

LEG. FINANCE - BILLS 1979 - 1980 1103

HB 446 thru HB 448 • 1103



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O Smith
Signature of Camera Operator

3/20/90
Date

COMMITTEE REPORT

HOUSE

FURTHER:

April 5, 1979

Date: 4-21-79

Mr. Speaker:

The Committee on FINANCE has had HB 446

"An Act terminating the existence of the Board of Psychologist and Psychological Associate Examiners on January 1, 1981 and reassigning its responsibilities to the Dept. of Commerce and Economic Development; eff. date."

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

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

**MEMBERS SIGNING
DO PASS**

Freeman Do-Pass

Rogers DO PASS

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

McKinnon - No Rec.

Smith - No Rec.

W. W. No Rec.

Montgomery - No Rec.

W. Freeman
VICE CHAIRMAN

Introduced: 4/5/79
Referred: Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2

HOUSE BILL NO. 446

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act terminating the existence of the Board of
7 Psychologist and Psychological Associate Examiners on
8 January 1, 1981 and reassigning its responsibilities to
9 the Department of Commerce and Economic Development;
10 and providing for an effective date."

11

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

12

* Section 1. TERMINATION OF BOARD OF PSYCHOLOGIST AND PSYCHOLOGICAL
13 ASSOCIATE EXAMINERS. Notwithstanding the provisions of AS 08.03.010, the
14 Board of Psychologist and Psychological Associate Examiners will continue in
15 existence until January 1, 1981, and after that date the Department of
16 Commerce and Economic Development will have jurisdiction over the licensing
17 of psychologists and psychological associates and the practice of psychology
18 under the provisions of AS 08.86.005 - 08.86.230. During the period until
19 January 1, 1981, the members of the board will facilitate the orderly
20 transfer of functions and responsibilities of the board to the department.
21 Nothing in this Act or AS 08.03.010 reduces or limits the authority of the
22 board under AS 08.86.010 - 08.86.230 before January 1, 1981.

23

* Sec. 2. AS 08.01.010 is amended by adding a new subsection to read:

24

(b) This chapter applies to the responsibilities of the department
25 over licensing and regulation of psychologists and psychological
26 associates (AS 08.86.010).

26

27

* Sec. 3. AS 08.01.050(a)(19) is amended to read:

28

(19) provide investigative services to the boards established
29 under AS 08.20, AS 08.32, AS 08.36, AS 08.64, AS 08.68, AS 08.71,

29

1 AS 08.72, AS 08.80, and AS 08.84, [AND AS 08.86,] for the purpose of
2 assisting those boards in matters of professional discipline.

3 * Sec. 4. AS 08.01.050(a) is amended by adding a new paragraph to read:

4 (20) provide investigative services in matters of professional
5 discipline for the profession established under AS 08.86.

6 * Sec. 5. AS 08.01.050(b) is amended to read:

7 (b) The form and content of the license [,] authorized under AS 08
8 [BY A BOARD LISTED IN AS 08.01.010], including any document evidencing
9 renewal of a license, shall be determined by the department after consul-
10 tation with and consideration of the views of any [THE] board concerned.

11 * Sec. 6. AS 08.86 is amended by adding a new section to read:

12 Sec. 08.86.005. AUTHORITY OF DEPARTMENT. The department has
13 jurisdiction over the licensing of psychologists and psychological
14 associates and the practice of psychology under this chapter.

15 * Sec. 7. AS 08.86.040 is amended to read:

16 Sec. 08.86.040. ASSISTANTS. The department [BOARD] may employ
17 assistants to prepare and grade examinations and to investigate alleged
18 violations of this chapter.

19 * Sec. 8. AS 08.86.070 is amended to read:

20 Sec. 08.86.070. DUTIES OF THE DEPARTMENT [BOARD]. (a) The depart-
21 ment [BOARD] shall

22 (1) pass on qualifications of applicants for licenses;
23 (2) prepare, administer and grade written examinations;
24 (3) after hearing, suspend or revoke the license of a
25 licensed psychologist or psychological associate who violates a regula-
26 tion of the department [BOARD];

27 (4) set fees which are charged for psychological associates.

28 (b) The department [BOARD] may, after hearing, suspend or revoke
29 the license of a licensed psychologist or psychological associate if he

1 denies care or treatment to a patient or person seeking assistance from
2 the psychologist or psychological associate and the sole reason for the
3 denial is the failure or refusal of the patient or person seeking assis-
4 tance to execute an agreement to arbitrate a dispute, controversy, or
5 issue arising out of the care or treatment, as provided in AS 09.55.-
6 535(a).

7 * Sec. 9. AS 08.86.080 is amended to read:

8 Sec. 08.86.080. DEPARTMENT [BOARD] REGULATIONS. The department
9 [BOARD] shall adopt regulations to carry out the purposes of this chap-
10 ter.

11 * Sec. 10. AS 08.86.120 is amended to read:

12 Sec. 08.86.120. ENTITLEMENT TO LICENSURE. A person who passes the
13 examination given by the department [BOARD] is entitled to be licensed
14 as a psychologist.

15 * Sec. 11. AS 08.86.130 is amended to read:

16 Sec. 08.86.130. QUALIFICATION FOR EXAMINATION. A person is
17 entitled to take an examination if the department [BOARD] finds he

18 (1) has not engaged in dishonorable conduct relevant to the
19 practice of psychology;

20 (2) holds a doctoral degree with primary emphasis on psychol-
21 ogy from an accredited school;

22 (3) has at least one year's experience acceptable to the
23 department [BOARD].

24 * Sec. 12. AS 08.86.135 is amended to read:

25 Sec. 08.86.135. TEMPORARY LICENSE. The department [BOARD] may
26 issue a temporary license to a person who meets the requirements of
27 AS 08.86.130. A temporary license issued under this section is valid
28 until the results of the examination following the issuance of the
29 temporary license are published.

1 * Sec. 13. AS 08.86.160 is amended to read:

2 Sec. 08.86.160. ASSOCIATES: ENTITLEMENT TO LICENSURE. A person
3 who passes the examination given by the department [BOARD] is entitled
4 to be licensed as a psychological associate.

5 * Sec. 14. AS 08.86.162 is amended to read:

6 Sec. 08.86.162. ASSOCIATES: QUALIFICATION FOR EXAMINATION. A
7 person is entitled to take a psychological associate examination if the
8 department [BOARD] finds that he:

9 (1) has not engaged in dishonorable conduct related to the
10 practice of counseling or psychometry;

11 (2) holds a master's degree from an accredited or approved
12 educational institution, with at least 24 credit hours of course work
13 directly related to counseling or another specialized area in which
14 licensure is requested, including a practicum;

15 (3) has at least three years' experience within the past ten
16 years, two of which are in Alaska, and including one year's supervised
17 postgraduate experience acceptable to the department [BOARD];

18 (4) has the recommendation of his immediate supervisor if a
19 licensed psychologist, or two licensed psychologists who hold doctoral
20 degrees;

21 (5) has not within the preceding six months failed an examin-
22 ation given by the department [BOARD].

23 * Sec. 15. AS 08.86.180(b)(2) is amended to read:

24 (2) a student, intern, or resident in psychology pursuing a
25 course of study approved by the department as [BOARD IS] qualifying
26 training and experience for psychologist, if his activities constitute a
27 part of his supervised course of study and he is designated by titles
28 such as "psychology intern" or "psychology trainee";

29 * Sec. 16. AS 08.86.185(b)(2) is amended to read:

1 (2) a student, intern or resident in psychology pursuing a
2 course of study approved by the department [BOARD] as qualified training
3 and experience for counseling, if his activities constitute a part of
4 his supervised course of study;

5 * Sec. 17. AS 08.86.220 is amended to read:

6 Sec. 08.86.220. LIMITS OR CONDITIONS ON LICENSE; DISCIPLINE. (a)
7 Upon a finding that by reason of demonstrated problems of competence,
8 experience, education, or health the authority to practice psychology or
9 as a psychological associate under this chapter should be limited or
10 conditioned or the practitioner disciplined, the department [BOARD] may
11 reprimand, censure, place on probation, restrict practice by time,
12 specialty, procedure or facility, require additional education or train-
13 ing, or revoke or suspend a license.

14 (b) The Administrative Procedure Act (AS 44.62) applies to any
15 action taken by the department [BOARD] under this section.

16 * Sec. 18. AS 08.86.230(10) is amended to read:

17 (10) "private agency" means a clinic or private practice under
18 the direction of a licensed psychologist, psychiatrist, or a custodial,
19 rehabilitative or health care organization which is acceptable to the
20 department [BOARD];

21 * Sec. 19. REPEALER. AS 08.01.010(15), AS 08.03.010(a)(9), AS 08.86.-
22 010 -08.86.030, 08.86.090 and 08.86.230(3) are repealed.

23 * Sec. 20. EFFECTIVE DATE. Section 1 of this Act takes effect immedi-
24 ately in accordance with AS 01.10.070(c). Sections 2 - 19 of this Act take
25 effect January 1, 1981.

When the House Finance Committee considered and approved its version of the fiscal year 1986 budget it did not have in its possession the several bills which constitute the "budget" package for various boards and commissions. As a result the question of whether to provide the proposed public service by the various boards was not addressed. The Senate in its version of the budget approved the addition of the following positions in the occupational licensing program:

18,700	Additional Support Tech II, Junior
18,700	Chief Typist III, Rochester
31,000	Special Investigator, Rochester
69,300	

The House Finance Committee now wishes to support before the full House and the House conference on the budget a request that these new positions be approved for inclusion in the fiscal year 1986 budget for occupational licensing. The Division of Occupational Licensing shall report to the General Session of the House on the results of its efforts to correct positions found objectionable and cost reductions of the various legislative bodies and committees reported to House and conference. This request applies equally to those boards approved for continuation this year and those under review during the budget year.

House Finance Committee
[Handwritten Signature]
[Handwritten Signature]

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST House Committee Substitute for Senate Bill 241, 242, 243, 244, 245,
Bill/Resolution No. 246, 247, and 248. House Bill 446 and 447.
Title Acts relating to Sunset Legislation
Requested by Finance Committee Date 4/24/79

II. FISCAL DETAIL
Agency Affected Commerce and Economic Development
Program Category Affected Public Protection
Budget Request Unit(s) Affected Regulation and Licensing of Professions

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	-0-	-0-	23.4	50.0	52.7	56.0
200 TRAVEL	-0-	-0-	(9.5)	(20.1)	(21.3)	(22.6)
300 CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	3.4	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	17.3	29.9	31.4	33.4

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	17.3	29.9	31.4	33.4
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify)	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

FULL TIME	-0-	-0-	-0-	2	2	2
PART TIME	-0-	-0-	2	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

See attached analysis

IV. DATE 4/24/79

PREPARED BY Don Hostak, Director
AGENCY Occupational Licensing
PHONE 465-2534

Original: Legislative Finance
cc: Budget and Management

In regard to the termination of seven health care boards effective January 1, 1981 and the resulting assumption of the licensing function by the Division of Occupational Licensing, it is difficult to estimate fiscal impact at this time. However, overall results are estimated to be:

1. Elimination of board meetings
(travel and per diem)
2. Elimination of Practical examinations on:
 - a. Chiropractors
 - b. Optometrists
 - c. Veterinarians
 - d. Dispensing Opticians
3. Licensure would be by
 - a. National examination (4 boards currently use)
 - b. State examination (7 boards currently use)
 - c. Educational requirements; or
 - d. Endorsement

The period prior to termination will be used to work with the boards in updating statutes and regulations in order to define set criteria for licensure and regulation of each profession. If problems arise after transfer of this function, assistance could be obtained from State Professional Associations and/or former board members.

Two additional support personnel (R-12's) would be needed to complement current staff. License examiners would be relieved of some duties currently being performed for board members. These duties would be replaced by detailed review and licensure of applicants.

Analysis:

Personnel Services

For FY81 (2) full time positions for only half the year at R-12 with Benefits = \$3,028, FICA = \$1588 and Health Insurance = \$1716 \$23,444

For FY 82 and every year thereafter (2) full time positions for full years at R-12 with Benefits, FICA and Health Insurance \$49,701

A 6% inflation rate is used for FY83 and 84.

Travel

Travel expenditures were estimated for FY80. To estimate travel savings for FY81 half of FY80 figures were used being as the boards will continue through half of the year. The savings for FY82, FY83 and FY84 will be double of FY81 plus a 6% inflation rate.

Travel for FY81 by board is estimated to be:

Psychology	2.2
Nursing	-0-
Dental	-0-
Chiropractor	1.6
Veterinary	1.1
Phy. Therapy	.9
Disp. Optician	.8
Optometry	.9
Pharmacy	-0-
Medical	-0-
Nursing H. Admin.	2.0
	(9.5)

Equipment

For FY81 and only that year the estimated cost to equip the 2 R-12 positions would be:

2 desks 70 X 36	\$370 ea.
2 credenza 19 X 36	295 ea.
2 file cabinets	172 ea.
2 chairs posture	91 ea.
2 typewriters	706 ea.
2 type tables	62 ea.
	<u>\$3,392 Total</u>

HOUSE JOURNAL

LETTER OF INTENT

FOR

HCS FOR SB 241, 242, 243, 244, 245, 247 & 248
and
SB 246 and HB 446 & 447

(SUNSET LEGISLATION)

When the House Finance Committee considered and approved its version of the Fiscal Year 1980 budget it did not have in its possession the several measures constituting the "Sunset" package for various boards and commissions. As a result the question of staffing to provide improved public service by the surviving boards was not addressed. The Senate in its version of the budget approved the addition of the following positions in the Occupational Licensing program:

Administrative Support Tech II, Juneau	18,700
Clerk Typist III, Anchorage	18,700
Special Investigator, Anchorage	<u>31,900</u>
	69,300

The House Finance Committee now wishes to support before the full House and the House conferees on the budget a request that these new positions be approved for inclusion in the Fiscal Year 1980 budget for Occupational Licensing.

