

ALASKA LEGISLATURE COMMITTEE FILES

1979-1980

8672

671

SC

FILE NO. 35

671

directly from the school to Juneau (above address).

5. Verification form completed by all the states where you have been licensed (verification forms enclosed). The license of the other state or territory upon which endorsement is to be based must be current.

TEMPORARY PERMIT: Any member of the Physical Therapy Board may issue you a temporary permit if you are applying for permanent registration by examination or endorsement. The temporary permit allows you to practice while you are awaiting the next examination, or while you are completing application for registration by endorsement. A list of board members is attached. You must be graduated from a school of physical therapy approved by the American Physical Therapy Association in order to obtain a temporary permit. Foreign trained therapists are not eligible for temporary permits but may apply directly for permanent licensure.

The following items must be submitted to the board member before a permit will be issued:

1. Completed application form.
2. Official transcript from your school of physical therapy (sent directly from the school) or a notarized copy of your school diploma.
3. If licensure is by endorsement, a notarized copy of your current state license or a verification form completed by the state where you are licensed (verification form enclosed).
4. Non-refundable fee of \$10.00.
5. An interview with a board member will be requested, but is not mandatory.

A temporary permit is valid for 8 months. Your application will be reviewed by the board and, if accepted, a permanent license will be issued. A temporary permit expires upon receipt of a failing grade on the applicant's examination. An applicant failing an examination may not be granted a second temporary permit. A permanent license may later be issued upon subsequently passing the P.E.S. exam.

You will be notified within 6 months after being issued a temporary permit whether or not your application is complete, and reminded of your temporary permit expiration date.

MAIL DIRECTLY TO:
STATE OF ALASKA
DEPARTMENT OF COMMERCE AND
ECONOMIC DEVELOPMENT
STATE PHYSICAL THERAPY BOARD
POUCH "D"
JUNEAU, ALASKA 99811
Phone: (907) 465-2547

Picture
2" x 2"

APPLICATION FOR: (Check One)

- Physical Therapist
- Physical Therapy Assistant
- Temporary Permit - \$10.00

- BY: Endorsement - \$50.00
 Examination - \$50.00

1. NAME _____ S.S. NO. _____
Last First Middle Maiden

2. DOB _____ PLACE _____ HEIGHT _____ WEIGHT _____ SEX _____ EYES _____ HAIR _____
Mo. Day Year City State

3. MAILING ADDRESS _____
Street or Box City State Zip Code

4. EDUCATION (Beginning with High School):

NAME OF SCHOOL	LOCATION	Mo./Yr.	Mo./Yr.	DEGREE AWARDED OR NUMBER OF HOURS
_____	_____	FROM _____	TO _____	_____
_____	_____	FROM _____	TO _____	_____
_____	_____	FROM _____	TO _____	_____

5. POST GRADUATE COURSE ATTENDED:

6. APPLICATION BY EXAMINATION:
1. Have you ever taken the Professional Examination for Physical Therapist or for Physical Therapy Assistant before? Yes () No ()
Examination date _____ Place administered _____

7. PROFESSIONAL EXPERIENCE LAST 10 YEARS:

NAME AND ADDRESS OF EMPLOYMENT	POSITION HELD	DATES
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Attach Separate Sheet)

8. EXPECTED PLACE OF EMPLOYMENT IN ALASKA _____

9. LICENSING BACKGROUND:

(a) States and countries in which you have been licensed:

_____	DATES _____	CURRENT? _____
_____	DATES _____	CURRENT? _____
_____	DATES _____	CURRENT? _____
_____	DATES _____	CURRENT? _____

(b) Have you ever been denied a license, or had a license revoked or suspended? If yes, explain _____

(c) State upon which endorsement is based _____

(d) License No. _____ Date Issued _____ Is license current? _____

(e) If endorsement is not approved by the board, do you wish to take the Professional Examination Service exam in order to be licensed in Alaska? _____

10. GENERAL INFORMATION:

- | | | |
|---|-----|-----|
| | YES | NO |
| 1. Have you ever been called before or notified by any state board or physical therapy society concerning a violation of the physical therapist practice act, or unethical conduct? | () | () |
| 2. Have you ever been denied a certificate by, or the privilege of taking an examination before any state board? | () | () |
| 3. Have you ever been charged or convicted of a violation of a Federal or State statute, excluding minor traffic violations? | () | () |
| 4. Have you ever been addicted to or excessively used alcohol, narcotics, barbiturates or habit forming drugs? | () | () |
| 5. Are you now or have you ever been emotionally or mentally ill? | () | () |
| 6. Have you ever been treated for mental or emotional illness, drug addiction or inebriety? | () | () |
| 7. Have you ever been discharged or forced to resign from any position as a physical therapist or physical therapy assistant? | () | () |
| 8. Have you any physical handicap, chronic disease, or other disability? | () | () |

If "yes" to any of the above, please explain in full on a separate sheet. If "yes" to #7 above, please give employer's name and address, and date of resignation.

I hereby certify that this information is true and correct to the best of my knowledge. I understand that any false or misleading information may result in failure to obtain licensure or subsequent revocation of my license.

Signature of Applicant _____ Title _____

SUBSCRIBED AND SWORN before me this _____ day of _____, 19____.

My Commission Expires _____ NOTARY PUBLIC _____

(Seal)

VERIFICATION OF LICENSURE

Sir:

I am applying for a license to practice physical therapy in the state of Alaska. The State Physical Therapy Board requires that this form be completed by each jurisdiction in which I hold or have held licenses. Please complete the form and return it to:

Alaska State Physical Therapy Board
Pouch D
Juneau, Alaska 99811

PLEASE DO NOT DETACH

.....

State of _____

Name of Licensee _____

Graduate of _____

License No. _____ issued effective _____

By reciprocity/endorsement _____ by examination _____

License is current _____ lapsed _____

Has the applicant's license ever been suspended or revoked? _____. If so,
for what reason? _____

Derogatory information, if any _____

Comments, if any _____

Signed _____

[BOARD SEAL]

Title _____

State Board _____

Date _____

VERIFICATION OF LICENSURE

Sir:

I am applying for a license to practice physical therapy in the state of Alaska. The State Physical Therapy Board requires that this form be completed by each jurisdiction in which I hold or have held licenses. Please complete the form and return it to:

Alaska State Physical Therapy Board
Pouch D
Juneau, Alaska 99811

PLEASE DO NOT DETACH

.....

State of _____

Name of Licensee _____

Graduate of _____

License No. _____ issued effective _____

By reciprocity/endorsement _____ by examination _____

License is current _____ lapsed _____

Has the applicant's license ever been suspended or revoked? _____. If so,
for what reason? _____

Derogatory information, if any _____

Comments, if any _____

Signed _____

Title _____

State Board _____

Date _____

[BOARD SEAL]

ALASKA STATE BOARD OF PHYSICAL THERAPY

PROFESSIONAL REFERENCE

Sir:

I am applying for a license to practice physical therapy in the state of Alaska. The State Physical Therapy Board requires that this form be completed and mailed to:

State of Alaska
Division of Occupational Licensing
Pouch D
Juneau, Alaska 99811

.....

I do certify that I was professionally associated with _____
_____ from _____, 19____ to _____
_____, 19____. I recommend the applicant as being

professionally capable, reliable, of good moral character, and worthy of confidence.

PERSONAL STATEMENT:

Signature

Title

Institution

Address

Date

SUBSCRIBED AND SWORN before me, a Notary Public, in and for the State of _____, this _____ day of _____, 19____.

NOTARY SEAL

Notary Public

My Commission expires

ALASKA STATE PHYSICAL THERAPY BOARD

C. Patricia Mc Cabe, R.P.T., Chairman
3710 E. 20th Ave.
Anchorage, Alaska 99504

Richard W. Allsop, R.P.T.
211 Eureka
Fairbanks, Alaska 99701

Donna Klokkevold, R.P.T., Secretary
3710 E. 20th Ave.
Anchorage, Alaska 99504

Edward T. Heuston
Star Route Box 6014
Eagle River, Alaska 99577

J. Michael James, M.D.
3710 E. 20th Ave.
Anchorage, Alaska 99504

Division of Occupational Licensing
Department of Commerce
Pouch D
Juneau, Alaska 99801

(Phone: 907-465-2544)

TABLE OF CONTENTS

	<u>Page</u>
Purpose and Scope of the Review.	3
Organization and Function.	5
Report Conclusion.	7
Findings and Recommendations:	
State Physical Therapy Board.	8
Division of Occupational Licensing.	11
Analysis of Public Need.	12
Appendixes:	
A. State Physical Therapy Board Revenues Compared with Expenditures	16
B. Administrative Statistics.	17
C. Questionnaire Sent to Board Members.	18
D. Questionnaire Sent to Physical Therapists and Physical Therapy Assistants.	20
Responses:	
Office of the Governor	23 (a)
Department of Commerce and Economic Development	24 (a)
Board Response	25 (a)

PURPOSE AND SCOPE OF THE REVIEW

Purpose

In accordance with the intent of Alaska Statutes 24.20.271(1) and 44.66.050 (sunset legislation), a review of the State Physical Therapy Board was conducted to review Board activities and accomplishments to determine if the Board has operated in an effective, efficient and economical manner.

As required by legislative intent, this report shall be considered during the legislative oversight function in determining whether the State Physical Therapy Board should be reestablished. The law currently specifies that this Board will terminate on June 30, 1979, but will continue until June 30, 1980, for the purpose of concluding its affairs.

