

LEGISLATIVE FINANCE-HOUSE / SENATE FINANCE COMM. FILES 8879

HB 93, HB 97 449 40

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HOUSE COMMITTEE REPORT

(11)

Date Referred: March 1, 1989

FURTHER REFERRALS:

Date of Committee Action: 3/20/89

The FINANCE Committee considered: _____ HB 93

HOUS. BILL NO. 93 [VOTER REGISTRATION/DRIVER'S LICENSES]
"An Act relating to voter registration."

RECOMMENDS:

- replacing with CS HB 93 (Jud) the same title
- the 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
- zero fiscal note (Public Safety)
- zero with analysis

APPROVES PREVIOUS:

- fiscal note(s) published: _____
- zero fiscal notes(s) published: 2/10/89 - Div. of Elect.

SIGNING DO PASS:

Ronald J. Jansen LARSEN
Jay Brown BROWN
Alto Koponen KOPONEN
Greg Ulmer ULMER
Roll E. Phillips PHILLIPS

SIGNING OTHER THAN DO PASS: (Do Not Pass, No Recommendation, Amend)

Lyne Hoffman HOFFMAN
Steve Rieyer RIEYER
Key Wallis WALLIS

Ronald J. Jansen
 Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
 Title: An Act relating to voter registration BRU: Motor Vehicles
 Sponsor: Boucher Component: _____
 Requestor: House State Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Since we are already registering voters at DMV field offices there will be no fiscal impact.

RECEIVED
FEB 7 1989

Prepared by: Bill Brown LEGISLATIVE FINANCE: 465-4335
 Division: Motor Vehicles Date: 02/07/89
 Approved by Commissioner: A. English Date: 2-7-89
 Agency: Department of Public Safety

Adopted

MB 93

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to voter
Registration
Sponsor: Boucher
Requestor: Boucher

Agency Affected: Office of the Governor
BRU: Elections
Components: I - Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Linda Edgeworth Phone: 465-4611
Division: Division of Elections Date: _____

Approved by Commissioner: _____ Date: _____
Agency: Division of Elections

Distribution (by preparer):

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

Adopted

STATE OF ALASKA

OFFICE OF THE GOVERNOR

No. 1

HB 93
HOUSE 2/10/89

DIVISION OF ELECTIONS
P.O. BOX AF
JUNEAU, ALASKA 99811-0105
PHONE (907) 465-4611

COMMENTS IN SUPPORT OF HB 93

Prepared by
Division of Elections
February 7, 1989

The Division of Elections has reviewed House Bill 93 and supports its provisions. It should be pointed out that for many years, the Division has enjoyed a cooperative association with the Department of Public Safety through which, most motor vehicle registration outlets already provide voter registration services.

Among the most active outlets are Juneau, Haines, Sitka, Ketchikan, Kodiak, Nome, Fairbanks, Tok, Anchorage, Eagle River and Palmer. Barrow, Bethel and Kotzebue have also been encouraged to participate. The Anchorage motor vehicle offices are scheduled for another refresher training session which is conducted about once a year. The regional supervisors report that registrations submitted through motor vehicle offices have been timely, accurate and properly processed.

In general, the Division has received positive support from the motor vehicle offices currently providing voter registration services.

February 7, 1989
Date

Sandra J. Stout
Sandra J. Stout, Director

Original sponsors: Boucher, Gruenberg,
Donley, and Goll

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 93 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to a duty of the director of the
7 division of elections and to voter registration by
8 the Department of Public Safety."

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

10 * Section 1. SHORT TITLE. This Act may be known as the Motor-Voter
11 Act.

12 * Sec. 2. AS 15.07.070 is amended by adding a new subsection to read:

13 (g) The director shall provide voter registration forms prepared
14 under (b) of this section to the Department of Public Safety for
15 distribution to the public under AS 28.05.045.

16 * Sec. 3. AS 28.05 is amended by adding a new section to read:

17 Sec. 28.05.045. VOTER REGISTRATION. A state resident, who will
18 be 18 years of age or older within 90 days, who applies in an office
19 of the division of motor vehicles for a driver's license, identifica-
20 tion card issued under AS 18.65.310, or vehicle registration under
21 AS 28.10 shall at the time of application be advised by the department
22 that the resident may also register to vote. The department shall
23 use a form for voter registration prepared by the division of elec-
24 tions and shall forward completed forms to the division of elections.
25 The department shall prominently display notice of the right to apply
26 for voter registration at each place that the public may apply for a
27 driver's license, identification card, or vehicle registration.