The Division of Occupational Licensing shall report to the Second Session of the Eleventh Legislature the results of its efforts to correct practices found objectionable and meet requirements of the various legislative audits and committee reports pertaining to boards and commissions. This requirement applies equally to those boards approved for continuation this year and those under review during the budget year.


House Finance Committee

**THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE**

FISCAL NOTE

I. REQUEST House Committee Substitute for Senate Bill 241, 242, 243, 244, 245, Bill/Resolution No. 246, 247, and 248. House Bill 446 and 447.

Title Acts relating to Sunset Legislation

Requested by Finance Committee

Date 4/24/79

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Program Category Affected Public Protection

Budget Request Unit(s) Affected Regulation and Licensing of Professions

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III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

See attached analysis

IV. DATE 4/24/79

PREPARED BY Don Hostak, Director

AGENCY Occupational Licensing

PHONE 465-2534

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

In regard to the termination of seven health care boards effective January 1, 1981 and the resulting assumption of the licensing function by the Division of Occupational Licensing, it is difficult to estimate fiscal impact at this time. However, overall results are estimated to be:

1. Elimination of board meetings
(travel and per diem)
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The period prior to termination will be used to work with the boards in updating statutes and regulations in order to define set criteria for licensure and regulation of each profession. If problems arise after transfer of this function, assistance could be obtained from State Professional Associations and/or former board members.

Two additional support personnel (R-12's) would be needed to complement current staff. License examiners would be relieved of some duties currently being performed for board members. These duties would be replaced by detailed review and licensure of applicants.

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2 type tables	62 ea.
	<u>\$3,392 Total</u>



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CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

3/20/90
Date

Introduced: 4/5/79
Referred: Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 447

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act terminating the existence of the Board of
7 Nursing Home Administrators on January 1, 1981 and re-
8 assigning its responsibilities to the Department of
9 Commerce and Economic Development; and providing for an
10 effective date."

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

12 * Section 1. TERMINATION OF BOARD OF NURSING HOME ADMINISTRATORS. Not-
13 withstanding the provisions of AS 08.03.010, the Board of Nursing Home
14 Administrators will continue in existence until January 1, 1981, and after
15 that date the Department of Commerce and Economic Development will have
16 jurisdiction over the licensing of nursing home administrators under the
17 provisions of AS 08.70.005 - 08.70.190. During the period until January 1,
18 1981, the members of the board will facilitate the orderly transfer of func-
19 tions and responsibilities of the board to the department. Nothing in this
20 Act or AS 08.03.010 reduces or limits the authority of the board under
21 AS 08.70.010 - 08.70.190 before January 1, 1981.

22 * Sec. 2. AS 08.01.010 is amended by adding a new subsection to read:

23 (b) This chapter applies to the responsibilities of the department
24 over licensing and regulation of nursing home administrators (AS 08.70.-
25 005).

26 * Sec. 3. AS 08.01.050(b) is amended to read:

27 (b) The form and content of a license [,] authorized under AS 08
28 [BY A BOARD LISTED IN AS 08.01.010], including any document evidencing
29 renewal of a license, shall be determined by the department after con-

1 sultation with and consideration of the views of any [THE] board con-
2 cerned.

3 * Sec. 4. AS 08.70 is amended by adding a new section to read:

4 Sec. 08.70.005. AUTHORITY OF DEPARTMENT. The department has
5 jurisdiction over the licensing and regulation of nursing home adminis-
6 trators under this chapter.

7 * Sec. 5. AS 08.70.050 is amended to read:

8 Sec. 08.70.050. DUTIES AND POWERS OF THE DEPARTMENT [BOARD]. (a)
9 The department [BOARD] shall

10 (1) adopt standards for licensing nursing home administrators
11 to insure that licensees have knowledge and experience in health care
12 and institutional administration necessary for competent administrators,
13 and update the standards when necessary;

14 (2) examine, license, and renew the licenses of qualified
15 persons;

16 (3) establish procedures to insure that licensees continue to
17 uphold the department's [BOARD'S] standards; revoke, suspend, or refuse
18 to renew licenses of persons who fail to uphold the standards;

19 (4) adopt criteria for educational programs for persons
20 preparing for the licensing examination and for the continuing education
21 of licensees; review the educational programs available in the state and
22 accredit the programs meeting the criteria [;

23 (5) KEEP A RECORD OF ITS PROCEEDINGS AND SUBMIT ANNUAL
24 REPORTS TO THE GOVERNOR AND THE LEGISLATURE].

25 (b) The department [BOARD] may adopt regulations necessary for the
26 performance of its duties and to meet the requirements of Title 19 of
27 the Social Security Act, the federal rules promulgated under it, and
28 other federal requirements.

29 * Sec. 6. AS 08.70.070 is amended to read:

1 [BOARD] determines the content, scope, format, and grading procedure.
2 Examinations shall be given at least annually, at the time and place
3 chosen by the department [BOARD].

4 * Sec. 10. AS 08.70.130(a) is amended to read:

5 (a) A provisional license may be granted without examination to a
6 person who meets the standards adopted by the department [BOARD] under
7 AS 08.70.050 and who is needed to fill a vacancy in an administrative
8 position.

9 * Sec. 11. AS 08.70.140(b) is amended to read:

10 (b) An administrator may apply for renewal of his license by
11 submitting an application for renewal to the department [BOARD]; appli-
12 cation forms for renewal are provided by the department.

13 * Sec. 12. AS 08.70.180(3) and (4) are amended to read:

14 (3) "license" means the certificate awarded by the department
15 [BOARD] to a qualified person which entitles him to be a nursing home
16 administrator in this state;

17 (4) "licensee" means a person who has been granted a license
18 to be a nursing home administrator in this state by the department
19 [BOARD];

20 * Sec. 13. REPEALER. AS 08.03.010(a)(10), AS 08.70.010 - 08.70.040,
21 08.70.050(a)(5) 08.70.060, and 08.70.180(1) are repealed.

22 * Sec. 14. EFFECTIVE DATE. Section 1 of this Act takes effect immedi-
23 ately in accordance with AS 01.10.070(c). Sections 2 - 13 of this Act take
24 effect January 1, 1981.

**THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE**

FISCAL NOTE

I. REQUEST House Committee Substitute for Senate Bill 241, 242, 243, 244, 245,
Bill/Resolution No. 246, 247, and 248. House Bill 446 and 447.
Title Acts relating to Sunset Legislation
Requested by Finance Committee Date 4/24/79

II. FISCAL DETAIL
Agency Affected Commerce and Economic Development
Program Category Affected Public Protection
Budget Request Unit(s) Affected Regulation and Licensing of Professions

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	-0-	-0-	23.4	50.0	52.7	56.0
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400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
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600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	17.3	29.9	31.4	33.4

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	17.3	29.9	31.4	33.4
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify)	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

FULL TIME	-0-	-0-	-0-	2	2	2
PART TIME	-0-	-0-	2	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

See attached analysis

IV. DATE 4/24/79 **PREPARED BY** Don Hostak, Director
AGENCY Occupational Licensing
PHONE 465-2534
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

In regard to the termination of seven health care boards effective January 1, 1981 and the resulting assumption of the licensing function by the Division of Occupational Licensing, it is difficult to estimate fiscal impact at this time. However, overall results are estimated to be:

1. Elimination of board meetings
(travel and per diem)
2. Elimination of Practical examinations on:
 - a. Chiropractors
 - b. Optometrists
 - c. Veterinarians
 - d. Dispensing Opticians
3. Licensure would be by
 - a. National examination (4 boards currently use)
 - b. State examination (7 boards currently use)
 - c. Educational requirements; or
 - d. Endorsement

The period prior to termination will be used to work with the boards in updating statutes and regulations in order to define set criteria for licensure and regulation of each profession. If problems arise after transfer of this function, assistance could be obtained from State Professional Associations and/or former board members.

Two additional support personnel (R-12's) would be needed to complement current staff. License examiners would be relieved of some duties currently being performed for board members. These duties would be replaced by detailed review and licensure of applicants.

Analysis:

Personnel Services

For FY81 (2) full time positions for only half the year at R-12 with Benefits = \$3,028, FICA = \$1588 and Health Insurance = \$1716 \$23,444

For FY 82 and every year thereafter (2) full time positions for full years at R-12 with Benefits, FICA and Health Insurance \$49,701

A 6% inflation rate is used for FY83 and 84.

Travel

Travel expenditures were estimated for FY80. To estimate travel savings for FY81 half of FY80 figures were used being as the boards will continue through half of the year. The savings for FY82, FY83 and FY84 will be double of FY81 plus a 6% inflation rate.

Travel for FY81 by board is estimated to be:

Psychology	2.2
Nursing	-0-
Dental	-0-
Chiropractor	1.6
Veterinary	1.1
Phy. Therapy	.9
Disp. Optician	.8
Optometry	.9
Pharmacy	-0-
Medical	-0-
Nursing H. Admin.	2.0
	(9.5)

Equipment

For FY81 and only that year the estimated cost to equip the 2 R-12 positions would be:

2 desks 70 X 36	\$370 ea.
2 credenza 19 X 36	295 ea.
2 file cabinets	172 ea.
2 chairs posture	91 ea.
2 typewriters	706 ea.
2 type tables	62 ea.
	<u>\$3,392 Total</u>

Introduced: 4/5/79
Referred: Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 447

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act terminating the existence of the Board of
7 Nursing Home Administrators on January 1, 1981 and re-
8 assigning its responsibilities to the Department of
9 Commerce and Economic Development; and providing for an
10 effective date."

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

12 * Section 1. TERMINATION OF BOARD OF NURSING HOME ADMINISTRATORS. Not-
13 withstanding the provisions of AS 08.03.010, the Board of Nursing Home
14 Administrators will continue in existence until January 1, 1981, and after
15 that date the Department of Commerce and Economic Development will have
16 jurisdiction over the licensing of nursing home administrators under the
17 provisions of AS 08.70.005 - 08.70.190. During the period until January 1,
18 1981, the members of the board will facilitate the orderly transfer of func-
19 tions and responsibilities of the board to the department. Nothing in this
20 Act or AS 08.03.010 reduces or limits the authority of the board under
21 AS 08.70.010 - 08.70.190 before January 1, 1981.

22 * Sec. 2. AS 08.01.010 is amended by adding a new subsection to read:

23 (b) This chapter applies to the responsibilities of the department
24 over licensing and regulation of nursing home administrators (AS 08.70.-
25 005).

26 * Sec. 3. AS 08.01.050(b) is amended to read:

27 (b) The form and content of a license [,] authorized under AS 08
28 [BY A BOARD LISTED IN AS 08.01.010], including any document evidencing
29 renewal of a license, shall be determined by the department after con-

1 sultation with and consideration of the views of any [THE] board con-
2 cerned.

3 * Sec. 4. AS 08.70 is amended by adding a new section to read:

4 Sec. 08.70.005. AUTHORITY OF DEPARTMENT. The department has
5 jurisdiction over the licensing and regulation of nursing home adminis-
6 trators under this chapter.

7 * Sec. 5. AS 08.70.050 is amended to read:

8 Sec. 08.70.050. DUTIES AND POWERS OF THE DEPARTMENT [BOARD]. (a)
9 The department [BOARD] shall

10 (1) adopt standards for licensing nursing home administrators
11 to insure that licensees have knowledge and experience in health care
12 and institutional administration necessary for competent administrators,
13 and update the standards when necessary;

14 (2) examine, license, and renew the licenses of qualified
15 persons;

16 (3) establish procedures to insure that licensees continue to
17 uphold the department's [BOARD'S] standards; revoke, suspend, or refuse
18 to renew licenses of persons who fail to uphold the standards;

19 (4) adopt criteria for educational programs for persons
20 preparing for the licensing examination and for the continuing education
21 of licensees; review the educational programs available in the state and
22 accredit the programs meeting the criteria [;

23 (5) KEEP A RECORD OF ITS PROCEEDINGS AND SUBMIT ANNUAL
24 REPORTS TO THE GOVERNOR AND THE LEGISLATURE].

25 (b) The department [BOARD] may adopt regulations necessary for the
26 performance of its duties and to meet the requirements of Title 19 of
27 the Social Security Act, the federal rules promulgated under it, and
28 other federal requirements.

29 * Sec. 6. AS 08.70.070 is amended to read:

1 Sec. 08.70.070. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.
2 The department [BOARD] shall comply with the Administrative Procedure
3 Act (AS 44.62).

4 * Sec. 7. AS 08.70.080 is amended to read:

5 Sec. 08.70.080. LICENSE REQUIRED. Only a licensed nursing home
6 administrator may manage, supervise, or be generally in charge of a
7 nursing home unless excepted by this chapter. Only a nursing home which
8 is supervised by a licensed nursing home administrator may operate in
9 Alaska unless specially excepted by the department [BOARD]. This sec-
10 tion does not apply to the Alaska Pioneers' Homes.

11 * Sec. 8. AS 08.70.110 is amended to read:

12 Sec. 08.70.110. LICENSING. (a) The department [BOARD] shall
13 license

14 (1) applicants who pass the written examination administered
15 by the department [BOARD] and meet the standards established by the
16 department [BOARD] under AS 08.70.050;

17 (2) persons licensed under emergency regulations 7AAC 12.045
18 promulgated in Register 51, July 8, 1974, who have practiced as adminis-
19 trators since licensing.

20 (b) The department [BOARD] may issue a license without examination
21 to a person holding a current license as a nursing home administrator
22 from another jurisdiction, if the department [BOARD] finds that the
23 standards for licensing in the other jurisdiction are substantially
24 equivalent to those in this state, and the person is otherwise quali-
25 fied.

26 * Sec. 9. AS 08.70.120 is amended to read:

27 Sec. 08.70.120. EXAMINATION. The purpose of the examination is to
28 test the applicant's knowledge of the health and safety standards of the
29 state and his experience in the practice of health care. The department

1 [BOARD] determines the content, scope, format, and grading procedure.
2 Examinations shall be given at least annually, at the time and place
3 chosen by the department [BOARD].

