

ALASKA LEGISLATURE COMMITTEE BILL FILES - 1987 - 1988 8879

CSSB 363 cont., SB 365 113 103

fewer accidents, less workmen's compensation and health insurance expense (and lower insurance rates); and for the employee: better health and greater career opportunity.

Employer-sponsored EAPs cost the taxpayer no dollars. They deserve wide support.

State agencies, businesses, and other organizations interested in reducing alcohol abuse should support establishment of more EAPs. State legislatures and governors can and should focus attention on EAPs, encouraging their implementation throughout industry.

The Alcohol Policy Council believes that every possible effort should be made to expand the workable and proven EAP effort. This is a primary instrument in reducing alcohol abuse. It is a tool, however, that is greatly underused.

Insurance Coverage for the Treatment of Alcoholism

Strides toward improved health care have come about because most Americans have hospital or medical insurance — either private carrier or public sponsor — that covers much of the expense of health care.

Health insurance companies too often exclude from coverage the treatment of alcoholism under the rationale that it is too expensive to cover.

Studies disprove this rationale. Alcoholics tend to have multiple medical problems that are covered

under most insurance programs. Thus, debilitating physical results of alcoholism are treated many times, requiring large expenditures without ever treating alcoholics with the correct diagnosis.

Twenty states have mandated that alcoholism be covered under all medical insurance policies. An additional fourteen states require that the option for such coverage be offered at the discretion of the group to be insured as follows:

Alcoholism is an illness, so recognized by the major medical organizations. Thus, expense for its treatment should be covered under health insurance.

Some benefits of health insurance coverage are:

- Makes it possible for more alcoholics to receive treatment when needed. Without insurance treatment is, too often, put off.
- Reduces the costs to society caused by alcoholics. Loss of work, safety problems, automobile accidents, overuse of insurance coverage (for related maladies), workman's compensation claims, etc., are minimized when an alcoholic recovers.
- Reduces costs to insurers. Insurers pay the cost of alcoholism through treatment claims for other medical problems associated with alcoholism. Coverage allows the patient to be admitted for alcoholism, so that the cause of the patient's medical problems are treated — not just the physical effects.
- Encourages families of alcoholics to urge treatment without fear of increased added financial burden.

The benefits of insurance coverage are considerable, both to the state, employers, family and patient. The Alcohol Policy Council believes insurance coverage for the treatment of alcoholism should be available in all states, as a matter of state law or regulation.

States with Mandatory Insurance Coverage (20)	States Requiring Option of Coverage at Discretion of Group to be Insured (14)	States and Territories without Mandatory Coverage or Option Requirement (23)
Connecticut	Alabama	Alaska
Hawaii	California	American Samoa
Illinois	Colorado	Arizona
Maine	Florida	Arkansas
Maryland	Kansas	Commonwealth of the Northern Marianas
Massachusetts	Kentucky	Delaware
Michigan	Louisiana	District of Columbia
Minnesota	Montana	Georgia
Mississippi	Nebraska	Guam
Missouri	South Dakota	Idaho
Nevada	Tennessee	Indiana
New Jersey	Texas	Iowa
New York	Utah	New Hampshire
North Dakota	Vermont	New Mexico
Ohio		North Carolina
Oregon		Oklahoma
Rhode Island		Pennsylvania
Virginia		Puerto Rico
Washington		South Carolina
Wisconsin		Trust Territories of the Pacific
		Virgin Islands
		West Virginia
		Wyoming

Source: National Association of State Alcohol and Drug Abuse Directors (NASADAD)



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AND DRUG ABUSE

JAN 09 1984

EXECUTIVE SUMMARY

MEDICAL CARE AND ALCOHOLISM TREATMENT COSTS AND UTILIZATION:

A FIVE-YEAR ANALYSIS OF THE CALIFORNIA PILOT PROJECT

TO PROVIDE HEALTH INSURANCE COVERAGE FOR ALCOHOLISM

December 1981

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and

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*Report prepared for the National Institute on Alcohol Abuse and
Alcoholism under Contract No. ADM 281-79-0008.*

A variety of conclusions may be drawn as a result of this study. It appears that inpatient care has not gained in popularity as a modality of service; indeed, it now appears as if inpatient care is leveling with respect to the number of inpatient admissions per client. It further appears that upon admission to an inpatient facility clients are now staying for much shorter periods of time than the three years previously. This perhaps may be attributable to the use of hospitals for detoxification only. Surprisingly the outpatient care in terms of visit per person had dropped during the fourth year of the study. It is not clear at this time whether such a drop portends a true trend, or whether it is merely an artifact in the data. Finally, the study findings continue to demonstrate that a uniform comprehensive set of insurance benefits for the treatment of alcoholism is feasible and generally inexpensive. Utilization continues at a relatively low rate and projection of insurance premiums necessary to finance this program indicate that only a modest increase above normal insurance cost would be necessary. This observation does not take into account the potential off-setting costs likely to be achieved and the reduction of costs associated with other forms of health care.

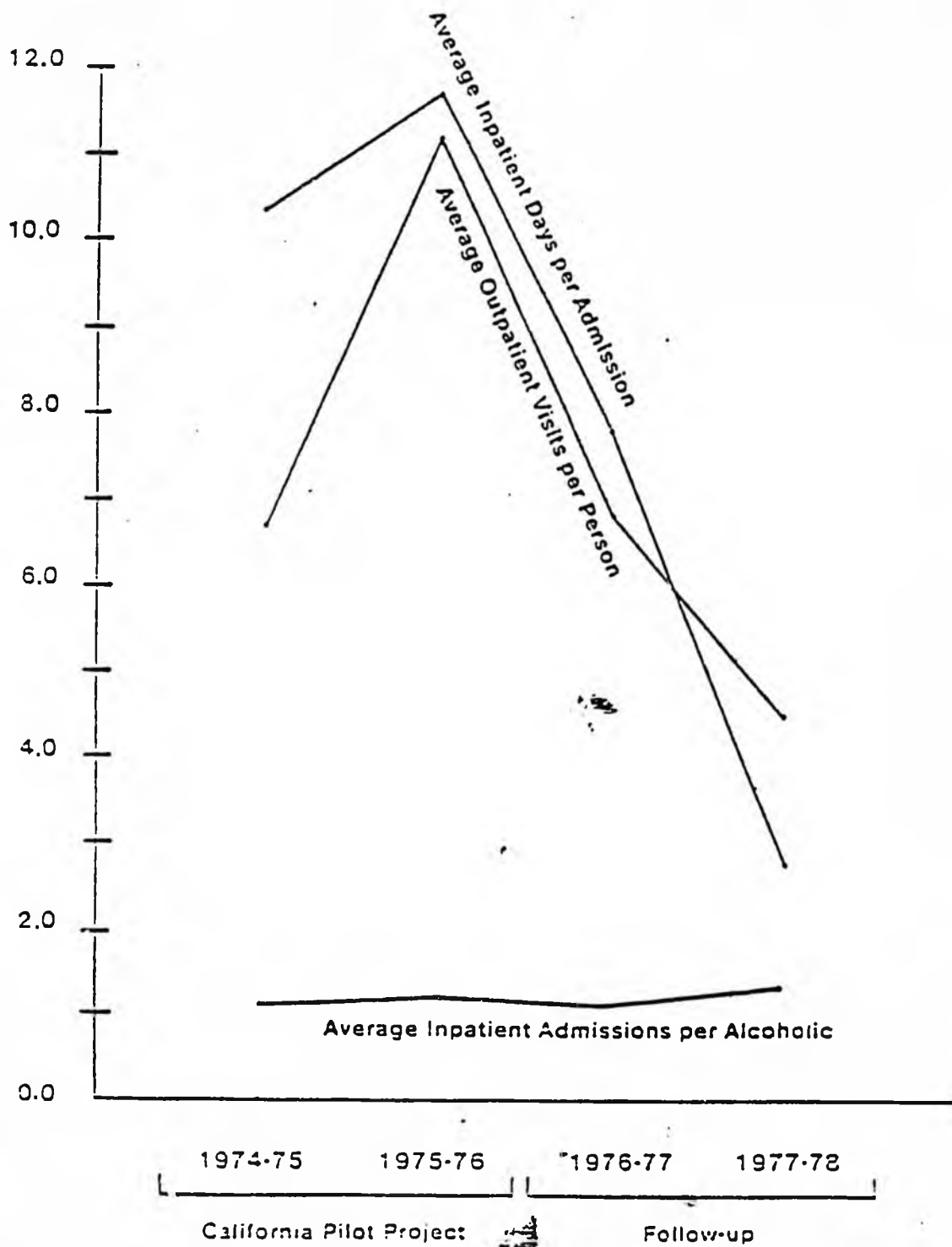
Conclusions which may be drawn about the potential impact of the treatment of alcoholism as a specific diagnosis include: (See Figure 1-7.)

- o Utilization and costs of all forms of inpatient care for both nonalcoholic family members as well as alcoholic family members can be expected to drop.
- o Outpatient care will also decrease in frequency and will represent a higher percentage of the family health care costs.
- o Total medical care costs per family member (both inpatient and outpatient care) will decrease substantially over time as the effect on the family of treatment of its alcoholic member occurs.

The conclusions are supported when compared with the nonalcoholic matched control group of families. At the end of the study, the inpatient costs per person per month of both the control families and the alcoholic families were similar and the outpatient costs of the control families were actually higher. Therefore, one can conclude that the changes in health care costs and utilization among the study population are most likely a result of alcoholism treatment and not a result of natural changes (e.g., aging or family composition) as demonstrated in the control population over time. It would appear that the treatment of alcoholism has a significant effect in reducing not only the utilization and costs of all health care for alcoholic family members but for nonalcoholic family members as well.

FIGURE I-1

Alcoholism Treatment Utilization, 1974-78 California Pilot Project and Follow-up



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**Growing Up With
Alcoholic Parents
Can Leave Scars
For Life**



NEWSWEEK **Alcohol and the Family**

**RETREAT FROM AFGHANISTAN
Will Moscow Really Pull Out?**

Alcohol and the Family

The children of problem drinkers are coming to grips with their feelings of fear, guilt and rage

Believe it or not, there are still people who think that the worst thing about drinking is a hangover.

Oh, yeah, on New Year's Day I had a hangover that...

No. Forget hangovers.

Huh? So what should we talk about? Cirrhosis?

If you wish, but the liver, with its amazing powers of regeneration, usually lasts longer than the spouse, who tends to fall apart relatively early in the drinker's decline.

You're making it hard for a man to drink in peace.

Sorry, but even if spouses do not abuse alcohol, they can come to resemble drunks, since their anger and fear are enormous: way beyond what you'd find in a truly sober person.

I know, I know, it's terrible what goes on behind closed doors.

You make it sound like there are no witnesses. You're forgetting the children. They grow up watching one out-of-control person trying to control another, and they don't know what "normal" is.

I suppose it's hard for the kids, until they move out.

They may move out, but they never leave their parents behind.

Hmm. Listen, can we talk?

We already are. A lot of people already are.

We are, just now, learning more about heavy drinking, and, simultaneously, putting behind us the notion that what alcoholism amounts to is just odd intervals of strange, and sometimes comic, behavior: W. C. Fields, Dean Martin, Foster Brooks. Since 1935 the members of Alcoholics Anonymous have been telling us, with awesome simplicity, that drinking made their lives unmanageable; Al-Anon brought us the news that relatives

and friends of drinkers can suffer in harmony; and then came Alateen and even Alatot, where one picture of a stick person holding a beer can is worth a thousand slurred words. The Children of Alcoholics (COAs)—loosely organized but rapidly growing throughout the United States—reaffirm all of the previous grass-roots movements and bring us new insight into alcoholism's effects on the more than 28 million Americans who have seen at least one parent in the throes of the affliction. The bad news from COAs: alcohol is even more insidious than previously thought. The good news: with the right kind of help, the terrible damage it does to nonalcohol-



Exorcising old demons: Gill (rear) undergoes grief therapy at Caron Family Services



SAATCHI COLLECTION, LONDON, COURTESY MARY BOONE GALLERY

■ Shame, embarrassment and sadness: Fischl's "Time for Bed"

There's a Problem in the House

In "Adult Children of Alcoholics," Janet Geringer Woititz discusses 13 traits that most children from alcoholic households experience to some degree. These symptoms, she says, can pose lifelong problems.

Adult children of alcoholics . . .

- guess what normal behavior is.
- have difficulty following a project from beginning to end.
- lie when it would be just as easy to tell the truth.
- judge themselves without mercy.
- have difficulty having fun.
- take themselves very seriously.
- have difficulty with intimate relationships.
- overreact to changes over which they have no control.
- constantly seek approval and affirmation.
- feel that they are different from other people.
- are super-responsible or super-irresponsible.
- are extremely loyal, even in the face of evidence that the loyalty is undeserved.
- tend to lock themselves into a course of action without giving consideration to consequences.

ics need not be permanent.

Imagine a child who grows up in a chaotic house, rides around with a drunk driver and has no one to talk to about the terror. Don't think it doesn't happen: more than 10 million people in the United States are addicted to alcohol, and most of them have children. "I grew up in a little Vietnam," says one child of an alcoholic. "I didn't know why I was there; I didn't know who the enemy was." Decades after their parents die, children of alcoholics can find it difficult to have intimate relationships ("You learn to trust no one" or experience joy "hid in the closet"). They are haunted—sometimes despite worldwide acclaim, as in the case of artist Eric Fischl—by a sense of failure for not having saved Mommy or Daddy from drink. And they are prone to marry alcoholics or other severely troubled people because, for one reason, they're willing to accept unacceptable behavior. Many, indeed, have become addicted to domestic turmoil.

'Hurting so bad': Children of alcoholics are people who've been robbed of their childhood—"I've seen five-year-olds running entire families," says Janet Geringer Woititz, one of the movement's founding mothers. Nevertheless, the children of alcoholics often display a kind of childish loyalty even when such loyalty is clearly undeserved.

They have a nagging feeling that they are different from other people, Woititz points out, and that may be because, as some recent scientific studies show, they are. Brain scans done by Dr. Henri Begleiter of the State University of New York College of Medicine in Brooklyn reveal that COAs often have deficiencies in the areas of the brain associated with emotion and memory. In this sense and in several other ways—their often obsessive personalities, their tendency to have a poor self-image—the children of alcoholics closely resemble alcoholics. In fact, one in four becomes an alcoholic, as compared with one in 10 out of the general population.

The anger of a COA cannot be seen by brain scans. But at a therapy session at Caron Family Services in Wernersville, Pa., Ken Gill, a 49-year-old IBM salesman, recently took a padded bat and walloped a couch cushion hard enough to wake up sleeping demons. "I came because I was hurting so bad and I didn't know why," he says. "A lot of things were going wrong. I

When my mom drinks I just pretend she doesn't. I never even talk about it.



COURTESY CLAUDIA BLACK

■ A nine-year-old's nightmare: Living in denial

was a workaholic, and I neglected my family." It took Gill only a few hours of exposure to the idea that he might be an "adult child," he says, to realize that his failings as a parent may be if not excused, then at least explained. Like a lot of kids who grew up in an alcoholic household, Gill, who is also a recovering alcoholic, never got what even rats and monkeys get: exposure, at an impressionable age, to the sight and sound of functioning parents. Suzanne Somers, the actress and singer, spent years working out her anger in the form of a just published book called "Keeping Secrets." "I decided that this disease took the first half of my life, and goddam it," she says, "it wasn't going to take the second half of it."

'Control freak': Not every COA has all of the 13 traits (chart, page 63) ascribed to them by Woititz in her landmark work, "Adult Children of Alcoholics" (1983, Health Communications, Inc.), and not all have been scarred. President Reagan, who has written of sometimes finding his father passed out drunk on the front porch, does not appear, from his famous management style, to suffer from any tendency to be a "control freak," a most common COA complaint. Some children of alcoholics are grossly overweight from compulsive eating while others are as dressed for success as, well, Somers. A few COAs are immobilized by depression. Another runs TV's "Old Time Gospel Hour." What these people do have in common is a basic agreement with George Vaillant, a Dartmouth Medical School professor who says that it is important to think of alcoholism not as an illness that affects bodily organs but as "an illness that affects families. Perhaps the worst single feature of alcoholism," Vail-

lant adds, "is that it causes people to be unreasonably angry at the people that they most love."

