

ALASKA LEGISLATURE COMMITTEE BILL FILES - 1987 - 1988 8879

HB 532 cont thru CSHB 533 ~~LEG. FILES~~ 393

(Intentionally left blank)

# STATE OF ALASKA

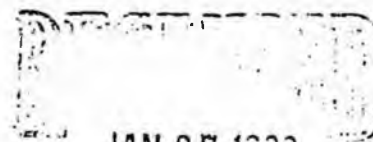
STEVE COWPER, GOVERNOR

## DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

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

OFFICE OF THE COMMISSIONER

January 20, 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 Examiners in Optometry. Below is the Department of Commerce and Economic Development's (hereinafter "Department") comments on the Committee's findings and recommendations.

### Response to Recommendation No. 1.

The Committee has suggested that the board support a repeal of obsolete language in the optometry statutes. The Department supports this recommendation and will look to the legislative sunset review process to correct the confusing references contained in AS 08.72.

### Response to Recommendation No. 2.

The Committee has raised the issue of mail order companies selling contact lens and the resultant public protection concerns. As the enclosed correspondence indicates, both the Department and the Board of Examiners in Optometry are aware of the issue and have preliminarily addressed the matter. The Division of Occupational Licensing will place this issue on the agenda of the next Optometry Board meeting and will approach the Department of Law for suggestions to recommend to the Legislature to correct the current, rather muddled enforcement provisions vis-a-vis mail order contact lens. This matter could be addressed in the legislation reestablishing the Optometry Board this second session of the Fifteenth Legislature.

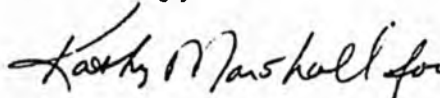
Mr. Randy Welker

-2-

January 20, 1988

The recommendations of the Committee have the full support of the Department and, I feel confident to say, the Board of Examiners in Optometry, as well.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Anthony Smith for".

J. Anthony Smith  
Commissioner

JAS/mst3719s  
011988c  
Enclosure

HB

532-S

1 IN THE HOUSE

BY THE LABOR AND  
COMMERCE COMMITTEE

2

HOUSE BILL NO. 532

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the regulation of optometrists;  
7 extending the termination date of the Board of Exam-  
8 iners in Optometry; and providing for an effective  
9 date."

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

11 \* Section 1. AS 08.03.010(c)(3) is amended to read:

12

(3) Board of Examiners in Optometry (AS 08.72.010) --

13

June 30, 1992 [1988].

14

\* Sec. 2. AS 08.72.050 is amended to read:

15

Sec. 08.72.050. POWER OF BOARD TO ADOPT REGULATIONS. The board  
16 shall adopt regulations

17

(1) necessary for the proper performances of its duties;

18

(2) governing the applicants and applications for licens-

19

ing;

20

(3) for the licensing [REGISTRATION] of optometrists;

21

(4) necessary to govern the practice of optometry;

22

(5) prescribing requirements which a person licensed under

23

this chapter must meet to demonstrate continued professional compe-  
24 tency.

25

\* Sec. 3. AS 08.72.110 is amended to read:

26

Sec. 08.72.110. LICENSE REQUIRED. (a) A person may not prac-

27

tice, attempt to practice, or offer to practice optometry without

28

first obtaining a license from the board.

29

(b) A person not licensed as an optometrist may not fit, sell,

1 or dispose of or take, receive, or solicit an order for fitting, sale,  
2 or disposition of spectacles, eyeglasses, or lenses for the correction  
3 or relief of an optical or visual defect of the human eye or sell  
4 spectacles, eyeglasses, or lenses from house to house, or in the  
5 streets or highways. This chapter does not apply to the sale of toy  
6 glasses, goggles consisting of plano-white or plano-colored lenses or  
7 ordinary colored glasses, or complete ready-made spectacles and eye-  
8 glasses sold only as merchandise, or the sale or repair of eyeglass  
9 frames, or repair or replacement of lenses without pretense of adapt-  
10 ing them to the eyes.

11 \* Sec. 4. AS 08.72.125 is amended to read:

12 Sec. 08.72.125. LICENSING [REGISTRATION] OF BRANCH OFFICES. (a)  
13 The board shall license each [ISSUE A] branch office of [CERTIFICATE  
14 OF REGISTRATION TO] an Alaskan licensee [WHO MAINTAINS A FULL-TIME  
15 PRACTICE IN THE STATE BUT WHO SERVES OTHER COMMUNITIES IN THE STATE ON  
16 A PART-TIME BASIS].

17 (b) A person may not practice, or attempt or offer to practice,  
18 optometry [IN COMMUNITIES ON A PART-TIME BASIS] without obtaining a  
19 license for each branch office [CERTIFICATE OF REGISTRATION] from the  
20 board.

21 (c) The board shall prescribe in the regulations the factors to  
22 be considered in issuing a branch office license [CERTIFICATE OF  
23 REGISTRATION].

24 \* Sec. 5. AS 08.72.150 is amended to read:

25 Sec. 08.72.150. APPLICATION FOR EXAMINATION AND ISSUANCE OF  
26 LICENSE [CERTIFICATE]. An applicant shall apply for the examination  
27 by filing an application with the department together with the ex-  
28 amination fee at least 15 days before the examination. Upon success-  
29 ful completion of the examination by the applicant and payment of the

1        license fee, the board shall issue a license [CERTIFICATE OF REGISTRA-  
2        TION AS A LICENSED OPTOMETRIST] to the successful applicant.    The  
3        [AFTER THE APPLICANT HAS PROPERLY FILED A CERTIFICATE OF REGISTRATION  
4        THE] applicant may practice optometry in the state upon receipt of the  
5        license.

6        \* Sec. 6. AS 08.72.191 is amended to read:

7                Sec. 08.72.191. FEES. The department shall set fees under  
8        AS 08.01.065 for the following:

- 9                (1) examination;
- 10              (2) reexamination for the written portion;
- 11              (3) waiver of examination;
- 12              (4) license [CERTIFICATES];
- 13              (5) renewal;
- 14              (6) branch office license [REGISTRATION] and renewal.

15        \* Sec. 7. AS 08.72.270(a) is amended to read:

16              (a) A licensed [REGISTERED] optometrist, who temporarily prac-  
17        tices optometry away from the optometrist's regular place of business,  
18        shall display a license [REGISTRATION CERTIFICATE] and deliver to each  
19        patient or person fitted or supplied with glasses or contact lenses a  
20        receipt showing the optometrist's permanent place of business or post  
21        office address and the amount charged.

22        \* Sec. 8. AS 08.72.280 is amended to read:

23              Sec. 08.72.280. VIOLATIONS. A person may not falsely personate  
24        a licensed [REGISTERED] optometrist, or buy, sell, or fraudulently  
25        obtain a license [CERTIFICATE OF REGISTRATION] issued to another or  
26        advertise the practice of optometry in violation of rules of the  
27        board. Practicing or offering to practice optometry without a license  
28        is sufficient evidence of a violation of this chapter.

29        \* Sec. 9. AS 08.72.120 is repealed.

1 \* Sec. 10. This Act takes effect immediately under AS 01.10.070(c).

A PERFORMANCE REPORT  
ON THE BOARD OF  
EXAMINERS IN OPTOMETRY

July 1, 1983 - June 30, 1987

Audit Control Number

08-1312-88-R

*8 copies*  
DOUBLE -  
SIDED !

Commissioner, Department of  
Commerce and Economic  
Development

J. Anthony Smith

Deputy Commissioner, Department  
of Commerce and Economic  
Development

John Williams

Members of the  
Board of Examiners in Optometry

Chairman  
Secretary  
Member  
Member  
Member

John Demske, O.D.  
Robert O'Connell, O.D.  
Jeffrey Gonnason, O.D.  
John Lounsbury, O.D.  
Carole L. Richmond

# STATE OF ALASKA

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

**THE LEGISLATURE**  
BUDGET AND AUDIT COMMITTEE

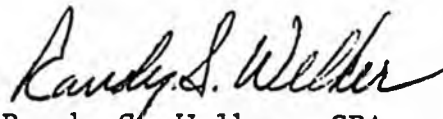
December 31, 1987

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 Examiners in Optometry.