4 * Sec. 10. AS 08.70.130(a) is amended to read:

5 (a) A provisional license may be granted without examination to a
6 person who meets the standards adopted by the department [BOARD] under
7 AS 08.70.050 and who is needed to fill a vacancy in an administrative
8 position.

9 * Sec. 11. AS 08.70.140(b) is amended to read:

10 (b) An administrator may apply for renewal of his license by
11 submitting an application for renewal to the department [BOARD]; appli-
12 cation forms for renewal are provided by the department.

13 * Sec. 12. AS 08.70.180(3) and (4) are amended to read:

14 (3) "license" means the certificate awarded by the department
15 [BOARD] to a qualified person which entitles him to be a nursing home
16 administrator in this state;

17 (4) "licensee" means a person who has been granted a license
18 to be a nursing home administrator in this state by the department
19 [BOARD];

20 * Sec. 13. REPEALER. AS 08.03.010(a)(10), AS 08.70.010 - 08.70.040,
21 08.70.050(a)(5) 08.70.060, and 08.70.180(1) are repealed.

22 * Sec. 14. EFFECTIVE DATE. Section 1 of this Act takes effect immedi-
23 ately in accordance with AS 01.10.070(c). Sections 2 - 13 of this Act take
24 effect January 1, 1981.



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O Smith
Signature of Camera Operator

3/20/90
Date

COMMITTEE REPORT

HOUSE

FURTHER:

April 5, 1979

Date: _____

Mr. Speaker:

The Committee on FINANCE has had HB 448

"An Act continuing the existence of the Board of Dental Examiners and amending the laws regulating the practice of dentistry; eff. date."

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

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

6957
Bradley

Introduced: 4/5/79
Referred: Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 448

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act continuing the existence of the Board of Dental
7 Examiners and amending the laws regulating the practice
8 of dentistry; and providing for an effective date."

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

10 * Section 1. AS 08.03.010 is amended by adding a new subsection to read:

11 (f) The following board has the termination date provided by this
12 subsection: Board of Dental Examiners (AS 08.36.010) -- June 30, 1981.

13 * Sec. 2. AS 08.36.010 is amended to read:

14 Sec. 08.36.010. CREATION AND MEMBERSHIP OF BOARD. There is
15 created the Board of Dental Examiners, referred to in this chapter as
16 the board, consisting of seven members. Three [FIVE] members shall be
17 qualified resident dentists who have been engaged in the practice of
18 dentistry in the state for five years immediately preceding appointment,
19 one member shall be a dental hygienist licensed under AS 08.32, and
20 three members [ONE MEMBER] with no direct financial interest in the
21 health care industry.

22 * Sec. 3. AS 08.36.020 is amended to read:

23 Sec. 08.36.020. APPOINTMENT AND TERM OF SERVICE OF MEMBERS.
24 Members of the board are appointed by the governor, subject to confirma-
25 tion by the legislature in joint session. Each board member serves
26 staggered terms [FOR A TERM] of four [FIVE] years, and until his suc-
27 cessor is appointed and qualified. The term begins on February 1. An
28 appointment to a vacancy is for the unexpired term.

29 * Sec. 4. AS 08.36 is amended by adding new sections to read:

HB 448

1 Sec. 08.36.025. LIMITATION ON TERM OF SERVICE. A board member may
2 not serve more than two consecutive terms. Time served in filling an
3 unexpired vacancy of two years or less is not considered a term.

4 Sec. 08.36.205. LICENSING BY ENDORSEMENT. The board may waive the
5 examination requirement for an applicant who meets the requirements of
6 AS 08.36.110, pays the required fee, and has an active license from a
7 board of dental examiners established under the laws of a state or
8 territory of the United States which has requirements for licensing
9 equivalent to those of this state.

10 * Sec. 5. AS 08.03.010(c) is amended to read:

11 (c) Upon termination, each board listed in [(a) AND (b) OF] this
12 section shall continue in existence until June 30 of the next succeeding
13 year for the purpose of concluding its affairs. During this period,
14 termination does not reduce or otherwise limit the powers or authority
15 of each board. One year after the date of termination, a board not
16 continued shall cease all activities.

17 * Sec. 6. An incumbent member does not lose membership on the board
18 because of the reallocation of the membership enacted in sec. 2 of this Act,
19 but all appointments after the effective date of this Act must be consistent
20 with AS 08.36.010.

21 * Sec. 7. AS 08.03.010(a)(2) is repealed.

22 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
23 070(c).

ALASKA STATE LEGISLATURE

ELEVENTH Legislature FIRST Session

HOUSE BILL NO. 448...

By THE COMMERCE COMMITTEE

"An Act continuing the existence of the Board of Dental Examiners and amending the laws regulating the practice of dentistry; and providing for an effective date."

Board of Dental Examiners

Introduced in the House 4-5, 19... 79

HISTORY IN THE HOUSE

19 79

April 5

Read first time and referred to Committee on

Finance

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by Speaker
Sent to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by President
Returned to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Received from Senate

Concurred in Senate amendment thus adopting:
VOTE

Failed to concur in Senate amendment; asked Senate to recede
VOTE

Senate receded from amendment
VOTE

Senate failed to recede from amendment
VOTE

CC appointed by House

CC appointed by Senate

CC adopted by House
VOTE

CC adopted by Senate
VOTE

To enrolling
Reported correctly enrolled
Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.

Introduced: 4/5/79
Referred: Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 448

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act continuing the existence of the Board of Dental
7 Examiners and amending the laws regulating the practice
8 of dentistry; and providing for an effective date."

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

10 * Section 1. AS 08.03.010 is amended by adding a new subsection to read:

11 (f) The following board has the termination date provided by this
12 subsection: Board of Dental Examiners (AS 08.36.010) -- June 30, 1981.

13 * Sec. 2. AS 08.36.010 is amended to read:

14 Sec. 08.36.010. CREATION AND MEMBERSHIP OF BOARD. There is
15 created the Board of Dental Examiners, referred to in this chapter as
16 the board, consisting of seven members. Three [FIVE] members shall be
17 qualified resident dentists who have been engaged in the practice of
18 dentistry in the state for five years immediately preceding appointment,
19 one member shall be a dental hygienist licensed under AS 08.32, and
20 three members [ONE MEMBER] with no direct financial interest in the
21 health care industry.

22 * Sec. 3. AS 08.36.020 is amended to read:

23 Sec. 08.36.020. APPOINTMENT AND TERM OF SERVICE OF MEMBERS.
24 Members of the board are appointed by the governor, subject to confirma-
25 tion by the legislature in joint session. Each board member serves
26 staggered terms [FOR A TERM] of four [FIVE] years, and until his suc-
27 cessor is appointed and qualified. The term begins on February 1. An
28 appointment to a vacancy is for the unexpired term.

29 * Sec. 4. AS 08.36 is amended by adding new sections to read:

1 Sec. 08.36.025. LIMITATION ON TERM OF SERVICE. A board member may
2 not serve more than two consecutive terms. Time served in filling an
3 unexpired vacancy of two years or less is not considered a term.

4 Sec. 08.36.205. LICENSING BY ENDORSEMENT. The board may waive the
5 examination requirement for an applicant who meets the requirements of
6 AS 08.36.110, pays the required fee, and has an active license from a
7 board of dental examiners established under the laws of a state or
8 territory of the United States which has requirements for licensing
9 equivalent to those of this state.

10 * Sec. 5. AS 08.03.010(c) is amended to read:

11 (c) Upon termination, each board listed in [(a) AND (b) OF] this
12 section shall continue in existence until June 30 of the next succeeding
13 year for the purpose of concluding its affairs. During this period,
14 termination does not reduce or otherwise limit the powers or authority
15 of each board. One year after the date of termination, a board not
16 continued shall cease all activities.

17 * Sec. 6. An incumbent member does not lose membership on the board
18 because of the reallocation of the membership enacted in sec. 2 of this Act,
19 but all appointments after the effective date of this Act must be consistent
20 with AS 08.36.010.

21 * Sec. 7. AS 08.03.010(a)(2) is repealed.

22 * Sec. 8. This Act takes effect immediately in accordance with AS 01.10.-
23 070(c).



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O Smith
Signature of Camera Operator

3/20/90
Date

COMMITTEE REPORT HOUSE

FURTHER:

April 6, 1979

Date: _____

Mr. Speaker:

The Committee on FINANCE has had HB 450

"An Act continuing the existence of the State Medical Board and amending the laws regulating the medical profession; eff. date."

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

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

6780
Brodney

Introduced: 4/6/79
Referred: Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 450

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act continuing the existence of the State Medical
7 Board and amending the laws regulating the medical
8 profession; and providing for an effective date."

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

10 * Section 1. AS 08.03.010 is amended by adding a new subsection to read:

11 (f) The following board has the termination date provided by this
12 subsection: State Medical Board (AS 08.64.010) -- June 30, 1980.

13 * Sec. 2. AS 08.64.010 is amended to read:

14 Sec. 08.64.010. CREATION AND MEMBERSHIP OF STATE MEDICAL BOARD.
15 The governor shall appoint a board of medical examiners, to be known as
16 the State Medical Board, consisting of four [FIVE] licensed physicians,
17 residing in as many separate Alaska judicial districts as possible, and
18 three [TWO] persons with no direct financial interest in the health care
19 industry.

20 * Sec. 3. AS 08.64.020 is amended to read:

21 Sec. 08.64.020. STATE MEDICAL BOARD TERM OF OFFICE. Members shall
22 be appointed for staggered terms [A TERM] of four years, subject to
23 confirmation by a majority of the members of the legislature in joint
24 session, and shall hold office until their successors are appointed and
25 qualified. The terms of the public members of the board shall be
26 staggered so that they do not expire at the same time.

27 * Sec. 4. AS 08.64 is amended by adding a new section to read:

28 Sec. 08.64.025. LIMITATION ON TERMS. A board member may not serve
29 more than two consecutive terms. Time served in filling an unexpected

1 vacancy of two years or less is not considered a term.

2 * Sec. 5. AS 08.64 is amended by adding a new section to read:

3 Sec. 08.64.075. EXECUTIVE OFFICER OF THE BOARD. (a) The depart-
4 ment, in consultation with the board, shall employ an individual who is
5 not a member of the board to serve as executive officer of the board.

6 (b) The executive officer shall

7 (1) perform the administrative duties required by this chap-
8 ter and the department;

9 (2) carry out regulations and policy decisions made by the
10 board;

11 (3) assist the board in conducting examinations, continuing
12 education programs, and other administrative work for the board.

13 * Sec. 6. AS 08.03.010(c) is amended to read:

14 (c) Upon termination, each board listed in [(a) ND (b) OF] this
15 section shall continue in existence until June 30 of the next succeeding
16 year for the purpose of concluding its affairs. During this period,
17 termination does not reduce or otherwise limit the powers or authority
18 of each board. One year after the date of termination, a board not
19 continued shall cease all activities.

20 * Sec. 7. An incumbent member does not lose membership on the State
21 Medical Board because of the reallocation of the membership enacted by sec. 2
22 of this Act but appointments after the effective date of this Act must be
23 consistent with AS 08.64.010.

24 * Sec. 8. AS 08.03.010(a)(3) is repealed.

25 * Sec. 9. This Act takes effect immediately in accordance with AS 01.10.-
26 070(c).

ALASKA STATE LEGISLATURE

ELEVENTH Legislature FIRST Session

HOUSE ...BILL..... NO. 450..

By ...THE .COMMERCE .COMMITTEE..

"An Act continuing the existence of the State Medical Board and amending the laws regulating the medical profession; and providing for an effective date."

State Medical Board

Introduced in the House ...4-6..., 19..79

HISTORY IN THE HOUSE

19 79	Read first time and referred to Committee on Finance																						
April 6	Reported back with recommendation that																						
	Read second time and																						
	Read third time and																						
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> <tr> <td colspan="2">Reconsideration</td> </tr> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused	Reconsideration		PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
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Nays	Nays																						
Absent	Absent																						
Excused	Excused																						
	Reported correctly engrossed Signed by Speaker Sent to Senate																						
CHIEF CLERK OF THE HOUSE																							

HISTORY IN THE SENATE

19	Read first time and referred to Committee on																						
	Reported back with recommendation that																						
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	Reported correctly engrossed Signed by President Returned to House																						
SECRETARY OF THE SENATE																							

HISTORY IN THE HOUSE

19	Received from Senate
	Concurred in Senate amendment thus adopting: VOTE
	Failed to concur in Senate amendment; asked Senate to recede VOTE
	Senate receded from amendment VOTE
	Senate failed to recede from amendment VOTE
	CC appointed by House
	CC appointed by Senate
	CC adopted by House VOTE
	CC adopted by Senate VOTE
	To enrolling Reported correctly enrolled Sent to Governor
 by Governor
	Filed with Lt. Governor
	Chapter No.

Introduced: 4/6/79
Referred: Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 450

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act continuing the existence of the State Medical
7 Board and amending the laws regulating the medical
8 profession; and providing for an effective date."

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

10 * Section 1. AS 08.03.010 is amended by adding a new subsection to read:

11 (f) The following board has the termination date provided by this
12 subsection: State Medical Board (AS 08.64.010) -- June 30, 1980.

13 * Sec. 2. AS 08.64.010 is amended to read:

14 Sec. 08.64.010. CREATION AND MEMBERSHIP OF STATE MEDICAL BOARD.

15 The governor shall appoint a board of medical examiners, to be known as
16 the State Medical Board, consisting of four [FIVE] licensed physicians,
17 residing in as many separate Alaska judicial districts as possible, and
18 three [TWO] persons with no direct financial interest in the health care
19 industry.

20 * Sec. 3. AS 08.64.020 is amended to read:

21 Sec. 08.64.020. STATE MEDICAL BOARD TERM OF OFFICE. Members shall
22 be appointed for staggered terms [A TERM] of four years, subject to
23 confirmation by a majority of the members of the legislature in joint
24 session, and shall hold office until their successors are appointed and
25 qualified. The terms of the public members of the board shall be
26 staggered so that they do not expire at the same time.

27 * Sec. 4. AS 08.64 is amended by adding a new section to read:

28 Sec. 08.64.025. LIMITATION ON TERMS. A board member may not serve
29 more than two consecutive terms. Time served in filling an unexpected

1 vacancy of two years or less is not considered a term.

2 * Sec. 5. AS 08.64 is amended by adding a new section to read:

3 Sec. 08.64.075. EXECUTIVE OFFICER OF THE BOARD. (a) The depart-
4 ment, in consultation with the board, shall employ an individual who is
5 not a member of the board to serve as executive officer of the board.

6 (b) The executive officer shall

7 (1) perform the administrative duties required by this chap-
8 ter and the department;

9 (2) carry out regulations and policy decisions made by the
10 board;

11 (3) assist the board in conducting examinations, continuing
12 education programs, and other administrative work for the board.

13 * Sec. 6. AS 08.03.010(c) is amended to read:

14 (c) Upon termination, each board listed in [(a) AND (b) OF] this
15 section shall continue in existence until June 30 of the next succeeding
16 year for the purpose of concluding its affairs. During this period,
17 termination does not reduce or otherwise limit the powers or authority
18 of each board. One year after the date of termination, a board not
19 continued shall cease all activities.

20 * Sec. 7. An incumbent member does not lose membership on the State
21 Medical Board because of the reallocation of the membership enacted by sec. 2
22 of this Act but appointments after the effective date of this Act must be
23 consistent with AS 08.64.010.

24 * Sec. 8. AS 08.03.010(a)(3) is repealed.

25 * Sec. 9. This Act takes effect immediately in accordance with AS 01.10.-
26 070(c).



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

Jamod O Smith
Signature of Camera Operator

3/20/90
Date

COMMITTEE REPORT HOUSE

FURTHER:

4/18/79

Date: _____

Mr. Speaker:

The Committee on FINANCE has had HB 451

"An Act making a special appropriation to the Department of Health and Social Services for a grant to the Municipality of Anchorage for supplemental transportation service for the handicapped; eff. date."

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

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

70 37
Bradley

Introduced: 4/9/79
Referred: Health, Education &
Social Services and Finance

<u>Funding Information</u>	
General Fund	\$100,000
Other Funds	-0-
	<u>\$100,000</u>

BY BUCHHOLDT, MUNSON AND
PARKER BY BUCHHOLDT

1 IN THE HOUSE

2 HOUSE BILL NO. 451

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Health and Social Services for a grant to the
8 Municipality of Anchorage for supplemental transporta-
9 tion service for the handicapped; and providing for an
10 effective date."

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

12 * Section 1. The sum of \$100,000 is appropriated from the general fund to
13 the Department of Health and Social Services for a grant to the Municipality
14 of Anchorage for the operation of a supplemental transportation service for
15 the handicapped.

16 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
17 070(c).

29

ALASKA STATE LEGISLATURE

ELEVENTH Legislature FIRST Session

HOUSE ... BILL NO. ... 451.

By .. BUCHHOLDT... MUNSON.....

PARKER

"An Act making a special appropriation to the Department of Health and Social Services for a grant to the Municipality of Anchorage for supplemental transportation service for the handicapped; and providing for an effective date."

Transportation service for the handicapped

Introduced in the House ... 4-9, 19... 79

HISTORY IN THE HOUSE

19 79	Read first time and referred to Committee on										
April 9	HESS and Finance										
	Reported back with recommendation that										
	Read second time and										
	Read third time and										
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
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	Reconsideration										
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Yeas	Yeas										
Nays	Nays										
Absent	Absent										
Excused	Excused										
	Reported correctly engrossed										
	Signed by Speaker										
	Sent to Senate										
	CHIEF CLERK OF THE HOUSE										

HISTORY IN THE SENATE

19	Read first time and referred to Committee on										
	Reported back with recommendation that										
	Read second time and										
	Read third time and										
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
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	Reported correctly engrossed										
	Signed by President										
	Returned to House										
	SECRETARY OF THE SENATE										

HISTORY IN THE HOUSE

19	Received from Senate
	Concurred in Senate amendment thus adopting: VOTE
	Failed to concur in Senate amendment; asked Senate to recede VOTE
	Senate receded from amendment VOTE
	Senate failed to recede from amendment VOTE
	CC appointed by House
	CC appointed by Senate
	CC adopted by House VOTE
	CC adopted by Senate VOTE
	To enrolling Reported correctly enrolled Sent to Governor by Governor
	Filed with Lt. Governor
	Chapter No.

Introduced: 4/9/79
Referred: Health, Education &
Social Services and Finance

Funding Information
General Fund \$100,000
Other Funds -0-
\$100,000

BY BUCHHOLDT, MUNSON AND
PARKER

1 IN THE HOUSE

2 HOUSE BILL NO. 451

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Health and Social Services for a grant to the
8 Municipality of Anchorage for supplemental transporta-
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14 of Anchorage for the operation of a supplemental transportation service for
15 the handicapped.

16 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
17 070(c).
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RECORDS CERTIFICATION



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James O Smith
Signature of Camera Operator

3/20/90
Date

HOUSE
JOURNAL SUPPLEMENT

March 15, 1979

Thursday

No. 29

March 14, 1979

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Speaker:

Your House Commerce Committee has had under consideration for "Sunset" review the Board of Nursing pursuant to your referral under AS 44.66.050 and AS 08.03.010.

In accordance with the statutory requirements, a public hearing was held on the review of this board, at which written testimony of the Commissioner of the Department of Commerce and Economic Development was received and representatives of the Division of Occupational Licensing of that Department were available for questioning by the committee. Members of the board testified in person or by teleconference. The committee considered the proposed budget of the board for FY 1980, and particularly examined the performance audit of the activities of the board prepared by the Legislative Audit Division.

Guided in part by the report prepared by the Legislative Audit Division, the committee took into consideration the factors required to be considered under AS 44.66.050(c).

Your Commerce Committee thereby makes the following findings:

The Commerce Committee concurs in the nine findings made by the Division of Legislative Audit in considering the factors required for consideration under AS 44.66.050(c), as they appear on pages 13-15 of the Performance Review of the Board of Nursing prepared by the Division of Legislative Audit, dated October 6, 1978, which is hereby incorporated by reference as though fully set out herein.

In brief, the committee concurred with most of the Legislative Audit findings, which generally found the Board of Nursing to be the best-performing of all of the health regulatory boards reviewed this year, and the most responsive to and perceptive of the public need. However, some criticisms were offered by Legislative Audit. The bulk of these related more to past poor performance by the Division of Occupational Licensing in supporting the board than to the board's activities. However, Legislative Audit did criticize the board for not yet adopting regulations requiring continuing education for the nursing profession in the Division's response to factor (7) found under 44.66.050(c).

Also, the Audit Division criticized the Board of Nursing under the consideration in 44.66.050(c)(8) regarding the extent to which State Personnel practices including affirmative action requirements have been complied with. The Audit Division found that nursing applications require unnecessary information such as an applicant's photograph, marital status and spouse's name, and that this is in violation of equal employment opportunity requirements.

Most of the other criticisms of the Audit Division were minor, and are being addressed by the Board of Nursing in a manner satisfactory to the committee if the demonstrated concern continues.

Therefore, pursuant to 44.66.050(d) the Committee on Commerce of the Alaska State House of Representatives offers the following summary and recommendations:

The Board of Nursing addresses a very real need with regard to maintaining and assuring the provision of adequate nursing health skills in Alaska. Their conduct has been of such a nature to insure entrance into the field of qualified professionals. The nature of the healing art involved is highly advanced and complex, to such a degree that it is not appropriate to eliminate this board and have the licensing function carried out by the Division of Occupational Licensing using objective criteria and nationally available materials, as seems appropriate for some of the other boards.

The board is expected under the law to assure that the highest level of health care service in the nursing field can be provided to the residents of the state of Alaska. This objective is being observed, and, unlike some other boards, there does not seem to be an overt or extensive amount of "turf-protection" in the activities of the board when reviewing applicants. There are no other programs that really have conflicting or duplicative objectives with regard to this profession, and alternative methods involving elimination of the board do not seem appropriate to the committee in light of the advanced nature of the healing art involved.

It would not be appropriate, in the view of the committee, to eliminate the board or to consolidate its activities with any other program except to the extent that it already works with the Division of Occupational Licensing and other State agencies. Its closest companion is the Board of Medical Examiners, and substantial difficulties have occurred in the relationship between the two boards, not the result of any fault on the part of the Board of Nursing. Therefore, the committee feels that it has adequately addressed the recommendations and categories required under 44.66.050(d), and offers several further recommendations.

If the board finds that it is absolutely necessary to obtain information about an applicant that goes beyond professional qualifications, including a photograph, for identification purposes (that is, to assure that one person is not using another's credentials and identification in order to be admitted to practice), then the review of the identification should be done in a ministerial fashion entirely separate from consideration of the application on its merits and consideration of performance on any examination. The board should also follow up the recommended statutory changes which it expects to offer in fall of 1979. Otherwise, they may be lost in the bureaucratic maze and never brought to the attention of the Legislature. This has happened before with regard to other boards and commissions.

Generally, the Committee on Commerce of the Alaska State House of Representatives has found that as to the four healing arts whose boards are recommended for retention, the Board of Nursing, the Alaska State Medical Board, the Alaska State Board of Dental Examiners, and the Board of Pharmacy, certain public policy considerations apply to all four. These can be addressed by the statutory changes which will be indicated in the bills to be introduced by the Commerce Committee to continue these boards.

With regard to all four boards, terms should be adjusted to four-year terms, staggered, and no member should serve more than two consecutive four-year terms.

The makeup of the boards should be adjusted to provide for more lay participation. Each of the four boards is presently constituted with five admitted professionals and two lay-persons. The law should be changed to provide for a ratio of four professionals to three lay members.

Lengthy tenure on a regulatory board results in a proprietary attitude, just considering human nature. Very often, the board member who has served for ten or fifteen years (or more, in the case of the Board of Pharmacy) often may "second-guess" the regulatory scheme and decide that his view is the law rather than the provisions of Title 8 established by the Legislature. Also, although no actual abuse was found in current situations, the prospect for abuse by a long-tenured professional on the board to "protect his turf" is very real.

Staggered terms, with adequate and timely attention to appointment needs by the executive, assures a continuity in the activities of the boards.

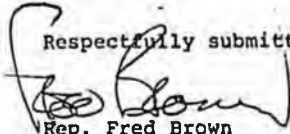
Expanding the number of lay persons on the boards tends to reduce the likelihood of turf protection or exclusionary activities relating to admission into the profession, and tends to assure that the board is protecting the public and not protecting the already-admitted members of the profession.

The Commerce Committee recommends that, with the changes stated in this report, the Board of Nursing continue for another four years, that is, that the repealer with regard to the activities of that board be amended to read June 30, 1983. Also, the Board of Nursing should be given exclusive jurisdiction as to the regulation of advanced nurse practitioners.

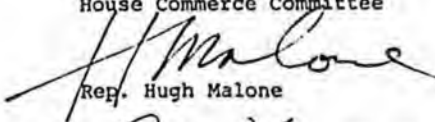
A bill will be introduced by the Commerce Committee facilitating the changes and recommendations in this report.

Mr. Randolph does not join in the majority of the committee on our reports on the eleven health boards, and has filed a minority report herewith.

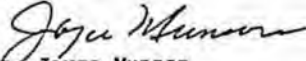
Respectfully submitted,



Rep. Fred Brown
Chairman
House Commerce Committee



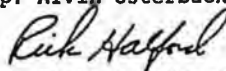
Rep. Hugh Malone



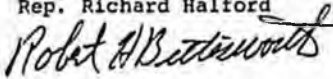
Rep. Joyce Munson



Rep. Alvin Osterback



Rep. Richard Halford



Rep. Robert H. Bettisworth

March 14, 1979

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Speaker:

Your House Commerce Committee has had under consideration for "Sunset" review the Board of Dental Examiners pursuant to your referral under AS 44.66.050 and AS 08.03.010.

In accordance with the statutory requirements, a public hearing was held on the review of this board, at which written testimony of the Commissioner of the Department of Commerce and Economic Development was received and representatives of the Division of Occupational Licensing of that Department were available for questioning by the committee. Members of the board testified in person or by teleconference. The committee considered the proposed budget of the board for FY 1980, and particularly examined the performance audit of the activities of the board prepared by the Legislative Audit Division.

Guided in part by the report prepared by the Legislative Audit Division, the committee took into consideration the factors required to be considered under AS 44.66.050(c).

Your Commerce Committee thereby makes the following findings:

The Commerce Committee generally concurs in the nine findings made by the Division of Legislative Audit in considering the factors required for consideration under AS 44.66.050(c), as they appear on pages 17-19 of the Performance Review of the Board of Dental Examiners prepared by the Division of Legislative Audit, dated August 9, 1978, which is hereby incorporated by reference as though fully set out herein.

In brief, the committee concurred with most of the Legislative Audit findings. Those findings are extremely critical of the board, and raised serious questions about its functioning. Since the report was issued and before the committee meeting, the board has attempted to address these problems. However, clearly many of the criticisms are still justifiable and should become a major concern for the board and for the Legislature. This, in part, is one of the reasons why the Commerce Committee is recommending only a two-year extension of the life of the board under the "Sunset" law, rather than the four-year extension which would be appropriate if there were no serious problems.

Our major concern is the allowance of entry into the profession of qualified practitioners, particularly practitioners who have already been licensed in other states. There should be statutory and regulatory changes to make sure that competent dentists would be licensed in Alaska, including particularly those who may already have been licensed and had some experience in another state. These changes would require a provision for licensing by "endorsement."

The above findings, including adoption of the findings of the Legislative Audit Division report, constitute compliance with AS 44.66.050(c) by this committee in the course of its review.

Many of the other criticisms of the board arise from problems caused by action or inaction of the Division of Occupational Licensing and its employees. The Division is presently attempting to address these problems, and has made some progress. Apparently the Board of Dental Examiners is taking a rather assertive stand with regard to the needed cooperation by the Division.

Pursuant to AS 44.66.050(d) the Committee on Commerce of the Alaska State House of Representatives offers the following summary and recommendations:

The Board of Dental Examiners is intended to address a real need with regard to the maintenance and assurance of adequate dental health skills in Alaska. However, the conduct of the board has not always been such as to assure entrance in the field of enough qualified professionals. The nature of the healing art involved is highly advanced and complex, to such a degree that it is not appropriate to eliminate this board and transfer the licensing function to the Division of Occupational Licensing totally. We have recommended this for some of the other health boards that do not so directly involve life and death situations for humans. This procedure does not seem appropriate for the Board of Dental Examiners.

The board is expected under the law to assure that the highest level of health care service in the dental field can be provided to the residents of the state of Alaska, and that sufficient practitioners are available for these needs. While the professional standards do not seem inadequate (although some question has been raised about the procedures used from time to time) there seems to be something of a "turf-protection" effect, whether intended by the members of the board or not. This is particularly true with regard to admission of already licensed dentists from other jurisdictions.

There are no other programs that really have conflicting or duplicative objectives with regard to this profession, and alternative methods involving elimination of the board do not seem appropriate to the committee in light of the advanced nature of the healing art involved.

It would not be appropriate, in the view of the committee, to eliminate the board or to consolidate its activities with any other program except to the extent that it already works with the Division of Occupational Licensing and other State agencies.

The above summary and recommendations adequately addresses the requirements of AS 44.66.050(d). We now offer several further recommendations.

Like some of the other health boards, the Board of Dental Examiners requires certain apparently unnecessary information in apparent violation of the factor listed in AS 44.66.050(c)(8). The requirement of a photograph and certain other information, if genuinely necessary to avoid fraudulent misrepresentation of the identity of an applicant and the credentials of an applicant, should be treated in a manner similar to that which we have recommended to the Board of Nursing in our report in this Journal.

It is important that the board understand the probationary nature of the extension offered by the Commerce Committee under "Sunset" review. We anticipate that the Legislature then sitting will carefully examine this report, the current audit report, and practices occurring between now and then to determine whether the Board of Dental Examiners has remedied the matters raised in the report of the Legislative Audit Division and in our committee hearings.

Generally, the Committee on Commerce of the Alaska State House of Representatives has found that as to the four healing arts whose boards are recommended for retention, the Board of Nursing, the Alaska State Medical Board, the Alaska State Board of Dental Examiners, and the Board of Pharmacy, certain public policy considerations apply to all four. These can be addressed by the statutory changes which will be indicated in the bills to be introduced by the Commerce Committee to continue these boards.

With regard to all four boards, terms should be adjusted to four-year terms, staggered, and no member should serve more than two consecutive four-year terms.

The makeup of the boards should be adjusted to provide for more lay participation. Each of the four boards is presently constituted with five admitted professionals and two lay-persons. The law should be changed to provide for a ratio of four professionals to three lay members.

Lengthy tenure on a regulatory board results in a proprietary attitude, just considering human nature. Very often, the board member who has served for ten or fifteen years (or more, in the case of the Board of Pharmacy) often may "second-guess" the regulatory scheme and decide that his view is the law rather than

the provisions of Title 8 established by the Legislature. Also, although no actual abuse was found in current situations, the prospect for abuse by a long-tenured professional on the board to "protect his turf" is very real.

Staggered terms, with adequate and timely attention to appointment needs by the executive, assures a continuity in the activities of the boards.

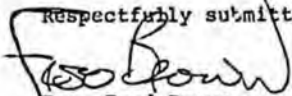
Expanding the number of lay persons on the boards tends to reduce the likelihood of turf protection or exclusionary activities relating to admission into the profession, and tends to assure that the board is protecting the public and not protecting the already-admitted members of the profession.

The Commerce Committee recommends that, with the changes stated in this report, the Board of Dental Examiners continue for another two years, that is, that the repealer with regard to the activities of that board be amended to read June 30, 1981.

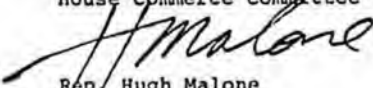
A bill will be introduced by the Commerce Committee facilitating the changes and recommendations in this report.

Mr. Randolph does not join the majority of the committee on our reports on the eleven health boards, and has filed a minority report herewith.

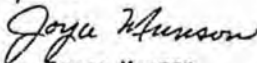
Respectfully submitted,



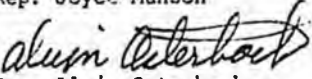
Rep. Fred Brown
Chairman
House Commerce Committee



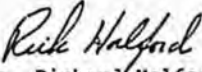
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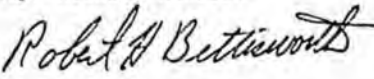
Rep. Joyce Munson



Rep. Alvin Osterback



Rep. Richard Halford



Rep. Robert Bettisworth

SUPPLEMENT

March 14, 1979

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Speaker:

Your House Commerce Committee has had under consideration for "Sunset" review the Board of Pharmacy, pursuant to your referral under AS 44.66.050 and AS 08.03.010.

In accordance with the statutory requirements, a public hearing was held on the review of this board, at which written testimony of the Commissioner of the Department of Commerce and Economic Development was received and representatives of the Division of Occupational Licensing of that Department were available for questioning by the committee. Three members of the board testified in person. The committee considered the proposed budget of the board for FY 1980, and particularly examined the performance audit of the activities of the board prepared by the Legislative Audit Division.

Guided in part by the report prepared by the Legislative Audit Division, the committee took into consideration the factors required to be considered under AS 44.66.050(c).

Your Commerce Committee thereby makes the following findings:

The Commerce Committee generally concurs in the nine findings made by the Division of Legislative Audit in considering the factors required for consideration under AS 44.66.050(c), as they appear on pages 18-21 of the Performance Review of the Board of Pharmacy, prepared by the Division of Legislative Audit, dated August 9, 1978, which is hereby incorporated by reference as though fully set out herein.

In brief, the committee concurred with most of the Legislative Audit findings. Those findings are somewhat critical of the board. Since the report was issued and before the committee meeting, the board has attempted to address these problems.

SUPPLEMENT

The Board of Pharmacy is a very activist board, when compared with others. The findings clearly point that out. However, it appears clear from the recommendations included in the audit review and the matters that were discussed in the committee hearing that the board tends to drift from the letter of the law and its own regulations on too many occasions. This may result from the extended tenure of service of some of the members of the board, discussed later in this report. The board has been active in making recommendations for statutory changes, too many of which have been ignored by the Legislature or not even forwarded by the Administration to the attention of the Legislature. This board and other boards should understand that they act in certain parts of their responsibilities not as representatives of the Administration and not subservient to the Administration. The committee found several examples of statutory changes urged by a board and hidden, lost, misplaced or disapproved by the Administration and never forwarded to the Legislature. Each board should bring these concerns directly to the Legislature. It is inconceivable that any sanction would be taken against a member of the board for this direct communication. Also, considering the workload and management problems of the Division of Occupational Licensing, it appears quite easy for such paperwork to be lost in the process.

Your committee appreciates the activist role of the Board of Pharmacy and urges that board to continue that activism. Also, the committee will suggest some statutory changes along the lines recommended by the board over the years in our legislation.

The board is requested to pay serious attention to the matters raised during the Legislative Audit review and to adhere closely to the requirements of current law and regulations. It is possible to have a very strong opinion that laws or regulations should be changed: But until they are, they must be complied with, particularly by those charged with enforcing the law.

The committee was particularly concerned about the matters raised under recommendation number three at pages 11-12 of the audit report. It may be that in prior years the board has found it necessary to perform even administrative or ministerial actions as a result of frustrations in dealing with the Division of Occupational Licensing. However the matters raised in subsection C of recommendation three are serious problems. All applications should be received by the Division of Occupational

SUPPLEMENT

Licensing and the board should use procedures to assure that not even the appearance of improper conduct can be claimed in the procedures for temporary licensure. It appeared clear during our committee hearings that there had been no improper action: However, this procedure could unnecessarily subject the board and the Division to claims of impropriety and even litigation.

The committee urges the board to suggest legislation that would adequately address recommendation number five regarding the requirements of annual inspections. Current law seems to be impractical, and yet the inspection function is needed. In fact, board members have taken their own time in traveling to and from board meetings to make inspections along the way. This certainly is not adequate under the law.

The above findings, including adoption of the findings of the Legislative Audit Division report, constitute compliance with AS 44.66.050(c) by this committee in the course of its review.

Many of the other criticisms of the board arise from problems caused by action or inaction of the Division of Occupational Licensing and its employees. The Division is presently attempting to address these problems, and has made some progress.

Pursuant to AS 44.66.050(d) the Committee on Commerce of the Alaska State House of Representatives offers the following summary and recommendations:

The Board of Pharmacy is intended to address a real need with regard to the maintenance of adequate pharmaceutical skills and services in Alaska. The nature of the art involved is highly advanced and complex, to such a degree that it is not appropriate to eliminate this board and transfer the licensing function to the Division of Occupational Licensing totally. We have recommended this for some of the other health boards that do not so directly involve life-and-death situations for humans. This procedure does not seem appropriate for the Board of Pharmacy.

The board is expected under the law to assure that the highest level of pharmaceutical skills and services can be provided to the residents of the state of Alaska, and that sufficient practitioners are available for these needs.

There are no other programs that really have conflicting or duplicative objectives with regard to this profession, and alternative methods involving elimination of the board do not seem appropriate to the committee in light of the advanced nature of the healing art involved.

SUPPLEMENT

It would not be appropriate, in the view of the committee, to eliminate the board or to consolidate its activities with any other program except to the extent that it already works with the Division of Occupational Licensing and other State agencies.

The above summary and recommendations adequately addresses the requirements of AS 44.66.050(d). We now offer several further recommendations.

Like some of the other health boards, the Board of Pharmacy requires certain apparently unnecessary information in apparent violation of the factor listed in AS 44.66.050(c)(8). The requirement of a photograph and certain other information, if genuinely necessary to avoid fraudulent misrepresentation of the identity of an applicant and the credentials of an applicant, should be treated in a manner similar to that which we have recommended to the Board of Nursing in our report in this Journal.

Generally, the Committee on Commerce of the Alaska State House of Representatives has found that as to the four healing arts whose boards are recommended for retention, the Board of Nursing, the Alaska State Medical Board, the Alaska State Board of Dental Examiners, and the Board of Pharmacy, certain public policy considerations apply to all four. These can be addressed by the statutory changes which will be indicated in the bills to be introduced by the Commerce Committee to continue these boards.

With regard to all four boards, terms should be adjusted to four-year terms, staggered, and no member should serve more than two consecutive four-year terms.

The makeup of the boards should be adjusted to provide for more lay participation. Each of the four boards is presently constituted with five admitted professionals and two lay-persons. The law should be changed to provide for a ratio of four professionals to three lay members.

Lengthy tenure on a regulatory board results in a proprietary attitude, just considering human nature. Very often, the board member who has served for ten or fifteen years (or more, in the case of the Board of Pharmacy) often may "second-guess" the regulatory scheme and decide that his view is the law rather than the provisions of Title 8 established by the Legislature. Also, although no actual abuse was found in current situations, the prospect for abuse by a long-tenured professional on the board to "protect his turf" is very real.

Staggered terms, with adequate and timely attention to appointment needs by the executive, assures a continuity in the activities of the boards.

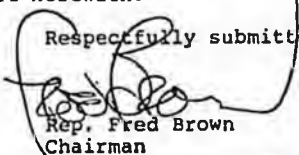
Expanding the number of lay persons on the boards tends to reduce the likelihood of turf protection or exclusionary activities relating to admission into the profession, and tends to assure that the board is protecting the public and not protecting the already-admitted members of the profession.

The Commerce Committee recommends that, with the changes stated in this report, the Board of Pharmacy continue for another four years, that is, that the repealer with regard to the activities of that board be amended to read June 30, 198

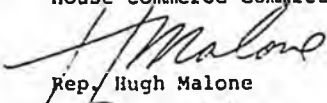
A bill will be introduced by the Commerce Committee facilitating the changes and recommendations in this report.

Mr. Randolph does not join the majority of the committee on our reports on the eleven health boards, and has filed a minority report herewith.

Respectfully submitted,



Rep. Fred Brown
Chairman
House Commerce Committee



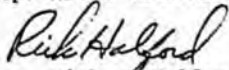
Rep. Hugh Malone



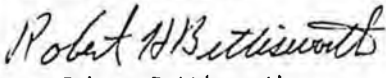
Rep. Joyce Munson



Rep. Alvin Osterback



Rep. Richard Halford



Rep. Robert Bettisworth

March 14, 1979

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Fouch V
Juneau, Alaska 99811

Dear Mr. Speaker:

Your House Commerce Committee has had under consideration for "Sunset" review the Alaska State Medical Board pursuant to your referral under AS 44.66.050 and AS 08.03.010.

In accordance with the statutory requirements, a public hearing was held on the review of this board, at which written testimony of the Commissioner of the Department of Commerce and Economic Development was received and representatives of the Division of Occupational Licensing of that Department were available for questioning by the committee. Members of the board testified by teleconference. The committee considered the proposed budget of the board for FY 1980, and particularly examined the performance audit of the activities of the board prepared by the Legislative Audit Division.

Guided in part by the report prepared by the Legislative Audit Division, the committee took into consideration the factors required to be considered under AS 44.66.050(c).

