

ALASKA LEGISLATURE

HOUSE and SENATE FINANCE COMMITTEE FILES, 2005-2006 3077

## Jason Hooley

---

**From:** Susan Parkes (Susan\_Parkes@law.state.ak.us)  
**Sent:** Tuesday, February 21, 2006 3:24 PM  
**To:** Jason Hooley  
**Cc:** Tom Maher  
**Subject:** SB 250

Jason - I am the Department of Law representative on the Council on Domestic Violence and Sexual Assault. This morning I received a letter sent to me on Friday requesting written comments regarding SB 250 and proposed amendments. I hope that this email will suffice; I apologize for its informality. I was traveling to Juneau today and have a 4:00 p.m. budget hearing.

I have seen a copy of Commissioner Tandeske's February 21, 2006 letter to Senator Therriault regarding SB 250. I support and echo his position regarding the bill and amendments. I would like to just make a few additional comments. First, the Network is a valuable resource to the Council. The Network has always been welcome at our meetings and have been given time on our meeting agendas to make a report to the Council.

We often solicit their input on other specific agenda items when we believe it would be valuable to our decision making. I believe they have a "voice" on the Council, without being made an "ex-officio member which creates the conflict discussed in Commissioner Tandeske's letter.

Finally, I also oppose the amendment which would exclude state employees as public members. Not only does it discourage good candidates who happen to work for the State, but it also creates a problem for any public member who may during the course of their appointment to the Council become employed with the State. It would require the individual to choose between continuing on the Council or a State job.

I hope that these comments are useful. Please let me know if you need anything further. I will be attending the hearing tomorrow on behalf of the Department of Law.

Susan

## **Alaska Commission on Aging**

11 Members - Seven persons appointed by the Governor based on their knowledge and demonstrated interest in the concerns of older Alaskans; plus the chair of the Pioneers Homes Advisory Board; the commissioner of the commissioner of the Dept. of Commerce Community and Economic Development or designee; and the commissioner of the Dept. of Health and Social Services or designee; and a senior services provider-regardless of age. Names of persons qualified for and interested in serving will be requested from senior citizens' organizations. Appointments shall be made to assure representation of low-income and minorities and rural/urban areas and statewide geographical representation. At least 6 persons appointed by the Governor shall be 60 years of age or older, 2 of whom shall be 65 years of age or older. Each must be a resident of the State of Alaska.

## **Alcohol/Drug Abuse**

15 members: 14 public members appointed by the Governor, and the Director of the Division of Alcoholism and Drug Abuse ex officio (Karen, the statute actually says the commissioner of health and social services ex officio). The 14 public members shall consist of the following: one member who is licensed to practice medicine in the state; one member who is admitted to practice law in the state; four members who are chronic alcoholics with psychosis who are recovering; three members who are substance abuse treatment professionals who represent public and private providers of substance abuse prevention and treatment services; and five members who have shown an interest in the problems of alcoholism or drug abuse and who have knowledge of the social problems associated with alcoholism or drug abuse.

## **Board of Governors of the Alaska Bar**

12 members: 3 non-attorneys appointed by Governor: (subject to legislative confirmation); plus 9 active members (Alaska Bar) elected by active members of Alaska Bar (2 from 1st judicial district, 4 from 3rd judicial district, 2 from 2nd/4th judicial districts and 1 at-large); triennial rotation regarding judicial districts used for appointments (see statute).

Function: Governs Alaska Bar; administers Bar exam; approves/recommends rules concerning practice of law to State Supreme Court; provides disciplinary actions; provides continuing legal education and membership services.

## **Alaska Childrens Trust Board**

Seven members: Four public members appointed by the Governor giving a preference to persons who have experience and expertise in children's or prevention programs or private sector finance; plus the Governor or a designee of the Governor; the

Commissioners or their designees of the Dept. of Health and Social Services and the Dept. of Education.

### **Alaska State Community Service Commission**

Commission shall consist of at least 15, and not more than 25 members. All appointed by the Governor. Required members: Individual with expertise in the education, training, and development needs of youths, particularly disadvantaged; Individual with experience in promoting the involvement of older adults in service and volunteerism; Representative of community-based agencies or community-based organization; Commissioner of Commerce; Representative of local governments; Representative of local labor organizations; Representative of business; Individual between age 16 and 25 who is a participant or supervisor in a national service program; Other members may include: local educators, experts in the delivery of human, education, environmental, or public safety services to communities and persons; Representative of Indian tribes; Members of out-of-school youths or other at-risk youths; Representatives of entities that receive assistance under the Domestic Volunteer Service Act of 1973; Corporation for National Service Representative. The Governor may also appoint, as ex officio nonvoting members representatives of state agencies operating community service, youth service, education, social service, senior service, and job training programs.

### **Board of Education and Early Development**

7 members appointed by governor: with consideration of recommendations made by recognized educational associations in the state; 1 representing each judicial district; 3 at-large; at least 1 representing regional educational attendance areas. Board designates chair. Members serve at pleasure of the Governor. (Non-voting advisory members include: student representative nominated by the Board of Directors of the Alaska Association of Student Governments and selected by the board; and military representative nominated by the ranking General of the Alaska Command and selected by the board -- 4 AAC 03.025).

### **Statewide Independent Living Council**

Members are appointed by the Governor: including at least 1 director of a center for independent living chosen by the directors of such centers within the state; a representative from the designated state unit and representatives from other state agencies that provide services for individuals with disabilities (ex officio, nonvoting). In addition, the Governor may appoint other representatives from centers for independent living; parents and guardians of individuals with disabilities; advocates of individuals with disabilities; representatives from private businesses; representatives from organizations that provide services for individuals with disabilities; and other appropriate individuals. A majority of members shall be persons with disabilities and not employed by any state agency or center for independent living. Council elects chair from among membership.

Commissioners or their designees of the Dept. of Health and Social Services and the Dept. of Education.

### **Alaska State Community Service Commission**

Commission shall consist of at least 15, and not more than 25 members. All appointed by the Governor. Required members: Individual with expertise in the education, training, and development needs of youths, particularly disadvantaged; Individual with experience in promoting the involvement of older adults in service and volunteerism; Representative of community-based agencies or community-based organization; Commissioner of Commerce; Representative of local governments; Representative of local labor organizations; Representative of business; Individual between age 16 and 25 who is a participant or supervisor in a national service program; Other members may include: local educators, experts in the delivery of human, education, environmental, or public safety services to communities and persons; Representative of Indian tribes; Members of out-of-school youths or other at-risk youths; Representatives of entities that receive assistance under the Domestic Volunteer Service Act of 1973; Corporation for National Service Representative. The Governor may also appoint, as ex officio nonvoting members representatives of state agencies operating community service, youth service, education, social service, senior service, and job training programs.

### **Board of Education and Early Development**

7 members appointed by governor: with consideration of recommendations made by recognized educational associations in the state; 1 representing each judicial district; 3 at-large; at least 1 representing regional educational attendance areas. Board designates chair. Members serve at pleasure of the Governor. (Non-voting advisory members include: student representative nominated by the Board of Directors of the Alaska Association of Student Governments and selected by the board; and military representative nominated by the ranking General of the Alaska Command and selected by the board -- 4 AAC 03.025).

### **Statewide Independent Living Council**

Members are appointed by the Governor: including at least 1 director of a center for independent living chosen by the directors of such centers within the state; a representative from the designated state unit and representatives from other state agencies that provide services for individuals with disabilities (ex officio, nonvoting). In addition, the Governor may appoint other representatives from centers for independent living; parents and guardians of individuals with disabilities; advocates of individuals with disabilities; representatives from private businesses; representatives from organizations that provide services for individuals with disabilities; and other appropriate individuals. A majority of members shall be persons with disabilities and not employed by any state agency or center for independent living. Council elects chair from among membership.

5 members appointed by the Governor: appointments are made with due regard for representation of the ethnic, racial, gender and cultural populations of the state: 1 member who resides in the first judicial district, 1 in the third judicial district, and 1 member who resides in either the second or fourth judicial districts; at least 1 appointee must have experience in the field of criminal justice. Governor appoints chair.

### **Alaska Pioneers' Homes Advisory Board**

5 members appointed by the governor from among citizens of the state; 1 member appointed who is a veteran of active service in the armed forces; 1 member who is the chair of the Alaska Commission on Aging; and one who is chair of the Alaska Veterans Advisory Council.

### **Board of Professional Counselors**

5 members appointed by the Governor: 4 licensed professional counselors, of which at least one shall be employed in the private sector and at least one should be employed in the public sector; and 1 public member who has never been a licensed professional counselor or employed in a commercial or professional field related to counseling; or lives in a household with a person who is or has been a licensed professional counselor or employed in a commercial or professional field related to professional counseling.

### **Statewide Suicide Prevention Council**

The council consists of 15 members, 11 of whom shall be appointed by the Governor as follows: 2 employees of the executive branch of state government; 1 member of the Advisory Board on Alcoholism and Drug Abuse; 1 member of the Alaska Mental Health Board; 1 individual recommended by the Alaska Federation of Natives; 1 individual who is employed as a counselor in a secondary school; 1 adult who is active in a statewide youth organization; 1 individual who has experienced the death by suicide of a family member; 1 person who resides in a rural community in the state that is not connected by road, or the Alaska marine highway, to the main road system of the state; 1 individual who is a member of the clergy; and one individual who is under the age of 18. In addition, the President of the Alaska State Senate shall appoint 2 members of the Senate, one member of the majority and one member of the minority, and the Speaker of the House shall appoint 2 members of the Alaska House of Representatives, one member of the majority and one member of the minority.

### **Violent Crimes Compensation Board**

3 members appointed by Governor: at least 1 member must be a medical or osteopathic physician licensed to practice in Alaska, or holding a retired status license in Alaska; 1 member must be an attorney licensed to practice in Alaska, or retired from practice in Alaska; Governor designates chair; serve at pleasure of Governor.

**SB**

**250**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT  
MAR 14 2006  
SENATE FINANCE COMMITTEE

DATE: 3/6/06

FURTHER:

DATE TURNED IN TO OFFICE: 14 March 2006

Finance Committee considered

SENATE BILL NO. 250

## SB 250 DOMESTIC VIOLENCE/SEXUAL ASSAULT COUNCIL

"An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; and eliminating statutory references to the network on domestic violence and sexual assault."

and recommends:

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

**CS Senate Bill:**  
 Same Title  
 New Title

**SCS House Bill:**  
 Same Title  
 Technical Title Change  
 New Title w/ SCR #: \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Ind.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Ind.	Zero	FN#
DPS	3/6/06			✓	#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>			✓	
COCHAIR: <i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>	✓			

## FISCAL NOTE

STATE OF ALASKA  
 2006 LEGISLATIVE SESSION

Fiscal Note Number: 1  
 Bill Version: SB 250  
 (S) Publish Date: 3/6/06

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title "An Act extending the termination date of the RDU Council on Domestic Violence & Sexual Assault  
Council on Domestic Violence and Sexual Assault..." Component CDVSA  
 Sponsor Legislative Budget and Audit Committee  
 Requester Senate Health, Education, Social Services Committee Component No. 521

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 Passage of this legislation will not have a fiscal impact on the Department of Public Safety.

Prepared by: Special Assistant Cliff Stone Phone 907-465-2649  
 Division: Commissioner's Office Date/Time 2/16/06 6:27 PM  
 Approved by: Commissioner William Tandeske Date 2/16/2006  
 Agency: Department of Public Safety

# Alaska State Legislature

SENATOR  
GENE THOMPSON  
Chair

SESSION ADDRESS  
State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-1797  
Fax: (907) 465-3884

## Legislative Budget and Audit Committee SPONSOR STATEMENT SB 250

**“An Act relating to the termination date of the Council of Domestic Violence and Sexual Assault; and eliminating references to the network on domestic violence and sexual assault.**

This legislation stems from recommendations contained in the Legislative Audit Report entitled “Council on Domestic Violence and Sexual Assault Sunset Audit”, dated September 23, 2005.

Legislative Audit concluded that the Council on Domestic Violence and Sexual Assault (Council) continues to serve a public need and is operating in the public interest. Accordingly, SB 250 extends the sunset date of the Council to June 30, 2014 for an eight-year extension.

Legislative Audit also recommended that the Legislature amend the Council statutes related to the appointment of Council members. Current law requires the Network on Domestic Violence and Sexual Assault (Network), a non-profit corporation, to submit a list of recommended candidates to the Governor for appointment when a vacancy occurs. Further, statutes require that the Governor fill any unexpired term of a Council member after consultation with the Network.

The Network annually receives a grant from the Council for a legal advocacy project and the appearance of conflict exists when a Council member reviews, evaluates, approves and monitors a grant to the same nonprofit organization that may have been responsible for recommending that individual be appointed to the Council. SB 250 deletes both statutory references that produce this appearance of conflict.

