upcoming meetings and exams were advertised in Alaskan newspapers, as well as on the board's web page, with adequate time for interested individuals to attend or to submit written comment for review. The board's meeting agenda sets aside suitable time for public comment. Board minutes reflect public participation at various meetings.

Determine the extent to which the board has encouraged public participation in the making of its regulations and decisions.

Public notice was given for all proposed regulations in major Alaskan newspapers. The board meeting minutes document that unlimited time was allotted for the scheduled public comment period. All proposed regulation changes are submitted to the public participation process.

Determine 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.

For the period between July 1, 1998 and June 30, 2001 (FY 99 – FY 01) the Division of Occupational Licensing opened six cases involving optometrists. The complaints involved:

1. Practice without a license. Two of the complaints were made by optometrists regarding the activities and alleged practice of optometry without a license carried out by representatives of Lasik Vision USA. The division sent out warning letters to the company, stating that any optometric work carried out in the future in conjunction with their commercial activities would have to be performed by individuals licensed in Alaska.
2. Inadequate supervision. In a shop visit conducted by the Division of Occupational Licensing investigators, unlicensed individuals were conducting or assisting in examinations without the appropriate supervision. The optometrist involved entered into a memorandum of agreement with the board and paid a fine.
3. Inappropriate and improper practice. Three complaints were received regarding the inappropriate practice or malpractice of optometry. In one instance no violation was found, the other two were pending further investigation as of August 2001.

We have reviewed the nature and extent of complaints filed involving examiners in optometry. In our view, the Division of Occupational Licensing, in conjunction with the board, took appropriate investigative actions, prioritized complaints in a reasonable manner, and proceeded in a manner consistent with the potential threat the complaints posed to the public welfare.

Determine the extent to which the board regulates entry into an occupation or profession and whether it has presented qualified applicants to serve the public.

New Licenses Issued (Exclusive of Renewals)	FY 99	FY 00	FY 01	Total	Issued to Date
Optometrists with No Endorsement	1	0	0	1	5
Optometrists with Therapeutic Endorsement	9	2	0	11	95
Optometrists with Diagnostic Endorsement	1	0	2	3	5

The Board of Examiners in Optometry has adequate procedures and policies in place regarding the examination process. Applicants for the practice of optometry in Alaska must take all parts of the written and practical examination administered by the NBEO. Board members administer, proctor and grade the state examination while national examinations are graded and proctored by separate organizations. We noted that there are some redundancies with the state practical examination and the practical examination administered by the NBEO. See Recommendation No. 4 for further discussion.

Determine the extent to which state personnel practices, including affirmative action requirements, have been complied with by the board to its own activities and the area of activity or interest.

We did not find any evidence that the board was not complying with the state personnel practices, including affirmative action in qualifying applicants. In no instances has the board denied an applicant a license based on personal attributes.

Determine the extent to which statutory, regulatory, budgeting or other changes are necessary to enable the board to better serve the interest of the public and to comply with the factors enumerated in this subsection.

There are four changes involving statutes, regulations or procedures that are necessary so the board can better operate in the public interest.

1. Eliminate the unnecessary element currently required in the licensing application. (See Recommendation No. 1.)
2. Develop statutes and regulations that provide for licensure by credentials. (See Recommendation No. 2.)
3. Eliminate the conflict between the board's statutes and regulations related to continuing education. (See Recommendation No. 3)
4. Revise regulations related to the practical portion of the state examination. (See Recommendation No. 4.)

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Alaska

**Department of Community
and Economic Development**

Division of Occupational Licensing

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RECEIVED

NOV 28 2001

LEGISLATIVE AUDIT

November 27, 2001

Pat Davidson, Legislative Auditor
Legislative Budget and Audit Committee
Division of Legislative Audit
PO Box 113300
Juneau, AK 99811

Dear Ms. Davidson:

Thank you for the opportunity to comment on the Board of Examiners in Optometry preliminary audit.

The division agrees that the board is operating in an efficient and effective manner and should continue. The board will meet November 30 and will have an opportunity to comment on the preliminary audit recommendations. The following are department comments.

Recommendation No. 1

The Division of Occupational Licensing should rescind licensing application requirements that are unreasonable and have no basis in occupational licensing statutes or regulations.

The preliminary audit recommends elimination of the requirement that an applicant photograph be included in the application for licensure. The division will ask the board to review the need for the photograph during its meeting later this week. In Alaska and in other states individuals have assumed the identities of other professionals and attempted to obtain licensure. Photographs are useful in determining which individual submitted an application.