Your Commerce Committee thereby makes the following findings:

The Commerce Committee generally concurs in the nine findings made by the Division of Legislative Audit in considering the factors required for consideration under AS 44.66.050(c), as they appear on pages 16-21 of the Performance Review of the Alaska State Medical Board prepared by the Division of Legislative Audit, dated October 30, 1978, which is hereby incorporated by reference as though fully set out herein.

In brief, the committee concurred with most of the Legislative Audit findings. Those findings are extremely critical of the board, and raised serious questions about its functioning. Since the report was issued and before the committee meeting, the board has attempted to address these problems. However, clearly many of the criticisms are still justifiable and should become a major concern for the board and for the Legislature. This, in part, is one of the reasons why the Commerce Committee is recommending only a one-year extension of the life of the board under the "Sunset" law, rather than the four-year extension which would be appropriate if there were no serious problems.

The findings of the Legislative Audit Division are justified, and constitute a serious criticism of the activities of the board. Also, unlike many of the other boards subject to "Sunset", the Board of Medical Examiners has spent its time in responding to the audit criticisms by attempting to refute them or by attempting to critique the Division of Legislative Audit. This is not appropriate in "Sunset" review. There is no burden upon the Division of Legislative Audit nor upon a legislative committee. The burden, under the provisions of AS 44.66.050, is upon the board to establish that it has been acting in the public interest and in compliance with law. This seems to have been seriously misunderstood by the membership of the Board of Medical Examiners until after the committee review process started in the Legislature.

While other boards (including ones that we are terminating) sought to clean up their regulations, correct perceived errors in their procedures, and otherwise positively respond to the criticisms of the audits, the only positive responses received regarding the Board of Medical Examiners were from one member and some members of the profession not on the board. The responsible committees of both houses of the Legislature were informed by the board that it would finally get around to a formal response to the Legislative Audit document and to "Sunset" review by the ninth of March, 1979. The March 9 communication was received by your committee, but after the hearings already held with regard to this board.

Just as the legislature is responsible to the public and to the courts, the various administrative agencies and boards established by the legislature within the executive branch are responsible to the executive, the legislature, and the courts. Throughout most of the "Sunset" process until late February 1979, this does not seem to have been the perception of at least some members of the Alaska State Medical Board.

Admittedly, some of the problems of the Medical Board relate to its extensive responsibilities and the limitations on time commitments that come naturally with a board made up of practicing professionals. Also, many of the criticisms relate to the practices of the Division of Occupational Licensing and not the board. Still, it appears necessary that this board, be continued for only one year, so that the Legislature, the Division of Legislative Audit, and the Alaska State Medical Board can more thoroughly address the serious problems which came to light in the course of the "Sunset" audit.

The above findings, including adoption of the findings of the Legislative Audit Division report, constitute compliance with AS 44.66.050(c) by this committee in the course of its review.

Many of the other criticisms of the board arise from problems caused by action or inaction of the Division of Occupational Licensing and its employees. The Division is presently attempting to address these problems, and has made some progress.

Pursuant to AS 44.66.050(d) the Committee on Commerce of the Alaska State House of Representatives offers the following summary and recommendations:

The Alaska State Medical Board is intended to address a real need with regard to the maintenance of adequate medical and surgical health skills in Alaska. The nature of the healing art involved is highly advanced and complex, to such a degree that it is not appropriate to eliminate this board and transfer the licensing function to the Division of Occupational Licensing totally. We have recommended this for some of the other health boards that do not so directly involve life and death situations for humans. This procedure does not seem appropriate for the Alaska State Medical Board.

The board is expected under the law to assure that the highest level of health care service in the medical and surgical fields can be provided to the residents of the state of Alaska, and that sufficient practitioners are available for these needs.

There are no other programs that really have conflicting or duplicative objectives with regard to this profession, and alternative methods involving elimination of the board do not seem appropriate to the committee in light of the advanced nature of the healing art involved.

It would not be appropriate, in the view of the committee, to eliminate the board or to consolidate its activities with any other program except to the extent that it already works with the Division of Occupational Licensing and other State agencies.

The above summary and recommendations adequately addresses the requirements of AS 44.66.050(d). We now offer several further recommendations.

Like some of the other health boards, the Alaska State Medical Board requires certain apparently unnecessary information in apparent violation of the factor listed in AS 44.66.050(c)(8). The requirement of a photograph and certain other information, if genuinely necessary to avoid fraudulent misrepresentation of the identity of an applicant and the credentials of an applicant, should be treated in a manner similar to that which we have recommended to the Board of Nursing in our report in this Journal.

SUPPLEMENT

The committee is of the view that the Medical Board should have one staff person attached to the board working within the offices of the Division of Occupational Licensing in the same fashion as is now provided for the Board of Nursing. This would probably help to alleviate some of the pressures on the board and assure that complaints are followed up and paper work is processed efficiently. Also, the board must establish procedures for checking the credentials of applicants. As it is now, this check is often an oral examination given by one of the members of the board (apparently to test the credibility of the applicant), and no check is run of the medical schools and clinics in other jurisdictions from which the applicant has supposedly gained his education and experience. Eventually this check may be run, but many weeks after the applicant has already been admitted and practicing in life-and-death situations upon Alaskan patients. This is thoroughly unsatisfactory and must be changed through actions of the board and the Division of Occupational Licensing. If possible, the committee will seek statutory requirements on this matter.

It is important that the board understand the probatory nature of the extension offered by the Commerce Committee under "Sunset" review. We anticipate that the Legislature will carefully examine this report, the current audit report, and practices occurring between now and then to determine whether the Alaska State Medical Board has remedied the matters raised in the report of the Legislative Audit Division and in our committee hearings.

Generally, the Committee on Commerce of the Alaska State House of Representatives has found that as to the four healing arts whose boards are recommended for retention, the Board of Nursing, the Alaska State Medical Board, the Alaska State Board of Dental Examiners, and the Board of Pharmacy, certain public policy considerations apply to all four. These can be addressed by the statutory changes which will be indicated in the bills to be introduced by the Commerce Committee to continue these boards.

With regard to all four boards, terms should be adjusted to four-year terms, staggered, and no member should serve more than two consecutive four-year terms.

The makeup of the boards should be adjusted to provide for more lay participation. Each of the four boards is presently constituted with five admitted professionals and two lay-persons. The law should be changed to provide for a ratio of four professionals to three lay members.

Lengthy tenure on a regulatory board results in a proprietary attitude, just considering human nature. Very often, the board member who has served for ten or fifteen years (or more, in the case of the Board of Pharmacy) often may "second-guess" the regulatory provisions of Title 8 established by the Legislature. Also, although no actual abuse was found in current situations, the prospect for abuse by a long-tenured professional on the board to "protect his turf" is very real.

Staggered terms, with adequate and timely attention to appointment needs by the executive, assures a continuity in the activities of the boards.

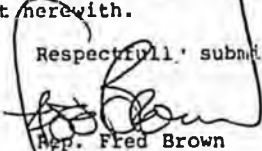
Expanding the number of lay persons on the boards tends to reduce the likelihood of turf protection or exclusionary activities relating to admission into the profession, and tends to assure that the board is protecting the public and not protecting the already-admitted members of the profession.

The Commerce Committee recommends that, with the changes stated in this report, the Alaska State Medical Board continue in a probationary status for one year, that is, that the repealer with regard to the activities of that board be amended to read June 30, 1980.

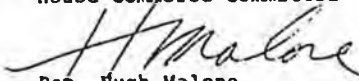
A bill will be introduced by the Commerce Committee facilitating the changes and recommendations in this report.

Mr. Randolph does not join the majority of the committee on our reports on the eleven health boards, and has filed a minority report herewith.

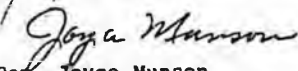
Respectfully submitted,



Rep. Fred Brown
Chairman
House Commerce Committee



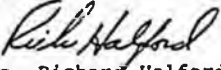
Rep. Hugh Malone



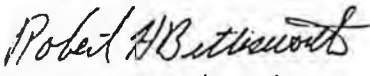
Rep. Joyce Munson



Rep. Alvin Osterback



Rep. Richard Halford



Rep. Robert Bettisworth

March 14, 1979

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Speaker:

Your House Commerce Committee has had under consideration for "Sunset" review the State Physical Therapy Board, pursuant to your referral under AS 44.66.050 and AS 08.03.010.

In accordance with the statutory requirements, a public hearing was held on the review of this board, at which written testimony of the Commissioner of the Department of Commerce and Economic Development was received and representatives of the Division of Occupational Licensing of that Department were available for questioning by the committee. A member of the board testified in person or by teleconference. The committee considered the proposed budget of the board for FY 1980, and particularly examined the performance audit of the activities of the board prepared by the Legislative Audit Division.

Guided in part by the report prepared by the Legislative Audit Division, the committee took into consideration the factors required to be considered under AS 44.66.050(c).

Your Commerce Committee thereby makes the following findings:

The board has not operated in the public interest, to the extent that it can justify its continued existence. However, this is not the fault of any present or prior board or board member, but is inherent in the regulatory scheme.

The Commerce Committee generally concurs in the nine findings made by the Division of Legislative Audit in considering the factors required for consideration under AS 44.66.050(c), as they appear on pages 12-14 of the Performance Review of the State Physical Therapy Board prepared by the Division of Legislative Audit, dated October 20, 1978, which is hereby incorporated by reference as though fully set out herein. We do note, however, that the board has recently taken action to remedy some of the matters raised as criticisms in these findings.

Particularly, it is necessary to change the statutes to allow the State to license foreign-trained physical therapists in a manner similar to the Audit Division's recommendation number four. Although the Division did recommend the continued existence of the board itself, we are recommending its termination, but with continuation of the licensing function by the State. Additionally, the licensing process for physical therapists should be subject to the Administrative Procedures Act, and appropriate statutory changes are in order to accomplish this. Also, under our proposal, the outgoing board and the Division of Occupational Licensing should work toward a program of continuing education. During the hearings, we had some indication that the board was interested in this but had suffered certain difficulties in accomplishing it.

The above findings, including adoption of the findings of the Legislative Audit Division report, constitute compliance with AS 44.66.050(c) by this committee in the course of its review.

Many of the other criticisms of the board arise from problems caused by action or inaction by the Division of Occupational Licensing and its employees. The Division is presently attempting to address these problems, and has made some progress. However, further legislative scrutiny of the Division is vital to assure that the licensing process with regard to many professions is adequately carried out, and that investigations of unlicensed practitioners and of improper conduct by practitioners in all professions are effective to serve the public. This is not within the scope of this review, but it should be considered during the "Sunset" review of the public protection portion of the budget during the 1980 legislative session.

The board and the licensing scheme are intended to address the need to assure that competent practitioners are available in sufficient numbers to address the health needs of the residents of the state of Alaska. There are several other boards which have similar objectives with regard to other professions which, like this one, do not usually deal with life-and-death situations in the practice of a highly advanced healing art, as do the boards which regulate the professions of nursing, medicine and surgery, dentistry, and pharmacy. For this reason, the committee is of the view that those boards can be eliminated while still assuring that the licensing scheme functions and that proper discipline is maintained within the profession.

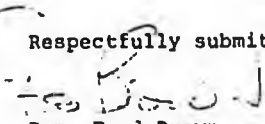
The committee is of the opinion that public policy considerations cannot justify the continued existence of this board. Inherent in a licensing and regulatory scheme for a profession regulated by a board of its peers is a very real human problem. It is very difficult for a person in a profession to be totally objective in regulating entry into that profession which then causes further competition. The board member who is of the highest level of integrity is still subject to these very real human pressures. This is not the fault of any of these seven boards, nor the fault of any one board member of this board: It is inherent in the regulatory scheme. It appears to the committee that admission into the profession can be handled by the Division of Occupational Licensing using available examination materials from national sources and by, when necessary, seeking professional guidance from admitted professionals in Alaska. The proliferation of professional boards under Title 8 has been extensive. Currently, there are twenty-one boards each of which regulates a profession or trade and each of which deals with the Division of Occupational Licensing. Currently, there are pressures to create even more boards. Yet in each situation matters involving professional standards and entrance into an identifiable market for services would be determined largely by participators in that market. This should occur only when there are other public policy considerations which require it, as in the case of the four boards already listed who deal with the most advanced of the healing arts.

Therefore, the House Commerce Committee does not recommend the retention or continuation of the State Physical Therapy Board but it should also terminate in a manner different from that anticipated by the present language of Alaska's "Sunset" law found in AS 44.66. The Commerce Committee will introduce legislation to provide for termination of the board on January 1, 1981, but still allowing the board to fully function up to that time, allowing admission to the profession, while also cooperating with the Division of Occupational Licensing of the Department of Commerce and Economic Development to facilitate the transfer of the licensing function of this profession to that Division. This will give the board and the Division one entire budget cycle with which to deal with the transfer and will avoid what the Commerce Committee sees as an unfortunate ambiguity in the "Sunset" law about the role of the board during its final year of operation if terminated.

The Commerce Committee anticipates that the Division of Occupational Licensing will regulate admission into the profession using examinations from nationally recognized sources in the profession to the extent possible, and, if necessary, will establish a scheme for utilizing the talents of individual members of the profession in examination and licensing when necessary.


Mr. Bettisworth and Mr. Randolph do not join in the majority of the committee on our report, and have filed a minority report herewith.

Respectfully submitted,


Rep. Fred Brown
Chairman
House Commerce Committee


Rep. Hugh Malone


Rep. Joyce Munson


Rep. Alvin Osterback

I concur in general with the committee report. However, I am concerned that the "Sunset" of this board must not result in simply the transfer from board to bureaucrats, but rather in the elimination of unnecessary regulation and the simplification of remaining regulations. It is imperative that the Division of Occupational Licensing operate with this concern in mind while implementing the "Sunset" recommendations.