Scope

The major areas reviewed were the Board's operations and its licensing, examination, administration, complaint and affirmative action functions. Our review consisted of analyzing and evaluating the following:

- (1) . Applicable statutes and Board regulations;
- (2) Interviews with Board members and questionnaires sent to the Board members;
- (3) Interviews with professional associations;
- (4) Tests of records and documents of the Board and the Division of Occupational Licensing (OL), Department of Commerce and Economic Development;
- (5) Interviews with OL employees;
- (6) Complaints filed with OL, the Ombudsman's Office, Consumer Affairs Agency, the Human Rights Commission, and the Equal Employment Opportunity Office;
- (7) Questionnaires sent to state licensed physical therapists and physical therapist assistants; and
- (8) Other states' licensing requirements.

Scope Constraints

This review was hampered by the following constraints:

- (1) The Board has not established and reported financial and program plans as required by AS 37.07.050 nor has it developed and reported performance information regarding its effectiveness and accomplishments as required by AS 37.07.090.
- (2) OL has not adequately collected, recorded or maintained pertinent files and statistics relating to the Board to effectively and efficiently carry out its responsibilities.
- (3) The Physical Therapy Board, at the time of this review, had four members. Only one member was responsive during this review.

ORGANIZATION AND FUNCTION

As of September 1, 1957, physical therapists (PT's) were required to be registered by the territorial government. They were registered at that time by the Territorial Medical Board, under the authority of Chapter 74, SLA 57.

In 1974 the State Physical Therapy Board was created by Chapter 71, SLA 1974. At this time, physical therapy assistants (PTA's) were also required to be licensed. The difference between a PT and a PTA is that a four-year degree is required for a PT and a two-year associate degree is required for a PTA.

AS 08.84.010 states that the Board shall be made up of three PTs, one medical doctor, and one lay person. The purpose of the Board is to control all matters pertaining to the registration of PTs and PTAs and the practice of physical therapy.

The major duties of the Board are to pass on the qualifications of applicants, conduct examinations, issue temporary permits and registration certificates to qualified PTs and PTAs, suspend or revoke licenses, when necessary, keep a current register of licensed PTs and PTAs and keep a record of its meetings, proceedings and hearings. The Board is assisted in these duties by the Division of Occupational Licensing (OL). OL processes applications, maintains files, answers correspondence dealing with the Board and provides other administrative support as needed by the Board. In addition, OL's Investigations Unit investigates any complaints made involving PTs or PTAs.

Qualifications for licensure include educational requirements and a passing score on an examination. The examination is given on a nation-wide basis and is prepared and graded by a national organization (Professional Examination Service).

If a PT or PTA has taken the examination in another state and has been licensed by that state as a PT or PTA, they may be licensed in Alaska by endorsement without retaking the examination. The licensing requirements in the other state must be substantially equal to Alaska's requirements.

To get a PT or PTA license renewed, a licensee must submit an application with a fee by June 30 every even numbered year.

Physical therapy is the treatment of illness and injury by physical means. The goal of the PT is to help the patient function normally via rehabilitation. Although the PT may

spend time in consultation, research, teaching and administering, in general the PT's job is to give supervision and direction of care of the patients assigned to him or her.

A doctor must, by statute, refer a patient to a PT and during treatment, the PT must keep the doctor informed of the patient's progress during the treatment.

REPORT CONCLUSION

Policy Issues

This review contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting these practices are not within the scope of this review but require legislative oversight consideration. In debating these decisions, the legislative oversight committees should take into consideration the findings and alternatives presented in this report, so that the potential impact of policy changes can be evaluated.

Report Conclusion

In our opinion, the State Physical Therapy Board should continue to regulate and license the physical therapy (PT) profession in order to protect the public's health, safety and welfare.

However, the Physical Therapy Board needs to assure continued competence of licensed PTs. We are recommending that continuing education be required for license renewal (see Recommendation No. 2).

The Board is doing a good job of licensing qualified PTs. However, we are recommending that they improve licensing procedures for the use of temporary permits, in order to prevent unqualified persons from obtaining temporary permits (see Recommendation No. 3).

We found three statutory problems:

- 1) The Board does not have the authority to promulgate regulations (see Recommendation No. 1).
- 2) Qualified foreign-trained PTs may not be licensed in this state (see Recommendation No. 4).
- 3) The statutes in establishing illegal acts relating to the practice of PT do not define such terms as "unprofessional conduct" and "moral turpitude" (see Recommendation No. 5).

FINDINGS AND RECOMMENDATIONS

Recommendations No. 1 through No. 5 are addressed to the State Physical Therapy Board. Recommendations 6 and 7 are addressed to the Division of Occupational Licensing (OL) and should be read in conjunction with "A Performance Review of the Division of Occupational Licensing, Department of Commerce and Economic Development, October 30, 1978", issued under separate cover.

Recommendation No. 1

The State Physical Therapy Board should be allowed to promulgate regulations.

Alaska Statute 08.84, which is the statute creating the State Physical Therapy Board, does not grant the Board the authority to promulgate administrative regulations, according to the Attorney General's Office. The Board has formalized policies; however, these policies do not have the effect of law. The Board feels that lack of regulation-making power has been detrimental to the Board's operations.

We recommend that a section be added to the Physical Therapy Board's statutes which will give the Board authority to promulgate regulations. Otherwise the Board does not have the authority to establish professional standards, and enforce compliance of such standards.

Recommendation No. 2

The State Physical Therapy Board should require physical therapists and physical therapy assistants to obtain continuing education in order to get their licenses renewed.

To obtain an initial physical therapist's license in Alaska, an applicant is required to possess a bachelor's degree in physical therapy and pass a national examination. Renewal of licenses is required every two years. Presently, licensees do not have to demonstrate continued competency to maintain their license.

Once a professional is granted a license to practice an occupation they have an implied obligation to maintain that minimum competence. Quality health care is dependent upon competent performance of the professional. Continuing education is one means by which professionals gain knowledge and skill so they can maintain and improve their performance.

In response to our questionnaires, 47% of the PTs and 37% of the PTAs believed continuing education should be required, and 70% stated that they were aware of continuing education courses or seminars in their areas (see Appendix D).

The Board should have discretionary latitude in requiring continuing education requirements. For example, by requiring continuing education, an undue hardship might be placed on a PT practicing in rural areas. Rather than deny re-licensure and reduce the health care in these areas, the Board should be allowed to waive this requirement in special cases.

Recommendation No. 3

Controls over temporary licenses should be improved.

Alaska Statute 08.84.065 allows the Board to issue nonrenewable temporary permits to applicants who are awaiting permanent licensure by examination or endorsement. The temporary permits are valid either until the examination results are received or all the documents for licensure by endorsement are received, or for eight months, whichever occurs first.

We noted two problems with temporary permits:

- 1) An applicant may receive a temporary permit by submitting his credentials to a Board member. The Board member may then issue a temporary permit without consulting the rest of the Board. As a result, temporary licenses could be issued to unqualified persons. We found that temporary licenses were issued to applicants before documentation of their qualifications was received by the Board or licensing examiner.
- 2) In testing the individual licensing files, we found cases where temporary licenses had lapsed, because of the eight-month limitation, before permanent licenses were issued. The PTs were in violation of the statute which requires that PTs must be licensed in order to practice.

We recommend the following to combat these problems: documentation required for temporary licensure should go to the licensing examiner in all cases. Then, upon notification by the licensing examiner that the applicant has filed all necessary documents, a Board member can decide if a temporary license should be issued.

Also, the Board should take all steps possible to ensure that applicants are issued their permanent licenses before their temporary permits expire.

Recommendation No. 4

Statutory changes should be made to allow qualified foreign-trained physical therapists to practice physical therapy in Alaska.

To be licensed as a physical therapist in Alaska, an applicant must have graduated from a college of physical therapy which is approved either by the American Physical Therapy Association or the Council on Medical Education and Hospitals of the American Medical Association. However, neither of these two groups approve foreign schools. A foreign-trained PT thus may not be licensed to practice physical therapy in Alaska. An exception to this has been made in an Attorney General's opinion which states that if foreign-trained PTs have been licensed in another state, they may be licensed in Alaska. However, any foreign-trained physical therapist who has not been licensed in other states is denied licensure in Alaska.

Twenty-eight other states license foreign-trained PTs on the basis of evaluations done on an applicants education by a Credential Evaluation Service. The Service evaluates an applicant's credentials by comparing them with American standards. If they are found to be substantially equal, the applicant may be licensed. This service is endorsed by the American Physical Therapy Association.

We recommend that the statutes be amended to allow persons, whose foreign education is found to be substantially equal to an American's by this credentialing Service, to be licensed in Alaska.

Recommendation No. 5

The State Physical Therapy Board in conjunction with the Attorney General, should compose formal regulations which define and list examples of licensing violations.

Alaska Statute 08.84.120 lists violations which are grounds for denial, suspension and revocation of a license. The list includes vague terms such as "moral turpitude" and "unprofessional conduct" which many physical therapists probably would not be able to understand without the advice of a lawyer. The Board should clarify and give examples of these terms.

Physical therapists and the public would be better informed and protected if they had guidance as to what actions by a physical therapist are illegal. An example of unprofessional conduct would be the commission of a fraudulent act while practicing physical therapy.