This audit was conducted under revisions made last session to the sunset process. The standard sunset period for occupational boards and non-occupational boards was changed from “not to exceed four years” to “not to exceed eight years”. Additionally, to better measure operational performance, two new criteria were added to statute that must be considered in the course of a sunset review by the auditors:

- The extent to which the board, commission, or agency has effectively attained its objectives and the efficiency with which it has operated.
- The extent to which the board, commission, or agency duplicates the activities of another governmental agency or the private sector.

### INTERIM ADDRESS

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



# Alaska State Legislature

**Senate Majority** Web: [www.akrepublicans.org](http://www.akrepublicans.org)

**Sponsor:** Rules By Request of LEG BUDGET & AUDIT  
**Current Version:** SB 250  
**Contact:** W. Tom Maher, 465-3613

## Fact Sheet for: Senate Bill 250

**Short Title:** DOMESTIC VIOLENCE/SEXUAL ASSAULT COUNCIL

### Summary:

- Extends the termination date of the Council on Domestic Violence and Sexual Assault to June 30, 2014.
- Eliminates statutory references to the network on domestic violence and sexual assault.

### Benefits:

- Continues the planning and coordination of full-range services to victims, families and the perpetrators of domestic violence and sexual assault.
- Helps combat domestic violence and sexual assault, an on-going priority at both the state and national level.

### Background:

- SB 250 implements a recommendation of Legislative Audit to extend the Council on Domestic Violence and Sexual Assault. It also removes references to the Network on Domestic Violence and Sexual Assault to avoid potential conflicts of interest in the appointment process. The Network receives a grant from the Council and the appearance of conflict exists when a Council member may evaluate and approve a grant to the same non-profit organization that may have been responsible for recommending that individual be appointed to the Council.

States began adopting sunset laws in the 1970s as part of a national movement to increase the accountability of government and to reduce bureaucracy. The routine redetermination of the need for some aspect of government increases the likelihood that government growth is productive and deliberate.

## Chapter 18.66. DOMESTIC VIOLENCE AND SEXUAL ASSAULT

### Article 01. COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

#### Sec. 18.66.010. Council on Domestic Violence and Sexual Assault; purpose.

There is established in the Department of Public Safety the Council on Domestic Violence and Sexual Assault. The purpose of the council is to provide for planning and coordination of services to victims of domestic violence or sexual assault or to their families and to perpetrators of domestic violence and sexual assault and to provide for crisis intervention and prevention programs.

#### Sec. 18.66.020. Membership, terms, vacancies, and disqualification.

(a) The council consists of

(1) three persons appointed by the governor after consultation with the Network on Domestic Violence and Sexual Assault, a nonprofit corporation; the Network on Domestic Violence and Sexual Assault shall submit a list to the governor of persons recommended for appointment;

(2) the commissioner of public safety or the designee of the commissioner of public safety;

(3) the commissioner of health and social services or the designee of the commissioner of health and social services;

(4) the commissioner of education and early development or the designee of the commissioner of education and early development; and

(5) the attorney general or the designee of the attorney general.

(b) The term of office of a member appointed under (a)(1) of this section is two years. A member appointed under (a)(1) of this section serves at the pleasure of the governor and may not serve more than two consecutive terms. A vacancy on the council shall be filled for the unexpired term by appointment by the governor after consultation with the Network on Domestic Violence and Sexual Assault.

(c) A person who receives compensation from or is an employee of a domestic violence, sexual assault, or crisis intervention or prevention program may not be appointed to the council.

Sec. 18.66.030. Compensation and expenses.

The members of the council receive no salary but are entitled to transportation expenses and per diem in accordance with AS 39.20.180.

Sec. 18.66.040. Meetings and quorum.

The council shall meet at least four times a year. At least one meeting each year shall include a statewide public teleconference hearing. The time and place of a meeting shall be set by the presiding officer or by three members who submit a written request for a meeting to the presiding officer. Four members of the council constitute a quorum.

Sec. 18.66.050. Duties of the council.

The council shall

(1) hire an executive director, and the executive director may hire staff; the executive director and staff are in the exempt service under AS 39.25.110 ;

(2) elect one of its members as presiding officer;

(3) in consultation with authorities in the field, develop, implement, maintain, and monitor domestic violence, sexual assault, and crisis intervention and prevention programs, including educational programs, films, and school curricula on the cause, prevention, and treatment of domestic violence and sexual assault;

(4) coordinate services provided by the Department of Law, the Department of Education and Early Development, the Department of Public Safety, the Department of Health and Social Services, and other state agencies and

community groups dealing with domestic violence, sexual assault, and crisis intervention and prevention, and provide technical assistance as requested by those state agencies and community groups;

(5) develop and implement a standardized data collection system on domestic violence, sexual assault, and crisis intervention and prevention;

(6) conduct public hearings and studies on issues relating to violence, including domestic violence and sexual assault, and on issues relating to the role of crisis intervention and prevention;

(7) receive and dispense state and federal money and award grants and contracts from appropriations for the purpose to qualified local community entities for domestic violence, sexual assault, and crisis intervention and prevention programs;

(8) oversee and audit domestic violence, sexual assault, and crisis intervention and prevention programs that receive money under this chapter;

(9) provide fiscal and technical assistance to plan, organize, implement and administer domestic violence, sexual assault, and crisis intervention and prevention programs;

(10) make an annual report to the governor on the activities of the council, plans of the council for new services and programs, and concerns of the council, including recommendations for legislation necessary to carry out the purposes of this chapter; the council shall notify the legislature that the report is available;

(11) adopt regulations in accordance with AS 44.62 (Administrative Procedure Act) to carry out the purposes of this chapter and to protect the health, safety, well-being, and privacy of persons receiving services financed with grants or contracts under this chapter;

(12) consult with the Department of Health and Social Services in the formulation of standards and procedures for the delivery of services to victims of domestic violence by health care facilities and practitioners of healing arts and personnel in those facilities as required in AS 18.66.300;

(13) consult with the Alaska Police Standards Council and other police training programs in the state to develop training programs regarding domestic violence for police officers and for correction, probation, and parole officers;

(14) consult with public employers, the Alaska Supreme Court, school districts, and prosecuting authorities who are required by AS 18.66.300 and 18.66.310 to provide continuing education courses in domestic violence to employees.

Sec. 18.66.060. Qualifications for grants and contracts.

A local community entity is qualified to receive a grant or contract under this chapter if it agrees to provide services approved by the council to victims of domestic violence or sexual assault or their families or to perpetrators of domestic violence or sexual assault without regard to ability to pay.

#### Article 04. PROCEDURES AND EDUCATION

Sec. ~~18.66.300~~. Standards and procedures for health care in domestic violence cases.

(a) The Department of Health and Social Services shall adopt standards and procedures for the delivery of services to victims of domestic violence by health care facilities and practitioners of the healing arts and personnel in those facilities. The standards and procedures shall be formulated in consultation with the Council on Domestic Violence and Sexual Assault, the Department of Commerce, Community, and Economic Development, private agencies that

provide services for victims of domestic violence, and persons with expertise in providing health care and other services to victims of domestic violence.

(b) The Department of Health and Social Services shall make available to health care facilities and practitioners of the healing arts and personnel in those facilities a written notice of the rights of victims of domestic violence and the services available to them. The notice shall be substantially similar to the notice provided in AS 18.65.520(a).

(c) The Department of Health and Social Services may adopt regulations to implement and interpret this section.

**Senate Finance Presentation SB 250**  
**3/14/06**

I'd like to give just a brief overview of the Council.

**CDVSA**

The Mission of the Council on Domestic Violence and Sexual Assault is to implement a statewide system of services for the protection of individuals and families affected by domestic violence and sexual assault.

The Council is a Governmental entity housed in the Department of Public Safety.

- The Council is made up of seven members consisting of representatives from the departments of Public Safety, Law, Education and Early Development, Health and Social Services, and three public members appointed by the Governor.

As the Executive Director it is my job to move forward the work of the Council.

- One of our tasks is to administer the funds received from the State of Alaska and the Federal Government.
- We administer the state certified Batterer Intervention Programs (BIPS).
- We also use a proprietary database to capture information from funded CDVSA programs in order to comply with the data requirements from our funding sources.

In conclusion I would like to state that the Council supports SB 250 as written.

I would be happy to answer any questions.

**Difference between the Council and the Network is really very simple.**

**CDVSA**

**Network**

- |   |  |
|---|--|
| • Administers the State and Fed. Funds. | • Represents the programs receiving funds. |
| • Is a government entity                | • Is a private non-profit                  |

The common goal between the two is to provide safety and intervention for those affected by DV/SA

**SENATE COMMITTEE REPORT  
First Committee of Referral**

DATE: 1/26/06

FURTHER: Finance

Date of 5-Day Notice: 2/9/06  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 3.3.06

Health, Education and Social Services Committee considered

SENATE BILL NO. 250

**SB 250 DOMESTIC VIOLENCE/SEXUAL ASSAULT COUNCIL**

"An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; and eliminating statutory references to the network on domestic violence and sexual assault."

and recommends:

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

<b>CS Senate Bill:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<b>SCS House Bill:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
DPS	2/16			X	1

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

Elton  
Wilken  
Green  
Olson  
  
Oyson

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>				✓
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>				✓
CHAIR: <i>[Signature]</i>	✓			

# Audit Report



---

DEPARTMENT OF PUBLIC SAFETY

COUNCIL ON DOMESTIC VIOLENCE  
AND SEXUAL ASSAULT  
SUNSET AUDIT

September 23, 2005

---



Audit Control Number:

12-20039-06

Division of Legislative Audit  
P.O. Box 113300, Juneau, Alaska 99811-3300

# LEGISLATIVE BUDGET AND AUDIT COMMITTEE

## DIVISION OF LEGISLATIVE AUDIT

The Legislative Budget and Audit Committee is a permanent interim committee of the Alaska Legislature. The committee is made up of five senators and five representatives, with one alternate from the Senate and two from the House. The chairmanship of the committee alternates between the two chambers every legislature.

The committee is responsible for providing the legislature with audits of state government agencies. The programs and activities of state government now cost more than \$6 billion a year. As legislators and administrators try increasingly to allocate state revenues effectively and make government work more efficiently, they need information to evaluate the work of governmental agencies. The audit work performed by the Division of Legislative Audit helps provide that information.

As a guide to all their work, the Division of Legislative Audit complies with generally accepted auditing standards established by the American Institute of Certified Public Accountants and with government auditing standards established by the U.S. General Accounting Office.

Audits are performed as mandated by Alaska Statutes or at the direction of the Legislative Budget and Audit Committee. Individual legislators or committees can submit requests for audits of specific programs or agencies to the committee for consideration. Copies of all completed audits are available from the Division of Legislative Audit's offices in Juneau, Anchorage, or at our web site <http://www.lcpaudit.state.ak.us/>

### BUDGET AUDIT COMMITTEE

Senator Gene Therriault, Chair  
Senator Lyda Green  
Senator Lyman Hoffman  
Senator Bert Stedman  
Senator Ben Stevens  
Senator Gary Wilken (alternate)

Representative Ralph Samuels, Vice Chair  
Representative Mike Chenault  
Representative Mike Hawker  
Representative Beth Kerttula  
Representative Pete Kott  
Representative Kevin Meyer (alternate)  
Representative Reggie Joule (alternate)

### DIVISION OF LEGISLATIVE AUDIT

Pat Davidson, CPA  
Legislative Auditor

P.O. Box 113300  
Juneau, AK 99811-3300

(907) 465-3830, Juneau  
(907) 561-1445, Anchorage  
(907) 465-2347, Juneau fax  
(907) 561-1452, Anchorage fax

# ALASKA STATE LEGISLATURE

## LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P.O. Box 113300  
Juneau, AK 99811-3300  
(907) 465-3830  
FAX (907) 465-2347  
Internet e-mail address:  
legaudit@legis.state.ak.us

November 23, 2005

Members of the Legislative Budget  
and Audit Committee:

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

DEPARTMENT OF PUBLIC SAFETY  
COUNCIL ON DOMESTIC VIOLENCE  
AND SEXUAL ASSAULT

November 23, 2005  
Audit Control Number  
12-20039-06

This audit was conducted as required by AS 44.66.050 and under the authority of AS 24.20.271(1). Alaska Statute 44.66.050(c) lists criteria to be used to assess the demonstrated public need for a given board, commission, agency, or program subject to the sunset review process. Currently under AS 44.66.010(a)(5), the Council on Domestic Violence and Sexual Assault is scheduled to terminate on June 30, 2006. The Council would have one year from that date to conclude operations.

In our opinion, the termination date for the Council on Domestic Violence and Sexual Assault should be extended. The Council serves a public need and is operating in the public's interest. We recommend that the legislature extend the Council's termination date to June 30, 2014.

The audit was conducted in accordance with generally accepted government audit 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.

A handwritten signature in black ink that reads "Pat Davidson".

Pat Davidson, CPA  
Legislative Auditor

# TABLE OF CONTENTS

	<u>Page</u>
Objectives, Scope, and Methodology .....	1
Organization and Function .....	3
Report Conclusions.....	7
Findings and Recommendations.....	9
Analysis of Public Need .....	13
Appendix A.....	19
Agency Responses	
Council on Domestic Violence and Sexual Assault.....	21

## OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Titles 24 and 44 of the Alaska Statutes, we have reviewed the activities of the Council on Domestic Violence and Sexual Assault (Council) to determine if there is a demonstrated public need for its continued existence and if it has been operating in an efficient and effective manner. Currently, under AS 44.66.010(a)(5) the Council will terminate on June 30, 2006, having one year from that date to conclude its operations.

### Objectives

There are two central, interrelated objectives of our report. They are:

1. To determine if the termination date of the Council should be extended.
2. To determine if the Council is operating in the public's interest. The assessment of the operations, and performance of the Council, was based upon AS 44.66.050(c). This statute sets out criteria to be used in determining a demonstrated public need for the Council.

### Scope and Methodology

Our audit reviewed the operation and activities of the Council on Domestic Violence and Sexual Assault for the period of July 1, 2001 through June 30, 2005.

During the course of our examination, we attended the June 2005 funding meeting in Anchorage and interviewed various council members, staff, grantees, and individuals from state agencies. We also reviewed and evaluated the following:

- Applicable statutes and regulations
- Budget documents, session laws, and other legislative information related to the Council's operations
- Minutes of the Council meetings
- Grantee on-site monitoring performance and fiscal reviews prepared by the Council staff
- Statistical reports submitted by grantees
- Financial reports from the State Accounting System
- Other documents related to the Council's operations and mission, as necessary

(Intentionally left blank)

## ORGANIZATION AND FUNCTION

The Council on Domestic Violence and Sexual Assault (Council) was established in the Department of Public Safety in 1981 by Alaska Statute 18.66. This statute gives the Council the authority "*...to provide for planning and coordination of services to victims of domestic violence or sexual assault or to their families and to perpetrators of domestic violence and sexual assault and to provide for crisis intervention and prevention programs.*"

The primary functions of the commission include:

- developing, implementing, maintaining, and monitoring crisis intervention and prevention programs in coordination with authorities in the field of domestic violence and sexual assault;
- coordinating services with the Departments of Law, Education and Early Development, Public Safety, Health and Social Services, Corrections, and other state agencies and community groups;
- consulting with public employers, state and community agencies to provide continuing education programs for employees, and to formulate standards and procedures for health care employees;
- providing technical assistance to programs, state and community agencies; and
- dispensing, overseeing, monitoring, and coordinating existing services and developing expanded services/programs to meet the needs of victims of domestic violence, sexual assault, and other violent crimes.

The Council consists of seven members—four of whom are the commissioners or their designees—from the Departments of Public Safety (DPS), Health and Social Services (DHSS), Education and Early Development (DEED), and Law (DOL). The balance of the Council is comprised of persons from the public, appointed by the governor.

By statute, before making an appointment, the governor receives recommendations from and consults with the Alaska Network on Domestic Violence and Sexual Assault (Network) which is a nonprofit, private organization.<sup>1</sup>

### Council Members

As of November 23, 2005

Janna Stewart, Public Member, Chair  
Susan Parkes, DOL, Vice Chair  
Ann House, Public Member  
Barbara Thompson, DEED  
Karleen Jackson, DHSS  
Kimberly Williams, Public Member  
William Tandeske, DPS

The Council is staffed by an executive director, an administrative manager, three associate coordinators, a statistical technician, an administrative assistant, and an administrative clerk.

<sup>1</sup> The Alaska Network on Domestic Violence and Sexual Assault is comprised of 20 programs, many of which are council-funded programs.

The Council is authorized to receive and disperse both state and federal funds. Traditionally, a large part of the Council's responsibilities involve administering grants made to local community organizations for domestic violence, sexual assault, and crisis intervention and prevention programs. Grant administration includes providing technical assistance and monitoring the activities of the various grantees and contractors.

The community programs funded by the Council provide a variety of services to the public. Most importantly, their efforts are directed toward providing victims a safe environment, either through housing at a community shelter or the use of a network of designated "safe homes." Additionally, the programs are involved in educating and counseling the victim about domestic violence and sexual assault issues and providing a batterer's intervention services.

The Council's coordination role and responsibilities with other state and local agencies is extensive. For FY 06, the Council approved 19 community-based victim services programs, four community-based batterer's intervention programs, and two prison-based batterers' programs. (See Appendix A)

#### Funding Sources

The Council receives state general funds from two separate funding sources: the state general revenue and withheld Permanent Fund Dividends from convicted felons and misdemeanants who are incarcerated.

The Council also receives state and federal funds through the use of interagency receipts from the Department of Corrections (DOC) and DHSS. DHSS funds are: Sexual Assault Prevention (SAP), Rape Prevention and Education (RPE), Temporary Assistance for Needy Families (TANF), and Behavioral Health Alcohol Grant. Both SAP and RPE funds are part of the large Centers for Disease Control and Prevention grant administered by DHSS.

Additionally, many of the grants issued by the Council are supported by direct federal funds. Federal funds are received by the Council from sources such as:

- Family Violence Prevention Services Act  
U.S. Department of Health and Human Services

The Family Violence Prevention Services Act provides federal funding to all states. This funding is used for domestic violence programs throughout Alaska. The programs receiving grants provide assistance funds to victims of domestic violence and their children. These programs operate shelter facilities which are staffed around the clock and provide a full spectrum of services, including basic food and immediate shelter, crisis intervention, counseling, and medical/legal/personal advocacy.

- Crime Victims Assistance  
U.S. Department of Justice

This grant authorizes financial compensation for victims of crime and financial support for state and local agencies that provide services to crime victims. This fund is a U.S. Treasury account, generated entirely by the fines and penalties levied against criminals convicted of federal crimes. The majority of this funding is awarded directly to programs providing services to victims of domestic violence, sexual assault, and other violent crimes.

- Violence Against Women Act (VAWA)  
U.S. Department of Justice

The grant services combine a series of federal sanctions and initiatives—as well as national, state, and local resources—to improve the response to crimes against women. These funds are delineated to five specific areas: prosecution, law enforcement, victim services, judicial, and discretionary. In April 1995, Governor Knowles designated the Council as lead agency for coordination and management of VAWA funds for the State of Alaska.

To accomplish this mission, the statewide Violence Against Women Planning and Implementation Committee (committee) was created.<sup>2</sup> The committee developed the annual plan for VAWA funding upon the Council's approval. The Council was then responsible for funding distribution, and subrecipient monitoring, of these projects.

In FY 04 the Council decided to disband the committee, citing inefficiency and duplication of duties performed by Council members and staff. The Council approves the spending plans of the Departments of Law and Public Safety, the Alaska Court System, and the Alaska Network on Domestic Violence and Sexual Assault for the prosecution, law enforcement, judicial, and victim services components, respectively. For the discretionary component, the Council distributes the fund through its Request for Proposal (RFP) grant process.

- Grants to Encourage Arrest Policies  
U.S. Department of Justice

The Grants to Encourage Arrest Policies Program is a component of VAWA. This grant was focused on the development and implementation of laws, policies, and protocols that encourage or mandate the arrest of domestic violence offenders.

The Council currently receives supplemental funds to assist community-driven initiatives in providing regional state-tribal forums on domestic violence. The forums are attended by state troopers, local prosecutors, tribal/state judiciary, village public safety officers,

---

<sup>2</sup> The committee was comprised of 21 representatives of the VAWA components.

tribal members/citizens, victim advocates, probation/parole and other social service/care providers, to enhance their skills and develop a greater understanding of topics critical to the safety of women and their children, offender accountability, and coordinated response to domestic violence. The training is also designed to promote communication, cooperation, and a mutual respect among the tribal/state/federal response systems.

- Rural Domestic Violence and Child Victimization  
U.S. Department of Justice

The Rural Domestic Violence and Child Victimization Enforcement Grant implements certain provisions of the Violence Against Women Act. While this grant closed out in FY 03, the program provided a unique opportunity for law enforcement and prosecution agencies, the courts and nongovernmental victim services, community organizations, businesses in rural communities, and Indian tribes to collaborate in creating protocols and strategies tailored specifically to meet the needs of rural populations.

- Supervised Visitation, Safe Havens for Children  
U.S. Department of Justice

The Safe Havens programs provides an opportunity for communities to support the supervised visitation and safe exchange of children, by and between parents, in situations involving domestic violence, child abuse, sexual assault, or stalking.

The State of Alaska through the Council—and in a collaborative effort with the Cook Inlet Tribal Council, Inc., Alaska State Court System, and Abused Women's Aid in Crisis—implemented the only supervised visitation center in the State.

- Denali Commission

To continue the capital improvement project started in FY 02 with private grants from the Wells Fargo Bank and the Rasmuson Foundation, the Council pursued grant funding with the Denali Commission. In FY 04, the Denali Commission received congressional direction to allocate \$5 million toward the upgrade and construction of shelters for victims of domestic violence. The Council has provided the Denali Commission with preaward, advisory input, and technical assistance to make optimal funding allocation decisions. As of March 2005, \$3.95 million has been committed for repair/renovation, new construction projects, or conceptual planning/design of shelter buildings.

## REPORT CONCLUSIONS

Under AS 18.66, the Council on Domestic Violence and Sexual Assault (Council) is authorized to provide for the State's planning and coordination of full-range services to victims, their families, and perpetrators of domestic violence and sexual assault. Combating domestic violence and sexual assault is identified as an ongoing priority at both the state and national level.

Aside from the operational concerns addressed in this report, the Council is serving a public need and is operating in the public's interest. Currently, AS 44.66.010(a)(5) requires the Council to be terminated on June 30, 2006. We recommend the legislature extend the Council's termination date to June 30, 2014.

The Council is still facing personnel issues resulting from continual staff turnover. The Council has worked on developing personnel policies, procedures, and desk manuals to assist the staff; but due to limited staff, the Council was forced to focus primarily on grant maintenance and monitoring responsibility. Two of the Council's statutory mandates were not addressed. (See Recommendation 2)

The Council intends to work on a strategic plan to assess the effectiveness of services currently being provided by grantees and other state and local entities. The plan's overall goal is to identify and address existing gaps in service. One of the missions of the Council is to provide leadership in meeting the needs of domestic violence and sexual assault victims. A long-term strategic plan is certainly needed to assist the staff in establishing priorities. The work plan will help Council staff to effectively plan and coordinate services with state and community agencies, as well as provide services previously not offered to reduce the causes and incidence of domestic violence and to alleviate their effects.

(Intentionally left blank)

## FINDINGS AND RECOMMENDATIONS

The Council on Domestic Violence and Sexual Assault's (Council) prior sunset audit<sup>3</sup> reported several administrative weaknesses. Recommendation No. 1 is not resolved and reinstated below as Recommendation No 2. Prior audit Recommendations No. 2 and 3 were resolved. Recommendations No. 4 and 5 were partially resolved and are readdressed and combined into Recommendation No. 1 below.

### Recommendation No.

The Council should address its statutory responsibilities to consult with the Department of Education and Early Development and the Department of Health and Social Services.

### Prior Finding

Statutory changes implemented in July 1, 1996, significantly increased the scope of the Council's responsibilities. In response, the Council's budgeted staff increased from four to eight positions. During our last sunset audit, the Council was unable to or ineffective in addressing some of their statutory responsibilities due to administrative weaknesses and lack of prioritization.

The prior sunset audit reported that grantees had varying degrees of success in gaining access to their local schools and used a variety of methods to address domestic violence and sexual assault education needs. In addition, although the Council collaborated with the Alaska Family Violence Prevention Project, Department of Health and Social Services (DHSS), on a domestic violence and child abuse workshops, the Council has not worked with DHSS to develop standards and procedures as required in AS 18.66.300.

Alaska Statute AS 18.66.050(3) and (12) states the Council shall:

*(3) consult with authorities in the field, develop, implement, maintain, and monitor domestic violence, sexual assault, and crisis intervention and prevention programs, including education programs...and school curricula on the cause, prevention, and treatment of domestic violence and sexual assault. [emphasis added]*

*(12) consult with the Department of Health and Social Services in the formulation of standards and procedures for delivery of services to victims of domestic violence by health care facilities and practitioners of healing arts and personnel in those facilities as required in AS 18.66.300.*

---

<sup>3</sup> Audit Control Number 12-20014-02, Department of Public Safety, Sunset Audit on Council on Domestic Violence Assault dated October 31, 2001.