The movement is only about six years old, but expanding so rapidly that figures, could they be gathered for such a basically unstructured and anonymous group, would be outdated as soon as they appeared. We do know, though, that five years ago there were 21 people in an organization called the National Association for Children of Alcoholics; today there are more than 7,000. The 14 Al-Anon-affiliated children-of-alcoholics groups meeting in the early '80s have increased to 1,100. With only word-of-mouth advertising, Woititz's book has sold about a million copies; indeed, "Adult Children of Alcoholics" reached the number-three spot on The New York Times paperback best-seller list long before it was available in any bookstore—at a time, in other words, when getting a copy meant collaring a clerk to put in an order and saying the title out loud.

"We turned on the phones in 1982," says Migs Woodside, founder and president of the Children of Alcoholics Foundation in New York, "and the calls are still coming in 24 hours a day." The COAs Foundation sponsors a traveling art show that features the work of young and adult COAs; often, says Woodside, an attendee will stand mesmerized before a crude depiction of domestic violence or parental apathy ("Mom at noon," it says beneath the picture of someone huddling beneath the bedcovers—and will then go directly to a pay phone to find help. "The newcomers all tend to say the same thing," says Woodside. "'Wait a minute—that's my story, that's me.'"

"It's private pain transformed into a pub-

lic statement," says David L. Reardon, president of the Erickson Institute's Advanced Study in Child Development in Chicago, "a fascinating movement" but when you consider that denial is the primary symptom of alcoholism and that COAs tend by nature to take on more than their share of blame for whatever mess they happen to find themselves in, the rapid growth of the COAs movement seems just short of miraculous—something akin to a drunken stockbroker named Bill Wilson cofounding AA, now the model for a vast majority of self-help programs throughout the United States. After all, who would want to spill the family's darkest secret after years of telling teachers, employers and friends that everything was fine? "A child of an alcoholic will always say 'Fine,'" says Rokelle Lerner, a counselor who specializes in young COAs. "They get punished if they say otherwise." Who would voluntarily identify themselves with a group whose female members, according to some reports, have an above-average number of gynecological problems, possibly due to stress—and whose men are prone to frequent surgery for problems, doctors say, that may be basically psychosomatic?

The answer is, only someone who had, in some sense, bottomed out, just the way a drinker does before he turns to AA.

The concept of codependency is at the center of the COAs movement. Eleanor Williams, who works with COAs at the Charter Peachford Hospital in Atlanta, defines codependency as "unconscious addiction to another person's dysfunctional behavior." Woititz, in a recent *Changes* magazine interview, referred to it more simply as a tendency to "put other people's

Talking and playing their way to a healthy state of mind



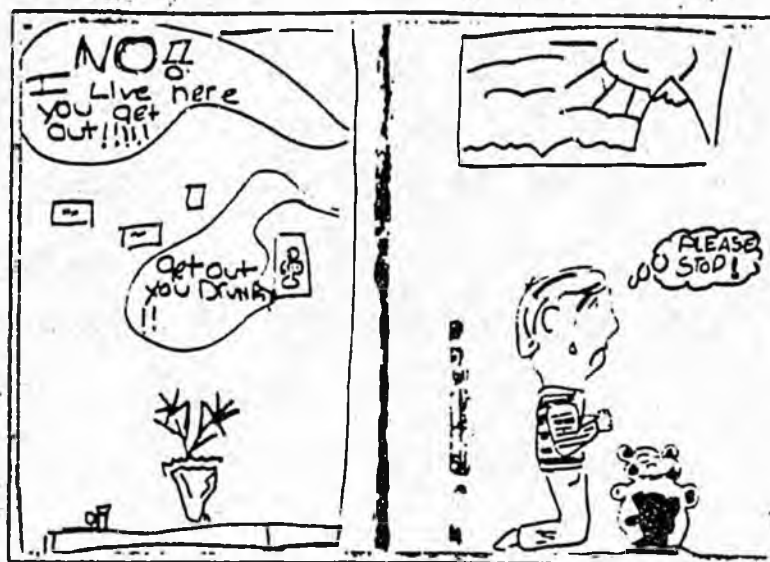
needs to be my own. A codependent family member may expect that he has driven the alcoholic to drink, though that is impossible, according to virtually all experts in the field; he almost certainly thinks that he can cure or at least control the drinker's troublesome behavior. "I actually thought that I could make a difference by cooking my husband better meals and by taking the kids out for drives on weekends [so he could rest]," says Ella S., a Westchester, N.Y., woman. "For all I know, it's a deeply ingrained psychological, and possibly genetic, disease, and here I am going at it with a lamb chop."

Mental movies: Obsessed with her husband's increasingly self-destructive behavior, Ella's next step, in typical codependent fashion, was to hide Bob's six-packs, which made him, to put it mildly, angry. Soon they were fighting almost daily and Ella was running mental movies of their scenes from a marriage all night long. "I was wasting a lot of time and energy trying to change the past, while he kept getting worse," she says. "There was a kind of awkward violence between him and me all the time; our hearts weren't really in it, but it wasn't until he had an affair with an alcoholism counselor that I got him to that I left." If you're wondering about children, Ella has a seven-year-old daughter, Ann. Her omission is significant. If life were a horse race, then Ann has been, as they say on the past performance charts, "shuffled back" among the also-rans.

What COAs—all people affected by alcohol—need to learn is that the race is fixed: when there is no program of recovery—either through the support of a group or the self-imposed abstinence of an individu-

al—the abused substance will always win, handily, no matter what the competition. The first step of AA begins, "We admitted we were powerless . . ." But what will become of Ann, who is codependent on *two* people? Perhaps, sensing that she is not exactly the center of attention, she will reach adulthood with a need for constant approval, a common COA symptom. Or maybe she will, even as a child, react to the chaos by trying to keep everything in her life under control, and thus give the impression that she is, despite everything, quite a trouper, a golden child.

"[Some] don't fall apart until they're in their 20s or 30s," says Woititz, and in some cases, especially those marked by violence or incest and sexual abuse (three times more common in alcoholic households than in the general population), that's the wonder of it all. One eight-year-old patient at Woititz's Verona, N.J., counseling center woke up in the middle of the night to see her alcoholic mother shoot herself in the head. "The child called the 911 emergency number, got her mother to the hospital and basically saved her mother's life," says Woititz. "When I saw her she was having

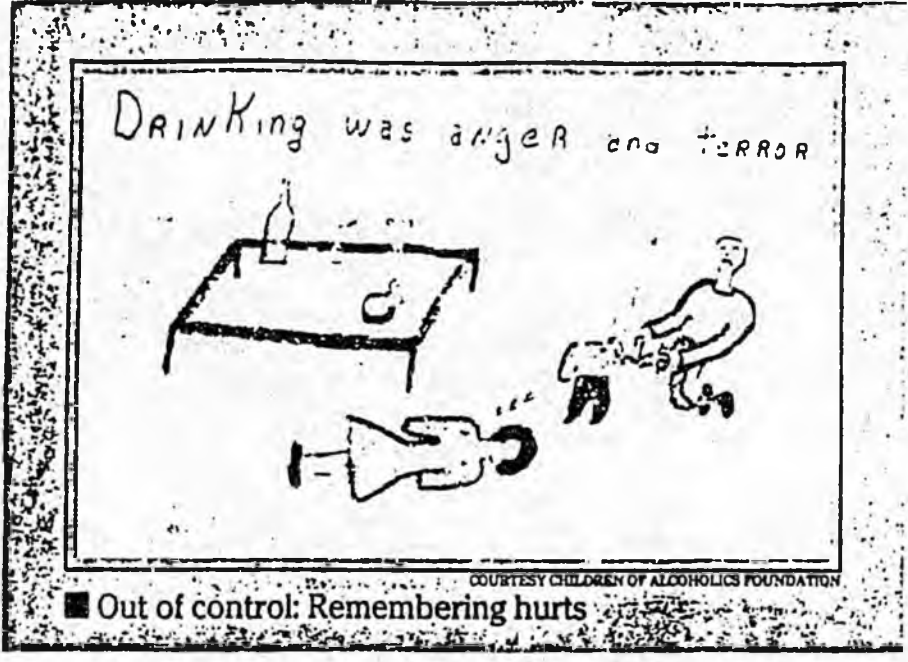


COURTESY CHILDREN OF ALCOHOLICS FOUNDATION

■ The fighting never stops: Living with fear

The board game Sobriety (left), Brooks with a father and son at her California counseling center





■ Out of control: Remembering hurts
COURTESY CHILDREN OF ALCOHOLICS FOUNDATION

nightmares—that she wouldn't wake up and witness this suicide attempt. This is not a normal nightmare. The child had become mother to her own mother." Each unhappy family, as Tolstoy said, is unhappy in its own way. Artist Eric Fischl, 39, in a short videotape he made for the COAs Foundation called "Trying to Find Normal," speaks of stepping over his

passed-out mother, in their comfortable-looking (from the outside) Port Washington, N.Y., home and seeing her "lying in her own piss." His work, which has been the subject of a one-man show at the Whitney Museum in New York, is not autobiographical, he says, and yet "the tone [of it] has everything to do with my childhood." His painting "Time for Bed" (page 63) "re-

lates to my mother's... house," he says. "I don't... boy is me and his shame... and sadness is mine as well. The... Superman pajamas are on backward... it's like looking in a mirror. I painted the woman standing on a glass table with spiked heels on to give it a sense of fragility and danger. The man only has one arm because I wanted a sense of impotence." Alcohol leaves every alcoholic and codependent who does not admit his powerlessness over the substance in a constant state of longing. Fischl didn't realize how sad he'd been until his mother died, in an alcohol-related car accident, in 1970. "The thing about having a sick parent is that you think it's your problem," he says. "You feel like a failure because you can't save her." Even when there is no incest, there is seduction. Fischl's mother kept "signaling," he says, "that if you could just come a little bit further with me in this, you can save me."

Some of the other things that alcohol ruins, before it gets to the liver: family meals ("Alcohol fills you up. My father was never interested in eating with us"; gloriously run-of-the-mill evenings around the hearth ("Alcohol makes you tired. My father was in bed most nights at 8"). When enough C_2H_5HO is added to a home, vases may start to fly across the room and crash

Heredity and Drinking: How Strong Is the Link?

Research on the genetics of alcoholism took a curious turn a few weeks ago when Lawrence Lumeng analyzed his DNA to demonstrate why he can't tolerate liquor. Lumeng, a biochemist at the Indiana University School of Medicine, is among the 30 to 45 percent of Asians whose response to spirited beverages is a reddened face, headaches or nausea. This "Oriental flush," past studies have shown, arises in those who have an inefficient version of a liver enzyme that is crucial to the body's breakdown of alcohol; this "lazy" enzyme allows the buildup of an alcohol product, acetaldehyde, which is sickening and leads many Asians to shun alcohol. Working with biochemist Ting-Kai Li, Lumeng says that he pinpointed the gene that instructs cells to

make the odd enzyme. The experiment offers dramatic evidence that a bodily response to alcohol is genetically dictated—and is thus inherited as surely as eye color. There is no evidence for the opposite proposition: that a specific gene makes a person *crave* alcohol. Considering the wide variety of reasons why people consume the stuff, it seems unlikely that a "drinking gene" exists. But researchers have firmly established that, compared with other children, an alcoholic's offspring are around four times more likely to develop the problem, even if they were raised by other, nonalcoholic parents. In families with a history of alcoholism, explains C. Robert Cloninger, a psychiatrist and geneticist at Washington University in St. Louis,

"what is inherited is not the fact that you are destined to become an alcoholic but varying degrees of susceptibility" to the disorder. So real is the predisposition that many researchers advise adult children of alcoholics (COAs) to drink no alcohol whatsoever. Even the brains of COAs show faint signs of unusual activity, according to controversial studies by psychiatrist Henri Begleiter of the State University of New York in Brooklyn. Begleiter has found that young boys who have never consumed alcohol produce the slightly distorted brain-wave patterns typical of their alcoholic fathers. Such signature brain waves, he says, may mark the son of an alcoholic as likely to develop a drinking problem and perhaps alert him to the risk. However, it



Probing for genes: Lumeng

into walls. All kinds of paper—court-issued Orders of Protection, divorce decrees, bounced checks—come fluttering down. The lights go on and off. Does that mean Daddy's forgotten to pay the bill again, or that the second act is starting?

Every alcoholic household is, in fact, a pathetic little play in which each of the members takes on a role. This is not an idea that arrived with the COAs movement: a 17-page booklet called "Alcoholism: A Merry-Go-Round Named Denial" has been distributed free of charge by Al-Anon for almost 20 years. Written by the Rev. Joseph L. Kellerman, the former director of the Charlotte, N.C., Council on Alcoholism, "Merry-Go-Round" takes note of the uncanny consistency with which certain characters appear in alcoholic situations. These include the Enabler ("a 'helpful' Mr. Clean... [who] conditions [the drinker] to believe there will always be a protector who will come to his rescue"); the Victim ("the person who is responsible for getting the work done if the alcoholic is absent") and the Provoker (usually the spouse or parent of the alcoholic, this is "the key person... who is hurt and



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Trauma: Parental neglect

upset by repeated drinking episodes, but she holds the family together... In turn, she feeds back into the marriage her bitterness, resentment, fear and hurt... She controls, she tries to force the changes she wants; she sacrifices, adjusts, never gives up, never gives in, but never forgets").

Some of the earliest books in the COAs movement explored the drama metaphor

more deeply and defined the roles that children play. Sharon Wegscheider-Cruse, in her 1981 book, "Another Chance" (Science and Behavior Books, Inc., Palo Alto, Calif.), wrote about the Family Hero, who is usually the firstborn. A high achiever in school, the Hero always does what's right, often discounting himself by putting others first. The Lost Child, meanwhile, is withdrawn, a loner on his way to a joyless adulthood, and thus, in some ways, very different from the Scapegoat, who appears hostile and defiant but inside feels hurt and angry. It is the Scapegoat, says Wegscheider-Cruse, who gets attention through "negative behavior" and is likely to be involved in alcohol or other drugs later. Last and least—in his own mind—is the Mascot, fragile and immature yet charming; the family clown.

'Good-looking' kids: Virtually no one was publishing those kinds of thoughts when Claudia Black, a Laguna Beach, Calif., therapist, began searching for literature on the subject of the alcohol-affected family in the late '70s. "Half of my adult [alcoholic] patients had kids my age and older," she remembers, "but all I found was stuff on fetal alcohol syndrome and kids prone to juvenile delinquency." One thing that fascinated her about young COAs, she says, was that despite their developmental problems "they were all 'good-looking' kids"—presentable and responsible albeit

remains to be seen whether such brain scans are sufficiently reliable and informative to distinguish potential social drinkers from future alcoholics. The technique, comments psychologist Robert Pandina, scientific director of the Center of Alcohol Studies at Rutgers University, is "at this time not any more valuable" as a predictor of future drinking behavior "than collecting a good family history on an individual."

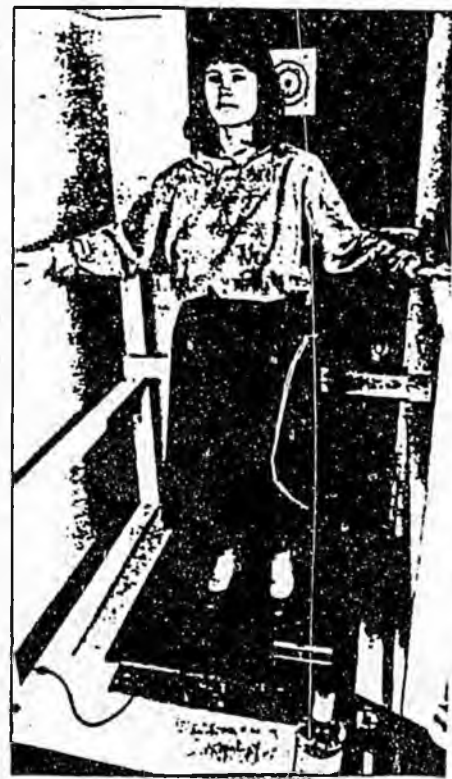
Other studies show that many COAs respond uniquely to booze. Marc Schuckit, a psychiatrist at the Veterans Administration Hospital in San Diego, has found that college-age sons of alcoholics often react less to a few drinks than other college men; in his studies, the drinkers' sons were generally not as euphoric or tipsy after three to five cocktails. Schuckit believes that this lower sensitivity makes it harder for the alcoholics' sons

to know when to stop drinking, starting them down the road to alcohol problems. Preliminary experiments by Barbara Lex of McLean Hospital in Belmont, Mass., confirm that daughters of alcoholics respond similarly. Women from families with a history of alcohol abuse tend to keep their balance better on a wobbly platform after having a drink. Apparently women, too, can inherit traits that might predispose them to addiction, although there are far fewer female than male alcoholics.