Representative H.A. "Red" Boucher

Chairman House Committee on State Affairs • Special Committee on Telecommunications

TO: HOUSE FINANCE COMMITTEE
FROM: H.A. "RED" BOUCHER
DATE: March 20, 1989
RE: CSHB 93 (Jud)

The major feature of the "motor voter" bill is to provide additional means for people to register to vote, update their existing registration, or cancel a registration in another state -- while they are applying for a driver's license, a state identification card, or registering a motor vehicle. Motor Voter legislation has been adopted in Arizona (1983), Colorado (1985) and Michigan (1975) with an increase of 16% to the registered rolls.

The procedure for registering would not consume much time or place an excessive burden on Department of Motor Vehicle (DMV) personnel. Both Division of Elections and DMV require the same information. DMV personnel would post signs, help with the forms, and forward the forms to the Division of Elections for verification.

There is a zero Fiscal Note.

QUESTIONS AND ANSWERS ABOUT "MOTOR VOTER" LAWS

Q. What is "Motor Voter"?

A. Motor Voter is the voter registration system that registers people to vote when they get their driver's license or non-driver identification card from motor vehicle agencies.

Q. Is Motor Voter needed in a state that already has mail-in registration and/or deputization of volunteer registrars?

A. Yes. Neither postcards nor volunteer deputies reach the vast majority of eligible citizens. Motor Voter gives a chance for citizens to find and fill out the mail-in forms, or to be registered by a conveniently available deputy.

Q. Will Motor Voter skew voter registration rolls toward upper-income groups, since these are most likely to have driver's licenses?

A. Upper-income people are more likely to be registered regardless of a state's voter registration methods. Motor Voter reduces this bias, since it reaches not only the upper and middle-income groups, but a larger number of lower-income people as well: Among the poorest one-third of U. S. households, fully two-thirds own at least one motor vehicle.* In addition to reaching low-income drivers, Motor Voter reaches non-drivers who get identification cards from licensing agencies.

To reduce the income-level bias of voter registration rolls still further, Motor Voter should be supplemented by registration services at health and welfare, and employment agencies.

Q. Does Motor Voter increase the potential for vote fraud?

A. No. People who register through Motor Voter must meet positive identification requirements at least as stringent as other voter registration systems in the same state.

* Oak Ridge National Laboratory, Transportation Energy Conservation Data Book: Edition 4, chart showing "Motor Vehicle Ownership by Selected Household Characteristics, 1977."

Q. Does Motor Voter increase the "deadwood" (deceased or moved voters) on registration rolls?

A. Motor Voter reduces "deadwood," because at the same time it encourages more citizens to register, the program also gives those already registered an opportunity to change their registration address if they have moved.

Q. Does Motor Voter create longer waiting lines at driver's licensing offices?

A. During the initial implementation period, longer lines may result. Once in effect, Motor Voter saves citizens time by eliminating the necessity of another trip to another agency to register or re-register. Such trips are particularly time-consuming when the last-minute pre-election rush creates long lines at the city hall or county courthouse.

Q. Does Motor Voter make driver's licensing clerks' jobs more time consuming?

A. Experience with Motor Voter shows that the extra work required is minimal, and can usually be handled with no additional staff.

Q. Does Motor Voter result in staff layoffs in the offices of elections officials?

A. No. Elections officials still process the applications and maintain registration lists. The workload shifts from overseeing applicants filling out forms, toward processing completed forms -- because Motor Voter substantially increases total registration.

Q. How does Motor Voter deal with persons who don't want to register to vote, or are ineligible?

A. Motor Voter offers a chance to register for those who wish to do so. Persons are free to decline. Each license and registration form is designed to weed out ineligible persons such as those under 18, convicted felons, and non-citizens: the system is the same under motor voter and other registration methods.

Q. Why should government spend tax dollars on voter registration when political parties, candidates, and others do it for free?

