

ALASKA LEGISLATURE

2346

HOUSE and SENATE FINANCE COMMITTEE FILES, 2001 - 2002

LEGISLATIVE REVIEW ANNEXATION PROCESS

Background: This process was established in 1959 under Alaska's Constitution. It has been successfully used in over 100 municipal boundary changes over the past 41 years.

- ◆ Petitioner files annexation petition.
- ◆ DCED:
 - ◆ reviews petition for technical adequacy
 - ◆ may hold local public meeting
 - ◆ reports findings and recommendations to LBC.
- ◆ LBC:
 - ◆ holds local public hearing(s)
 - ◆ accepts/rejects petition as meeting/not meeting annexation standards.
- ◆ If accepted, LBC submits decision for legislative review.
- ◆ Legislature may accept or reject decision. If accepted, annexation is approved.

PROPOSED NEW OPTION FOR BOROUGH INCORPORATIONS/ANNEXATIONS

Background: This process is proposed as a way to extend borough government to areas that meet existing standards for borough incorporation or annexation.

- ◆ DCED annually presents LBC with list of areas in unorganized borough that reasonably appear to satisfy standards for borough incorporation or annexation.
- ◆ LBC annually selects from list which area(s) may warrant incorporation or annexation.
- ◆ DCED, for selected area(s):
 - ◆ drafts petition
 - ◆ holds local public meeting(s)
 - ◆ finalizes and files petition.
- ◆ LBC:
 - ◆ holds local public hearing(s)
 - ◆ accepts/rejects petition as meeting/not meeting applicable standards.
- ◆ If accepted, LBC submits decision for legislative review.
- ◆ Legislature may accept or reject decision. If accepted, incorporation or annexation is approved.

Time Line for Incorporation or Annexation Under Proposed Legislation

| | | |
|---------------------------------------|--|---|
| By September 30 ↓ | DCED lists prospective borough incorporations & annexations | New provision in law |
| By November 30 ↓ | LBC selects proposals from DCED list | New provision in law |
| December 1 ↓ | DCED conducts meetings in regions selected by LBC | Parallel provision in existing law [AS 29.05.080(a)] |
| | DCED prepares petitions | Parallel provision in existing law [AS 44.33.812(a)(3)] |
| | DCED provides public notice of petitions | Existing law (3 AAC 110.450) |
| | Interested persons allowed to comment on petitions | Existing law (3 AAC 110.480) |
| | Based on comments DCED may amend petitions | Existing law (3 AAC 110.540) |
| March 31 ↓ | DCED files petitions with LBC | Existing law [3 AAC 110.440(c)] |
| April 1 ↓ | Notice given of LBC hearings | Existing law (3 AAC 110.550) |
| | LBC conducts hearing in region | Existing law (AS 29.05.090) |
| | LBC approves, rejects, or amends/conditions/approves petitions | Existing law [AS 29.05.100(a)] |
| | LBC adopts written decisional statement for each petition | Existing law [3 AAC 110.570(f)] |
| | Interested parties may seek reconsideration of LBC decision | Existing law (3 AAC 110.580) |
| mid- January ↓ | LBC files recommendations with Legislature | Parallel provision in existing law (Art. X, § 12, Ak. Const.) |
| | Legislature considers LBC recommendations for 45 days | Parallel provision in existing law (Art. X, § 12, Ak. Const.) |
| late-March ↓ | Recommendations approved unless rejected | Parallel provision in existing law (Art. X, § 12, Ak. Const.) |
| | LBC notifies Division of Elections of approved boroughs | Existing law [AS 29.05.110(a)] |
| late -March to late-April ↓ | Division of Elections orders election for initial borough officials | Existing law (AS 29.05.120) |
| by late-July | Division of Elections conducts elections for initial borough officials | Existing law (AS 29.05.120) |

Summary of Standards for Borough Incorporation

Standards regarding the creation of organized boroughs are provided in Alaska's Constitution, statutes, and regulations. The standards are summarized below

- ▶ Borough incorporation is encouraged under Alaska's Constitution. (Art. X, § 1, Ak. Const.)
- ▶ All of Alaska must be divided into boroughs (organized or unorganized) with each embracing an area and population with common interests to the maximum degree possible. (Art. X, § 3, Ak. Const.)
- ▶ Alaska's Constitution favors larger boroughs in order to avoid the proliferation of small boroughs. (Art. X, § 1, Ak. Const.)
- ▶ Borough incorporation must be in the best interests of the state. (AS 29.05.100)
- ▶ Borough residents must be socially, culturally, and economically interrelated and integrated. [AS 29.05.031(a)(1); 3 AAC 110.045(a)-(b)]
- ▶ The population must be large and stable enough to support borough government. It is formally presumed that a borough will have at least 1,000 permanent residents. (AS 29.05.031(a)(1); 3 AAC 110.050)
- ▶ Boundaries must conform generally to natural geography and include all areas necessary for full development of municipal services. [AS 29.05.031(a)(2); 3 AAC 110.060(a)]
- ▶ Consideration must be given to model borough boundaries adopted by the Local Boundary Commission. [3 AAC 110.060(b)]
- ▶ Boundaries must conform to regional educational attendance area boundaries, unless the Local Boundary Commission allows otherwise. [3 AAC 110.060(c)]
- ▶ There must be adequate human and financial resources to provide borough services. (AS 29.05.031(a)(3); 3 AAC 110.055)
- ▶ There must be adequate facilities to allow the communication and exchange necessary for the development of integrated borough government. [AS 29.05.031(a)(4); 3 AAC 110.045(c)-(d)]

STRUCTURES of LOCAL GOVERNMENT in ALASKA

| Type | No. | Requirement | Powers by | Jurisdiction-wide | | | Other Powers | Examples |
|---|-----|--|----------------|-------------------|-------------------|-------------------|--|--|
| | | | | Educ | Plan ¹ | Tax ² | | |
| Home Rule City (Organized Boro) | 7 | = or >400 residents | Charter | NO | MAY ³ | MAY | May exercise all legislative powers not prohibited by law or charter. (Art.X, Sec 11, AK. Constitution) | S&W; Fr; PI; Rc; Ut; Lb; P&H; Rd; Pk |
| Home Rule City (Unorganized Boro) | 5 | = or >400 residents | Charter | MUST | MUST | MAY | May exercise all legislative powers not prohibited by law or charter. (Art.X, Sec 11, AK. Constitution) | S&W; Fr; PI; Rc; Ut; Lb; P&H; Rd; Pk |
| First Class City (Organized Boro) | 8 | = or >400 residents | State Statutes | NO | MAY ³ | MAY | May exercise a power not otherwise prohibited by law (AS 29.35.250) | S&W; Fr; PI; Rc; Lb; P&H; Rd; Hc |
| First Class City (Unorganized Boro) | 13 | = or >400 residents | State Statutes | MUST | MUST | MAY | May exercise a power not otherwise prohibited by law (AS 29.35.260) | S&W; Fr; PI; Rc; Lb; P&H; Rd; Hc |
| Second Class City (Organized Boro) | 34 | = or >25 voters | State Statutes | NO | MAY ³ | MAY | May exercise a power not otherwise prohibited by law (AS 29.35.250) | S&W; Fr; PS; Rc; Lb; Hc;Ws; Pk |
| Second Class City (Unorganized Boro) | 78 | = or >25 voters | State Statutes | NO | MAY | MAY | May exercise a power not otherwise prohibited by law (AS 29.35.260) | S&W; Fr; PS; Rc; Lb; Hc;Ws; Pk |
| Unified Municipalities (Unified Borough) | 3 | Area & population with same interests | Charter | MUST | MUST | MUST ⁵ | May exercise all legislative powers not prohibited by law or charter. (Art.X, Sec 11, AK. Constitution) | S&W; Fr; PI; Rc; Ut; Lb; P&H; Rd; Pk; Pz; Ac |
| Home Rule Borough (Non-Unified) | 5 | Area & population with same interests | Charter | MUST | MUST | MUST ⁵ | May exercise all legislative powers not prohibited by law or charter. (Art.X, Sec 11, AK. Constitution) | S&W; Fr; PI; Rc; Lb; P&H; Hc; Ws |
| First Class Borough (Non-Unified) | 0 | Area & population with same interests | State Statutes | MUST | MUST | MUST ⁵ | May exercise by ordinance (not voter approval) on a non-areawide basis any power not otherwise prohibited by law. (AS 29.35.200) | No First Class Boroughs Exist |
| Second Class Borough (Non-Unified) | 7 | Area & population with same interests | State Statutes | MUST | MUST | MUST ⁵ | May exercise by voter approval on a non-areawide basis any power not otherwise prohibited by law. (AS 29.35.200) | S&W; Fr; PI; Rc; Lb; Rd; Pk; Pz; Ac; Hp |
| Third Class Borough (Non-Unified) | 1 | Area & population with same interests | State Statutes | MUST | NO | MUST ⁵ | May exercise any power not prohibited by law, but only on a service area basis. Home Rule/1st Class city within Boro has land use powers. ⁴ | Fr; Rc; Lb; Rd; Pz; Hc; P&H |

¹ Plan means planning, platting and land use regulation.

² Tax means tax assessment and collection.

⁵ Borough must assess/collect taxes IF levied thru local choice.

³ This power requires delegation from the borough.

⁴ State law prohibits formation of new third class boroughs - AS 29.05.031.