### Legislative Audit's Current Position

The Council has faced personnel issues resulting from position turnover since FY 01, particularly in the executive director and associate coordinator positions. During the past four years, three individuals were hired for the executive director's position. The executive director and associate coordinators are key positions for the Council to fulfill its 14 mandates.

With limited staffing and several mandates, the Council chose to focus primarily on their grant funding and oversight role. This is to ensure continued funding of grant programs. Grant accountability and reporting is time consuming, but essential for the programmatic and administrative oversight of grants for victim services and batterers intervention programs.

However, there is still a need for a more coordinated effort with the Department of Education and Early Development (DEED) towards education in school districts throughout the State. AS 14.30.360(b) states "*the state board shall establish guidelines for a health and personal safety education program. Personal guidelines shall be developed in consultation with the Council on Domestic Violence and Sexual Assault... .*" There are currently no health and personal safety education guidelines available on domestic violence and sexual assault for school personnel to use. The Council should consult with DEED, school district representatives, and grantees who have worked toward curriculum development, in creating a comprehensive standardized curriculum to be used within the schools statewide.

There is also a need for the Council to become involved with DHSS to ensure that standards and procedures are available for the delivery of services by health care facilities and its personnel. Council-funded grantees are often approached by health care providers on issues of domestic violence and sexual assault.

However, as the statewide representative, the Council should coordinate this effort at the departmental-level rather than at the grantee-level. The Council should consult with DHSS regarding development of comprehensive standards and procedures to be used by all agencies for the victims of domestic violence and sexual assault, including council-funded grantees and health care providers within the State.

AS 18.66.050(3) and AS 18.66.050(12) discuss the Council working with state departments to develop standards, procedures, and education programs. However, due to limited staffing and the Council's focus on grant maintenance and monitoring, the Council has been unable to fully address these statutory mandates. Given the significance of these mandates, we recommend that the Council take immediate action and implement procedures to address both statutes.

## Recommendation No. 2

The legislature should amend the Council on Domestic Violence and Sexual Assault's statutes related to appointment of council members.

### Prior Finding

The Network on Domestic Violence and Sexual Assault (Network) submits recommendations, to the Governor, of public members qualified to serve on the Council. The Network also receives grant funds from the Council. The Council consists of four state officials and three public members appointed by the governor. Alaska Statute 18.66.020(a)(1) and AS 18.66.020(b), in part, states:

*(a)(1) The council consists of three persons appointed by the governor after consultation with the Network on Domestic Violence and Sexual Assault, a non profit corporation; The Network on Domestic Violence and Sexual Assault shall submit a list to the governor of persons recommended for appointment.*

*(b) ... A vacancy on the council shall be filled for the unexpired term by appointment by the governor after consultation with the Network on Domestic Violence.*

The Network also annually receives a grant from the Council for a legal advocacy project. The grant is the victim services<sup>4</sup> allocation of the Violence Against Women Act (VAWA) federal funding received by the Council.

The appearance of a conflict of interests exists when a council member reviews, evaluates, approves, and monitors a grant to the same nonprofit corporation which was responsible for recommending that individual to the council membership.

It is entirely appropriate for the governor to consult with any interested parties when making appointments to the Council. However, it is a statutory mandate for the governor to consult with the Network, over the appointment of public members, when the Network itself is a subgrantee of the Council that raises an appearance of a conflict of interest.

### Legislative Audit's Current Position

Since the last audit, AS 18.66.020 has not been revised and the Network continues to get funding from the Council. However, of the last five public members appointed to the Council, only two were recommended by the Network.

---

<sup>4</sup> The VAWA federal funds are distributed in the following manner: 5% for judicial; 25% for law enforcement; 25% prosecution; 30% for victim services; and 15% to discretionary funds.

To avoid any appearance of a conflict of interest between public member appointments and receiving funding, we continue to recommend the legislature amend AS 18.66.020 to: (1) eliminate the mandate for the Network to recommend individuals to the governor for appointment to the Council, and (2) eliminate the requirement for the governor to consult with the Network on the appointment or reappointment of the council's public members.

## ANALYSIS OF PUBLIC NEED

The following analyses of board activities relate to the public need factors defined in AS 44.66.050(c). 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, commission, or program has operated in the public interest.*

The Council has awarded and administered grant funds to local community organizations and programs that provide services to victims of domestic violence and sexual assault, batterer intervention services to perpetrators of domestic violence, and crisis intervention and prevention programs. The presentation element of the funding meeting is generally accepted and approved by all of the grantees. Public participation was encouraged and legislative intent was considered in the funding process. The Council strives to treat urban and rural participants fairly throughout the grant award process. The Council exercises oversight and performs on-site audits of most grant recipients.

The Council coordinates the efforts of many state and community agencies, working toward a comprehensive statewide system, to combat domestic violence and sexual assault. Overall, we conclude that the Council is performing its coordination duties.

The Council provides technical assistance in various forms to state agencies, law enforcement agencies, grantees, and community groups on a regular basis.

The Council worked on getting private and federal funding for capital improvement projects for the facilities of victim services providers. In addition, the State of Alaska, through the Council—in a collaborative effort with the Cook Inlet Tribal Council, Alaska State Court System, and Abused Women's Aid in Crisis—implemented the only supervised visitation center in the State with federal funding.

The Council has provided funds to assist in the development of training materials and participation in training events related to domestic violence and sexual assault. The Council has also provided statewide training with the regional State-Tribal forum on domestic violence. Training has been used by law enforcement officers, prosecutors, judicial officers, tribal citizens, probation/parole officers, social service providers, grantees, and community groups.

The Council provides domestic violence and sexual assault education on a local level through its grantees. The Council maintains a lending library with educational and reference materials available that are both adequate and appropriate to address the cause, prevention, and treatment of domestic violence and sexual assault.

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

The Council's board members have been appointed in accordance with Alaska statutes. All appointed members have shown an interest in matters dealing with the domestic violence and sexual assault. In addition, the Council is in a position to facilitate the resolution of coordination issues at the local level with representatives who oversee these areas at the state level.

The Council installed a new web-based database system in early FY 05. Although fairly new, the database system will be able to provide accurate, unduplicated statistical programmatic information for decision making. Overall, this system is expected to meet a critical need for coordinated standardized measurement and recording of statistical data between agencies.

AS 18.66.050(10) requires the Council to submit an annual report to the governor, and notify the legislature about the availability of the report. Although the statute is silent if such report is to be based on the calendar year or fiscal year, customarily the Council has submitted reports on fiscal year basis. The Council submitted the report to the governor on time for FY 02; but a few months late for FY 03 and FY 04 due to staff vacancy.

For the FY 06 grant award, the Council did not fund new programs choosing to maintain core services with existing council-funded programs. With a shrinking budget, the Council faced tough grant-funding decisions. The Council's grant award process is objective. The Council members reviewed the overall needs, economies of scale, duplication of services within geographic areas, and sustainability of existing programs. During the FY 05 funding meeting, grantees presented their financial struggle in keeping staff due to increasing operational costs, such as heating, lighting, and health insurance.

Other than occasional operational costs, the victim services programs have not received substantial core services funding increases.<sup>5</sup> In addition, the batterers intervention programs have not seen any increase in their grant awards. In fact, the community-based batterers intervention programs had their budget reduced from \$320,000 to \$200,000 in FY 04. The schedule of grants awarded between FY 03 through FY 06 is located on Appendix A.

The financial schedule shown in Exhibit 1 (on the following page) depicts the Council's actual operating expenditures and funding sources between FY 02 through FY 05. The Council's funding sources are federal, state general funds, permanent fund dividends<sup>6</sup>, and interagency receipts from DHSS and the DOC. Overall, the Council's operating budget has decreased between FY 02 and FY 05 and amounts paid by the general fund continue to fall.

<sup>5</sup> Using carry over authorization from prior year federal grants, the Council funded an extra \$513,159 to cover health insurance cost increases in FY 03 for victim services programs. For the FY 06 grant awards, the legislature also appropriated an additional \$200,000 for the victim services programs to cover operational costs.

<sup>6</sup> These are Permanent Fund Dividend amounts withheld from convicted felons and misdemeanants who are incarcerated. The PFD is the main source of funding for the Council's batterers intervention program.

**Exhibit 1**  
**Schedule of Operating Expenditure and Funding Sources**

	<u>FY02</u>	<u>FY03</u>	<u>FY04</u>	<u>FY05</u>
<b>Expenditures:</b>				
Personal Services	432,156	486,533	441,162	380,137
Travel	54,548	47,743	87,933	116,594
Contractual	544,252	536,279	539,782	529,788
Supplies	7,233	15,273	6,001	14,418
Equipment	4,474	1,997	9,382	-
Grants to Programs <sup>7</sup>	7,950,647	8,555,081	8,262,676	7,742,461
<b>Total Operating Expenditures</b>	<b>\$ 8,993,310</b>	<b>\$ 9,642,906</b>	<b>\$9,346,936</b>	<b>\$8,783,398</b>
<b>Funding Sources</b>				
Federal Receipts	2,363,358	2,966,083	4,452,958	3,627,593
Interagency Receipts from DHSS <sup>8</sup>	1,351,840	1,592,114	494,237	1,007,221
Interagency Receipts from DOC <sup>9</sup>	155,382	174,565	174,700	157,990
Other Miscellaneous Receipts	291	507	701	438
General Fund Appropriations	5,122,439	4,909,637	4,224,340	3,990,156
<b>Total Funding Sources</b>	<b>\$ 8,993,310</b>	<b>\$ 9,642,906</b>	<b>\$9,346,936</b>	<b>\$ 8,783,398</b>

Additionally, in order to maintain funding for the grantee programs, the Council decided to fill their FY 05 budget shortfall through vacancies in Council staff. Although this is a reasonable decision, the Council has not fulfilled its statutory mandates due to limited staff resources, see Recommendation No. 1.

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

The Council is generally asked by other agencies to review statutory changes contained in proposed legislation. Typically, Council members/staff review and comment on proposed legislation rather than developing and seeking support for its own measures. The Council discusses pertinent bills deciding which legislation the Council should support, remain neutral on, or oppose. The executive director develops, analyzes, and testifies on bills at the direction of the Council.

<sup>7</sup> Grant amounts exclude capital improvement expenditures funded through capital appropriations.

<sup>8</sup> Department of Health and Social Services' RSA mostly funds the victim services programs.

<sup>9</sup> \$98,238 of the Department of Corrections' RSA funds the prison-based batterers intervention programs, with the remainder amount funding the administrative costs for both community-based and prison-based batterers intervention programs.

Legislation that was supported by the Council include the following:

- HB 332 (Chapter 91 SLA 2002) – amended the Council’s statute where the Council hires the executive director and the executive director now hires the staff. This legislation also placed the executive director and staff into exempt service.
- HB 328 (Chapter 15 SLA 2004) – related to certain victim’s rights and the Violent Crimes Compensation Board.
- HB 385 (Chapter 111 SLA 2004) – related to awarding child custody
- HB 398 (Chapter 19 SLA 2004) – established the domestic violence fatality review teams in areas of the State.

*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 service, economy of service, and availability of service that it has provided.*

The Council encourages interested parties to comment on its decisions or regulations by publicly announcing its meetings. The Council holds at least four meetings per year, normally in Anchorage or Juneau. Meetings held in Juneau are typically teleconferenced statewide.

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

The Council encourages public participation by posting the Council’s meeting schedule on their website. Time is provided on the agenda of every public meeting for public comment. Grantee agencies are allocated time to speak directly to the Council at the main “funding” meeting. Also at each of its meetings, the Council schedules time for presentations from the Network and other community groups involved in the field of domestic violence and sexual assault.

*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 victims’ rights or the office of the ombudsman have been processed and resolved.*

We found no problems in this area. Complaint procedures are in place, followed when complaints are made, and files are maintained. No complaint activity was noted from FY 02 through FY 05.

*Determine the extent to which a board or commission that regulates entry into an occupation or profession has presented qualified applicants to serve the public.*

Since the Council does not regulate any occupations or professions, this is not applicable.

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

No complaints against the Council were identified.

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

The previous sunset audit reported administrative issues with the line of authorities and undefined job responsibilities with the staff. Although the administrative weaknesses have been resolved, the Council is still facing personnel issues related to constant staff turnover. It takes considerable time to train new personnel and finish projects due to staff turnover.

The Council chose to concentrate on fulfilling its mandates through grant funding although with fewer resources, and focused less on its other mandates such as: (1) consultation with Department of Education and Early Development (DEED) to develop and implement standardized school curricula, and (2) Department of Health and Social Services (DHSS) to formulate standards and procedures for health care personnel.

There is still need for a more coordinated effort towards education in school districts across the State. The Council should consult with DEED's school district representatives and grantees, who have worked toward creating a comprehensive standardized curriculum to guide schools across the State.