Recommendation No. 6

The State Physical Therapy Board should establish formal goals, objectives and quantifiable measures which should be included in the Division of Occupational Licensing (OL) budget documents.

Objectives describe what an agency or Board is seeking to accomplish during a specific year. Well formulated objectives are capable of measurement and should include numerical targets so that actual accomplishments can be compared with stated targets. Without goals and objectives, the Board's performance cannot be adequately evaluated and analyzed.

OL established its own budget goals and objectives. However, the budget documents do not include any goals or measures for individual boards. Without the Board's goals and measures being identified or measured, both the Governor's Office and the Legislature cannot evaluate the Board's performance (see the OL Performance Audit Report).

Recommendation No. 7

The Division of Occupational Licensing should collect, record and maintain for five years files and statistics of license and testing applicants and related workload of the licensing examiner.

The Division needs relevant facts and statistics for evaluating the performance of their personnel and Board activity. Many past records have not been collected and maintained, such as:

1. Number of physical therapists and physical therapy assistants licensed each year and total number of licensed physical therapists and physical therapy assistants;
2. Records of those applicants failing the examination;
3. Number of applicants denied the chance to take the examination due to lack of qualifications;
4. Number of complaints and criticisms about the performance of the Board and its staff;
5. Correspondence workload of license examiners;
6. Number of persons requesting applications.

It is to the advantage of the Division to keep these records in order to support their budget request, evaluate their personnel and keep the Board informed as to their progress. Also, feedback from the Board and the public should be encouraged so as to determine whether staff performance is adequate (see the OL Performance Audit Report).

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses indicate both positive and negative attainments as Board activities relate to the public need factors defined in the "Sunset" law. These analyses are not intended to be comprehensive in nature, but address those areas we were able to cover within the scope of our review.

- I. The extent to which the board, commission or program has operated in the public interest.
 1. In testing the individual licensing files, we found that the Board is conscientious in the licensing of PTs, except for the problems with temporary licenses as noted in Recommendation No. 3.

- II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.
 1. The Board's statutes do not give the Board the authority to promulgate regulations - the Board has written policies, but they do not have the effect of law (see Recommendation No. 1).
 2. The statutes do not allow the Board to license foreign-trained PTs (see Recommendation No. 4).
 3. The Board feels its operations are seriously hampered by the inefficient handling of complaints by the Investigations Unit within OL (see the OL Performance Audit Report).
 4. The turnover of the licensing examiners in OL has caused some inefficiency in the Board's operations.
 5. One member of the State Physical Therapy Board has attended only 44 per cent of the meetings. The Board is not getting the benefit of having a full Board (see the OL Performance Audit Report).
 6. The terms of three Board members had been lapsed for approximately a year before the Office of the Governor reappointed the Board members (see the OL Performance Audit Report).

- III. The extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest.
1. Since 1974, when the PT Board was created, only minor language changes have been made; except for the amendment to allow the PT Board members to receive per diem and travel allowances. These changes were initiated by the Department of Commerce and Economic Development and the Office of the Governor.
 2. No changes have been recommended by the Board.
- IV. The extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.
1. The public is invited to attend Board meetings to give their opinions about Board proceedings. Board meetings and examinations are advertised one time only in each of four newspapers throughout the state (see the OL Performance Audit Report).
- V. The extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions.
1. As noted in IV, the public is invited to attend Board meetings via newspaper advertisements. We found no other evidence that the Board has encouraged public participation
 2. Since 1974, only three persons have attended board meetings.
- VI. The efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved.
1. Since its inception, the Board has requested the Investigations Unit in OL investigate two complaints - no action has been taken on the complaints (see the OL Performance Audit Report).
 2. One complaint involving the Board of Physical Therapy was made to the Ombudsman Office. The complaint, which involved a foreign-trained PT, was satisfactorily resolved as a result of an Attorney General's Opinion.

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

1. The Board requires an applicant to have the following credentials to be licensed as a PT: a degree from a physical therapy school (which includes a 9-month internship program) and a passing score on a national written examination.
2. Since the Physical Therapy Board took over in 1974, it has licensed approximately 60 PTs.
3. The Board does not require continuing education for PTs to ensure continued competence (see Recommendation No. 2).

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

1. The application for licensure contains questions which could lead to discrimination on the Board's part against an applicant (see the OL Performance Audit Report).
2. The statutes do not allow foreign-trained physical therapists to be licensed to practice in Alaska (see Recommendation No. 4).

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

1. The PT Board should be added to the list of Boards which are under the jurisdiction of the Administrative Procedures Act (AS 44.62.330).
2. Please refer also to the previous section, Findings and Recommendations.

APPENDIXES

APPENDIX A

STATE PHYSICAL THERAPY BOARD
REVENUES COMPARED WITH EXPENDITURES
 Fiscal Year 1978
 (UNAUDITED)

Revenues (see Schedule 1 and Note 1)	\$ 2,300
Expenditures (see Note 2)	<u>11,700</u>
Excess of Expenditures Over Revenues	<u><u>\$(9,400)</u></u>

Schedule 1
 Types of Revenues

<u>Revenues</u>	<u>Amount</u>	<u>Collection Time</u>
Application Fee	\$25	With application for licensure
Registration by Examination Fee	25	With taking examination
Registration by Endorsement Fee	25	When registered
Biennial Renewal Fee	25	Biennially
Temporary Permit Fee	10	When permit is applied for
Late Fee Fine	10	With late payment

Note 1

This revenue figure includes application and examination fees plus renewal fees. Since the renewal fees are collected once every two years, they cause the revenues in one year to be much greater than the revenues collected in the next year. Therefore, we calculated and reported an average of the revenues collected in fiscal years 1977 and 1978 in order to obtain an accurate representation of collected revenues.

Note 2

Expenditures include those made by Board members, such as travel and per diem, and an allocated percentage (estimated) of total administrative expenses of OL. They do not include expenditures for efforts that other departments, such as the Department of Law, may have incurred in assisting the Board and OL.

APPENDIX B

ADMINISTRATIVE STATISTICS

<u>Licensed Physical Therapists and Licensed Physical Therapy Assistants</u>	<u>As of October 20, 1978</u>
Licensed Physical Therapists	92
Licensed Physical Therapy Assistants	3
<u>Board Meetings in Calendar Years 1976-1978</u>	7 meetings
Average number of meetings per calendar year (excluding telephone conferences)	2 meetings
Number of examinations given	9 exams

<u>Calendar Year</u>	<u>Passes</u>	<u>Fails</u>
1976	2	0
1977	3	1
1978	1	2

APPENDIX C

QUESTIONNAIRE SENT TO BOARD MEMBERS
(see Note 1)

1. Why do you think physical therapists should be registered by a State agency?

To use the law for enforcement of policies.

2. What do you believe to be the goals and objectives of the State Physical Therapy Board?

1. *To provide optimum physical therapy care to the public and protect them from fraud.*
2. *To ensure that licensure is of qualified therapists.*
3. *To handle any complaints concerning the practice of physical therapy.*

3. Do you feel that the Board is achieving its goals as you perceive them in question number 2?

Yes.

4. Do you feel more emphasis should be places on some goals and less on others? Please describe any areas you feel would be applicable.

No.

However, more support and better service for investigating complaints is needed from investigators of the Division.

5. What evidence exists demonstrating that the absence of regulations governing the practice of physical therapy and/or the Board would be detrimental to the public's best interest?

One individual is advertising as providing "physical therapy". She is not trained in any way as a therapist, but the public does not know so. Even with the law this occurs. Without the law it could occur very frequently.

6. Is the staff of Occupational Licensing and/or other State agencies adequate to handle the administrative and enforcement needs of the Board? What staff support services are provided adequately? Inadequately?

6. (cont'd.)

Need more enforcement help.

At times, administrative needs are not met.

Licensing Examiners are very busy. For a time, we had a new one every few months and nothing was done as it needed to be.

7. Are there any statutes or regulations that you believe are too obsolete, vague, unduly restrictive and/or inadequate to allow the Board to carry out its purposes? Please cite specific statutes and their weaknesses.

The statute stating Physical Therapists must be graduated from a school approved by the APTA restricts us in licensing foreign-trained therapists.

8. What changes could be made to the Board which would improve its service to the public?

No comment.

9. Any other comments?

No comment.

Note 1

At the time this questionnaire was mailed from the Division of Legislative Audit, there were only four members on the State Physical Therapy Board. Each of the four Board members was sent a questionnaire and Legislative Audit received one response which is summarized above.