Half a beer: The key unresolved issue, of course, is why some individuals from alcohol-scarred families succumb to alcoholism while others don't. Genes play some role in the development, most notably in abstinence. "People say that whether you drink or not has to do only with willpower," explains Indiana's Lumeng, "but the reason I can drink only half a beer is biological."

Yet heredity alone obviously isn't to blame for alcoholism's appalling toll. In fact, about 60 percent of the nation's alcohol abusers are from families with no history of the disorder. How much people drink is influenced by factors as prosaic as cost; partly to curb consumption, the National Council on Alcoholism is lobbying to raise federal excise taxes on beer and wine, which haven't changed since 1951. Social influences like cost and peer pressure "are just as important as genes," says Dartmouth psychiatrist George Vaillant. "All the genes do is make it easier for you to become an alcoholic." For now, the value of genetic studies is to warn COAs that they may well have a real handicap in the struggle against the family trouble.

TERENCE MONMONEY WITH KAREN SPRINGER in New York and MARY HAGER in Washington



RICHARD SOBOL
Tipsy? Lab demonstration

not terribly verbal. They had friends but weren't honest with them. Everything was 'fine and dandy'."

The title of Black's important 1981 book, "It Will Never Happen to Me" (M.A.C. Denver, Colo.), reflects the typical codependent's mix of denial and false bravado. In it, she makes the point that the children in an alcoholic household never have an environment that is consistent and structured, two of the things they need most—and she, too, talks of such stock juvenile "roles" as the Responsible One and the Adjuster. Her unique warning was that children who survive a parent's alcoholism by displaying unusual coping behavior often experience "emotional and psychological deficits" later on. They are also likely to become alcoholics, says Black, because "alcohol helps these persons become less rigid, loosen up and relax. When they drink, they aren't quite so serious."

Though those things happen to almost everyone who imbibes, Black says that "for those who are stuck in unhealthy patterns, alcohol may be the *only* thing that can provide relief."

Well, she guessed wrong there: a movement, manifested by often joyous meetings, has come along in the interim. At hundreds of COAs gatherings around the country tonight, people will talk and listen to each other's stories, to cry, to laugh and generally, as Ken Gill says, "recharge their batteries." "This program kept me from being an alcoholic myself," said a woman named Heather at a gathering in an affluent section of San Francisco last week. "Because I was the oldest, everything was always my fault. It's like when you make your parents breakfast and you bring them one scrambled egg and one fried egg—in my house I always scrambled the wrong egg." Heads bobbed in agreement. Who else but COAs could identify with a story about what happens when kids cook for their own mother and father?

Discovering self-esteem: Talking and listening: this is the way we've learned to deal with problem drinking. And though it sounds wimpy, don't knock it; it's the surest way to alleviate not just the imbibing but the whole range of symptoms we call alcoholism. A woman named Nina stood up at a meeting in Boston last week, practically glossed over the fact that both her parents were alcoholics—and proceeded to speak about how well she was feeling and doing. COAs meetings and literature, she said, had allowed her to discover self-



COURTESY CHILDREN OF ALCOHOLICS FOUNDATION

Physical abuse: An adult remembers

esteem. At another meeting, Carolyn told a story of complaining to her doctor about depression—and hearing the doctor shoot back a question about whether one of her parents was an alcoholic. "I was shocked," she said, and well she might be. Doctors, as a group, have yet to play a major role in helping mitigate the effects of alcohol, perhaps because the average medical-school student spends a grand total of between zero and 10 hours studying the affliction that kills 100,000 people annually.

An avalanche of information is coming, nevertheless, from another kind of M.D.—call them the Masters of Disaster, the people who've lived with alcoholism or worked with alcoholics so closely that they might as

A founding mother of the movement: Woititz

BERNARD GOTTFRYD—NEWSWEEK



well be their own M.D. A woman, a professor at Indiana University of Pennsylvania, has been studying the children of alcoholics for an exceedingly long time by the standards of the movement—since the early '70s. In his recent book "Let Go and Grow" (Health Communications, Inc.), he reports on a survey he took to test the validity of Woititz's 13 generalizations about COAs, as well as seven more observations of his own. What he found was that "adult children of alcoholics identified about 20 percent more with these characteristics" than did the general population. Other professionals are reporting success with therapies involving hugging, acting out unresolved scenes from long ago and even playing one of several board games for children of alcoholics called Family Happenings and Sobriety. Cathleen Brooks, executive director of a program called Next

Step in San Diego, reports that her clients often make life-changing strides after six to 18 months of primary treatment and make the decision never to drink or take drugs.

The 7 million COAs who are under the age of 18 are harder to help, if only because their parents' denial tends to keep them out of treatment. For these children who never know what to expect when they come home from school each day, life, says Woititz, "is a state of constant anxiety." Some pediatricians think there is a link between such anxiety and childhood ulcers, chronic nausea, sleeping problems, eating disorders and dermatitis. Migs Woodside, from the COAs Foundation, says that the trained teacher can pick the child of an alcoholic out of a crowded classroom. "Sometimes you can tell by the way they are dressed or by the fact that they never have their lunch money," she says. "Sometimes you can tell by the way they suddenly pay attention when the teacher talks about drinking, and sometimes you can tell by their pictures."

Someday, 20 or 30 years from now, those children may feel a vague sense of failure or depression and be hard pressed to explain why. In the meantime, it's their Crayolas that are hard pressed. Beer cans—and not liquor or wine bottles—form a leitmotif in the work of young children of alcoholics. Occasionally, Woodside says, looking a little sad, the big stick figures can be seen tipping the cans into the mouths of the little stick figures.

CHARLES LEERHSEN with TRISH NAMUTH
and "THE COA MOVEMENT"



NFIB National Federation
of Independent Business

The Guardian of Small Business

April 4, 1988

TO: The Honorable John Binkley
Alaska Senate

SUBJECT: SB 363-KEY SMALL BUSINESS VOTE

FROM: Gary L. Jenkins, Director
Governmental Relations
NFIB/Alaska

We urge you to carefully consider the impact of this issue on the businesses in your district when you vote on this bill. Your vote on this very important issue will be reported to our membership in your district. Our position is based on the vote of our Alaska members. There are currently 4,000 NFIB members in Alaska.

ISSUE: Mandated alcohol and drug abuse health insurance coverage for companies with 20 or more employees.

NFIB POSITION: The Finance Committee CS includes amendments which mitigate the impact of this legislation on small businesses throughout Alaska and is acceptable to NFIB/Alaska. However, many of our members strongly oppose the concept of the legislature mandating any type of coverage since this bill will open the door to many other mandated coverage bills. Thus, if we had our preference, we would rather have the legislation specify the levels of coverage but make it optional regardless of the number of employees. With regard to the issue of the legislature mandating any type of health insurance coverage, our Alaska membership voted 75% opposed, 15% in favor and 10% no opinion.

SUMMARY STATEMENT. We can accept this legislation for the following reasons:

1. It will mandate reasonable levels of coverage for those policies which provide coverage for treatment of alcohol and drug abuse problems.
2. It will limit the required coverage to those businesses who have 20 or more employees and which typically are providing alcohol and drug abuse coverage in existing group health insurance policies.

For further information, feel free to contact the NFIB/Alaska office.

NFIB/ALASKA
Legislative Office
P.O. Box 210194
Auke Bay, AK 99821
907/586-4100

S B

365

SENATE COMMITTEE REPORT

FURTHER

DATE TURNED INTO OFFICE 4/13/88

2/11/88
Mr. President:

Finance Committee considered SB 365

extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors; efd

and recommended

replace with _____ CS SB 365 (Fin)) same title
 or adopt _____ CS _____) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Handwritten signatures: Robert E. Harhoff, James ...]

[Handwritten signature: Rick Halford (do pass)]
Chairman signature and recommendation

Committee Backup attached

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Commerce & Econ. Dev.
 Title: An Act extending the termination date of the State Board of Registration for Architects, Eng., & L.S.,
 of the State Board of Registration for Architects, Eng., & L.S.,
 Sponsor: Senators Kelly and Szymanski Components: _____
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Funding for the State Board of Registration for Architects, Engineers and Land Surveyors is included in the department's FY 89 operating budget request

Prepared by: Jennifer Strickler, Management Analyst Phone: 465-2144
 Division: Occupational Licensing Date: 2/8/88

Approved by Commissioner: J. Anthony Smith Date: 2/8/88
 Agency: Commerce and Economic Development

Distribution (by preparer):

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

RECEIVED

FEB 9 1988

page 1 of 1

Introduced: 1/25/88
Referred: Labor and Commerce and
Finance

5-1678A

Finance Committee

BY ~~KELLY AND SZYMANSKI~~

1 IN THE SENATE

2

ASSENATE BILL NO. 365 (Fix)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act extending the termination date of the State
7 Board of Registration for Architects, Engineers, and
8 Land Surveyors; 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(c)(15) is amended to read:

11 (15) State Board of Registration for Architects, Engineers,
12 and Land Surveyors (AS 08.48.011) -- June 30, ¹⁹⁹¹~~1992~~ [1988].

13 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

4/13/88
Adopted



Official Business

Alaska State Legislature

SENATE

Committee on Finance

P.O. Box V
State Capitol
Juneau, Alaska 99811

LETTER OF INTENT

SB 365 - An Relating to the State Board of
Registration for Architects, Engineers
and Land Surveyors

As part of the sunset review process for the the State Board of Registration for Architects, Engineers, and Land Surveyors, the audit recommended legislation be introduced requiring continuing education for architects, engineers and land surveyors.

The Legislature considered this recommendation and believes that requiring evidence of professional competency for license renewal merits further consideration.

To this end, it is the intent of the Legislature the Board evaluate adoption of a "continuing education" or "continuing competency" requirement for license renewals. In addition, the Legislature asks the board to also consider the benefits of a ten year residency requirement for Board membership and a five year license renewal cycle. The Board shall report its recommendations to the Sixteenth Legislature by the 15th day of its first session.

A PERFORMANCE REPORT
ON THE BOARD OF
REGISTRATION FOR ARCHITECTS,
ENGINEERS, AND LAND SURVEYORS

July 1, 1983 - June 30, 1987

Audit Control Number

08-1317-88-R

Commissioner, Department of
Commerce and Economic
Development

J. Anthony Smith

Deputy Commissioner, Department
of Commerce and Economic
Development

John Williams

Member of the Board of Registration for
Architects, Engineers, and Land Surveyors

Member
Member
Member
Member
Member
Member
Member
Member
Member

Wayne K. Jensen
Gorden S. Best
Rajiev Bhargava
Robert B. Boswell
Jacquelyn R. Luke
Malcolm A. Menzies
Robert A. Perkins
Sandra L. Sampson-Jones
E. Odin Strandberg

STATE OF ALASKA

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

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

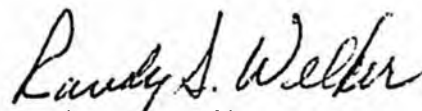
December 31, 1987

Members of the Legislative Budget
and Audit Committee:

According to the provisions of Titles 24 and 44 of the Alaska Statutes, the Division of Legislative Audit is required to conduct a "Sunset" review of the Board of Registration for Architects, Engineers, and Land Surveyors.

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

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



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

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
POUCH WF-STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 466-3795

December 10, 1987

Members of the Legislative Budget
and Audit Committee:

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

A PERFORMANCE REPORT
ON THE BOARD OF
REGISTRATION FOR ARCHITECTS,
ENGINEERS, AND LAND SURVEYORS

July 1, 1983 - June 30, 1987

Audit Control Number

08-1317-88-R



Mike Greany, Director
Division of Legislative Finance

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PURPOSE AND SCOPE OF THE REPORT

PURPOSE

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Board of Registration for Architects, Engineers, and Land Surveyors for the past four fiscal years. Our examination was conducted to determine if the Board has been operating in an efficient and effective manner.

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

SCOPE

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

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

ORGANIZATION AND FUNCTION

The Board of Architects, Engineers, and Land Surveyors is a regulatory board with nine members consisting of two civil engineers, one land surveyor, one mining engineer, two engineers from other branches of the engineering profession two architects, and one public member.

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

1. Examining and issuing licenses to qualified applicants.
2. Establishing, amending, or eliminating regulations controlling architect, engineer, and land surveyor practices.
3. Revoking, annulling, or suspending licenses in accordance with the Administrative Procedures Act when a person has violated architect, engineer, and land surveyor statutes or regulations.

REPORT CONCLUSION

Policy Issues

This report contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting these practices are not within the scope of this report but require legislative consideration. In debating these issues, the oversight committees should take into consideration the finding and recommendation presented in this report so the potential impact of policy changes can be evaluated.

Report Conclusion

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

The following finding describe areas where weaknesses or conflict exist. We have made a recommendation which, if implemented, will improve the efficiency and effectiveness of the Board.

FINDING AND RECOMMENDATION

Recommendation No. 1

Legislation should be introduced requiring continuing education for architects, engineers, and land surveyors.

Architects, engineers, and land surveyors must demonstrate a high degree of educational and practical competence before they can become registered in Alaska. However, renewal of certificates is not dependent upon evidence of a professional's continued competence.

Continuing education, although not a absolute guarantee, provides a reasonable means of assuring continuing competency in a profession. A program of continuing education will help avoid professional obsolescence and keep practitioners aware of changes taking place in the profession.

Most professional licensing boards require continuing education to assure that license renewal is based upon evidence of professional continued competency.

ANALYSIS OF PUBLIC NEED

Limited Analysis

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

- I. The extent to which the board, commission or program has operated in the public interest.
 - A. The Board holds at least four regular meetings each year.
 - B. The Board holds written exams at least twice each year, except for certain national examinations that are held only once a year.
- II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.
 - A. The Board has received assistance from DOL relative to the drafting of legislation and regulatory changes.
 - B. The Board has received legal assistance from the Attorney General's Office.
- III. The extent to which the board, commission, or agency has recommended statutory changes which are generally of benefit to the public interest.

The Board adopted regulations that clarified various vague statutory and regulatory requirements.
- IV. The extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.

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

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

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(Intentionally left blank)

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The Board adopted regulations that clarified various vague statutory and regulatory requirements.
- IV. The extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.

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

Public notices of proposed regulations are published in major newspapers. Public comment on proposed regulations, both written and oral, are considered at Board meetings.

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

The Board has taken appropriate action to resolve complaints filed with the Office of Ombudsman. No complaints were filed with the Attorney General's Office.

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

- A. We found no instances where the Board has licensed unqualified practitioners.
- B. Architects, engineers, and land surveyors are not required to demonstrate their continued competence through a continuing education program (see Recommendation No. 1).

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

According to the Office of Equal Employment Opportunity, no complaints were filed against the Board from FY84 through FY87.

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

Please refer to the previous section, Finding and Recommendation.

APPENDIXES

(Intentionally left blank)

APPENDIX A

BOARD OF REGISTRATION FOR
ARCHITECTS, ENGINEERS,
AND LAND SURVEYORS
SCHEDULE OF
REVENUES COMPARED WITH EXPENDITURES
For Fiscal Year 1987
(Unaudited)
(Note 1)

Average Revenue (Note 2)	\$149,302
Expenditures (Note 3)	<u>251,320</u>
Excess of Expenditures over Revenues	<u>\$102,018</u>

Note 1

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

Note 2

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

Note 3

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

APPENDIX B

BOARD OF REGISTRATION FOR
ARCHITECTS, ENGINEERS,
AND LAND SURVEYORS
SCHEDULE OF ESTIMATED REVENUES
COMPARED WITH BUDGETED EXPENDITURES
For Fiscal Year 1988
(Unaudited)
(Note 1)

Average Revenue (Note 2)	\$296,000
Expenditures (Note 3)	<u>280,119</u>
Excess of Revenue Over Expenditure	<u>\$ 15,881</u>

Note 1

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

Note 2

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

Note 3

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

APPENDIX C

BOARD OF REGISTRATION FOR
ARCHITECTS, ENGINEERS,
AND LAND SURVEYORS
SCHEDULE OF TYPES OF REVENUES
(Unaudited)
(Note 1)

<u>Revenues</u>	<u>Amount</u>	<u>Collection Time</u>
Application For Individual By Exam	\$ 20	With Application
Application For Corporation Authorization	\$ 20	With Application
Application By Comity	\$120	With Application
Examination Fees*		
Fundamentals of Engineering (EIT)	\$ 50	With Application
Professional Engineering (PE)	\$100	With Application
Fundamentals of Land Surveying (LSIT)	\$ 50	With Application
Principals & Practices of Land Surveying	\$ 50	With Application
Alaska Land Surveying (AKLS)	\$ 75	With Application
Architect Registration Exam (ARE)		
Division A	\$ 40	With Application
Division B	\$ 40	With Application
Division C	\$ 75	With Application
Division D	\$ 25	With Application
Division E	\$ 20	With Application
Division F	\$ 15	With Application
Division G	\$ 25	With Application
Division H	\$ 30	With Application
Division I	\$ 30	With Application
For Entire ARE Exam	\$300	With Application
Individual Registration & Renewal Fee (Renewals paid biennially.)	\$100	
Corporate Authorization & Renewal Fee (Renewals paid biennially. Corporations registered in the second half of the biennium pay one-half of their first renewal fee.)	\$400	
Amendment to Corporate Authorization	\$ 50	With Amendment
Penalty for Reinstatement of Lapsed Registration	\$ 20	With Reinstatement
Postponement of Examination	\$ 20	With Request For Postponement
Duplicate License	\$ 5	With Request
Duplicate Certificate	\$ 20	With Request
Verification of Registration	\$ 5	With Request
Name Change	\$ 5	With Request
Returned Check (NSF)	\$ 20	

* Reexamination fees are the same as the initial exam fees.