There is also a need for statewide coordination efforts between the Council and DHSS, ensuring standards and procedures are available to health care facilities and practitioners of the healing arts and personnel in those facilities that provide services for victims of domestic violence in the communities across the State.

*Determine the extent to which the board, commission, or agency has effectively attained its objectives and purposes and the efficiency with which the board, commission, or agency has operated.*

The Council's purpose is to provide planning and coordination of services for victims of domestic violence or sexual assault or to their families, to perpetrators of domestic violence and sexual assault, and to provide for crisis intervention and prevention programs.

The Council, as the state agency responsible for administering the majority of crime victim assistance funding resources in Alaska, has been very effective with their coordination of services and outreach efforts through their grant award process. As an effective means to use and spread limited funds, the Council has ensured that Council-funded programs provide

coordinated efforts within the local communities such as law enforcement agencies, tribal groups, social service providers, hospitals, schools, courts systems, among others.

To continue with its mission, the Council plans to work on strategic planning to assess the effectiveness of services currently being provided by grantees and other state and local entities. The overall goal of the plan is to identify and address existing gaps in service.

*Determine the extent to which the board, commission, or agency duplicates the activities of another governmental agency or the private sector.*

One of the Council's major objectives is the coordination of agencies, both state and local, that share the similar objective of combating the effects of domestic violence and sexual assault. No other agency is in a position to have an impact on this issue in this manner. Its existence is to help ensure that various agencies work together to effectively respond to Alaska's high rate of domestic violence and sexual assault. As a result, its activities do not duplicate the activities of the governmental agencies or the private sector.

Appendix A  
 Council on Domestic Violence and Sexual Assault  
 Schedule of Grants Awarded FY 03 through FY 06  
 (unaudited)

	FY03	FY04	FY05	FY06
<b>Victim Services Program Grants</b>				
Abused Women's Aid in Crisis (Anchorage)	\$ 843,816	\$ 805,816	\$ 805,816	\$ 828,616
Advocates for Victims of Violence (Valdez)	237,598	213,181	213,181	219,576
Aiding Women in Abuse and Rape Emergencies (Juneau)	561,147	489,641	489,641	504,330
Alaska Family Services (Palmer)	418,486	418,486	418,486	453,575
Alaska Women's Resource Center (Anchorage)	215,636	197,836	197,836	199,634
Arctic Women in Crisis (Barrow)	244,703	242,571	242,571	249,848
Bering Sea Women's Group (Nome)	420,706	420,706	420,706	465,406
Cordova Family Resource Center	55,504	51,421	51,421	52,964
Emmonak Women's Services	180,855	183,599	183,599	-
Interior Alaska Center for Non-Violent Living (Fairbanks)	694,296	679,296	679,296	702,642
Kodiak Women's Resource and Crisis Center	285,551	264,326	264,326	272,256
LeeShore Center (Kenai-Soldotna)	413,389	397,401	397,401	409,323
Safe and Fear-Free Environment (Dillingham)	353,716	330,116	330,116	385,116
Seaview Community Services (Seward)	77,811	77,811	77,811	80,145
Sitkans Against Family Violence	339,766	303,401	303,401	312,503
South Peninsula Women's Services (Homer)	273,145	249,091	249,091	283,555
Standing Together Against Rape (Anchorage)	436,706	396,706	396,706	412,789
Tundra Women's Coalition (Bethel)	625,809	608,133	608,133	704,133
Unalaskans Against Sexual Assault and Family Violence	133,607	123,001	123,001	126,691
Victims for Justice (Anchorage)	53,199	26,078	26,078	-
Women in Safe Homes (Ketchikan)	557,183	517,183	517,183	532,698
<b>Total Victim Services Program Grants</b>	<b>7,422,629</b>	<b>6,995,800</b>	<b>6,995,800</b>	<b>7,195,800</b>
<b>Community Based Batterer Intervention Program Grants</b>				
Alaska Family Services (Palmer)	\$ 57,000	\$ 55,812	\$ 55,812	\$ 55,812
Interior Alaska Center for Non-Violent Living (Fairbanks)	68,500	67,312	67,312	67,312
Island Counseling Services (Sitka)	42,500	-	-	-
Ketchikan Indian Corporation	52,500	51,313	51,313	51,313
Sound Alternatives (Cordova)	-	-	-	-
South Peninsula Women's Services (Homer)	29,500	25,563	25,563	25,563
Tongass Community Counseling Center	70,000	-	-	-
<b>Total Community Based Batterer Intervention Program Grants</b>	<b>320,000</b>	<b>200,000</b>	<b>200,000</b>	<b>200,000</b>

Appendix A  
 Council on Domestic Violence and Sexual Assault  
 Schedule of Grants Awarded FY 03 through FY 06  
 (unaudited)

	<u>FY03</u>	<u>FY04</u>	<u>FY05</u>	<u>FY06</u>
<b>Prison Batterer Intervention Program Grants</b>				
Alaska Family Services (Palmer)	\$ 40,000	\$ 56,589	\$ 56,589	\$ 56,589
Interior Alaska Center for Non-Violent Living (Fairbanks)	25,386	41,648	41,648	41,648
Tongass Community Counseling Center (Juneau)	32,851	-	-	-
<b>Total Prison Batterer Intervention Program Grants</b>	<u>98,237</u>	<u>98,237</u>	<u>98,237</u>	<u>98,237</u>
<b>Violence Against Women Act (VAWA) Grants</b>				
Alaska Network on Domestic Violence and Sexual Assault	\$ 235,500	\$ 223,440	\$ 216,030	\$ 216,319
Dept. of Law Reimbursable Services Agreement	196,250	186,200	180,025	180,269
Dept. of Public Safety Reimbursable Services Agreement	196,250	186,200	180,025	180,269
Alaska Court System Reimbursable Services Agreement	39,250	37,240	36,005	36,052
Discretionary (See "Note" below)	78,500	111,720	108,015	108,157
<b>Total VAWA Grants</b>	<u>\$ 745,750</u>	<u>\$ 744,800</u>	<u>\$ 720,100</u>	<u>\$ 721,057</u>
<b>TOTAL</b>	<u><u>\$ 8,586,616</u></u>	<u><u>\$ 8,038,837</u></u>	<u><u>\$ 8,014,137</u></u>	<u><u>\$ 8,215,087</u></u>

Note: Between FY 02 through FY 05, the Council awarded the VAWA fund discretionary allocation to the Network, Wasilla Police Department, Safe and Fear-Free Environment (SAFE), South Peninsula Women's Services (SPWS), Aiding Women Against Rape Emergencies (AWARE), Tundra Women's Coalition (TWC), Standing Together Against Rape (STAR), and Bering Sea Women's Group (BSWG) for victim services projects.



**State of Alaska**  
Department of Public Safety  
**Council on Domestic Violence & Sexual Assault**

Frank H. Murkowski, Governor  
William Tandeske, Commissioner

December 21, 2005

Pat Davidson  
Alaska State Legislature  
Legislative Budget and Audit Committee  
Division of Legislative Audit  
P.O. Box 113300  
Juneau, Alaska 99811-3300

RE: Preliminary Report Response, Council on Domestic Violence and Sexual Assault.

Thank you for the opportunity to respond to the findings and recommendations of the November 2005 audit.

The Council agrees with Recommendation No. 1, and has already entered into discussions with the Department of Education and Early Development (DEED) about developing a closer working relationship consistent with the statutory mandate. In our initial contacts, for example, we determined that several years ago DEED collaborated with the Council on statewide teacher training. Currently DEED is developing modules on domestic violence and sexual assault (DVSA). DEED and the Council have already established a process for the Council to be included in reviewing those modules. We will collaborate through meetings, teleconferences, work groups, and other avenues as appropriate.

Regarding Recommendation No 1 and the Department of Health and Human Services (DHSS), the Council has begun targeted discussions regarding the interface between the DHSS programs and DVSA issues. Many of the DHSS program areas assist individuals and families with multiple problems including DVSA as it impacts families, children, and elders. In reviewing potential areas of coordination and planning, we have identified some areas that should provide for fruitful collaboration, including the development of program staff training and the possibility of requiring relevant training for service providers under contract with DHSS. We will continue to coordinate through teleconferences, meetings, and workgroups, as appropriate, to assess and prioritize the impact of DVSA issues within DHSS.

Regarding Recommendation No. 2, while the Council recognizes and understands the merit of this issue, it is important to note that the Governor is not bound by any recommendation made by the Alaska Network on Domestic Violence and Sexual Assault (Network). Because of this safeguard, the Council believes that obtaining input from the Network, which has significant knowledge and expertise, outweighs any limitations or theoretical conflicts.

Finally, in general, the Council continues its strategic planning efforts, continues to explore grant and foundation funding for statewide domestic violence and sexual assault programs, and continues to strengthen and develop its own personnel and office resources.

**Council on Domestic Violence & Sexual Assault**  
P.O. Box 11200 - Juneau, AK 99811 - Voice (907) 465-4356 - Fax (907) 465-3627

We appreciate the work of the Division of Legislative Audit and look forward to working with you in the future.

Sincerely,

*Barbara Mason for Janna L. Stewart.*

Janna L. Stewart  
CDVSA, Chair

Cc: CDVSA Board Members

**SB**

**253**

**HFIN**

**FILE**

# Audit Report



---

DEPARTMENT OF COMMERCE, COMMUNITY,  
AND ECONOMIC DEVELOPMENT  
BOARD OF CHIROPRACTIC EXAMINERS  
SUNSET AUDIT

September 26 2005



Audit Control Number:

08-20041-05

Division of Legislative Audit  
P.O. Box 113300, Juneau, Alaska 99811-3300

# LEGISLATIVE BUDGET AND AUDIT COMMITTEE

## DIVISION OF LEGISLATIVE AUDIT

The Legislative Budget and Audit Committee is a permanent interim committee of the Alaska Legislature. The committee is made up of five senators and five representatives, with one alternate from the Senate and two from the House. The chairmanship of the committee alternates between the two chambers every legislature.

The committee is responsible for providing the legislature with audits of state government agencies. The programs and activities of state government now cost more than \$6 billion a year. As legislators and administrators try increasingly to allocate state revenues effectively and make government work more efficiently, they need information to evaluate the work of governmental agencies. The audit work performed by the Division of Legislative Audit helps provide that information.

As a guide to all their work, the Division of Legislative Audit complies with generally accepted auditing standards established by the American Institute of Certified Public Accountants and with government auditing standards established by the U.S. General Accounting Office.

Audits are performed as mandated by Alaska Statutes or at the direction of the Legislative Budget and Audit Committee. Individual legislators or committees can submit requests for audits of specific programs or agencies to the committee for consideration. Copies of all completed audits are available from the Division of Legislative Audit's offices in Juneau, Anchorage, or at our web site <http://www.legaudit.state.ak.us>

### BUDGET AUDIT COMMITTEE

**Senator Gene Therriault, Chair**  
**Senator Lyda Green**  
**Senator Lyman Hoffman**  
**Senator Bert Stedman**  
**Senator Ben Stevens**  
**Senator Gary Wilken (alternate)**

**Representative Ralph Samuels, Vice Chair**  
**Representative Mike Chenault**  
**Representative Mike Hawker**  
**Representative Beth Kerttula**  
**Representative Pete Kott**  
**Representative Kevin Meyer (alternate)**  
**Representative Reggie Joule (alternate)**

### DIVISION OF LEGISLATIVE AUDIT

**Pat Davidson, CPA**  
**Legislative Auditor**

**P.O. Box 113300**  
**Juneau, AK 99811-3300**

**(907) 465-3830, Juneau**  
**(907) 561-1445, Anchorage**  
**(907) 465-2347, Juneau fax**  
**(907) 561-1452, Anchorage fax**

# ALASKA STATE LEGISLATURE

## LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P.O. Box 113300  
Juneau, AK 99811-3300  
(907) 465-3830  
FAX (907) 465-2347  
Internet e-mail address:  
legaudit@legis.state.ak.us

September 26, 2005

Members of the Legislative Budget  
and Audit Committee:

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

DEPARTMENT OF COMMERCE, COMMUNITY,  
AND ECONOMIC DEVELOPMENT  
BOARD OF CHIROPRACTIC EXAMINERS

SUNSET REVIEW

September 26, 2005

Audit Control Number

08-20041-05

This audit was conducted as required by AS 44.66.050 and under the authority of AS 24.20.271(1). Alaska Statute 44.66.050(c) lists criteria to be used to assess the demonstrated public need for a given board, commission, or program subject to the sunset review process. Currently under AS 08.03.010(c)(5), the Board of Chiropractic Examiners is scheduled to terminate on June 30, 2006. The board would be allowed one year in which to conclude its administrative operations.

In our opinion, the Board of Chiropractic Examiners should continue to regulate chiropractors. The board proposes changes to regulations to improve its effectiveness and ensure that chiropractors are licensed in the State of Alaska. We recommend that the legislature extend the board's termination date until June 30, 2014.