Example of Other Powers -- Code Explanation

Ac - Animal Control
Fr - Fire/Paid or Volunteer
Hc - Health Clinic
Hp - Hospital

Lb - Library
Pk - Parks/Recreation
Pz - Planning/Zoning
PI - Police/VPSO

P&H - Ports & Harbors
Rc - Refuse Collection/Landfill
Rd - Road Maintenance
S&W - Sewer/Water

Ut - Utilities
Ws - Washeterias

STRUCTURES of LOCAL GOVERNMENT in ALASKA

| Home Rule Cities | | | | | | | | Unified Municipality | |
|---------------------|----------------|--------------|--------------|---------------|---------------|-----------------|---------------|---------------------------|--------------------|
| Cordova | * Kenai | * Kodiak | * North Pole | Petersburg | Valdez | | | Municipality of Anchorage | |
| * Fairbanks | * Ketchikan | Nenana | * Palmer | * Seward | Wrangell | | | City & Borough of Juneau | |
| | | | | | | | | City & Borough of Sitka | |
| First Class Cities | | | | | | | | Home Rule Borough | |
| * Barrow | Galena | Hoonah | * King Cove | Pelican | * Seldovia | Tanana | | | Denali |
| Craig | * Haines | Hydaburg | Klawock | St. Mary's | Skagway | Unalaska | | | Lake and Peninsula |
| Dillingham | * Homer | Kake | Nome | * Sand Point | * Soldotna | * Wasilla | | | North Slope |
| | | | | | | | | Northwest Arctic | |
| | | | | | | | | Yakutat | |
| Second Class Cities | | | | | | | | Second Class Borough | |
| * Akhiok | Bethel | Eagle | * Houston | Kupreanof | Nikolai | * Port Heiden | Shishmaref | | |
| Akiak | Bettles | Eek | Hughes | Kwethluk | * Nondalton | * Port Lions | * Shungnak | | |
| * Akutan | Brevig Mission | * Egegik | Huslia | * Larsen Bay | * Noorvik | Quinhagak | Stebbins | | |
| Alakanuk | * Buckland | Ekwok | * Kachemak | Lower Klaskag | * Nuiqsut | Ruby | Teller | | |
| Aleknagik | Chefornak | Elim | * Kaktovik | Manokotak | Nulato | Russian Mission | Tenakee Sprg. | | |
| Allakaket | Chevak | Emmonak | Kallag | Marshall | Nunam Iqua | St. George | Thorne Bay | | |
| * Ambler | * Chignik | * False Pass | Kasaan | McGrath | Nunapitchuk | St. Michael | Togiak | | |
| * Anaktuvuk Pass | Chuathbaluk | Fort Yukon | * Kiana | Mekoryuk | * Old Harbor | St. Paul | Toksook Bay | | |
| * Anderson | Clark's Point | Gambell | * Kivalina | Mt Village | * Quzinkie | Savoonga | Unalakleet | | |
| Angoon | Coffman Cove | Golovin | * Kobuk | Napakiak | * Pilot Point | * Saxman | Upper Kalskag | | |
| Aniak | * Cold Bay | Goodnews Bay | Kotlik | Napaskiak | Pilot Station | Scammon Bay | * Wainwright | | |
| Anvik | * Deering | Grayling | * Kotzebue | NewStuyahok | Platinum | * Selawik | Wales | | |
| Atka | Delta J'ct. | Holy Cross | Koyuk | * Newhalen | * Point Hope | Shageluk | White Mt. | | |
| * Atkasuk | Diomedede | Hooper Bay | Koyukuk | Nightmute | Pt. Alexander | Shaktolik | Whittier | | |

*City is within an organized borough.

| Organized City Government | | | | Organized Borough Government | | Definitions | |
|---------------------------|-------------|-------------|--------------|------------------------------|-----------|--|--|
| | In Org. | In Unorg. | | Unified Municipalities | 3 | Areawide - throughout the entire borough Non areawide - throughout the entire borough exclusive of the area lying within the corporate limits of city governments Service Area - an area in which the borough provides higher or different levels of service than it provides on an areawide or non-areawide basis. | |
| Type | Boro | Boro | Total | Home Rule Boroughs | 5 | | |
| Home Rule | 7 | 5 | 12 | First Class Boroughs | 0 | | |
| First Class | 8 | 13 | 21 | Second Class Boroughs | 7 | | |
| Second Class | 34 | 78 | 112 | Third Class Boroughs | 1 | | |
| Total | 49 | 96 | 145 | Total | 16 | | |

* Eight boroughs were formed under the 1963 Mandatory Borough Act. (Mat-Su, Kodiak Is., Ketchikan Gateway, Kenai Peninsula, Fairbanks North Star, Anchorage, Sitka, Juneau)
 * In 2000, 87% of the total population resided in organized boroughs.
 * Currently 83% of Alaskans live in mandated boroughs; 4% live in boros formed voluntarily.
 * Denali, Lake and Peninsula, Northwest Arctic and Aleutians East Boroughs have no property tax.
 * Three percent of Alaskans live outside any municipal government.
 * Alaska is the only state in the union that has unorganized regions within its boundaries.



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

March 29, 2000

MEMORANDUM TO ALL LOCAL EDUCATIONAL AGENCIES IN ALASKA

Pursuant to section 8009, Title VIII, of the Elementary and Secondary Education Act ("the Act") (20 U.S.C. § 7709), the U.S. Department of Education (Department) received notification from the Alaska Department of Education (State) dated February 8, 2000 of its intent to consider a portion of payments received under the Impact Aid Program as local revenues in determining State aid payments for the period July 1, 2000 - June 30, 2001 (fiscal year (FY) 2001). Final FY 1999 data were received from the State on February 29 in support of the State's request for certification under the revenue disparity standard (§ 8009(b)(2) and 34 C.F.R. § 222.63).

The determination for FY 2001 will be based on these data submissions. Copies of the data are available from the Alaska Department of Education.

Section 8009(c)(2) of the Act requires that, prior to issuing a determination for any fiscal year, this Department must give local educational agencies an opportunity to "...present their views." Section 8009(d)(1) provides, in relevant part, that:

If a State has in effect a program of State aid for free public education for any fiscal year, which is designed to equalize expenditures for free public education among the local educational agencies of that State, payments under this title...for any fiscal year may be taken into consideration by such State in determining the relative --

(A) financial resources available to local educational agencies in that State; and

(B) financial need of such agencies for the provision of free public education for children served by such agency, except that a State may consider as local resources funds received under this title...only in proportion to the share that local tax revenues covered under a State equalization program are of total local tax revenues.

In other words, if the State is certified under section 8009, it may reduce an LEA's State aid by an amount equal to a certain proportion of the assistance that LEA has received under the Impact Aid Program.

Submitted by Sen Wilken

Hughes Village Council
 Hut'odleekkaakk'et Tribe
 P.O. Box 45029
 Hughes, AK 99745

FEB 20 2001

February 15, 2001

Senator Georgianna Lincoln
 Alaska State Legislative Office
 State Capitol
 Juneau, AK 99801-1182

RE: Senate Bill 48 "Equity in Education Funding Act"

Dear Senator Lincoln:

We, the Tribal Council of Hughes strongly oppose Senate Bill 48.

The population of rural communities are small and there is not enough workforce in some communities for all the jobs and board seats in communities.

For rural areas to form boroughs would create another layer of government, therefore creating more board seats to fill and another layer of costs.

Small communities already struggle to pay operating costs for public facilities.

Communities in rural areas contribute to local schools through the Federal Impact Aid. Therefore, the Alaska State Legislature cannot say that rural areas do not contribute to local schools.

Sincerely,

Ella Sam
 Ella Sam, First Chief

Jack Ambrose
 Jack Ambrose, Second Chief

Almira Beatus
 Almira Beatus, Secretary

Peter Nicholia
 Peter Nicholia, Member

Hazel Ambrose
 Hazel Ambrose, Member

Lige Ambrose
 Lige Ambrose, Member

Alfred Attla Sr., Member

ES/jmb

Cc: Senator Gary Wilken
 Senator John Torgerson



CITY OF PETERSBURG

P.O. BOX 329 • PETERSBURG, ALASKA 99833

TELEPHONE (907) 772-4511

TELECOPIER (907) 772-3759

March 20, 2001

Alaska State Legislature
Senate Finance Committee

Dear Finance Committee Members:

I appreciate the opportunity to comment as part of your deliberations on Senate Bill 48(CRA) which, as I understand it, is intended to correct unfair circumstances surrounding education funding in Alaska. While Alaskans living in organized municipal school districts are required by state law to contribute local dollars in support of education, citizens living in 19 Regional Educational Attendance Area (REAA) school districts are not required to help fund their children's educational needs because they have no authority to levy or collect taxes and, therefore, they cannot be mandated by the State to make local education contributions. I have two concerns about SB48 as it currently reads.

First, since SB48 allows for borough formation by Legislative Review, as may be recommended by the Local Boundary Commission in certain cases to provide fairness in education funding, then the same process should also include the potential annexation of populated areas to *any* existing municipality with the authority to levy and collect taxes for education—not just annexation to an existing *unified* municipality.

Secondly, the City of Petersburg, like many other cities, is located in the unorganized borough area, but it also levies and collects taxes to fund its own city school district. I could not find an exclusion or recourse from borough formation by Legislative Review, as may be recommended by the Local Boundary Commission, in SB48 for cities in this situation. If mandated borough formation is possible for cities which currently fund education, then some additional purpose in serving the State's interests, beyond reaching fairness in education funding, should be made clear. At this time, I fail to see how State land and money entitlements to establish a third level of government, in need of its own bureaucracy, would actually serve the State's interest.

Sincerely,

Paul Anderson
City Councilor

SENATE FINANCE COMMITTEE

SIGN-IN

SB 48-MUNICIPALITIES:INCORP/PROPERTY VALUATION

HERE
IN
JUNEAU

NAME: Robert J Kozhak
CITY OF CORDOVA
Subject/Bill No: SB-48
Co./Dept./Title: Planning & Community Development Phone: 424-6226
Address: P.O. Box 1210 Zip: 99574
Do you wish to testify? Yes ___ No ___ Respond To Questions

HERE
IN
JUNEAU

NAME: KEVIN WARRING
Subject/Bill No: SB48
Co./Dept./Title: LOCAL BOUNDARY COM Phone: 907-337-6096
Address: 2020 BRANFORD AVE ANCH Zip: 99504
Do you wish to testify? Yes ___ No ___ Respond To Questions

ON
LINE

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

ON
LINE

NAME: Lamar Cotten
Subject/Bill No: _____
Co./Dept./Title: Community & Business Development Phone: _____
Address: _____ Zip: _____
Do you wish to testify? ___ Yes ___ No ___ Respond To Questions

ON
LINE

NAME: Pat Poland Subject/Bill No: _____
Co./Dept./Title: Director, Community & Business Development Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

ON
LINE

NAME: Dave Eberly Subject/Bill No: him --
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

You need to ask him --
if PUBLIC TESTIMONY --
we'll be taking PUBLIC TESTIMONY
at another meeting.