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 Examiners in Optometry 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

**THE LEGISLATURE**

**BUDGET AND AUDIT COMMITTEE**

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

November 3, 1987

Members of the Legislative Budget  
and Audit Committee:

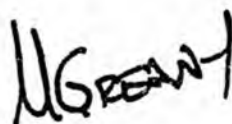
In accordance with the provisions of Title 24 and 44 of the  
Alaska Statutes (sunset legislation), the attached report is  
submitted for your review.

A PERFORMANCE REPORT  
ON THE BOARD OF  
EXAMINERS IN OPTOMETRY

July 1, 1983 - June 30, 1987

Audit Control Number

08-1312-88-R



Mike Greany, Director  
Division of Legislative Finance

TABLE OF CONTENTS

	<u>Page</u>
Purpose and Scope of the Report. . . . .	1
Organization and Function. . . . .	3
Report Conclusion. . . . .	5
Findings and Recommendation. . . . .	7
Analysis of Public Need. . . . .	9
Appendixes:	
A. Schedule of Revenues Compared with Expenditures, for Fiscal Year 1987. . . . .	13
B. Schedule of Estimated Revenues Compared with Budgeted Expenditures, for Fiscal Year 1988 . . . . .	14
Agency Response:	
Department of Commerce and Economic Development. . . . .	17

## PURPOSE AND SCOPE OF THE REPORT

### Purpose

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

Legislative intent requires consideration of this report during legislative oversight hearings to determine whether the Board of Examiners in Optometry should be reestablished. The law now specifies that the Board will terminate June 30, 1988, and has 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. Tests of files and documents of licensee.
3. Interviews with the license examiner.
4. Complaints filed with the Division of Occupational Licensing, Human Rights Commission, Equal Employment Opportunity Offices, Attorney General's Office, and the Ombudsman's Office.
5. Discussions with Board members.
6. Minutes of Board meetings and Division correspondence files.
7. Attorney General's opinions applicable to the professional board.

(Intentionally left blank)

## ORGANIZATION AND FUNCTION

The Board of Examiners in Optometry is a regulatory board consisting of five members appointed by the Governor; four optometrists and one public member. Board members serve staggered terms of four years.

The Board regulates the practice of optometry. 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 optometry practices.
3. Revoking, annulling, or suspending licenses in accordance with the Administrative Procedures Act when a person has violated optometry statutes or regulations.

(Intentionally left blank)

## REPORT CONCLUSION

### Policy Issues

This review contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting the 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 findings and recommendations presented in this report so that the potential impact on policy changes can be evaluated.

### Report Conclusion

In our opinion, the Board of Examiners in Optometry 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 of suspension of licenses where appropriate.

The Findings and Recommendation Section (see pages 7-8), describes areas where weaknesses or conflicts exist. We have made recommendations which, if implemented, will improve the efficiency and effectiveness of the Board.

(Intentionally left blank)

## FINDINGS AND RECOMMENDATION

### Recommendation No. 1

The Board should support the repeal of obsolete language in the statutes to make them more clear and relevant.

In our review of optometry law, it was observed that some terms in the statutes are vague and obsolete. For example, Alaska statute 08.72.120 states in part; "It is unlawful for a person to practice, or attempt, or offer to practice, optometry without first obtaining a certificate of registration...". However, to practice optometry a "certificate of registration" is not a requirement.

The "certificate of registration" relates to a 1949 statute that required the filing of these certificates with the clerk of the superior court in the judicial district the optometrist practices. The "certificate of registration" was repealed in some statute sections by chapter 37 of SLA 1986. Nevertheless, some sections of optometry law still refer to the requirement of a certificate.

In a April 22, 1987 memorandum to the Governor concerning statute revisions, the attorney general recommended that the reference to "certificate of registration" in sections; 08.72.120 and 08.72.150 should be replaced with the term "license". In section 08.72.191, the term "certificates" should be replaced with "licenses". To be licensed as a optometrist is the only requirement to practice optometry. Therefore, to continue the referencing of a "certificate of registration" in the statutes is confusing and obsolete.

### Recommendation No. 2

To insure the public is adequately protected, the Board and Division of Occupational Licensing (DOL) should address the issue of mail order companies selling contact lens.

When contact lenses are purchased from a licensed ophthalmologist, optometrist, or dispensing optician; the consumer is provided with professional training in how to care for the eye and the contact lens. Additionally, the licensed professional conducts an on-site evaluation to determine if the contact lens properly fits the eye. A contact lens that does not proper fit the eye can cause a headache, nausea or even a permanent restriction of vision due to corneal abrasion.

However, a new sales technique has developed in the last few years. Mail order companies are selling and dispensing replacement contact lenses. It is our interpretation of the law, and is the attorney general's office view, that only

licensed ophthalmologists, optometrists and dispensing opticians have the legal authority to sell and dispense contact lenses in Alaska, whether it is the initial sale of a contact lens or a replacement of lens.

Additionally, mail order consumers are at a disadvantage in attempting to judge the fit of contact lenses purchased by mail. As previously stated, a contact lens that does not fit properly can cause injury to the eye.

Considering the potential for public harm, we believe the issue of mail order companies selling and dispensing replacement contact lenses should be addressed by the Board and DOL.

## 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 address those areas we were able to cover within the scope of our review.

- I. The extent to which the board, commission or program has operated in the public interest.
  - A. The Board has enforced the laws for issuing licenses in a uniform and consistent manner.
  - B. The Board has held meetings and administered examinations in accordance with statutory requirements.
  
- II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.
  - A. The 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 has partially succeeded in its endeavors to amend and repeal obsolete language in the optometry law.
  
- 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 examinations, and meetings. The Board has not actively solicited comments on its effectiveness.

- V. The extent to which the board, commissior., 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 Office of the Ombudsman, Attorney General and DOL do not have any outstanding consumer complaints regarding the Board of Optometry.

- 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.

Prior to granting a license to practice, the Board is required to determine if the applicant is qualified. The Board reviews all applications to make the determination of eligibility. The Board issued 26 licenses from FY84 through FY87. The number of optometrists currently licensed is 77.

- 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, Findings and Recommendation.

APPENDIXES

(Intentionally left blank)

APPENDIX A

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

Average Revenue (Note 2)	\$ 4,651
Expenditures (Note 3)	<u>12,031</u>
Excess of Expenditures Over Revenues	<u>\$ 7,380</u>

Note 1

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

Note 2

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

Note 3

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

APPENDIX B

BOARD OF EXAMINERS IN OPTOMETRY  
SCHEDULE OF ESTIMATED REVENUES  
COMPARED WITH BUDGETED EXPENDITURES  
For Fiscal Year 1988  
(Unaudited)  
(Note 1)

Average Revenue (Note 2)	\$ 4,120
Expenditures (Note 3)	<u>13,410</u>
Excess of Expenditures Over Revenues	<u>\$ 9,290</u>

Schedule 1  
Types of Revenues  
(Note 4)

<u>Revenues</u>	<u>Amount</u>	<u>Collection Time</u>
License Application Fee	\$ 20	With application
Examination Fee	\$ 50	With application
Reexamination Fee	\$ 50	With application to reexam
License Fee	\$200	At initial quadrennial license period
License Renewal Fee	\$200	Every four years
Branch Office Registration Fee	\$ 20	At initial quadrennial license period
Branch Office Renewal Fee	\$ 20	Every four years

Note 1

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

Note 2

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

Note 3

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

Note 4

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

(Intentionally left blank)

# STATE OF ALASKA

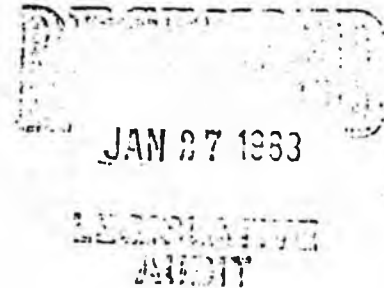
STEVE COWPER, GOVERNOR

## DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

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

OFFICE OF THE COMMISSIONER

January 20, 1988



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 Examiners in Optometry. Below is the Department of Commerce and Economic Development's (hereinafter "Department") comments on the Committee's findings and recommendations.