Recommendation No. 2

The Board of Examiners in Optometry should develop statutory amendments for legislative consideration which will allow the board to license optometrists by credentials.

The board sent a letter to its licensees on September 12, 2001 identifying licensure by credentials as a board goal. The letter stated that the board was soliciting input on statutory language from the American Optometric Association and the Alaska Optometric Physicians Association.

Recommendation No. 3

The Alaska State Legislature should consider amending optometry licensing statutes related to continuing education requirements for optometrists licensed in the State of Alaska.

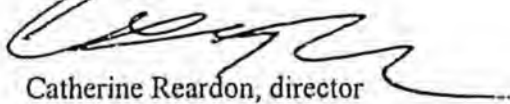
The division agrees that it would be helpful to amend this statute to conform to current regulation and practice.

Recommendation No. 4

The Board of Examiners in Optometry should revise regulation 12 AAC 48.015 to require the NBEO examination and a State jurisprudence examination, eliminating the practical portion of the State examination.

The division supports this recommendation. The board has asked the division to issue public notice of the proposal to revise the examination regulations. The board announced its desire to eliminate the practical exam in its September 12, 2001 letter to licensees.

Sincerely,



Catherine Reardon, director

Alaska State Legislature

SENATOR
GENE THERRIAULT
Chair



SESSION ADDRESS
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Legislative Budget and Audit Committee

Senate Bill 244

"An Act extending the termination date of the Board of Examiners in Optometry."

Sponsor:

Senate Rules Committee by Request of the
Legislative Budget and Audit Committee

Sponsor Statement

Alaska Statute 08.72.010 established the State Board of Examiners in Optometry in 1949 to regulate and control the practice of optometry in Alaska. The Board is charged with protecting and promoting the public's health, welfare, and safety by ensuring the professionals it licenses have met and adhered to the requirements of licensure. The Board currently oversees 110 licensed optometrists.

The Board consists of five members appointed by the governor and are subject to legislative confirmation. Four board members shall be licensed, practicing optometrists who have been residents for at least three years. Statute requires one board member to be a member of the general public.

The Board regulates the practice of optometry in the state by setting education, training, and work experience standards necessary for an individual to be licensed. Such standards provide reasonable assurance that persons licensed as optometrists are qualified.

Under AS 08.03.010, Termination of State Boards and Commissions, the State Board of Examiners in Optometry is set to expire June 30, 2002. If the Legislature does not act to extend the Board, it will have one year, until June 30, 2003, to administratively conclude its affairs. Senate Bill 244 will extend the Board for another four years and make changes to its licensure requirements.

Contact: Heather Brakes, Legislative Budget and Audit Committee Aide

INTERIM ADDRESS

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CS SB 244 (L&C)

Sectional Analysis

Section 1. This section extends the Board to June 30, 2006, the standard four-year extension as recommended by the audit report released on December 5, 2001 by the Division of Legislative Audit.

Section 2. This section implements Recommendation No. 4 of the audit report. It eliminates the reference to the state exam, and mandates an exam designed to test the applicant's knowledge of Alaska laws in optometry.

Section 3. This section addresses Recommendation No. 2 of the audit report implementing full licensure by credentials by repealing AS 08.72.170 and reenacting it with requirements acceptable to the board, such as education, current licensure, active clinical practice, and no pending disciplinary actions.

Section 4. This amendment implements Recommendation No. 3 of the audit report reducing the number of continuing education hours required by an applicant for license renewal to bring it into compliance with current licensing cycles and requirements under regulation. The statute was written when the board was on a four-year renewal cycle; it has since gone to a two-year cycle.

Section 5. This section helps to implement the new licensure by credentials by acknowledging it in the fee structure.

Sectional Analysis

CS SB 244 (L&C)

"An Act Extending the termination date of the Board of Examiners in Optometry; and relating to optometrists."

Section 1. This section extends the Board to June 30, 2006, the standard four-year extension as recommended by the audit report released on December 5, 2001 by the Division of Legislative Audit.

Section 2. This section is intended to allow the division to keep a photo of licensed applicants on file for verification of identity. However, it does not allow the board to view any photograph of an applicant while considering licensure.

Section 3. This section implements Recommendation No. 4 of the audit report. It eliminates the reference to the state exam, and mandates an exam designed to test the applicant's knowledge of Alaska laws in optometry.

Section 4. This section addresses Recommendation No. 2 of the audit report implementing full licensure by credentials by repealing AS 08.72.170 and reenacting it with requirements acceptable to the board, such as education, current licensure, active clinical practice, and no pending disciplinary actions.