Note 1

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

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

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

January 20, 1988

JAN 27 1988

LEGISLATIVE
AUDIT

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

Dear Mr. Welker:

This is written in response to the Budget and Audit Committee's (hereinafter "Committee") audit report of its sunset performance review of the Board of Registration for Architects, Engineers and Land Surveyors (hereinafter "AELS Board"). Below is the Department of Commerce and Economic Development's (hereinafter "Department") comments on the Committee's recommendation.

Recommendation #1

The Committee has found that a program of continuing education "provides a reasonable means of assuring continuing competency in a profession" and has recommended that legislation "be introduced requiring continuing education for architects, engineers, and land surveyors." The Department is cognizant that this matter has been the subject of much discussion by the AELS Board and that action to set a continuing education program in place has not yet been taken by the Board.

Nevertheless, the Department concurs in the recommendation of the Committee and would support passage of legislation requiring continued education for AELS professionals. Such legislation could be made a part of the bill which reestablishes the AELS Board this Second Session of the Fifteenth Legislature.

Sincerely,



J. Anthony Smith
Commissioner

JAS/mst6867c
011988c

...

Alaska State Legislature

RECEIVED MAR 7 1988

Senate Advisory Council



P.O. Box V
State Capitol
Juneau, Alaska 99811
Phone: (907) 465-3114

MEMORANDUM

TO: Senator R. Halford
Alaska State Senate

FROM: Juella T. Sparks *JTS*
Senate Advisory Council

DATE: March 7, 1988

SUBJECT: Continuing Education Requirements for the Licensing of
Architects, Engineers and Land Surveyors; IR# 88-003245

You asked the Senate Advisory Council to supply information on the competency requirements in other states for the renewal of licenses for architects, engineers and land surveyors.

Tom Kollaha with the National Council of Architectural Registration Boards stated that only Iowa requires continuing education for license renewal of architects. Six other states have enabling legislation, that is the licensing boards have the power to require continuing education but have chosen not to at this time. Those states are; Arizona, Florida, Minnesota, New Hampshire, New Jersey and New Mexico.

Jean Robertson with the National Society of Professional Engineers explained that Iowa is the only state that requires continuing education for license renewal of engineers. Michigan, Minnesota, Nebraska, and North Carolina have enabling legislation, but the licensing boards are not requiring it. Montana's licensing board for engineers requires that applicants for license renewal show "continued competency" by having at least 520 hours of employment and/or education in the two years prior to applying for license renewal.

Dolores Alonzo with the American Congress on Surveying & Mapping could not give me any information over the telephone, but she is sending a copy of the information on license renewal requirements for land surveyors in the fifty states.

I have asked the Iowa Engineers & Land Surveyors Examining Board and the Architectural Examining Board to send a copy of their enabling legislation and board requirements for license renewal. The Minnesota State Board of

Senator R. Halford
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Registration for Architects, Engineers, Land Surveyors & Landscape Architects is sending a copy of their enabling legislation. I will forward all of this information upon receipt.

If you have any further questions, please contact us.

JTS;jts

STATUS OF 4-YEAR DEGREE AND CONTINUING EDUCATION LEGISLATION?

Questions

1. Does state require 4-year degree for licensure as surveyor?
2. Has a 4-year degree bill ever been offered in state legislature?
3. Is your state working on a 4-year degree bill?
4. Does state require mandatory continuing education?
5. Has a continuing education bill ever been offered in legislature?
6. Is your state working on a continuing education bill?

STATE	1	2	3	4	5	6
Alabama	Yes	No	No	No	No	No
Alaska	No	No	No	No	No	No
Arizona	No	No	No	No	No	*Y&N
Arkansas	No	No	*No	*Yes	Yes	Yes
California	*No	*Yes	No	No	No	No
Colorado	No	Yes	*Yes	No	No	*Yes
Connecticut	No	No	No	No	No	*No
Delaware	No	No	No	*No	No	*Yes
Florida	No	Yes	Yes	Yes	*Yes	Yes
Georgia	No	No	No	No	No	No
Hawaii	*No	No	No	No	No	No
Idaho	No	No	*Yes	No	No	*Yes
Illinois	No	No	No	No	No	No
Indiana	*Yes	Yes	*Yes	*No	Yes	*Yes
Iowa	No	Yes	*No	*Yes	Yes	Yes
Kansas	No	No	No	No	No	*Yes
Kentucky	No	No	No	No	No	Yes
Louisiana	*Yes	Yes	*Yes	No	No	*Yes
Maine	No	No	No	No	No	*No
Maryland	No	No	No	No	No	No
Massachusetts	No	No	*No	No	No	No
Michigan	Yes	Yes	Yes	Yes	Yes	Yes
Minnesota	*Yes	Yes	Yes	*No	Yes	*No
Mississippi	No	No	No	No	No	No
Missouri	No	Yes	No	No	Yes	*Yes
Montana	*No	No	No	*No	No	No
Nebraska	No	No	Yes	*Yes	Yes	No
Nevada	No	Yes	Yes	No	No	No
New Hampshire	No	No	No	Yes	Yes	Yes
New Jersey	*Yes	Yes	Yes	No	No	*Yes
New Mexico	*Yes	Yes	Yes	No	No	*Yes
New York	*Yes	Yes	Yes	No	*No	*Yes
North Carolina	No	No	No	No	No	No
North Dakota	No	No	No	*No	No	No
Ohio	*Yes	Yes	Yes	No	No	*Yes
Oklahoma	No	No	*Yes	No	No	*Yes
Oregon	No	Yes	*Yes	No	No	No
Pennsylvania	No	No	No	No	No	*Yes
Rhode Island	No	Yes	*Yes	No	No	Yes
South Carolina	No	Yes	*Yes	No	Yes	*Yes
South Dakota	No	No	No	No	No	No
Tennessee	No	No	Yes	No	No	Yes

Texas	*No	No	*Yes	No	No	*Yes
Utah	No	No	*No	No	No	*No
Vermont	No	No	No	No	No	No
Virginia	*No	No	No	No	No	No
Washington	No	Yes	*Yes	No	No	No
West Virginia	No	No	No	No	No	No
Wisconsin	No	No	Yes	No	No	No
Wyoming	*No	No	No	No	No	No

COMMENTS:

ARIZONA #6

Discussions may be held in regards to such a bill.

ARKANSAS #3,4

#3. Last year the engineers tried to pass one such bill, it is now extremely unlikely that a non-degreed person could satisfy the requirements for licensure as an engineer in Arkansas.

#4. Continuing education bill passed in 1987 will not take effect before 1989.

CALIFORNIA #1,2

#1. Not presently but discussions are being held.

#2. California 4yr. degree bill died in committee.

COLORADO #3,6

#3,6. 4-year degree bill and continuing education bill to be presented in the legislature - 1988.

CONNECTICUT #6

Will begin looking into a continuing education bill this coming year.

DELAWARE #4,6

#4,6. Delaware's Legislative Sunset Review committee discussed with state Board that a continuing education requirement must be started. Not sure when that will be effective (perhaps 1987/88) or whether it will be in the form of a legislative bill or through an administrative directive from State Board of Registration.

FLORIDA #5

Florida continuing education bill vetoed by Governor in 1984.

HAWAII #1

Not presently but informal discussions have been held.

IDAHO #3,6

#3. Anticipate 4-year degree bill to be presented in the legislature - 1989.

#6. We expect it to be presented in the legislature if and when we convince the state board it is needed.

INDIANA #1,3,4,6

#1. Board rule, not a statutory requirement. Will take effect in January of 1988.

#3. Want to see it in the statutes, not just as a Board rule. Will probably see it presented in the legislature in 1988.

#4. Continuing education is currently prohibited by law. We need to get enabling legislation passed first, then the Registration Board has indicated if we can present a workable plan, it will adopt and enforce it.

#6. Continuing education bill will be presented in the legislature in 1988.

IOWA #3,4

#3. Discussions have been held.

#4. A two year mandatory education bill was passed this spring. It is a phased process with the 2 yr. requirement starting July 1, 1988. The education requirement is 2 yrs. post high school (Technical School is acceptable) in specific studies.

KANSAS #6

Continuing education bill to be presented in the legislature - 1988

LOUISIANA #1,3,6

#1. 4-year degree to take effect in 1995.

#3. 4-year degree bill being presented in the legislature - 1987.

#6. Continuing education bill will be presented in the legislature - 1989.

MAINE #6

The Board of Registration is considering making a minimal requirement for some sort of continuing education and that MSLS would back such a Board ruling.

MASSACHUSETTS #3

The Legislative Committee will be making a recommendation to our Association on the wording of a proposed bill. Possibly the report will be ready for next year.

MINNESOTA #1,4,6

#1. 4-year degree bill was passed in 1976 and took effect in 1985.

#4. Minnesota has the legal authority at the State Board of Registration to mandate continuing education. However, the majority of the Board (engineers & architects) halts the idea every time it is brought up for discussion. Also the legislature has not been enthused about funding this type of requirement.

#6. Not presently but discussions have been held.

MISSOURI #6

Continuing education bill will be presented in the legislature - 1988.

MONTANA #1,4

#1,4. Not presently but discussions have been held.

NEBRASKA #4

Continuing education bill was passed in 1984 and took effect in 1985.

Not yet receiving

NEW JERSEY #1,6

- #1. 4-year degree bill was passed in 1985 and takes effect in 1991.
- #6. Continuing education bill will be presented in the legislature - 1988.

NEW MEXICO #1,6

- #1. 4-year degree bill was passed in 1987 and takes effect in 1995.
- #6. Continuing education bill will be presented in the legislature - 1989.

NEW YORK #1,5,6

- #1. 4-year degree bill was passed in 1980 and takes effect in 1987.
- #5. The NYSAPLS has initiated continuing education for its membership and have been working on upgrading the system both in terms of record keeping and impact for the membership. The current education committee has some excellent ideas forthcoming which should make the whole system less unwieldy. Hopefully the State will see that the system can work and will perhaps even allow the Association to be the record keeper.
- #6. The State views mandatory continuing education as being an enforcement problem that their financial resources would not be able to handle. We have been working with them for some time now, but have no anticipated submission date.

NORTH DAKOTA #4

The State society has a volunteer program and is working on expanding it. It also has a continuing education committee. The society has engaged the ND State College of Sciences as its record keeping agency. CEU's are granted for the various workshops members attend.

OHIO #1,6

- #1. 4-year degree bill was passed in 1986 and takes effect in 1992.
- #6. Continuing education bill will be presented in the legislature - 1988.

OKLAHOMA #3,6

- #3. 4-year degree bill to be presented in the legislature - 1988/89.
- #6. Continuing education bill to be presented in the legislature - 1988.

OREGON #3

4-year degree bill to be presented in the legislature - 1989.

PENNSYLVANIA #6

Continuing education bill to be presented in the legislature - 1988.

RHODE ISLAND #3

4-year degree bill presented in the legislature - 1987.

SOUTH CAROLINA #3,6

- #3. South Carolina passed in 1986 a bill requiring future surveyors (8 years from May 1986) to have at least a 2 yr. Associate Degree with courses in Surveying.
- #6. Continuing education bill presented in the legislature - 1988.

TEXAS' #1,3,6

#1. We are working on the four year degree and continuing education but we are not quite there yet, probably 1991 for both.

#3,6. 4-year degree bill and Continuing education bill to be presented in the legislature - 1987, 1989 or 1991.

UTAH #3,6

#3,6. Discussions have been held.

VIRGINIA #1

Virginia Association of Surveyors is currently studying existing degree program in surveying in order to formulate a documented policy on educational/experience requirements. In addition the issue of required continuing education for surveyors and a means to implement its availability are being studied.

WASHINGTON #3

4-year degree bill being presented in the legislature - 1988.

WYOMING #1

There is no 4-year degree bill presently but there is an educational requirement.

CHAPTER 3

CONTINUING EDUCATION

80-3.1 (118) Continuing education. The following rules, adopted by the Iowa Board of Architectural Examiners, are in compliance with Chapters 118.5 and 258A.4 of the Code, requiring professional and occupational licensees to participate in a continuing education program as a condition of registration renewal.

3.1(1) Each architect registered in Iowa shall complete a minimum of forty contact hours (one contact hour equals one hour of actual activity) of continuing education during each two-year period of registration.

3.1(2) Each registered architect, at registration renewal time, shall submit an affidavit attesting to the architect's continuing education fulfillment during the preceding period of two fiscal years ending June 30. No carry-over of contact hours is permitted.

3.1(3) The following table of equivalents shall be used by each registrant in tabulating contact hours:

- a. Short courses or seminars at universities dealing with architectural or related subjects. Credit to be based on contact hours. No more than thirty hours credit may be from this source.
- b. Contact hours in attendance at technical presentations on architecture and related subjects which are held in conjunction with conventions or seminars. Such meetings as American Institute of Architects, Construction Specifications Institute and Construction Products Manufacturers Council devoted to furthering education will qualify. No more than thirty hours credit may be from this source.
- c. Teaching seminars or professional courses, provided that teaching is not registrant's full-time activity. Teacher to receive same credit hours as those who attend the course. Credit will be given once for each course. No additional credit will be given for teaching the course additional times. No more than thirty hours credit may be from this source.
- d. Teaching or counseling in a state-wide Intern Development Program. No more than twenty hours credit may be from this source.
- e. Professional service to the public which draws upon the registrant's professional expertise such as serving on local planning commissions, art commissions, building code advisory boards, urban renewal boards, and national code study committees. No more than ten hours credit may be from this source.
- f. Research that is published or shared with the profession in architectural seminars. No more than ten hours credit may be from this source.
- g. Independent projects such as American Institute of Architects self-study courses or National Council of Architectural Registration Boards monographs. No more than thirty hours credit may be from this source.
- h. Attendance at product or systems seminars relating to materials use or function. No more than ten hours credit may be from this source.

3.1(4) A registered architect shall be deemed to have complied with the foregoing continuing education requirements if the architect attests in the required affidavit that for not less than twenty-one months of the preceding two-year period of registration, the architect (one of the following):

- a. Has served honorably on active duty in the military service.
- b. Is the resident of another state or district having continuing education requirement for registration as an architect and has complied with all requirements of that state or district for practice therein.
- c. Is a government employee working as an architect and assigned to duty outside the United States.

3.1(5) Architects who so attest on their affidavit that they are retired from active practice or are not engaged in active practice may maintain their registration and the title of architect. Such architects may, however, re-enter practice only after satisfying the board of their proficiency through evidence of satisfying the continuing education requirements listed above.

AFFIDAVIT

TO: Iowa State Board of Architectural Examiners.

I, _____, Iowa Registration No. _____, affirm that I have fulfilled the requirements of the State of Iowa, having completed 40 contract hours of continuing education during the two-year period ending June 30, 1987 as a condition to renewal of my Iowa architectural registration in accordance with the tabulation on the reverse side of this affidavit.

SIGNATURE OF REGISTRANT

Subscribe and sworn to before me by _____
this _____ day of _____, 19 _____

IN TESTIMONY WHEREOF, Witness my hand and official seal.

(NOTARY PUBLIC)

CHAPTER 258A

CONTINUING PROFESSIONAL AND OCCUPATIONAL EDUCATION —
LICENSEE DISCIPLINARY PROCEDURE

- | | | | |
|--------|---|---------|--|
| 258A.1 | Definitions. | 258A.6 | Hearings — power of subpoena — decisions. |
| 258A.2 | Continuing education required. | 258A.7 | Executive secretary and personnel. |
| 258A.3 | Authority of licensing boards. | 258A.8 | Immunities. |
| 258A.4 | Duties of board. | 258A.9 | Duties of licensees. |
| 258A.5 | Licensee disciplinary procedure — rule-making delegation. | 258A.10 | Rules for revocation or suspension of license. |

258A.1 Definitions.

1. "Licensing board" or "board" includes the following boards:

- a. The state board of engineering examiners, created pursuant to chapter 114.
- b. The board of examiners of shorthand reporters created pursuant to article 3 of chapter 602.
- c. The board of accountancy, created pursuant to chapter 116.
- d. The Iowa real estate commission, created pursuant to chapter 117.
- e. The board of architectural examiners, created pursuant to chapter 118.
- f. The Iowa board of landscape architectural examiners, created pursuant to chapter 118A.
- g. The board of barber examiners, created pursuant to chapter 147.
- h. The board of chiropractic examiners, created pursuant to chapter 147.
- i. The board of cosmetology examiners, created pursuant to chapter 147.
- j. The board of dental examiners, created pursuant to chapter 147.
- k. The board of mortuary science examiners, created pursuant to chapter 147.
- l. The board of medical examiners, created pursuant to chapter 147.
- m. The board of nursing, created pursuant to chapter 147.
- n. The board of examiners for nursing home administrators, created pursuant to chapter 135E.
- o. The board of optometry examiners, created pursuant to chapter 147.
- p. The board of pharmacy examiners, created pursuant to chapter 147.
- q. The board of physical and occupational therapy examiners, created pursuant to chapter 147.
- r. The board of podiatry examiners, created pursuant to chapter 147.
- s. The board of psychology examiners, created pursuant to chapter 147.
- t. The board of speech pathology and audiology examiners created pursuant to chapter 147.
- u. The board for the licensing and regulation of hearing aid dealers, created pursuant to chapter 154A.
- v. The board of veterinary medicine, created pursuant to chapter 169.

w. The board of certification, created pursuant to chapter 455B.

x. Any professional or occupational licensing board created after January 1, 1978.

y. The commissioner of insurance in licensing insurance agents pursuant to chapter 522, except those agents authorized to sell only credit life and credit accident and health insurance.

2. "Continuing education" means that education which is obtained by a professional or occupational licensee in order to maintain, improve, or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge. This education may be obtained through formal or informal education practices, self-study, research, and participation in professional, technical, and occupational societies, and by other similar means as authorized by the board.

3. The term "licensing" and its derivations include the terms "registration" and "certification" and their derivations.

4. "Inactive licensee re-entry" means that process a former or inactive professional or occupational licensee pursues to again be capable of actively and competently practicing as a professional or occupational licensee.

5. "Licensee discipline" means any sanction a licensing board may impose upon its licensees for conduct which threatens or denies citizens of this state a high standard of professional or occupational care.

6. "Disciplinary proceeding" means any proceeding under the authority of a licensing board pursuant to which licensee discipline may be imposed.

7. "Peer review" means evaluation of professional services rendered by a professional practitioner.

8. "Peer review committee" means one or more persons acting in a peer review capacity pursuant to this chapter.

9. "Malpractice" means any error or omission, unreasonable lack of skill, or failure to maintain a reasonable standard of care by a licensee in the course of practice of the licensee's occupation or profession, pursuant to this chapter.

[C79, 81, §258A.1]

83 Acts, ch 186, §10063, 10201; 84 Acts, ch 1067, §26

258A.2 Continuing education required.

1. Each licensing board shall require and issue rules for continuing education requirements as a condition to license renewal.

2. The rules shall create continuing education requirements at a minimum level prescribed by each licensing board. These boards may also establish continuing education programs to assist a licensee in meeting such continuing education requirements. Such rules shall also:

a. Give due attention to the effect of continuing education requirements on interstate and international practice.

b. Place the responsibility for arrangement of financing of continuing education on the licensee, while allowing the board to receive any other available funds or resources that aid in supporting a continuing education program.

c. Attempt to express continuing education requirements in terms of uniform and widely recognized measurement units.

d. Establish guidelines, including guidelines in regard to the monitoring of licensee participation, for the approval of continuing education programs that qualify under the continuing education requirements prescribed.

e. Not be implemented for the purpose of limiting the size of the profession or occupation.

f. Define the status of active and inactive licensure and establish appropriate guidelines for inactive licensee re-entry.

g. Be promulgated solely for the purpose of assuring a continued maintenance of skills and knowledge by a professional or occupational licensee directly related and commensurate with the current level of competency of the licensee's profession or occupation.

3. A person licensed to practice an occupation or profession in this state shall be deemed to have complied with the continuing education requirements of this state during periods that the person serves honorably on active duty in the military services, or for periods that the person is a resident of another state or district having a continuing education requirement for the occupation or profession and meets all requirements of that state or district for practice therein, or for periods that the person is a government employee working in the person's licensed specialty and assigned to duty outside of the United States, or for other periods of active practice and absence from the state approved by the appropriate board of examiners.

[C79, 81, §258A.2]

258A.3 Authority of licensing boards.

1. Notwithstanding any other provision of this chapter, each licensing board shall have the powers to:

a. Administer and enforce the laws and administrative rules provided for in this chapter and any other statute to which the licensing board is subject;

b. Adopt and enforce administrative rules which provide for the partial re-examination of the professional licensing examinations given by each licensing board;

c. Review or investigate, or both, upon written complaint or upon its own motion pursuant to other evidence received by the board, alleged acts or omissions which the board reasonably believes constitute

cause under applicable law or administrative rule for licensee discipline;

d. Determine in any case whether an investigation, or further investigation, or a disciplinary proceeding is warranted;

e. Initiate and prosecute disciplinary proceedings;

f. Impose licensee discipline;

g. Petition the district court for enforcement of its authority with respect to licensees or with respect to other persons violating the laws which the board is charged with administering;

h. Register or establish and register peer review committees;

i. Refer to a registered peer review committee for investigation, review, and report to the board, any complaint or other evidence of an act or omission which the board reasonably believes to constitute cause for licensee discipline. However, the referral of any matter shall not relieve the board of any of its duties and shall not divest the board of any authority or jurisdiction;

j. Determine and administer the renewal of licenses for periods not exceeding three years.

2. Each licensing board may impose one or more of the following as licensee discipline:

a. Revoke a license, or suspend a license either until further order of the board or for a specified period, upon any of the grounds specified in section 114.21, 116.21, 117.29, 118.13, 118A.15, 147.55, 148B.7, 153.34, 154A.24, 169.13, or 602.3203 or chapter 135E, 151, 507B or 522, as applicable, or upon any other grounds specifically provided for in this chapter for revocation of the license of a licensee subject to the jurisdiction of that board, or upon failure of the licensee to comply with a decision of the board imposing licensee discipline;

b. Revoke, or suspend either until further order of the board or for a specified period, the privilege of a licensee to engage in one or more specified procedures, methods, or acts incident to the practice of the profession, if pursuant to hearing or stipulated or agreed settlement the board finds that because of a lack of education or experience, or because of negligence, or careless acts or omissions, or because of one or more intentional acts or omissions, the licensee has demonstrated a lack of qualifications which are necessary to assure the residents of this state a high standard of professional and occupational care;

c. Impose a period of probation under specified conditions, whether or not in conjunction with other sanctions;

d. Require additional professional education or training, or re-examination, or any combination, as a condition precedent to the reinstatement of a license or of any privilege incident thereto, or as a condition precedent to the termination of any suspension;

e. Impose civil penalties by rule, if the rule specifies which offenses or acts are subject to civil penalties. The amount of civil penalty shall be in the discretion of the board, but shall not exceed one thousand dollars. Failure to comply with the imposition of a civil penalty may be grounds for further license discipline.

f. Issue a citation and warning respecting licensee behavior which is subject to the imposition of other sanctions by the board.

3. The powers conferred by this section upon a

licensing board shall be in addition to powers specified elsewhere in the Code. The powers of any other person specified elsewhere in the Code shall not limit the powers of a licensing board conferred by this section, nor shall the powers of such other person be deemed limited by the provisions of this section.

4. Nothing contained in this section shall be construed to prohibit informal stipulation and settlement by a board and a licensee of any matter involving licensee discipline. However, licensee discipline shall not be agreed to or imposed except pursuant to a written decision which specifies the sanction and which is entered by the board and filed.

All health-care boards shall file written decisions which specify the sanction entered by the board with the Iowa department of public health which shall be available to the public upon request. All nonhealth-care boards shall have on file the written and specified decisions and sanctions entered by the board and shall be available to the public upon request.

[C79, 81, §258A.3]

83 Acts, ch 186, §10064, 10201; 84 Acts, ch 1056, §1; 84 Acts, ch 1067, §27; 86 Acts, ch 1245, §1880

258A.4 Duties of board.

1. Each licensing board shall have the following duties in addition to other duties specified by this chapter or elsewhere in the Code:

a. Establish procedures by which complaints which relate to licensure or to licensee discipline shall be received and reviewed by the board;

b. Establish procedures by which disputes between licensees and clients which result in judgments or settlements in or of malpractice claims or actions shall be investigated by the board;

c. Establish procedures by which any recommendation taken by a peer review committee shall be reported to and reviewed by the board if a peer review committee is established;

d. Establish procedures for registration with the board of peer review committees if a peer review committee is established;

e. Define by rule those recommendations of peer review committees which shall constitute disciplinary recommendations which must be reported to the board if a peer review committee is established;

f. Define by rule acts or omissions which are grounds for revocation or suspension of a license under section 114.21, 116.21, 117.29, 118.13, 118A.15, 147.55, 148B.7, 153.34, 154A.24, 169.13, 455B.191 or 602.3203 or chapter 135E, 151, 507B or 522, as applicable, and to define by rule acts or omissions which constitute negligence, careless acts or omissions within the meaning of section 258A.3, subsection 2, paragraph "b", which licensees are required to report to the board pursuant to section 258A.9, subsection 2;

g. Establish the procedures by which licensees shall report those acts or omissions specified by the board pursuant to paragraph "f" of this subsection;

h. Give written notice to another licensing board or to a hospital licensing agency if evidence received by the board either alleges or constitutes reasonable cause to believe the existence of an act or omission which is subject to discipline by that other board or agency;

i. Require each health care licensing board to file

with the Iowa department of public health a copy of each decision of the board imposing licensee discipline. Each nonhealth-care board shall have on file a copy of each decision of the board imposing licensee discipline which copy shall be properly dated and shall be in simple language and in the most concise form consistent with clearness and comprehensiveness of subject matter.

The commissioner of insurance shall by rule in consultation with the licensing boards enumerated in section 258A.1, require insurance carriers which insure professional and occupational licensees for acts or omissions which constitute negligence, careless acts or omissions in the practice of a profession or occupation to file reports with the commissioner of insurance. The reports shall include information pertaining to incidents by a licensee which may affect the licensee as defined by rule, involving an insured of the insurer. The commissioner of insurance shall forward reports pursuant to this section to the appropriate licensing board.

2. Each licensing board shall submit to the senate and house committees on state government in January of each year, commencing in January of 1979, a summary of the activities of that board since the preceding report respecting the following subjects:

a. The adoption or nonadoption of rules relating to the duties of the board as specified in this section;

b. The number of complaints, peer review committee disciplinary actions, and judgments and settlements reviewed or investigated by the board, the number of formal disciplinary proceedings commenced before the board or in the courts, the number and types of sanctions imposed, and the number and status of appeals to the court of board decisions, and the number and types of peer review committees registered by the board.

[C79, 81, §258A.4]

83 Acts, ch 186, §10065, 10201; 84 Acts, ch 1067, §28

258A.5 Licensee disciplinary procedure — rule-making delegation.

1. Each licensing board may establish by rule licensee disciplinary procedures. Each licensing board may impose licensee discipline under these procedures.

2. Rules promulgated under subsection 1 of this section:

a. Shall comply with the provisions of chapter 17A.

b. Shall designate who may or shall initiate a licensee disciplinary investigation and a licensee disciplinary proceeding, and who shall prosecute a disciplinary proceeding and under what conditions, and shall state the procedures for review by the licensing board of findings of fact if a majority of the licensing board does not hear the disciplinary proceeding.

c. Shall state whether the procedures are an alternative to or an addition to the procedures stated in sections 114.22, 116.23, 117.35, 117.36, 118A.16, 147.58 to 147.71, 148.6 to 148.9, 153.23 to 153.30, 153.33, 154A.23, and 155.14 to 155.16.

d. Shall specify methods by which the final decisions of the board relating to disciplinary proceedings shall be published.

[C79, 81, §258A.5]

258A.6 Hearings — power of subpoena — decisions.

1. Disciplinary hearings held pursuant to this chapter shall be heard by the board sitting as the hearing panel, or by a panel of not less than three board members who are licensed in the profession, or by a panel of not less than three members appointed pursuant to subsection 2. Notwithstanding chapters 17A and 21 a disciplinary hearing shall be open to the public at the discretion of the licensee.

2. When, in the opinion of a majority of the board, it is desirable to obtain specialists within an area of practice of a profession when holding disciplinary hearings, a licensing board may appoint licensees not having a conflict of interest to make findings of fact and to report to the board. Such findings shall not include any recommendation for or against licensee discipline.

3. The presiding officer of a hearing panel may issue subpoenas pursuant to rules of the board on behalf of the board or on behalf of the licensee. A licensee may have subpoenas issued on the licensee's behalf. A subpoena issued under the authority of a licensing board may compel the attendance of witnesses and the production of professional records, books, papers, correspondence and other records, whether or not privileged or confidential under law, which are deemed necessary as evidence in connection with a disciplinary proceeding.

Nothing in this subsection shall be deemed to enable a licensing board to compel an attorney of the licensee, or stenographer or confidential clerk of the attorney, to disclose any information when privileged against disclosure by section 622.10. In the event of a refusal to obey a subpoena, the licensing board may petition the district court for its enforcement. Upon proper showing, the district court shall order the person to obey the subpoena, and if the person fails to obey the order of the court the person may be found guilty of contempt of court. The presiding officer of a hearing panel may also administer oaths and affirmations, take or order that depositions be taken, and pursuant to rules of the board, grant immunity to a witness from disciplinary proceedings initiated either by the board or by other state agencies which might otherwise result from the testimony to be given by the witness to the panel.

4. In order to assure a free flow of information for accomplishing the purposes of this section, and notwithstanding section 622.10, all complaint files, investigation files, other investigation reports, and other investigative information in the possession of a licensing board or peer review committee acting under the authority of a licensing board or its employees or agents which relates to licensee discipline are privileged and confidential, and are not subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the licensee and the boards, their employees and agents involved in licensee discipline, and are not admissible in evidence in a judicial or administrative proceeding other than the proceeding involving licensee discipline. However, investigative information in the possession of a licensing board or its employees or agents which relates to licensee discipline may be disclosed to appropriate licensing authorities within this state, the appropriate licensing authority in another state, the District of

Columbia, or a territory or country in which the licensee is licensed or has applied for a license. If the investigative information in the possession of a licensing board or its employees or agents indicates a crime has been committed, the information shall be reported to the proper law enforcement agency. However, a final written decision and finding of fact of a licensing board in a disciplinary proceeding, including a decision referred to in section 258A.3, subsection 4, is a public record.

Pursuant to the provisions of section 17A.19, subsection 6, a licensing board upon an appeal by the licensee of the decision by the licensing board, shall transmit the entire record of the contested case to the reviewing court.

Notwithstanding the provisions of section 17A.19, subsection 6, if a waiver of privilege has been involuntary and evidence has been received at a disciplinary hearing, the court shall order withheld the identity of the individual whose privilege was waived.

5. Licensee discipline shall not be imposed except upon the affirmative vote of a majority of the licensing board.

[C79, 81, §258A.6; 82 Acts, ch 1005, §8]
86 Acts, ch 1211, §15

258A.7 Executive secretary and personnel.

1. As an alternative to authority contained elsewhere in this chapter, a licensing board may employ within the limits of available funds an executive secretary, one or more inspectors, and such clerical personnel as may be necessary for the administration of the duties of the board. Employees of the board shall be employed subject to chapter 19A. The qualifications of the executive secretary shall be determined by the board.

2. All employees of a licensing board shall be reimbursed subject to the rules of the director of revenue and finance for their expenses incurred in the performance of official duties. All reimbursements shall constitute costs of sustaining the board.

3. Licensees appointed to serve on a hearing panel pursuant to section 258A.6, subsection 2, shall be compensated at the rate of forty dollars for each day of actual duty, and shall be reimbursed for actual expenses reasonably incurred in the performance of duties.

4. Salaries, per diem, and expenses incurred in the performance of official duties of the board or its employees shall be paid from funds appropriated by the general assembly.

[C79, 81, §258A.7]

258A.8 Immunities.

1. A person shall not be civilly liable as a result of the person's acts, omissions or decisions in good faith as a member of a licensing board or as an employee or agent in connection with the person's duties.

2. A person shall not be civilly liable as a result of filing a report or complaint with a licensing board or peer review committee, or for the disclosure to a licensing board or its agents or employees, whether or not pursuant to a subpoena of records, documents, testimony or other forms of information which constitute privileged matter concerning a recipient of health care services or some other person, in connection with

proceedings of a peer review committee, or in connection with duties of a health care board. However, such immunity from civil liability shall not apply if such act is done with malice.

3. A person shall not be dismissed from employment, and shall not be discriminated against by an employer because the person filed a complaint with a licensing board or peer review committee, or because the person participated as a member, agent or employee of a licensing board or peer review committee, or presented testimony or other evidence to a licensing board or peer review committee.

Any employer who violates the terms of this section shall be liable to any person aggrieved for actual and punitive damages plus reasonable attorney fees.

[C79, 81, §258A.8]

258A.9 Duties of licensees.

1. Each licensee of a licensing board, as a condition of licensure, is under a duty to submit to a physical or mental examination when directed in writing by the board for cause. All objections shall be waived as to the admissibility of the examining physician's testimony or reports on the grounds of privileged communications. The medical testimony or report shall not be used against the licensee in any proceeding other than one relating to licensee discipline by the board, or one commenced in district court for revocation of the licensee's privileges. The licensing board, upon probable cause, shall have the authority to order physical or mental examination, and upon refusal of the licensee to submit to the examination the licensing board may order that the allegations pursuant to which the order of physical or mental examination was made shall be taken to be established.

2. A licensee has a continuing duty to report to the licensing board by whom the person is licensed those acts or omissions specified by rule of the board pursuant to section 258A.4, subsection 1, paragraph "f", when committed by another person licensed by the same licensing board. This subsection does not apply to licensees under chapter 116 when the observations

are a result of participation in programs of practice review, peer review and quality review conducted by professional organizations of certified public accountants, for educational purposes and approved by the board of accountancy.

3. A licensee shall have a continuing duty and obligation, as a condition of licensure, to report to the licensing board by which the licensee is licensed every adverse judgment in a professional or occupational malpractice action to which the licensee is a party, and every settlement of a claim against the licensee alleging malpractice.

4. A licensee who willfully fails to comply with subsection 2 or 3 of this section commits a violation of this chapter for which licensee discipline may be imposed.

[C79, 81, §258A.9; 81 Acts, ch 84, §1]

258A.10 Rules for revocation or suspension of license.

A licensing board established after January 1, 1978 and pursuant to the provisions of this chapter shall by rule include provisions for the revocation or suspension of a license which shall include but is not limited to the following:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the licensee's profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony related to the profession or occupation of the licensee. A copy of the record of conviction or plea of guilty shall be conclusive evidence.
6. Fraud in representations as to skill or ability.
7. Use of untruthful or improbable statements in advertisements.
8. Willful or repeated violations of the provisions of this chapter.

[C79, 81, §258A.10]

CHAPTER 259

VOCATIONAL REHABILITATION

- 259.1 Acceptance of federal Acts.
- 259.2 Custodian of funds.
- 259.3 Board and division.
- 259.4 Duties of division.
- 259.5 Plan of co-operation.

- 259.6 Gifts and donations.
- 259.7 Fund.
- 259.8 Report of gifts.
- 259.9 Agreement continued.

1986
REPORT OF THE
Iowa
Engineering and Land Surveying
Examining Board



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Des Moines

who took the examination.

A member of the board who willfully communicates or seeks to communicate such information, and any per-

son who willfully requests, obtains, or seeks to obtain such information, is guilty of a simple misdemeanor.

1985 CODE OF IOWA
CHAPTER 258A
CONTINUING PROFESSIONAL AND OCCUPATIONAL EDUCATION —
LICENSEE DISCIPLINARY PROCEDURE

258A.1	Definitions.	258A.6	Hearings — power of subpoena — decisions.
258A.2	Continuing education required.	258A.7	Executive secretary and personnel.
258A.3	Authority of licensing boards.	258A.8	Immunities.
258A.4	Duties of board.	258A.9	Duties of licensees.
258A.5	Licensee disciplinary procedure — rule-making delegation.	258A.10	Rules for revocation or suspension of license.

258A.1 Definitions.

1. "Licensing board" or "board" includes the following boards:

a. The state board of engineering examiners, created pursuant to chapter 114.
("b." through "z." omitted, see Code for content.)

2. "Continuing education" means that education which is obtained by a professional or occupational licensee in order to maintain, improve, or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge. This education may be obtained through formal or informal education practices, self-study, research, and participation in professional, technical, and occupational societies, and by other similar means as authorized by the board.

3. The term "licensing" and its derivations include the terms "registration" and "certification" and their derivations.

4. "Inactive licensee re-entry" means that a former or inactive professional or occupational licensee pursues to again be capable of actively and competently practicing as a professional or occupational licensee.

5. "Licensee discipline" means any sanction a licensing board may impose upon its licensees for conduct which threatens or denies citizens of this state a high standard of professional or occupational care.

6. "Disciplinary proceeding" means any proceeding under the authority of a licensing board pursuant to which licensee discipline may be imposed.

7. "Peer review" means evaluation of professional services rendered by a professional practitioner.

8. "Peer review committee" means one or more persons acting in a peer review capacity pursuant to this chapter.

9. "Malpractice" means any error or omission, unreasonable lack of skill, or failure to maintain a reasonable standard of care by a licensee in the course of practice of the licensee's occupation or profession, pursuant to this chapter.

258A.2 Continuing education required.

1. Each licensing board shall require and issue rules for continuing education requirements as a condition to license renewal

2. The rules shall create continuing education requirements at a minimum level prescribed by each licensing board. These boards may also establish continuing education programs to assist a licensee in meeting such continuing education requirements. Such rules shall also:

a. Give due attention to the effect of continuing education requirements on interstate and international practice.

b. Place the responsibility for arrangement of financing of continuing education on the licensee, while allowing the board to receive any other available funds or resources that aid in supporting a continuing education program.

c. Attempt to express continuing education requirements in terms of uniform and widely recognized measurement units.

d. Establish guidelines, including guidelines in regard to the monitoring of licensee participation, for the approval of continuing education programs that qualify under the continuing education requirements prescribed.

e. Not be implemented for the purpose of limiting the size of the profession or occupation.

f. Define the status of active and inactive licensure and establish appropriate guidelines for inactive licensee re-entry.

g. Be promulgated solely for the purpose of assuring a continued maintenance of skills and knowledge by a professional or occupational licensee directly related and commensurate with the current level of competency of the licensee's profession or occupation.

3. A person licensed to practice an occupation or profession in this state shall be deemed to have complied with the continuing education requirements of this state during periods that the person serves honorably on active duty in the military services, or for periods that the person is a resident of another state or district having a continuing education requirement for the occupation or profession and meets all requirements of that state or district for practice therein, or for periods that the person is a government employee working in the person's licensed speciality and assigned to duty outside of the United States, or for other periods of active

practice and absence from the state approved by the appropriate board of examiners.

258A.3 Authority of licensing boards.

1. Notwithstanding any other provision of this chapter, each licensing board shall have the powers to:

a. Administer and enforce the laws and administrative rules provided for in this chapter and any other statute to which the licensing board is subject;

b. Adopt and enforce administrative rules which provide for the partial re-examination of the professional licensing examinations given by each licensing board;

c. Review or investigate, or both, upon written complaint or upon its own motion pursuant to other evidence received by the board, alleged acts or omissions which the board reasonably believes constitute cause under applicable law or administrative rule for licensee discipline;

d. Determine in any case whether an investigation, or further investigation, or a disciplinary proceeding is warranted;

e. Initiate and prosecute disciplinary proceedings;

f. Impose licensee discipline;

g. Petition the district court for enforcement of its authority with respect to licensees or with respect to other persons violating the laws which the board is charged with administering;

h. Register or establish and register peer review committees;

i. Refer to a registered peer review committee for investigation, review, and report to the board, any complaint or other evidence of an act or omission which the board reasonably believes to constitute cause for licensee discipline. However, the referral of any matter shall not relieve the board of any of its duties and shall not divest the board of any authority or jurisdiction;

j. Determine and administer the renewal of licenses for periods not exceeding three years.

2. Each licensing board may impose one or more of the following as licensee discipline:

a. Revoke a license, or suspend a license either until further order of the board or for a specified period, upon the grounds specified in section 114.21, 116.21, 117.29, 118.13, 118A.15, 147.55, 148B.7, 153.34, 154A.24, 169.13, 455B.219 or 602.3203 or chapter 135E, 151, 507B or 522, as applicable, or upon any other grounds specifically provided for in this chapter for revocation of the license of a licensee subject to the jurisdiction of that board, or upon failure of the licensee to comply with a decision of the board imposing licensee discipline;

b. Revoke, or suspend either until further order of the board or for a specified period, the privilege of a licensee to engage in one or more specified procedures, methods, or acts incident to the practice of the profession, if pursuant to hearing or stipulated or agreed settlement the board finds that because of a lack of education or experience, or because of negligence, or careless acts or omissions, or because of one or more intentional acts or omissions, the licensee has demonstrated a lack of qualifications which are necessary to assure the residents of this state a high standard of professional and occupational care;

c. Impose a period of probation under specified conditions, whether or not in conjunction with other

sanctions;

d. Require additional professional education or training, or re-examination, or any combination, as a condition precedent to the reinstatement of a license or of any privilege incident thereto, or as a condition precedent to the termination of any suspension;

e. Impose civil penalties by rule, if the rule specifies which offenses or acts are subject to civil penalties. The amount of civil penalty shall be in the discretion of the board, but shall not exceed one thousand dollars. Failure to comply with the imposition of a civil penalty may be grounds for further license discipline.

f. Issue a citation and warning respecting licensee behavior which is subject to the imposition of other sanctions by the board.

3. The powers conferred by this section upon a licensing board shall be in addition to powers specified elsewhere in the Code. The powers of any other person specified elsewhere in the Code shall not limit the powers of a licensing board conferred by this section, nor shall the powers of such other person be deemed limited by the provisions of this section.

4. Nothing contained in this section shall be construed to prohibit informal stipulation and settlement by a board and a licensee of any matter involving licensee discipline. However, licensee discipline shall not be agreed to or imposed except pursuant to a written decision which specifies the sanction and which is entered by the board and filed.

All health-care boards shall file written decisions which specify the sanction entered by the board with the department of health which shall be available to the public upon request. All nonhealth-care boards shall have on file the written and specified decisions and sanctions entered by the board and shall be available to the public upon request.

258A.4 Duties of board.

1. Each licensing board shall have the following duties in addition to other duties specified by this chapter or elsewhere in the Code:

a. Establish procedures by which complaints which relate to licensure or to licensee discipline shall be received and reviewed by the board;

b. Establish procedures by which disputes between licensees and clients which result in judgments or settlements in or of malpractice claims or actions shall be investigated by the board;

c. Establish procedures by which any recommendation taken by a peer review committee shall be reported to and reviewed by the board if a peer review committee is established;

d. Establish procedures for registration with the board of peer review committees if a peer review committee is established;

e. Define by rule those recommendations of peer review committees which shall constitute disciplinary recommendations which must be reported to the board if a peer review committee is established;

f. Define by rule acts or omissions which are grounds for revocation or suspension of a license under section 114.21, 116.21, 117.29, 118.13, 118A.15, 147.55, 148B.7, 153.34, 154A.24, 169.13, 455B.187 or 602.3203 or chapter 135E, 151, 507B or 522, as

applicable, and to define by rule acts or omissions which constitute negligence, careless acts or omissions within the meaning of section 258A.3 subsection 2, paragraph "b", which licensees are required to report to the board pursuant to section 258A.9, subsection 2:

g. Establish the procedures by which licensees shall report those acts or omissions specified by the board pursuant to paragraph "f" of this subsection;

h. Give written notice to another licensing board or to a hospital licensing agency if evidence received by the board either alleges or constitutes reasonable cause to believe the existence of an act or omission which is subject to discipline by that other board or agency;

i. Require each health care licensing board to file with the department of health a copy of each decision of the board imposing licensee discipline. Each nonhealth-care board shall have on file a copy of each decision of the board imposing licensee discipline which copy shall be properly dated and shall be in simple language and in the most concise form consistent with clearness and comprehensiveness of subject matter.

The commissioner of insurance shall by rule in consultation with the licensing boards enumerated in section 258A.1, require insurance carriers which insure professional and occupational licensees for acts or omissions which constitute negligence, careless acts or omissions in the practice of a profession or occupation to file reports with the commissioner of insurance. The reports shall include information pertaining to incidents by a licensee which may affect the licensee as defined by rule, involving an insured of the insurer. The commissioner of insurance shall forward reports pursuant to this section to the appropriate licensing board.

2. Each licensing board shall submit to the senate and house committees on state government in January of each year, commencing in January of 1979, a summary of the activities of that board since the preceding report respecting the following subjects:

a. The adoption or nonadoption of rules relating to the duties of the board as specified in this section;

b. The number of complaints, peer review committee disciplinary actions, and judgments and settlements reviewed or investigated by the board, the number of formal disciplinary proceedings commenced before the board or in the courts, the number and types of sanctions imposed and the number and status of appeals to the court of board decisions, and the number and types of peer review committees registered by the board.

258A.5 Licensee disciplinary procedure — rulemaking delegation.

1. Each licensing board may establish by rule licensee disciplinary procedures. Each licensing board may impose licensee discipline under these procedures.

2. Rules promulgated under subsection 1 of this section:

a. Shall comply with the provisions of chapter 17A.

b. Shall designate who may or shall initiate a licensee disciplinary investigation and a licensee disciplinary proceeding, and who shall prosecute a disciplinary proceeding and under what conditions, and shall state the procedures for review by the licensing board of findings of fact if a majority of the licensing board does not hear the disciplinary proceeding.

c. Shall state whether the procedures are an

alternative to or an addition to the procedures stated in sections 114.22, 116.23, 117.35, 117.36, 118A.16, 147.58 to 147.71, 148.6 to 148.9, 153.23 to 153.30, 153.33, 154A.23 and 155.14 to 155.16.

d. Shall specify methods by which the final decisions of the board relating to disciplinary proceedings shall be published.

258A.6 Hearings — power of subpoena — decisions.

1. Disciplinary hearings held pursuant to this chapter shall be heard by the board sitting as the hearing panel, or by a panel of not less than three board members who are licensed in the profession, or by a panel of not less than three members appointed pursuant to subsection 2. Notwithstanding chapter 17A and 21 a disciplinary hearing shall be open to the public at the discretion of the licensee.

2. When, in the opinion of a majority of the board, it is desirable to obtain specialists within an area of practice of a profession when holding disciplinary hearings, a licensing board may appoint licensees not having a conflict of interest to make findings of fact and to report to the board. Such findings shall not include any recommendation for or against licensee discipline.

3. The presiding officer of a hearing panel may issue subpoenas pursuant to rules of the board on behalf of the board or on behalf of the licensee. A licensee may have subpoenas issued on the licensee's behalf. A subpoena issued under the authority of a licensing board may compel the attendance of witnesses and the production of professional records, books, papers, correspondence and other records, whether or not privileged or confidential under law, which are deemed necessary as evidence in connection with a disciplinary proceeding.

Nothing in this subsection shall be deemed to enable a licensing board to compel an attorney of the licensee, or stenographer or confidential clerk of the attorney, to disclose any information when privileged against disclosure by section 622.10. In the event of a refusal to obey a subpoena, the licensing board may petition the district court for its enforcement. Upon proper showing, the district court shall order the person to obey the subpoena, and if the person fails to obey the order of the court the person may be found guilty of contempt of court. The presiding officer of a hearing panel may also administer oaths and affirmations, take or order that depositions be taken, and pursuant to rules of the board, grant immunity to a witness from disciplinary proceedings initiated either by the board or by other state agencies which might otherwise result from the testimony to be given by the witness to the panel.

4. In order to assure a free flow of information for accomplishing the purposes of this section, and notwithstanding section 622.10, all complaint files, investigation files, other investigation reports, and other investigative information in the possession of a licensing board or peer review committee acting under the authority of a licensing board or its employees or agents which relates to licensee discipline are privileged and confidential, and are not subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the licensee and the boards, their employees and agents involved in licensee discipline, and are not admissible in evidence in a judicial or administrative

proceeding other than the proceeding involving licensee discipline. However, investigative information in the possession of a licensing board or its employees or agents which relates to licensee discipline may be disclosed to the appropriate licensing authority in another state, the District of Columbia, or a territory or country in which the licensee is licensed or has applied for a license. If the investigative information in the possession of a licensing board or its employees or agents indicates a crime has been committed, the information shall be reported to the proper law enforcement agency. However, a final written decision and finding of fact of a licensing board in a disciplinary proceeding, including a decision referred to in section 258A.3, subsection 4, is a public record.

Pursuant to the provisions of section 17A.19, subsection 6, a licensing board upon an appeal by the licensee of the decision by the licensing board, shall transmit the entire record of the contested case to the reviewing court.

Notwithstanding the provisions of section 17A.19, subsection 6, if a waiver of privilege has been involuntary and evidence has been received at a disciplinary hearing, the court shall order withheld the identity of the individual whose privilege was waived.

5. Licensee discipline shall not be imposed except upon the affirmative vote of a majority of the licensing board.

258A.7 Executive secretary and personnel.

1. As an alternative to authority contained elsewhere in this chapter, a licensing board may employ within the limits of available funds an executive secretary, one or more inspectors, and such clerical personnel as may be necessary for the administration of the duties of the board. Employees of the board shall be employed subject to chapter 19A. The qualifications of the executive secretary shall be determined by the board.

2. All employees of a licensing board shall be reimbursed subject to the rules of the state comptroller for their expenses incurred in the performance of official duties. All reimbursements shall constitute costs of sustaining the board.

3. Licensees appointed to serve on a hearing panel pursuant to section 25A.6, subsection 2, shall be compensated at the rate of forty dollars for each day of actual duty, and shall be reimbursed for actual expenses reasonably incurred in the performance of duties.

4. Salaries, per diem, and expenses incurred in the performance of official duties of the board or its employees shall be paid from funds appropriated by the general assembly.

258A.8 Immunities.

1. A person shall not be civilly liable as a result of the person's acts, omissions or decisions in good faith as a member of a licensing board or as an employee or agent in connection with the person's duties.

2. A person shall not be civilly liable as a result of filing a report or complaint with a licensing board or peer review committee, or for the disclosure to a licensing board or its agents or employees, whether or not pursuant to a subpoena of records, documents, testimony or other forms of information which constitute privileged matter concerning a recipient of health care services or some other person, in connection with

proceedings of a peer review committee, or in connection with duties of a health care board. However, such immunity from civil liability shall not apply if such act is done with malice.

3. A person shall not be dismissed from employment, and shall not be discriminated against by an employer because the person filed a complaint with a licensing board or peer review committee, or because the person participated as a member, agent or employee of a licensing board or peer review committee, or presented testimony or other evidence to a licensing board or peer review committee.

Any employer who violates the terms of this section shall be liable to any person aggrieved for actual and punitive damages plus reasonable attorney fees.

258A.9 Duties of licensees.

1. Each licensee of a licensing board, as a condition of licensure, is under a duty to submit to a physical or mental examination when directed in writing by the board for cause. All objections shall be waived as to the admissibility of the examining physician's testimony or reports on the grounds of privileged communications. The medical testimony or report shall not be used against the licensee in any proceeding other than one relating to licensee discipline by the board, or one commenced in district court for revocation of the licensee's privileges. The licensing board, upon probable cause, shall have the authority to order physical or mental examination, and upon refusal of the licensee to submit to the examination the licensing board may order that the allegations pursuant to which the order of physical or mental examination was made shall be taken to be established.

2. A licensee has a continuing duty to report to the licensing board by whom the person is licensed those acts or omissions specified by rule of the board pursuant to section 258A.4, subsection 1, paragraph "f", when committed by another person licensed by the same licensing board. This subsection does not apply to licensees under chapter 116 when the observations are a result of participation in programs of practice review, peer review and quality review conducted by professional organizations of certified public accountants, for educational purposes and approved by the board of accountancy.

3. A licensee shall have a continuing duty and obligation, as a condition of licensure, to report to the licensing board by which the licensee is licensed every adverse judgment in a professional or occupational malpractice action to which the licensee is a party, and every settlement of a claim against the licensee alleging malpractice.

4. A licensee who willfully fails to comply with subsection 2 or 3 of this section commits a violation of this chapter for which licensee discipline may be imposed.

258A.10 Rules for revocation or suspension of license.

A licensing board established after January 1, 1978 and pursuant to the provisions of this chapter shall by rule include provisions for the revocation or suspension of a license which shall include but is not limited to the following:

1. Fraud in procuring a license.
2. Professional incompetency.

3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the licensee's profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

4. Habitual intoxication or addiction to the use of drugs.

5. Conviction of a felony related to the profession or

occupation of the licensee. A copy of the record of conviction or plea of guilty shall be conclusive evidence

6. Fraud in representations as to skill or ability.

7. Use of untruthful or improbable statements in advertisements.

8. Willful or repeated violations of the provisions of this chapter.

CHAPTER 3
PROFESSIONAL DEVELOPMENT

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| <p>3.1(114) General statement.
3.2(114) Units.
3.3(114) Biennial requirement.
3.4(114) Professional development requirement.
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3.6(114) Multiple branch registrants.
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3.13(114) Reports and records.</p> |
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390 - 3.1(114) General statement. Each registrant is required to meet the continuing education requirements of this chapter for professional development as a condition of registration renewal.

Continuing education is education obtained by a registrant in order to maintain, improve, or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge.

390 - 3.2(114) Units. The unit for the professional development requirements is the Professional Development Hour (PDH). The conversion to this unit from other units is:

- 1 Hour of an acceptable professional development activity 1 PDH
- 1 Semester hour of university credit 45 PDH
- 1 Quarter hour of university credit 30 PDH
- 1 Continuing Education Unit (CEU) 10 PDH

390 - 3.3(114) Biennial requirement. The continuing education requirement for biennial registration renewal is thirty professional development hours for an active registrant in engineering or land surveying. The requirement must be satisfied during the biennium prior to registration renewal except for the carryover permitted. The number of professional development hours which may be carried forward into the next biennium shall not exceed fifteen.

Registrants shall not violate any local, state or federal criminal law in the conduct of professional practice.

Registrants shall not violate registration laws of any state or territory.

390 - 3.4(114) Professional development requirement. Continuing education activities which satisfy the professional development requirement are college and university courses, courses which are awarded continuing education units (CEU's), and those portions of technical meetings, seminars, tutorials, short courses, and correspondence courses that are related to engineering or land surveying practice or management. These activities must meet the following criteria:

1. There is a clear purpose and objective for each activity.
2. The content of each presentation is well organized and presented in a sequential manner.
3. There is evidence of preplanning which should include the opportunity for input by the target group to be served.
4. The presentation will be made by persons who are well-qualified by education or experience.

5. There is a provision for individual participant registration which will include information required for recordkeeping and reporting.

Other activities which may be used to satisfy continuing education requirements are: Sabbatical or leave for study or research; appropriate in-house programs conducted by corporations or other organizations; published papers, articles, or books, presentations at technical meetings, and instruction of continuing education courses. Continuing education credit will be granted for the time required for preparation of published material, presentations at technical meetings, and for the first-time preparation of continuing education courses.

390 - 3.5(114) Inactive registrants. Registrants who are not engaged in engineering or land surveying practice which requires registration in Iowa may be granted inactive status. No inactive registrant may practice in Iowa unless otherwise exempted in Iowa Code chapter 114. Inactive registrants are exempt from the continuing education requirements.

390 - 3.6(114) Multiple branch registrants. Continuing education requirements for registration in more than one engineering branch are the same as for registration in a single branch of engineering.

390 - 3.7(114) Engineer-land surveyor registrants. The continuing education requirement for biennial registration renewal for active registration in both engineering and land surveying is twenty professional development hours in engineering and twenty professional development hours in land surveying. The requirement must be satisfied within the biennium prior to registration renewal except for the carryover permitted. The number of professional development hours which may be carried forward into the next biennium shall not exceed ten hours for each profession.

A registrant may have active status in one profession and inactive status in the other. In that case, the registrant shall meet the continuing education requirements for registration in the profession in which active registration is maintained.

390 - 3.8(114) Reinstatement to active registration. A person who wishes to reinstate a lapsed or inactive registration of one year or more must satisfy one of the following requirements:

- a. Satisfaction of one-half the biennial requirement multiplied by the number of years of lapsed or inactive status. The minimum continuing education requirement shall be one-half the biennial requirement. The maximum continuing education requirement shall be one and one-half times the biennial requirement. The re-

quirement shall be satisfied within the biennium prior to reinstatement.

b. Successful completion of the Principles and Practice examination within one year immediately prior to application for reinstatement.

390 - 3.9(114) Exemptions. The continuing education requirements may be reduced in proportion to the following:

1. Periods of time exceeding one hundred twenty consecutive days that the registrant serves honorably on active duty in the military services.

2. Periods of time that the registrant is registered in another state or district having continuing education requirements for professional engineering or land surveying, equal to or more stringent than the requirements of these rules and meets all requirements of that state or district for practice therein.

3. Periods of time exceeding one hundred twenty consecutive days that the registrant is an employee working as a professional engineer or land surveyor, and assigned to duty outside of the United States of America.

390 - 3.10(114) Hardships or extenuating circumstances. The board may in individual cases involving hardship or extenuating circumstances grant waivers of the continuing education requirements for a period of time not to exceed one year. No waiver or extension of time shall be granted unless the registrant makes a written request to the board for such action.

390 - 3.11(114) Noncompliance. A registrant who does not satisfy the continuing education requirements

for registration renewal will be placed on probationary status and notified of the fact before April 1 following the renewal date. The registrant must show that the deficiencies have been satisfied before July 1 following the renewal date. If the deficiencies are not made up within the specified period of time, the individual's registration shall be classified as lapsed without further hearing.

An individual who applies for registration renewal after registration has lapsed and has not satisfied the continuing education requirements will be notified of the fact within thirty days of receipt of the renewal. The registrant must show that the deficiencies have been satisfied before July 1 following the renewal date unless granted additional time by the board due to extenuating circumstances.

390 - 3.12(114) New registrants. A new registrant shall satisfy one-half the biennial continuing education requirement at the first renewal following initial registration.

390 - 3.13(114) Reports and records. At the time of application for registration renewal, each registrant shall report on a form provided by the board the professional development activities undertaken during the preceding period to satisfy the requirements of this chapter.

The registrant shall maintain a file in which records of the activities are kept, including dates, subjects, duration of programs, registration receipts where appropriate and other appropriate documentation, for a period of five years after the date of the program.

Rules 3.1 to 3.13 are intended to implement Iowa Code sections 114.6, 258A.2 and 258A.3.

**IOWA ENGINEERING AND
LAND SURVEYING EXAMINING BOARD**

REGISTRATION RENEWAL
COMPLETE FORM AND RETURN WITH FEE TO:
IOWA ENGINEERING AND
LAND SURVEYING EXAMINING BOARD
1918 S.E. HULSIZER, ANKENY, IOWA 50021

FEE SCHEDULE: (Check Desired Status)

ACTIVE	INACTIVE	
<input type="checkbox"/>	<input type="checkbox"/>	PE
<input type="checkbox"/>	<input type="checkbox"/>	LS
<input type="checkbox"/>	<input type="checkbox"/>	PE/LS

Penalty after December 31
FEES NOT REFUNDABLE

FOR OFFICE USE ONLY

Cert. # _____
Date Rec'd. _____
Amount _____

FOR OFFICE USE ONLY

	PE	LS
EXCESS PDH	_____	_____
REPORTING	_____	_____
TOTAL	_____	_____
PDH OBTAINED THIS PERIOD	_____	

PRINT ANY NAME/ADDRESS CHANGES HERE:

EXEMPTION: (date) _____
GRANTED _____ DENIED _____
COMMENT: _____

ANNUAL REPORT REQUEST

Yes No

Inactive Registrants Include \$ _____
Fee for Two Reports During Biennium

EXEMPTION REQUEST

Professional development exemption request for current registration period only.
(Requires letter of explanation — See Administrative Rules — Chapter 3)
_____ Military Service _____ Foreign Employment _____ Other

PROFESSIONAL DEVELOPMENT DURING

PDH

DATE COMPLETED MO DAY YR	SPONSORING ORGANIZATION		ACTIVITY TITLE/DESCRIPTION	PDH	
	NAME	LOCATION (CITY, STATE)		PE HOURS nearest 0.5 PDH	LS HOURS nearest 0.5 PDH
1					
2					
3					
4					
5					

CERTIFICATION:

I certify that this report is true and correct.

TOTAL PDH (this report)

TOTAL PDH CARRYOVER

GRAND PDH TOTAL

(SIGNATURE)

(DATE)

(OVER)

PROFESSIONAL DEVELOPMENT DURING REPORTING PERIOD (Con't)				PDH	
DATE COMPLETED MO DAY YR	SPONSORING ORGANIZATION		ACTIVITY TITLE/DESCRIPTION	PE	LS
	NAME	LOCATION (CITY, STATE)		HOURS	HOURS
6					
7					
8					
9					
10					
11					
12					

INSTRUCTIONS FOR COMPLETING RENEWAL FORM:

- NAME AND ADDRESS:** Please correct your name and address if our records are not current. **NOTE:** Name, address, registration number, and status are considered public information.
- STATUS:** Check desired status of registration: Active, Inactive; PE, LS, PE LS
- FEES:** Enclose the correct fee, as printed on the form, for the desired status. You will be assessed the penalty if your renewal is postmarked after December 31. Please be sure your name and registration number are on your check.
- ANNUAL REPORT:** Check the desired box. An annual report will not be mailed if you neglect to check this area. Inactive registrants must include an additional fee.
- EXEMPTION REQUEST:** A letter of explanation is required if you are requesting exemption from the continuing education requirements. If you are asking for an exemption because you were working overseas or in the military, give the exact dates and locations. In the case of hardship, explain the circumstances and include exact dates.
- PROFESSIONAL DEVELOPMENT REPORT FOR YEARS SPECIFIED ON FORM:** For each activity, enter the date completed, the sponsoring organization, the title of the activity, and the hours earned rounded to the nearest 0.5 professional development hours (PDH). Use additional space on the back of the form, if needed.

Enter the total PDH recorded in the appropriate box(es). Excess PDH carried over from your previous renewal have been entered for you. The biennial requirement is 30 hours. If this is your first renewal, your requirement is the annual amount, or 15 PDH. Up to 15 excess PDH may be carried over to the next biennium. Please see enclosed administrative rules for requirements for combined PE/LS registrations.
- SIGNATURE:** Your renewal cannot be processed unless it is signed at the bottom of the first page.

For additional information, please refer to Chapter 3 of the Iowa Administrative Code (390), enclosed. THANK YOU.

MAR 9 1988

STATE OF MONTANA

**DEPARTMENT OF COMMERCE
DIVISION OF BUSINESS AND PROFESSIONAL LICENSING**

**PROFESSIONAL ENGINEERS & LAND SURVEYORS
LAWS & RULES**

1987



**1424 9TH AVENUE
HELENA, MONTANA 59620
406-444-4285**

LAWS

this state. The certificate of registration for a professional engineer shall carry the designation "professional engineer" and for a professional land surveyor, "professional land surveyor". It shall give the full name of the registrant with his serial number and shall be signed by the chairman and the secretary under the seal of the board.

(2) This certificate shall be prima facie evidence that the person named thereon is entitled to all rights, privileges, and responsibilities of a professional engineer or professional land surveyor while the certificate of registration remains unrevoked or unexpired.

(3) Each registrant hereunder may, upon registration, obtain a seal of a design authorized by the board, bearing the registrant's name, serial number, and the legend "professional engineer" and/or "professional land surveyor". Plans, specifications, plats, drawings, reports, design information, and calculations prepared by a registrant must when issued be signed with a written signature, dated, and stamped with the seal or a seal facsimile. It is unlawful for a registrant to affix or permit his seal and signature or seal facsimile to be affixed to any plans, specifications, plats, drawings, reports, design information, or calculations after the expiration of a certificate or for projects for which the registrant was not in responsible charge.