MOTOR VOTER LAWS: MAKING PROGRESS TOWARD UNIVERSAL VOTER REGISTRATION

Introduction

by Linda Davidoff, Executive Director, Human SERVE Campaign and David D. Schmidt, Executive Director, Initiative Resource Center

Despite the voting rights gains of the 1960's, the United States has a long way to go before the ideal of a universal right to vote for all eligible citizens becomes reality. Hampered by the 50 states' patchwork of registration and purge laws, fully a third of eligible citizens are not registered to vote, and are therefore barred from voting on election day. While 85 percent of those on the registration rolls do vote, the high rate of non-registration results in an overall voting rate of only about half of all adult citizens. This is in sharp contrast to the experience of other democracies, which provide automatic, universal voter enrollment services for their citizens (see page 15).

Federal laws designed to broaden the franchise, such as requiring states to provide mail-in registration forms and to open the polls to registration on the day of election, have been stymied in Congress for a decade or more. Some states, however, have moved to eliminate registration barriers. Among the reforms adopted around the country, "Motor Voter" laws, permitting eligible citizens to register to vote at the same time they register to become licensed drivers or receive an official identification card, have been successful in increasing the number of eligible citizens who get on -- and stay on -- the voting rolls. "Motor Voter" laws have resulted in notable voter registration gains, especially in Michigan, Arizona, and Colorado.

Quietly and continuously, Motor Voter programs register hundreds of eligible citizens each day, and thousands each week. In just 18 months prior to the 1984 election, Arizona's Motor Voter program registered 112,000 citizens. In Colorado, the first year of Motor Voter, 1985-86, saw 175,000 voter registration transactions in Motor Vehicle Offices. Michigan has seen even larger gains over the decade Motor Voter has been in effect there.

The secret of Motor Voter's success in these three states is simple: Employees at driver's licensing bureaus are required to ask every adult citizen who applies for a license, renewal, or identification card if he or she would like to register to vote (or re-register at a new address).^{*} If so, the citizen fills out a registration form along with the license, renewal, or ID card form^{**}, and returns both forms to the licensing bureau employee. The licensing bureau forwards the registrations to election officials.

Human Service Agencies and Voter Registration

Motor Voter is a special case of a broader approach to voter registration in public agencies. A comprehensive voter registration system -- one that will insure voting rights for the entire eligible citizenry -- should incorporate registration services into all public agencies which serve large numbers of citizens. Since low registration rates are common in the low-income and minority communities, it is critical for registration services to be offered in those public offices which see the largest number of low-income and minority clients. These include: housing, employment, health, food stamp, and income-support offices.

Agencies at all levels of government have begun to institute voter registration services, including but not limited to, motor vehicle offices. The city of Chicago, IL and Trenton, NJ; the states of New York, Ohio, Texas, Minnesota, Montana, and Vermont; and counties in New Jersey, Texas, and California have all implemented voter registration programs in public offices. Governors and Mayors have issued Executive orders and state and city legislators have enacted programs. The strategy of public agency voter registration has been endorsed by the US Conference of Mayors, the US Conference of Black Mayors, the Joint Center for Political Studies, and the National League of Cities.

If many more states adopt Motor Voter and other effective means of including all citizens who come into contact with their public agencies on the voter registration rolls, the United States can move closer to the ideal of universal enrollment for all eligible citizens.

^{*}An ideal system would go further, providing that every citizen whose eligibility to vote is established by his or her motor vehicle license, Medicaid, or other state services application form, is automatically registered to vote.

^{**} Colorado uses a single form for driver's license and voter registration. See Appendix

Item 3

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 7, 1989

SUBJECT: Sectional analysis - HB 93
TO: Representative Red Boucher
FROM: Michael F. Ford *M. F.*
Legislative Counsel

The following is a sectional analysis of HB 93:

Section 1 - Requires the director of the division of elections to provide voter registration forms to the Department of Public Safety for public distribution.

Section 2 - Requires the Department of Public Safety to advise certain people who are registering or licensing for driving purposes that they may also register to vote. Requires the department to use forms prepared by the division of elections and to prominently display notice of the right to register to vote.

MFF:gc
WKG6/095

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HOUSE COMMITTEE REPORT

(11)

Date Referred: February 10, 1989

FURTHER REFERRALS:

Date of Committee Action: 3/6/89

The FINANCE Committee considered:

HB 97

HOUSE BILL NO. 97 [EXTEND PHYSICAL & OCCUPATIONAL THERAPY BD]
"An Act extending the termination date of the State Physical Therapy and Occupational Therapy Board; and providing for an effective date."