The audit was conducted in accordance with generally accepted government audit 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.

A handwritten signature in cursive script that reads "Pat Davidson".

Pat Davidson, CPA  
Legislative Auditor

# TABLE OF CONTENTS

	<u>Page</u>
Objectives, Scope, and Methodology .....	1
Organization and Function.....	3
Report Conclusions.....	5
Findings and Recommendations.....	7
Analysis of Public Need.....	9
Agency Responses:	
Department of Commerce, Community, and Economic Development.....	15
Board of Chiropractic Examiners .....	17
Legislative Auditor's Additional Comments.....	21

## OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with the intent of Title 24 and Title 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Board of Chiropractic Examiners (board). Under AS 44.66.050(a), the legislative committee of reference is to consider this report during the legislative oversight process to determine whether the board should be reestablished. Currently, AS 08.03.010(c)(5) requires the board to terminate on June 30, 2006. If the legislature takes no action to extend the termination date, the board will have one year from that date to conclude its operations.

### Objectives

There are three central, interrelated objectives of our report. They are:

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.
3. To determine if the board has exercised appropriate regulatory oversight of licensed chiropractors.

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

Under the direction and supervision of the Division of Legislative Audit, another auditor conducted the majority of this review. We followed professional standards to determine that the other auditor was independent and that their work was competent and sufficient.

Our audit reviewed the operations and activities of the Board of Chiropractic Examiners for the period FY 02 through FY 05.

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

- Applicable statutes and regulations.
- Compliance with statutes and regulations related to the licensing of chiropractors. Our evaluation addressed consideration of applications, testing of candidates, and

continuing education necessary for an individual to maintain their license in good standing.

- Minutes of board meetings, budget documents, and annual reports related to, or issued by, the board.
- Files related to applicants for, and holders of, licenses issued by the board.
- Complaints filed with the Department of Commerce, Community, and Economic Development, Division of Corporations, Professional and Business Licensing (division).
- Interviews with employees of the division.
- Reading and correspondence files maintained with the division.

## ORGANIZATION AND FUNCTION

The Board of Chiropractic Examiners (board) was established under the provisions of Title 8, Chapter 20, of the Alaska Statutes. The board consists of five members appointed by the governor and subject to legislative confirmation. All board members serve terms of four years.

Alaska Statute requires that the board consist of five members, four of whom are licensed chiropractors having practiced in the state for a minimum of two years at the time of their appointment. Statutes require the fifth member to be a member of the public having no direct financial interest in the healthcare industry.

**Board of Chiropractic Examiners  
(As of June 6, 2005)**

Gregory Culbert, Chiropractor, President

David Mulholland, Chiropractor, Vice  
President

R. Clark Davis, Chiropractor, Secretary

Carol Davis, Chiropractor

Sean Siegel, Public Member

### Board Duties and Powers

The board regulates chiropractic practice in Alaska by setting the following standards of practice:

1. Examining and issuing licenses to qualified applicants.
2. Establishing, amending, or eliminating regulations controlling the standards of professional chiropractic practice.
3. Revoking, annulling, or suspending licenses in accordance with the Administrative Procedure Act when an individual has violated chiropractic statutes or regulations.

### Department of Commerce, Community, and Economic Development (DCCED), Division of Corporations, Professional and Business Licensing (division)

The division provides administrative and investigative assistance to the board. Administrative assistance includes budgetary services; functions such as collecting fees, maintaining files, and receiving and issuing application forms; and publishing notices of examinations and meetings.

Alaska Statute 08.01.065 mandates that DCCED adopt regulations to establish the amount and manner of payment of application fees, examination fees, license fees, registration fees, permit fees, investigation fees, and all other fees as appropriate for the occupations covered by the statute.

Alaska Statute 08.01.087 empowers the division with the authority to act on its own initiative or in response to a complaint. The division may:

1. Conduct an investigation if it appears a person engaged in or is about to engage in a prohibited professional practice.
2. Bring an action in superior court to enjoin the act.
3. Examine the books and records of an individual.
4. Issue subpoenas for the attendance of witnesses and records.

## REPORT CONCLUSIONS

In our opinion, the Board of Chiropractic Examiners (board) is operating in the public's best interest and should continue to regulate chiropractors. The board safeguards the public interest by promoting the competence and integrity of those who hold themselves out to the public as qualified and competent chiropractors.

Except as noted in the paragraph below, the 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 its effectiveness and ensure that chiropractors are licensed in the State of Alaska.

Outside of the licensing and examination functions, the board has been ineffective in serving the interest of the public. Too much of the board's time is spent discussing and developing statutory and regulatory changes that will have little to no impact on the public, but instead benefit the profession. Discussion topics include school sports physicals and independent medical examinations.

Alaska Statute 08.03.010(e)(5) requires that the Board of Chiropractic Examiners be terminated on June 30, 2006. Under AS 08.03.020, the board has a one-year period to administratively conclude its affairs. We recommend that the legislature extend the board's termination date until June 30, 2014.

(Intentionally left blank)

## FINDINGS AND RECOMMENDATIONS

### Recommendation No. 1

The Board of Chiropractic Examiners (board) should improve the efficiency of its operations by ensuring board meeting discussions are limited to topics within its purview and are of benefit to the public overall.

The efficiency of the board is hindered by its misaimed efforts. The board repeatedly discusses topics outside of its purview, which has resulted in wasted time, increased costs, and more meetings than necessary each year. In an effort to improve board efficiency, we recommend the following:

1. Limit agenda discussion items; exclude topics outside of chiropractic examiners' jurisdiction.

In recent years, the board spent an inordinate amount of time discussing topics that would best be left to state or national chiropractic organizations. Agenda items repeatedly discussed included the regulation of independent medical examinations (IME) and the performance of school sports physicals. From August 2000 through January 2005, the board conducted 17 meetings. IMEs were discussed at 14 of the 17 meetings; school sports physicals were discussed at 9 of the meetings. These discussions have continued over time because the board believes regulation of these areas is within its jurisdiction.

AS 08.20.100(b)(5)(A) authorizes a licensed chiropractor to sign "*within the scope of chiropractic practice, certificates of physical examinations for children before they enter school....*" Further, part (b)(5)(B) authorizes licensed chiropractors to sign "*reports for excuses from employment and from attendance at school or participation in sports activities....*" It does not, however, authorize chiropractors to perform school sports physicals.

Further, a 1991 attorney general (AG) opinion explicitly states that chiropractors are not statutorily authorized to perform school sport physicals. An AG's opinion relating to the chiropractic regulation of IMEs does not exist. On several occasions, however, the board has been informed by Department of Law (DOL) staff that they do not have statutory authority to regulate IMEs. Further, DOL staff have informed the board that legislative changes are necessary before chiropractic examiners can regulate IMEs and before they can perform school sports physicals.

2. Reduce the number of board meetings held each year.

As discussed above, the board spends a large amount of time repeatedly discussing items outside of its purview, as authorized in statute, resulting in increased operational costs. Specific increased costs include: contractual costs for DOL expertise; personal services costs for Division of Corporations, Business and Professional Licensing (division) staff services; and board meeting costs.

AS 08.20.055 authorizes the board to regulate as "*necessary to effect the provisions of this chapter [Chapter 20. Chiropractors]....*" The board regulates its meetings via 12 AAC 16.020, which reads in part, "*The board will, in its discretion, meet at least twice each year....*" One stated objective of this board is to conduct a minimum of three board meetings each year. Meeting three times a year appears unnecessary given the limited topics discussed at meetings throughout the review period.

We recommend that the board improve its operational efficiency by ensuring meeting discussions are limited to topics within its purview and are of benefit to the public overall. Additionally, we recommend that the board decrease the number of meetings held each year from three to two, in an effort to reduce operational costs.

## ANALYSIS OF PUBLIC NEED

The following analyses of Board of Chiropractic Examiners (board) activities relate to the public-need factors defined in the sunset review law at AS 44.66.050(c). 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, commission, or program has operated in the public interest.*

The board, through its administration of the licensure of chiropractors, has endeavored to present competent professionals to the public. To promote continued competence, all licensees must provide proof of continuing education for license renewal and each licensee is subject to a full continuing education audit. Licensees are required to publicly display their licenses. This notifies the public that their practitioners have met the standards for the issuance and renewal of the licenses held. The board has issued licenses in a uniform manner, held required meetings, and administered examinations in accordance with statutory requirements.

Aside from licensing qualified applicants, the board has strayed from the "public need" criteria and has moved toward operating in the best interest of the profession. As discussed in Recommendation No. 1, the board has repeatedly discussed its desire to regulate independent medical examinations (IME) and to provide school sports physicals. Such matters appear to have little or no impact on the public, but rather are changes that promote the profession.

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

The board sets fees based on a two-year cycle, with the majority of the revenue collected in odd-numbered fiscal years. We reviewed the internal records maintained by the division for revenues and expenditures associated with the board. We did not audit this information, but present it for general information purposes.

From Exhibit 1 on the following page, it is evident revenues rose sharply when comparing FY 05 with FY 03. The increased revenues were the result of a 51% licensing fee increase that went into effect for the FY 05/FY 06 licensing period. The fee hike was precipitated by a substantial increase of both personal services and contractual expenses resulting from division staff turnover, an increase of investigative staff services, disciplinary casework, and the board repeatedly seeking Department of Law (DOL) advice relating to regulating IMEs.

Given the unpredictable nature of contractual expenses, it is likely the board will incur a substantial revenue deficit in FY 06. For this reason, the division and the board should closely monitor the financial position of the board at the end of the FY 05/FY 06 licensing period. This effort will ensure fees are appropriately set to avoid a recurring deficit in the next licensing period.

Exhibit 1 details board revenues and expenditures for FY 02 through FY 05.

**Exhibit 1**

State of Alaska Board of Chiropractic Examiners Schedule of License Revenues and Board Expenditures FY 02 - FY 05 (Unaudited)				
	FY 05	FY 04	FY 03	FY 02
Revenue	\$162,297	\$ 17,423	\$ 98,944	\$ 11,383
Direct Expenses				
Personal Services	49,575	47,717	43,028	25,394
Travel	8,518	5,959	10,011	8,588
Contractual	54,715	9,361	7,967	4,635
Supplies	188	114	277	37
Equipment	0	0	0	0
Total Direct Expenses	<u>112,996</u>	<u>63,151</u>	<u>61,283</u>	<u>39,654</u>
Indirect Expense	<u>12,938</u>	<u>11,680</u>	<u>11,462</u>	<u>9,225</u>
Total Expenses	<u>125,934</u>	<u>74,831</u>	<u>72,745</u>	<u>48,879</u>
Annual Surplus (Deficit)	<u>36,363</u>	<u>(57,408)</u>	<u>26,199</u>	<u>(37,496)</u>
Beginning Cumulative Surplus (Deficit)	<u>(36,995)</u>	<u>20,413</u>	<u>(5,786)</u>	<u>31,710</u>
Unallocated Administrative Indirect Revenue	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Ending Cumulative Surplus (Deficit)	<u>\$ (632)</u>	<u>\$ (36,995)</u>	<u>\$ 20,413</u>	<u>\$ (5,786)</u>

*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 of Chiropractic Examiners supported passage of Chapter 39, SLA 2002, which provides for licensure by credentials. No other statutory changes occurred during the review period.

The board did, however, develop both statutory and regulatory language to allow for the performance of independent medical examinations. On several occasions, DOL informed the board that it does not have statutory authority to regulate IMEs and suggested it approach the Alaska Chiropractic Society or find a sponsor for the proposed statutory addition.

Regulatory changes adopted by the board included:

- Issuance of a courtesy license.
- Increase in the number of independent study<sup>1</sup> continuing education hours.

The number of continuing education hours that could be obtained via independent study was increased from one-quarter to one-third of the total continuing education hours required for license renewal. The courtesy license allows chiropractors licensed outside of Alaska to practice on individuals who are in Alaska for special events such as, but not limited to, Special Olympics and Arctic Winter Games.

*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 service, economy of service, and availability of service that it has provided.*

The locations, dates, and times of upcoming board meetings and proposed changes in regulations were published in the *Anchorage Daily News*, as well as posted on the board's website. Adequate time was provided for interested individuals to plan to attend or to submit written comment for review.

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

Public notices of proposed regulations are published the *Anchorage Daily News* and the Alaska Online Public Notice System. The board meeting minutes show that unlimited time was allotted for the scheduled public comment period. All proposed regulation changes are subject to the public participation process.

<sup>1</sup> Independent study programs must be approved by the board.

*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 victims' rights or the office of the ombudsman have been processed and resolved.*

We have reviewed the nature and extent of complaints filed involving chiropractic examiners. The division, in conjunction with the board, took appropriate investigative action, prioritized complaints in a reasonable manner, and proceeded in a manner consistent with the potential threat the complaints posed to the public welfare.