Section 5. This amendment implements Recommendation No. 3 of the audit report reducing the number of continuing education hours required by an applicant for license renewal to bring it into compliance with current licensing cycles and requirements under regulation. The statute was written when the board was on a four-year renewal cycle; it has since gone to a two-year cycle.

Section 6. This section helps to implement the new licensure by credentials by acknowledging it in the fee structure.

Amend #1
ADOPTED

22-LS1267F

CS FOR SENATE BILL NO. 244(L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 2/8/02
Referred: Finance

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND
AUDIT COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act extending the termination date of the Board of Examiners in Optometry; and
2 relating to optometrists."

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

4 * Section 1. AS 08.03.010(c)(14) is amended to read:

5 (14) Board of Examiners in Optometry (AS 08.72.010) -- June 30,
6 2006 [2002];

7 * Sec. 2. AS 08.72.150 is amended to read:

8 Sec. 08.72.150. Application for examination and issuance of license. An
9 applicant shall apply for the examination by filing an application with the department
10 together with the examination fee by the deadline established by the department in
11 regulations. The ^{Board} department may require the applicant to submit a photograph
12 of the applicant for its files; however, the photograph may not be forwarded with
13 the application to the board for review. Upon successful completion of the
14 examination by the applicant and payment of the license fee, the board shall issue a

Amend #1
ADOPTED

1 license to the successful applicant. The applicant may practice optometry in the state
2 upon receipt of the license.

3 * Sec. 3. AS 08.72.160(a) is amended to read:

4 (a) The examination must [SHALL BE WRITTEN , PRACTICAL, AND
5 ORAL IN NATURE. THE WRITTEN PORTION OF THE ALASKA
6 EXAMINATION SHALL] consist of two sections: (1) all or part of a national or
7 international examination designated by regulation by the board; and (2) an
8 examination approved by the board that is designed to test the applicant's
9 knowledge of the laws of Alaska governing the practice of optometry and the
10 regulations adopted under those laws [. THE ORAL PORTION OF THE
11 EXAMINATION SHALL BE RECORDED AND RETAINED FOR TWO YEARS].

12 * Sec. 4. AS 08.72.170 is repealed and reenacted to read:

13 **Sec. 08.72.170. Licensure by credentials.** The board shall issue a license by
14 credentials to an applicant who

15 (1) has had education equivalent to four years of attendance at a state
16 high school;

17 (2) is a graduate of a recognized school or college of optometry;

18 (3) has passed a written examination approved by the board that is
19 designed to test the applicant's knowledge of the laws of Alaska governing the practice
20 of optometry and the regulations adopted under those laws;

21 (4) holds a current license to practice optometry in another state or
22 territory of the United States or in a province of Canada;

23 (5) at some time in the past, received a license to practice optometry
24 from another state or territory of the United States or from a province of Canada that
25 required the person to successfully complete an examination in optometry;

26 (6) was engaged in the active licensed clinical practice of optometry in
27 a state or territory of the United States or in a province of Canada for at least 3120
28 hours during the 36 months preceding the date of application under this section;

29 (7) has not committed an act in any jurisdiction that would have
30 constituted a violation of this chapter or regulations adopted under this chapter at the
31 time the act was committed; and

Amend #2

SENATE FINANCE COMMITTEE
2/12/2002 COMMITTEE ACTION

Bill Number	SB 244		
Amendment	#2		
Motion	Adopt		
<u>Motion by</u>	Leman		
<u>Objection by</u>	none		
<u>Removed</u>			
<u>Second Objection by</u>			
<u>Committee Member</u>	<u>Y</u>	<u>Vote</u>	<u>N</u>
Senator Hoffman			
Senator Leman			
Senator Olson			
Senator Ward			
Senator Wilken			
Senator Austerman			
Senator Green			
Co-Chair Donley			
Co-Chair Kelly			
<u>Tally</u>			
Yea			
Nay			
Absent			
<u>MOTION</u>	Pass		

delete section #2

SB 244-OPTOMETRISTS: SUNSET AND MISCELLANEOUS
SENATE FINANCE COMMITTEE

SIGN-IN

NAME: Deborah Banks Subject/Bill No: SB244
Co./Dept./Title: Sen Insurance Phone: X6590
Address: Office Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: Pat Davidson Subject/Bill No: SB244
Co./Dept./Title: Leg Audit Phone: 2830
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: Catherine Reardon Subject/Bill No: SB244
Co./Dept./Title: Director Division of Phone: 4165-2538
Occupational Licensing
Address: DCED PO 110806 Tulsa Zip: 99811
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions