

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILE 8672
1731 SCOMM 69: HOUSE LIABILITY INSURANCE TASK FORCE, 1989-1990 299

AKCOMP
10-May-89

MEDICAL INSURANCE EXCHANGE OF CALIFORNIA
Alaska Mature Claims Made Premium Comparison
\$1 Million / \$3 Million Limits

Exhibit 3

	88/89		Proposed		Approved		
	Policyholder	MIEC	\$1/3 Mil	MICA	\$1/3 Mil	Total	Total
	Count *	Class	@ 8/89	Class	@ 1/89	MIEC	MICA
	-----	-----	-----	-----	-----	Premium	Premium
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Anesthesiology	13	8	47,888	4	70,365	622,544	914,745
Cardiology							
Invasive	3	6	19,956	2	24,502	59,868	73,506
Non-Invasive	1	4	13,304	1	14,774	13,304	14,774
Cardiovasc. Surg.	1	9	66,512	A4	80,094	66,512	80,094
Dermatology	2	4	13,304	1	14,774	26,608	29,548
Emergency Medicine	5	8	47,888	A2	35,621	239,440	178,105
FP/GP							
No Surg.	2	3	11,972	1	14,774	23,944	29,548
Minor Surg.	3	6	19,956	2	24,502	59,868	73,506
General Surgery	10	8	47,888	3	46,740	478,880	467,400
Gynecology	2	8	47,888	3	46,740	95,776	93,480
Internal Medicine							
Non-invasive	23	4	13,304	1	14,774	305,992	339,802
Neurological Surg.	2	10	90,456	5	112,059	180,912	224,118
Neurology	1	5	15,300	1	14,774	15,300	14,774
OB/GYN	6	10	90,456	A4	80,094	542,736	480,564
Ophthalmology	5	5	15,300	2	24,502	137,700	220,518
Orthopedics							
No Spinal	6	0	66,512	A4	80,094	399,072	480,564
Incl. Spinal	15	10	90,456	5	112,059	1,356,840	1,680,885
Otolaryngology	2	8	47,888	3	46,740	95,776	93,480
Pathology	4	2	9,316	1	14,774	37,264	59,096
Pediatrics	13	4	13,304	1	14,774	172,952	192,062
Plastic Surgery	4	8	47,888	A4	80,094	191,552	320,376
Phys. Med. & Rehab	4	3	11,972	1	14,774	47,888	59,096
Psychiatry	6	1	7,320	1	14,774	43,920	88,644
Radiology, Diag.	7	5	15,300	1	14,774	107,100	103,418
Radiology, Ther.	1	7	33,256	A4	80,094	33,256	80,094
Urology	5	7	33,256	3	46,740	166,280	233,700
Total	150					5,521,284	6,625,897

MICA Premium as a Percentage of MIEC: 120.01%
- Including 12.6% MICA increase: 135.13%

* Estimate based on majority of specialties. Actual specialty mix in 89/90 may vary.

Tillinghast

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April 7, 1989

Mr. Ronald Neupauer
 Medical Insurance Exchange of California
 6250 Claremont Avenue
 Oakland, CA 94618-1324

MEDICAL INSURANCE EXCHANGE OF CA (MIEC)
PHYSICIAN AND SURGEON CLASSIFICATION ANALYSIS

Dear Ron:

Enclosed please find our analysis of MIEC physicians' and surgeons' classification experience. This study, in conjunction with the results of an internal Tillinghast analysis of industry data, supports the proposed class differential changes effective August 1, 1989. We recommend the following classification changes:

	Current Class <u>Differential</u>	Proposed Class <u>Differential</u>	<u>Percent Change</u>
Int. Medicine-Invasive	1.00	1.50	+50.0%
Physician Med. & Rehab.	1.00	.90	-10.0%
FP/GP - No Surgery	1.0	.90	-10.0%
Cardiology - Non-Invasive	1.15	1.00	-13.0%
Cardiology - Invasive	1.15	1.50	+30.0%
FP/GP - Minor Surgery	1.75	1.50	-14.3%
Industrial Medicine	1.95	1.50	-23.1%
FP/GP - Major Surgery	3.60	2.50	-30.6%

The class differentials reflect the relative risk of loss for each class of specialties in comparison with the "base class" (class 3). Exhibit 1 column (3) summarizes the indicated differentials for each specialty based on MIEC loss data limited to \$250,000 per claim. As MIEC's experience base for some specialties is relatively small, we have included indications adjusted so that the raw indications are reflected only to the extent the underlying data is credible. This is displayed in column (4). Industry indications, based on an internal study of physician-owned companies, are included for comparison purposes in column (5). Though MIEC

1 MARCH 1989
Mr. Ronald Neupauer
April 7, 1989
Page 2.

experience was not available in sufficient volume or detail to break out the internal medicine and cardiology specialties into invasive and non-invasive procedures, industry experience strongly supports a differentiation among these groups. This refinement in the class plan should provide a more equitable allocation of costs to specialties.

The derivation of the MIEC differentials are derived in Exhibit 2 and 3.

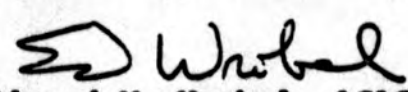
Exhibit 4 and 5 present a similar analysis on a total limits basis.

A final copy of the published Tillinghast classification study of physician-owned company data will be sent directly to each of the participating companies from our Atlanta office.

Please do not hesitate to contact us if you have any questions or comments.

Sincerely,


Thomas M. Hermes, FCAS, MAAA, FCA
Vice President


Edward M. Wrobel, ACAS, MAAA
Consultant

EMW:ler
Enclosure

Classification Analysis
Summary

Specialty	MICADJ	Class	Current	Unweighted	Weighted	Industry
	(1)	(2)	(3)	(4)	(5)	
Psychiatry	1	0.55	0.243	0.429	0.760	
Allergy & Immunology	2	0.70	0.071	0.667	0.357	
Pathology	2	0.70	1.000	0.405	0.952	
Dermatology	3	1.00	0.646	0.907	0.938	
FP/GP - No Surgery	3	1.00	0.348	0.883	1.000	
Gastroenterology	3	1.00	0.207	1.001	1.897	
Hematology	3	1.00	1.027	1.029	0.835	
Internal Medicine - Non-Invasive	3	1.00	1.198	1.134	1.332	
Internal Medicine - Invasive	3	1.00	1.198	1.134	1.739	
Nephrology	3	1.00	1.000	1.003	1.237	
Pediatrics	3	1.00	0.052	1.005	1.970	
Physical Med. & Rehab.	3	1.00	0.361	0.974	0.700	
Cardiology - Non-Invasive	4	1.15	1.535	1.256	1.220	
Cardiology - Invasive	4	1.15	1.535	1.256	2.277	
Neurology, Ext. Inv.	4	1.15	1.526	1.220	2.465	
Ophthalmology	4	1.15	1.389	1.230	1.310	
Radiology, Diag.	4	1.15	1.055	1.152	1.677	
FP/GP - Limited Surgery	5	1.75	1.316	1.717	1.909	
Industrial Medicine	6	1.95	0.274	1.082	0.780	
Radiology, Ther.	7	2.50	0.384	2.328	1.733	
Urology	7	2.50	1.622	2.431	2.373	
Anesthesiology	8	3.60	4.125	3.761	2.596	
Emergency Medicine	8	3.60	1.418	3.562	1.367	
FP/GP - Major Surgery	8	3.60	1.763	3.527	3.034	
Pl Surgery	8	3.60	2.996	3.529	4.144	
Colonology	8	3.60	0.565	3.478	3.078	
Proctology	8	3.60	2.692	3.584	2.889	
Plastic Surgery	8	3.60	3.088	3.644	4.175	
Thoracic Surgery	8	3.60	4.953	3.807	4.926	
Cardiovascular Surgery	9	5.00	2.967	4.966	5.629	
Orthopedics - No Spinal	9	5.00	4.190	5.034	6.016	
Neurological Surgery	10	6.80	5.990	6.923	9.222	
OB/GYN	10	6.80	4.738	6.537	7.352	
Orthopedics - Spinal	10	6.80	6.271	6.917	6.016	

* MICADJ indicates based on combined invasive and non-invasive experience.

MISCADJ
10-Nov-88

MEDICAL INSURANCE EXCHANGE OF CALIFORNIA
Incurred Indemnity Losses Limited to \$250,000

Exhibit 2

Specialty	Current Class	Current Class Differential	81-86 Pure Premium Adjusted to Current Class	81-86 Earned Doctor Years	Credibility	Indicated Differential to Class 3	Credibility Weighted Differential	Credibility Weighted Differential Adjusted for Off Balance	Indicated Change	Selected Change
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Psychiatry	1	0.55	\$400	2,012.5	0.43	0.243	0.418	0.429	-22.00X	-22.00X
Allergy & Immunology	2	0.70	201	99.2	0.00	0.071	0.650	0.667	-4.71X	-4.71X
Pathology	2	0.70	3,007	490.7	0.10	1.060	0.765	0.785	12.14X	12.14X
Dermatology	3	1.00	2,303	502.0	0.10	0.040	0.971	0.997	-0.30X	-0.30X
FP/GP - No Surgery	3	1.00	1,556	1,415.7	0.31	0.540	0.800	0.803	-11.70X	-11.70X
Gastroenterology	3	1.00	2,063	131.0	0.09	0.727	0.975	1.001	0.10X	0.10X
Hematology	3	1.00	2,015	72.0	0.07	1.023	1.002	1.029	2.90X	2.90X
Internal Medicine	3	1.00	3,399	4,232.5	0.53	1.190	1.105	1.134	15.40X	15.40X
Nephrology	3	1.00	3,049	82.7	0.07	1.100	1.055	1.063	0.30X	0.30X
Pediatrics	3	1.00	2,616	1,005.2	0.27	0.902	0.970	1.000	0.30X	0.30X
Physical Med. & Rehab.	3	1.00	1,023	102.4	0.00	0.361	0.949	0.974	-2.60X	-2.60X
Cardiology	4	1.15	4,355	560.3	0.49	1.535	1.223	1.256	9.22X	9.22X
Neurology, Emcl. Inv.	4	1.15	4,329	155.3	0.10	1.526	1.100	1.220	6.09X	6.09X
Ophthalmology	4	1.15	3,042	601.1	0.20	1.300	1.100	1.230	6.96X	6.96X
Radiology, Diag.	4	1.15	2,992	1,391.0	0.30	1.024	1.122	1.152	0.17X	0.17X
FP/GP - Limited Surgery	5	1.75	3,734	500.0	0.10	1.316	1.672	1.717	-1.09X	-1.09X
Industrial Medicine	6	1.95	770	75.1	0.07	0.274	1.033	1.002	-3.40X	-3.40X
Radiology, Ther.	7	2.50	1,000	172.5	0.21	0.504	2.267	2.320	-6.00X	-6.00X
Urology	7	2.50	4,601	330.4	0.10	1.622	2.360	2.431	-2.76X	-2.76X
Anesthesiology	8	3.60	11,004	190.6	0.11	4.125	3.663	3.761	4.47X	4.47X
Emergency Medicine	8	3.60	4,020	100.7	0.04	1.410	3.469	3.562	-1.06X	-1.06X
FP/GP - Major Surgery	8	3.60	1,003	112.7	0.09	1.763	3.435	3.527	-2.03X	-2.03X
General Surgery	8	3.60	0,000	1,000.0	0.27	2.996	3.437	3.529	-1.97X	-1.97X
Gynecology	8	3.60	1,602	16.3	0.07	0.565	3.308	3.470	-3.39X	-3.39X
Otolaryngology	8	3.60	1,630	220.6	0.12	2.692	3.491	3.504	-0.44X	-0.44X
Plastic Surgery	8	3.60	0,760	160.4	0.10	3.000	3.549	3.644	1.22X	1.22X
Thoracic Surgery	8	3.60	14,053	90	0.00	4.953	3.700	3.807	5.75X	5.75X
Cardiovascular Surgery	9	5.00	0,000	0.4	0.00	2.067	4.037	4.966	-0.60X	-0.60X
Orthopedics - No Spinal	9	5.00	11,000	200.0	0.12	4.100	4.903	5.034	0.60X	0.60X
Neurological Surgery	10	6.00	10,993	01.4	0.07	5.990	6.743	6.923	1.01X	1.01X
OB/GYN	10	6.00	13,441	671.9	0.21	4.730	6.367	6.537	-3.07X	-3.07X
Orthopedics - Spinal	10	6.00	17,791	235.4	0.12	6.271	6.737	6.917	1.72X	1.72X

\$4,037

Class 3 Total

1.00

\$2,037

Off Balance Factor 0.974

Notes:

- (5) $[(4)/15,000]^{1/2}$
- (6) $(3)/\text{Class 3 Pure Premium}$
- (7) $[(6) \times (5)] + [(2) \times (1 - (5))]$
- (8) $(7)/\text{Off Balance Factor}$
- (9) $[(8)/(2)] - 1$

NYCADJ
10-Nov-88

MEDICAL INSURANCE EXCHANGE OF CALIFORNIA
Incurred Indemnity Losses Limited to \$250,000

Exhibit 3

Current Class	Current Class Differential	81-86 Pure Premium Adjusted to Current Class	81-86 Earned Doctor Years	Credibility	Indicated Differential to Class 3	Credibility Weighted Differential	Credibility Weighted Differential Adjusted for Off Balance	Indicated Change	Selected Change
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1	0.55	\$600	2,812.5	0.43	0.243	0.438	0.437	-20.55%	-20.55%
2	0.70	2,535	589.9	0.20	0.094	0.739	0.772	10.20%	10.20%
3	1.00	2,837	7,624.3	0.71	1.000	1.000	1.045	4.50%	4.50%
4	1.15	3,563	2,713.7	0.43	1.254	1.196	1.250	8.70%	8.70%
5	1.75	3,734	598.8	0.20	2.216	1.672	1.747	-0.17%	-0.17%
6	1.95	770	75.1	0.01	0.274	1.833	1.915	-1.79%	-1.79%
7	2.50	3,392	500.9	0.10	1.196	2.265	2.367	-5.32%	-5.32%
8	3.40	8,442	2,010.4	0.37	2.983	3.372	3.524	-2.11%	-2.11%
9	5.00	19,775	294.4	0.14	3.798	4.832	5.049	0.90%	0.90%
10	6.00	14,763	986.7	0.26	5.204	6.385	6.672	-1.00%	-1.00%

Off Balance Factor: 0.957

Notes:

- (5) $[(4)/15,000]^{1/2}$
- (6) (3)/Class 3 Pure Premium
- (7) $[(6) \times (5)] + [(2) \times (1 - (5))]$
- (8) (7)/Off Balance Factor
- (9) $[(8)/(2)] - 1$

Classification Analysis
Summary

Total Limits

Specialty	Current NIEC Class	Current Differential	Indicated Unweighted Differential	Indicated Credibility Differential	Indicated ISO Differential
	(1)	(2)	(3)	(4)	(5)
Psychiatry	1	0.55	0.235	0.421	0.975
Allergy & Immunology	2	0.70	0.066	0.489	0.474
Pathology	2	0.70	0.992	0.764	0.703
Dermatology	3	1.00	0.950	1.006	0.809
FP/GP - No Surgery	3	1.00	0.522	0.885	1.000
Gastroenterology	3	1.00	0.681	0.980	1.954
Hematology	3	1.00	0.962	1.012	1.149
Internal Medicine	3	1.00	1.193	1.119	1.413
Nephrology	3	1.00	1.066	1.063	0.847
Pediatrics	3	1.00	0.940	1.000	1.183
Physical Med. & Rehab.	3	1.00	0.338	0.961	0.591
Cardiology	4	1.15	1.437	1.223	1.172
Neurology, Excl. Inv.	4	1.15	1.420	1.196	1.772
Ophthalmology	4	1.15	1.301	1.198	1.241
Radiology, Diag.	4	1.15	0.902	1.118	1.355
FP/GP - Limited Surgery	5	1.75	1.436	1.719	1.538
Industrial Medicine	6	1.95	0.257	1.859	1.271
Radiology, Ther	7	2.50	0.359	2.298	1.691
Urology	7	2.50	1.518	2.389	2.606
Anesthesiology	8	3.00	7.052	4.075	2.545
Emergency Medicine	8	3.60	1.327	3.517	2.492
FP/GP - Major Surgery	8	3.60	1.651	3.477	2.899
General Surgery	8	3.60	3.161	3.534	4.581
Gynecology	8	3.60	0.529	3.437	3.586
Otolaryngology	8	3.60	3.944	3.606	2.909
Plastic Surgery	8	3.60	2.890	3.583	5.241
Thoracic Surgery	8	3.60	7.029	3.933	5.804
Cardiovascular Surgery	9	5.00	2.777	4.895	7.223
Orthopedics - No Spinal	9	5.00	3.922	4.945	6.360
Neurological Surgery	10	6.80	8.358	7.014	8.883
OB/GYN	10	6.80	6.526	6.845	5.868
Orthopedics - Spinal	10	6.80	6.584	6.877	6.360

Total Limits

Specialty	Current Class	Current Class Differential	81-86 Pure Premium Adjusted to Current Class	81-86 Earned Doctor Years	Credibility	Indicated Differential to Class 3	Credibility Weighted Differential	Credibility Weighted Differential Adjusted for Off Balance	Indicated Change	Selected Change
.....	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Psychiatry	1	0.55	8713	2,812.5	0.43	0.235	0.415	0.421	-23.45%	-23.45%
Allergy & Immunology	2	0.70	201	99.2	0.08	0.066	0.049	0.659	-5.86%	-5.86%
Pathology	2	0.70	3,007	490.7	0.18	0.092	0.753	0.764	9.14%	9.14%
Dermatology	3	1.00	2,800	502.8	0.18	0.050	0.891	1.006	0.60%	0.60%
FP/GP - No Surgery	3	1.00	1,581	1,415.7	0.31	0.522	0.852	0.865	-13.50%	-13.50%
Gastroenterology	3	1.00	2,063	131.0	0.09	0.461	0.971	0.986	-1.40%	-1.40%
Hematology	3	1.00	2,915	72.0	0.07	0.382	0.997	1.012	1.20%	1.20%
Internal Medicine	3	1.00	3,617	4,232.5	0.53	1.193	1.102	1.119	11.90%	11.90%
Nephrology	3	1.00	5,049	82.7	0.07	1.064	1.047	1.068	6.30%	6.30%
Pediatrics	3	1.00	2,867	1,085.2	0.27	0.946	0.985	1.007	0.00%	0.00%
Physical Med. & Rehab.	3	1.00	1,023	102.4	0.08	0.330	0.947	0.961	-3.90%	-3.90%
Cardiology	4	1.15	4,355	548.3	0.19	1.437	1.205	1.223	6.35%	6.35%
Neurology, Excl. Inv.	4	1.15	4,329	153.3	0.10	1.420	1.178	1.196	4.00%	4.00%
Ophthalmology	4	1.15	3,942	401.1	0.20	1.501	1.180	1.198	4.17%	4.17%
Radiology, Diag.	4	1.15	2,992	1,391.0	0.30	0.987	1.101	1.118	-2.78%	-2.78%
FP/GP - Limited Surgery	5	1.75	4,354	509.8	0.18	1.436	1.693	1.719	-1.77%	-1.77%
Industrial Medicine	6	1.95	778	75.1	0.07	0.257	1.831	1.859	-4.67%	-4.67%
Radiology, Ther.	7	2.50	1,009	172.5	0.11	0.358	2.264	2.298	-0.88%	-0.88%
Urology	7	2.50	4,401	128.4	0.11	1.510	2.353	2.389	-4.44%	-4.44%
Anesthesiology	8	3.60	21,315	197.6	0.12	7.052	4.014	4.075	13.19%	13.19%
Emergency Medicine	8	3.60	4,021	58.7	0.06	1.327	3.444	3.517	-2.31%	-2.31%
FP/GP - Major Surgery	8	3.60	3,003	112.7	0.09	1.651	3.425	3.477	-3.42%	-3.42%
General Surgery	8	3.60	9,582	1,088.9	0.27	3.161	3.481	3.534	-1.83%	-1.83%
Gynecology	8	3.60	1,403	56.3	0.07	0.529	3.385	3.437	-4.53%	-4.53%
Otolaryngology	8	3.60	1,933	228.4	0.12	3.944	3.641	3.696	2.67%	2.67%
Plastic Surgery	8	3.60	8,740	140.3	0.10	2.890	3.529	3.583	-0.47%	-0.47%
Thoracic Surgery	8	3.60	21,316	98.3	0.08	7.029	3.874	3.933	9.25%	9.25%
Cardiovascular Surgery	9	5.00	8,416	84.4	0.08	2.777	4.822	4.895	-2.10%	-2.10%
Orthopedics - No Spinal	9	5.00	11,008	200.0	0.12	3.922	4.871	4.945	-1.18%	-1.18%
Neurological Surgery	10	6.00	23,334	81.4	0.07	8.350	6.909	7.014	3.15%	3.15%
OB/GYN	10	6.00	19,780	671.9	0.21	6.526	6.742	6.845	0.64%	0.64%
Orthopedics - Spinal	10	6.00	19,754	233.4	0.12	6.584	6.774	6.877	1.13%	1.13%

Class 3 Total

1.00 83,831

Off Balance Factor 0.985

Notes:

- (5) $[(4)/15,000]^{1/2}$
- (6) (3)/Class 3 Pure Premium
- (7) $[(6) \times (5)] + [(2) \times (1 - (5))]$
- (8) (7)/Off Balance Factor
- (9) $[(8)/(2)] - 1$

CNA INSURANCE COMPANIES

CNA Plaza, Chicago, Illinois 60685

APR 31 1988

HONORABLE JOHN L. GEORGE
DIRECTOR OF INSURANCE
DEPARTMENT OF INSURANCE
POUCH D
JUNEAU, AK 99811

2
RECEIVED
JUN 3 1988
DEPARTMENT OF COMMERCE
BUREAU OF INSURANCE

RE: I.D.#3585
Dental Professional Liability Program
R-6400-BQ(4) Revised Company Manual Pages NF-DDS-8
and NF-DDS-9 for the Dental Professional
Liability Insurance Program
NATIONAL FIRE INSURANCE COMPANY OF HARTFORD 218-20478

Dear Commissioner:

We submit the captioned revised Company Manual Pages, to replace the like numbered pages filed under our identification number R-6400-BQ(4).

The pages have been revised to reflect our proposed decrease in both, the base rate and extended reporting period factors for the Professional Liability Coverage.

We request an effective date of May 1, 1988 or the earliest permitted thereafter by your regulations.

An extra copy of this letter is enclosed which we request you to stamp and return to us for our records.

Yours truly,

Judith Ann Rudy

Judith Ann Rudy
Paralegal
Law Department - 43S
(312) 822-5498

Copy received 8/7/89

JAR/ej/A2
Enclosures

CNA

For All the Commitments You Make®

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF INSURANCE

STEVE COWPER, GOVERNOR

P. O. BOX D
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2515

DATE: April 1, 1988
TO: Insurers Filing Rates and Forms
FROM: Paul Roller, Director *PR*
Division of Insurance
Department of Commerce & Economic Development
SUBJECT: Rate and Form Filing Approval Policy



Rates are required to be filed and approved prior to use in Alaska pursuant to AS 21.39.040. Likewise, forms are required to be filed and approved prior to use in Alaska pursuant to AS 21.42.120.

Rates filed are considered or "deemed" to be approved 15 days after the filing is received by this division, unless we notify you that the review period is being extended by an additional 15 days, that the filing is being held for more information, or we disapprove it.

Forms filed are considered or "deemed" to be approved 30 days after the filing is received by this division, unless we notify you that the review period is being extended by an additional 30 days, that the filing is being held for more information, or we disapprove it.

The 15 or 30 day review periods begin on the date the filing is stamped "received" in our division. That day is not counted as part of the applicable period. Most rates and forms are approved by this method. We will make a similar stamp of the additional copy of your filing submitted for this purpose and return same to you. This will be the only evidence you will receive from this division that your filing is in the system unless an extension, question, or disapproval follows.

If the timing of your use of a rate or form is critical, you may request "express" treatment. In all cases you should call in advance of the request to discuss deviation from our standard procedure. For personal lines, call (907) 465-2517 and for commercial lines call (907) 465-2595. Any request for special treatment that does not follow this procedure tends to slow down the approval process. Please note that it is not the policy of this division to grant a retroactive approval of any filing.

In 1987, a major change in the law affecting the cancellation condition was adopted (AS 21.36.210-310). Please familiarize yourself with this new law. We will disapprove a filing in its entirety if the cancellation provision is not in compliance with the new law.

PR/cw0680K
32388a

DENTAL MALPRACTICE PROGRAM

FILING MEMORANDUM

The enclosed material, comprised of revised State Pages and Pricing Justification are in support of a reduction in rate for Professional Liability Coverage. This reduction applies only to Dentists classed as I., II., or III.

In addition to the above rate reduction, a reduction is also included in the Extended Reporting Period factors applicable to this Program.

Except for these two modifications, the manual pages enclosed are the same as those currently on file with your office.

National Fire Insurance Company of Hartford
Dental Malpractice
Rate Justification for the State of Alaska

Summary

The following summarizes the proposed rate action for the dental malpractice program. Additional explanation of the proposal is given on the subsequent pages.

1. Occurrence base rate decrease of -15.0%.
2. No change in claims-made step factors.
3. Decrease in extended reporting period factors.
The decreases range from -12.3% to -23.3% for an average change of -17.6%.

Exhibit I - CNA data loss ratio calculation and indicated rate change.

Exhibit II - CHUBB data loss ratio calculation and indicated rate change.

Exhibit III - Dental program expense assumptions.

Exhibit IV - Loss discount factor calculation.

Exhibit V - Extended reporting period factors calculation.

Exhibit I

Dental Malpractice - Professional Liability Only
CNA Occurrence Data as of 09/30/87
All Classes

Countrywide

<u>Accident Year</u>	<u>Current Level Earned Premium</u>	<u>Ultimate Losses with Expenses</u>	<u>Trended Ultimate Losses*</u>	<u>Trended Loss Ratio</u>
1984	\$ 98,907,753	\$ 37,521,856	\$ 76,883,128	0.777
1985	121,487,375	41,677,443	73,618,983	0.606
1986	95,586,454	32,780,293	49,916,438	0.522
Total	\$315,981,582	\$111,979,593	\$200,418,549	0.634

Alaska Only

<u>Accident Year</u>	<u>Current Level Earned Premium</u>	<u>Ultimate Losses with Expenses</u>	<u>Trended Ultimate Losses*</u>	<u>Trended Loss Ratio</u>
1984	\$ 492,915	\$ 231,206	\$ 473,746	0.961
1985	640,093	182,611	322,563	0.504
1986	709,211	228,512	347,969	0.491
Total	\$ 1,842,220	\$ 642,329	\$ 1,144,278	0.621

Indicated Rate Change = $\frac{(\text{loss ratio}) \times (\text{loss discount factor}) + \text{fixed expenses}}{(\text{premium discount factor}) \times (1 - \text{variable expenses})} - \text{ROR}$

Loss Discount Factor	= 0.6960
Premium Discount Factor	= 0.9720
Fixed Expenses	= 0.0400
Countrywide Variable Expenses	= 0.1930
Alaska Variable Expenses	= 0.2043
ROR	= 0.1000

Countrywide Indicated Rate Change	-29.6%
Alaska Preliminary Indicated Rate Change	-29.9%
Alaska Credibility Weighted Indicated Rate Change	-29.7%
(Alaska Credibility = 0.440)	

*Assumes annual trend of 16.0% to an average loss date of 05/01/89.

Exhibit II

Dental Malpractice - Professional Liability Only
CHUBB Occurrence Data as of 06/30/87
All Classes

Countrywide

<u>Accident Year</u>	<u>Current Level Earned Premium</u>	<u>Ultimate Losses with Expenses</u>	<u>Trended Ultimate Losses*</u>	<u>Trended Loss Ratio</u>
1980	\$154,122,477	\$ 34,171,454	\$126,777,491	0.823
1981	156,181,373	48,290,161	154,446,955	0.989
1982	161,663,420	62,546,666	172,451,459	1.067
1983	155,841,694	60,899,953	144,751,035	0.929
1984	102,899,196	26,274,404	53,836,847	0.523
Total	\$730,708,160	\$232,182,638	\$652,263,787	0.893

Alaska Only

<u>Accident Year</u>	<u>Current Level Earned Premium</u>	<u>Ultimate Losses with Expenses</u>	<u>Trended Ultimate Losses*</u>	<u>Trended Loss Ratio</u>
1980	\$ 459,998	\$ 14,811	\$ 54,948	0.119
1981	461,961	256,005	818,783	1.772
1982	539,371	56,141	154,790	0.287
1983	644,005	178,872	425,155	0.660
1984	527,860	61,510	126,035	0.239
Total	\$ 2,633,195	\$ 567,338	\$ 1,579,710	0.600

$$\text{Indicated Rate Change} = \frac{(\text{loss ratio}) \times (\text{loss discount factor}) + \text{fixed expenses}}{(\text{premium discount factor}) \times (1 - \text{variable expenses})} - \text{ROR}$$

Loss Discount Factor	= 0.6960
Premium Discount Factor	= 0.9720
Fixed Expenses	= 0.0400
Countrywide Variable Expenses	= 0.1930
Alaska Variable Expenses	= 0.2043
ROR	= 0.1000

Countrywide Indicated Rate Change	-3.3%
Alaska Preliminary Indicated Rate Change	-32.0%
Alaska Credibility Weighted Indicated Rate Change	-15.9%
(Alaska Credibility = 0.440)	

*Assumes annual trend of 16.0% to an average loss date of 05/01/89.

Exhibit III

Dental Malpractice - Professional Liability
Expenses

	<u>Countrywide</u>	<u>Alaska</u>
Variable Expenses		
Taxes	.030	.0400
Commission	.163	.1630
Guaranty Fund Assessment(s) for Calendar Year 1986	<u>--</u>	<u>.0013</u>
Total Variable Expenses	.193	.2043
General Fixed Expenses	.040	.040
Profit*	.010	.010

*Rate of return after consideration of investment income.

**Dental Malpractice - Professional Liability
Calculation of Loss Discount Factor**

Exhibit IV

<u>Years of Development</u>	<u>Percent of Ultimate Losses Incurred</u>	<u>Discounted at 8% Interest</u>
1	5.0%	4.810%
2	11.0%	9.801%
3	18.0%	14.850%
4	14.0%	10.696%
5	12.0%	8.484%
6	10.0%	6.550%
7	5.0%	3.030%
8	4.0%	2.244%
9	4.0%	2.080%
10	4.0%	1.924%
11	3.0%	1.338%
12	3.0%	1.236%
13	3.0%	1.146%
14	3.0%	1.062%
15	1.0%	0.328%
	100.0%	69.579%

Loss Discount Factor = .696

Dental Malpractice
Extended Reporting Period Factors
Rate Justification

Sheet 2 displays CNA's pure premium relativities. These relativities assume an 8% interest rate and a trend factor of 16%. The resulting percentages represent the percentage of discounted ultimate loss dollars reported at each lag.

Sheet 3 displays the formula used to adjust the discounted pure premium relativities for expenses. The various expense assumptions are also shown.

Sheet 4 displays the indicated factors for the ERP endorsement. The discounted pure premium relativities from Sheet 2 have been utilized to calculate the expected losses from claims already incurred but not yet reported (see Section I, Line 1). The steps listed represent how many years of exposure are to be covered by the ERP endorsement. The rate relativities on line 2 are calculated using the formula and expense assumptions from Sheet 3. The indicated ERP factors and installment factors are shown under Section II. Overall, the ERP factors are being reduced by approximately -17.6%.

Discounted Pure Premium Relativities
Interest Rate is 8%
Assumes a Trend Factor of 16%

Occ. Year	Report Year								
	-4	-3	-2	-1	0	1	2	3	4
-4	.119	.213	.176	.095	.119				
-3		.160	.228	.189	.102	.128			
-2			.172	.245	.203	.110	.137		
-1				.184	.263	.217	.118	.147	
0					.198	.283	.234	.127	.158

Implied Step Factors (Relative to Occurrence)

Step	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
Discounted Pure Premium Relativities:	.198	.461	.664	.766	.885

ERP Calculation
Using Base of
Discounted Pure Premium Relativities

Formula:
$$x = \frac{a (d (1 - i) - j - c) + c}{d (1 - e) - f}$$

Variables: x = Step Factor (Rate Relativity)

a = Discounted Pure Premium Relativity
(from Exhibit I)

d = Premium Discount Factor

i = Occurrence Variable Expense
(included in current occurrence rates)

j = Occurrence Profit and Contingency Factor
(included in current occurrence rates)

c = Occurrence Fixed Expense
(included in current occurrence rates)

e = Claims-Made Variable Expense
(estimated base on commission levels and
average countrywide premium tax)

f = Claims-Made Profit and Contingency Factor
(same as occurrence factor)

Valuesn: $d = .972$ $i = .193$ $j = f = .10$ $c = .04$ $e = .08$

Extended Reporting Factors
(Relative to Mature Claims-Made Rate)

I. Indicated Extended Reporting - Prepaid Factors

<u>Years on Claims-Made</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
1. Discounted Pure Premium Relativities: (refer to Sheet 1)	.906	1.451	1.730	1.875
2. Rate Relativities	.785	1.228	1.454	1.572
3. Chosen Extended Reporting Factors:	.79	1.23	1.45	1.57

II. Extended Reporting Period Factors and Installment Factors

<u>Years on Claims-Made</u>	<u>1st Year</u>	<u>2nd Year</u>	<u>3rd Year</u>	<u>Prepaid</u>
1	.31	.23	.30	.79
2	.51	.35	.46	1.23
3	.61	.49	.46	1.45
4 or more	.73	.49	.46	1.57



For All the Commitments You Make

DENTAL PROFESSIONAL LIABILITY

NATIONAL FIRE INSURANCE COMPANY

12. Extended Reporting Period

The availability of Extended Reporting Period coverage shall be governed by the following rules, subject to underwriting approval.

- a. Should a named insured terminate coverage under this policy, such named insured may purchase Extended Reporting Coverage. The named insured is eligible for this coverage provided:
 - (1) the named insured requests the coverage within 60 days of policy termination; and
 - (2) premium is paid promptly when due. Premium maybe paid in advance, or in 3 annual installments.
- b. The available Limits of Liability shall not exceed those afforded under the current claims-made policy.
- c. The date of coverage with this company will determine eligibility for Extended Reporting Coverage, at no charge in the event of death, disability, or retirement.
- d. Extended Reporting Coverage will be available to all named insureds. Should the named insured terminate association with the group, coverage will be provided for the liability of the partnership or Corporation provided that such entity was also a named insured by this Company.
- e. The factors in the following Table shall be applied to the mature claims-made rate in the year coverage is being purchased.

Years of Prior Claims Made Coverage	Installment Factors			Prepaid Factors
	1st year	2nd year	3rd year	
1	.31	.23	.30	.79
2	.51	.35	.46	1.23
3	.61	.49	.46	1.45
4 or more	.73	.49	.46	1.57

C. Excess limits - refer to Company.

**PROFESSIONAL LIABILITY
NATIONAL FIRE INSURANCE COMPANY**

I. Business Liability

Rating Basis	Premium
Each Office	\$30.00
Each Additional	23.00

II. Dentist's Professional Liability

Class	Premium for 1.000/1.000 Limits
I	\$ 2,395.00
II	4,790.00
III	16,439.00
IV	200.00
V	450.00

Attorneys Liability Protection Society, Inc.

BASE RATE AND STATE RELATIVITIES

Effective November 1, 1989

**ALPS Base Rate at \$100,000/\$300,000 Limits
with \$1,000 Deductible (Full Prior Acts): \$1,576**

State Relativity

Alaska	1.55
---------------	-------------

Attorneys Liability Protection Society, Inc.

RATE VARIABLES

Effective November 1, 1989

Increased Limit Factors

Limit	Indemnity + Total Defense Costs
\$ 100,000/300,00	1.00
250,000/250,000	1.35
500,000/500,000	1.50
1,000,000/1,000,000	1.90
2,000,000/2,000,000	2.66
3,000,000/3,000,000	3.192
5,000,000/5,000,000	4.006

Deductible Credits

Deductible	Indemnity Only	Indemnity and Defense Costs
\$1,000	-0.02	0.00
2,500	0.01	0.04
5,000	0.04	0.11
10,000	0.09	0.23
25,000	0.20	0.45
50,000	0.29	0.64

Prior Act Coverage

Number of Years Prior Acts Coverage	Credit
Six or more years	01
Five years	8
Four years	16
Three years	25
Two years	35
One year	50
None	64

Attorneys Liability Protection Society, Inc.

TABLE OF SURCHARGES AND CREDITS

Effective November 1, 1989

Continuing Legal Education Credit:

For Risk Management and Loss Control Courses:

5%

Area of Practice Surcharges

Area of Practice	Percent of Practice	Surcharge
Entertainment & Sports	more than 10%	10%
Estates and Trusts	more than 40%	10%
Mergers & Acquisitions	more than 40%	10%
Oil & Gas	more than 20%	20%
Patents	1 - 50%	25%
Patents	more than 50%	10%
Personal Injury-Plaintiff	more than 40%	10%
Real Estate	more than 20%	10%
SEC - Private	more than 10%	10%
SEC - Public	more than 0%	50%
Taxation	more than 40%	10%

Surcharge for Prior Claims

Number of Years	Surcharge
0-1	70%
1-2	60%
3-4	50%
4-5	40%
5-6	30%

As a supplement to the above, the Underwriting Department may apply from 25% debit to 25% Credit based on the judgement of the department considering the severity, type, area of practice, firm size and/or firm management of each claim.

(Number of years is the number of years since an indemnity payment

has been made. No surcharge shall be imposed if only one indemnity payment of less than \$10,000 has been made during the prior five-year period.)

Attorneys Liability Protection Society, Inc.

TABLE OF SURCHARGES AND CREDITS (cont.)

Firm Size Credits

Firm Size	Credit
1-4	0%
5-14	10%
15-25	15%
26 +	20%

(Firm size refers to the number of attorneys.)

Ratio of Non-Attorney Insureds to Attorney Insureds Surcharge

Ratio	Surcharge
<2.00	0%
2.00 - 2.99	15%
3.00 - 3.99	25%
>4.00	35%

Schedule Rating Surcharges/Credits

Quality of Management Areas of Practices (to reflect greater risk in specific areas of practice)	Up to a maximum of +/-25%
---	--

ATTORNEYS LIABILITY PROTECTION SOCIETY, INC.
A Risk Retention Group



EXECUTIVE OFFICES
 SUITE 303, GLACIER BUILDING
 P.O. BOX 9169
 MISSOULA, MT 59807-9169
 PHONE (406) 728-3113
 FAX (406) 728-7416

A MULTI-STATE BAR RELATED PROFESSIONAL LIABILITY INSURANCE COMPANY

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 P.O. Box 432
 Richwood, WV 26261
 (304) 846-2361

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 Missoula, MT 59807-9169
 (406) 728-3113

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Charles P. Jay
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Glenn E. Smith
 1706 Thomas Avenue
 Cheyenne, WY 82001
 (307) 633-4912

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 Helena, MT 59604
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 Georgetown, DE 19947
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 Montana

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 Delaware

Glenn E. Smith
 Wyoming

Mike Thompson
 Alaska

CLAIMS HOT LINE

1 800-367-4366

FACSIMILE COVER LETTER

File # _____

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: David Rogers FAX #: (907) 586-6259

LOCATION: _____

DATE: 1/18/90 TIME: 11:15 A.M. / P.M.

FROM: Ray Conger

WE ARE TRANSMITTING A TOTAL OF 2 PAGES INCLUDING THIS LETTER.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE. OUR TELEPHONE NUMBER IS (406) 728-3113

FOR YOUR FUTURE REFERENCE, OUR AUTOMATIC COMMUNICATION NUMBER IS:

FACSIMILE MACHINE (AUTOMATIC) (406) 728-7416

OTHER INFORMATION: Mr. Rogers I have attached the
Page from our policy re tail coverage. A
typical annual premium for \$1,000,000 limit
and \$1,000 deductible for a lawyer who had been
practicing for seven years including prior
acts would be \$4,690.-. For a limit of
\$100,000 per claim \$300,000 annual aggregate \$2,443. However
each lawyer is rated according to many factors.

THANK YOU.

Ray Conger CPCL
 Underwriting Manager

III. Waiver of Exclusion and Breach of Conditions

Whenever coverage under any provision of this policy would be excluded, suspended or lost because of any exclusion or condition relating to a dishonest, fraudulent, malicious or criminal act, error or omission by any Insured or employee of an Insured, and with respect to which any other Insured did not personally participate or personally acquiesce or remain passive after having personal knowledge thereof, the Company agrees that such insurance as would otherwise be afforded under this policy shall continue in effect with respect to each and every Insured who did not personally commit or personally participate in committing, or personally acquiesce in or remain passive after having personal knowledge of one or more of the acts, errors or omissions described in any such exclusion or condition; provided further, that if the condition be one with which such Insured can comply, after receiving knowledge thereof, the Insured entitled to the benefit of this Waiver of Exclusions and Breach of Conditions shall comply with such condition promptly after obtaining knowledge of the failure of any other Insured or employee to comply therewith.

IV. Extended Reporting Endorsement

In case of cancellation or nonrenewal of the policy by either the Named Insured or the Company, the Named Insured shall have the right, upon payment of an additional premium not more than thirty (30) days after termination of the policy or any subsequent Extended Reporting Period, to have an Extended Reporting Endorsement issued on a guaranteed annual renewable basis, providing coverage for Claims first reported subsequent to the end of the Policy Period of any act, error or omission occurring prior to the end of the Policy Period and after the Loss Inclusion Date and otherwise covered by the policy. The additional premiums for such Extended Reporting Endorsements shall be computed from the following table in accordance with the Company's rules, rates, rating plans and premiums in effect on the effective date of each applicable guaranteed annual endorsement.

Number of Years Following The Termination of the Policy	Percentage of Current Years Premium
FIRST	95%
SECOND	75%
THIRD	55%
FOURTH	35%
FIFTH and subsequent years	0%

The right to an Extended Reporting Endorsement under this section shall not be available to any Insured where cancellation by the Company is for failure of the Insured to pay the premium when due or for failure to pay all other amounts due to the Company.

The Extended Reporting Period Endorsement shall provide a separate aggregate limit of coverage equal to that under this policy for Claims first reported during the Extended Reporting Period.

V. Other Insurance

This insurance shall be in excess of any other valid and collectible insurance whether such insurance is stated to be primary, contributory, excess, contingent or otherwise, unless such other insurance is written only as specific excess insurance over and above the limits of liability provided in this policy.

VI. Notice of Claim or Suit

Upon an Insured's becoming aware of any act, error or omission which happens before the end of the Policy Period and which could reasonably be expected to be the basis of a Claim or suit covered hereby, written notice shall be given by or on behalf of the Insured to the Company or any of its authorized agents as soon as practicable, together with the fullest information obtainable. If a Claim is

1/19/89
BF

January 6, 1989

Honorable Paul Roller
Director of Insurance
Department of Commerce &
Economic Development
Division of Insurance
P.O. Box "D"
Juneau, ALASKA 99811

COMMERCIAL INSURANCE
STATE FILINGS COPY

RE: Accountants' Professional Liability
Policy Forms/Application/Rates
THE NORTH RIVER INSURANCE COMPANY - 052-21105
Correction to Our Filing Dated
November 22, 1988

Dear Director Roller:

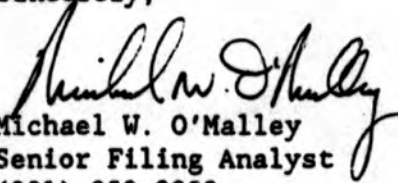
We wish to correct the manual pages submitted on November 22, 1988 for use with our Accountants' Professional Liability Insurance Policy, CFM 49. This filing was deemed approved effective December 31, 1988.

There are two corrections we wish to make. On the page titled "Flexible Rating Sheet", the base rate of \$15.00 per \$1,000 of billings had been misprinted as \$15,000 per \$1,000. Also, on the page titled "Minimum and Maximum Rates Per Staff Size", the Staff Size column was omitted inadvertently.

The corrected pages contained in this letter replace the previously-submitted pages in their entirety.

Thank you for your consideration and for your attention to this matter. A reply envelope is enclosed for your convenience.

Sincerely,


Michael W. O'Malley
Senior Filing Analyst
(201) 953-3253

MWO/cgm
APLCORRE

Enclosure

THE NORTH RIVER INSURANCE COMPANY
ACCOUNTANTS PROFESSIONAL LIABILITY
INSURANCE

FLEXIBLE RATING SHEET

- o RATES ARE BASED ON GROSS BILLINGS.
- o FORMULA: $\text{BASE PREMIUM} = \$500 + (\$15 \times \text{GROSS BILLINGS } (\$) \div \$1,000)$
- o THE BASE RATE OF \$15.00 PER \$1,000. OF BILLINGS IS FOR A LIMIT OF LIABILITY OF \$250,000.

1. **INCREASED LIMITS FACTORS** - BASED ON A \$1,000. DEDUCTIBLE.

	<u>LIMIT</u>		
	<u>\$250,000.</u>	<u>\$500,000.</u>	<u>\$1,000,000.</u>
FACTOR	1.00	1.32	1.64

2. **DEDUCTIBLE CREDITS** - BASED ON A \$250,000. LIMIT OF LIABILITY.

	<u>DEDUCTIBLE</u>						
	<u>\$1,000.</u>	<u>\$3,000.</u>	<u>\$5,000.</u>	<u>\$7,000.</u>	<u>\$10,000.</u>	<u>\$15,000.</u>	<u>\$25,000.</u>
CREDIT	0	.02	.05	.07	.10	.14	.21

3. **PRIOR ACTS FACTORS** - THE FOLLOWING PRIOR ACTS CREDITS WILL BE APPLIED TO ALL NEW AND RENEWAL BUSINESS:

<u>NUMBER OF YEARS OF PRIOR ACTS COVERAGE</u>	<u>CREDITS</u>
0	40%
1	25%
2	10%
3 OR MORE	0%

4. **DEBITS/CREDITS**

	<u>DEBIT</u>	<u>CREDIT</u>
CLAIM ACTIVITY	25%	10%
AREAS OF PRACTICE	15%	15%
SEC	25%	N/A
MAXIMUM DEBIT AND CREDIT		<u>25%</u>

LIMITS IN EXCESS OF \$1,000,000. WILL BE SUBMITTED TO THE COMPANY FOR REVIEW.

AICPA PROGRAM
MINIMUM AND MAXIMUM RATES
PER STAFF SIZE

<u>STAFF SIZE</u>	<u>MAXIMUM DEDUCTIONS</u>	<u>MINIMUM RATE</u>	<u>MAXIMUM RATE</u>
1	10,000	500	2,505
2	10,000	1,000	3,439
3	10,000	1,500	4,371
4	10,000	2,000	5,443
5	10,000	2,500	6,516
6	15,000	3,000	7,838
7	15,000	3,500	9,067
8	15,000	4,000	10,294
9	15,000	4,500	11,523
10	15,000	5,000	12,752
11	25,000	5,500	14,305
12	25,000	6,000	15,693
13	25,000	6,500	17,080
14	25,000	7,000	18,468
15	25,000	7,500	19,856
16	25,000	8,000	21,243
17	25,000	8,500	22,630
18	25,000	9,000	24,019
19	25,000	9,500	25,406
20	25,000	10,000	26,650
21	35,000	10,500	28,226
22	35,000	11,000	29,485
23	35,000	11,500	30,745
24	35,000	12,000	32,004
25	35,000	12,500	33,262
26	35,000	13,000	34,377
27	35,000	13,500	35,492
28	35,000	14,000	36,607
29	35,000	14,500	37,722
30	35,000	15,000	38,835
31	50,000	15,500	40,459
32	50,000	16,000	41,444
33	50,000	16,500	42,430
34	50,000	17,000	43,416
35	50,000	17,500	44,402
36	50,000	18,000	45,387
37	50,000	18,500	46,372
38	50,000	19,000	47,359
39	50,000	19,500	48,344
40	50,000	20,000	49,330
41	50,000	20,500	50,169
42	50,000	21,000	51,007
43	50,000	21,500	51,846
44	50,000	22,000	52,684
45	50,000	22,500	53,523
46	50,000	23,000	54,362
47	50,000	23,500	55,201
48	50,000	24,000	56,040
49	50,000	24,500	56,877
50	50,000	25,000	57,716



CNA INSURANCE COMPANIES

CNA Plaza
Chicago, Illinois 60685

AUG 17 1983

AUG 19 4 07 PM '83

Honorable Kenneth C. Moore
Director of Insurance
Pouch D
Juneau AK 99811

RE: Nurses Professional Liability Program (I.D. 613)
R-6400-BL Company Pages NSO-1 thru NSO-4
Professional and Personal Liability Manual
for the Nursing Professional
AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA

Dear Commissioner:

We submit Company Pages NSO-1 thru NSO-4 which contains the rules and rates governing the writing of our Nurses Professional Liability Program for the American Casualty Company of Reading, Pennsylvania.

The enclosed materials was prepared based upon the best judgment of our underwriting staff. The coverage afforded in this program is priced at competitive rate levels which, in our judgment, are adequate, not excessive, nor unfairly discriminatory.

The Nurses Professional Liability policies G-420, -A/G-42097-A are being simultaneously submitted under a separate letter.

If no effective date is specific at the head of this letter, we request the earliest effective date permitted by your regulations.

An extra copy of this letter is enclosed which we request you to stamp and return to us for our records.

Yours truly,

Judith Ann Rudy
Paralegal I
Law Department - 42S
(312) 822-5498

JAR/cf/B2
enclosures



NURSES PROFESSIONAL LIABILITY

FILING MEMORANDUM RULES & RATES

Professional Liability Coverage for the Nursing Profession has been available for quite some time. However, due to very limited demand for the coverage by the insuring public, the market for such coverage is relatively small. Up until recently, nurses have relied upon the supervising physician for protection; since he gave the instructions or prescribed the medicine, he would be held responsible in the event of a malpractice situation.

As the general public has become more willing to bring suit, nurses have heightened their awareness about exposure to direct action against them for malpractice. At the same time, situations have arisen where the nurse and supervising physician are at adversary positions in the course of a legal action. These and other factors have combined to materially increase the demand for Professional Liability Coverage.

American Casualty Company of Reading, Pennsylvania has been asked to consider becoming an alternative market to those currently providing Professional Liability Coverage for this class of insureds. Based upon the best judgement of our underwriting staff, we have prepared the enclosed materials. The coverage afforded in this program is priced at competitive rate levels which, in our judgement, are adequate, not excessive, nor unfairly discriminatory.

The Company will maintain and monitor separate experience for this program.

I. COMMON GENERAL RULES

A. APPLICATION OF MANUAL

This manual provides rules, rates, and premiums for the Nurses Malpractice Liability. Any exceptions are contained in the respective State Pages.

B. REFER TO COMPANY

Each nurse shall be individually written in accordance with the rules. Refer to the Company for:

1. Nurse Practitioners or Nurse Anesthetists; Physician Assistants; Professional Midwives;
2. X-ray therapy; or
3. Any unusual circumstance.

C. POLICY TERM

Policies may be written for an annual term and renewed annually thereafter.

D. RATES

All rates shown in this manual are for an annual period.

E. COVERAGE CHANGES - PREMIUM CHANGES

Apply the rates and rules in effect on the effective date of the change. It shall be permissible to add Personal Injury Coverage during the policy term:

a. Addition of Personal Injury Coverage

If added during the first half of an annual policy term, the full annual premium shall be charged.

- b. If added during the second half of an annual policy term, one-half of the full annual premium shall be charged.

Rates are shown under V, Premium, Pages 3 and 4.

2. Mid-Term Increase in Policy Limit

- a. If requested during the first calendar year of term, 100% of the full annual premium shall be paid.
- b. If requested during the second calendar year of term, 75% of the full annual premium shall be paid.
- c. If requested during the third calendar year of term, 50% of the full annual premium shall be paid.
- d. If requested during the fourth calendar year of term, 25% of the full annual premium shall be paid.

Rates are shown under V, Premium, Part A, Table 1.

F. POLICY CANCELLATIONS-RETURN PREMIUM

1. Cancellation of a mandatory coverage shall be subject to the following:
2. Compute return premium at the rate shown in the policy.
3. Compute return premium pro rata with no penalty for any reason.

II. COVERAGES

A. Mandatory coverages under this program are:

1. Professional Liability as a result of the supplying or failure to supply professional services;
 2. Reimbursement for loss of time due to being required to appear in a civil suit;
 3. Payments for medical expenses incurred as a result of an accident;
 4. Comprehensive Personal Liability as a result of bodily injury or property damage.
5. It shall be permissible to provide personal injury coverage at the option of the insured.

III. LIMITS OF LIABILITY

Limits of liability available under this program shall be:

A. PLAN I - WITHOUT PERSONAL INJURY

	<u>Basic Limits</u>	<u>Increased Limits</u>
Professional Liability - Each Claim	\$ 500,000	\$1,000,000
- Aggregate	1,000,000	2,000,000
Personal Liability - Per Occurrence	500,000	1,000,000
Medical Payment - Each Person	500	1,000
- Each Accident	25,000	50,000
Defendant's Reimbursement - Per Day	100	100
- Per Suit	1,000	1,000

B. PLAN II - WITH PERSONAL INJURY

	<u>Basic Limits</u>	<u>Increased Limits</u>
Professional Liability - Each Claim	\$ 500,000	\$1,000,000
- Aggregate	1,000,000	2,000,000
Personal Liability - Per Occurrence	500,000	1,000,000
Medical Payment - Each Person	500	1,000
- Each Accident	25,000	50,000
Defendant's Reimbursement - Per Day	100	100
- Per Suit	1,000	1,000
Personal Injury - Per Claim	500,000	1,000,000
- Aggregate	1,000,000	2,000,000

V. PREMIUMS

At the rates shown under this program shall be as follows:

	<u>Plan I</u>	<u>Plan II</u>
Basic Limits	\$38	\$44
Increased Limits	58	67

WID-TERM ADDITIONAL PREMIUMS

Additional Premiums

Personal Injury

Increased Limits

Quarter

Basic Limits

Increased Limits

Plan 1

Plan 2

1st

\$6.00

\$6.00

\$6.00

2nd

6.00

6.00

6.00

3rd

3.00

3.00

3.00

4th

3.00

3.00

3.00



CNA INSURANCE COMPANIES

CNA Plaza
Chicago, Illinois 60685

APPROVED
2/15/86
SM

JAN 3 - 1986

Honorable John L. George
Director of Insurance
Pouch D
Juneau AK 99811

RE: Nurses Professional Liability Program (I.D. 2148)
R-6400-BL(1) Revised Manual Page NSO-2 for the Professional
and Personal Liability Manual for the Nursing
Profession
AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA - 218-20427

Dear Commissioner:

We submit revised Manual Page NSO-2 which contains the rules governing the writing of our Nurses Professional Liability Program. This page, upon approval, replaces the like-numbered page filed under our identification numbered R-6400-BL.

The only change is the addition of Rule F. Installment Charge, which give the Insured the option of paying the annual premium in installments.

We request an effective date of February 1, 1986 or the earliest permitted thereafter by your regulations.

An extra copy of this letter is enclosed which we request you to stamp and return to us for our records.

Yours truly,

Judith Ann Rudy
Paralegal I
Law Department - 42S
(312) 822-5498

JAR:do/D2
Enclosures



STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF INSURANCE

BILL SHEFFIELD, GOVERNOR

POUCH D
JUNEAU, ALASKA 99811
PHONE: 465-2515

Filing Approval Procedures

We generally do not stamp a filing "approved." After receipt of a filing, we send a copy stamped "received" back to the sender. A filing is deemed approved after the appropriate review period has expired (form filing - 30 days, rates and rules - 15 days). This review period commences upon receipt of the filing in this office as evidenced by the stamped transmittal letter which is returned to the company. The above procedure is also followed for deviations.

State of Alaska

Division of Insurance

CU/dg1/20190
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PROFESSIONAL AND PERSONAL LIABILITY MANUAL

FOR THE NURSING PROFESSION

AMERICAN CASUALTY COMPANY OF READING, PA

2. Mid-Term Increase in Policy Limits of Liability

- a. If requested during the first quarter of an annual policy term, 100% of the full annual premium shall be charged.
- b. If requested during the second quarter of an annual policy term, 75% of the full annual premium shall be charged.
- c. If requested during the third quarter of an annual policy term, 50% of the full annual premium shall be charged.
- d. If requested during the fourth quarter of an annual policy term, 25% of the full annual premium shall be charged.

Rates are shown under V, Premium, Pages 3 and 4.

F. INSTALLMENT CHARGE

The Insured shall be given the option of paying the annual premium in installments. For each installment, a \$1.00 charge shall be added to the installment premium. No installment charge shall be made if the total annual premium is paid on the first installment.

G. POLICY CANCELLATIONS-RETURN PREMIUM CHANGES

1. Deletion of a mandatory coverage is not permitted.
2. Compute return premium at the rates used to calculate the policy premium.
3. Compute return premium pro rata when a policy is cancelled for any reason.

II. COVERAGE

A. Mandatory coverages under this program are:

1. Professional Liability as a result of the supplying or failure to supply professional services;
2. Defendants Reimbursement for loss of time due to being required to attend a civil suit;
3. Medical Payments for medical expenses incurred as a result of an accident;
4. Comprehensive Personal Liability as a result of bodily injury or property damage.

B. It shall be permissible to provide personal injury coverage at the option of the insured.

III. LIMITS OF LIABILITY

Limits of liability available under this program shall be:

CNA INSURANCE COMPANIES

CNA Plaza, Chicago, Illinois 60685

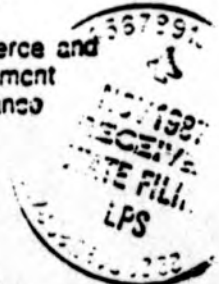
OCT 29 1987

Honorable John L. George
Director of Insurance
Pouch D
Juneau, AK 99811

RECEIVED

NOV 03 1987

Department of Commerce and
Economic Development
Division of Insurance



RE: Nurses Professional Liability Program (I.D. 3289)
R-6400-BL(2) Manual Page NSO-5 for the Professional
and Personal Liability Manual for the
Nursing Profession
AMERICAN CASUALTY COMPANY OF READING, PA 218-20427

Dear Commissioner:

We submit the captioned manual page for incorporation into our Professional and Personal Liability Manual for the Nursing Profession. This manual was filed and approved for use in your state under our identification number R-6400-BL.

This page increases the Defendants Reimbursement Limits appearing in Section III from \$100 per day to \$150 per day and \$1,000 per suit to \$4,000 per suit. This change in limits is being made with no change in rates.

We request the earliest effective date permitted by your regulations.

An extra copy of this letter is enclosed which we request you to stamp and return to us for our records.

Yours truly,

Judith Ann Rudy
Paralegal I
Law Department - 42S
(312) 822-5498

JAR/ej/C2
Enclosures

CNA

For All the Commitments You Make

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF INSURANCE

STEVE COWPER, GOVERNOR

P.O. BOX D
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2515



DATE: August 18, 1987
TO: Insurers Filing Rates and Forms
FROM: John L. George, Director
Division of Insurance
SUBJECT: Rate and Form Filing Approval Policy

Rates and forms filed are deemed approved after the time period set in Alaska Statutes has run, unless we notify you the filing is held for more information or we disapprove it. The applicable time period for rates is 15 days; for forms, 30 days. The time periods begin the date the filing is stamped "received" in our division. That day is not counted as part of the applicable period. Most rates and forms are approved by this "deemer" system.

If the timing of your use of a rate or form is critical, please request express approval. If approved, that filing will be stamped "approved" and a copy returned to you. Please feel free to request a letter of approval if you have a special need for it. Please telephone the Market Section at the above number if questions arise.

JLG/mst6422m
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AND PERSONAL LIABILITY MANUAL

THE NURSING PROFESSION

CASUALTY COMPANY OF READING, PA

V. DEFENDANT'S REIMBURSEMENT LIMIT OF LIABILITY

The limits of liability available under this program for defendant's reimbursement appearing in Section III. of this manual are withdrawn and replaced with the following:

	<u>Basic Limits</u>	<u>Increased Limits</u>
Defendant's Reimbursement-per day	\$ 150	\$ 150
-per suit	4,000	4,000

**PROFESSIONAL LIABILITY MANUAL
FOR THE NURSE MIDWIFE PROFESSION**

AMERICAN CASUALTY COMPANY OF READING PA.

H. PREMIUM PAYMENT PLAN

The insured shall be given the option of paying the annual premium in installments. The premium payment options available include annual and quarterly installments.

II. COVERAGE

Coverage under this policy is described in the Coverage Part. Mandatory coverages under this program are:

- A. Professional Liability as a result of supplying or failure to supply professional services;
- B. Defendants Reimbursement for loss of time due to being required to attend a civil suit.

III. LIMITS OF LIABILITY

Limits of Liability available under this program shall be:

- A. \$ 250,000 Each Claim/\$ 250,000 Aggregate
- B. 500,000 Each Claim/ 500,000 Aggregate
- C. 1,000,000 Each Claim/ 1,000,000 Aggregate

Defendants Reimbursement of \$150.00 per day/ \$4,000 per suit.

IV. PREMIUM

Claims-Made Rates

Limits (000)	Full Time Step Rate*				
	1	2	3	4	5
250/250	2,556	3,067	3,578	4,090	4,601
500/500	2,996	3,595	4,194	4,793	5,392
1,000/1,000	3,407	4,088	4,770	5,451	6,133

*Defendants Reimbursement premium is included.

- A. For part time, apply 50% of the appropriate rate.
- B. For students, apply 10% of the appropriate rate.

**PROFESSIONAL LIABILITY MANUAL
FOR THE NURSE MIDWIFE PROFESSION**

AMERICAN CASUALTY COMPANY OF READING PA.

V. EXTENDED REPORTING PERIOD COVERAGE

- A. The factors in the following Table shall be applied to the mature claims-made rate in the year coverage is being purchased.

Years of Prior Claims Made Coverage	Installment Factors			Prepaid Factors
	1st year	2nd year	3rd year	
1	.53	.33	.30	1.07
2	.80	.48	.45	1.61
3	.92	.56	.52	1.86
4 or more	.99	.60	.56	2.00

- B. The availability of Extended Reporting Period coverage shall be governed by the following rules, subject to underwriting approval.
1. The available Limits of Liability shall not exceed those afforded under the current claims-made policy.
 2. Reporting periods shall be rounded to the nearest year. The first six months of a policy year will encompass the first year; the second six months of a policy year will be incorporated as the second year.
 3. The Date of coverage with this Company will determine eligibility for Extended Reporting Coverage at no charge in the event of death, disability, or retirement.
 4. Extended Reporting coverage will be available to all nurse midwives.
 5. Should an insured terminate coverage under this policy, the insured may purchase Extended Reporting Coverage. The insured is eligible for this coverage provided:
 - a. The insured requests Extended Reporting Period coverage within 60 days of policy termination; and
 - b. Premium is paid promptly when due. Premium may be paid in advance, or in three annual installments.

SCOMM

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SELF-REGULATION MATERIALS

- 1) Alaska Statutes
- 2) Professional Regulations
- 3) Letter: 12/22/1989 To: David Rogers From: Gary Dodson
- 4) FY 89 Stat. Information
- 5) Memo: 01/22/1990 To: David Rogers From: Linda Gohl
- 6) Annual Report Board of Registration
- 7) Procedures Manual
- 8) Circular of Information No. 189-90

Doctors, Etc.

- 1) Alaska Statutes
- 2) Professional Regulations
- 3) Health and Safety
- 4) Letter: 10/16/1989 To: David Rogers From: Pam Ventgen, enclosures
- 5) Letter: 12/21/1989 To: David Rogers From: Pam Ventgen
- 6) Letter: 10/16/1989 To: David Rogers From: Pam Ventgen
- 7) Letter: 01/16/1990 To: David Rogers From: Pam Ventgen
- 8) Alaska State Medical Board Report
- 9) Addendum A
- 10) Addendum B
- 11) Addendum C
- 12) Avoiding Liabilities for In-Office Laboratories
- 13) Avoiding Medical Record Decencies
- 14) How to Report Possible Claim

- 15) Preventing Patient Injuries
- 16) Preventing Medication Related Malpractice Claims
- 17) Report: Risk Prevention

Lawyers

- 1) Alaska Statutes
- 2) Letter: 10/29/1989 To: Sam Cotten From: Jerry Feldman, enclosures
- 3) Letter: 10/05/1989 To: Justice Matthews From: Stephen VanGoor, enclosures
- 4) Letter: 01/16/1990 To: David Rogers From: Deborah O'Regan, enclosures

Nurses, Etc.

- 1) Alaska Statutes
- 2) Professional Regulations
- 3) Letter: 01/18/1990 To: David Rogers From: Gail McGuill
- 4) CSSB 156

Dentists, Etc.

- 1) Alaska Statutes
- 2) Professional Regulations
- 3) Alaska Statutes
- 4) Fax: 01/16/1990 To: David Rogers From: Frank Thomas-Mears
- 5) Fax: 01/18/1990 To: David Rogers From: Frank Thomas-Mears
- 6) Alaska State Board of Dental Examiners Annual Report

SELF-REGULATION MATERIALS

Architects, Engineers and Land Surveyors

**CHAPTER 48.
ARCHITECTS, ENGINEERS AND LAND SURVEYORS.**

Article

1. Board of Registration (§§ 08.48.011—08.48.141)
2. Registration and Practice (§§ 08.48.171—08.48.261)
3. Unlawful Acts (§§ 08.48.281—08.48.291)
4. General Provisions (§§ 08.48.311—08.48.351)

**ARTICLE 1.
BOARD OF REGISTRATION.**

Section

11. Board created
21. Appointments and terms
31. Qualifications
41. Removal of members
51. Organization and meetings
61. Finances
71. Records and reports
81. Roster
91. Written examinations and examination fees
101. Regulations; bylaws; code of ethics
111. Power to revoke, suspend, or reissue certificate
121. Disciplinary action and procedure
131. Injunction
141. Legal counsel

Sec. 08.48.011. Board created. (a) There is created the State Board of Registration for Architects, Engineers and Land Surveyors. The board shall administer the provisions of this chapter and comply with the Administrative Procedure Act (AS 44.62).

(b) The board consists of nine members appointed by the governor having the qualifications as set out in AS 08.48.031. The board consists of two civil engineers, one land surveyor, one mining engineer, two engineers from other branches of the profession of engineering, two architects, and one public member.

Sec. 08.48.021. Appointments and terms. (a) The governor shall give each member of the board a certificate of appointment, and the member shall file with the lieutenant governor a written oath or affirmation for faithful discharge of the member's official duty.

(b) Repealed by § 49 ch 94 SLA 1987.

Sec. 08.48.031. Qualifications. Each member of the board must have been a resident in the state for three consecutive years immediately preceding appointment and, except for the public member, must be registered and have a minimum of five years of professional practice in the member's respective field.

Sec. 08.48.041. Removal of members. The governor may remove a member of the board for misconduct, incompetency or neglect of duty.

Sec. 08.48.051. Organization and meetings. The board shall hold at least four regular meetings each year. Special meetings may be held as the bylaws of the board provide. The board shall elect or appoint annually from its members the following officers: president, vice president and secretary. A quorum of the board consists of not less than five members.

Sec. 08.48.061. Finances. (a) All money derived under the provisions of this chapter shall be deposited in the general fund.

(b) Each member of the board is entitled to receive per diem and travel expenses as authorized by law for other boards and commissions.

(c) The board may make expenditures from appropriated funds for any purpose which is reasonably necessary for the proper performance of its duties under this chapter. This may include the expenses of the board delegates to meetings of councils of architect examiners, engineering examiners, or land surveyor examiners, or any of their subdivisions. The total amount of warrants issued in payment of the expenses incurred under this chapter may not exceed the amount of money appropriated by the legislature.

Sec. 08.48.071. Records and reports. (a) The following record of the board's proceedings and of all applications for registration or authorization shall be kept by the Department of Commerce and Economic Development under AS 08.01.050:

- (1) the name, age and last known address of each applicant;
- (2) the date of application;
- (3) the place of business of the applicant;
- (4) the education, experience and other qualifications;
- (5) the type of examination required;
- (6) whether or not the applicant was rejected;
- (7) whether or not a certificate of registration or authorization was granted or endorsed;
- (8) the date of the action of the board;
- (9) other action taken by the board;
- (10) other information which may be considered necessary by the board.

(b) The record of the board is prima facie evidence of the proceedings of the board, and a transcript, certified by the secretary, is admissible as evidence with the same effect as if the original were produced.

(c) Annually, at the end of the fiscal year, the board shall submit to the governor and the legislature

- (1) a report of its transactions of the preceding year;
- (2) a complete statement of the receipts and expenditures of the board, attested by affidavits of its president and its secretary;

(3) a report of attendance of members of the board at meetings of the board;

(4) a list of the regulations adopted, amended or repealed since the last report;

(5) a report of the current purposes and goals of the board; and

(6) a report of significant developments in the field of architecture, engineering, or land surveying of concern to the board.

(d) Board records and papers of the following class are of a confidential nature and are not public records: examination material for examinations not yet given, file records of examination problems, solutions, letters of inquiry and reference concerning applicants, board inquiry forms concerning applicants, investigation files if an investigation is still pending, and all other matters of a like confidential nature.

(e) The Department of Commerce and Economic Development shall, under AS 08.01.050, preserve the records under (a) of this section for the previous five years.

(f) The Department of Commerce and Economic Development shall assemble statistics relating to the performance of its staff and the performance of the board, including but not limited to

(1) the number of architects, engineers and land surveyors registered over a five-year period;

(2) the rate of passage of examinations administered by the board;

(3) the number of persons making application for registration as a professional architect, engineer, or land surveyor over a five-year period;

(4) an account of registration fees collected under AS 08.48.201(b);

(5) a measure of the correspondence workload of any licensing examiner employed by the department to carry out this chapter.

Sec. 08.48.081. Roster. A complete roster showing the names and last known addresses of all architects, engineers and land surveyors, based on the register prepared under AS 08.01.050(12), shall be published by the secretary of the board once each year, or at lesser intervals as established by board regulations, and shall include the registrants' authorization numbers if applicable. Copies of this roster shall be mailed to each person registered, placed on file with the lieutenant governor and borough and city officials, and, upon request, may be distributed or sold to the public.

Sec. 08.48.091. Written examinations and examination fees. Written examinations must be held at least twice each year at places determined by the board unless the examination administered by the board is a national examination prepared only once each year, in which case the examination must be held at least once each year. A candidate failing an examination may apply for reexamination.

Sec. 08.48.101. Regulations; bylaws; code of ethics. (a) The board may adopt regulations to carry out the purpose of this chapter, including, but not limited to

- (1) describing the contents of an examination;
- (2) establishing the conduct of an examination;
- (3) establishing a minimum score for passing an examination;
- (4) establishing bylaws governing its meetings and activities;
- (5) publishing a code of ethics or professional conduct for those persons regulated by this chapter, including corporations under AS 08.48.241.

(b) The regulations, bylaws, and code of ethics or professional conduct promulgated by the board shall be published in the annual report to the governor.

Sec. 08.48.111. Power to revoke, suspend or reissue certificate. The board may suspend, refuse to renew, or revoke the certificate of or reprimand a registrant or corporation who is found guilty of (1) fraud or deceit in obtaining a certificate; (2) gross negligence, incompetence, or misconduct in the practice of architecture, engineering, or land surveying; or (3) a violation of this chapter, a regulation adopted under it, or the code of ethics or professional conduct as adopted by the board. The code of ethics or professional conduct shall be made known in writing to every registrant and applicant for registration under this chapter, and shall be published with the roster provided for in AS 08.48.081. This publication constitutes due notice to all registrants. The board may revise and amend this code and, upon doing so, shall immediately notify each registrant in writing of the revisions or amendments. The board may, upon petition of the registrant or corporation, reissue a certificate if a majority of the members of the board vote in favor of the reissuance.

Sec. 08.48.121. Disciplinary action and procedure. Any person may file with the secretary of the board a charge of fraud, deceit, gross negligence, incompetence, misconduct or violation of this chapter, a regulation adopted under it, or the code of ethics of the board. Such a charge, constituting an accusation under the Administrative Procedure Act (AS 44.62), shall be in writing and sworn to by the person making it. A charge may be dismissed by the board as unfounded or trivial.

Sec. 08.48.131. Injunction. The board may bring an action in the superior court to enforce compliance with this chapter or an order of the board, or to enjoin a person from doing an act that violates this chapter.

Sec. 08.48.141. Legal counsel. The attorney general of the state shall act as legal advisor to the board and render legal assistance upon request of its president.

ARTICLE 2. REGISTRATION AND PRACTICE.

Section

171. General requirements and qualifications for registration
181. Registration upon examination
191. Registration by comity or endorsement
201. Application and fees for registration
211. Certificate of registration
221. Seals
231. Expirations and renewals
241. Corporations
251. Partnerships
261. State employees
265. Fees

Sec. 08.48.171. General requirements and qualifications for registration. An applicant for registration as an architect, engineer or land surveyor must be of good character and reputation and must submit evidence satisfactory to the board of the applicant's education, training and experience. However, an applicant for registration as a land surveyor may not be required to submit evidence of more than eight years of any combination of education, experience or training.

Sec. 08.48.181. Registration upon examination. Except as provided in AS 08.48.191, for registration as a professional architect, professional engineer or professional land surveyor, a person shall be examined in this state in accordance with the regulations of procedure and standards adopted by the board in accordance with the Administrative Procedure Act (AS 44.62), which procedure and standards shall at least meet the requirements adopted by recognized national examining councils for these professions.

Sec. 08.48.191. Registration by comity or endorsement. (a) A person holding a certificate of registration authorizing the person to practice architecture in a state, territory or possession of the United States, the District of Columbia, or a foreign country, or holding a certificate of qualification issued by the National Council of Architectural Registration Board, which, in the opinion of the board, meets the requirements of this chapter, based on verified evidence, may, upon application, be registered in accordance with the regulations of the board.

(b) A person holding a certificate of registration authorizing the person to practice engineering in a state, territory or possession

of the United States, the District of Columbia, or a foreign country, which, in the opinion of the board meets the requirements of this chapter, based on verified evidence, may, upon application, be registered in accordance with regulations of the board. A person holding a certificate of qualification issued by the National Council of Engineering Examiners Committee on National Engineering Certification may, upon application, be registered in accordance with the regulations of the board.

(c) A person holding a certificate of registration authorizing the person to practice land surveying in a state, territory or possession of the United States, the District of Columbia, or a foreign country, may, upon application, be registered in accordance with the regulations of the board if the person's certificate was issued under requirements comparable to those in this state.

Sec. 08.48.201. Application and fees for registration. (a) Application for registration as a professional architect, a professional engineer or a professional land surveyor shall (1) be on a form prescribed and furnished by the board; (2) contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical experience; and (3) contain five references, three of whom must be architects for architectural registration, engineers for engineering registration, and land surveyors for land surveying registration, having personal knowledge of the applicant's architectural, engineering or land surveying education, training or experience.

(b) Repealed by § 54 ch 37 SLA 1985.

Sec. 08.48.211. Certificate of registration. (a) An applicant who fulfills the requirements set out by the board shall be awarded a certificate of registration as a professional architect, engineer or land surveyor, authorizing the holder to offer or perform architectural, engineering or land surveying services or work for the public, or to certify or sign architectural, engineering or land surveying documents. Certificates of registration issued under this section shall be inscribed on their face in a manner determined by the board.

(b) The certificate of registration sealed by the board is prima facie evidence that the person named in it is entitled to all rights and privileges as a professional architect, professional engineer or professional land surveyor, while the certificate remains unrevoked or unexpired.

Sec. 08.48.221. Seals. Each registrant may obtain a seal of the design authorized by the board, bearing the registrant's name, registration number, and the legend, "Registered Professional Architect," "Registered Professional Engineer," or "Registered

Professional Land Surveyor," as appropriate. Final drawings, specifications, surveys, plats, plates, reports and other similar documents shall, when issued, be signed and stamped with the seal. The board shall adopt regulations governing the use of seals by the registrant. It is unlawful for an architect, engineer or land surveyor to affix or permit a seal and signature to be affixed to an instrument after the expiration of a certificate or for the purpose of aiding or abetting another person to evade or attempt to evade a provision of this chapter. The registrant, by affixing the registrant's seal to final drawings, specifications, surveys, plats, plates, reports and other similar documents and signing them, certifies that these documents were prepared by or under the registrant's direct supervision, unless the registrant certifies on the face of the document to the extent of the registrant's responsibility.

Sec. 08.48.231. Expirations and renewals. (a) To remain valid, certificates shall be renewed in accordance with AS 08.01.100. Notice of renewal dates, given under AS 08.01.050(11), shall be mailed to the registrant or corporation at the registrant's or corporation's last known address at least one month in advance of the date of the expiration of the certificate. If the certificate has been suspended or revoked, the board may take action independent of this section.

(b) The renewal of a certificate does not require reapplication if the certificate has not expired or has not been suspended or revoked.

(c) An expired certificate may be renewed under regulations adopted by the board establishing requirements for reexamination.

Sec. 08.48.241. Corporations. (a) This chapter does not prevent a corporation from offering architectural, engineering or land surveying services; however, the corporation shall file with the board

(1) an application for a certificate of authorization upon a form to be prescribed by the board and containing information required to enable the board to determine whether the corporation is qualified in accordance with the provisions of this chapter to offer to practice architecture, engineering or land surveying in this state;

(2) a certified copy of a resolution of the board of directors of the corporation designating persons holding certificates of registration under this chapter as responsible for the practice of architecture, engineering or land surveying by the corporation in this state and providing that full authority to make all final architectural, engineering or land surveying decisions on behalf of the corporation with respect to work performed by the corporation in this state is granted by the board of directors to the persons designated in the resolution; however, the filing of this resolution does not relieve the corporation of any responsibility or liability imposed upon it by law or by contract;

(3) a designation in writing setting out the name of one or more persons holding certificates of registration under this chapter who are in responsible charge of each major branch of the architectural, engineering or land surveying activities in which the corporation specializes in this state; if a change is made in the person in responsible charge of a major branch of the architectural, engineering or land surveying activities, the change shall be designated in writing and filed with the board within 30 days after the effective date of the change.

(b) upon filing with the board the application for certificate of authorization, certified copy of resolution, affidavit, and designation of persons specified in this section, the board shall, subject to (c) of this section, issue to the corporation a certificate of authorization to practice architecture, engineering or land surveying in this state upon a determination by the board that

(1) the bylaws of the corporation contain provisions that all architectural, engineering or land surveying decisions pertaining to architectural, engineering or land surveying activities in this state will be made by the specified architect, engineer or land surveyor in responsible charge, or other registered architects, engineers or land surveyors under the direction or supervision of the architect, engineer or land surveyor in responsible charge;

(2) the application for certificate of authorization states the type of architecture, engineering or land surveying practiced or to be practiced by the corporation;

(3) the applicant corporation has the ability to provide architectural, engineering or land surveying services;

(4) the application for certificate of authorization states the professional records of the designated person who is in responsible charge of each major branch of architectural, engineering or land surveying activities in which the corporation specializes;

(5) the application for certificate of authorization states the experience of the corporation, if any, in furnishing architectural, engineering or land surveying services during the preceding five-year period;

(6) the applicant corporation meets other requirements related to professional competence in the furnishing of architectural, engineering or land surveying services as may be established and promulgated by the board in furtherance of the objectives and provisions of this chapter.

(c) The board may, in the exercise of its discretion, refuse to issue, or may suspend or revoke a certificate of authorization to a corporation if the board finds that any of the officers, directors, incorporators or the stockholders holding a majority of the stock of the corporation has committed misconduct or malpractice, or has been found personally responsible for misconduct or malpractice under the provisions of this chapter.

(d) The certificate of authorization shall specify the major branches of architecture, engineering or land surveying of which the corporation has designated a person in responsible charge as provided in this section. The certificate of authorization shall be conspicuously displayed in the place of business of the corporation, together with the names of persons designated as being in responsible charge of the professional activities.

(e) If a corporation, organized solely by either a group of architects, a groups of engineers, or a group of land surveyors, each holding a certificate of registration under this chapter, applies for a certificate of authorization, the board may, in its discretion, grant a certificate of authorization to the corporation based on a review of the professional records of the incorporators, in place of the required qualifications set out in this section. If the ownership of the corporation is altered, the corporation shall apply for a revised certificate of authorization, based upon the professional records of the owners, if exclusively architects, engineers or land surveyors or otherwise under the qualifications required by (b)(1)—(4) of this section.

(f) A corporation authorized to offer architectural, engineering or land surveying services under this chapter, together with its directors and officers for their own individual acts, is responsible to the same degree as the designated individual registered architect, engineer or land surveyor, and must conduct its business without misconduct or malpractice in the practice of architecture, engineering or land surveying as defined in this chapter.

(g) If the board, after a proper hearing, finds that a corporation holding a certificate of authorization has committed misconduct or malpractice, the board shall suspend or revoke the certificate of authorization. The board shall also suspend or revoke the certificate of registration of any registered individual architect, engineer or land surveyor who, after a proper hearing, is found by the board to have participated in committing the misconduct or malpractice.

(h) Plans, specifications, designs and reports, when issued in connection with work performed by a corporation under its certificate of authorization, shall be prepared by or under the responsible charge of and shall be signed by and shall be stamped with the official seal of a person holding a certificate of registration under this chapter.

(i) Repealed by § 54 ch 37 SLA 1985.

Sec. 08.48.251. Partnerships. This chapter does not prevent the practice of architecture, engineering or land surveying by partnership if all the members of the partnership are architects, engineers or land surveyors legally registered under this chapter.

Sec. 08.48.261. State employees. The head of each principal department in which there are positions necessitating use of architectural, engineering or land surveying knowledge or skills shall specify, in the job descriptions, the positions for which registration under this chapter is required. This requirement for any position in a department may be waived by the head of the department. When the requirement is waived, the head of the department shall transmit to the division of personnel a written statement to the effect that the person filling the position is qualified to perform the duties of that position and a statement of the reasons for waiving the requirement, explaining why the employee was hired or was retained as an employee even though not registered under this chapter. The head of the department shall send a copy of the statement to the board.

Sec. 08.48.265. Fees. The Department of Commerce and Economic Development shall set fees under AS 08.01.065 for examinations, registrations, certificates of authorization, and renewals of a certificate.

ARTICLE 3. UNLAWFUL ACTS.

Section

281. Prohibited practice
291. Violations and penalties

Sec. 08.48.281. Prohibited practice. A person may not practice or offer to practice the profession of architecture, engineering or land surveying in Alaska, as defined in this chapter, or use in connection with the person's name or otherwise assume or advertise a title or description tending to convey the impression that the person is a registered architect, engineer or land surveyor unless the person has been registered under the provisions of this chapter or is a person to whom these provisions do not apply, or, in the case of a corporation, unless it has been authorized under this chapter.

Sec. 08.48.291. Violations and penalties. A person who practices or offers to practice architecture, engineering or land surveying in Alaska without being registered or authorized to practice in accordance with the provisions of this chapter, or a person presenting or attempting to use the certificate or the seal of another, or a person who gives false or forged evidence of any kind to the board or to a member of the board in obtaining or attempting to obtain a certificate, or a person who impersonates a registrant, or a person who uses or attempts to use an expired or revoked or nonexistent certificate, knowing of the certificate's status, or a person who falsely claims to be registered and authorized to practice under this chapter, or a person who violates any of the provisions of this

chapter, is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$10,000 or by imprisonment for not more than one year, or by both.

ARTICLE 4. GENERAL PROVISIONS.

Section

311. Individual right
321. Evidence of practice
331. Exemptions
341. Definitions
351. Short title

Sec. 08.48.311. Individual right. The right to engage in the practice of architecture, engineering or land surveying is considered a personal and individual right, based on the qualifications of the individual as evidenced by the individual's certificate of registration, which is not transferable.

Sec. 08.48.321. Evidence of practice. A person practices or offers to practice architecture, engineering or land surveying who

- (1) practices a branch of the profession of architecture, engineering or land surveying as defined in AS 08.48.341;

- (2) by verbal claim, sign, advertisement, letterhead, card, or other means represents to be an architect, engineer or land surveyor, or through the use of some other title implies that the person is an architect, engineer or land surveyor;

- (3) holds out as able to perform or who does perform an architectural, engineering or land surveying service recognized by the professions covered by this chapter, and specified in regulations of the board, as architectural, engineering or land surveying.

Sec. 08.48.331. Exemptions. This chapter does not apply to

- (1) the execution as a contractor of work designed by a professional architect, or engineer, or the supervision of the construction of this work as a foreman or superintendent for a contractor;

- (2) superintendents, foremen, inspectors, or building trades craftsmen in the performance of their customary duties;

- (3) an officer or employee of the United States government practicing architecture, engineering or land surveying as required by that person's official capacity;

- (4) an officer or employee of the state practicing architecture, engineering or land surveying as required by that person's official capacity if registration is not required by that person's job description or by AS 38.95.150 or 38.95.160;

- (5) the work of an employee or a subordinate of a person legally registered under this chapter, if the work or service does not

include final designs or decisions or surveys, and is done under the direct supervision of and verified by a person legally registered under this chapter;

(6) the services ordinarily performed by locomotive, stationary and marine engine men, power plant operators, and manufacturers who supervise the operation of or operate machinery or equipment, or supervise construction within their own plant which affects only the property or interest of the manufacturer, unless the public health or safety is involved;

(7) the practice of any other lawfully recognized profession;

(8) associates, consultants or specialists retained by an individual, a partnership of legally registered individuals, or a corporation authorized under this chapter, in the performance of the professional services offered by the legally registered individual, partnership, or authorized corporation if responsible charge of the work remains with the individual, partnership or designated representative of the corporation;

(9) a person preparing plans, drawings, or specifications for

(A) a building for that person's own use and occupancy unless the public health, safety, or welfare is substantially involved;

(B) farm or ranch buildings unless the public health, safety, or welfare is substantially involved;

(C) a building intended to be used only as a residence by not more than four families and not more than two stories high;

(D) a building with a total of not more than 500 square feet of floor space;

(10) a specialty contractor licensed under appropriate Alaska Statutes, while engaged in the business of contracting, designing systems or facilities as otherwise permitted by law for work within the specialty for which the specialty contractor's license was issued to be performed or supervised by the contractor, or any licensed contractor preparing shop or field drawings for work which the specialty contractor has contracted to perform;

(11) a person furnishing, either alone or with subcontractors, labor and materials, with or without plans, drawings, specifications, instruments of service, or other data covering the labor and materials to be used for any of the following:

(A) storefronts (facades), interior alterations or additions, fixtures, cabinetwork, furniture, or other appliances or equipment;

(B) work necessary to provide for installation of an item listed in (A) of this paragraph;

(C) alterations or additions to a building necessary to or attendant upon installation of an item listed in (A) of this paragraph if the alteration or addition does not change or affect the structural system or safety of the building;

(12) an officer or employee of an individual, firm, partnership, association or corporation which officer or employee practices architecture, engineering or land surveying when required by that

person's official capacity or work duties connected with that person's employment if the individual firm, partnership, association or corporation is not engaged in the business of offering architectural, engineering or land surveying services to the public.

Sec. 08.48.341. Definitions. In this chapter

(1) "architect" means a professional architect;

(2) "board" means the State Board of Registration for Architects, Engineers and Land Surveyors;

(3) "certificate of authorization" means a certificate issued by the board authorizing a corporation to provide professional services in architecture, engineering or land surveying through individuals legally registered by the board;

(4) "certificate of registration" means a certificate issued by the board recognizing the individual named in the certificate as meeting the requirements for registration under this chapter;

(5) "engineer" means a professional engineer;

(6) "land surveyor" means a professional land surveyor;

(7) "practice of architecture" means professional service or creative work in the functional and aesthetic design of structures, the teaching of advanced architectural courses in institutions of higher learning, consultation, investigation, evaluation, planning, design and professional observation of construction of public or private structures, buildings, works or projects, and architectural review of plans and specifications by regulatory agencies; it may by regulation of the board include mechanical, electrical or structural design of relatively minor importance to the project as a whole;

(8) "practice of engineering" means professional or creative work, the adequate performance of which requires the application of specialized knowledge of mathematics and sciences, dealing with the functional and economic design of buildings, structures, machines, equipment, utilities systems, materials, processes, works or projects, public or private; the teaching of advanced engineering courses in institutions of higher learning, the direction of or the performance of engineering surveys, consultation, investigation, evaluation, planning, design, and professional observation of construction of public and private structures, buildings, works or projects and engineering review of plans and specifications by regulatory agencies; it may by regulation of the board include architectural design of relatively minor importance to the project as a whole, but it does not include comprehensive architectural services;

(9) "practice of land surveying" means any service or work the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related sciences, and the relevant requirements of law for adequate evidence of the act of measuring and locating land, geodetic and cadastral surveys for the location and monumentation of property boundaries, for the

platting and planning of land and subdivisions, and for the preparation and perpetuation of maps, record plats, field note records and property descriptions that represent these surveys;

(10) "professional architect" means a person who has been legally registered as a professional architect by the board;

(11) "professional engineer" means a person who has been legally registered as a professional engineer by the board;

(12) "professional land surveyor" means a person who has been legally registered as a professional land surveyor by the board;

(13) "responsible charge" means the direct control and personal supervision of work.

Sec. 08.48.351. Short title. This chapter may be cited as the Architects, Engineers and Land Surveyors Registration Act.

**CHAPTER 36.
STATE BOARD OF REGISTRATION FOR ARCHITECTS,
ENGINEERS AND LAND SURVEYORS**

Article

1. Registration and Licensing
(12 AAC 36.010—12 AAC 36.190)
2. Code of Professional Conduct
(12 AAC 36.200—12 AAC 36.245)
3. Disciplinary Guidelines
(12 AAC 36.300—12 AAC 36.330)
4. General Provisions (12 AAC 36.900—12 AAC 36.990)

**ARTICLE 1.
REGISTRATION AND LICENSING**

Section

10. Applications
20. Abandoned applications
40. Reexamination application
50. Final filing dates
60. Eligibility for architect registration examination
62. Eligibility for fundamentals of engineering examination
63. Engineer education and experience requirements
64. Eligibility for fundamentals of land surveying examination
65. Eligibility for professional land surveyor examination
67. Date of experience
70. Postponements
80. Authorization to take examination
90. Waiver of fundamentals of engineering examination
100. Content of examination
103. Architect registration by comity
105. Engineer registration by comity
107. Land Surveyor registration by comity
110. Treatise required for registration
160. Duplicate certificate
165. Expired certificates
170. Fees
180. Seal
185. Use of seals
190. Testing laboratory reports

12 AAC 36.010. APPLICATIONS (a) An application for registration or examination for registration must be typewritten and filed with the board on a form prescribed by the board, accompanied by the required fee and a recent, frontal photograph, two inches by two and one-half inches in size.

(b) A candidate will not be admitted to an examination or approved for registration until the candidate's qualifications are accepted by the board.

12 AAC 36.020. ABANDONED APPLICATIONS. (a) In the absence of special circumstances, the board will consider an examination application abandoned if

(1) the applicant fails to appear for examination at the time fixed without obtaining a postponement as set out in 12 AAC 36.070;

(2) the applicant, after two postponements, fails to appear for examination at the time fixed.

(b) An applicant whose application is considered abandoned will have that application denied without prejudice and the application fee will be forfeited.

(c) An application is considered abandoned if 18 months have elapsed since correspondence was last received from the applicant.

12 AAC 36.040. REEXAMINATION APPLICATION. An applicant who has failed the examination may, within 18 months of notification of the failed examination, reapply for examination. Another examination fee is required.

12 AAC 36.050. FINAL FILING DATES. (a) Except as provided in (e) of this section, the final filing date for applications for examination is 60 days before the examination and will be advertised as such by the board at least 30 days before that date.

(b) Repealed 9/30/78.

(c) Whenever the final filing date for an examination falls upon a Saturday, Sunday or holiday, it will be extended to the next business day.

(d) If an application is filed with the board through the United States mail, it will be considered filed on the date of receipt by the department.

(e) For the fall administration of the fundamentals of engineering (EIT) examination only, an applicant who qualifies under 12 AAC 36.062(1) may submit a complete application up to 30 days after the published application deadline, upon payment of double the application fee set in 12 AAC 02.110.

12 AAC 36.060. ELIGIBILITY FOR ARCHITECT REGISTRATION EXAMINATION. (a) To be eligible for the architect registration examination an applicant must meet the education and experience requirements set out in the NCARB Circulars of Information Nos. 1 and 3. This subsection is repealed effective January 1, 1990.

(b) Effective January 1, 1990, all applicants for the architect registration examination must complete the NCARB Intern—Architect Development Program (IDP) and submit an NCARB IDP council record with the examination application.

(c) An applicant for examination may receive a description of the requirements mentioned in this section upon submission of a written request to department.

12 AAC 36.062. ELIGIBILITY FOR FUNDAMENTALS OF ENGINEERING EXAMINATION. To be eligible for the fundamentals of engineering examination, an applicant must

(1) have successfully completed at least 75 percent of the required credit hours leading to an undergraduate degree in an engineering curriculum accredited by ABET as documented by the applicant's educational institution; or

(2) submit to the board satisfactory evidence that the applicant's education or work experience or both are equivalent to the requirements set out in the following engineer in training (EIT) table of equivalent experience:

ENGINEER IN TRAINING
TABLE OF EQUIVALENT EXPERIENCE

Description of Training	Equivalent Education In Years	Minimum Work Experience In Years	Total Years of Education and Experience
ABET accredited B.S. degree in engineering	4	0	4
ABET accredited B.S. degree in engineering technology in a branch of engineering listed in 12 AAC 36.990(17)	3	1	4
Non-ABET accredited B.S. degree in engineering	3	1	4
Course work in ABET accredited engineering degree curriculum—no degree	0.3	2.5	5
All other B.S. degrees in engineering technology	0.2	3.5	5
Course work in ABET accredited engineering technology degree program—no degree	0.2	3.5	5
Course work in Non-ABET engineering technology degree curriculum—no degree	0.1	5.6	6
No engineering education	0	6	6

12 AAC 36.063. ENGINEER EDUCATION AND EXPERIENCE REQUIREMENTS. (a) To be eligible for a professional engineering examination, an applicant must

(1) have been approved for or have passed the fundamentals of engineering examination or had these requirements waived under 12 AAC 36.090(a);

(2) apply for examination in a branch of engineering recognized by 12 AAC 36.990(17); and

(3) submit to the board satisfactory evidence that the applicant's education or work experience or both are equivalent to the requirements set out in the following professional engineering (PE) table of equivalent experience:

**PROFESSIONAL ENGINEER
TABLE OF EQUIVALENT EXPERIENCE**

Description of Training	Equivalent Education In Years	Minimum Work Experience In Years	Total Years of Education and Experience
ABET accredited B.S. degree in engineering and an M.S. or Ph.D. in engineering	5	3	8
ABET accredited B.S. degree in engineering in the branch of engineering applied for listed in 12 AAC 36.990(17)	4	4	8
ABET accredited B.S. degree in engineering technology	3	5	8
ABET accredited B.S. degree in engineering not in the branch applied for or a Non-ABET accredited B.S. degree in engineering in the branch applied for	3	5	8
Course work in ABET accredited engineering degree curriculum—no degree	0.3	7-10	10
Non-ABET accredited B.S. degree in engineering technology	0.2	8-10	10
Course work in an ABET accredited engineering technology degree program—no degree	0.2	8-10	10
Course work in Non-ABET accredited engineering technology program—no degree	0.1	11-12	12
No engineering education	0	12	12
	18		

(b) Education and work experience for initial registration must be in the branch in which the applicant seeks registration for full credit to be given. If the education or work experience is not in the branch in which the applicant seeks registration, any credit given in excess of one-half will be determined by the board.

(c) The minimum work experience required for registration must include two years of responsible charge experience, as defined in 12 AAC 36.990, which is gained while under the direct supervision of a professional engineer registered in the branch of engineering for which the applicant has applied.

(d) For registration in more than one branch of engineering listed in 12 AAC 36.990(17), professional work experience used to qualify for registration in one branch of engineering will be evaluated by the board in considering an application for registration in another branch of engineering. Responsible charge experience must be entirely in the branch of engineering applied for and cannot be counted as responsible charge experience in another branch of engineering or in land surveying.

(e) Education and work experience cannot be accumulated concurrently. A maximum of 12 months' credit may be claimed for any calendar year.

(f) A maximum of two years credit for professional work experience used in securing registration in land surveying will, in the board's discretion, be accepted as experience in securing registration in civil or mining engineering.

12 AAC 36.064. ELIGIBILITY FOR FUNDAMENTALS OF LAND SURVEYING EXAMINATION. To be eligible for the fundamentals of land surveying examination, an applicant must have four years of experience. The required experience may be any combination of the experience credit set forth in the professional land surveyor table of equivalent experience in 12 AAC 36.065(a)(2).

12 AAC 36.065. ELIGIBILITY FOR PROFESSIONAL LAND SURVEYOR EXAMINATION. (a) To be eligible for the professional land surveyor examination, an applicant must

(1) have been approved for or have passed the fundamentals of land surveying examination; and

(2) submit to the board satisfactory evidence that his education or experience or both are equivalent to the requirements set out in the following professional land surveyor table of equivalent experience:

PROFESSIONAL LAND SURVEYORS
TABLE OF EQUIVALENT EXPERIENCE

Classification	Education Credit Allowed in Years	Experience Credit Allowed in Years	Responsible Charge Under RLS in a Land Surveying Capacity	Total Education and Experience Required
Graduate of a board approved surveying curriculum 4-year course	4	4	3	8
Graduate of a board approved surveying curriculum 2-year course	2	6	3	8
Graduate of an ABET curriculum in civil engineering or related engineering sciences	2	6	3	8
No formal education	0	8	3	8

(b) Responsible charge of professional land surveying means work as a supervisor under the direct supervision of a registered land surveyor, and working in a land surveying capacity. The remainder of the required experience must be derived from office or field work involving the activities listed in AS 08.48.341(9). Partial completion of a curriculum leading to a degree in land surveying, civil engineering, or a related engineering science will be considered by the board in determining applicable experience.

(c) A maximum of two years of credit for professional work experience used in securing registration in the branches of civil or mining engineering will, in the board's discretion, be accepted as experience in securing registration in land surveying.

12 AAC 36.067. DATE OF EXPERIENCE. Computation of qualifying experience for admission to the examination as an architect, engineer, or land surveyor is up to the date of the examination.

12 AAC 36.070. POSTPONEMENTS. The board will, in its discretion, grant postponements, not to exceed two postponements for each type of examination given, to any applicant who, for reasonable cause, is prevented from appearing for the examination at the time fixed, if the applicant's request for postponement and the reason for it are filed with the board not later than 10 days immediately following the date of the examination.

12 AAC 36.080. AUTHORIZATION TO TAKE EXAMINATION. Notification of the applicant's authorization to take the examination will be made at least 30 days before the examination.

12 AAC 36.090. WAIVER OF FUNDAMENTALS OF ENGINEERING EXAMINATION. (a) An applicant for registration as a professional engineer who has not passed the fundamentals of engineering examination need not take that examination if satisfactory evidence is submitted to the board to verify 20 years of professional experience.

(b) An applicant for registration in any branch of engineering who holds a valid registration in another branch of engineering meeting this state's requirements will not be required to take the fundamentals of engineering examination.

12 AAC 36.100. CONTENT OF EXAMINATIONS. (a) Unless an applicant is registered by comity under AS 08.48.191, an applicant for registration is required to pass the appropriate examination designated in this section.

(b) An applicant for architect registration must pass the NCARB Architect Registration Examination (ARE).

(c) An applicant for registration as an engineer must pass the NCEE Principles and Practices of Engineering Examination for the branch of engineering for which the applicant has applied.

(d) An applicant for registration as a land surveyor must pass the professional land surveyor examination which includes

- (1) the NCEE Principles and Practices of Land Surveying, Part I;
- (2) the NCEE Principles and Practices of Land Surveying, Part IIA, public domain portion; and
- (3) a state examination covering laws, procedures and practices concerning land surveying in Alaska.

12 AAC 36.103. ARCHITECT REGISTRATION BY COMITY.

(a) A person holding a valid out of state certificate of registration to practice architecture, based on requirements that are equivalent with the NCARB education, experience, and examination requirements at the time the out-of-state certificate was issued, will upon application and compliance with 12 AAC 36.110, be registered without further examination. This subsection is repealed effective January 1, 1990.

(b) In addition to complying with 12 AAC 36.110, effective January 1, 1990, an applicant for architect registration by comity must verify his or her education and experience by submitting

- (1) an NCARB council record;
- (2) a completed application; and
- (3) verification of a valid registration in another licensing jurisdiction.

12 AAC 36.105. ENGINEER REGISTRATION BY COMITY.

(a) A person holding a valid out-of-state certificate of registration to practice engineering based on education, experience, and examination requirements that are equivalent with current AS 08.48, will, upon application and compliance with (c) of this section and 12 AAC 36.110, be registered without further examination.

(b) A person holding a valid certificate issued by the Committee on National Engineering Certification of the NCEE, whose qualifications as evidenced by the person's council record meet the requirements of AS 08.48, will, upon application and compliance with (c) of this section and 12 AAC 36.110 be registered without further examination.

(c) An applicant for engineering registration by comity

(1) must have at least 24 months of responsible charge experience in the branch of engineering listed in 12 AAC 36.990(17) for which the applicant has applied, as verified by an engineer who has supervised the applicant and who is registered in that branch of engineering or is registered as a professional engineer in a licensing jurisdiction that does not register engineers in specific branches of engineering; or

(2) must, if the applicant is registered and has been practicing engineering for five years or more, provide two current letters of reference from engineers registered in the specific branch of engineering for which the applicant has applied.

12 AAC 36.107. LAND SURVEYOR REGISTRATION BY COMITY.

(a) A person holding a valid out-of-state certificate of registration to practice land surveying, based on education, experience, and examination requirements that are comparable to current AS 08.48, will, upon application and compliance with (b) of this section, be licensed after passing the professional land surveyor examination identified in 12 AAC 36.100(d)(2) and (3), be registered without further examination.

(b) An applicant for land surveyor registration by comity

(1) must have at least 36 months of responsible charge experience verified by a registered land surveyor who has supervised the applicant; or

(2) must, if the applicant is registered and has been practicing land surveying for five years or more, provide two current letters of reference from registered land surveyors.

12 AAC 36.110. ARCTIC AND SEISMIC REQUIREMENT.

(a) An applicant for registration as an architect or engineer must have successfully completed a board approved university-level course in arctic engineering or its equivalent.

(b) In addition to (a) of this section, an applicant for architectural registration by comity shall pass the NCARB examination on

seismic forces unless the applicant was registered by examination in

- (1) California in 1936 or later;
- (2) Alaska, Hawaii, Idaho, Montana, Nevada, or Washington state in June 1963 or later;
- (3) Utah or Arizona in December 1963 or later;
- (4) Colorado in June 1964 or later;
- (5) Guam in June 1965 or later;
- (6) New Mexico in June 1966 or later; or
- (7) any other NCARB jurisdiction in June 1968 or later.

12 AAC 36.160. DUPLICATE CERTIFICATE. A duplicate certificate will be issued by the department upon written request and payment of the fee established in 12 AAC 02.105(8).

12 AAC 36.165. EXPIRED CERTIFICATES. (a) A certificate which is not renewed for a period of five years or more expires at the end of that period.

(b) An expired certificate may be reinstated by

(1) passing the professional portion of the architect, engineer or land surveyor examination as prescribed by the board and paying the appropriate fee; or

(2) reapplying to the board for issuance of a certificate by comity as prescribed in 12 AAC 36.105 and paying the appropriate fee.

12 AAC 36.170. FEES. All fees under AS 08.48 and this chapter, including application, examination, registration and renewal fees are established in 12 AAC 02.105 and 12 AAC 02.110.

12 AAC 36.180. SEAL. (a) The seal authorized for use by professional architects is of the following design:



(b) The seal authorized for use by professional engineers is of the following design:



and must reflect the branch of engineering authorized by the board. This identification is to be placed below the registrant's number on the seal as noted:

- EC — Chemical Engineer
- CE — Civil Engineer
- EE — Electrical Engineer
- ME — Mechanical Engineer
- EM — Mining Engineer
- EP — Petroleum Engineer

(c) The seal authorized for use by professional land surveyors is of the following design:



12 AAC 36.185. USE OF SEALS. (a) A registrant may

- (1) not sign or seal a plan or document dealing with professional services in which the registrant is not qualified to sign or seal by virtue of education, experience, and registration;
- (2) approve and seal only design documents and surveys which

are safe for public health, property and welfare in conformity with accepted architecture, engineering and land surveying standards in Alaska;

(3) seal only final plans, surveys, reports, and required construction documents for which the registrant is qualified to seal and for which the registrant claims responsibility;

(4) not knowingly allow the use of his or her seal by another person on a document that the registrant has neither prepared nor reviewed personally;

(5) not use the seal or a reproduction of the seal of another registrant on a document, regardless of the intended use of the document;

(6) not sign a name other than his or her own name over a seal and may not forge the signature of the individual to whom the seal was issued by the board; and

(7) not sign or seal plans, documents or other professional work for which he or she does not have direct professional knowledge and direct supervisory control.

(b) If portions of plans, documents or other professional work are prepared by other registered professionals, a registrant may seal only that portion of the work for which he or she has direct professional knowledge and direct supervisory control.

(c) Each office maintained for the preparation of drawings, specifications, reports, or other professional work that will require a professional seal must have a registrant assigned to and regularly employed in that office who has direct knowledge and supervisory control of that work.

12 AAC 36.190. TESTING LABORATORY REPORTS.

Reports issued by testing laboratories shall be prepared by or under the supervision of a registered engineer and signed or sealed by him whenever such reports go beyond the tabulation of test data (compositions of material, breaking stress, etc.) by

- (1) interpreting data to draw conclusions as to the characteristics of a civil engineering structure or parts of one;
- (2) expressing engineering judgment in the form of recommendations derived from the results of the test; or
- (3) performing design work in the preparation of plans, specifications and other instruments requiring registration as an engineer.

ARTICLE 2.

CODE OF PROFESSIONAL CONDUCT

Section

- 200. Ethical standards
- 210. Professional conduct
- 220. Conflict of interest
- 230. Solicitation of employment

- 232. Offer to practice
- 235. Advertising
- 245. Full disclosure

12 AAC 36.200. ETHICAL STANDARDS. (a) In order to establish and maintain a high standard of integrity, skill, and practice in the professions of architecture, engineering and land surveying, and to safeguard the life, health, property and welfare of the public, 12 AAC 36.200—12 AAC 36.245 are binding upon every individual holding a certificate of registration as an architect, engineer, or land surveyor and upon all partnerships, corporations, or other legal entities authorized to offer or perform architectural, engineering, or land surveying services in this state.

(b) A registrant shall act with complete integrity in professional matters.

(c) A registrant may not practice architecture, engineering or land surveying if his or her professional competence is substantially impaired.

12 AAC 36.210. PROFESSIONAL CONDUCT. (a) A registrant

(1) must at all times recognize that a registrant's primary obligation is to protect the safety, health, property, and welfare of the public in the performance of his or her professional duties;

(2) must, if the registrant's professional judgment is overruled creating circumstances in which the safety, health, property, and welfare of the public are endangered, notify his or her employer, client, and other proper authority of the situation and possible consequences as may be appropriate;

(3) may perform assignments only if the registrant's associates, consultants, and employees are qualified by education, training, or experience and, if required, registered in the specific technical branches or fields involved;

(4) shall be completely truthful in all professional reports, statements, or testimony and shall include in them all relevant and pertinent information known to the registrant;

(5) may not knowingly associate with, or permit the use of his or her name or firm name in a business venture by a person or firm that the registrant knows or has reason to believe is engaging in business or professional practices in a fraudulent or dishonest manner;

(6) shall inform the board if he or she has knowledge or reason to believe that another person or firm might be in violation of AS 08.48, or a regulation adopted under it, and shall cooperate with the board by furnishing all further information or assistance required;

(7) may not offer or make a payment or gift to a government official, whether elected or appointed, with the intent of influencing

the official's judgment in connection with a prospective or existing project in which the registrant is interested;

(8) shall take into account applicable state and municipal building laws in designing and completing a project, and may not knowingly design a project in violation of those laws;

(9) may not deliberately make a materially false statement or deliberately fail to disclose a material fact requested in connection with an application for registration or renewal of a registration issued under AS 08.48;

(10) shall make every reasonable effort to provide professional services in a complete and efficient manner so as not to unduly delay a project.

(b) If, in the course of a registrant's work on a project, the registrant becomes aware of a decision made by his or her employer or client, against the registrant's advice, which violates applicable state or municipal building laws and as a result of which the finished project will, in the registrant's judgment, materially and adversely affect the safety of the public the registrant shall

(1) report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws; and

(2) refuse to consent to the decision.

12 AAC 36.220. CONFLICT OF INTEREST. (a) A registrant

(1) shall attempt to avoid all conflicts of interest with his or her employer or client but, if some conflict is unavoidable, a registrant shall promptly inform his or her employer or client of the registrant's business association, interests, or circumstances that could influence the registrant's judgment or the quality of the registrant's service to the employer or client;

(2) may not accept financial or other compensation from more than one party for services on or pertaining to the same project, unless the circumstances are fully disclosed to and agreed to by all interested parties or their authorized agents;

(3) may not solicit or accept financial or other valuable consideration from a supplier for specifying a supplier's product, unless the registrant is the vendor or manufacturer of the specified product and has fully disclosed that fact to the client; and

(4) may not solicit or accept gratuities from other parties dealing with the registrant's client or employer in connection with the work for which the registrant is responsible.

(b) If a registrant is in public service as a member, advisor, or employee of a government body, the registrant may not review work previously performed by the registrant or the registrant's former private sector employer.

12 AAC 36.230. SOLICITATION OF EMPLOYMENT. (a) A registrant may not pay, solicit nor offer, directly or indirectly, a bribe or commission for professional employment except for payment of the usual commission for securing a salaried position through a licensed employment agency.

(b) Deleted 11/18/83.

(c) A registrant may not falsify or permit misrepresentation of his or her associates' academic or professional qualifications. A registrant may not misrepresent or exaggerate his or her degree of responsibility in or for the subject matter of prior assignments. A registrant shall accurately represent his or her qualifications as required by 12 AAC 36.245(2).

(d) Brochures or other presentations incident to a registrant's solicitation of employment may not, with the intent and purpose of enhancing the registrant's qualifications and work, misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or the registrant's past accomplishments.

[Editor's Note: As of Register 88, Jan. 1984, 12 AAC 36.230(b) was deleted by the regulations attorney under AS 44.62.125(b)(6) and in accordance with a Stipulation and proposed Final Judgment filed on November 18, 1983 by the Board of Architects, Engineers and Land Surveyors and the United States Department of Justice in the United States District Court for the District of Alaska in United States v. Alaska Board of Registration for Architects, Engineers and Land Surveyors, Civil Action No. A82-423 CIV. This Stipulation and proposed Judgment were filed because 12 AAC 36.230(b) was in violation of section 1 of the Sherman Antitrust Act (15 U.S.C. § 1 1977). The Proposed final Judgment became final on May 17, 1984 and also prohibits further enforcement of any ban or board policy against competitive bidding.]

12 AAC 36.232. OFFER TO PRACTICE. For the purpose of AS 08.48.281, AS 08.48.291 and AS 08.48.321, an "offer to practice" architecture, engineering, or land surveying includes:

(1) a response to a request for proposals or RFP which contains information that could be used to qualify as a potential provider of services; or

(2) a proposal in which a monetary value is suggested as the acceptable payment for services offered; or

(3) an acceptance of employment for the purpose of providing service or work described in AS 08.48.341(7), (8) or (9).

12 AAC 36.235. ADVERTISING. A registrant may not advertise his or her services in a deceptive or untruthful manner.

12 AAC 36.245. FULL DISCLOSURE. A registrant

(1) may not issue a statement, criticism, or argument on professional matters connected with the public interest which are inspired or paid for by an interested party, unless the registrant has prefaced the comment by disclosing the identity of the party and the existence of any pecuniary interest;

(2) shall accurately represent to a prospective or existing client or employer his or her qualifications and scope of responsibility in connection with work for which the registrant is claiming credit; and

(3) may not solicit or accept a professional contract from a governmental body on which a principal or officer of the registrant's organization serves as a member, except upon public disclosure of all pertinent facts and circumstances, consent of appropriate public authority, and compliance with all other applicable laws.

ARTICLE 3. DISCIPLINARY GUIDELINES

Section

300. Purpose of disciplinary guidelines

310. Violations

320. Disciplinary guidelines

330. Definitions for disciplinary guidelines

12 AAC 36.300. PURPOSE OF DISCIPLINARY GUIDELINES. To ensure that the board's disciplinary policies are known and are administered consistently and fairly, the disciplinary guidelines in 12 AAC 36.310—12 AAC 36.330 are established.

12 AAC 36.310. VIOLATIONS. A person who, after a hearing under the Administrative Procedure Act (AS 44.62), is found to have violated a provision of AS 08.48 or this chapter is subject to the disciplinary penalties listed in AS 08.01.075, including public notice of the violation and penalty in appropriate publications.

12 AAC 36.320. DISCIPLINARY GUIDELINES. (a) Nothing in this section prohibits the board from imposing greater or lesser penalties than those described, depending on the circumstances of a particular case.

(b) The board will, in its discretion, issue a public reprimand in connection with a disciplinary action taken under AS 08.48 and this chapter.

(c) The board will, in its discretion, revoke a registration or certificate in cases of

(1) gross negligence;

(2) incompetence that caused the life, health, or safety of a member of the public to be placed in jeopardy of death or injury;

(3) fraud or deceit in obtaining or attempting to obtain a registration or certificate.

(d) The board will, in its discretion, suspend a registration or certificate for up to three years, followed by probation if the board considers it appropriate in cases of

(1) incompetence that caused property to be placed in jeopardy of loss or injury;

(2) incompetence that caused the design or engineering of a project to be unusable or unsafe;

(3) incompetence that caused a land survey to be unusable;

(4) incompetence that caused undue harm.

(e) The board, in its discretion, will suspend a registration or certificate for up to two years in cases of

(1) incompetence involving violation of AS 08.48 and 12 AAC 36; or

(2) misconduct that caused undue harm by action or nonaction.

(f) The board will, in its discretion, suspend a registration or certificate for up to one year in cases of misconduct which caused no undue harm.

12 AAC 36.330. DEFINITIONS FOR DISCIPLINARY GUIDELINES. In 12 AAC 36.320

(1) "Fraud or deceit in obtaining a registration or certificate" includes

(A) giving false statements or facts or forging letters of work experience or letters of reference related to an application form or renewal notice; or

(B) intentional misrepresentation of the number of hours, months, or years of employment on an application or renewal notice;

(2) "Gross negligence" means the intentional or reckless failure to perform the registrant's duties and responsibilities according to AS 08.48 or this chapter, resulting in

(A) the life, health, or safety of a member of the public being placed in jeopardy of death or injury; or

(B) a person's property being placed in jeopardy of loss or injury;

(3) "Incompetence" means lacking the ability, knowledge, skills, or professional judgment to discharge the professional duties of a registrant as required by law;

(4) "Misconduct" means the failure to perform a registrant's responsibilities according to AS 08.48 and this chapter, if the failure does not constitute gross negligence.

ARTICLE 4. GENERAL PROVISIONS

Section

900. Current address;

990. Definitions

12 AAC 36.900. CURRENT ADDRESS. A registrant shall maintain a current, valid mailing address on file with the division at all times. The latest mailing address on file for an active, inactive or lapsed registration or certificate is the appropriate address for official communications, notifications, and service of legal process.