RECOMMENDS:

- replacing with CS HB 97 (Finance) the same title a new title
the attached amendment(s)
do pass
do not pass
no recommendation
individual recommendations
additional referral to the Committee

ADOPTS: letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact
zero fiscal note
zero with analysis

APPROVES PREVIOUS:

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

SIGNING DO PASS:

Signatures: Lynn Hoffman, Ronald J. Larson, Swackhammer, Jay Brown, Koponen, Ullmer, Geneva Barnes, Bill E. Phillips

SIGNING OTHER THAN DO PASS:

(Do Not Pass, No Recommendation, Amend)
Signatures: Shultz, Wallis, Chairman's signature (Lynn Hoffman)

FISCAL NOTE

REQUEST:

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

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL						
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REVENUE		13.0	13.0	13.0	13.0	13.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		13.0	13.0	13.0	13.0	13.0
TOTAL		13.0	13.0	13.0	13.0	13.0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

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

Prepared by: Jennifer Strickler, Admin. Officer ✓ Phone: 465-2144
Division: Occupational Licensing Date: 11/27/88

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

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

Adopted

CONTINUATION OF FISCAL NOTE ANALYSIS

HB 97
HOUSE 1/20/89

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

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

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

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

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 97 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

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

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

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

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

7 * Sec. 3. AS 08.84.100(c) is amended to read:

8 (c) A license may not be renewed unless the applicant submits
9 proof of continued [DEMONSTRATES] competence to practice physical
10 therapy or occupational therapy in a manner established by the board
11 in regulations adopted under AS 08.84.010(b).

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

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

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

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

21 * Sec. 6. This Act takes effect immediately under AS 01.10.070(c).
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adopted
3/6/89

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 97(HESS)

Page 2, lines 7 - 29:

Delete all material.

Insert a new bill section to read:

"* Sec. 3. AS 08.84.100(c) is amended to read:

(c) A license may not be renewed unless the applicant submits proof of continued [DEMONSTRATES] competence to practice physical therapy or occupational therapy in a manner established by the board in regulations adopted under AS 08.84.010(b)."

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 9, 1989

SUBJECT: CSHB 97(HESS)

TO: Representative Johnny Ellis, Chair
House Health, Education and Social Services
Committee

FROM: Terri Lauterbach *Terri*
Legislative Counsel

Enclosed is a draft committee substitute for HB 97. It incorporates the two amendments passed in committee.

I wish to advise you, however, that Amendment #1 proposed by the division of occupational licensing (bill section 3) appears to me to be totally unnecessary. AS 08.84.100(c) already requires proof of continued competency for license renewal.

Sec. 08.84.100. RENEWAL OF LICENSE. (a) [Repealed, sec. 49 ch 94 SLA 1987.]

(b) If a license remains lapsed for more than three years, the board may require the applicant to submit proof, satisfactory to the board, of continued competency.

(c) A license may not be renewed unless the applicant demonstrates competence to practice physical therapy or occupational therapy in a manner established by the board in regulations adopted under AS 08.84.010(b).

With Jim Nordlund's permission, I have also added sections 1 and 5 to the bill. They substitute the term "licensed" for the term "registered" in the same way that Amendment #2 does in bill section 4.

If I can be of further assistance, please let me know.

TL:gc
WKG7/007

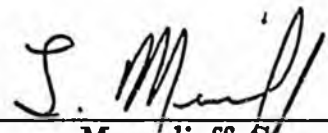
Enclosure

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

The bill proposes to extend the termination date of the State Physical Therapy and Occupational Therapy Board to June 30, 1993. To date, the board has issued licenses to 303 practitioners and continues to operate in the best interest of the public by granting licensure only to competent, qualified individuals.

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

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



Larry Mercurieff, Commissioner

Date: 2-6-89

LW/dgl3198D-1
020689b

NEW BOARD APPOINTMENTS ----- PT/OT BOARD

William Kauffman (Public)
P. O. Box 81229
Fairbanks, AK 99708
(w) 474-7259

September 1, 1992

(Kauffman replaces Simpson)

Joseph Shields, M. D.
3235 Tongass Ave.
Ketchikan, AK 99901
(w) 225-9880

September 1, 1992

(Replaces Horning)

Reappointment -PT/OT Board

Garry McCarthy

September 1, 1992

Board or Commission	Appointed	Term
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STATE PHYSICAL THERAPY AND OCCUPATIONAL THERAPY BOARD
 AS 08.84.010 - 7 members; 4 year term; shall serve until successors
 are appointed; by the Governor.