### Response to Recommendation No. 1.

The Committee has suggested that the board support a repeal of obsolete language in the optometry statutes. The Department supports this recommendation and will look to the legislative sunset review process to correct the confusing references contained in AS 08.72.

### Response to Recommendation No. 2.

The Committee has raised the issue of mail order companies selling contact lens and the resultant public protection concerns. As the enclosed correspondence indicates, both the Department and the Board of Examiners in Optometry are aware of the issue and have preliminarily addressed the matter. The Division of Occupational Licensing will place this issue on the agenda of the next Optometry Board meeting and will approach the Department of Law for suggestions to recommend to the Legislature to correct the current, rather muddled enforcement provisions vis-a-vis mail order contact lens. This matter could be addressed in the legislation reestablishing the Optometry Board this second session of the Fifteenth Legislature.

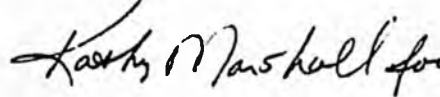
Mr. Randy Welker

-2-

January 20, 1988

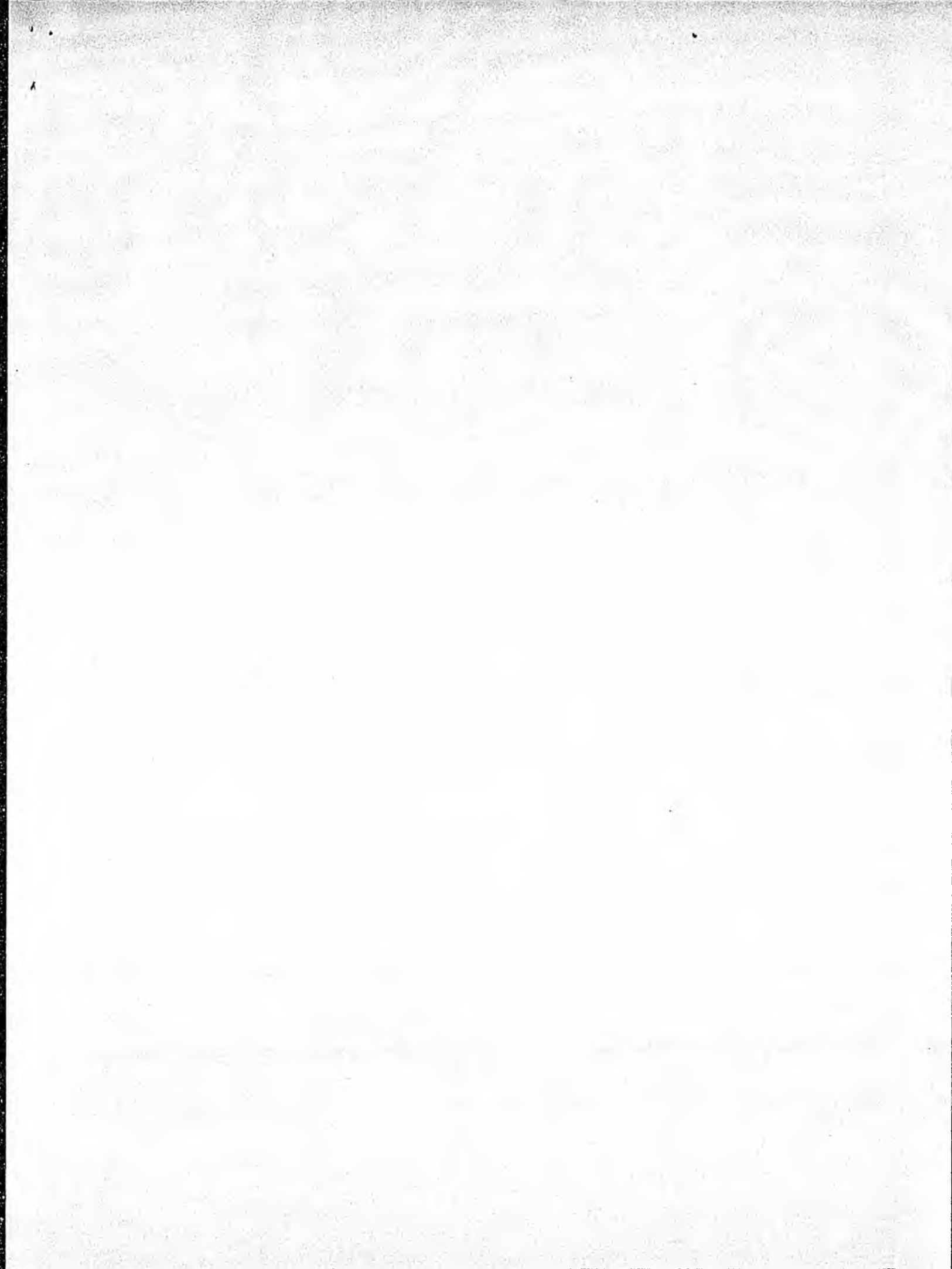
The recommendations of the Committee have the full support of the Department and, I feel confident to say, the Board of Examiners in Optometry, as well.

Sincerely,



J. Anthony Smith  
Commissioner

JAS/mst3719s  
011988c  
Enclosure



**FISCAL NOTE**

REQUEST:

No. 1

Revision Date: \_\_\_\_\_ Agency Affected: Commerce & Economic Dev.  
 Title: An Act relating to the regulation of BRU: Occupational Licensing  
optometrists; extending the term, data...  
 Sponsor: House Labor & Commerce 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
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS:**

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

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

The bill extends the Board of Examiners in Optometry to June 30, 1992 and makes amendments throughout AS 08.72 primarily to amend 'certificate' and 'certificate of registration' to read 'license', a result of Recommendation No. 1 of the Budget and Audit Committee Performance Report. Funding for the Board is included in the department's FY 89 operating budget request.

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

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

**Distribution (by preparer):**

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



Official Business

# Alaska State Legislature

SENATE

*Committee on Finance*

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

## LETTER OF INTENT

HB 532 - An Act relating to the regulation of Optometrists; extending the termination date of the Board of Examiners in Optometry; and providing for an effective date

As part of the sunset review process for the Board of Examiners in Optometry, the audit made two recommendations:

1. The Board should support the repeal of obsolete language in the statutes to make them more clear and relevant; and
2. To insure the public is adequately protected, the Board and Division of Occupational Licensing should address the issue of mail order companies selling contact lens.

The Legislature considered these recommendations and believes they merit further consideration.

To this end, it is the intent of the Legislature that the Board review current statutes and examine the selling of contact lens by mail order companies. The Board shall report its recommendations on these two issues to the Sixteenth Legislature by the 15th date of its first session.

---

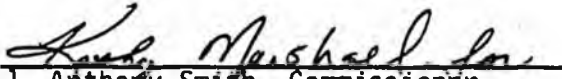
Senator Rick Halford  
Co-Chairman  
Senate Finance Committee

HB 532: An Act relating to the regulation of optometrists; extending the termination date of the Board of Examiners in Optometry; and providing for an effective date.

The Board of Examiners in Optometry is presently in its sunset year and scheduled to terminate on June 30, 1988. HB 532 proposes to extend the board to June 30, 1992 and makes various amendments throughout AS 08.72, primarily to amend "certificate" and "certificate of registration" to read license. These changes are proposed in response to Recommendation No. 1 from the Legislature's Budget and Audit Committee performance report which suggested that the board repeal the obsolete language in its statutes in order to make them more clear and relevant.

The board has preliminarily addressed the issue of mail order companies selling contact lenses in Alaska, as identified in Recommendation No. 2 of the performance report, and continues to further study the issue.