APPENDIX D

QUESTIONNAIRE SENT TO PHYSICAL THERAPISTS AND
PHYSICAL THERAPY ASSISTANTS

		% Responses (see Note 1)		
		<u>Yes</u>	<u>No</u>	<u>No Opinion</u>
1.	Do you feel that it should be necessary for the following to be licensed by the State:			
	Physical Therapists	97%	0%	3%
	Physical Therapist Assistants	90%	5%	5%
	Why or why not?			
2.	Do you feel that the absence of the Board would be detrimental to the public's best interests?	88%	5%	7%
	Please discuss:			
3.	Do you believe that the State Physical Therapy Board is operating in the public's best interest?	81%	2%	17%
4.	Do you believe Alaska's licensing requirements for permanent licenses are adequate and effective in ensuring that the public is protected?	85%	3%	12%
	If no, please explain:			
5.	Do you feel that temporary permits are in the best interests of the public?	85%	7%	8%
6.	Do you feel that the examination given by Professional Examination Service (PES), which is required for licensure as a physical therapist in Alaska, is a fair and reasonable test of a physical therapist's professional knowledge and ability?	83%	7%	10%
7.	Do you feel that continuing education should be required before the following licenses are renewed:			
	Physical Therapists	47%	47%	6%
	Physical Therapist Assistants	37%	53%	10%

	% Responses (see Note 1)		
	<u>Yes</u>	<u>No</u>	<u>No Opinion</u>
8. Do you know of any classes, workshops, and/or seminars that have been offered in your area which relate to physical therapy and would qualify for continuing education?	70%	27%	3%
9. Do you believe that the current reciprocity (endorsement) policies of the State Physical Therapy Board are fairly and consistently applied?	76%	10%	14%
If no, please comment:			
10. Are you aware of any discriminatory practices involving licensing of minority groups?	0%	97%	3%
11. Do you think the State Physical Therapy Board should be made up of:			3%
A. a majority of physical therapists?	61%		
B. an equal number of physical therapists and public members?	36%		
C. a majority of public members?	0%		
Please circle one.			
12. Do you feel it is advantageous to have a medical doctor on the Board?	68%	27%	5%
13. Have you had any contact with the State Physical Therapy Board?	44%	53%	3%
Please specify:			
14. Do you have any complaints concerning the service provided by the staff support of the Division of Occupational Licensing, Department of Commerce and Economic Development?	34%	63%	3%
Please discuss:			

Note 1

Number of questionnaires sent to licensed physical therapists and physical therapy assistants	<u>88</u>
Number of physical therapists and physical therapy assistants who responded	<u>59</u>
Response Rate	<u>67%</u>

RECEIVED

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

JAN 11 AM.

LEGISLATIVE
AUDIT

January 9, 1979

Mr. Gerald Wilkerson
Legislative Auditor
Division of Legislative Audit
Pouch W
Juneau, Alaska 99811

Dear Mr. Wilkerson:

We have reviewed your preliminary reports as shown below:

1. Board of Examiners in Optometry
2. Board of Dispensing Opticians
3. Board of Psychologist and Psychological Associate Examiners
4. Board of Chiropractic Examiners
5. Alaska State Medical Board
6. Board of Veterinary Examiners
7. State Physical Therapy Board
8. Board of Pharmacy
9. Board of Nursing
10. Board of Nursing Home Administrators
11. Board of Dental Examiners
12. Alaska Transportation Commission

We view these reviews of agency programs and activities which are specifically subject to termination in a manner different from those made of State departments or agencies. Usually we in the Executive Branch endeavor to respond directly to each finding and recommendation. However, in regard to the Boards and Commissions, the Executive Branch agency during a public hearing shall demonstrate a public need for its continued existence or the discontinuation of the program, and the extent to which any change in the manner of exercise of its functions or activities may increase efficiency of administration or operation consistent with the public interest.

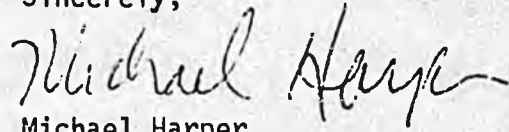
The Executive Branch of Alaska Government has made an extensive study of the above Boards and the Alaska Transportation Commission. We are continuing to study those entities, their origin, their present and future potential, and other related subjects in conjunction with Alaska statutes 24 and 44 (Sunset Legislation). As prescribed in AS 44.66.050 one or more legislative hearings are to be held to receive testimony from the public, the Commissioner of the department having administrative responsibility for each, and the members of the Boards or Commission involved. During those hearings we will present our findings and recommendations affecting each of the foregoing Boards and the Alaska Transportation Commission.

Mr. Gerald Wilkerson
Page 2

January 9, 1979

Accordingly, we are presenting this in addition to the responses from the Department of Commerce, Department of Law, and the individual Board or Commission members and others on an interim basis.

Sincerely,

A handwritten signature in cursive script that reads "Michael Harper". The signature is written in dark ink and is positioned above the typed name and title.

Michael Harper
Administrative Assistant
to the Governor

STATE OF ALASKA

JAY S. HAMMOND, Governor

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

December 15, 1978

POUCH D

JUNEAU, ALASKA 99811

RECEIVED

JAN 11 AM.

LEGISLATIVE
AUDIT

Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit
Pouch W
Juneau, Alaska 99811

Dear Mr. Wilkerson:

The following comments are in response to the Performance Review of the State Physical Therapy Board, as submitted by the Division of Legislative Audit.

Recommendation No. 1. Agreed. The lack of authority to promulgate regulations is a detriment to efficient board operations. Pending the outcome of Sunset Review, the division will propose legislation to grant this authority.

Recommendation No. 2. Agreed. Continuing education is one method of maintaining and improving quality care in the health care fields. We also agree that special consideration should be given to those licensees practicing and residing in rural areas where availability of educational courses is nonexistent, however, we would not advocate that they be exempt.

Recommendation No. 3. Agreed. Discussions will be held with the board and through cooperative efforts this recommendation should be complied with in the near future.

Recommendation No. 4. Foreign trained physical therapists should be licensed to practice in Alaska, if fully qualified. The division will discuss this issue and your recommendation with the board at its next meeting.

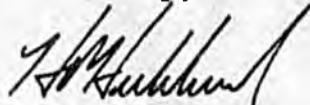
Recommendation No. 5. Agreed. Licensing violations should be as clearly defined as possible, as long as care is taken where the definition could not be interpreted as all-inclusive.

Recommendation No. 6. Agreed. This board, as well as all boards, will be contacted in March or April, 1979 for input into the division's budget for FY 1981. This input will address the board's goals, objectives, and financial needs.

Recommendation No. 7. Agreed. Complete reorganization of files and procedures within the agency are expected to be accomplished by the end of calendar year 1979. Some changes have recently been initiated by the agency.

I appreciate the time and efforts expended by your staff.

Yours truly,



H. Phillip Hubbard
Commissioner

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

POUCH D - JUNEAU 98011

RECEIVED

JAN 11 A.M.

PHYSICAL THERAPY BOARD

LEGISLATIVE
AUDIT

RESPONSE TO LEGISLATIVE AUDIT COMMITTEE

The following are the Board's responses to the recommendations in the preliminary performance review of the State Physical Therapy Board, dated October 20, 1978, from the Division of Legislative Audit.

Recommendation No. 1

The State Physical Therapy Board should be allowed to promulgate regulations.

The Board agrees with this recommendation and is making appropriate suggested changes for the statutes. Amendments will be submitted during the next Legislative Session to provide for the Board to make rules and regulations.

Recommendation No. 2

The State Physical Therapy Board should require physical therapists and physical therapy assistants to obtain continuing education in order to get their licenses renewed.

The Board agrees with the importance of and the idea behind continuing education. However, the Board does not feel it is ready to handle mandatory continuing education at this time because of:

1. Difficulty in getting quality courses in Alaska due to the expense of "importing" instructors.
2. Great distances and costs involved for rural therapists to attend inservice courses.
3. Lack of standards determining the quality of continuing education courses. There is no professional Physical Therapy School in Alaska to offer continuing education. The local chapter of the American Physical Therapy Association does an excellent job of providing education seminars; however most of these are given by local physical therapists, and uniform standards have not been set.

The Board will be setting up a task force to study and make recommendations for the problems of providing continuing education in Alaska. February 1979.

As there have been no complaints from the public regarding degree of professionalism (knowledge, skills, services) of physical therapists, the Board feels lack of required continuing education is not an urgent problem.

Recommendation No. 3

Controls over temporary licenses should be improved.

It is the responsibility of all Board members to know the qualifications for licensure. Therefore the premise in the first paragraph under recommendation No. 3 is incorrect. We question whether one Occupational Licensing Examiner knows the qualifications for licensure better than one Board member. As it is the responsibility of the Board member to issue temporary permits, at least copies of the documents should be seen by the issuing member. The current Board members are not aware of any instance where an applicant was issued a temporary permit before documentation of their qualifications was received by either the Board member or Licensing Examiner.

The temporary licenses which lapsed before permit licenses were issued occurred when there were several rapid changes of the licensing examiners, and when the State was requiring financial disclosure of all Board members, as several physical therapy members resigned causing lack of a quorum. The Board has since made a policy (which hopefully will become a regulation) that the Licensing Examiner shall notify all applicants two months prior to expiration of their temporary permit, if their application is not complete and ready for permanent licensure. In the past year, since this policy, it is believed that there has been no problems.

The Board disagrees that the licensing examiner must first receive all documents for a temporary permit. An applicant may present all documents personally to a Board member and receive a temporary permit. Documents will then be sent to Juneau by certified mail. It is the responsibility of the Board to pass on the qualifications of the applicant rather than the licensing examiner.

The Board agrees with the last statement of this recommendation and is attempting to do so.

Recommendation No. 4

Statutory changes should be made to allow qualified foreign-trained physical therapists to practice physical therapy in Alaska.

The Board agrees with this recommendation and is proposing statute changes accordingly.

Recommendation No. 5

The State Physical Therapy Board in conjunction with the Attorney General, should compose formal regulations which define and list examples of licensing violations.

The Board agrees, but first must receive the authority to make regulations. The Board is recommending statute changes in order to make rules and regulations, and has already made a partial list of violations.

Recommendation No. 6

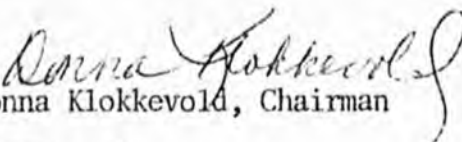
The State Physical Therapy Board should establish formal goals, objectives and quantifiable measures which should be included in the Division of Occupational Licensing (OL) budget documents.

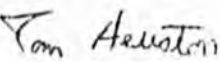
This has been done for the past year, 1978, by the Board and was sent to the Division of Occupational Licensing. The Division was to write up the report in final format. Report items sent to Juneau Oct. 78.


Recommendation No. 7

The Division of Occupational Licensing should collect, record and maintain for five years files and statistics of license and testing applicants and related workload of the licensing examiner.

The Board agrees.


Donna Klokkevold, Chairman


Tom Heuston, Secretary


Gary McCarthy, R.P.T.

P.O. Box 8032
Anchorage, AK
99508

W.E. Bradley
P.O. Drawer 8-Q
Anchorage
99508

Mr. Bradley:

This letter is written to show my concern with you to reinstate the Physical Therapist Practice Act. As a licensed Physical Therapist this is an important matter to me in order for us to maintain our quality care.

A copy of the proposed changes is enclosed for your review.

Thank you for your support.

Sincerely,

Mary Pomeroy, R.P.T.

ALASKA PHYSICAL THERAPY ASSOCIATION, INC.
P.O. BOX 4-908
ANCHORAGE, ALASKA 99509

Bd of Psych
+ Psych.
EXAMINERS

STATE OF ALASKA
A PERFORMANCE REVIEW
OF THE
BOARD OF PSYCHOLOGIST
AND PSYCHOLOGICAL ASSOCIATE EXAMINERS

October 31, 1978

A PERFORMANCE REVIEW
OF THE
BOARD OF PSYCHOLOGIST
AND PSYCHOLOGICAL ASSOCIATE EXAMINERS

October 31, 1978

Commissioner of the Department
of Commerce and Economic
Development

H. Phillip Hubbard

Deputy Commissioner of the
Department of Commerce and
Economic Development

Bertram L. Wagnon

Members of the
Board of Psychologist and
Psychological Associate Examiners

Chairperson
Member
Member
Member
Member

Dorothy Whitmore, Ed.D.
James C. Parsons
Pamela Delys-Baglien, Ph.D.
Robert D. Bowers
Dick Madson

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDING

FINANCE DIVISION
POUCH WF—STATE CAPITOL

JUNEAU, ALASKA 99811

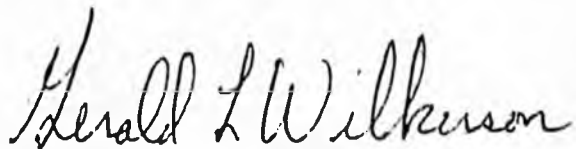
October 31, 1978

Members of the
Legislative Budget and Audit Committee:

In accordance with the intent of Title 24 and 44 of the
Alaska Statutes, the attached report is submitted for
your review.

A PERFORMANCE REVIEW
OF THE
BOARD OF PSYCHOLOGIST
AND PSYCHOLOGICAL ASSOCIATE EXAMINERS

October 31, 1978



Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit

TABLE OF CONTENTS

	<u>Page</u>
Purpose and Scope of the Review.	3
Organization and Function.	5
Report Conclusion.	7
Findings and Recommendations:	
Board of Psychologist and Psychological Associate Examiners	9
Division of Occupational Licensing.	15
Analysis of Public Need.	17
Appendixes:	
A. Board of Psychologist and Psychological Associate Examiners Revenues Compared With Expenditures.	22
B. Complaints and Administrative Statistics	23
C. Questionnaire Sent to Board Members.	24
D. Questionnaire Sent to Psychologists.	29
Responses:	
Office of the Governor	32 (a)
Department of Law.	33 (a)
Department of Commerce and Economic Development	34 (a)

PURPOSE AND SCOPE OF THE REVIEW

Purpose

In accordance with the intent of Alaska Statutes 24.20.271(1) and 44.66.050 (sunset legislation), a review of the Board of Psychologist and Psychological Associate Examiners was conducted to review Board activities and accomplishments to determine if the Board has been operating in an effective, efficient, and economical manner.

As required by legislative intent, this report shall be considered during the legislative oversight function in determining whether the Board of Psychologist and Psychological Associate Examiners should be reestablished. The law currently specifies that this Board will terminate on June 30, 1979, but will continue until June 30, 1980 for the purpose of concluding its affairs.

Scope

The major areas reviewed were the Board's operations and its licensing, examination, administration, complaint and affirmative action functions. Our review consisted of analyzing and evaluating the following:

- (1) Applicable statutes and Board regulations;
- (2) Interviews with Board members and questionnaires sent to the Board;
- (3) Interviews with health agencies and professional associations;
- (4) Tests of records and documents of the Board and the Division of Occupational Licensing (OL), Department of Commerce and Economic Development;
- (5) Interviews with OL employees;
- (6) Complaints filed with OL, the Ombudsman's Office, Consumer Affairs Agency, and the Equal Employment Opportunity Office;
- (7) Questionnaires sent to State licensed psychologists and psychological associates; and
- (8) Review of other states' licensing requirements.

Scope Constraints

This review was hampered by the following constraints:

- (1) The Board has not established and reported financial and program plans as required by AS 37.07.050 nor has it developed and reported performance information regarding its effectiveness and accomplishments as required by AS 37.07.090.
- (2) OL has not adequately collected, recorded or maintained pertinent files and statistics relating to the Board to effectively and efficiently carry out its administrative responsibilities.
- (3) While conducting this review, we received little or no cooperation from some Board members.

ORGANIZATION AND FUNCTION

The Board of Psychologist and Psychological Associate Examiners (PPAE) was established in 1967 under the provisions of Title 8, Chapter 86 of the Alaska Statutes. The Board consists of three licensed psychologists and two public members appointed by the Governor and approved by the Legislature.

The Board regulates licensed psychologists and psychological associates in the State. A psychologist associate is allowed by statute to practice counseling and administer and interpret psychology tests. A psychologist is allowed by statute to practice counseling and psychotherapy.

The Board's duties are basically the following:

- 1) Examining and issuing licenses to qualified applicants;
- 2) Establishing or amending rules and regulations necessary and desirable to enforce state statutes;
- 3) Holding hearings in order to revoke, annul or suspend the license of a person violating the psychologist and psychological associate statutes and regulations.

An applicant may be licensed as a psychologist by passing an examination given by the Board or by endorsement. For endorsement, an applicant must provide proof of licensure in another state with equal licensing requirements at the time of original licensing.

In order to qualify for licensure by examination, an applicant must pass a written examination, have a doctorate and one year of experience. The Board has proposed regulations defining the type of acceptable experience. For applicants filing before December 31, 1978, acceptable experience would be:

- (1) graduation from an American Psychology Association (APA) approved doctoral program or a program which meets the APA standards; or
- (2) one year of supervised post-doctoral experience acquired in a facility authorized to provide psychological services; or which meets the APA program standards.

After December 31, 1978, applicants must have one year of post-doctoral experience acquired under the supervision of a licensed psychologist or a diplomate of the American Board of Examiners in Professional Psychology.

Psychological associates may be licensed after examination if they have a master's degree and three years experience, two of which must be in Alaska.

REPORT CONCLUSION

Policy Issues

This review contains policy issues raised as a result of our evaluation of various ard practices. The final policy decisions affecting these practices are not within the scope of this review but require legislative consideration. The legislative oversight committees should take into consideration the findings and alternatives presented in this report, so that the potential impact of policy changes can be evaluated.

Report Conclusion

In our opinion, the Board should continue to regulate and license the psychology and counseling professionals. The regulation and licensing of these professionals is necessary to protect the public's health, safety and welfare.

However, a statutory change should be considered which will increase the number of public members on the Board and allow the public to be better represented (see Recommendation No. 1). Board actions have not been made in the public's best interest. For instance, the Board has been inconsistently evaluating applicants' qualifications and licensing psychologists since the Board's inception (see Recommendation No. 2). Also the Board has been conducting its meetings and making its deliberations and decisions in secrecy (see Recommendation No. 3).

In order for it to perform effectively and efficiently, the Board needs to make several changes. For instance, it needs to comply with the advice from the Attorney General's office to avoid costly litigation proceedings (see Recommendation No. 7). Also the Board needs to update its application forms in order to decrease the current average application processing time of 28 weeks (see Recommendation No. 5).

In addition, the Board needs to develop grading standards and a test manual for its examinations. Problems with examination procedures have already caused one complaint and may result in other court suits (see Recommendation No. 7).

There are at least four unlicensed practitioners in Alaska who may be advertising and practicing psychology or counseling in violation of the Alaska Statutes. In order to adequately protect the public from the practice of unlicensed and unqualified psychologists and psychological associates, the Board should develop a more aggressive investigative policy (see Recommendation No. 6).

In conclusion, the Board needs to analyze and evaluate its purpose and take the necessary actions needed to perform and fulfill its responsibilities.

FINDINGS AND RECOMMENDATIONS

Findings and Recommendations No. 1 through 9 are addressed to the Board of Psychologist and Psychological Associate Examiners. Findings and Recommendations No. 10 and 11 are addressed to the Division of Occupational Licensing (OL), and should be read in conjunction with "A Performance Review of the Division of Occupational Licensing, Department of Commerce and Economic Development, October 30, 1978", issued under separate cover.

Recommendation No. 1

A statutory change should be considered which will increase the number of public members on the Board and allow the public to be better represented.

The Board is currently composed of three psychologists and two public members. In questionnaires returned by State licensed psychologists, 39% of the respondents believed the Board has not operated in the public's best interest.

Our findings support this view. For instance, the Board has been inconsistently licensing applicants even though an Attorney General's opinion and a prior Division of Legislative Audit report, dated August 5, 1975, noted prior inconsistencies and made recommendations to change these practices (see Recommendation No. 2). Also, the Board has been conducting its meetings and making its deliberations and decisions in secrecy (see Recommendation No. 3). Such actions not only expose the State to lawsuits, but also threaten recruiting efforts of State mental health institutions for qualified psychologists and counselors (see Recommendation No. 2).

The regulations and policies of the Board have a substantial impact on the health, welfare and ultimately the costs and services for mental health care in Alaska. The use of additional public members is desirable because knowledgeable active public members provide a valuable point of view and safeguard against problems cited above.

If the above recommendation is found to be infeasible, or if the Board continues to inconsistently apply the statutes after it has had an opportunity to implement its proposed regulations, then it is recommended that the Legislature amend the law transferring the Board's licensing function to the Department of Commerce and Economic Development.

Recommendation No. 2

The Board of Psychologist and Psychological Associate Examiners should consistently apply statutory licensing criteria to all applicants.

In a prior Division of Legislative Audit report dated August 5, 1975, it was found that the provisions of AS 08.86, outlining the required qualifications for licensure of psychologists and psychological associates, had not been consistently applied by the Board. A more recent review of available records filed after 1975 indicates that this condition still exists.

The Attorney General sent a memorandum, dated February 9, 1976, to the Board stating that the licensing requirement "experience acceptable to the board" found in AS 08.86.130(3), was unconstitutionally vague without clarification from adopted regulations. It was also pointed out that a former Board member said that the Board has accepted clinical internship program experience for purposes of AS 08.86.130(3). Therefore, it would be illegal to deny a person with this type of experience the opportunity to take the examination.

Delaying and denial of licensure for qualified applicants not only discourages applicants, but also affects the public's best interests. In a Legislative Audit questionnaire sent to licensed psychologists, 50% of those responding said they believed there is a shortage of psychologists in the State. Thirty-nine percent responded that there was no psychologist shortage and 11% had no opinion. In addition, a proposed report by the Statewide Health Coordinating Council dated September, 1978, noted that family violence, child abuse and neglect, violent crimes and alcohol abuse are major mental health problems in Alaska.

In January, 1977, the Mental Health Advisory Council, a citizen advisory council to the Division of Mental Health and Development Disabilities, Department of Health and Social Services, passed a resolution which listed numerous problems concerning the licensing of psychologists by the Board. The resolution further stated that these problems threaten the viability of many mental health programs in Alaska. Statutes require the director of these programs to have an Alaskan psychologist license.

Psychology regulations have been proposed but have not become effective as of September 30, 1978. Effective regulations will help guide the Board to consistently license qualified applicants. However, if regulations are not promptly implemented, then it is recommended that legislation be introduced to clarify AS 08.36.130(3).

Recommendation No. 3

The Board should openly conduct its meetings and provide documentation supporting its deliberations and decisions.

The Board is conducting its deliberations and parts of its meetings in secrecy. In addition, there is insufficient documentation to identify its decisions. Examples are:

1. Board did not allow license examiners to record or take minutes of the first half of a public meeting.
2. Minutes are ambiguous as to what the Board has decided.
3. There is no documentation in the files identifying Board decisions and actions.

Ambiguous minutes and lack of documentation in the applicants' files have caused licensing problems. For instance, an applicant took the State psychology examination two years ago and passed. The current Board only recently granted the applicant his license, because they say the prior Board decided the person was not qualified. Board minutes support the current Board's position. However, there is conflicting documentation in the applicant's folder as to whether the applicant was approved by the prior Board or allowed to take the examination with only one Board member's approval.

In other instances, we found no evidence in six licensed psychologist files identifying that the Board approved their licenses.

AS 44.62.312(a)(2) states:

"It is the policy of the state that it is the intent of the law that actions of those units (governmental units) be taken openly and that their deliberations be conducted openly."

This statute covers all meetings of a board and, therefore, should be strictly adhered to. Without compliance, the Board gives the impression that the decision making process is not for public knowledge. Also, it is difficult for Board members and others to determine and trace the reasons for prior Board decisions without proper documentation (see the OL Performance Audit Report).

Recommendation No. 4

The Board should comply with the Attorney General's advice and in those cases where the Board disregards this advice, the Attorney General should inform Board members that they may be personally liable for their actions.

Several cases have occurred where the Board has disregarded the Attorney General's advice. Such actions by the Board could expose the State to costly litigation proceedings.

For example, the Attorney General recently advised the Board that a particular applicant was eligible for licensure. The applicant passed the psychology examination in 1976 with the approval of a prior Board chairman. The current Board refused to license the applicant because Board minutes show that the prior Board disapproved of the applicant's eligibility. AS 08.86.120 states that a person who passed the examination given by the Board is entitled to be licensed as a psychologist.

In addition, the Board refused to honor an agreement made by the Department of Law with a license applicant who charged that the psychology examination was unfair. The agreement was for the applicant to take only part of the examination again. The Board wanted the applicant to retake all of the examination (see Recommendation No. 7).

By refusing to follow its counsel, who is the Attorney General, the Board not only exposes the State to litigation proceedings, but also members can become personally liable for actions taken.

The Board has changed its position regarding the above two cases. It recently licensed the first individual discussed above and is allowing the second person to take part of the psychology examination in compliance with the Attorney General's agreement. The decision was made after the Board listened to the advice of OL officials and a representative of the Attorney General's office.

Recommendation No. 5

The Board should update its application forms and regulations in order to promptly process and analyze applications.

It takes the Board an average of 28 weeks, or over 6 months, to receive an application and make a final determination of whether the applicant is qualified. Such long delays are a result of:

- A. Inconsistent licensing (see Recommendation No. 2);
- B. Requests by the Board for additional information from applicants; and

C. Lack of written guidelines for licensure.

The Board made over 10 requests in the last three years for applicants to supply more detailed information regarding post-doctoral supervised experience. Application forms and verification forms of post-doctoral supervised experience and out-of-state licenses should require that the applicant submit sufficient information so the Board can properly evaluate the applicant's qualifications.

In addition, the Board should list in regulations those states whose statutory requirements are similar and dissimilar to Alaska's requirements. This would better inform applicants of whether they are qualified for endorsement or for the examination.

And finally, the Board should develop standard procedures and guidelines for evaluating and licensing applicants. Written guidelines followed consistently by the Board should help lower the application processing time to a more reasonable average.

Recommendation No. 6

The Board should develop a more aggressive investigation policy by establishing clear regulations for licensing violations and by promptly filing complaints against those practitioners who violate the law.

AS 08.86.180 and AS 08.86.185 state that no person may practice or offer to practice psychology, counseling, and psychometrics unless that person is a licensed psychologist or psychological associate, or specifically exempt by the statutes. In addition, the statutes further define that a person who violates these statutes is guilty of a misdemeanor.

There are at least four unlicensed practitioners in Alaska who may be advertising and practicing psychology or counseling in violation of AS 08.86.180 and 08.86.185. In addition, several licensed psychologists expressed concern in a Legislative Audit questionnaire that psychologists educated in areas other than clinical psychology may obtain a license and practice clinical psychology without being qualified to do so.

AS 08.86.220 allows the Board to restrict the practice of a licensed psychologist by specialty, upon a finding that there is a demonstrated problem with competence, experience, education or health. However, according to investigative files and Board meeting minutes, the Board has never sought to do so. Nor has it composed regulations to provide guidance in this investigative area.

In order to adequately protect the public from the practice of unlicensed and unqualified psychologists and psychological associates, the Board should implement regulations which

specifically define under what conditions a licensed psychologist may be restricted to by specialty. Also, the Board should promptly file complaints against any psychologists violating the Alaska psychology statutes.

Recommendation No. 7

The Board should develop standards and a test manual for the examination given to license applicants.

Several respondents to a Legislative Audit questionnaire sent to licensed psychologists in the State noted that the essay and oral questions were exactly identical. A review of past tests shows that the Board made no marks of grading on the test sheets. In addition, there are no written standard answers or grade sheets with which the Board can properly evaluate and grade applicants' tests. Already one examinee has charged that the examination is unfair (see Recommendation No. 3).

In the Ethical Standards of Psychologists published by the American Psychology Association (APA), Principle 8 states that a person examined has the right to know the results and the data on which the judgements were made. It also states that a test manual should be composed that fully describes the development of the test, the rationale and the evidence of validity and reliability.

The Board should follow the APA ethical standards by proposing and implementing regulations and a test manual. Such actions will help the Board treat all applicants in a consistent manner and avoid costly litigations against the Board.

Recommendation No. 8

Legislation should be introduced to change licensing statutes for psychological associates in order to encourage more qualified applicants to apply and become licensed in the State.