For the period July 2001 through May 2005, the division opened 35 investigative cases related to individuals either seeking licensure or licensed by the Board of Chiropractic Examiners.

The types of complaints filed included:

- Unlicensed practice (6)
- Negligence (5)
- Incompetence (5)
- Violation of ethics (4)
- Fraud/Misrepresentation (3)
- License application problems (3)
- Application problems (2)
- Sexual misconduct (2)
- Drug diversion (2)
- Other (3)

Approximately 51% of the cases were filed by clients; 26% by division staff; 20% by licensed associates; and the remaining 8% by other government agencies.

The 35 cases were open for an average of 521 days. At May 2005, six cases remained open, four of which exceeded a period of 120 days. Of the six open cases, two have since closed, two were referred for legal analysis, one resulted in a board hearing, and one remains unresolved due to inability to contact the respondent.<sup>2</sup>

No complaints or investigations specifically involving the actions and activities of the Board of Chiropractic Examiners were received or undertaken by either the Office of the Ombudsman or the Office of Victims' Rights within the audit period.

---

<sup>2</sup> The respondent in this case has not renewed their license and has closed their business; the division has been unsuccessful at contacting the individual.

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

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 instance has the board denied an applicant a license based on personal attributes.

*Determine the extent to which a board or commission that regulates entry into an occupation or profession has presented qualified applicants to serve the public.*

Exhibit 2 is a summary of new licenses and permits issued by the board for FY 02 through FY 05.

**Exhibit 2**

New Licenses and Permits Issued (exclusive of renewals)	FY 02	FY 03	FY 04	FY 05	Current Licenses (as of June 30, 2005)
Chiropractor	16	9	13	22	228
Locum Tenens <sup>3</sup>	0	0	0	2	2
Temporary	6	4	1	5	1
Courtesy	0	0	0	0	0
Retired	0	0	0	2	2
Inactive	9	8	1	13	13

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.

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

The Board of Chiropractic Examiners should ensure board meeting discussions are limited to topics within its purview and are of benefit to the public overall. By limiting discussions, the board could reduce the number of meetings held each year from three to two, thereby reducing operational costs.

<sup>3</sup> A temporary permit is issued to a locum tenens, a chiropractor substituting for another chiropractor licensed in the state. It is valid for 60 days.

*Determine the extent to which the board, commission, or agency duplicates the activities of another governmental agency or the private sector.*

Our review of the interactions among the Board of Chiropractic Examiners, the National Board of Chiropractic Examiners, the Alaska Chiropractic Society, and the Council on Chiropractic Education did not reveal activities duplicated by two or more organizations. The national associations offer continuing education courses; however, they do not require members to submit continuing education credits to maintain their membership. Both the national and state organizations thoroughly investigate complaints regarding their members. The state association occasionally works with the Board of Chiropractic Examiners to change statutes and regulations; however, the two organizations don't necessarily coordinate efforts to eliminate duplication of activities.

*Determine the extent to which the board, commission, or agency has effectively attained its objectives and purposes and the efficiency with which the board, commission, or agency has operated.*

Broad objectives identified by the board included:

- Conduct a minimum of three board meetings per year.
- Monitor and appoint a peer review committee.
- Update jurisprudence examination as needed.
- Continue to work with the Federation of Chiropractic Licensing Boards (FCLB) on the national licensee database.
- Continue affiliation with FCLB and the National Board of Chiropractic Examiners (NBCE). Send a board representative to the annual and district meetings and to the national NCBE Part IV examination.
- Review chiropractic statutes and regulations for necessary changes.
- Address the requirements for school and sports physicals.
- Assess and evaluate standards for independent medical examinations.
- Pursue statutory authority for regulation of independent medical examinations.

Evidence suggests the board establishes and meets most of its operational objectives annually. The board has had difficulty finding candidates to fill peer review committee positions due to the volunteer nature of the positions. It is questionable whether some of the stated objectives are prudent to the purpose of the board overall, given the advice received from DOL staff with regard to school sports physicals and independent medical evaluations.



RECEIVED  
NOV 25 2005  
LEGISLATIVE AUDIT

OFFICE OF THE COMMISSIONER

*Frank H. Murkowski, Governor*

November 22, 2005

Ms. Pat Davidson, CPA  
Legislative Auditor  
Division of Legislative Audit  
Legislative Budget and Audit Committee  
P.O. Box 113300  
Juneau, Alaska 99811-3300

Dear Ms. Davidson,

Thank you for the opportunity to respond to your Preliminary Audit concerning the Board of Chiropractic Examiners Sunset Audit.

Please consider the following comments to your findings and recommendations.

Recommendation No. 1

The Board of Chiropractic Examiners (board) should improve the efficiency of its operations by ensuring board meeting discussions are limited to topics within its purview and are of benefit to the public overall.

1. Limit agenda discussion items; exclude topics outside of chiropractic examiners' jurisdiction.

We concur with the audit findings that significant resources have been spent on the topics identified without appropriate statutory authority. The department will work with the Board to either seek the appropriate statutory changes or to limit further discussions on those topics.

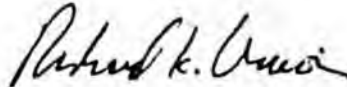
2. Reduce the number of board meetings held each year.

The department concurs that meetings should be held to the absolute minimum whenever possible; and that face to face meetings should be planned only when activities can be justified by a full agenda. Teleconferences are an inexpensive method to conduct minor issues as needed throughout the year.

There is one correction we would like to note on page 9, paragraph #4 that begins "The board sets fees based on a two-year cycle ...". That should be corrected to read: "The division sets fees ....". The division does consult with the Board regarding fee adjustments, however, AS 08.01.065 assigns responsibility of fee-setting to the division.

Again, thank you for the opportunity to respond.

Sincerely,



Richard K. Urion  
Director of Corporations, Business and Professional  
Licensing

*for*  
William C. Noll  
Commissioner

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES



## Northern Chiropractic

Gregory M. Culbert, D.C., DABCO

11723 Old Glenn Highway, Suite 101  
Eagle River, Alaska 99577

Telephone: (907) 696-4878  
Fax: (907) 696-4674  
www.northernchiropractic.com

RECEIVED  
NOV 21 2005  
LEGISLATIVE AUDIT

November 17, 2005

Alaska State Legislature  
Legislative Budget and Audit Committee  
Division of Legislative Audit  
Attn: Pat Davidson, Legislative Auditor  
P.O. Box 113300  
Juneau, AK 99811-3300

RE: Chiropractic Board Sunset Audit

Dear Ms. Davidson:

I am in receipt of your November 4, 2005, letter regarding your audit of the Board of Chiropractic Examiners (board) and its impending sunset. Thank you for recommending to the legislature to extend the board's termination date until June 30, 2014. I feel, after reviewing your letter, that certain issues should be further discussed, including the board's reasoning for its actions regarding independent medical examinations, sports physicals, and meeting more than two times per year.

You feel that the board spends an inordinate amount of time in its meetings regarding issues of independent medical examinations and school sports physicals. Since I have been a board member and attended meetings beginning May 24, 2002, less than five hours total has been designated to these particular subjects at board meetings. While much time has been spent by board members reviewing this information on their own time, relatively little time (when compared to other discussion items) has been designated to these subjects. These issues however, as you are aware, have definitely been a source of contention with the state board and the attorney general's office.

I cannot express enough that these issues are addressed more to benefit the public than they are to benefit the profession. Our problems with independent medical examinations is primarily due to public safety matters. Public safety is involved when a doctor from out of state is able to make an opinion regarding the

necessity of care for a patient. The board is supposed to maintain public safety by being sure of a chiropractor's competency via performance and chiropractic core methodology, sec. 08.20.055 (2). It is the board's belief that chiropractors practicing in the state are required to uphold the same standards, whether they are treating a patient or performing independent medical examinations. This, however, has been a problem. The board feels it has a responsibility to rein in rogue doctors to hold them to the same standards of care of the treating physician.

When interpreting the statutes and its existing regulations, we feel that the board is responsible for the practice of chiropractic in this state. We have asked for a written opinion on IMEs numerous times from the attorney general's office. Instead, we only get verbal opinions and a bill for their activities. To date, my understanding is we have still not received anything in writing from the attorney general's office regarding this issue. As we have not received anything in writing, this is an issue that was repeatedly brought up at meetings; however, as is noted in more recent agendas, this particular issue has not been a major discussion topic. Ultimately, I believe that the board expects the same accountability or responsibility that a treating chiropractor must have extended to those chiropractors performing independent medical examinations. The attorney general's office verbally feels that actual regulation of the practice of independent medical examinations must be done in a statutory manner and through the local chiropractic association. When reviewing core methodology and definitions of chiropractic care in regulations, it is the board's opinion that this should be able to be done via regulation, as it is an action performed by a chiropractor and not a separate profession.

We did not receive the majority of the information regarding the Attorney General's opinion of independent medical examinations until we had an actual meeting with Ms. Gayle Horetski, Assistant Attorney General, September 17, 2004, in Juneau. Her reasoning is that actual regulation of independent medical examinations did not fall under statute. Her opinion was that independent medical examinations performed by a chiropractor is actually an act of a different and unregulated profession. Our impression is that if a chiropractor is performing chiropractic, they should fall under the same laws as a treating chiropractor. It is difficult to explain the Attorney General's opinion to a person whose injury was dismissed by an independent medical examination; that there is no recourse for the patient is maddening, and makes the idea of a board regulating the profession of chiropractic seemingly impotent in this particular manner.

If chiropractors are not allowed to regulate chiropractors performing independent medical examinations, then who is? This is a public health concern and needs to be addressed.

Again, I feel it is difficult for patients, as well as other chiropractors, to understand that someone can be performing and giving chiropractic opinions without having

any sort of responsibility to their opinion, as they would have if they were actually treating the patient.

The school sports physical question is a problem, too. The 1991 opinion you refer to is also interesting. In that particular opinion, the reasoning that chiropractors cannot perform school physicals is partially based on the opinion that chiropractors are not considered physicians. In our board meeting September 17, 2004, with Ms. Horetski, she said that according to statute chiropractors *are* considered physicians. The quandary is further enhanced when one considers the fact that nurse practitioners and physician's assistants are allowed to perform these examinations but chiropractors are not, even though chiropractors have received training to perform these while in chiropractic school. The question arises because the act of performing school sports physicals is not specifically spelled out in statute. It does not, however, say that they *cannot* be performed by chiropractors either. Performing school physicals is generally done as a favor to our patients and certainly not done to enhance or benefit the chiropractic profession.

The board has talked about this in past meetings because chiropractors have continually asked the board about this. We have asked for answers to these questions in writing from the attorney general's office regarding the fact that we are considered physicians via statute, however, we have not yet received anything in writing.

Finally, addressing the issue of meeting just two times per year, this would cause problems. In 2004, we had three scheduled meetings. One of our meetings, unfortunately, was canceled by Director Rick Urion. When we combined that canceled meeting in with another meeting, the resulting meeting was extremely difficult. This meeting started at 8:00 in the morning; we had to work through our lunch hour and did not finish until after 5:00 when we had to leave to catch our plane out of Juneau. All of the issues of the meeting were not adequately addressed; and while the meeting was attempted to be organized, it became relatively chaotic in trying to complete all the scheduled items.

The actual cost of board meetings is quite minimal for the information that is gained when we are actually able to meet face to face. Our current licensing dues are \$730 each for over 200 licensed chiropractors in the state. The meeting we will have October 14, 2005, will cost the profession a little over \$1,000. Every time the board meets, each board member loses a full day's worth of work. We still have to pay for the overhead of our practices, costing each of us well over \$1,000 just to attend. The members of the chiropractic board feel that the meeting, however, is well worth it, even though our personal costs to attend far outweigh the cost of the state to provide these meetings, which is in turn passed on to our licensees.

Having three meetings a year makes up less than 10 percent of the cost of our licensing fees. The information gained and the board's ability to be pro-active and to be able to actively address problems in a timely manner is well worth it. For example, the October 14, 2005, meeting was going to be canceled by our division director. If this occurred, we as a board would not have been able to discuss what to do with four licensees that we found out did not receive their continuing education for the current licensing period. This means that it would be well over a year before we were able to address this particular problem and act on it. In the meantime, these licensees are still practicing, and we, as a board, could not adequately maintain public safety by addressing this problem. (I was informed recently that these practitioners were all able to comply after the fact for their CE via 12 AAC 16.340(c). This is still, however, a concern and discussion on disciplinary sanctions needs to be done).

As you are aware, the board is held to strict rules and we cannot talk amongst ourselves about board business outside of a formal board meeting. Going at times more than six months between meetings is not acting in the best interest of the public.