The performance report found that the board is necessary to protect the public's health, safety and welfare. It has done so by establishing minimum educational and experience requirements and in a careful review of all applications to determine the eligibility of the applicants. The department concurs with the report's findings and supports reestablishment of the board.

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

Date: 2/29/88

JS/dg10041o-4  
022988a

SENATE COMMITTEE REPORT

FURTHER

FINANCE

DATE TURNED INTO OFFICE \_\_\_\_\_

4/6/88  
Mr. President:

LABOR AND COMMERCE Committee considered HB 532

regulation of optometrists; extending the termination date of the Board of Examiners in Optometry; efd

and recommended

replace with \_\_\_\_\_ CS \_\_\_\_\_ )  same title  
 or adopt \_\_\_\_\_ CS \_\_\_\_\_ )  new title

attached amendment(s) and

*passed*  
 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

*Mike S. Jones*  
*Charles Kamp*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Tim Kelly - Do Pass*  
Chairman signature and recommendation

HB

533

# HOUSE COMMITTEE REPORT

(11)

Date referred: 3/4/88

FURTHER REFERRALS:

DATE: 3-30-88

The Finance Committee has considered HB 533

"An Act relating to the regulation of public accountancy; extending the termination date of the Board of Public Accountancy; and providing for an effective date."

**RECOMMENDS:**

- replace with CS HB 533 (L&C)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

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

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published 3-4-88
- zero with analysis

**SIGNING DO PASS:**

Adams Al Adams

Pouchot Est. Pouchot

Hanson Ron Larson

Boyer Marie Boyer

Rieger Steve Rieger

Frank Frank

Wallis Kay Wallis

Brown Fay Brown

Swack Al Swack

Davis Alto Davis

Goff Pete Goff

**SIGNING OTHER RECOMMENDATIONS:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Al Adams  
Chairman's signature

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: An Act relating to the regulation of public accountancy; extend the term. date...  
 Sponsor: House Labor & Commerce  
 Requestor: \_\_\_\_\_

Agency Affected: Commerce & Economic Dev.  
 BRU: Occupational Licensing  
 Components: \_\_\_\_\_

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

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

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

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)**

The bill extends the Board of Public Accountancy to June 30, 1992, and amends Sec. 08.04.140 to reference an examination of not less than twice each year. The exams are currently administered twice each year in accordance with national testing dates. The amendment will reflect the current practice. Funding for the board is included in the department's FY 89 operating budget request.

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

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

**Distribution (by preparer):**

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

MAR 2 1988

RAB

*John Marshall*

Original sponsor: Labor and Commerce  
Committee

1 IN THE HOUSE

BY THE LABOR AND  
COMMERCE COMMITTEE

2

CS FOR HOUSE BILL NO. 533 (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the regulation of public account-  
7 ancy; extending the termination date of the Board of  
8 Public Accountancy; and providing for an effective  
9 date."

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

11 \* Section 1. AS 08.03.010(c)(17) is amended to read:

12 (17) Board of Public Accountancy (AS 08.04.010) -- June 30,  
13 1992 [1988].

14 \* Sec. 2. AS 08.04.140 is amended to read:

15 Sec. 08.04.140. FREQUENCY OF EXAMINATION. The examination shall  
16 be held by the board as often as it determines desirable but not more  
17 than three times each year. If the uniform certified public account-  
18 ants' examination is available less frequently, an examination shall  
19 be held not less than twice [ONCE] each year.

20 \* Sec. 3. AS 08.04.390 is amended to read:

21 Sec. 08.04.390. PERMIT FOR INDIVIDUAL PRACTICE AS A PUBLIC  
22 ACCOUNTANT. The board shall issue a permit to engage in the practice  
23 of public accounting to a holder of a certificate or license if all  
24 offices of the certificate holder or licensee are maintained [AND  
25 REGISTERED] as required by AS 08.04.360 - 08.04.380 [AS 08.04.350 -  
26 08.04.380]. The permit is valid for two years.

27 \* Sec. 4. AS 08.04.500(a) is amended to read:

28 (a) A person may not assume or use the title or designation  
29 "certified public accountant" or the abbreviation "CPA" or any other

1 title, designation, word, letter, abbreviation, sign, card, or device  
2 tending to indicate that person is a certified public accountant,  
3 unless the person has received a certificate, holds a live permit, and  
4 all of the person's offices in this state for the practice of public  
5 accounting are maintained [AND REGISTERED] as required by AS 08.04.-  
6 360 - 08.04.380 [AS 08.04.350 - 08.04.380].

7 \* Sec. 5. AS 08.04.510(a) is amended to read:

8 (a) A partnership or corporation may not assume or use the title  
9 or designation "certified public accountant" or the abbreviation "CPA"  
10 or any other title, designation, word, letter, abbreviation, sign,  
11 card, or device tending to indicate that it is composed of certified  
12 public accountants, unless the partnership or corporation is regis-  
13 tered and holds a live permit, is practicing under its registered  
14 name, and its offices in this state for the practice of public ac-  
15 counting are maintained [AND REGISTERED] as required by AS 08.04.360 -  
16 08.04.380 [AS 08.04.350 - 08.04.380].

17 \* Sec. 6. AS 08.04.520 is amended to read:

18 Sec. 08.04.520. INDIVIDUAL POSING AS PUBLIC ACCOUNTANT. A  
19 person may not assume or use the title or designation "public accoun-  
20 tant" or the abbreviation "PA" or other title, designation, word,  
21 letter, abbreviation, sign, card, or device tending to indicate that  
22 that person is a public accountant, unless the person holds a live  
23 permit and the person's offices in this state for the practice of  
24 public accounting are maintained [AND REGISTERED] as required by  
25 AS 08.04.360 - 08.04.380 [AS 08.04.350 - 08.04.380].

26 \* Sec. 7. AS 08.04.530 is amended to read:

27 Sec. 08.04.530. PARTNERSHIP OR CORPORATION POSING AS PUBLIC  
28 ACCOUNTANT. A partnership or corporation may not assume or use the  
29 designation "public accountant" or the abbreviation "PA" or any other

1 title, designation, word, letter, abbreviation, sign, card, or device  
2 tending to indicate that the partnership or corporation is composed of  
3 public accountants, unless the partnership or corporation holds a live  
4 permit, is practicing under its registered name, and its office in  
5 this state for the practice of public accounting is maintained [AND  
6 REGISTERED] as required by AS 08.04.360 - 08.04.380 [AS 08.04.350 -  
7 08.04.380].

8 \* Sec. 8. AS 08.04.540 is amended to read:

9 Sec. 08.04.540. USE OF DECEPTIVE TITLE OR ABBREVIATION. A  
10 person, partnership, or corporation may not assume or use the title or  
11 designation "certified accountant", "chartered accountant", "enrolled  
12 accountant", "licensed accountant", "registered accountant", or any  
13 other title or designation likely to be confused with "certified  
14 public accountant" or "public accountant", or any of the abbreviations  
15 "CA", "EA", "LA", "RA", or similar abbreviations likely to be confused  
16 with "CPA" or "PA"; however, a person, partnership, or corporation  
17 holding a live permit and whose offices in this state for the practice  
18 of public accounting are maintained [AND REGISTERED] as required by  
19 AS 08.04.360 - 08.04.380 [AS 08.04.350 - 08.04.380] may hold out to  
20 the public as an accountant or auditor.

21 \* Sec. 9. AS 08.04.560 is amended to read:

22 Sec. 08.04.560. INDIVIDUAL MAY NOT ASSUME TITLE. A person may  
23 not sign or affix any name or any trade or assumed name used by that  
24 person to any accounting or financial statement, or opinion or report  
25 on any accounting or financial statement with any wording indicating  
26 that the person is a certified public accountant or public accountant  
27 or with any wording indicating that the person has expert knowledge in  
28 accounting or auditing, unless the person holds a live permit and the  
29 person's offices in this state for the practice of public accounting

1 are maintained [AND REGISTERED] as required by AS 08.04.360 - 08.04.-  
2 380 [AS 08.04.350 - 08.04.380].

3 \* Sec. 10. AS 08.04.580 is amended to read:

4 Sec. 08.04.580. PARTNERSHIP POSING AS ACCOUNTANTS OR AUDITORS.  
5 A person may not sign or affix a partnership name with any wording  
6 indicating that it is a partnership composed of accountants or audi-  
7 tors or persons having expert knowledge in accounting or auditing to  
8 any accounting or financial statement, or to any opinion [,] on,  
9 report on, or certificate to any accounting or financial statement  
10 unless the partnership holds a live permit, is practicing under its  
11 registered name, and its offices in this state for the practice of  
12 public accounting are maintained [AND REGISTERED] as required by  
13 AS 08.04.360 - 08.04.380 [AS 08.04.350 - 08.04.380].

14 \* Sec. 11. AS 08.04.590 is amended to read:

15 Sec. 08.04.590. USE OF TITLE WITH CORPORATE NAME. A person may  
16 not sign or affix a corporate name with any wording indicating that it  
17 is a corporation performing services as accountants or auditors, or  
18 composed of accountants or auditors or persons having expert knowledge  
19 in accounting or auditing to any accounting or financial statement, or  
20 to any opinion or report on or certificate to any accounting or finan-  
21 cial statement unless the corporation holds a live permit, is practic-  
22 ing under its registered name, and its offices in this state for the  
23 practice of public accounting are maintained [AND REGISTERED] as  
24 required by AS 08.04.360 - 08.04.380 [AS 08.04.350 - 08.04.380].

25 \* Sec. 12. AS 08.04.350 is repealed.

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

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
 Title: An Act relating to the regulation of public accountancy; extend. the term.  
 Sponsor: House Labor & Commerce  
 Requestor: \_\_\_\_\_  
 Agency Affected: Commerce & Economic Dev.  
 BRU: Occupational Licensing  
 date... \_\_\_\_\_  
 Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

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)

The bill extends the Board of Public Accountancy to June 30, 1992, and amends Sec. 08.04.140 to reference an examination of not less than twice each year. The exams are currently administered twice each year in accordance with national testing dates. The amendment will reflect the current practice. Funding for the board is included in the department's FY 89 operating budget request.

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

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

Distribution (by preparer):

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

MAR 2 1988

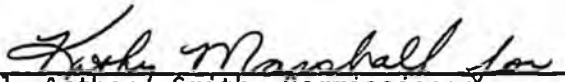
HB 533: An Act relating to the regulation of public accountancy; extending the termination date of the Board of Public Accountancy; and providing for an effective date.

The Board of Public Accountancy is presently in its sunset year and scheduled to terminate on June 30, 1988.

HB 533 proposes to extend the board to June 30, 1992 and amends section AS 08.04.140 to require that examinations be held not less than twice each year. The examination is presently administered twice a year in accordance with national testing dates. The amendment reflects current practice and will assure applicants that the minimum number of exams required to be held by the board each year will at least equal the number of exams presently offered by the national testing service. This will provide a higher degree of dependability and remove applicant concerns for exam availability during times of budget reductions.

The performance report recommended that the board review the current statutory requirement that all public accounting and certified public accounting offices be registered. At its January 28-29, 1988 board meeting, the board reviewed the performance report's recommendation that the board determine whether there was a "compelling" reason to continue the registration of offices; the board has determined that there is no need to continue registration of individual offices and, therefore, recommends that AS 08.04.350 (Registration of Offices) be repealed.

The department concurs with the Legislature's Budget and Audit Committee performance report finding that the board is necessary and desirable for the continued protection of Alaskans. The department supports continuation of the Board of Public Accountancy.

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

Date: 2/29/88

JS/dg10041o-2  
022988b

A PERFORMANCE REPORT  
ON THE BOARD OF  
PUBLIC ACCOUNTANCY

July 1, 1983 - June 30, 1987

Audit Control Number

08-1313-88-R

Commissioner, Department of  
Commerce and Economic Development

J. Anthony Smith

Deputy Commissioner, Department of  
Commerce and Economic Development

John Williams

Members of the  
Board of Public Accountancy

Chairperson  
Member  
Member  
Member  
Member  
Member  
Member

Michael T. Cook  
Thomas E Bartlett  
Michael R Hanrahan  
Sandra L. Langland  
Deborah R. Marshall  
Ida H. McMahon  
Edward B. Mecham

# STATE OF ALASKA

## THE LEGISLATURE BUDGET AND AUDIT COMMITTEE

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

December 31, 1987

Members of the Legislative Budget  
and Audit Committee:

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

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 Public Accountancy 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

**THE LEGISLATURE**

BUDGET AND AUDIT COMMITTEE

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

November 13, 1987

Members of the Legislative Budget  
and Audit Committee:

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

A PERFORMANCE REPORT  
ON THE BOARD OF  
PUBLIC ACCOUNTANCY

July 1, 1983 - June 30, 1987

Audit Control Number

08-1313-88-R



Mike Greany, Director  
Division of Legislative Finance

TABLE OF CONTENTS

	<u>Page</u>
Purpose and Scope of the Report . . . . .	1
Organization and Function . . . . .	3
Report Conclusion . . . . .	5
Finding and Recommendation. . . . .	7
Analysis of Public Need . . . . .	9
Appendixes:	
A. Schedule of Revenues Compared with Expenditures, for Fiscal Year 1987 . . . . .	13
B. Schedule of Estimated Revenues Compared with Budgeted Expenditures, for Fiscal Year 1988. . . . .	14
Agency Response:	
Department of Commerce and Economic Development . . . . .	17

## PURPOSE AND SCOPE OF THE REPORT

### PURPOSE

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have examined the activities of the Board of Public Accountancy for the past four fiscal years to determine if the Board has been operating in an effective and efficient manner.

Legislative intent requires consideration of this report during legislative oversight hearings to determine whether the Board of Public Accountancy should be reestablished. The law now specifies that the Board will terminate June 30, 1988 and has 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 Board regulations.
2. Tests of files and documents of licensee.
3. Interviews with the license examiner.
4. Complaints filed with the Division of Occupational Licensing, Ombudsman's Office, Attorney General's Office, Equal Employment Opportunity Office, and the Human Rights Commission.
5. Discussions with Board members.
6. Minutes of Board meetings and Division correspondence files.
7. Attorney General's opinions applicable to the professional Board.

(Intentionally left blank)

## ORGANIZATION AND FUNCTION

The Board of Public Accountancy is a regulatory board consisting of seven members appointed by the Governor; five are certified public accountants or public accountants and two are public members. Board members serve staggered terms of four years.

The Board regulates the practice of public accounting. 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 accounting practices.
3. Revoking, annulling, or suspending licenses in accordance with the Administrative Procedures Act when a person has violated public accountancy statutes or regulations.

(Intentionally left blank)

## REPORT CONCLUSION

### Policy Issues

This review contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting the 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 findings and recommendations presented in this report so that the potential impact on policy changes can be evaluated.

### Report Conclusion

In our opinion, the Board of Public Accountancy should be reestablished. The regulation and licensing of qualified professionals is necessary and desirable for the continued protection of the citizens of Alaska. The Board provides this service by establishing minimum educational and experience requirements that provide reasonable assurance that persons licensed are qualified. Also, assurance that those licensed act in a competent manner is provided by active investigation of complaints and revocation of suspension of licenses where appropriate.

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

(Intentionally left blank)

## FINDING AND RECOMMENDATION

### Recommendation No. 1

In order to determine if a public need exists, the Board should review the requirement for the registration of all public accounting and certified public accounting offices.

Alaska Statute 08.04.350 requires each office of a certified public accountant, partnership or corporation of certified public accountants, as well each office of a public accountant, partnership or corporation of public accountants, to register annually with the Board. This requirement is in addition to Alaska Statute 08.04.240, which requires the registration of all partnerships and corporations composed of certified public accountants.

During our examination we found, that due to other priorities, the Division is unable to actively enforce the requirement for the individual registration of offices. Completed registrations received by the Division are placed in the individual's certified public accountant or public accountant file. There is currently no process to verify that individual offices are complying with this requirement.

If upon review, the Board finds no compelling reason to continue the registration of individual offices, we would recommend the Board pursue the appropriate statutory deletions.

(Intentionally left blank)

## 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 address those areas we were able to cover within the scope of our review.

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

- A. To practice public accounting in Alaska, an individual must satisfy minimum professional standards established by the Board.
- B. The Board was successful in its proposition to adopt a regulation (12 AAC 04.440) to require evidence of continuing professional education as a condition for reinstatement of a lapsed license.
- C. The Board has held an average of three meetings per year and has conducted professional examinations (twice a year) in Anchorage, Fairbanks and Juneau.

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

Reductions in the Division of Occupational Licensing's budget has limited staff support to all professional licensing boards. Present levels of funding appear to be adequate, but further reductions could be detrimental.

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

The Board has recommended several amendments to the Accountancy Act of 1960. These amendments appear to be consistent with other jurisdictions and in the public's best interest.

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.

Individuals who register complaints or ask questions of the Board are invited and encouraged to attend Board meetings.

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

Board meetings are held at least three times a year. The meetings are open to the public and are advertised in a timely manner.

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

Procedures for handling complaints by the Division of Occupational Licensing have been improved.

- 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. For certification purposes, the Board has proposed and adopted regulations relative to acceptable work experience in accounting.

B. The Board has exercised diligence to assure that only those individuals who fully comply with the requirements of public accountancy law and regulations are certificated to practice.

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

There appear to be no violations of statutes or regulations. Licences are granted strictly on the basis of professional qualifications and testing.

- 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 PUBLIC ACCOUNTANCY  
SCHEDULE OF REVENUES COMPARED WITH EXPENDITURES  
For Fiscal Year 1987  
(Unaudited)  
(Note 1)

Average Revenue (Note 2)	\$47,145
Expenditures (Note 3)	<u>76,171</u>
Excess of Expenditures Over Revenues	<u>\$29,026</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 on a biennial basis. Because of the renewals, revenues vary substantially every second year. Therefore, we combined revenues collected in fiscal year 1984, 1985, 1986 and 1987; and calculated a total in order to obtain a representative amount of average annual revenues collected. Licensing fees were increased in November 1986 in response to legislative intent to make the Boards more self supporting. See Appendix B, Schedule 1 for the current fee schedule.

Note 3

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

APPENDIX B

BOARD OF PUBLIC ACCOUNTANCY  
SCHEDULE OF ESTIMATED REVENUES  
COMPARED WITH BUDGETED EXPENDITURES  
For Fiscal Year 1988  
(Unaudited)  
(Note 1)

Average Revenue (Note 2)	\$81,720
Expenditures (See Note 3)	<u>84,899</u>
Excess of Expenditures Over Revenues	<u>\$ 3,146</u>

Schedule 1  
Types of Revenues  
(Note 4)

<u>Revenues</u>	<u>Amount</u>	<u>Collection Time</u>
Application Fee	\$ 20	With application
Examination Fee	\$ 70	With application
CPA Certification Fee	\$180	At initial biennial license period
Biennial Certification Renewal Fee	\$180	Every two years
Uncertified Public Accountant Biennial Renewal Fee	\$100	Every two years
Corporation and Partnership Registration Fee	\$100	At initial biennial license period and there after, every two years
Out-of-State Certification Fee for One Year	\$ 90	With application

Note 1

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

Note 2

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

Note 3

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

Note 4

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

(Intentionally left blank)

# STATE OF ALASKA

STEVE COWPER, GOVERNOR

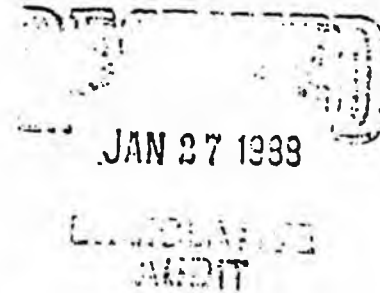
## DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

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

OFFICE OF THE COMMISSIONER

January 20, 1988

Mr. Randy S. Welker  
Acting Legislative Auditor  
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") report of its sunset performance review of the Board of Public Accountancy. Below is the Department of Commerce and Economic Development's (hereinafter "Department") comments on the Committee's findings and recommendations.

### Response to Recommendation No. 1

The Committee has found that the Division of Occupational Licensing has not actively enforced the statutory requirement that the individual offices of licensed accountants be annually registered with the Division of Occupational Licensing. It is the recommendation of the Committee that the Board of Public Accountancy review the issue of office registration and determine whether there is a "compelling reason to continue the registration of individual offices."

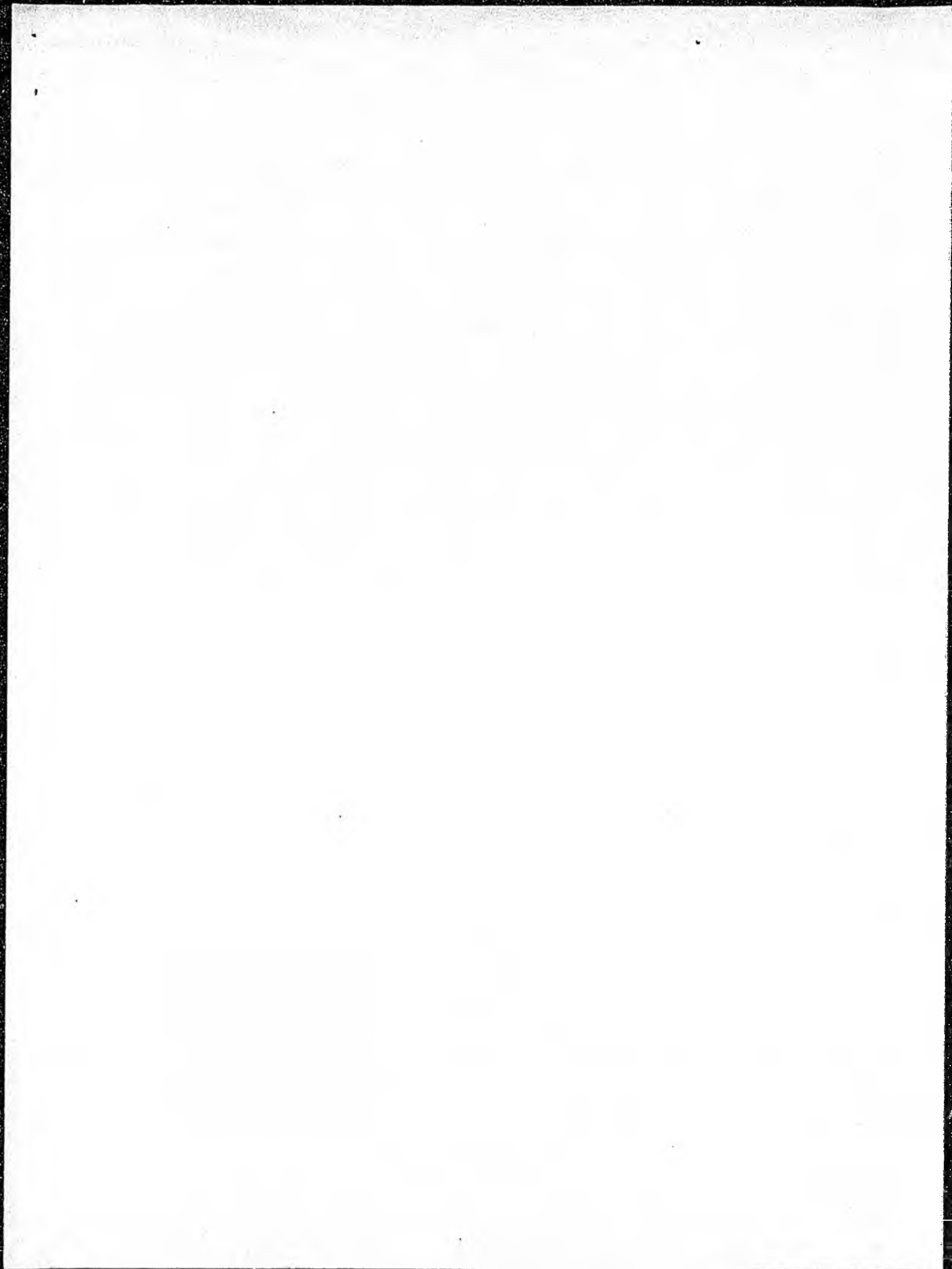
The Department finds this recommendation appropriate and will place this matter on the agenda of the upcoming meeting of the Board of Public Accountancy (January 28-29, 1988) for its review, discussion, and appropriate action. If it finds there is no compelling reason to continue to require registration of individual offices, we will recommend including deletion of the requirement in the bill which reestablishes the Board of Public Accountancy.