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

SB

50

HFIN

FILE

SENATOR KIM ELTON

SB 50

Extending the Termination Date of the Board of Veterinary Examiners

Sponsor Statement

Senate Bill 50 extends the sunset date on the Board of Veterinary Examiners for another four years. The board serves the State of Alaska by ensuring the quality of those who practice as veterinarians. Alaskans rely on veterinary services for care of our beloved pets, sled dogs that provide transportation, and livestock that are farmers' and ranchers' livelihood.

A recent audit by the Division of Legislative Audit concluded that "the board is operating in an efficient and effective manner and should continue to regulate veterinarians. We believe the board is safeguarding the public interest..."

Under current statute, the board will cease to exist on June 30, 2001. Extending this sunset date will allow the legislature to review the board again in four years' time.

Douglas Island Veterinary Service

4001 North Douglas Highway
P. O. Box 240031
Douglas, AK 99824
(907) 483-6377
FAX 586-8332
e-mail lcs@alaska.com

April 1, 2001

Senator Kim Elton
State Capitol
Juneau, AK 99801

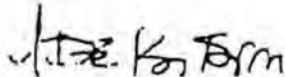
Dear Senator Elton:

As a licensed, practicing veterinarian in the Juneau-Douglas area, I recognize the importance of formal peer review to maintain high quality animal and public health services. I support your bill to extend the sunset date on the Board of Veterinary Examiners.

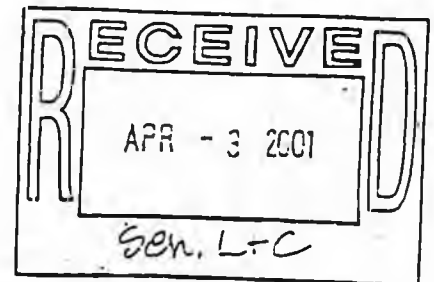
Because all veterinarians must pass the National Board Examination and Clinical Competency Examination, reformers advocate elimination of redundant state veterinary examinations and institution of national or regional (rather than state) licensure. The Board of Veterinary Examiners is the best public and professional voice to express Alaskan views of this change.

The health and well being of my patients is important to me and to their families. I keep my knowledge current and my skills sharp out of honor and professional responsibility, not because a board of inquisitors is breathing down my neck. However, public confidence rests on quality assurance. If my qualifications or standard of care is to be evaluated, I trust my peers and their interest in preserving the integrity of the profession over television's "Animal Court."

Best,



Lesley DeKrey, DVM



FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 50
(S) Publish Date: 4/4/01

Revision Date/Time (Note if correction): 03/06/2001 1:40p.m. Dept. Affected: DCED
Title: An Act extending the termination date of the BRU: Occupational Licensing
Board of Veterinary Examiners Component: Occupational Licensing
Sponsor: Senator Elton
Requester: Senate Labor & Commerce Component Number: 2360

Expenditures/Revenues (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2002 | FY 2003 | FY 2004 | FY 2005 | FY 2006 | FY 2007 |
|------------------------|------------|-------------|-------------|-------------|-------------|---------|
| Personal Services | | 35.6 | 35.6 | 35.6 | 35.6 | |
| Travel | | 5.9 | 5.9 | 5.9 | 5.9 | |
| Contractual | | 9.6 | 9.6 | 9.6 | 9.6 | |
| Supplies | | 0.0 | 0.0 | 0.0 | 0.0 | |
| Equipment | | 0.0 | 0.0 | 0.0 | 0.0 | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 51.1 | 51.1 | 51.1 | 51.1 | |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|--------------------------------------|------------|-------------|-------------|-------------|-------------|--|
| CHANGE IN REVENUES (1156 RSS) | 0.0 | 51.1 | 51.1 | 51.1 | 51.1 | |
|--------------------------------------|------------|-------------|-------------|-------------|-------------|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--------------------------|------------|-------------|-------------|-------------|-------------|--|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (1156 RSS) | | 51.1 | 51.1 | 51.1 | 51.1 | |
| TOTAL | 0.0 | 51.1 | 51.1 | 51.1 | 51.1 | |

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

The bill extends the Board of Veterinary Examiners to June 30, 2005. In accordance with AS 08.03.020, funding is extended one year following the termination date allowing the board to conclude its affairs. The information above identifies direct expenditure and revenue information included in the FY 2002 Operating Budget request.

Prepared by: Jennifer Strickler, Administrative Manager Phone 907-465-2144
Division: Occupational Licensing Date/Time 03/06/2001 1:40p.m.
Approved by: Commissioner Deborah B. Sedwick Date 3/6/2001
Agency: Department of Community & Economic Development

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 50
 (S) Publish Date: 4/4/01

Revision Date/Time (Note if correction): 03/06/2001 1:40p.m. Dept. Affected: DCED
 Title: An Act extending the termination date of the BRU: Occupational Licensing
Board of Veterinary Examiners Component: Occupational Licensing
 Sponsor: Senator Elton
 Requester: Senate Labor & Commerce Component Number: 2350

Expenditures/Revenues (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2002 | FY 2003 | FY 2004 | FY 2005 | FY 2006 | FY 2007 |
|------------------------|------------|-------------|-------------|-------------|-------------|---------|
| Personal Services | | 35.6 | 35.6 | 35.6 | 35.6 | |
| Travel | | 5.9 | 5.9 | 5.9 | 5.9 | |
| Contractual | | 9.6 | 9.6 | 9.6 | 9.6 | |
| Supplies | | 0.0 | 0.0 | 0.0 | 0.0 | |
| Equipment | | 0.0 | 0.0 | 0.0 | 0.0 | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 51.1 | 51.1 | 51.1 | 51.1 | |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|--------------------------------------|------------|-------------|-------------|-------------|-------------|--|
| CHANGE IN REVENUES (1156 RSS) | 0.0 | 51.1 | 51.1 | 51.1 | 51.1 | |
|--------------------------------------|------------|-------------|-------------|-------------|-------------|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--------------------------|------------|-------------|-------------|-------------|-------------|--|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (1156 RSS) | | 51.1 | 51.1 | 51.1 | 51.1 | |
| TOTAL | 0.0 | 51.1 | 51.1 | 51.1 | 51.1 | |

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

The bill extends the Board of Veterinary Examiners to June 30, 2005. In accordance with AS 08.03.020, funding is extended one year following the termination date allowing the board to conclude its affairs. The information above identifies direct expenditure and revenue information included in the FY 2002 Operating Budget request.

Prepared by: Jennifer Strickler, Administrative Manager Phone 907-465-2144
 Division: Occupational Licensing Date/Time 03/06/2001 1:40p.m.
 Approved by: Commissioner Deborah B. Sedwick Date 3/6/2001
 Agency: Department of Community & Economic Development

For distribution information, call the Governor's Legislative Office

SB

50

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT

APR 17 2001

SENATE FINANCE
COMMITTEE

DATE: 4/4/01

FURTHER:

DATE TURNED
IN TO OFFICE: 17 April 01

Finance Committee considered **SENATE BILL NO. 50**

"An Act extending the termination date of the Board of Veterinary Examiners."

and recommends:

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

Senate Bill:

- same title
- new title

House Bill:

- same title
- technical title
- new: SCR # _____

NEW FISCAL NOTE(S):

| Department | Date | Fiscal | Zero | FN# |
|------------|------|--------|------|-----|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

PREVIOUS FISCAL NOTE(S):

| Department | Date | Fiscal | Zero | FN# |
|------------|---------|--------|------|-----|
| DCED | 3/14/01 | | ✓ | #1 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

APPROPRIATION - no fiscal note

| SIGNATURES AND RECOMMENDATIONS: | DO PASS | DO NOT PASS | NO REC | AMEND |
|---------------------------------|---------|-------------|--------|-------|
| <i>Alan Custer</i> | ✓ | | | |
| <i>[Signature]</i> | X | | | |
| <i>[Signature]</i> | X | | | |
| <i>Loren D. Pluen</i> | ✓ | | | |
| <i>Lyde Green</i> | ✓ | | | |
| <i>[Signature]</i> | ✓ | | | |
| COCHAIR: <i>[Signature]</i> | ✓ | | | |
| COCHAIR: <i>[Signature]</i> | ✓ | | | |

APR 17 2001

SENATE FINANCE
COMMITTEE

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 50
(S) Publish Date: 4/4/01

Revision Date/Time (Note if correction): 03/06/2001 1:40p.m. Dept. Affected: DCED
Title: An Act extending the termination date of the BRU: Occupational Licensing
Board of Veterinary Examiners Component: Occupational Licensing
Sponsor: Senator Elton
Requester: Senate Labor & Commerce Component Number: 2360

Expenditures/Revenues (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2002 | FY 2003 | FY 2004 | FY 2005 | FY 2006 | FY 2007 |
|------------------------|------------|-------------|-------------|-------------|-------------|---------|
| Personal Services | | 35.6 | 35.6 | 35.6 | 35.6 | |
| Travel | | 5.9 | 5.9 | 5.9 | 5.9 | |
| Contractual | | 9.6 | 9.6 | 9.6 | 9.6 | |
| Supplies | | 0.0 | 0.0 | 0.0 | 0.0 | |
| Equipment | | 0.0 | 0.0 | 0.0 | 0.0 | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 51.1 | 51.1 | 51.1 | 51.1 | |

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|----------------------|--|--|--|--|--|--|

| | | | | | | |
|-------------------------------|-----|------|------|------|------|--|
| CHANGE IN REVENUES (1156 RSS) | 0.0 | 51.1 | 51.1 | 51.1 | 51.1 | |
|-------------------------------|-----|------|------|------|------|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--------------------------|------------|-------------|-------------|-------------|-------------|--|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (1156 RSS) | | 51.1 | 51.1 | 51.1 | 51.1 | |
| TOTAL | 0.0 | 51.1 | 51.1 | 51.1 | 51.1 | |

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

The bill extends the Board of Veterinary Examiners to June 30, 2005. In accordance with AS 08.03.020, funding is extended one year following the termination date allowing the board to conclude its affairs. The information above identifies direct expenditure and revenue information included in the FY 2002 Operating Budget request.