Gail E. Dudley, LPT (Chairperson) September 1, 1990
 1605 Elmendorf Drive
 Anchorage, AK 99504
 (work) 561-0323
 (home) 333-8323

~~Morris R. Horning, M.D. September 1, 1988~~
~~2401 East 42nd Avenue, Ste. 304 *Replotted*~~
~~Anchorage, AK 99508~~
~~(work) 563-8876~~
~~(home) 276-8776~~

Beverly Ingram (Occupational Therapist) January 1, 1990
 1206 Pike Court
 Juneau, AK 99801
 (home) 780-6939
(work) 789-7673

Nancy B. James (Occupational Therapist) January 1, 1992
 926 8th Avenue
 Fairbanks, AK 99701
 (work) 452-8181
 (home) 452-3469

✓ Gary W. McCarthy (Physical Therapist) September 1, 1988
 11132 Placer Circle
 Eagle River, AK 99577
 (work) 561-1876
 (home) 694-4590

~~E. Budd Simpson (Public Member) *Replotted* September 1, 1988~~
~~One Sealaska Plaza, Suite 301~~
~~Juneau, AK 99801~~
~~(work) 586-2890~~
~~(home) 354-3179~~

Susan J. Thompson, RPT September 1, 1989
 4449 Beaver Loop
 Kenai, AK 99611
 (work) 262-9665
 (home) 283-4141

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

Article 1. State Physical Therapy and Occupational Therapy Board.

Section

10. State Physical Therapy and Occupational Therapy Board

Section

20. Applicability of Administrative Procedure Act

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

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

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

(F) adapting environments for the disabled;

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

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

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

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

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

Chapter 86. Psychologists and Psychological Associates.

Article
5. Prohibitions and Penalties (§ 08.86.200)

Article 5. Prohibitions and Penalties.

Section
200. Confidentiality of communication

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

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

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

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

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

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

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

Effect of amendments. — The 1998 amendment, in subsection (a), divided the formerly undivided language into an introductory paragraph and paragraphs (1) and (2), made a series of minor stylistic changes in paragraphs (1) and (2), and added paragraphs (3)-(5); and, in subsection (b), added the second sentence and, in the first sentence, inserted "to the appropriate authority" and added all of the language at the end beginning with "incidents of elder abuse."

Chapter 95. Clinical Social Work.

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

Cross references. — For statement of legislative purpose in connection with the enactment of this chapter, see sec. 1, ch. 126, SLA 1988 in the Temporary and Special Acts.
Effective date of chapter — Section 8, ch. 126, SLA 1988, provides: "This Act takes effect July 1, 1988."

Change to physical therapist
Confidentiality of communication

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 19, 1989

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

Dear Representative Cotten:

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

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

Sincerely,



Steve Cowper
Governor

THE FOLLOWING DOCUMENT HAS
NOT BEEN FILMED BUT IS
AVAILABLE IN THE ORIGINAL
FILE

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

July 1, 1985 - June 30, 1988

Audit Control Number

08-1342-89-R

Acting Commissioner, Department of
Commerce and Economic Development

Larry Mercurieff

Deputy Commissioner, Department of
Commerce and Economic Development

Vacant

Members of the
State Physical Therapy and Occupational Therapy Board

Chairperson

Gail E. Dudley, PT

Member

Morris R. Horning, MD

Member (Public)

E. "Bud" Simpson

Member

Beverly A. Ingram, OT

Member

Nancy B. James, OT

Member

Gary W. McCarthy, PT

Member

Susan J. Thompson, PT

STATE OF ALASKA

THE LEGISLATURE
BUDGET AND AUDIT COMMITTEE

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


October 13, 1988

Members of the Legislative Budget
and Audit Committee:

According to the provisions of Titles 24 and 44 of the Alaska Statutes, the Division of Legislative Audit is required to conduct a "sunset" review of the State Physical Therapy and Occupational Therapy Board.