Sincerely,

A handwritten signature in cursive script that reads "J. Anthony Smith".

J. Anthony Smith  
Commissioner

JAS/RB/mst7630W  
011988c



1 IN THE HOUSE

BY THE LABOR AND  
COMMERCE COMMITTEE

2

HOUSE BILL NO. 533

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the regulation of public account-  
7 ancy; extending the termination date of the Board of  
8 Public Accountancy; and providing for an effective  
9 date."

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

11 \* Section 1. AS 08.03.010(c)(17) is amended to read:

12

(17) Board of Public Accountancy (AS 08.04.010) -- June 30,

13

1992 [1988].

14

\* Sec. 2. AS 08.04.140 is amended to read:

15

Sec. 08.04.140. FREQUENCY OF EXAMINATION. The examination shall

16

be held by the board as often as it determines desirable but not more

17

than three times each year. If the uniform certified public account-

18

ants' examination is available less frequently, an examination shall

19

be held not less than twice [ONCE] each year.

20

\* Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

21

C S H B

5 3 3

Original sponsor: Labor and Commerce  
Committee

BY THE LABOR AND  
COMMERCE COMMITTEE

1 IN THE HOUSE

2

CS FOR HOUSE BILL NO. 533 (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the regulation of public account-  
7 ancy; extending the termination date of the Board of  
8 Public Accountancy; and providing for an effective  
9 date."

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

11 \* Section 1. AS 08.03.010(c)(17) is amended to read:

12

(17) Board of Public Accountancy (AS 08.04.010) -- June 30,

13

1992 [1988].

14

\* Sec. 2. AS 08.04.140 is amended to read:

15

Sec. 08.04.140. FREQUENCY OF EXAMINATION. The examination shall

16

be held by the board as often as it determines desirable but not more

17

than three times each year. If the uniform certified public account-

18

ants' examination is available less frequently, an examination shall

19

be held not less than twice [ONCE] each year.

20

\* Sec. 3. AS 08.04.390 is amended to read:

21

Sec. 08.04.390. PERMIT FOR INDIVIDUAL PRACTICE AS A PUBLIC

22

ACCOUNTANT. The board shall issue a permit to engage in the practice

23

of public accounting to a holder of a certificate or license if all

24

offices of the certificate holder or licensee are maintained [AND

25

REGISTERED] as required by AS 08.04.360 - 08.04.380 [AS 08.04.350 -

26

08.04.380]. The permit is valid for two years.

27

\* Sec. 4. AS 08.04.500(a) is amended to read:

28

(a) A person may not assume or use the title or designation

29

"certified public accountant" or the abbreviation "CPA" or any other

1 title, designation, word, letter, abbreviation, sign, card, or device  
2 tending to indicate that person is a certified public accountant,  
3 unless the person has received a certificate, holds a live permit, and  
4 all of the person's offices in this state for the practice of public  
5 accounting are maintained [AND REGISTERED] as required by AS 08.04.-  
6 360 - 08.04.380 [AS 08.04.350 - 08.04.380].

7 \* Sec. 5. AS 08.04.510(a) is amended to read:

8 (a) A partnership or corporation may not assume or use the title  
9 or designation "certified public accountant" or the abbreviation "CPA"  
10 or any other title, designation, word, letter, abbreviation, sign,  
11 card, or device tending to indicate that it is composed of certified  
12 public accountants, unless the partnership or corporation is regis-  
13 tered and holds a live permit, is practicing under its registered  
14 name, and its offices in this state for the practice of public ac-  
15 counting are maintained [AND REGISTERED] as required by AS 08.04.360 -  
16 08.04.380 [AS 08.04.350 - 08.04.380].

17 \* Sec. 6. AS 08.04.520 is amended to read:

18 Sec. 08.04.520. INDIVIDUAL POSING AS PUBLIC ACCOUNTANT. A  
19 person may not assume or use the title or designation "public accoun-  
20 tant" or the abbreviation "PA" or other title, designation, word,  
21 letter, abbreviation, sign, card, or device tending to indicate that  
22 that person is a public accountant, unless the person holds a live  
23 permit and the person's offices in this state for the practice of  
24 public accounting are maintained [AND REGISTERED] as required by  
25 AS 08.04.360 - 08.04.380 [AS 08.04.350 - 08.04.380].

26 \* Sec. 7. AS 08.04.530 is amended to read:

27 Sec. 08.04.530. PARTNERSHIP OR CORPORATION POSING AS PUBLIC  
28 ACCOUNTANT. A partnership or corporation may not assume or use the  
29 designation "public accountant" or the abbreviation "PA" or any other

1 title, designation, word, letter, abbreviation, sign, card, or device  
2 tending to indicate that the partnership or corporation is composed of  
3 public accountants, unless the partnership or corporation holds a live  
4 permit, is practicing under its registered name, and its office in  
5 this state for the practice of public accounting is maintained [AND  
6 REGISTERED] as required by AS 08.04.360 - 08.04.380 [AS 08.04.350 -  
7 08.04.380].

8 \* Sec. 8. AS 08.04.540 is amended to read:

9 Sec. 08.04.540. USE OF DECEPTIVE TITLE OR ABBREVIATION. A  
10 person, partnership, or corporation may not assume or use the title or  
11 designation "certified accountant", "chartered accountant", "enrolled  
12 accountant", "licensed accountant", "registered accountant", or any  
13 other title or designation likely to be confused with "certified  
14 public accountant" or "public accountant", or any of the abbreviations  
15 "CA", "EA", "LA", "RA", or similar abbreviations likely to be confused  
16 with "CPA" or "PA"; however, a person, partnership, or corporation  
17 holding a live permit and whose offices in this state for the practice  
18 of public accounting are maintained [AND REGISTERED] as required by  
19 AS 08.04.360 - 08.04.380 [AS 08.04.350 - 08.04.380] may hold out to  
20 the public as an accountant or auditor.

21 \* Sec. 9. AS 08.04.560 is amended to read:

22 Sec. 08.04.560. INDIVIDUAL MAY NOT ASSUME TITLE. A person may  
23 not sign or affix any name or any trade or assumed name used by that  
24 person to any accounting or financial statement, or opinion or report  
25 on any accounting or financial statement with any wording indicating  
26 that the person is a certified public accountant or public accountant  
27 or with any wording indicating that the person has expert knowledge in  
28 accounting or auditing, unless the person holds a live permit and the  
29 person's offices in this state for the practice of public accounting

1 are maintained [AND REGISTERED] as required by AS 08.04.360 - 08.04.-  
2 380 [AS 08.04.350 - 08.04.380]:

3 \* Sec. 10. AS 08.04.580 is amended to read:

4 Sec. 08.04.580. PARTNERSHIP POSING AS ACCOUNTANTS OR AUDITORS.  
5 A person may not sign or affix a partnership name with any wording  
6 indicating that it is a partnership composed of accountants or audi-  
7 tors or persons having expert knowledge in accounting or auditing to  
8 any accounting or financial statement, or to any opinion [,] on,  
9 report on, or certificate to any accounting or financial statement  
10 unless the partnership holds a live permit, is practicing under its  
11 registered name, and its offices in this state for the practice of  
12 public accounting are maintained [AND REGISTERED] as required by  
13 AS 08.04.360 - 08.04.380 [AS 08.04.350 - 08.04.380].