Prepared by: Jennifer Strickler, Administrative Manager Phone 907-465-2144
Division: Occupational Licensing Date/Time 03/06/2001 1:40p.m.
Approved by: Commissioner Deborah B. Sedwick Date 3/6/2001
Agency: Department of Community & Economic Development

For distribution information, call the Governor's Legislative Office

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 1/19/01

FURTHER: Finance

Date of 5-Day Notice: 3-29-01
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 4-9-01

Labor and Commerce Committee considered

SENATE BILL NO. 50

"An Act extending the termination date of the Board of Veterinary Examiners."

and recommends:

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

Senate Bill:

same title

new title

House Bill:

same title

technical title

new: SCR # _____

NEW FISCAL NOTE(S):

| Department | Date | Fiscal | Zero | FN# |
|------------|--------|--------|------|-----|
| DOED | 3/6/01 | \$ | | i |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

PREVIOUS FISCAL NOTE(S):

| Department | Date | Fiscal | Zero | FN# |
|------------|------|--------|------|-----|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

APPROPRIATION - no fiscal note

| SIGNATURES AND RECOMMENDATIONS: | DO PASS | DO NOT PASS | NO REC | AMEND |
|---------------------------------|---------|-------------|--------|-------|
| <i>Allen Quate</i> | ✓ | | | |
| <i>Bettye Davis</i> | ✓ | | | |
| <i>Wesley D. Hemen</i> | ✓ | | | |
| <i>Johnson</i> | ✓ | | | |
| | | | | |
| CHAIR: <i>Robert E. ...</i> | ✓ | | | |

SENATOR KIM ELTON

SB 50

Extending the Termination Date of the Board of Veterinary Examiners

Sponsor Statement

Senate Bill 50 extends the sunset date on the Board of Veterinary Examiners for another four years. The board serves the State of Alaska by ensuring the quality of those who practice as veterinarians. Alaskans rely on veterinary services for care of our beloved pets, sled dogs that provide transportation, and livestock that are farmers' and ranchers' livelihood.

A recent audit by the Division of Legislative Audit concluded that "the board is operating in an efficient and effective manner and should continue to regulate veterinarians. We believe the board is safeguarding the public interest..."

Under current statute, the board will cease to exist on June 30, 2001. Extending this sunset date will allow the legislature to review the board again in four years' time.

SB

52

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

BILL NO. SB 52

Revision Date: _____
 Title: An Act extending the termination date of the State
Physical Therapy and Occupational Therapy Board...
 Sponsor: Senate Rules
 Requester: _____

Dept. Affected DCED
 BRU Occupational Licensing
 Component Occupational Licensing
 Component Serial No. 2360

Expenditures/Revenues

(Thousands of Dollars)

| OPERATING EXPENDITURES | FY 02 | FY 03 | FY 04 | FY 05 | FY 06 | FY 07 |
|------------------------|------------|-------------|-------------|-------------|-------------|-------------|
| Personal Services | 0.0 | 30.0 | 30.0 | 30.0 | 30.0 | 30.0 |
| Travel | | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 |
| Contractual | | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 43.8 | 43.8 | 43.8 | 43.8 | 43.8 |

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|----------------------|--|--|--|--|--|--|

| | | | | | | |
|------------------------|--|------|------|------|------|------|
| CHANGE IN REVENUES [] | | 43.8 | 43.8 | 43.8 | 43.8 | 43.8 |
|------------------------|--|------|------|------|------|------|

FUND SOURCE

(Thousands of Dollars)

| | | | | | | |
|--------------------------|------------|-------------|-------------|-------------|-------------|-------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| 1156 RSS (other) | | 43.8 | 43.8 | 43.8 | 43.8 | 43.8 |
| TOTAL | 0.0 | 43.8 | 43.8 | 43.8 | 43.8 | 43.8 |

Estimate of any current year (FY01) cost: _____

POSITIONS

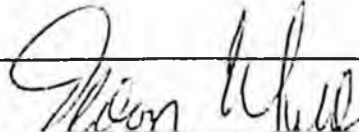
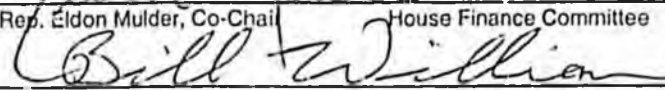
| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

The bill extends the State Physical Therapy and Occupational Therapy Boards to June 30, 2006.

Failure to pass this legislation would result in the Board's termination in FY03. Funding for FY02 is contained in the Management Plan.

Prepared by


 Rep. Eldon Mulder, Co-Chair House Finance Committee

 Rep. Bill Williams, Co-Chair House Finance Committee

Phone 465-2647

Phone 465-3424

Date _____

FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

Fiscal Note Number: 1
 Bill Version: SB 52
 (S) Publish Date: 2/9/01

Revision Date/Time (Note if correction): 2/02/2001 2:35p.m. Dept. Affected: DCED
 Title: An Act extending the termination date of the BRU: Occupational Licensing
State Physical Therapy and Occupational Therapy Board Component: Occupational Licensing
 Sponsor: Senate Rules
 Requester: Senate Labor and Commerce Component Number: 2360

Expenditures/Revenues (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2002 | FY 2003 | FY 2004 | FY 2005 | FY 2006 | FY 2007 |
|------------------------|------------|------------|------------|------------|---------|---------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | | |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|-------------------------------|------------|------------|------------|------------|--|--|
| CHANGE IN REVENUES () | 0.0 | 0.0 | 0.0 | 0.0 | | |
|-------------------------------|------------|------------|------------|------------|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--------------------------|------------|------------|------------|------------|--|--|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| 1156 RSS | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | | |

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: *(Attach a separate page if necessary)*
 The bill extends the State Physical Therapy and Occupational Therapy Board s to June 30, 2007. Funding for the board is included in the FY 2002 Operating Budget request and new funds are not required. For informational purposes, the attached page shows expenditure and revenue information for the last two fiscal years.

Prepared by: Jennifer Strickler, Administrative Manager Phone (907) 465-2144
 Division: Occupational Licensing Date/Time 2/02/2001 2:35pm
 Approved by: Commissioner Deborah B. Sedwick Date 2/2/2001
 Agency: Department of Community and Economic Development

For distribution information, call the Governor's Legislative Office

ANALYSIS: (continued)

SB 52: An Act extending the termination date of the State Physical Therapy and Occupational Therapy Board

Page 2 of 2

FY 1999 Expenditures

FY 2000 Expenditures

Personal Services:

| | | |
|----------|-----------|-----------|
| Direct | 33,867.54 | 29,777.66 |
| Indirect | 12,673.41 | 15,321.99 |

Travel:

| | | |
|----------|----------|----------|
| Direct | 7,414.03 | 6,823.44 |
| Indirect | 179.03 | 145.77 |

Contractual Services:

| | | |
|----------|----------|-----------|
| Direct | 7,384.65 | 6,850.59 |
| Indirect | 7,079.42 | 10,175.58 |

Supplies:

| | | |
|----------|--------|--------|
| Direct | 289.40 | 17.74 |
| Indirect | 895.04 | 869.29 |

Equipment

| | | |
|----------|--------|--------|
| Direct | 0.00 | 0.00 |
| Indirect | 639.14 | 383.66 |

| | | |
|---------------|------------------|------------------|
| TOTAL: | 70,421.66 | 70,365.72 |
|---------------|------------------|------------------|

| | | |
|-----------------|------------------|-------------------|
| REVENUE: | 34,056.52 | 116,235.28 |
|-----------------|------------------|-------------------|

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

BILL NO. SB 52

Revision Date: _____
 Title: An Act extending the termination date of the State
 Physical Therapy and Occupational Therapy Board...
 Sponsor: Senate Rules
 Requester: _____

Dept. Affected DCED
 BRU Occupational Licensing
 Component Occupational Licensing
 Component Serial No. 2360

Expenditures/Revenues (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 02 | FY 03 | FY 04 | FY 05 | FY 06 | FY 07 |
|------------------------|------------|-------------|-------------|-------------|-------------|-------------|
| Personal Services | 0.0 | 30.0 | 30.0 | 30.0 | 30.0 | 30.0 |
| Travel | | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 |
| Contractual | | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 43.8 | 43.8 | 43.8 | 43.8 | 43.8 |

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|----------------------|--|--|--|--|--|--|

| | | | | | | |
|------------------------|--|------|------|------|------|------|
| CHANGE IN REVENUES [] | | 43.8 | 43.8 | 43.8 | 43.8 | 43.8 |
|------------------------|--|------|------|------|------|------|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--------------------------|------------|-------------|-------------|-------------|-------------|-------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| 1156 RSS (other) | | 43.8 | 43.8 | 43.8 | 43.8 | 43.8 |
| TOTAL | 0.0 | 43.8 | 43.8 | 43.8 | 43.8 | 43.8 |

Estimate of any current year (FY01) cost: _____

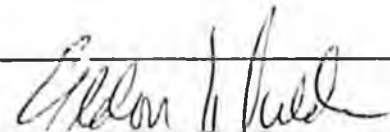

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

The bill extends the State Physical Therapy and Occupational Therapy Boards to June 30, 2006.
 Failure to pass this legislation would result in the Board's termination in FY03. Funding for FY02 is contained in the Management Plan.

Prepared by


 Rep. Eldon Mulder, Co-Chair House Finance Committee

 Rep. Bill Williams, Co-Chair House Finance Committee

Phone 465-2647

Phone 465-3424

Date _____

Alaska State Legislature

SENATOR
GENE THERRIAULT

Mailing Address:
119 N. Cushman, Suite 101
Fairbanks, Alaska 99701
(907) 488-0857
Fax: (907) 488-4271



Senate

While in session
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797
Fax: (907) 465-3884

Senate District 0

Senate Bill 52

"An Act extending the termination date of the State Physical Therapy and Occupational Therapy Board."