At our last board meeting in Juneau, we discussed with Ms. Jenny Strickler our licensing fees. It was found that the bulk of the contractual work was due to investigational and disciplinary case work fees. Our current investigator, Ms. Margaret McQuaid, has been doing an exceptional job in trying to wrap up several old cases. It was explained to us that a large percentage of the cost for contractual work will be reduced in the future, as many of these open cases have since been closed. Unfortunately, the actual breakdown of costs towards the attorney general's review of independent medical evaluations or school physicals was not available. You insinuate it was a significant amount, however, we have yet to receive this information in writing. We also don't know how much of the fee hike was due to division staff turnover.

In summary, again, thank you for recommending the legislature continue the Board of Chiropractic through 2014. We truly are, as a board, working to appropriately safeguard the public by promoting the competency and integrity of chiropractors in the State of Alaska. I am hoping some of the reasons I gave you regarding our concern as a board with school physicals and independent medical examinations appropriately addressed your concerns.

If you have any questions, please feel free to contact me at (907) 696-4878.

Sincerely,



Gregory M. Culbert, DC, DABCO  
President, Board of Chiropractic Examiners  
Jr

# ALASKA STATE LEGISLATURE

## LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P.O. Box 113300  
Juneau, AK 99811-3300  
(907) 465-3830  
FAX (907) 465-2347  
Internet e-mail address:  
legaudit@legis.state.ak.us

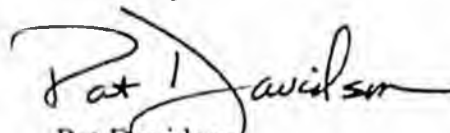
November 25, 2005

Members of the Legislative Budget  
and Audit Committee

We have reviewed the responses to our preliminary audit report on the Department of Commerce, Community, and Economic Development, Board of Chiropractic Examiners.

In its response the Department of Commerce, Community and Economic Development correctly points out that it is the Division of Corporations, Professional and Business Licensing, and not the board, that sets the fees. We acknowledge that correction.

Sincerely,

  
Pat Davidson  
Legislative Auditor

(Intentionally left blank)



# FISCAL NOTE

STATE OF ALASKA  
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: SB 253  
(S) Publish Date: 2/17/06

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept Affected: Commerce  
Title: Extend Board of Chiropractic Examiners RDU: Corp, Bus & Prof Licensing (117)  
Component: Corp, Bus & Prof Licensing  
Sponsor: Rules by Request of LB&A  
Requester: Labor & Commerce Component No.: 2360

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services		49.6	49.6	49.6	49.6	49.6
Travel		8.5	8.5	8.5	8.5	8.5
Contractual		54.7	54.7	54.7	54.7	54.7
Supplies		0.2	0.2	0.2	0.2	0.2
Equipment		0.0	0.0	0.0	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>113.0</b>	<b>113.0</b>	<b>113.0</b>	<b>113.0</b>	<b>113.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( 1156 )</b>	<b>0.0</b>	<b>113.0</b>	<b>113.0</b>	<b>113.0</b>	<b>113.0</b>	<b>113.0</b>
------------------------------------	------------	--------------	--------------	--------------	--------------	--------------

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other 1156 - Receipt Supported Services	0.0	113.0	113.0	113.0	113.0	113.0
<b>TOTAL</b>	<b>0.0</b>	<b>113.0</b>	<b>113.0</b>	<b>113.0</b>	<b>113.0</b>	<b>113.0</b>

Estimate of any current year (FY2006) cost: 113.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

The bill extends the Board of Chiropractic Examiners to June 30, 2014. In accordance with AS 08.03.020, funding is extended one year following the termination date allowing the Board to conclude its affairs. FY 2007 funding is included in the Operating Budget request. The costs shown for subsequent fiscal years reflect the direct cost included in the FY 2007 budget. New funds are not required to implement this bill.

Prepared by: Katherine Mason, Administrative Manager Phone: (907) 465-2572  
Division: Corporations, Business and Professional Licensing Date/Time: 2/13/06 5:37 PM  
Approved by: William C. Nol, Commissioner Date: 2/13/2006  
Agency: Commerce, Community, and Economic Development

# Alaska State Legislature

SENATOR  
GENE THERRIault  
Chair



SESSION ADDRESS  
State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-4797  
Fax: (907) 465-3884

## Legislative Budget and Audit Committee

### SPONSOR STATEMENT SB 253

**"An Act extending the termination date for the Board of Chiropractic Examiners; and providing for an effective date"**

This legislation stems from recommendations contained in the Legislative Audit Report entitled "Department of Commerce, Community, and Economic Development, Board of Chiropractic Examiners", dated September 26, 2005.

Legislative Audit concluded that the Board of Chiropractic Examiners (Board) is operating in the public's best interest and should continue to regulate chiropractors. The Board safeguards the public interest by promoting the competence and integrity of those who practice in this field and continues to improve its effectiveness and ensure chiropractors are licensed in the State of Alaska. Accordingly, SB 253 extends the sunset date of the Board to June 30, 2014 for an eight-year extension.

This audit was conducted under revisions made last session to the sunset process. The standard sunset period for occupational boards and non-occupational boards was changed from "not to exceed four years" to "not to exceed eight years". Additionally, to better measure operational performance, two new criteria were added to statute that must be considered in the course of a sunset review by the auditors:

- The extent to which the board, commission, or agency has effectively attained its objectives and the efficiency with which it has operated.
- The extent to which the board, commission, or agency duplicates the activities of another governmental agency or the private sector.

### INTERIM ADDRESS

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



# Alaska State Legislature

## Senate Majority Web: [www.akrepublicans.org](http://www.akrepublicans.org)

Sponsor: Rules By Request of LEG BUDGET & AUDIT  
Current Version: SB 253  
Contact: W. Tom Maher, 465-3613

### Fact Sheet for: Senate Bill 253

**Short Title:** EXTEND BOARD OF CHIROPRACTIC EXAMINERS

#### Summary:

- Extends the termination date for the Board of Chiropractic Examiners to June 30, 2014.

#### Benefits:

- Continues to protect the public's health, safety and welfare by the regulation and licensing of qualified chiropractors.

#### Background:

- This legislation stems from recommendations contained in the Legislative Audit Report entitled "Department of Commerce, Community, and Economic Development, Board of Chiropractic Examiners," dated September 26, 2005.

Legislative Audit concluded that the Board of Chiropractic Examiners is operating in the public's best interest and should continue to regulate chiropractors. The board safeguards the public interest by promoting the competence and integrity of those who practice in this field and continues to improve its effectiveness and ensure chiropractors are licensed in the State of Alaska. Accordingly, SB 253 extends the board's sunset date eight years to June 30, 2014.

**SB**

**253**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT  
**MAR 01 2006**  
 SENATE FINANCE COMMITTEE

DATE: 2/17/06

FURTHER:

DATE TURNED IN TO OFFICE: March 2006

Finance Committee considered

SENATE BILL NO. 253

## SB 253 EXTEND BOARD OF CHIROPRACTIC EXAMINERS

"An Act extending the termination date for the Board of Chiropractic Examiners; and providing for an effective date."

and recommends:

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

**CS Senate Bill:**  
 Same Title  
 New Title

**SCS House Bill:**  
 Same Title  
 Technical Title Change  
 New Title w/ SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Ind.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Ind.	Zero	FN#
Commerce	2/13/06			✓	#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>	✓			
COCHAIR: <i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>				

# FISCAL NOTE

REPORTED OUT  
**MAR 01 2006**  
 SENATE FINANCE COMMITTEE

STATE OF ALASKA  
 2006 LEGISLATIVE SESSION

Fiscal Note Number: 1  
 Bill Version: SB 253  
 (S) Publish Date: 2/17/06

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Commerce  
 Title Extend Board of Chiropractic Examiners RDU Corp. Bus & Prof Licensing (117)  
 Component Corp. Bus & Prof Licensing  
 Sponsor Rules by Request of LB&A  
 Requester Labor & Commerce Component No. 2360

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services		49.6	49.6	49.6	49.6	49.6
Travel		8.5	8.5	8.5	8.5	8.5
Contractual		54.7	54.7	54.7	54.7	54.7
Supplies		0.2	0.2	0.2	0.2	0.2
Equipment		0.0	0.0	0.0	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>113.0</b>	<b>113.0</b>	<b>113.0</b>	<b>113.0</b>	<b>113.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( 1156 )</b>	<b>0.0</b>	<b>113.0</b>	<b>113.0</b>	<b>113.0</b>	<b>113.0</b>	<b>113.0</b>
------------------------------------	------------	--------------	--------------	--------------	--------------	--------------

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other 1156 - Receipt Supported Services	0.0	113.0	113.0	113.0	113.0	113.0
<b>TOTAL</b>	<b>0.0</b>	<b>113.0</b>	<b>113.0</b>	<b>113.0</b>	<b>113.0</b>	<b>113.0</b>

Estimate of any current year (FY2006) cost: 113.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

The bill extends the Board of Chiropractic Examiners to June 30, 2014. In accordance with AS 08.03.020, funding is extended one year following the termination date allowing the Board to conclude its affairs. FY 2007 funding is included in the Operating Budget request. The costs shown for subsequent fiscal years reflect the direct cost included in the FY 2007 budget. New funds are not required to implement this bill.

Prepared by: Katherine Mason, Administrative Manager Phone (907) 465-2572  
 Division Corporations, Business and Professional Licensing Date/Time 2/13/06 5:37 PM  
 Approved by: William C. Noll, Commissioner Date 2/13/2006  
 Agency Commerce, Community, and Economic Development

# Alaska State Legislature

SENATOR  
GENE THERRIAULT  
Chair

SESSION ADDRESS  
State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-4797  
Fax: (907) 465-3884

## Legislative Budget and Audit Committee

### SPONSOR STATEMENT SB 253

**“An Act extending the termination date for the Board of Chiropractic Examiners; and providing for an effective date”**

This legislation stems from recommendations contained in the Legislative Audit Report entitled “Department of Commerce, Community, and Economic Development, Board of Chiropractic Examiners”, dated September 26, 2005.

Legislative Audit concluded that the Board of Chiropractic Examiners (Board) is operating in the public’s best interest and should continue to regulate chiropractors. The Board safeguards the public interest by promoting the competence and integrity of those who practice in this field and continues to improve its effectiveness and ensure chiropractors are licensed in the State of Alaska. Accordingly, SB 253 extends the sunset date of the Board to June 30, 2014 for an eight-year extension.

This audit was conducted under revisions made last session to the sunset process. The standard sunset period for occupational boards and non-occupational boards was changed from “not to exceed four years” to “not to exceed eight years”. Additionally, to better measure operational performance, two new criteria were added to statute that must be considered in the course of a sunset review by the auditors:

- The extent to which the board, commission, or agency has effectively attained its objectives and the efficiency with which it has operated.
- The extent to which the board, commission, or agency duplicates the activities of another governmental agency or the private sector.

#### INTERIM ADDRESS

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



## Alaska State Legislature

**Senate Majority** Web: [www.akrepublicans.org](http://www.akrepublicans.org)

**Sponsor:** Rules By Request of LEG BUDGET & AUDIT  
**Current Version:** SB 253  
**Contact:** W. Tom Maher, 465-3613

### Fact Sheet for: Senate Bill 253

**Short Title:** EXTEND BOARD OF CHIROPRACTIC EXAMINERS

#### Summary:

- Extends the termination date for the Board of Chiropractic Examiners to June 30, 2014.

#### Benefits:

- Continues to protect the public's health, safety and welfare by the regulation and licensing of qualified chiropractors.

#### Background:

- This legislation stems from recommendations contained in the Legislative Audit Report entitled "Department of Commerce, Community, and Economic Development, Board of Chiropractic Examiners," dated September 26, 2005.

Legislative Audit concluded that the Board of Chiropractic Examiners is operating in the public's best interest and should continue to regulate chiropractors. The board safeguards the public interest by promoting the competence and integrity of those who practice in this field and continues to improve its effectiveness and ensure chiropractors are licensed in the State of Alaska. Accordingly, SB 253 extends the board's sunset date eight years to June 30, 2014.

# SENATE COMMITTEE REPORT

## First Committee of Referral

DATE: 1/30/06

FURTHER: Finance

Date of 5-Day Notice: 2/9/06  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 2/17/06

Labor and Commerce Committee considered SENATE BILL NO. 253

### SB 253 EXTEND BOARD OF CHIROPRACTIC EXAMINERS

"An Act extending the termination date for the Board of Chiropractic Examiners; and providing for an effective date."

and recommends:

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

<b>CS Senate Bill:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<b>SCS House Bill:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

**NEW FISCAL NOTE(S):**

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
DCED	2/13/06	✓			1

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	NO REC	AMEND
3. Stevens Seekins <i>Ben Stevens</i>	✓			
<i>Ben Stevens</i>	✓			
CHAIR: <i>Bunde</i>	✓			

Bunde