(4) The department shall issue to any applicant who, in the opinion of the board, has met the requirements of this chapter an enrollment card as engineer-in-training or land surveyor-in-training which indicates that his name has been recorded as such in the board office. The engineer-in-training or land surveyor-in-training enrollment card does not authorize the holder to practice as a professional engineer or professional land surveyor.

37-67-3i5. Biennial renewal -- fee -- statement of competency. (1) Certificates of registration expire every second year on the date established by rule of the department and become invalid on that date unless renewed. The department shall notify every person registered under this chapter of the date of the expiration of his certificate and the amount of the fee required for its renewal for 2 years. This notice shall be mailed at least 1 month in advance of the date of the expiration of the certificate. Renewal may be made prior to the expiration date by the payment of a fee as set by the board for either a professional engineer or professional land surveyor. For renewal of a dual license as both a professional engineer and professional land surveyor, the fee shall be set by the board.

(2) No certificate may be renewed unless the registrant submits a statement to the effect and the board is satisfied that he has maintained competency by:

(a) the continued practice of engineering or land surveying; or

(b) engaging in other activities that provide for the

maintenance of competency as prescribed by board rule.

(3) Failure on the part of a registrant to renew his certificate biennially prior to the expiration date does not deprive him of the right of renewal; however, a registrant who fails to pay the renewal fee for an additional year of the biennium shall be considered a new applicant and is required to submit a new application.

(4) The fee for any registrant who fails to renew his certificate prior to the expiration date shall be increased by an amount not to exceed 50% of his renewal fee. Renewal may not be completed until all fees are paid.

37-67-316. Replacement of lost or destroyed certificate. A new certificate of registration to replace a certificate revoked, lost, destroyed, or mutilated may be issued by the department, subject to the rules of the board.

37-67-317. Deposit of moneys collected. The department shall collect all moneys under this chapter and shall deposit these moneys in the state special revenue fund for the use of the board, subject to 37-1-101(6).

37-67-318. Roster of licensees to be published by department. A roster showing the names and addresses of registered professional engineers and registered professional land surveyors shall be published by the department. Copies shall be placed on file with the secretary of state, the clerk of each incorporated city and town, and in the office of each county clerk and recorder within the state and furnished to each person registered and to the public, on request, at a fee established by the board.

37-67-319. Temporary permits for nonresident practitioners. Temporary permits are governed by the following:

(1) Such a permit may be granted for the practice or offer to practice engineering by a person not a resident of or having no established place of business in this state, provided such person is legally qualified by registration to practice engineering in his own state or country, provided the requirements for registration in his home state or country are not less than those defined in this chapter. Such person shall make application to the board in writing. The application must be accompanied by a fee set by the board. Upon approval by the board, such person may be granted a written permit for a definite period of time not to exceed 1 year to do a specific job; provided, however, no right to practice engineering shall accrue to such applicant with respect to any other works not set forth in the permit.

(2) The practice of land surveying under a temporary permit by a person registered as a professional land surveyor in another state is not considered to be in the best interests of the public and, therefore, may not be granted.

RULES

PROFESSIONAL
ENGINEERS AND LAND SURVEYORS

8.48.902

Sub-Chapter 9

Renewals

8.48.901 EXPIRATION OF REGISTRATION - RENEWAL (1)

Certificates of registration expire on June 30th of the appropriate year shall be renewed as outlined in section 37-67-315, MCA upon receipt of the renewal fee set by the board.

(2) The department will notify every registered person by mailing a letter to the address in the roster or to a corrected address 30 to 60 days prior to the date of expiration of his certificate. The letter will specify the fees for renewal for a 2 year period. The letter will include a form for a statement by the registrant that he has maintained his professional competency during the preceding biennium. This statement must be signed, and returned to the board before the registrant's registration will be renewed. (History: Sec. 37-1-101 (7), 37-67-202, MCA; IMP, Sec. 37-67-315, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., C. 274, L. 1981, Eff. 7/1/81; AMD, 1983 MAR p. 645, Eff. 6/17/83; AMD, 1983 MAR p. 1117, Eff. 1/1/84; AMD, 1986 MAR p. 1958, 11/29/86.)

8.48.902 STATEMENT OF COMPETENCY (1) At the time the

registrant applies for renewal, he is to submit to the board a verified statement that he has maintained his professional competency.

(a) The statement by the registrant that he has practiced engineering or land surveying for a minimum of 520 hours during each of the 2 years preceding renewal is accepted as evidence of maintained competency.

(2) If the registrant has not continued in practice as in (1) (a) above, he must provide evidence to the board that he has completed a minimum combined time of 520 hours per year of practice, formal course work, home study, and/or group study. Statements that the preceding requirement has been met will be accepted as evidence of maintained competency.

(3) In determining whether an applicant for renewal has satisfied the requirements of this rule, the board will not allow credit for the practice of professional engineering or professional land surveying during a period in which the registrant's license was invalid. (History: Sec. 37-67-202, MCA; IMP, Sec. 37-67-315, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79;

8.48.903

COMMERCE

TRANS, from Dept. of Prof & Occup. Lic., C. 274, L. 1981, Eff. 7/1/81; AMD, 1983 MAR p. 645, Eff. 6/17/83; AMD, 1986 MAR p. 1958, Eff. 11/29/86.)

8.48.903 LATE RENEWAL (1) The failure on the part of any registrant to renew his certificate by June 30th as required shall not deprive such person of the right of renewal.

(2) The fee to be paid for the renewal of a certificate after June 30th shall be increased 10% for each month or fraction of a month that payment of renewal is delayed; provided, however, that the maximum fee for delayed renewal shall not exceed 50% the normal renewal fee. (History: Sec. 37-1-101 (7), 37-67-202, MCA; IMP, Sec. 37-67-315, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., C. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 2134, Eff. 12/17/82; AMD, 1983 MAR p. 1717, Eff. 1/1/84.)

8.48.904 EXPIRED CERTIFICATE - RENEWAL GRACE PERIOD (1) If the process of renewal is not completed within one year of the expiration date of the certificate, the applicant shall be considered a new applicant with all pertinent laws and rules applying. (History: Sec. 37-67-202, MCA; IMP, Sec. 37-67-315, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., C. 274, L. 1981, Eff. 7/1/81; AMD, 1983 MAR p. 645, Eff. 6/17/83.)

Sub-Chapter 10 reserved.

STATE OF MINNESOTA

MAR 7 1988



OFFICE OF THE BOARD
ROOM 162, METRO SQUARE
7TH AND ROBERT STREETS
SAINT PAUL, MINNESOTA 55101

PHONE: 296-2388

BOARD OF ARCHITECTURE, ENGINEERING,
LAND SURVEYING AND LANDSCAPE ARCHITECTURE

March 4, 1988

Ms. Julie Sparks
Senate Advisory Council
Post Office Box V
Juneau, Alaska 99811

Dear Ms. Sparks:

Enclosed is a copy of Minnesota Statutes, Section 214.12 Continuing Education as requested by phone on Friday, March 4, 1988. This is our enabling legislation for requiring continuing professional training for relicensure. We are in the process of establishing requirements for land surveyors and will then develop requirements for landscape architects.

If you have any questions concerning our enabling legislation or our future plans in this regard, please let me know.

Sincerely,

A handwritten signature in cursive script that reads 'Lowell E. Torseth'.

Lowell E. Torseth
Executive Secretary

LET:kao

Enclosure

cc: R. W. Monson, P.E., L.S.
A. E. Giles, Esq.

214.12 CONTINUING EDUCATION.

The health-related and non-health-related licensing boards may promulgate by rule requirements for renewal of licenses designed to promote the continuing professional competence of licensees. These requirements of continuing professional education or training shall be designed solely to improve professional skills and shall not exceed an average attendance requirement of 50 clock hours per year. All requirements promulgated by the boards shall be effective commencing January 1, 1977, or at a later date as the board may determine. The 50 clock hour limitation shall not apply to the board of teaching.

History: 1976 c 222 s 7

214.13 HUMAN SERVICES OCCUPATIONS.

Subdivision 1. **Application for credential.** The commissioner of health shall promote the recognition of human services occupations useful in the effective delivery of human services. The commissioner shall coordinate the development of a credentials policy among the health-related licensing boards consistent with section 214.001. The commissioner shall, consistent with section 214.001, establish procedures for the identification of human services occupations not now credentialled by the state, recommend appropriate regulatory modes, and promulgate by rule standards and procedures relating to the credentialing of persons practicing in the affected occupations. At the time of submission of a letter of intent to enter the credentialing process, an occupational applicant group shall pay a fee of \$1,000 to the commissioner. The fee is nonrefundable and must be deposited with the state treasurer and credited to the general fund. The commissioner may require an occupational applicant group to submit information relating to, and to recommend and justify regulatory modes and standards consistent with, the provisions of section 214.001. If the commissioner determines that credentialing of an occupation is appropriate, the commissioner is empowered only to register the occupation. Before promulgating any rules resulting in registration for an occupation the commissioner shall consult with state boards or agencies charged with regulating similar occupations in order to define the scope and range of practice for the registered occupation and the degree of supervision required. As used in this section and section 214.14, registration is defined as in section 214.001, subdivision 3, clause (c).

Subd. 2. **Other agency's comment.** Before promulgating any rules regulating a specific occupation under this section, the commissioner shall determine whether a substantial number of persons in that occupation will be employed by an employer who is regulated by or funded through another state agency. If the commissioner so determines, then the commissioner must submit the proposed rules to the head or governing board of that agency for review and comment. The agency shall review the rules to insure compliance with laws which are administered or enforced by that agency. Agency comment shall be forwarded to the commissioner within 90 days of receiving the proposed rules. After receipt of agency comment, the commissioner may proceed to promulgate the rules.

Subd. 3. **Rules; effect; report.** Rules promulgated by the commissioner pursuant to subdivision 1 may include procedures and standards relating to the registration requirement, the scope of authorized practice, fees, supervision required, continuing education, career progression and disciplinary matters. Notwithstanding any law to the contrary, persons registered under the authority of the rules promulgated by the commissioner shall not, for a period of four years after the effective date of the rules, be subject to any action by a health-related licensing board for violation of the board's laws or rules provided the person's practice or conduct is recognized by the rules promulgated by the commissioner. Three years after the effective date of the commissioner's rules, the commissioner shall make a report to the legislature on the usefulness of the new occupational group, any problems encountered in administering the regulation of the group, and any necessary statutory changes recommended to continue, discontinue, or modify the regulation of the group.

Subd. 4. The commissioner shall promulgate by rule the administration of regulation of that board. If the commissioner may regularly bill the board. The licensing board may advise the commissioner of section 214.06. The commissioner shall advise the commissioner relating to the registration members appointed by occupation or related re A council shall expire, as as provided in section 1

Subd. 5. Recommendation of health shall exercise c services occupations. If sioner determines that implementation of another appropriate the commissioner of two years after a determination, if any, for an occupational group may not submit a l to do so by the commissioner.

Subd. 6. The provision of communication, whether alleges or implies a violation to enforce relating to a staff has been created pursuant

Subd. 7. The duties section 214.10, subdivision regulated pursuant to this 4, or if no council has been delegated the administrative made, by a staff member subdivision 6 and this suit to boards by section 21 subdivision.

History: 1976 c 222 s c 654 art 5 s 11-15; 1985

214.14 [Repealed, 198

214.141 ADVISORY COUNCIL

There is established a commissioner of health in The commissioner shall c for its proper functioning. ary members and metho commissioner for consideration. Thirteen members commissioner shall designate members shall represent c two members shall represent registered; two members include a health maintenance shall represent the higher the state planning agency; costs; and two members s

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

STEVE COWPER, GOVERNOR

P.O. BOX D-LIC
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2534

RECEIVED MAR 4 1988

DATE: March 2, 1988

TO: SENATE FINANCE SUBCOMMITTEE ON SB 365
Senator Rick Halford, Chairman
Senator Fred Zharoff
Senator John Binkley

FROM: *RPB* Randall P. Burns, Director
Division of Occupational Licensing
Department of Commerce and Economic Development

SUBJECT: Information Requested on the Board of Architects, Engineers
and Land Surveyors

The attached information regarding the Board of Architects, Engineers and Land Surveyors is provided in response to questions raised by committee members at the hearing of SB 365 held on Monday, February 22, 1988.

The following items are included:

1. A list of board meetings held during the last five years and identifying travel costs.
2. Breakdown of current licensees by license type.
3. Explanation and (FY 87-88) Proposed Board Budget/Expenditure.
4. Number and types of pending applications.
5. Exam schedule, type and number of applications routinely reviewed at board meetings.
6. Summary of enforcement activity (last four years).
7. FY 87 Board Performance Report.

If you have any questions or require further information, please do not hesitate to contact me at 465-2534.

RPB/dg10976D
030288b
Attachments

cc: Wayne Jensen, President, Board of Architects, Engineers and Land Surveyors

Sharon Macklin, Lobbyist

APPENDIX 1

BOARD MEETING/TRAVEL COSTS

(Note: Travel costs include out-of-state expenses to national conferences)

		<u>Travel/Per Diem</u> <u>Expenditures</u>
<u>FY 84:</u>	September 15-16, 1983 - Juneau	\$20,439
	November 9-10, 1983 - Anchorage	
	February 23-24, 1984 - Juneau	
	May 3-4, 1984 - Soldotna	
 <u>FY 85:</u>	 September 19-21, 1984 - Fairbanks	 19,674
	November 29-30, 1984 - Anchorage	
	February 28-March 1, 1985 - Juneau	
	May 2-3, 1985 - Anchorage	
 <u>FY 86:</u>	 September 19-20, 1985 - Fairbanks	 14,975
	February 27-28, 1986 - Anchorage	
	May 1-2, 1986 - Anchorage	
	December 5, 1985 - Anchorage, Fairbanks, (Teleconference) Juneau, Whittier, Soldotna	
 <u>FY 87:</u>	 September 17-19, 1986 - Fairbanks	 17,962
	December 5-6, 1986 - Anchorage	
	February 18-20, 1987 - Anchorage	
	April 30-May 1, 1987 - Anchorage	
	August 11, 1986 - Anchorage, Fairbanks, (Teleconference) Juneau, Whittier, Homer, Nikiski, Soldotna	
 <u>FY 88:</u>	 September 10-11, 1987 - Fairbanks	 20,000
	December 3-4, 1987 - Anchorage	(Budgeted)
	February 25-26, 1988 - Juneau	
	(One additional meeting)	

APPENDIX 2

ARCHITECTS, ENGINEERS AND LAND SURVEYORS
CURRENT LICENSEES AS OF FEBRUARY 24, 1988

<u>Architects:</u>	-	474
<u>Engineers:</u>		
Electrical Engineers	-	347
Mining Engineers	-	46
Chemical Engineers	-	39
Civil Engineers	-	1,776
Mechanical Engineers	-	383
Petroleum Engineers	-	<u>26</u>
	-	2,617
<u>Land Surveyors:</u>	-	630
<u>Corporate Authorizations:</u>	-	182
	<u>TOTAL:</u>	<u>3903</u>

APPENDIX 3

DIVISION OF OCCUPATIONAL LICENSING
Budget Explanation

1. Column One: As indicated, the percentage is based on the number of licenses divided by the total number of division licensees. This column represents the administrative overhead costs, or "undesigned" costs, as we call it. For example, these costs consist of a portion of the clerical staff costs, management staff costs, and all other costs that benefit the entire licensing agency which cannot be identified or attributed toward a specific licensed occupation. Therefore, we determined that the most reasonable way to distribute these costs was to find the percentage of current licensees from the total number of current licensees in all occupations. This would allow each occupation to be responsible for a certain percent of the undesigned costs. The total "undesigned" cost is based on the FY 87 year-end expenditure report.

2. Column Two: The designated costs are those expenditures which are directly attributed to the specific occupation. The accounting system of the division is set up with various program codes for each occupation. This allows specific expenditures from an occupation to be accounted for directly to that occupation.

The expenditures listed in this column are also based directly on FY 87 expenditures except that these figures were rounded.

3. Column Three: This is the total of both the designated and undesigned costs attributed to the occupation.

Licenses are based on a biennial licensing cycle. During a license renewal year, revenues normally exceed the amount of the occupation's budget. However, for most occupations, a nonrenewal year creates a deficit.

Keep in mind that a budget is prepared each fiscal year; however, excess revenues in a given fiscal year are not allowed to be carried forward to the next fiscal year to cover shortfalls. The primary intent is to cover the costs of the licensing function to the extent possible with licensing fees.

JS/palR1-21
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