Psychological associates include those persons practicing, counseling and administering psychological evaluation and guidance tests. Alaska statutes require that applicants qualified to be licensed as psychological associates must take an examination. In order to take the examination, an applicant must have at least three years experience, two of which must be in Alaska.

As of September 30, 1978, there are only 3 licensed psychological associates in the State. Other psychological associates who are statutorily exempt from being licensed may also be practicing in the State. However, at least two applicants were denied licensure in the last three years because of the licensing requirements. Others may have been discouraged from applying. By removing the requirement for Alaskan experience, the statutes will encourage more qualified

applicants to become licensed and practice in the State.

Another method to encourage more qualified applicants without lowering standards is to allow out-of-state qualified licensed practitioners to obtain their Alaska license without taking the examination. Endorsement is currently allowed for psychologists, but not for psychological associates.

Recommendation No. 9

Legislation should be introduced requiring continuing education for psychologists and psychological associates.

Psychologists and psychological associates are acutely aware of the public's trust that they maintain their professional competency. Required continuing education is one means of fulfilling that trust. In addition, a program of continuing education will assist in avoiding professional obsolescence and keep practitioners aware of changes taking place in the profession.

Twenty-two of 28 psychologists responded to a Legislative Audit questionnaire that they believed continuing education should be required for their profession. In addition, the American Psychology Association endorses the concept and has determined that 11 states require it.

Recommendation No. 10

The Board should establish formal goals, objectives and quantifiable measures which should be included in the OL's budget document.

Objectives describe what an agency or Board is seeking to accomplish during a specific year. Well formulated objectives are capable of measurement and should include numerical targets so that actual accomplishments can be compared with stated targets. Without goals and objectives, the Board's performance cannot be adequately evaluated and analyzed.

OL established its own budget goals and objectives. The budget documents do not include any goals or measures for individual boards. Without the Board's goals and measures being identified or measured neither the Governor's Office nor the Legislature can evaluate the Board's performance (see the OL Performance Audit Report).

Recommendation No. 11

The Division of Occupational Licensing should develop a procedure manual for the licensing examiner supporting the Board.

Currently the licensing examiner supporting the Board has no procedure manual with which to guide his/her actions. There have been five license examiners for the Board in the last two years. With this high turnover, it is necessary that there are standard guidelines to help new and old employees.

It is recommended that the Division enlist the advice of the Board to construct specific guidelines for the examiner. This will help to ensure that the manual accurately reflects any licensing procedure changes made in compliance with Recommendation No. 2.

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses indicate both positive and negative attainments as Board activities relate to the public need factors defined in the "Sunset" law. These analyses are not intended to be comprehensive in nature, but address those areas we were able to cover within the scope of our review.

- I. The extent to which the board, commission or program has operated in the public interest.
 1. The Board has inconsistently applied the psychology licensing requirements listed in the Alaska Statutes. The Board has also denied several apparently qualified applicants the opportunity to take the psychology examination. Such policies are not in the public's best interest (see Recommendation No. 2).
 2. In January, 1977, the Mental Health Advisory Council, a citizen advisory council to the Division of Mental Health and Development Disabilities, Department of Health and Social Services, passed a resolution which listed numerous problems concerning the licensing of psychologists by the Board. The resolution further stated that these problems threaten the viability of many mental health programs in Alaska. Statutes require the director of these programs to have an Alaskan psychologist license.
 3. The Board has been disregarding the Attorney General's advice which could expose the State to costly litigation proceedings (see Recommendation No. 4).
 4. Several unlicensed psychologists or psychological associates may be advertising or practicing as psychologists or counselors in violation of Alaska Statutes. In order to better protect the public, the Board needs to develop a more aggressive investigative policy (see Recommendation No. 6).
 5. The Board has proposed but not implemented regulations defining standards for licensing requirements. This occurred three years after a prior Legislative Audit report dated August 5, 1975, recommended that regulations be adopted and implemented (see Recommendation No. 2).

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

1. The Division of Occupational Licensing (OL) has not maintained updated records, files and statistics for Board use (see the OL Performance Audit Report).
2. Investigations have not been processed by the investigation section of OL in a timely manner. There are several investigations that are over two years old (see the OL Performance Audit Report).
3. Statutory requirements for licensing psychological associates are unnecessarily restrictive by requiring two of the three years of acquired experience to be completed in Alaska (see Recommendation No. 8).

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

1. The Board has made two recommendations for statutory changes. The first would have required that applicants have one year of continuous residency in Alaska before being licensed. It is doubtful whether this is in the public's interest, since it would discriminate against professionals who just moved from other states.

The other recommendation was to delete the statutes which exempt governmental, educational and private agency supervised psychologists and psychological associates from being licensed. We have found no evidence which demonstrates that there is a need for this change in the statutes.

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

1. We noted no evidence which demonstrates Board encouragement.

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

1. The Board appears to conduct its deliberations and meetings in secrecy (see Recommendation No. 3).
2. During the past four years, thirty-four persons other than Board members and State employees were present during Board meetings as recorded by Board minutes. Many of those participants attended three public meetings to discuss the proposed regulations. Other participants were applicants and other licensed psychologists.
3. The Board advertises in several newspapers to encourage public participation. During the last three years, the advertisements averaged approximately one advertisement per paper for each meeting. Also the advertisements for examinations averaged slightly more than one advertisement per paper. No advertisements were published for public hearings on proposed regulations which is in violation of the Administrative Procedures Act. However, notices of the meetings were sent to interested agencies, which include the Alaska Psychology Association and mental health clinics, and sent to newspapers which did not publish them.

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

1. Two complaints were filed and investigated by the Ombudsman's Office. One was regarding a denial of license by the Board; the other was a complaint about OL misplacing a receipt for a temporary license. The first complaint was labeled by the Ombudsman's Office as a complaint "unsupported" and was "rectified". The other was found to be "justified" and "rectified".
2. A complaint was recorded with OL about the fairness of PPAE's examination. The complaint was resolved with an agreement whereby the applicant only has to retake only part of the examination (see Recommendation No. 4).

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

1. A small number of complaints are recorded with OL against state psychology practitioners. There were eight complaints in four years (see Appendix B).

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

1. Psychology and psychological associate applications require unnecessary information such as an applicant's age and picture (see the OL Performance Audit Report).

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

Please refer to the previous section, Findings and Recommendations.

APPENDIXES

APPENDIX A

BOARD OF PSYCHOLOGIST AND
 PSYCHOLOGICAL ASSOCIATE EXAMINERS
REVENUES COMPARED WITH EXPENDITURES
 Fiscal Year 1978
 (UNAUDITED)

Average Revenue (see Schedule 1 and Note 1)	\$ 2,100
Expenditures (see Note 2)	<u>20,000</u>
Excess of Expenditures Over Revenues	<u>\$(17,900)</u>

Schedule 1
 Types of Revenues

<u>Revenues</u>	<u>Amount</u>	<u>Collection Time</u>
<u>Psychologists and Psycho-</u> <u>logical Associates</u>		
Application Fee	\$50	With application
Renewal Fee	50	With renewal of application
Biennial Fee	50	Biennially
Out-of-State License Fee	50	With issuance of license
Temporary License Fee	10	With issuance of license
Duplicate License Fee	2	With issuance of duplicate license
Examination Fee	30	With taking the Professional Education Service Examination

Note 1

Most of the psychology revenues are composed of renewal registration fees. These fees are collected once every two years and cause revenues in one year to be much greater than the revenues collected in the next year. Therefore, we calculated and reported an average of the revenues collected in fiscal year 1977 and 1978 in order to obtain an accurate representation of collected revenues.

Note 2

Expenditures include those made by Board members, such as travel and per diem and an allocated percentage (estimated) of total administrative expenses of OL. They do not include expenditures for efforts of other departments, such as the Department of Law, that may be assisting the Board and OL.

APPENDIX B

COMPLAINTS AND ADMINISTRATIVE
STATISTICS

Schedule 1
Complaints Against Psychologists and
Psychological Associates

	<u>1978¹</u>	<u>1977</u>	<u>1976</u>	<u>1975</u>	<u>Total</u>
Malpractice Complaints	0	0	0	2	2
Insurance Problems	0	1	0	0	1
Practicing Without Licenses	1	0	2	1	4
Unfair Practical Examination given by Board	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>
<u>Total</u>	<u>2</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>8</u>

Schedule 2
Administrative Statistics

	<u>As of October 13, 1978</u>
Licensed Psychologists	52
Licensed Psychological Associates	3
Board Meetings:	
Average number of meetings per year	5 meetings
Average Time Length per Meeting	4 hours

(1) Statistics as of September 30, 1978

APPENDIX C

QUESTIONNAIRE SENT TO BOARD MEMBERS

1. What do you believe to be the goals and objectives of the Board of Psychologists and Psychological Associate Examiners?

<u>Description</u>	<u>Number of Board Members' Responses</u> (see Note 1 and 2)
<i>To formulate recommendations to upgrade statutes.</i>	3
<i>To protect the Alaskan public by ensuring the competence of the profession through a fair and impartial examination process.</i>	3
<i>To conduct board meetings and hold public hearings to determine best interests of the public.</i>	1
<i>To establish standards which are commensurate with best standards of other states.</i>	2
<i>Protection of consumer from fraudulent use and misrepresentation by the profession and by unqualified members.</i>	1
<i>Make suggestions to the Alaska State Psychology Association.</i>	1

2. How does the Board measure its progress in meeting its goals and objectives?

<u>Description</u>	<u>Number of Board Members' Responses</u>
<i>Establish standards through regulations, which when adopted and implemented, will achieve our objectives.</i>	2
<i>Establish a fair and impartial licensing Board.</i>	1
<i>Through the number and caliber of successful applicants.</i>	2

3. Is the staff from the Department of Commerce and Economic Development and/or other departments adequate to perform and enforce all laws and regulations relating to the Board of Psychologists and Psychological Associate Examiners? What staff support services are provided adequately? Inadequately?