Sponsor:

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

Sponsor Statement

Under AS 08.84.010 the State Physical Therapy and Occupational Therapy Board regulates the professions of physical therapists, physical therapy assistants, occupational therapists, and occupational therapy assistants and the practice of physical therapy and the practice of occupational therapy by ensuring that the requirements laid out for licensure are met and adhered to.

The Board consists of 7 members appointed by the governor having the qualifications as set out in AS 08.84.010. Board membership is prescribed by statute as having one physician, three physical therapists or two physical therapists and a physical therapy assistant, two occupational therapists or an occupational therapist and occupational therapists assistant, and one lay person with no direct financial interest in the health care industry.

The regulation and licensing of qualified physical therapists, physical therapy assistants, occupational therapists, and occupational therapy assistants safeguards the public by ensuring the competence and integrity of those who represent themselves as being registered physical therapists, physical therapy assistants, occupational therapists, and occupational therapy assistants.

The State Physical Therapy and Occupational Therapy Board is set to expire June 30, 2001 under AS 08.03.010(c)(1), Termination of State Boards and Commissions. If the Legislature does not act to extend the Board, it would have one year, until June 30, 2002 to administratively conclude its affairs. Senate Bill 52 will extend the Board for another six years to June 30, 2007.

October 20, 2000

Members of the Legislative Budget
and Audit Committee:

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

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
STATE PHYSICAL THERAPY AND
OCCUPATIONAL THERAPY BOARD
SUNSET REVIEW

October 20, 2000

Audit Control Number

08-20004-00

The objective of the audit was to determine if the State Physical Therapy and Occupational Therapy Board's statutory termination date should be extended. Currently, under AS 08.03.010(c)(16) the board terminates on June 30, 2001. As of July 1, 2001, the board will begin its one-year "wrap up" period and, if no action is taken by the legislature, the board will be dissolved at June 30, 2002. We recommend that the legislature extend the board until June 30, 2007.

In the Report Conclusions section of this report, we note this extension period is beyond the standard suggested in statute. Our primary reason for recommending the longer extension date is to better balance the number of boards subject to sunset legislative hearings in any given year.

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

Pat Davidson, CPA
Legislative Auditor

TABLE OF CONTENTS

| | <u>Page</u> |
|---|-------------|
| Objectives, Scope, and Methodology..... | 1 |
| Organization and Function | 3 |
| Report Conclusions..... | 5 |
| Analysis of Public Need | 7 |
| Agency Response: | |
| Board of State Physical Therapy and Occupational Therapy..... | 11 |

OBJECTIVES, SCOPE, AND METHODOLOGY

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 to determine if the board's termination date, as set out in statute, should be extended.

As required by statute, the legislative committee of reference is to consider this report as part of the oversight process in determining whether this board should be reestablished. The law currently specifies that the board will terminate on June 30, 2001, and will have one year from that date to conclude its affairs.

Objectives

Given the context as discussed above, the objectives of our review are twofold:

1. To determine if the termination date of the board should be extended.
2. To determine if the board is operating in the public's interest and determine if the board has exercised appropriate control over licensed physical and occupational therapists.

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

Scope and Methodology

Another auditor at our direction and supervision conducted a majority of this review. We followed professional standards to determine that the other auditor was independent and that their work was competent and sufficient.

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

1. Applicable statutes and regulations.
2. Interviews with Department of Commerce and Economic Development, Division of Occupational Licensing.
3. Licensing files.
4. Investigation files.
5. Annual reports of the board's activities.
6. Minutes of the board's meetings.
7. Division of Occupational Licensing policy and procedures manual.
8. Contents of the board's correspondence files.
9. Other relevant documents.

ORGANIZATION AND FUNCTION

The State Physical Therapy Board was established in 1974. In 1987 its scope and authority was expanded to the licensing and oversight of practitioners of occupational therapy. Accordingly, the board was renamed the State Physical Therapy and Occupational Therapy Board.

The current board is comprised of seven members: three physical therapists, two occupational therapists, one physician, and one public member.

Alaska Statute also requires that the public member of the board have no direct financial interest in the health care industry. Board members are appointed by the governor and serve staggered terms of four years.

Alaska Statute 08.84.010 establishes the powers of the board. They include:

1. Examining qualified applicants.
2. Suspending, revoking, or refusing to issue or renew a license.
3. Issuing permits to license physical therapists, physical therapy assistants, occupational therapists, and occupational therapy assistants who meet standards of education and training determined to be necessary by the board.

State Physical Therapy And Occupational
Therapy Board
as of October 1, 2000

Professional Members

Ann P. Matson, Chair, Occupational Therapist
Dee Berline, Occupational Therapist
Sundi M. Hondl, Physical Therapist
Leslie F. Schwartz, Physical Therapist
Lawrence W. Seethaler, Physical Therapist
Cary S. Keller, M.D., Physician

Public Member

JoAnne Bell-Graves, Public Member

Department of Community and Economic Development, Division of Occupational Licensing

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

Alaska Statute 08.01.065 mandates the department, with the concurrence of the board, adopt regulations to establish the amount and manner of payment of fees for applications, examinations, licenses, registration, permits, investigations, and all other fees as appropriate for the occupations covered by the statute.

Alaska Statute 08.01.087 empowers the Division of Occupational Licensing with the authority to conduct an investigation on its own initiative or in response to a complaint.

REPORT CONCLUSIONS

In our opinion, the State Physical Therapy and Occupational Therapy Board is operating in an efficient and effective manner and should continue to regulate physical and occupational therapists. We believe the board is safeguarding the public interest by promoting the competence and integrity of those who hold themselves out to the public as qualified and competent physical therapists, occupational therapists, physical therapy assistants, and occupational therapy assistants.

The State Physical Therapy and Occupational Therapy Board serves a public purpose and has demonstrated an ability to conduct its business in a satisfactory manner. The board continues to propose changes to regulations to improve the effectiveness of the board and ensure that physical therapists, occupational therapists, physical therapy assistants, and occupational therapy assistants are licensed in the State of Alaska.

Alaska Statute 08.03.010(c)(16) requires the State Physical Therapy and Occupational Therapy Board be terminated on June 30, 2001. Under AS 08.03.020, the board has a one-year period to administratively conclude its affairs.

Alaska Statute 08.03.020(c) provides that a "*board may be continued or reestablished by the legislature for a period not to exceed four years unless the board is continued or reestablished for a longer period...*" [Emphasis added.] The operations of the Physical Therapy and Occupational Therapy Board have presented very few concerns or areas needing improvement. Accordingly, we recommend the legislature extend the board's termination date for a six-year period to June 30, 2007.

ANALYSIS OF PUBLIC NEED

The following analysis of board activities relate to the "public need factors" set out in the "sunset" review law, AS 44.66.050. The *italicized, shaded, and bold face phrases* are taken from AS 44.66.050 (c) (1) - (9). These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

Determine the extent to which the board, commissions, or program has operated in the public interest.

The board, through its administration of the licensure of physical therapists, occupational therapists, physical therapy assistants, and occupational therapy assistants, has endeavored to present competent professionals to the public. Proof of continuing professional education is required for license renewal to promote continued competence. Licensees are required to publicly display their licenses. This notifies the public that their practitioner has met the standards for the issuance and renewal of their licenses.

The board has served the public through its examination and licensing of qualified applicants. The board adopted or revised regulations regarding professional conduct and ethical standards,¹ regulations governing licensure and education requirements, enforced the laws for issuing licenses in a uniform manner, held meetings, and administered examinations in accordance with statutory requirements.

Determine the extent to which the operations 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.

In 1998, legislation was adopted requiring that foreign trained physical therapists and physical therapist assistants pass a test of English language proficiency. Previous legislation required that applicants who have graduated from a university outside of the United States take an oral English proficiency exam only at the board's discretion. This amendment to state statutes ensures uniform enforcement and licensure of foreign trained applicants.

The State Physical Therapy and Occupational Therapy Board has been active in the providing information to the public, professional and state societies and associations. A member of the board attends every state association meeting to act as an ambassador to the association.

Annual reports for fiscal years 1998, 1999, and 2000 were submitted in a timely manner to the Division of Occupational Licensing.

¹State Regulation 12 AAC 54.500(c) requires that the profession maintain a high standard of integrity. The regulations go on to state that physical therapists and physical therapy assistants must adhere to the ethical standards set out in the Code of Ethics, as amended June 1991, American Physical Therapy Association, and the Guide for Professional Conduct, as amended January 1996, American Physical Therapy Association. In the view of the board, adherence to such standards better promotes the health and welfare of the public.

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

The board supported legislation, which was introduced in 1997 that requires foreign trained physical therapists and physical therapist assistants to pass a test of English language proficiency. The legislation was adopted by the legislature in 1998.

Further legislation was introduced in 1997 to adopt physical therapy standards, rules for professional conduct, and a code of ethics among physical therapist. These standards were adopted, in 1998, from a national association of physical therapists, the American Physical Therapy Association.

Determine the extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of services, economy of service, and availability of services that it has provided.

The location, date and time of upcoming board meetings and notices of proposed changes in regulations are published in the *Anchorage Daily News*, the *Fairbanks Daily News-Miner*, and the *Juneau Empire*.

The board's meeting agenda sets aside adequate time to take public comment. Minutes of the board meetings reflect public participation throughout the meeting. Proposed regulations are often circulated to those affected by the proposed regulations through professional trade journals, public notice advertisement, or direct mail correspondence from the Division of Occupational Licensing.

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

Public notices of proposed regulations are published in major newspapers, as previously discussed. Meetings are adequately advertised, and time set aside for public testimony.

Major proposed regulation changes were circulated through the professional community by either direct response mailing to the affected license holders, or providing the proposed changes to the state associations for publication in member newsletters. Feedback resulted in changes to the proposed regulations addressing the profession's concerns.