Rep. Richard Halford

MINORITY MEMBERS REPORT CONCERNING SUNSET REVIEW OF
ELEVEN HEALTH BOARDS

We the signators of this minority report to the Alaska House Commerce Committee, after hearing the Sunset review of the 11 health regulatory boards offer the following report:

The majority report concerning the disposition of the various health boards, proposes a course of action which in our opinion, substantially violates the intent of the Sunset legislation. The Legislature and the majority of Alaskans embraced the concept of Sunse^e Legislation as a vehicle to reduce governmental interference in our lives, not to further concentrate and accentuate it. Unfortunately, the latter would be the result of the implementation of the proposal put forth in the majority report of the House Commerce Committee.

That recommendation does little to reduce governmental control and involvement in our lives. In fact, in most cases, and most specifically concerning the seven boards being discontinued, the implementation of the majority report would simply concentrate totally within the bureaucracy the existing system of regulation control and enforcement. If this system is going to be maintained, it is absolutely essential that professional and public input be allowed to continue. The adoption of the majority proposal would eliminate any formal structure for input from the affected profession, or public with reference to the seven professions whose Boards are being discontinued. This denial by eliminating the Boards but keeping all the power concentrated in the hands of the governmental system, substantially perverts the intent of the Sunset program.

A far more proper course of action would be the transfer of as many of these duties and responsibilities as possible to the affected profession, and the public, and away from the bureaucracy. This could be accomplished by establishing a peer review process similar to that presently used by the legal profession and to a lesser degree, by some medical disciplines. The authority of this peer consumer review committee should include whatever minimal licensing requirements are deemed absolutely necessary, a system for processing complaints in a timely and efficient manner, and a system of periodic peer and consumer review with publications and dissemination of those findings. There should be no restraints against any qualified practitioner entering practice in Alaska and any violation of this public trust should carry substantial penalties. In addition, the total cost of this process should be borne by the affected profession. Those serving would require protection against potential charges brought against them by those members of the profession which felt they had been liabled or slandered or in some other way, unfairly treated.

In summary, it is our intent to develop a system of maximum public protection through minimal government involvement.


Representative Richard Randolph


Representative Robert Bettisworth

March 14, 1979

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Speaker:

Your House Commerce Committee has had under consideration fo: "Sunset" review the Board of Examiners in Optometry, pursuant to your referral under AS 44.66.050 and AS 08.03.010.

In accordance with the statutory requirements, a public hearing was held on the review of this board, at which written testimony of the Commissioner of the Department of Commerce and Economic Development was received and representatives of the Division of Occupational Licensing of that Department were available for questioning by the committee. Members of the board testified in person or by teleconference. The committee considered the proposed budget of the board for FY 1980, and particularly examined the performance audit of the activities of the board prepared by the Legislative Audit Division.

Guided in part by the report prepared by the Legislative Audit Division, the committee took into consideration the factors required to be considered under AS 44.66.050(c).

Your Commerce Committee thereby makes the following findings:

The board has not operated in the public interest, to the extent that it can justify its continued existence: However, this is not the fault of any present or prior board or board member, but is inherent in the regulatory scheme.

The Commerce Committee generally concurs in the nine findings made by the Division of Legislative Audit in considering the factors required for consideration under AS 44.66.050(c), as they appear on pages 13-15 of the Performance Review of the Board of Examiners in Optometry prepared by the Division of Legislative Audit, dated November 1, 1978, which is hereby incorporated by reference as though fully set out herein. We do note, however, that the board has recently taken action to remedy some of the matters raised as criticisms in these findings.

Generally, we find that the board has adopted regulations on office licensing, employment by a corporation and leasing of commercial properties which are unduly restrictive to the practice of optometry by licensed, qualified optometrists. We recommend that the licensing process for optometrists should be subject to the Administrative Procedures Act, and appropriate statutory changes are in order to accomplish this.

The above findings, including adoption of the findings of the Legislative Audit Division report, constitute compliance with AS 44.66.050(c) by this committee in the course of its review.

Many of the other criticisms of the board arise from problems caused by action or inaction by the Division of Occupational Licensing and its employees. The Division is presently attempting to address these problems, and has made some progress. However, further legislative scrutiny of the Division is vital to assure that the licensing process with regard to many professions is adequately carried out, and that investigations of unlicensed practitioners and of improper conduct by practitioners in all professions are effective to serve the public. This is not within the scope of this review, but it should be considered during the "Sunset" review of the public protection portion of the budget during the 1980 legislative session.

The board and the licensing scheme are intended to address the need to assure that competent practitioners are available in sufficient numbers to address the health needs of the residents of the state of Alaska. There are several other boards which have similar objectives with regard to other professions which, like this one, do not usually deal with life-and-death situations in the practice of a highly advanced healing art, as do the boards which regulate the professions of nursing, medicine and surgery, dentistry, and pharmacy. For this reason, the committee is of the view that those boards can be eliminated while still assuring that the licensing scheme functions and that proper discipline is maintained within the profession.

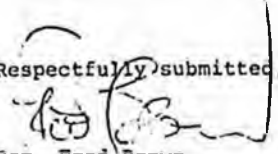
The committee is of the opinion that public policy considerations cannot justify the continued existence of this board. Inherent in a licensing and regulatory scheme for a profession regulated by a board of its peers is a very real human problem. It is very difficult for a person in a profession to be totally objective in regulating entry into that profession which then causes further competition. The board member who is of the highest level of integrity is still subject to these very real human pressures. This is not the fault of any of these seven boards, nor the fault of any one board member of this board: It is inherent in the regulatory scheme. It appears to the committee that admission into the profession can be handled by the Division of Occupational Licensing using available examination materials from national sources and by, when necessary, seeking professional guidance from admitted professionals in Alaska. The proliferation of professional boards under Title 8 has been extensive. Currently, there are twenty-one boards each of which regulates a profession or trade and each of which deals with the Division of Occupational Licensing. Currently, there are pressures to create even more boards. Yet in each situation matters involving professional standards and entrance into an identifiable market for services would be determined largely by participants in that market. This should occur only when there are other public policy considerations which require it, as in the case of the four boards already listed who deal with the most advanced of the healing arts.

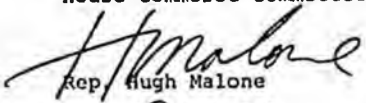
Therefore, the House Commerce Committee does not recommend the retention or continuation of the Board of Examiners in Optometry but it should also terminate in a manner different from that anticipated by the present language of Alaska's "Sunset" law found in AS 44.66. The Commerce Committee will introduce legislation to provide for termination of the board on January 1, 1981, but still allowing the board to fully function up to that time, allowing admission to the profession, while also cooperating with the Division of Occupational Licensing of the Department of Commerce and Economic Development to facilitate the transfer of the licensing function of this profession to that Division. This will give the board and the Division one entire budget cycle with which to deal with the transfer and will avoid what the Commerce Committee sees as an unfortunate ambiguity in the "Sunset" law about the role of the board during its final year of operation if terminated.

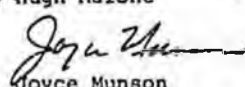
The Commerce Committee anticipates that the Division of Occupational Licensing will regulate admission into the profession using examinations from nationally recognized sources in the profession to the extent possible, and, if necessary, will establish a scheme for utilizing the talents of individual members of the profession in examination and licensing when necessary.

Mr. Bettisworth and Mr. Randolph do not join in the majority of the committee on our report, and have filed a minority report herewith.

Respectfully submitted,

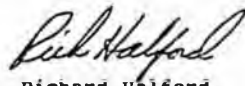

Rep. Fred Brown
Chairman
House Commerce Committee


Rep. Hugh Malone


Rep. Joyce Munson


Rep. Alvin Osterback

I concur in general with the committee report. However, I am concerned that the "Sunset" of this board must not result in simply the transfer from board to bureaucrats, but rather in the elimination of unnecessary regulation and the simplification of remaining regulations. It is imperative that the Division of Occupational Licensing operate with this concern in mind while implementing the "Sunset" recommendations.


Rep. Richard Halford

March 14, 1979

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Speaker:

Your House Commerce Committee has had under consideration for "Sunset" review the Board of Chiropractic Examiners, pursuant to your referral under AS 44.66.050 and AS 08.03.010.

In accordance with the statutory requirements, a public hearing was held on the review of this board, at which written testimony of the Commissioner of the Department of Commerce and Economic Development was received and representatives of the Division of Occupational Licensing of that Department were available for questioning by the committee. Members of the board testified in person or by teleconference. The committee considered the proposed budget of the board for FY 1980, and particularly examined the performance audit of the activities of the board prepared by the Legislative Audit Division.

Guided in part by the report prepared by the Legislative Audit Division, the committee took into consideration the factors required to be considered under AS 44.66.050(c).

Your Commerce Committee thereby makes the following findings:

The board has not operated in the public interest, to the extent that it can justify its continued existence: However, this is not the fault of any present or prior board or board member, but is inherent in the regulatory scheme.

The Commerce Committee generally concurs in the nine findings made by the Division of Legislative Audit in considering the factors required for consideration under AS 44.66.050(c), as they appear on pages 17-20 of the Performance Review of the Board of Chiropractic Examiners prepared by the Division of Legislative Audit, dated October 16, 1978, which is hereby incorporated by reference as though fully set out herein. We do note, however, that the board has recently taken action to remedy some of the matters raised as criticisms in these findings.

Generally, we find that the board has acted in a discriminatory manner by not developing regulations or formal procedures for the grading and processing of examinations; has encouraged a "not to compete provision" which is unduly restrictive; and has not substantially complied with the Administrative Procedures Act when carrying out suspension proceedings.

Although the board has proposed regulations to attempt to standardize professional educational requirements, the board has not adopted reciprocity or continuing education amendments to its regulations and has not recommended any parallel statutory changes. It has not adopted a code of ethics for the profession.

The use of unwritten examination grading procedures, and the use of questionable employment contracts indicate possible restriction of qualified applicants from entry into the occupational market.

The above findings, including adoption of the findings of the Legislative Audit Division report, constitute compliance with AS 44.66.050(c) by this committee in the course of its review.

Many of the other criticisms of the board arise from problems caused by action or inaction by the Division of Occupational Licensing and its employees. The Division is presently attempting to address these problems, and has made some progress. However, further legislative scrutiny of the Division is vital to assure that the licensing process with regard to many professions is adequately carried out, and that investigations of unlicensed practitioners and of improper conduct by practitioners in all professions are effective to serve the public. This is not within the scope of this review, but it should be considered during the "Sunset" review of the public protection portion of the budget during the 1980 legislative session.

The board and the licensing scheme are intended to address the need to assure that competent practitioners are available in sufficient numbers to address the health needs of the residents of the state of Alaska. There are several other boards which have similar objectives with regard to other professions which, like this one, do not usually deal with life-and-death situations in the practice of a highly advanced healing art, as do the boards which regulate the professions of nursing, medicine and surgery, dentistry, and pharmacy. For this reason, the committee is of the view that those boards can be eliminated while still assuring that the licensing scheme functions and that proper discipline is maintained within the profession.

March 14, 1979

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Speaker:

Your House Commerce Committee has had under consideration for "Sunset" review the Board of Chiropractic Examiners, pursuant to your referral under AS 44.66.050 and AS 08.03.010.

In accordance with the statutory requirements, a public hearing was held on the review of this board, at which written testimony of the Commissioner of the Department of Commerce and Economic Development was received and representatives of the Division of Occupational Licensing of that Department were available for questioning by the committee. Members of the board testified in person or by teleconference. The committee considered the proposed budget of the board for FY 1980, and particularly examined the performance audit of the activities of the board prepared by the Legislative Audit Division.

Guided in part by the report prepared by the Legislative Audit Division, the committee took into consideration the factors required to be considered under AS 44.66.050(c).

Your Commerce Committee thereby makes the following findings:

The board has not operated in the public interest, to the extent that it can justify its continued existence. However, this is not the fault of any present or prior board or board member, but is inherent in the regulatory scheme.

The Commerce Committee generally concurs in the nine findings made by the Division of Legislative Audit in considering the factors required for consideration under AS 44.66.050(c), as they appear on pages 17-20 of the Performance Review of the Board of Chiropractic Examiners prepared by the Division of Legislative Audit, dated October 16, 1978, which is hereby incorporated by reference as though fully set out herein. We do note, however, that the board has recently taken action to remedy some of the matters raised as criticisms in these findings.

SUPPLEMENT

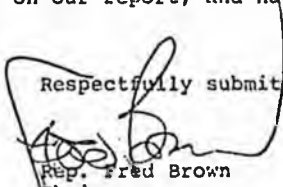
The committee is of the opinion that public policy considerations cannot justify the continued existence of this board. Inherent in a licensing and regulatory scheme for a profession regulated by a board of its peers is a very real human problem. It is very difficult for a person in a profession to be totally objective in regulating entry into that profession which then causes further competition. The board member who is of the highest level of integrity is still subject to these very real human pressures. This is not the fault of any of these seven boards, nor the fault of any one board member of this board: It is inherent in the regulatory scheme. It appears to the committee that admission into the profession can be handled by the Division of Occupational Licensing using available examination materials from national sources and by, when necessary, seeking professional guidance from admitted professionals in Alaska. The proliferation of professional boards under Title 8 has been extensive. Currently, there are twenty-one boards each of which regulates a profession or trade and each of which deals with the Division of Occupational Licensing. Currently, there are pressures to create even more boards. Yet in each situation matters involving professional standards and entrance into an identifiable market for services would be determined largely by participants in that market. This should occur only when there are other public policy considerations which require it, as in the case of the four boards already listed who deal with the most advanced of the healing arts.

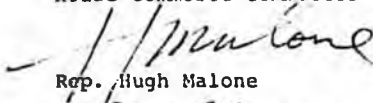
Therefore, the House Commerce Committee does not recommend the retention or continuation of the Board of Chiropractic Examiners but it should also terminate in a manner different from that anticipated by the present language of Alaska's "Sunset" law found in AS 44.66. The Commerce Committee will introduce legislation to provide for termination of the board on January 1, 1981, but still allowing the board to fully function up to that time, allowing admission to the profession, while also cooperating with the Division of Occupational Licensing of the Department of Commerce and Economic Development to facilitate the transfer of the licensing function of this profession to that Division. This will give the board and the Division one entire budget cycle with which to deal with the transfer and will avoid what the Commerce Committee sees as an unfortunate ambiguity in the "Sunset" law about the role of the board during its final year of operation if terminated.