12 AAC 36.990. DEFINITIONS. For the purposes of this chapter and AS 08.48, unless the context requires otherwise

(1) "advanced courses" means courses in institutes of higher learning beyond the second academic year;

(2) "board" means the State Board of Registration for Architects, Engineers and Land Surveyors;

(3) "chemical engineering" means that branch of professional engineering which embraces studies and activities relating to applied chemistry, both industrial and nonindustrial, concerned with chemical materials, their composition, locations, transportation, and storage; chemical and physical-chemical processes naturally occurring or artificially operated, their matter and energy changes, the conditions of temperature, concentration and media for those changes including apparatus and analytical control; chemical products, their quality, quantity, applications, uses, and values; preparation of materials for public or industrial use including water supply, waste abatement, and pollution control;

(4) "civil engineering" means that branch of professional engineering which embraces studies and activities in connection with research, design, and construction of fixed works for irrigation, drainage, waterpower, water supply and treatment, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and airways, sewerage, refuse disposal, foundations, structures, or bridges;

(5) "design" means the original and unique application of basic aesthetic, mathematical and physical and chemical principles to provide an acceptable solution of a problem or project;

(6) "direct supervision" means personal control, at the working level, of the preparation of professional documents;

(7) "ABET" means Accreditation Board for Engineering and Technology;

(8) "electrical engineering" means that branch of professional engineering which embraces studies and activities relating to generation, transmission and utilization of electrical energy and to telecommunications systems and facilities, including the design of electrical, electronic and magnetic circuits and components, and the technical control of their operation and of the design of electrical and telecommunications gear; it is concerned with the research, organizational and economic aspects of these studies and activities;

(9) "mechanical engineering" means that branch of professional engineering which deals with engineering problems relating to generation, transmission and utilization of energy in the thermal or mechanical form, and also with engineering problems relating to the production of tools, machinery and their products and to mechanical processes, heating, air conditioning, refrigeration and plumbing; it is concerned with the research, design, production, operational, organizational and economic aspects of these studies and activities;

(10) "mining engineering" means that branch of professional engineering which embraces studies or activities relating to the exploration, location, and recovery of mineral commodities; it is concerned with research, design, construction, and development of structures, devices, and facilities of production and the economic aspects related to these studies and activities;

(11) "NAAB" means the National Architectural Accrediting Board;

(12) "NCARB" means the National Council of Architectural Registration Boards;

(13) "NCEE" means the National Council of Engineering Examiners;

(14) "petroleum engineering" means that branch of professional engineering which embraces studies or activities relating to the exploration, location, and recovery of natural fluid hydrocarbons; it is concerned with research, design, production, and operations of devices, and the economic aspects of these studies and activities;

(15) repealed 9/30/78;

(16) repealed 9/30/78;

(17) "professional engineering" includes the branches of

- (A) chemical engineering;
- (B) civil engineering;
- (C) electrical engineering;
- (D) mechanical engineering;
- (E) mining engineering;
- (F) petroleum engineering;

(18) "professional work" means the time the applicant has been occupied in architecture, engineering or land surveying work of higher grade and responsibility than that of subprofessional work;

(19) "responsible charge of work in the field" means the direction of work, the successful accomplishment of which rested upon the applicant, where the applicant has to decide questions of methods of execution and suitability of materials without relying upon advice or instruction from his superiors and where the

applicant has to supply solutions to deficiencies in plans or has to correct errors in designs without first referring them to higher authority for approval, except where the approval is a matter of form;

(20) "responsible charge" as it pertains to "work in the office" means undertaking investigations or carrying out assignments, which demand resourcefulness and originality, or making plans, writing specifications, and directing drafting and computations for the design of architectural, engineering or land surveying work with only rough sketches, general information and field measurements for reference;

(21) "state" means the State of Alaska;

(22) "subprofessional work" means time spent working as rodman, chainman, recorder, draftsman, clerk of works, instrument man, inspector, or similar work where personal responsibility and technical knowledge are slight;

(23) "specialty contractor" means a contractor registered to offer not more than two labor trades;

(24) "registration by comity" means registration by recognition of the applicant's credentials accepted by another jurisdiction;

(25) "registrant" means an individual architect, engineer, land surveyor, or corporation, registered or issued a certificate of authorization under this chapter.

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

STEVE COWPER, GOVERNOR

7TH FLOOR FRONTIER BLDG.
3001 C STREET, SUITE 722
ANCHORAGE, ALASKA 99503
PHONE: (907) 561-2878

December 22, 1989

Mr. David E. Rogers
P.O. Box 33932
Juneau, AK 99803

Dear Mr. Rogers,

In your letter dated October 24, 1989, you requested this division provide you with disciplinary statistics for architects, engineers and land surveyors over the last fifteen years, specifically the type, frequency and results of these disciplinary actions. Unfortunately, as I discussed with you by telephone on November 14, 1989, our litigation information can only be traced to 1981; even this information is rather sketchy from 1981 to 1986. However, with the recent purchase of a new computer program, appropriately named "The Enforcer", beginning in September 1989, the division started an investigative tracking system which will, among other capabilities, provide a data base of statistical information to handle requests such as yours.

Listed below are the disciplinary actions taken by the Board of Registration for Architects, Engineers and Land Surveyors (AELS Board) from 1981 to the present:

<u>Fiscal Year</u>	<u>Name, Profession and Case No.</u>	<u>Type of Action:</u> <u>Accusation, Cease & Desist</u> <u>Order, Statement of Issues,</u> <u>Memorandum of Agreement</u>	<u>Disciplinary Action</u> <u>Imposed by AELS Board</u>
1981	Unknown Land Surveyor	Accusation	Three year suspension 2 1/2 years stayed
1982	Nothing to report		
1983	Nothing to report		
1984	Unknown Profession AELS 84-25	Accusation	Unknown

	Land Surveyor	Accusation	No disposition given
		Accusation	Dismissed
	AELS 84-553	Cease and Desist Order Unlicensed activity	Unknown
	AELS 84-552	Cease and Desist Order Unlicensed activity	Unknown
	AELS 84-178	Cease and Desist Order Unlicensed activity	Unknown
	AELS 84-180	Cease and Desist Order Unlicensed activity	Unknown
1985	Architect AELS 85-44	Cease and Desist Order Unlicensed activity	Cancelled
1986	Architects AELS 86-73	Cease and Desist Order	Cancelled Complied
1987	Architects AELS 87L-51	Cease and Desist Order Failure to register corporation	Permanent - Upheld
1988	Engineer AELS 88L-14	Accusation False soil report	Stipulation: Letter of reprimand, required education
	Land Surveyor AELS 88L-25	Accusation Failure to complete survey	License suspended for one (1) year & \$1500 fine **Under Superior Court appeal
	Land Surveyor AELS 88L-27	Accusation Failure to conform to minimum professional standard	License suspended for two (2) years and \$1000 fine
	& Engineering AELS 88L-39	Cease and Desist Order Failure to register corporation	Permanent - Upheld
1989	AELS 89L-04	Cease and Desist Order Unlicensed practice of Engineering	Permanent - Upheld

Land Surveyor AELS 89L-12	Accusation Misconduct	License suspended for two (2) years, must retake and pass examination
Land Surveyor AE 89L-31	Statement of Issues Cease and Desist Order Unlicensed activity	Cease & Desist Order upheld, Letter of Reprimand, \$500 fine
Engineer Applicant AE 89L-36	Denial of Application Lacked professional work experience	Must complete four (4) years of professional engineering experience, the exam scores, which are sealed, will be opened, if passed, granted a license
Land Surveyor AE 89L-37	Memorandum of Agreement Falsification of a survey report	Letter of Reprimand and \$1000 fine
Land Surveyor AE 89L-38	Memorandum of Agreement Failure to complete surveys	License revocation
1990 Civil Engineer AE 90L-05	Memorandum of Agreement Unlicensed practice of Mechanical and Electrical Engineering	Letter of reprimand and \$1000 fine
Land Surveyor AE 90L-10	Accusation Failure to complete survey	Pending further litigation
Land Surveyor 0104-89-2	Memorandum of Agreement Failure to complete survey	Six (6) month suspension - followed by one (1) year probation
Land Surveyor AE 90L-12	Accusation Failure to complete survey	License revocation on 12-1-89, pending Reconsideration by Kaiser
Land Surveyor 0104-89-9	Accusation Failure to pay \$500 fine in Case No. AE 89L-31	\$500 fine, compliance, case dismissed

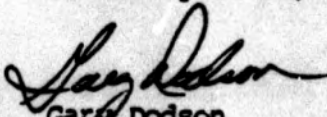
Additionally, the figures below represent the architects, engineers and land surveyors licensed in the State of Alaska from 1981 through 1989. Approximately 75% of each year's figures are engineers, 20% land surveyors and 5% architects:

<u>Year</u>	<u>Licensees</u>
1981	262
1982	364
1983	610
1984	489
1985	376

<u>Year</u>	<u>Licensees</u>
1986	252
1987	203
1988	182
1989	203

I hope this information will be helpful to you and the Task Force in better understanding the disciplinary actions taken by the AELS Board over the past nine years. If I can be of any further assistance to you, please do not hesitate to contact me.

Sincerely Yours,


Gary Dodson
Chief Investigator

0297d/tb

FY 89 STATISTICAL INFORMATION
(Please Type)

Date: August 1, 1989

Method: Check the appropriate method in which licenses are issued (not including Examination), and cite the specific statutory authority.

<u> </u> Credentials	AS 08. <u> </u>
<u> </u> Reciprocity	AS 08. <u> </u>
<u> X </u> Comity	AS 08. <u>48.191</u>
<u> X </u> Endorsement	AS 08. <u>48.191</u>

New Licenses: List each category and the number of licenses issued within each category for the first time in FY 89.

CATEGORY:	NUMBER OF LICENSES:
(1) <u>Architects</u>	<u>30</u>
(2) <u>Engineers</u>	<u>157</u>
(3) <u>Land Surveyors</u>	<u>25</u>
(4) <u>Corporate Authorizations</u>	<u>18</u>
(5) <u> </u>	<u> </u>
Total:	<u>230</u>

Number of **CURRENT** licensees: 4,789
 Number of **LAPSED** licensees: 839
 Number of **INACTIVE** licensees: n/a

Expiration Date: If the expiration date is different for each category, indicate the category after each date.

Expire: December 31, 1989

Examination: List each examination separately indicating the licensure category (such as RN, LPN, Dentist, Dental Hygienist), the total number of examinees, number passed and failed.

Exam Statute Authority: AS 08.48.181, AS 08.48.191

(1) Category:	Total Candidates	# Passed	# Failed
<u>Architects</u>	<u>31</u>	<u>Results</u>	<u>not available</u>
Date and City: <u>June 12-15, 1989 Anchorage, Fairbanks, Juneau</u>			
(2) Category:	Total Candidates	# Passed	# Failed
<u>Professional Engineers</u>	<u>138</u>	<u>96</u>	<u>42</u>
Date and City: <u>10/30/88 & 4/16/89 Anchorage, Fairbanks, Juneau</u>			
(3) Category:	Total Candidates	# Passed	# Failed
<u>Land Surveyor PLS am</u>	<u>30</u>	<u>17</u>	<u>13</u>
<u>Land Surveyor PLS ILa</u>	<u>25</u>	<u>20</u>	<u>5</u>
Date and City: <u>10/30/88 & 4/16/89 Anchorage, Fairbanks, Juneau</u>			
(4) Category:	Total Candidates	# Passed	# Failed
<u>Land Surveyor AKLS</u>	<u>42</u>	<u>26</u>	<u>16</u>
Date and City: <u>10/30/88 & 4/16/89 Anchorage, Fairbanks, Juneau</u>			

Total Licensed by Exam: 120

Meetings: List Date(s) and Location(s)

- | | |
|--------------------------|-----------|
| 1. September 15-16, 1988 | Fairbanks |
| 2. December 1-2, 1988 | Anchorage |
| 3. March 2-3, 1989 | Juneau |
| 4. May 17-18, 1989 | Fairbanks |

Teleconferences: List Date(s) and Site(s)

- | | |
|---------------------|--------|
| 1. November 1, 1988 | Juneau |
| 2. | |
| 3. | |
| 4. | |

Regulation Projects: List Topic(s)

12 AAC 36.010-107, Effective June 3, 1989

Eligibility for Fundamentals of Engineering Exam

Eligibility for Professional Engineering Exam

Eligibility for Professional Land Surveyor Exam

Content of Examinations

Comity Registration Requirements for Architects, Engineers and Land
Surveyor:

Investigations: (Attach Case Summary)

MEMORANDUM

State of Alaska

TO: David Rogers, Attorney
Legislative Tort Reform
Task Force

DATE: January 22, 1990

FILE NO:

TELEPHONE NO: 465-2540

FROM: Linda Gohl, Licensing *LG*
Examiner
Board of Registration for Architects,
Engineers and Land Surveyors
DCED, Division of Occupational Licensing

SUBJECT: Continuing Education
and AEELS laws, AS 08.48

Hello. Just wanted to let you know that Legislative Audit is mailing a copy of the 12/87 Sunset review/audit for the Board of ARchitects, Engineers and Land Surveyors. Legislative Audit recommended that the legislature change the AEELS laws to require continuing education requirements for licensing renewals for the three professions. The last page of the audit has a letter from Tony Smith, then Commissioner of the Department of Commerce and Economic Development, who was in favor of CE for the AEELS professions. Presently, there is not a requirement for CE for architects, engineers or land surveyors.

ANNUAL REPORT
FOR
THE BOARD OF REGISTRATION
FOR
ARCHITECTS, ENGINEERS, LAND SURVEYORS
AND CORPORATE AUTHORIZATIONS

August 1988

BOARD OF REGISTRATION FOR ARCHITECTS
ENGINEERS AND LAND SURVEYORS

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**THE BOARD OF REGISTRATION FOR ARCHITECTS,
ENGINEERS AND LAND SURVEYORS**

BOARD MEMBERS

Sandra Sampson-Jones (Secretary) Anchorage	Architect	July 1, 1989
Alan E. Rogers Juneau	Architect	July 1, 1992
Malcolm A. Menzies (President) Juneau	Civil Engineer/ Land Surveyor	July 1, 1990
Roy Peratrovich, Jr. Anchorage	Civil Engineer	July 1, 1989
Rajeev Bhargava Anchorage	Other Engineer (Mechanical)	July 1, 1992
Robert B. Boswell (Vice President) Fairbanks	Other Engineer (Electrical)	July 1, 1991
Phil R. Holdsworth Juneau	Mining Engineer	July 1, 1991
Patrick H. Kalen Fairbanks	Land Surveyor	July 1, 1992
Jacquelyn Luke, (Attorney, Public Member) Anchorage		July 1, 1990

The board registers architects; civil, mechanical, electrical, petroleum, and chemical, and mining engineers; and land surveyors.

NARRATIVE STATEMENT

Discipline and Enforcement

A major accomplishment by the board this past year includes the adoption of disciplinary guidelines and the formation of the Enforcement Advisory Committee (EAC). At present, enforcement continues to be a serious problem for the board. The board has found that the present discipline system, from complaint and investigation through accusation, hearing and the imposition of appropriate discipline, if any, is a very formal, lengthy and an expensive process for all concerned. An extremely small number of complaints are brought to prosecution by the Attorney General. Alaska architects, engineers and land surveyors, as well as the public, have complained that the board appears to be "powerless" with regard to enforcement. The present complaint procedure is cumbersome and frequently benefits neither the complainant nor the respondent, and the public interest is not well-served.

The board has, therefore, adopted procedures which it believes will both considerably simplify and speed up the hearing process on complaints filed, thereby increasing the credibility of the complaint process. These procedures involve and require the participation of a respondent, a complainant and a newly created, community-based "Enforcement Advisory Committee" in a system of voluntary discipline. Committees are comprised of architects, engineers, land surveyors and public members who are presently located in Anchorage, Fairbanks and Juneau. There are fifty-three (53) professional members and twelve (12) public members in the EAC pool. We have yet to determine whether the peer review procedure will improve the complaint and enforcement process, but the board, the Division of Occupational Licensing and the Attorney General's office have a high expectation of that occurring. Similar "peer review committees" have been established and proven successful in other Western states.

NCEE and NCARB

The availability of travel funds this fiscal year allowed members to actively and effectively participate in national registration board organizations. The National Council of Engineering Examiners (NCEE) and the National Council of Architectural Registration Boards (NCARB) are organizations comprised of board members from all states and territories in the country. These organizations prepare, grade and upgrade national exams; provide technical and administrative assistance to the boards; establish standardized guidelines for registration qualifications for reciprocity among states; and provide a council record for licensees which expedites the application and qualifying process for state boards. The Alaska board needs to maintain an active role in these organizations.

In the spring of 1987, the present board president, Malcolm A. Menzies, attended the NCEE Western Zone Conference held in Hawaii. At that meeting, Alaska was selected to be the host state for the spring 1989 NCEE Western Zone Conference to be held in Fairbanks. The Fairbanks board members and the board's licensing examiner are actively planning and preparing for that conference and anticipate having 80 delegates to attend.

Robert B. Boswell, Board Vice President, attended NCEE's annual meeting in Baltimore, Maryland during the summer of 1987 to participate on the International Relations Committee. Robert A. Perkins, Robert B. Boswell and the Licensing Examiner, Linda Gohl, attended the NCEE Western Zone Conference in April 1988 held in Coeur d'Alene, Idaho. At that meeting, Mr. Boswell was appointed to also serve on the Nominations Committee; Mr. Perkins presented the Land Surveying Committee Report on behalf of Mr. Menzies, and the Licensing Examiner was able to attend the Executive Secretaries' Committee Meeting where investigation and administrative problems were discussed.

Other board participation on national committees include Mr. Menzies serving on the National Land Survey Committee where the model law for land surveyors was rewritten; Gordan (Sam) Best served on the Land Survey Examination Committee where NCEE established exam standards and wrote exam questions for the Professional Land Surveyor exam; Raj Bhargava serves on the Fundamentals of Engineering Exam Committee where delegates write exam questions and establish qualification guidelines.

The Western Council of Architectural Registration Boards' 1988 annual meeting was attended by Wayne K. Jensen, past Chairman of the Board, and Sandra L. Sampson-Jones, present Secretary of the Board, in Las Vegas, Nevada. Mr. Jensen also serves on the Executive Committee and the A.R.E. Grading Committee for the Graphics and Design Divisions of the Architectural Registration Examination. The Annual NCARB meeting held in Chicago the last week of June 1988, was attended by Mr. Jensen and Mr. Bhargava.

The "new" involvement by board members in NCEE's activities and the continuing involvement by board members at NCARB and WCARB conferences allows Alaska to be represented and actively participate in the national organizations' preparation and upgrading of examinations, to obtain technical and administrative assistance, and shares in the knowledge gained by all states in the registration process. In addition to state sponsored attendance, several of these same board members attend NCEE and NCARB committee meetings at the council's expense, and obtain valuable information and expertise pertaining to national or western states' issues.