Determine the efficiency with which public inquiries or complaints regarding the activities of the board, commission, or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved;

During the past three fiscal years (FY 98 – FY 00), the Division of Occupational Licensing received 17 complaints concerning individuals licensed by the board. Of these 17 complaints, the division has completed 12 investigations as of the date of our audit fieldwork.

Five of these 12 cases were resolved by the board through the issuance of a written reprimand, all cases involved individuals practicing with a lapsed license.

The remaining 7 cases were resolved by the division through the issuance of warning letters (3), findings of no violation (3), and 1 case which was administratively closed. No licenses were revoked, suspended, or placed in probationary status.

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

Listed below is a summary of new licenses and permits issued by the board for the period under review.

| New Licenses and Permits Issued (Exclusive of Renewals) | FY 98 | FY 99 | FY 00 | Total | Current as of June 30, 2000 |
|--|-------|-------|-------|-------|--------------------------------|
| Physical Therapists | 47 | 45 | 50 | 142 | 342 |
| Physical Therapy Assistants | 7 | 7 | 5 | 19 | 30 |
| Occupational Therapists | 15 | 22 | 17 | 54 | 153 |
| Occupational Therapy Assistants | -0- | 2 | 5 | 7 | 10 |
| Temporary Permits | 36 | 41 | 44 | 121 | - |
| Limited Permits | 15 | 4 | 8 | 27 | - |

Overall the application process for licensing appears reasonable and appropriate. The licensing process is neither unduly restrictive nor too lax. Continuing education is required and adequately monitored by the board to promote a high level of quality performance and to help ensure the integrity of the profession.

Each applicant is required to satisfy the requirements for licensing. Board meeting minutes reflect that the board considers each application and verifies the licensing requirements are satisfied prior to issuing a license.

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

The Office of the Ombudsman received no complaints regarding the Division of Occupational Licensing or any of the related licensing boards. We did not find any evidence that the board was not complying with the state personnel practices, including affirmative action in qualifying applicants. In no instances has the board denied an applicant a license based on personal attributes.

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

The board continues to recognize the need to evaluate the Americans with Disabilities Act, to determine its impact on the profession. The board will consider whether any statutory or regulatory changes are needed to ensure compliance.

November 22, 2000

Legislative Budget and Audit Committee
Division of Legislative Audit
PO Box 113300
Juneau, AK 99811-3300

Dear Ms. Davidson,

Thank you for this opportunity to comment on the Preliminary Audit Report (#08-20004-00). We concur with the report and support the continuation of the State Physical Therapy and Occupational Therapy Board, through June 30, 2007.

Sincerely,

Catherine Reardon
Director

Child's Day Physical Therapy

De Lewis, PT

1940 Stanford Drive

Anchorage, AK 99508

907-276-7529

February 5, 2001

Dear Senator Gene Theriault.

Thank you for introducing Senate Bill 52. "An Act extending the termination of the State Physical Therapy and Occupational Therapy Board" for the next seven years. I support the bill as written today.

Sincerely,

Denise W Lewis, PT

Denise W. Lewis, PT

Patricia McAdoo, PT, M.Ed, CHES
PO Box 140350
Anchorage, AK 99514-0350
2 February 2001

Senator Gene Therriault
Room 121
State Capitol
Juneau, AK 99801-1182

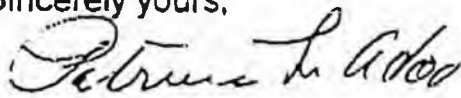
Dear Senator Therriault:

I am a licensed physical therapist and have read Senate Bill 52. I strongly support this legislation.

As a past president of the Alaska Physical Therapy Association, I have followed the Physical Therapy Practice Act very closely since my initial licensure in 1982. There have been no major changes to the legislation since occupational therapists were licensed in the late 1980's. It would be very cost effective for the State to extend the time between legislative reviews as any technical changes can be handled through the regulatory process..

Thank you for your support of the profession of physical therapy and your commitment to safe and cost effective government. If you have any questions, you may contact me at 907-333-1378.

Sincerely yours,


Patricia McAdoo

February 1, 2001

TO: Senator Gene Therrialt
FAX: (907) 465-3884

Dear Senator Therrialt,

Thank you for introducing Senate Bill 52 "An Act extending the termination date of the State Physical and Occupational Therapy Board," extending the board for seven (7) years. I support the bill as it is written today.

Sincerely,

Marcia Everson, PT

Marcia Everson, PT
19420 Upper Skyline Drive
Eagle River, AK 99577
(907) 696-2980

Rebecca Byerley, P.T.
Director, Physical Medicine and Rehabilitation
Central Peninsula General Hospital
250 Hospital Place
Soldotna, AK 99669

February 2, 2001

Dear Senator Gene Therriault,

Thank you for introducing Senate Bill 52 'An Act extending the termination of the State Physical Therapy and Occupation Therapy Board' for the next 7 years. I support the bill as it is written today.

Sincerely,

Rebecca Byerley, P.T.
Rebecca Byerley, P.T.

**Sound Health Physical Therapy
11132 Placer Circle
Eagle River, AK 99577**

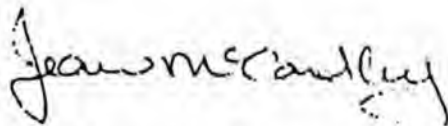
February 2, 2001

Senator Gene Therriault
Alaska State Senate
Juneau, AK

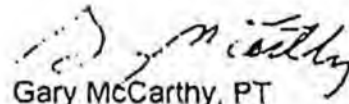
Dear Senator Therriault:

Thank you for introducing Senate Bill 52, "An Act extending the termination of the State Physical Therapy and Occupational Therapy Board" for the next seven years. We support the Act as written today.

Sincerely,



Jean McCarthy, PT



Gary McCarthy, PT

The Physical Therapy Place
907-569-5557 & 907-569-5562

Fax Cover Sheet

To: Senator Gene Therriault

From: Joy Backstrum, PT

Regarding: Senate Bill 52

Date: 2-02-01

Dear Senator Gene Therriault,

Thank you for introducing Senate Bill 52 "An Act extending the termination of the state Physical Therapy and Occupational Therapy Board" for the next 7 years. I am in support of this bill.

Sincerely,



Joy Backstrum, PT

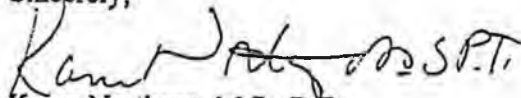
Karen Northrop, M.S., P.T.
P.O. Box 1506
Homer, AK 99603

1 February 2001

Dear Senator Gene Therriault,

Thank you for introducing Senate Bill 52 "An Act extending the termination of the State Physical and Occupational Therapy Board" for the next seven years. I support the bill as it is written today.

Sincerely,


Karen Northrop, M.S., P.T.



ALASKA PHYSICAL THERAPY ASSOCIATION, INC.

A CHAPTER OF THE AMERICAN PHYSICAL THERAPY ASSOCIATION
P.O. BOX 140351 ANCHORAGE, AK 99514-0351
PHONE (907) 566-3749

January 26, 2001

Dear Senator Gene Theriault,

The Alaska Physical Therapy Association appreciates you introducing Senate Bill 52 "An Act extending the termination date of the State Physical Therapy and Occupational Therapy Board." We support the bill as it is written today. The Alaska Physical Therapy Association represents 71% of the states Physical Therapists and Physical Therapist Assistants with 205 members. I look forward to working with you.

Sincerely,

Karen Grafton MSPT

Karen Grafton M.S.P.T.



American
Physical Therapy
Association

SB

52

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT
FFR 1 2 2001
SENATE FINANCE
COMMITTEE

DATE: 2/9/01

FURTHER:

DATE TURNED
IN TO OFFICE: 02-12-2001

Finance Committee considered

SENATE BILL NO. 52

"An Act extending the termination date of the State Physical Therapy and Occupational Therapy Board."

and recommends:

- be replaced with CS SB 52 (fin)
- adopt previous CS ()
- attached amendment(s) CS forthcoming
- adopt Letter of Intent by Committee
- further referral to ittee

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

NEW FISCAL NOTE(S):

| Department | Date | Fiscal | Zero | FN# |
|------------|------|--------|------|-----|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

PREVIOUS FISCAL NOTE(S):

| Department | Date | Fiscal | Zero | FN# |
|------------|----------|--------|------|-----|
| DCED | 2/2/2001 | | ✓ | 1 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

APPROPRIATION - no fiscal note

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

FISCAL NOTE

REPORTED OUT

FEB. 12 2001

SENATE FINANCE
COMMITTEE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

Fiscal Note Number:
Bill Version:
() Publish Date:

SB 52

Revision Date/Time (Note if correction): 2/02/2001 2:35p.m.
Title: An Act extending the termination date of the
State Physical Therapy and Occupational Therapy Board
Sponsor: Senate Rules
Requester: Senate Labor and Commerce

Dept. Affected: DCED
BRU: Occupational Licensing
Component: Occupational Licensing
Component Number: 2360

Expenditures/Revenues (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2002 | FY 2003 | FY 2004 | FY 2005 | FY 2006 | FY 2007 |
|------------------------|------------|------------|------------|------------|---------|---------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | | |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|-------------------------------|------------|------------|------------|------------|--|--|
| CHANGE IN REVENUES () | 0.0 | 0.0 | 0.0 | 0.0 | | |
|-------------------------------|------------|------------|------------|------------|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--------------------------|------------|------------|------------|------------|--|--|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| 1156 RSS | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | | |

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

The bill extends the State Physical Therapy and Occupational Therapy Board s to June 30, 2007. Funding for the board is included in the FY 2002 Operating Budget request and new funds are not required. For informational purposes, the attached page shows expenditure and revenue information for the last two fiscal years.