The Commerce Committee anticipates that the Division of Occupational Licensing will regulate admission into the profession using examinations from nationally recognized sources in the profession to the extent possible, and, if necessary, will establish a scheme for utilizing the talents of individual members of the profession in examination and licensing when necessary.


Mr. Bettisworth and Mr. Randolph do not join in the majority of the committee on our report, and have filed a minority report herewith.

Respectfully submitted,


Rep. Fred Brown
Chairman
House Commerce Committee


Rep. Hugh Malone


Rep. Joyce Munson


Rep. Alvin Osterback

I concur in general with the committee report. However, I am concerned that the "Sunset" of this board must not result in simply the transfer from board to bureaucrats, but rather in the elimination of unnecessary regulation and the simplification of remaining regulations. It is imperative that the Division of Occupational Licensing operate with this concern in mind while implementing the "Sunset" recommendations.


Rep. Richard Halford

March 14, 1979

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Speaker:

Your House Commerce Committee has had under consideration for "Sunset" review the Board of Veterinary Examiners, pursuant to your referral under AS 44.66.050 and AS 08.03.010.

In accordance with the statutory requirements, a public hearing was held on the review of this board, at which written testimony of the Commissioner of the Department of Commerce and Economic Development was received and representatives of the Division of Occupational Licensing of that Department were available for questioning by the committee. Members of the board testified in person or by teleconference. The committee considered the proposed budget of the board for FY 1980, and particularly examined the performance audit of the activities of the board prepared by the Legislative Audit Division.

Guided in part by the report prepared by the Legislative Audit Division, the committee took into consideration the factors required to be considered under AS 44.66.050(c).

Your Commerce Committee thereby makes the following findings:

The board has not operated in the public interest, to the extent that it can justify its continued existence: However, this is not the fault of any present or prior board or board member, but is inherent in the regulatory scheme.

The Commerce Committee generally concurs in the nine findings made by the Division of Legislative Audit in considering the factors required for consideration under AS 44.66.050(c), as they appear on pages 10-12 of the Performance Review of the Board of Veterinary Examiners prepared by the Division of Legislative Audit, dated November 1, 1978, which is hereby incorporated by reference as though fully set out herein. We do note, however, that the board has recently taken action to remedy some of the matters raised as criticisms in these findings.

The Board of Veterinary Examiners has submitted substantial recommendations for revisions to its Practices Act, which are subject to consideration during this legislative session. Generally, we find that the board is unable to document the extent to which it has encouraged feedback from interested persons, or solicited public participation in the regulatory and decision-making process. Major problems encountered by the Board of Veterinary Examiners may be attributed to weaknesses within the Division of Occupational Licensing.

The above findings, including adoption of the findings of the Legislative Audit Division report, constitute compliance with AS 44.66.050(c) by this committee in the course of its review.

Many of the other criticisms of the board arise from problems caused by action or inaction by the Division of Occupational Licensing and its employees. The Division is presently attempting to address these problems, and has made some progress. However, further legislative scrutiny of the Division is vital to assure that the licensing process with regard to many professions is adequately carried out, and that investigations of unlicensed practitioners and of improper conduct by practitioners in all professions are effective to serve the public. This is not within the scope of this review, but it should be considered during the "Sunset" review of the public protection portion of the budget during the 1980 legislative session.

The board and the licensing scheme are intended to address the need to assure that competent practitioners are available in sufficient numbers to address the health needs of the residents of the state of Alaska. There are several other boards which have similar objectives with regard to other professions which, like this one, do not usually deal with life-and-death situations in the practice of a highly advanced healing art, as do the boards which regulate the professions of nursing, medicine and surgery, dentistry, and pharmacy. For this reason, the committee is of the view that those boards can be eliminated while still assuring that the licensing scheme functions and that proper discipline is maintained within the profession.

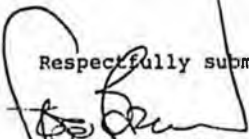
The committee is of the opinion that public policy considerations cannot justify the continued existence of this board. Inherent in a licensing and regulatory scheme for a profession regulated by a board of its peers is a very real human problem. It is very difficult for a person in a profession to be totally objective in regulating entry into that profession which then causes further competition. The board member who is of the highest level of integrity is still subject to these very real human pressures. This is not the fault of any of these seven boards, nor the fault of any one board member of this board: It is inherent in the regulatory scheme. It appears to the committee that admission into the profession can be handled by the Division of Occupational Licensing using available examination materials from national sources and by, when necessary, seeking professional guidance from admitted professionals in Alaska. The proliferation of professional boards under Title 8 has been extensive. Currently, there are twenty-one boards each of which regulates a profession or trade and each of which deals with the Division of Occupational Licensing. Currently, there are pressures to create even more boards. Yet in each situation matters involving professional standards and entrance into an identifiable market for services would be determined largely by participants in that market. This should occur only when there are other public policy considerations which require it, as in the case of the four boards already listed who deal with the most advanced of the healing arts.

Therefore, the House Commerce Committee does not recommend the retention or continuation of the Board of Veterinary Examiners but it should also terminate in a manner different from that anticipated by the present language of Alaska's "Sunset" law found in AS 44.66. The Commerce Committee will introduce legislation to provide for termination of the board on January 1, 1981, but still allowing the board to fully function up to that time, allowing admission to the profession, while also cooperating with the Division of Occupational Licensing of the Department of Commerce and Economic Development to facilitate the transfer of the licensing function of this profession to that Division. This will give the board and the Division one entire budget cycle with which to deal with the transfer and will avoid what the Commerce Committee sees as an unfortunate ambiguity in the "Sunset" law about the role of the board during its final year of operation if terminated.

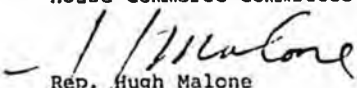
The Commerce Committee anticipates that the Division of Occupational Licensing will regulate admission into the profession using examinations from nationally recognized sources in the profession to the extent possible, and, if necessary, will establish a scheme for utilizing the talents of individual members of the profession in examination and licensing when necessary.

Mr. Bettisworth and Mr. Randolph do not join in the majority of the committee on our report, and have filed a minority report herewith.

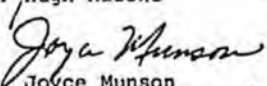
Respectfully submitted,




Rep. Fred Brown
Chairman
House Commerce Committee



Rep. Hugh Malone

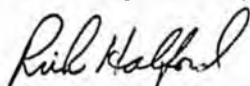


Rep. Joyce Munson



Rep. Alvin Osterback

I concur in general with the committee report. However, I am concerned that the "Sunset" of this board must not result in simply the transfer from board to bureaucrats, but rather in the elimination of unnecessary regulation and the simplification of remaining regulations. It is imperative that the Division of Occupational Licensing operate with this concern in mind while implementing the "Sunset" recommendations.



Rep. Richard Halford

March 14, 1979

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Speaker:

Your House Commerce Committee has had under consideration for "Sunset" review the Board of Nursing Home Administrators, pursuant to your referral under AS 44.66.050 and AS 08.03.010.

In accordance with the statutory requirements, a public hearing was held on the review of this board, at which written testimony of the Commissioner of the Department of Commerce and Economic Development was received and representatives of the Division of Occupational Licensing of that Department were available for questioning by the committee. Members of the board testified in person or by teleconference. The committee considered the proposed budget of the board for FY 1980, and particularly examined the performance audit of the activities of the board prepared by the Legislative Audit Division.

Guided in part by the report prepared by the Legislative Audit Division, the committee took into consideration the factors required to be considered under AS 44.66.050(c).

Your Commerce Committee thereby makes the following findings:

The board has not operated in the public interest, to the extent that it can justify its continued existence. However, this is not the fault of any present or prior board or board member, but is inherent in the regulatory scheme.

The Commerce Committee generally concurs in the nine findings made by the Division of Legislative Audit in considering the factors required for consideration under AS 44.66.050(c), as they appear on pages 16-19 of the Performance Review of the Board of Nursing Home Administrators prepared by the Division of Legislative Audit, dated October 20, 1978, which is hereby incorporated by reference as though fully set out herein. We do note, however, that the board has recently taken action to remedy some of the matters raised as criticisms in these findings.

Board members concurred with the Legislative Audit finding that the Board of Nursing Home Administrators should be terminated. Justification for continuance of the NHA licensing requirement is to permit the "pass through" of Federal Medicaid dollars. An effort should be made to obtain U.S. Department of Health, Education and Welfare (HEW) approval to move the licensing function to the Division of Occupational Licensing, and to bring Alaska statutes into conformance with 42 U.S.C. Sec. 1396(c)(2). Subsequent to such action, we would recommend the addition of presently exempted resident care facilities into the licensure requirement. Additionally, the licensing process for Nursing Home Administrators should be subject to the Administrative Procedures Act, and appropriate statutory changes are in order to accomplish this. Also, under our proposal, the outgoing board and the Division of Occupational Licensing should work toward a program of continuing education. Current board members concur with the need for continuing education, but it is essential that the criteria for CE be applied uniformly and fairly.

Once the transfer to the Division of Occupational Licensing has been accomplished, it is advised that the licensure requirement be upgraded to biennial, rather than annually.

The above findings, including adoption of the findings of the Legislative Audit Division report, constitute compliance with AS 44.66.050(c) by this committee in the course of its review.

Many of the other criticisms of the board arise from problems caused by action or inaction by the Division of Occupational Licensing and its employees. The Division is presently attempting to address these problems, and has made some progress. However, further legislative scrutiny of the Division is vital to assure that the licensing process with regard to many professions is adequately carried out, and that investigations of unlicensed practitioners and of improper conduct by practitioners in all professions are effective to serve the public. This is not within the scope of this review, but it should be considered during the "Sunset" review of the public protection portion of the budget during the 1980 legislative session.

The board and the licensing scheme are intended to address the need to assure that competent practitioners are available in sufficient numbers to address the health needs of the residents of the state of Alaska. There are several other boards which have similar objectives with regard to other professions which, like this one, do not usually deal with life-and-death situations in the practice of a highly advanced healing art, as do the boards which regulate the professions of nursing, medicine and surgery, dentistry, and pharmacy. For this reason, the committee is of the view that those boards can be eliminated while still assuring that the licensing scheme functions and that proper discipline is maintained within the profession.

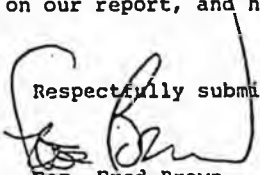
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Therefore, the House Commerce Committee does not recommend the retention or continuation of the Board of Nursing Home Administrators but it should also terminate in a manner different from that anticipated by the present language of Alaska's "Sunset" law found in AS 44.66. The Commerce Committee will introduce legislation to provide for termination of the board on January 1, 1981, but still allowing the board to fully function up to that time, allowing admission to the profession, while also cooperating with the Division of Occupational Licensing of the Department of Commerce and Economic Development to facilitate the transfer of the licensing function of this profession to that Division. This will give the board and the Division one entire budget cycle with which to deal with the transfer and will avoid what the Commerce Committee sees as an unfortunate ambiguity in the "Sunset" law about the role of the board during its final year of operation if terminated.

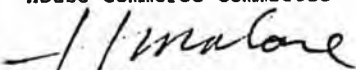
The Commerce Committee anticipates that the Division of Occupational Licensing will regulate admission into the profession using examinations from nationally recognized sources in the profession to the extent possible, and, if necessary, will establish a scheme for utilizing the talents of individual members of the profession in examination and licensing when necessary.

Mr. Bettisworth and Mr. Randolph do not join in the majority of the committee on our report, and have filed a minority report herewith.

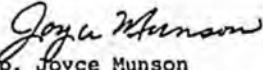
Respectfully submitted,



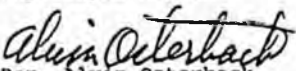
Rep. Fred Brown
Chairman
House Commerce Committee



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Rep. Joyce Munson



Rep. Alvin Osterback

I concur in general with the committee report. However, I am concerned that the "Sunset" of this board must not result in simply the transfer from board to bureaucrats, but rather in the elimination of unnecessary regulation and the simplification of remaining regulations. It is imperative that the Division of Occupational Licensing operate with this concern in mind while implementing the "Sunset" recommendations.



Rep. Richard Halford

March 14, 1979

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Speaker:

Your House Commerce Committee has had under consideration for "Sunset" review the Board of Psychologist and Psychological Associate Examiners, pursuant to your referral under AS 44.66.050 and AS 08.03.010.

In accordance with the statutory requirements, a public hearing was held on the review of this board, at which written testimony of the Commissioner of the Department of Commerce and Economic Development was received and representatives of the Division of Occupational Licensing of that Department were available for questioning by the committee. A member of the board testified in person or by teleconference. The committee considered the proposed budget of the board for FY 1980, and particularly examined the performance audit of the activities of the board prepared by the Legislative Audit Division.

Guided in part by the report prepared by the Legislative Audit Division, the committee took into consideration the factors required to be considered under AS 44.66.050(c).

Your Commerce Committee thereby makes the following findings:

The board has not operated in the public interest, to the extent that it can justify its continued existence. However, this is not the fault of any present or prior board or board member, but is inherent in the regulatory scheme.

The Commerce Committee generally concurs in the nine findings made by the Division of Legislative Audit in considering the factors required for consideration under AS 44.66.050(c), as they appear on pages 17-20 of the Performance Review of the Board of Psychologist and Psychological Associate Examiners prepared by the Division of Legislative Audit, dated October 31, 1978, which is hereby incorporated by reference as though fully set out herein. We do note, however, that the board has recently taken action to remedy some of the matters raised as criticisms in these findings.