14 \* Sec. 11. AS 08.04.590 is amended to read:

15 Sec. 08.04.590. USE OF TITLE WITH CORPORATE NAME. A person may  
16 not sign or affix a corporate name with any wording indicating that it  
17 is a corporation performing services as accountants or auditors, or  
18 composed of accountants or auditors or persons having expert knowledge  
19 in accounting or auditing to any accounting or financial statement, or  
20 to any opinion or report on or certificate to any accounting or finan-  
21 cial statement unless the corporation holds a live permit, is practic-  
22 ing under its registered name, and its offices in this state for the  
23 practice of public accounting are maintained [AND REGISTERED] as  
24 required by AS 08.04.360 - 08.04.380 [AS 08.04.350 - 08.04.380].

25 \* Sec. 12. AS 08.04.350 is repealed.

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

FISCAL NOTE

REQUEST:

No. 1

Revision Date: \_\_\_\_\_  
Title: An Act relating to the regulation of public accountancy; extend. the term.  
Sponsor: House Labor & Commerce  
Requestor: \_\_\_\_\_

Agency Affected: Commerce & Economic Dev.  
BRU: Occupational Licensing  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

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)

The bill extends the Board of Public Accountancy to June 30, 1992, and amends Sec. 08.04.140 to reference an examination of not less than twice each year. The exams are currently administered twice each year in accordance with national testing dates. The amendment will reflect the current practice. Funding for the board is included in the department's FY 89 operating budget request.

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

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

Distribution (by preparer):

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

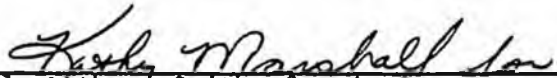
HB 533: An Act relating to the regulation of public accountancy; extending the termination date of the Board of Public Accountancy; and providing for an effective date.

The Board of Public Accountancy is presently in its sunset year and scheduled to terminate on June 30, 1988.

HB 533 proposes to extend the board to June 30, 1992 and amends section AS 08.04.140 to require that examinations be held not less than twice each year. The examination is presently administered twice a year in accordance with national testing dates. The amendment reflects current practice and will assure applicants that the minimum number of exams required to be held by the board each year will at least equal the number of exams presently offered by the national testing service. This will provide a higher degree of dependability and remove applicant concerns for exam availability during times of budget reductions.

The performance report recommended that the board review the current statutory requirement that all public accounting and certified public accounting offices be registered. At its January 28-29, 1988 board meeting, the board reviewed the performance report's recommendation that the board determine whether there was a "compelling" reason to continue the registration of offices; the board has determined that there is no need to continue registration of individual offices and, therefore, recommends that AS 08.04.350 (Registration of Offices) be repealed.

The department concurs with the Legislature's Budget and Audit Committee performance report finding that the board is necessary and desirable for the continued protection of Alaskans. The department supports continuation of the Board of Public Accountancy.

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

Date: 2/29/88

JS/dg10041o-2  
022988b

SENATE COMMITTEE REPORT

FURTHER

FINANCE

DATE TURNED INTO OFFICE \_\_\_\_\_

4/6/88

Mr. President:

LABOR AND COMMERCE Committee considered CSHB 533 (L&C)

regulation of public accountancy; extending the termination of the Board of Public Accountancy; efd

and recommended

[ ] replace with \_\_\_\_\_ CS \_\_\_\_\_ ) [ ] same title  
[ ] or adopt \_\_\_\_\_ CS \_\_\_\_\_ ) [ ] new title

[ ] attached amendment(s) and

*Mazouy*  
[X] do pass

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

[ ] further referral to \_\_\_\_\_

[ ] letter of intent adopted \_\_\_\_\_

Committee [X] attached or [ ] adopted fiscal note(s)

[ ] new [ ] updated or [X] previous  
[ ] zero [X] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

*Mr. Seymour*  
*Fehrling*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Tim Kell*

Chairman signature and recommendation

A PERFORMANCE REPORT  
ON THE BOARD OF  
PUBLIC ACCOUNTANCY

July 1, 1983 - June 30, 1987

Audit Control Number

08-1313-88-R

*8 copies*  
*DOUBLE-*  
*SIDED!*

Commissioner, Department of  
Commerce and Economic Development

J. Anthony Smith

Deputy Commissioner, Department of  
Commerce and Economic Development

John Williams

Members of the  
Board of Public Accountancy

Chairperson  
Member  
Member  
Member  
Member  
Member  
Member

Michael T. Cook  
Thomas E Bartlett  
Michael R Hanrahan  
Sandra L. Langland  
Deborah R. Marshall  
Ida H. McMahon  
Edward B. Mecham

# STATE OF ALASKA

**THE LEGISLATURE**  
BUDGET AND AUDIT COMMITTEE

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

December 31, 1987

Members of the Legislative Budget  
and Audit Committee:

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

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 Public Accountancy 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

**THE LEGISLATURE**

BUDGET AND AUDIT COMMITTEE

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

November 13, 1987

Members of the Legislative Budget  
and Audit Committee:

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

A PERFORMANCE REPORT  
ON THE BOARD OF  
PUBLIC ACCOUNTANCY

July 1, 1983 - June 30, 1987

Audit Control Number

08-1313-88-R



Mike Greany, Director  
Division of Legislative Finance

TABLE OF CONTENTS

	<u>Page</u>
Purpose and Scope of the Report . . . . .	1
Organization and Function . . . . .	3
Report Conclusion . . . . .	5
Finding and Recommendation. . . . .	7
Analysis of Public Need . . . . .	9
Appendixes:	
A. Schedule of Revenues Compared with Expenditures, for Fiscal Year 1987 . . . . .	13
B. Schedule of Estimated Revenues Compared with Budgeted Expenditures, for Fiscal Year 1988. . . . .	14
Agency Response:	
Department of Commerce and Economic Development . . . . .	17

## PURPOSE AND SCOPE OF THE REPORT

### PURPOSE

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have examined the activities of the Board of Public Accountancy for the past four fiscal years to determine if the Board has been operating in an effective and efficient manner.

Legislative intent requires consideration of this report during legislative oversight hearings to determine whether the Board of Public Accountancy should be reestablished. The law now specifies that the Board will terminate June 30, 1988 and has 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 Board regulations.
2. Tests of files and documents of licensee.
3. Interviews with the license examiner.
4. Complaints filed with the Division of Occupational Licensing, Ombudsman's Office, Attorney General's Office, Equal Employment Opportunity Office, and the Human Rights Commission.
5. Discussions with Board members.
6. Minutes of Board meetings and Division correspondence files.
7. Attorney General's opinions applicable to the professional Board.

(Intentionally left blank)

## ORGANIZATION AND FUNCTION

The Board of Public Accountancy is a regulatory board consisting of seven members appointed by the Governor; five are certified public accountants or public accountants and two are public members. Board members serve staggered terms of four years.

The Board regulates the practice of public accounting. 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 accounting practices.
3. Revoking, annulling, or suspending licenses in accordance with the Administrative Procedures Act when a person has violated public accountancy statutes or regulations.

(Intentionally left blank)

## REPORT CONCLUSION

### Policy Issues

This review contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting the 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 findings and recommendations presented in this report so that the potential impact on policy changes can be evaluated.

### Report Conclusion

In our opinion, the Board of Public Accountancy should be reestablished. The regulation and licensing of qualified professionals is necessary and desirable for the continued protection of the citizens of Alaska. The Board provides this service by establishing minimum educational and experience requirements that provide reasonable assurance that persons licensed are qualified. Also, assurance that those licensed act in a competent manner is provided by active investigation of complaints and revocation or suspension of licenses where appropriate.

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