Prepared by: Jennifer Strickler, Administrative Manager
Division: Occupational Licensing
Approved by: Commissioner Deborah B. Sedwick
Agency: Department of Community and Economic Development

Phone (907) 465-2144
Date/Time 2/02/2001 2:35pm
Date 2/2/2001

For distribution information, call the Governor's Legislative Office

ANALYSIS: (continued)

SB 52: An Act extending the termination date of the State Physical Therapy and Occupational Therapy Board

Page 2 of 2

FY 1999 Expenditures

FY 2000 Expenditures

Personal Services:

| | | |
|----------|-----------|-----------|
| Direct | 33,867.54 | 29,777.66 |
| Indirect | 12,673.41 | 15,321.99 |

Travel:

| | | |
|----------|----------|----------|
| Direct | 7,414.03 | 6,823.44 |
| Indirect | 179.03 | 145.77 |

Contractual Services:

| | | |
|----------|----------|-----------|
| Direct | 7,384.65 | 6,850.59 |
| Indirect | 7,079.42 | 10,175.58 |

Supplies:

| | | |
|----------|--------|--------|
| Direct | 289.40 | 17.74 |
| Indirect | 895.04 | 869.29 |

Equipment

| | | |
|----------|--------|--------|
| Direct | 0.00 | 0.00 |
| Indirect | 639.14 | 383.66 |

| | | |
|---------------|------------------|------------------|
| TOTAL: | <u>70,421.66</u> | <u>70,365.72</u> |
|---------------|------------------|------------------|

| | | |
|-----------------|-----------|------------|
| REVENUE: | 34,056.52 | 116,235.28 |
|-----------------|-----------|------------|

SENATE BILL NO. 52

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Introduced: 1/23/01
Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act extending the termination date of the State Physical Therapy and Occupational
2 Therapy Board."

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

4 * Section 1. AS 08.03.010(c)(16) is amended to read:
5 (16) State Physical Therapy and Occupational Therapy Board
6 (AS 08.84.010) -- June 30, 2007 [2001];

SENATE FINANCE COMMITTEE
2000 COMMITTEE ACTION

| | | | |
|----------------------------|----------|-------------|----------|
| Bill Number | SB 52 | | |
| Amendment | # 1 | | |
| Motion | adopt | | |
| <u>Motion by</u> | Donley | | |
| <u>Objection by</u> | none | | |
| <u>Removed</u> | | | |
| <u>Second Objection by</u> | | | |
| <u>Committee Member</u> | <u>Y</u> | <u>Vote</u> | <u>N</u> |
| Senator Green | | | |
| Senator Hoffman | | | |
| Senator Leman | | | |
| Senator Olson | | | |
| Senator Ward | | | |
| Senator Wilken | | | |
| Senator Austerman | | | |
| Co-Chair Donley | | | |
| Co-Chair Kelly | | | |
| <u>Tally</u> | | | |
| Yea | | | |
| Nay | | | |
| Absent | | | |
| <u>MOTION</u> | Pass | | |

page 1, line 6
delete: 2007
insert: 2005

CS FOR SENATE BILL NO. 52(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

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

A BILL

FOR AN ACT ENTITLED

1 "An Act extending the termination date of the State Physical Therapy and Occupational
2 Therapy Board."

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

4 * Section 1. AS 08.03.010(c)(16) is amended to read:
5 (16) State Physical Therapy and Occupational Therapy Board
6 (AS 08.84.010) -- June 30, 2005 [2001];

2mend.#1

L

Alaska State Legislature

SENATOR
GENE THERRIALT

Mailing Address:
119 N. Cushman, Suite 101
Fairbanks, Alaska 99701
(907) 488-0857
Fax: (907) 488-4271



Senate

While in session
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797
Fax: (907) 465-3884

Senate District Q

Senate Bill 52

"An Act extending the termination date of the State Physical Therapy and Occupational Therapy Board."

Sponsor:

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

Sponsor Statement

Under AS 08.84.010 the State Physical Therapy and Occupational Therapy Board regulates the professions of physical therapists, physical therapy assistants, occupational therapists, and occupational therapy assistants and the practice of physical therapy and the practice of occupational therapy by ensuring that the requirements laid out for licensure are met and adhered to.

The Board consists of 7 members appointed by the governor having the qualifications as set out in AS 08.84.010. Board membership is prescribed by statute as having one physician, three physical therapists or two physical therapists and a physical therapy assistant, two occupational therapists or an occupational therapist and occupational therapists assistant, and one lay person with no direct financial interest in the health care industry.

The regulation and licensing of qualified physical therapists, physical therapy assistants, occupational therapists, and occupational therapy assistants safeguards the public by ensuring the competence and integrity of those who represent themselves as being registered physical therapists, physical therapy assistants, occupational therapists, and occupational therapy assistants.

The State Physical Therapy and Occupational Therapy Board is set to expire June 30, 2001 under AS 08.03.010(c)(1), Termination of State Boards and Commissions. If the Legislature does not act to extend the Board, it would have one year, until June 30, 2002 to administratively conclude its affairs. Senate Bill 52 will extend the Board for another six years to June 30, 2007.

Child's Day Physical Therapy

De Lewis, PT

1940 Stanford Drive

Anchorage, AK 99508

907-276-7529

February 5, 2001

Dear Senator Gene Theriault.

Thank you for introducing Senate Bili 52. "An Act extending the termination of the State Physical Therapy and Occupational Therapy Board" for the next seven years. I support the bill as written today.

Sincerely,



Denise W. Lewis PT

Patricia McAdoo, PT, M.Ed, CHES
PO Box 140350
Anchorage, AK 99514-0350
2 February 2001

Senator Gene Therriault
Room 121
State Capitol
Juneau, AK 99801-1182

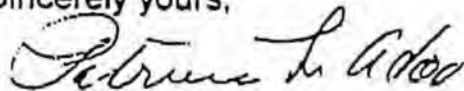
Dear Senator Therriault:

I am a licensed physical therapist and have read Senate Bill 52. I strongly support this legislation.

As a past president of the Alaska Physical Therapy Association, I have followed the Physical Therapy Practice Act very closely since my initial licensure in 1982. There have been no major changes to the legislation since occupational therapists were licensed in the late 1980's. It would be very cost effective for the State to extend the time between legislative reviews as any technical changes can be handled through the regulatory process..

Thank you for your support of the profession of physical therapy and your commitment to safe and cost effective government. If you have any questions, you may contact me at 907-333-1378.

Sincerely yours,



Patricia McAdoo

February 1, 2001

TO: Senator Gene Therrialt
FAX: (907) 465-3884

Dear Senator Therrialt,

Thank you for introducing Senate Bill 52 "An Act extending the termination date of the State Physical and Occupational Therapy Board," extending the board for seven (7) years. I support the bill as it is written today.

Sincerely,

Marcia Everson, PT

Marcia Everson, PT
19420 Upper Skyline Drive
Eagle River, AK 99577
(907) 696-2980

Rebecca Byerley, P.T.
Director, Physical Medicine and Rehabilitation
Central Peninsula General Hospital
250 Hospital Place
Soldotna, AK 99669

February 2, 2001

Dear Senator Gene Therriault,

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Sincerely,

Rebecca Byerley, P.T.
Rebecca Byerley, P.T.

**Sound Health Physical Therapy
11132 Placer Circle
Eagle River, AK 99577**

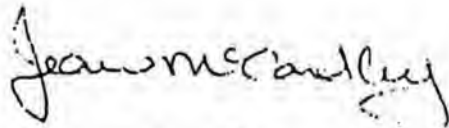
February 2, 2001

Senator Gene Therriault
Alaska State Senate
Juneau, AK

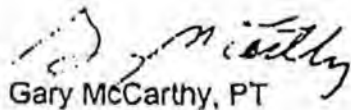
Dear Senator Therriault:

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Sincerely,



Jean McCarthy, PT



Gary McCarthy, PT

The Physical Therapy Place
907-569-5557 Ex 907-569-5562

Fax Cover Sheet

To: Senator Gene Therriault

From: Joy Backstrum, PT

Regarding: Senate Bill 52

Date: 2-02-01

Dear Senator Gene Therriault,

Thank you for introducing Senate Bill 52 "An Act extending the termination of the state Physical Therapy and Occupational Therapy Board" for the next 7 years. I am in support of this bill.

Sincerely,



Joy Backstrum, PT

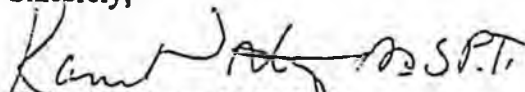
Karen Northrop, M.S., P.T.
P.O. Box 1506
Homer, AK 99603

1 February 2001

Dear Senator Gene Therriault,

Thank you for introducing Senate Bill 52 "An Act extending the termination of the State Physical and Occupational Therapy Board" for the next seven years. I support the bill as it is written today.

Sincerely,


Karen Northrop, M.S., P.T.



ALASKA PHYSICAL THERAPY ASSOCIATION, INC.

A CHAPTER OF THE AMERICAN PHYSICAL THERAPY ASSOCIATION
P.O. BOX 140351 ANCHORAGE, AK 99514-0351
PHONE (907) 566-3749

January 26, 2001

Dear Senator Gene Theriault,

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Sincerely,

Karen Grafton MSPT

Karen Grafton M.S.P.T.



American
Physical Therapy
Association

October 20, 2000

Members of the Legislative Budget
and Audit Committee:

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

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
STATE PHYSICAL THERAPY AND
OCCUPATIONAL THERAPY BOARD
SUNSET REVIEW

October 20, 2000

Audit Control Number

08-20004-00

The objective of the audit was to determine if the State Physical Therapy and Occupational Therapy Board's statutory termination date should be extended. Currently, under AS 08.03.010(c)(16) the board terminates on June 30, 2001. As of July 1, 2001, the board will begin its one-year "wrap up" period and, if no action is taken by the legislature, the board will be dissolved at June 30, 2002. We recommend that the legislature extend the board until June 30, 2007.

In the Report Conclusions section of this report, we note this extension period is beyond the standard suggested in statute. Our primary reason for recommending the longer extension date is to better balance the number of boards subject to sunset legislative hearings in any given year.

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

Pat Davidson, CPA
Legislative Auditor

TABLE OF CONTENTS

| | <u>Page</u> |
|---|-------------|
| Objectives, Scope, and Methodology..... | 1 |
| Organization and Function | 3 |
| Report Conclusions..... | 5 |
| Analysis of Public Need | 7 |
| Agency Response: | |
| Board of State Physical Therapy and Occupational Therapy..... | 11 |

OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with the intent of Titles 24 and 44 of Alaska Statutes (sunset legislation), we have reviewed the activities of the State Physical Therapy and Occupational Therapy Board to determine if the board's termination date, as set out in statute, should be extended.