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

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



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

STATE

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

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

October 10, 1988

Members of the Legislative Budget
and Audit Committee:

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

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

July 1, 1985 - June 30, 1988

Audit Control Number

08-1342-89-R



Mike Greany, Director
Division of Legislative Finance

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Department of Commerce and Economic Development	19

PURPOSE OF THE REPORT

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

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

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

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

ORGANIZATION AND FUNCTION

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

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

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

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

REPORT CONCLUSION

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

CORRECTION

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

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ANALYSIS OF PUBLIC NEED

Limited Analysis

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

- I. The extent to which the board, commission, or program has operated in the public interest.
 - A. The Board has established regulations governing its duties and licensure requirements.
 - B. The Board has enforced the laws for issuing licenses in a uniform and consistent manner.
 - C. The Board has held meetings and administered examinations in accordance with statutory requirements.
- II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.
 - A. The public's confidence and well-being has been enhanced through statutory and regulatory amendments.
 - B. The Board receives administrative services support from the Division of Occupational Licensing.
- III. The extent to which the board, commission, or agency has recommended statutory changes which are generally of benefit to the public interest.
 - A. Statutory changes were made to expand the Board to license occupational therapists and occupational therapy assistants.
 - B. The Board has proposed regulatory changes concerning continuing education and license renewal requirements. Also, regulations are being considered for all aspects of licensing occupational therapists.
- IV. The extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.

The Board has published public notices of all examination, meetings, and regulation changes.

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

The Board has announced proposed regulation changes or additions in newspapers according to the Administrative Procedures Act.

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

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

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

- A. In the past three years, the number of currently licensed physical therapists and physical therapy assistants has increased from 180 to 200.
- B. We found no instances where the Board had licensed unqualified practitioners.
- C. There are 184 physical therapists, 16 physical therapy assistants, 60 occupational therapists, and 2 occupational therapy assistants licensed in Alaska.

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

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

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

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

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APPENDIXES

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APPENDIX A
STATE PHYSICAL THERAPY AND OCCUPATIONAL THERAPY BOARD
SCHEDULE OF REVENUES COMPARED WITH EXPENDITURES

For Fiscal Year 1988
(Unaudited)
(Note 1)

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

Schedule 1
Types of Revenues
(Note 4)

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

Note 1

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

Note 2

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

Note 3

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

Note 4

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

Note 5

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

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

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

APPENDIX B

STATE PHYSICAL THERAPY & OCCUPATIONAL THERAPY BOARD
EXAMINATION STATISTICS FOR PHYSICAL THERAPISTS
AND PHYSICAL THERAPY ASSISTANTS
Fiscal Years 1983 - 1988

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

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APPENDIX C

STATE PHYSICAL THERAPY & OCCUPATIONAL THERAPY BOARD
ADMINISTRATIVE STATISTICS

August 29, 1988

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

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STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

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

OFFICE OF THE COMMISSIONER

December 20, 1988

DEC 22 1988

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

Dear Mr. Welker:

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

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

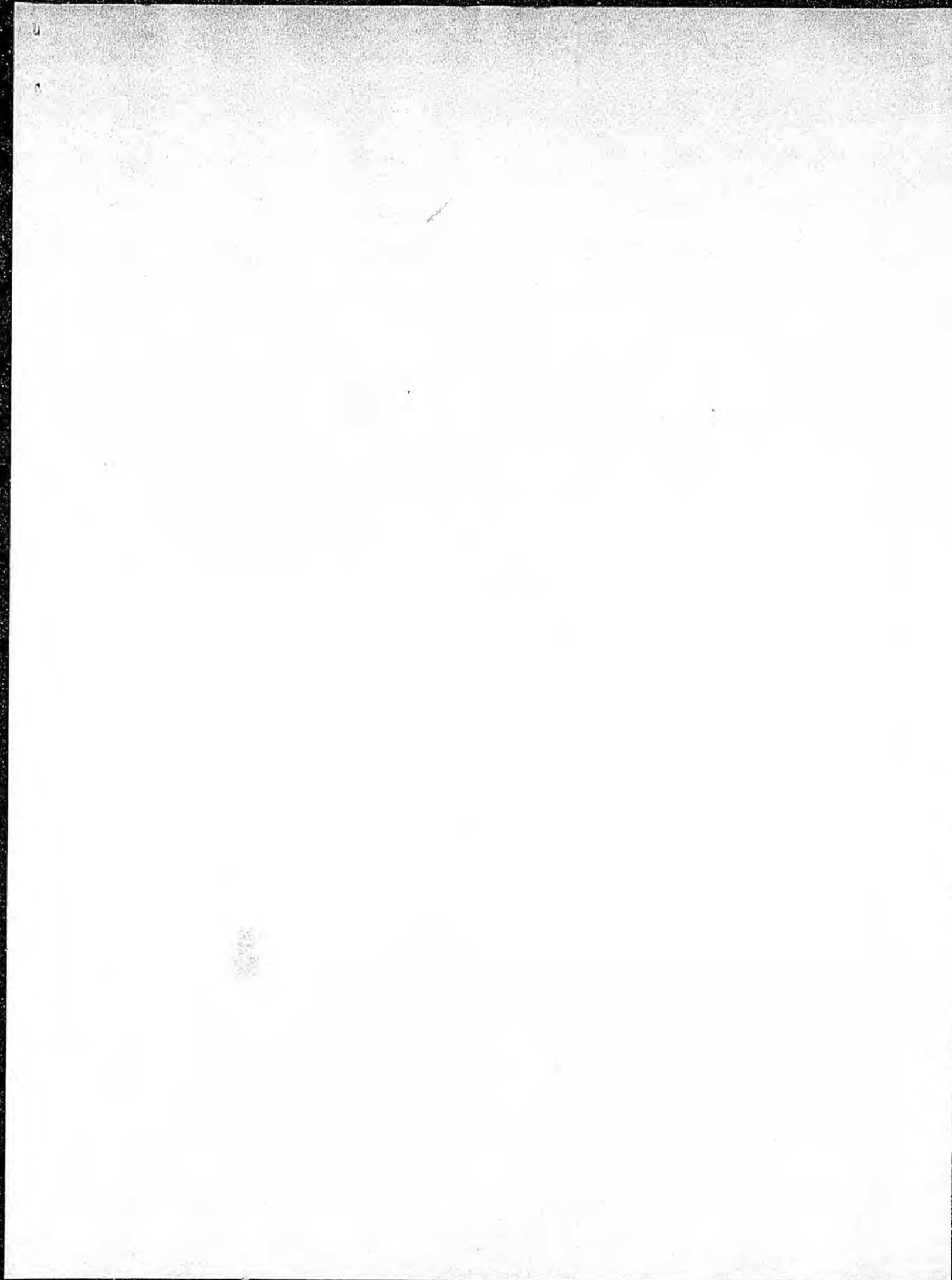
We are confident the PT/OT Board will continue to serve the public interest.

Sincerely,



Larry Mercurieff
Commissioner

LB/RB/mm0472t
122088b



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H

SENATE COMMITTEE REPORT

FURTHER

4/20/89

DATE TURNED INTO OFFICE

4/27/89

Mr. President:

Finance

GSHB 97 (FIN)

Committee considered

physical and occupational therapists; extending the termination date of the state Physical Therapy and Occupational Therapy Board; efd and recommended

- replace with _____ CS _____) same title
- or adopt _____ CS _____) new title
- attached amendment(s) and technical title change (HB only)
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) zero ^{13.0 DDED} fiscal impact appropriation no FN

new updated previous

same as previous fiscal note(s) published _____

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Handwritten signatures]

Paul V. Frank

[Handwritten signature]

Gene Keane

[Handwritten signature: Rick Kelly (DO PASS)]

Chairman signature and recommendation

Committee Backup attached

[Handwritten signature: John B. Binsley] Co-Chair

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: An Act extending the termination date of the State Physical Therapy and Occupational Therapy Board...
 Sponsor: Rules Committee
 Requestor: Governor
 Agency Affected: Commerce & Economic Dev.
 BRU: Occupational Licensing
 Components: Admin. & Licensing Boards

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL						
---------	--	--	--	--	--	--

REVENUE		13.0	13.0	13.0	13.0	13.0
---------	--	------	------	------	------	------

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		13.0	13.0	13.0	13.0	13.0
TOTAL		13.0	13.0	13.0	13.0	13.0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

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

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

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

Distribution (by preparer):

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

Adopted

CONTINUATION OF FISCAL NOTE ANALYSIS

HB 97
HOUSE 1/20/89

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

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

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

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

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 97 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

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

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

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

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

7 * Sec. 3. AS 08.84.100(c) is amended to read:

8 (c) A license may not be renewed unless the applicant submits
9 proof of continued [DEMONSTRATES] competence to practice physical
10 therapy or occupational therapy in a manner established by the board
11 in regulations adopted under AS 08.84.010(b).

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

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

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

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

21 * Sec. 6. This Act takes effect immediately under AS 01.10.070(c).