As required by statute, the legislative committee of reference is to consider this report as part of the oversight process in determining whether this board should be reestablished. The law currently specifies that the board will terminate on June 30, 2001, and will have one year from that date to conclude its affairs.

Objectives

Given the context as discussed above, the objectives of our review are twofold:

1. To determine if the termination date of the board should be extended.
2. To determine if the board is operating in the public's interest and determine if the board has exercised appropriate control over licensed physical and occupational therapists.

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

Scope and Methodology

Another auditor at our direction and supervision conducted a majority of this review. We followed professional standards to determine that the other auditor was independent and that their work was competent and sufficient.

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

1. Applicable statutes and regulations.
2. Interviews with Department of Commerce and Economic Development, Division of Occupational Licensing.
3. Licensing files.
4. Investigation files.
5. Annual reports of the board's activities.
6. Minutes of the board's meetings.
7. Division of Occupational Licensing policy and procedures manual.
8. Contents of the board's correspondence files.
9. Other relevant documents.

ORGANIZATION AND FUNCTION

The State Physical Therapy Board was established in 1974. In 1987 its scope and authority was expanded to the licensing and oversight of practitioners of occupational therapy. Accordingly, the board was renamed the State Physical Therapy and Occupational Therapy Board.

The current board is comprised of seven members: three physical therapists, two occupational therapists, one physician, and one public member.

Alaska Statute also requires that the public member of the board have no direct financial interest in the health care industry. Board members are appointed by the governor and serve staggered terms of four years.

Alaska Statute 08.84.010 establishes the powers of the board. They include:

1. Examining qualified applicants.
2. Suspending, revoking, or refusing to issue or renew a license.
3. Issuing permits to license physical therapists, physical therapy assistants, occupational therapists, and occupational therapy assistants who meet standards of education and training determined to be necessary by the board.

State Physical Therapy And Occupational
Therapy Board
as of October 1, 2000

Professional Members

Ann P. Matson, Chair, Occupational Therapist
Dee Berline, Occupational Therapist
Sundi M. Hondl, Physical Therapist
Leslie F. Schwartz, Physical Therapist
Lawrence W. Seethaler, Physical Therapist
Cary S. Keller, M.D., Physician

Public Member

JoAnne Bell-Graves, Public Member

Department of Community and Economic Development, Division of Occupational Licensing

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

Alaska Statute 08.01.065 mandates the department, with the concurrence of the board, adopt regulations to establish the amount and manner of payment of fees for applications, examinations, licenses, registration, permits, investigations, and all other fees as appropriate for the occupations covered by the statute.

Alaska Statute 08.01.087 empowers the Division of Occupational Licensing with the authority to conduct an investigation on its own initiative or in response to a complaint.

REPORT CONCLUSIONS

In our opinion, the State Physical Therapy and Occupational Therapy Board is operating in an efficient and effective manner and should continue to regulate physical and occupational therapists. We believe the board is safeguarding the public interest by promoting the competence and integrity of those who hold themselves out to the public as qualified and competent physical therapists, occupational therapists, physical therapy assistants, and occupational therapy assistants.

The State Physical Therapy and Occupational Therapy Board serves a public purpose and has demonstrated an ability to conduct its business in a satisfactory manner. The board continues to propose changes to regulations to improve the effectiveness of the board and ensure that physical therapists, occupational therapists, physical therapy assistants, and occupational therapy assistants are licensed in the State of Alaska.

Alaska Statute 08.03.010(c)(16) requires the State Physical Therapy and Occupational Therapy Board be terminated on June 30, 2001. Under AS 08.03.020, the board has a one-year period to administratively conclude its affairs.

Alaska Statute 08.03.027(c) provides that a "*board may be continued or reestablished by the legislature for a period not to exceed four years unless the board is continued or reestablished for a longer period .*" [Emphasis added.] The operations of the Physical Therapy and Occupational Therapy Board have presented very few concerns or areas needing improvement. Accordingly, we recommend the legislature extend the board's termination date for a six-year period to June 30, 2007.

ANALYSIS OF PUBLIC NEED

The following analysis of board activities relate to the "public need factors" set out in the "sunset" review law, AS 44.66.050. The *italicized, shaded, and bold face phrases* are taken from AS 44.66.050 (c) (1) – (9). These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

Determine the extent to which the board, commissions, or program has operated in the public interest.

The board, through its administration of the licensure of physical therapists, occupational therapists, physical therapy assistants, and occupational therapy assistants, has endeavored to present competent professionals to the public. Proof of continuing professional education is required for license renewal to promote continued competence. Licensees are required to publicly display their licenses. This notifies the public that their practitioner has met the standards for the issuance and renewal of their licenses.

The board has served the public through its examination and licensing of qualified applicants. The board adopted or revised regulations regarding professional conduct and ethical standards,¹ regulations governing licensure and education requirements, enforced the laws for issuing licenses in a uniform manner, held meetings, and administered examinations in accordance with statutory requirements.

Determine the extent to which the operations 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.

In 1998, legislation was adopted requiring that foreign trained physical therapists and physical therapist assistants pass a test of English language proficiency. Previous legislation required that applicants who have graduated from a university outside of the United States take an oral English proficiency exam only at the board's discretion. This amendment to state statutes ensures uniform enforcement and licensure of foreign trained applicants.

The State Physical Therapy and Occupational Therapy Board has been active in the providing information to the public, professional and state societies and associations. A member of the board attends every state association meeting to act as an ambassador to the association.

Annual reports for fiscal years 1998, 1999, and 2000 were submitted in a timely manner to the Division of Occupational Licensing.

¹State Regulation 12 AAC 54.500(c) requires that the profession maintain a high standard of integrity. The regulations go on to state that physical therapists and physical therapy assistants must adhere to the ethical standards set out in the Code of Ethics, as amended June 1991, American Physical Therapy Association, and the Guide for Professional Conduct, as amended January 1996, American Physical Therapy Association. In the view of the board, adherence to such standards better promotes the health and welfare of the public.

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

The board supported legislation, which was introduced in 1997 that requires foreign trained physical therapists and physical therapist assistants to pass a test of English language proficiency. The legislation was adopted by the legislature in 1998.

Further legislation was introduced in 1997 to adopt physical therapy standards, rules for professional conduct, and a code of ethics among physical therapist. These standards were adopted, in 1998, from a national association of physical therapists, the American Physical Therapy Association.

Determine the extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of services, economy of service, and availability of services that it has provided.

The location, date and time of upcoming board meetings and notices of proposed changes in regulations are published in the *Anchorage Daily News*, the *Fairbanks Daily News-Miner*, and the *Juneau Empire*.

The board's meeting agenda sets aside adequate time to take public comment. Minutes of the board meetings reflect public participation throughout the meeting. Proposed regulations are often circulated to those affected by the proposed regulations through professional trade journals, public notice advertisement, or direct mail correspondence from the Division of Occupational Licensing.

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

Public notices of proposed regulations are published in major newspapers, as previously discussed. Meetings are adequately advertised, and time set aside for public testimony.

Major proposed regulation changes were circulated through the professional community by either direct response mailing to the affected license holders, or providing the proposed changes to the state associations for publication in member newsletters. Feedback resulted in changes to the proposed regulations addressing the profession's concerns.

Determine the efficiency with which public inquiries or complaints regarding the activities of the board, commission, or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved;

During the past three fiscal years (FY 98 – FY 00), the Division of Occupational Licensing received 17 complaints concerning individuals licensed by the board. Of these 17 complaints, the division has completed 12 investigations as of the date of our audit fieldwork.

Five of these 12 cases were resolved by the board through the issuance of a written reprimand, all cases involved individuals practicing with a lapsed license.

The remaining 7 cases were resolved by the division through the issuance of warning letters (3), findings of no violation (3), and 1 case which was administratively closed. No licenses were revoked, suspended, or placed in probationary status.

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

Listed below is a summary of new licenses and permits issued by the board for the period under review.

| New Licenses and Permits Issued (Exclusive of Renewals) | FY 98 | FY 99 | FY 00 | Total | Current as of June 30, 2000 |
|---|-------|-------|-------|-------|-----------------------------|
| Physical Therapists | 47 | 45 | 50 | 142 | 342 |
| Physical Therapy Assistants | 7 | 7 | 5 | 19 | 30 |
| Occupational Therapists | 15 | 22 | 17 | 54 | 153 |
| Occupational Therapy Assistants | 0 | 2 | 5 | 7 | 10 |
| Temporary Permits | 36 | 41 | 44 | 121 | - |
| Limited Permits | 15 | 4 | 8 | 27 | - |

Overall the application process for licensing appears reasonable and appropriate. The licensing process is neither unduly restrictive nor too lax. Continuing education is required and adequately monitored by the board to promote a high level of quality performance and to help ensure the integrity of the profession.

Each applicant is required to satisfy the requirements for licensing. Board meeting minutes reflect that the board considers each application and verifies the licensing requirements are satisfied prior to issuing a license.

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

The Office of the Ombudsman received no complaints regarding the Division of Occupational Licensing or any of the related licensing boards. We did not find any evidence that the board was not complying with the state personnel practices, including affirmative action in qualifying applicants. In no instances has the board denied an applicant a license based on personal attributes.

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

The board continues to recognize the need to evaluate the Americans with Disabilities Act, to determine its impact on the profession. The board will consider whether any statutory or regulatory changes are needed to ensure compliance.

November 22, 2000

Legislative Budget and Audit Committee
Division of Legislative Audit
PO Box 113300
Juneau, AK 99811-3300

Dear Ms. Davidson,

Thank you for this opportunity to comment on the Preliminary Audit Report (#08-20004-00). We concur with the report and support the continuation of the State Physical Therapy and Occupational Therapy Board, through June 30, 2007.

Sincerely,

Catherine Reardon
Director