<u>Description</u>	<u>Number of Board Members' Responses</u>
<i>Staff is adequate.</i>	3
<i>Inadequate investigation staff.</i>	2
<i>Don't know.</i>	1

4. What evidence exists demonstrating that the Board has operated in the public's best interest?

<u>Description</u>	<u>Number of Board Members' Responses</u>
<i>Few lawsuits for malpractice against licensed psychologists.</i>	1
<i>Only one Ombudsman's complaint.</i>	1
<i>Board has not licensed persons with inadequate credentials.</i>	1
<i>The development of regulations.</i>	1
<i>Can't answer.</i>	1

5. What evidence exists demonstrating that the absence of psychological regulations and/or the Board would be detrimental to the public's best interest?

<u>Description</u>	<u>Number of Board Members' Responses</u>
<i>Since Board has received many inquiries from aspiring psychologists who never apply for licensure, it might be assumed those people could become self-appointed practitioners.</i>	1
<i>Every state has licensing laws for psychologists.</i>	1
<i>No hard evidence except that Board is aware of persons practicing, counseling whose practice is not helpful and is even harmful to the public.</i>	1

<u>Description</u>	<u>Number of Board Members' Responses</u>
<i>Actions by the Attorney General have become necessary because of the vagueness of the licensure statutes. Regulations were essential to clarify these cases</i>	1
<i>Recurrent complaints of misrepresentation and unethical practice evidence the need for licensing laws.</i>	1
<i>Don't know.</i>	1

6. Has the Board recommended any statutory changes which are generally in the public's best interest?

<u>Description</u>	<u>Number of Board Members' Responses</u>
<i>The Board recommended the deletion of the statute which exempts those unlicensed psychologists who are working in governmental, educational and private agencies where they could be appropriately supervised.</i>	1
<i>Yes, several statutory changes have been suggested.</i>	2
<i>No. However, they have proposed regulations.</i>	1

7. Has the Board made any studies to determine if there is a psychologist and psychological associate manpower shortage in Alaska or certain areas of Alaska? What were the studies' conclusions? What do you believe is the manpower situation?

<u>Description</u>	<u>Number of Board Members' Responses</u>
<i>No.</i>	2
<i>Know of an acute shortage of well-qualified psychologists.</i>	1
<i>Don't know.</i>	1

8. Are there any statutes or regulations that you believe to be obsolete, vague, unduly restrictive and/or inadequate to provide the Board with the responsibility and power to properly govern the purpose and activities of the Board? Please list and explain.

<u>Description</u>	<u>Number of Board Members' Responses</u>
<i>Yes, but these have been scrutinized, and changes are in the forthcoming regulations.</i>	3
<i>Psychological associate licensing standards do not exist.</i>	1

9. What changes could be made to the Board which would improve its service to the public?

<u>Description</u>	<u>Number of Board Members' Responses</u>
<i>There is concern that with three professional members and two public members, the balance in a vote may be critical. Also, in the examination process, each public member has the same power to pass and fail test items as the professional members, thus making it morally impossible for a professional member to be absent for any reason.</i>	1
<i>The screening, testing, and interviewing process needs improvements.</i>	1
<i>Addition of one more professional and public member would be helpful.</i>	1
<i>Don't know.</i>	1

10. Why is the essay examination needed in addition to the Professional Examination Service examination?

<u>Description</u>	<u>Number of Board Members' Responses</u>
<i>To test applicant on ethics and problems unique to Alaska, including Alaska law.</i>	4
<i>To offer more criteria concerning the suitability of the candidate.</i>	3
<i>To be aligned with practices in other states.</i>	1

11. Do you think continuing education requirements should be enacted by the Legislature and/or the Board?

<u>Description</u>	<u>Number of Board Members' Responses</u>
Yes.	3
<i>Continuing education should be required only by the actions of the Board.</i>	1

Note 1

The questionnaire was sent to the 5 present Board members and 1 prior Board member whose term had recently expired. We received replies to our questions from 4 Board members. Therefore, the response rate is 67%.

Note 2

Each Board member responded to each question with several answers. Therefore, total responses for each question may exceed the number of Board members.

APPENDIX D

QUESTIONNAIRE SENT TO PSYCHOLOGISTS

	% Responses (see Notes 1, & 2)		
	<u>Yes</u>	<u>No</u>	<u>No Opinion</u>
1. Have you been able to attend any psychology seminars or classes after being licensed within the last year?	86%	14%	0%
2. If so, how many hours of continuing education have you had this year? <i>Average</i>	<u>26 hours</u>		
3. Do you believe that state laws should require continuing education before psychologist licenses are renewed?	79%	14%	7%
4. Have you ever had any contact with the Board of Psychologist and Psychological Associate Examiners?	79%	21%	0%
5. Do you believe that the Board of Psychologist and Psychological Associate Examiners has operated in the public's best interest?	58%	39%	3%
6. Do you believe that the Board of Psychologist and Psychological Associate Examiners has fairly and consistently evaluated license applicants?	61%	29%	10%
7. When you were licensed in Alaska, did you take the following tests:			
1. Professional Examination Service multiple choice exam	61%	29%	10%
2. An essay examination	21%	68%	11%
3. An oral examination	50%	43%	7%
8. If you took the written essay examination, what subjects were asked?			
<i>Ethics was the most frequently mentioned answer.</i>			
9. If you took an oral examination, what subjects were asked?			
<i>Ethics was the most frequently mentioned answer.</i>			

		% Responses (see Note 1 & 2)		
		Yes	No	Opinion
10.	Do you believe that the following adequately test an applicants' ability for licensure purposes?			
	a. Professional Examination Service multiple choice exam	50%	47%	3%
	b. Essay examination	43%	47%	10%
	c. Oral examination	54%	39%	7%
11.	After the exam, were you told your scores of each exam?	29%	57%	14%
12.	Do you believe that Alaska's licensing requirements for temporary and permanent licenses are adequate and effective in ensuring that the public is protected?	39%	50%	11%
13.	Do you have any complaints concerning the service provided by the staff support of the Division of Occupational Licensing, Department of Commerce and Economic Development?	29%	64%	7%
14.	Do you believe that there is a shortage of psychologists in the state?	50%	39%	11%
15.	Do you believe that there is a need for licensure of all psychologists in the state?	93%	7%	0%
16.	Do you believe that certifying psychologists would be as effective in protecting the public as the current licensing system?	28%	54%	18%
17.	Are you aware of any discriminatory practices involving licensing of minority groups?	0%	97%	3%
18.	If you have seen the regulations proposed by the Board of Psychologists and Psychological Associate Examiners, do you believe they are fair and adequate in order to protect the public?	54%	19%	28%

% Responses
(see Note 1 & 2)

	<u>Yes</u>	<u>No</u>	<u>No Opinion</u>
--	------------	-----------	-----------------------

19. Do you believe a requirement of one year postgraduate experience for licensing psychologists is:			
a. too lenient of a requirement	11%	0%	0%
b. too restrictive of a requirement	11%	0%	0%
c. adequate in order to protect the public	75%	0%	3%

Note 1

Number of questionnaires sent to State licensed psychologists	52
Number of psychologists who responded	28
Response Rate	53%

Note 2

Questionnaires were also sent to the three psychological associations. Their responses were not received in time to include them in this report.

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

RECEIVED

JAN 11 AM.

LEGISLATIVE
AUDIT

January 9, 1979

Mr. Gerald Wilkerson
Legislative Auditor
Division of Legislative Audit
Pouch W
Juneau, Alaska 99811

Dear Mr. Wilkerson:

We have reviewed your preliminary reports as shown below:

1. Board of Examiners in Optometry
2. Board of Dispensing Opticians
3. Board of Psychologist and Psychological Association Examiners
4. Board of Chiropractic Examiners
5. Alaska State Medical Board
6. Board of Veterinary Examiners
7. State Physical Therapy Board
8. Board of Pharmacy
9. Board of Nursing
10. Board of Nursing Home Administrators
11. Board of Dental Examiners
12. Alaska Transportation Commission

We view these reviews of agency programs and activities which are specifically subject to termination in a manner different from those made of State departments or agencies. Usually we in the Executive Branch endeavor to respond directly to each finding and recommendation. However, in regard to the Boards and Commissions, the Executive Branch agency during a public hearing shall demonstrate a public need for its continued existence or the discontinuation of the program, and the extent to which any change in the manner of exercise of its functions or activities may increase efficiency of administration or operation consistent with the public interest.

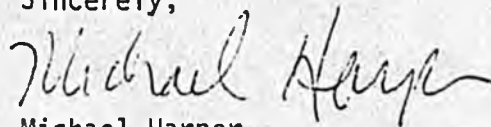
The Executive Branch of Alaska Government has made an extensive study of the above Boards and the Alaska Transportation Commission. We are continuing to study those entities, their origin, their present and future potential, and other related subjects in conjunction with Alaska statutes 24 and 44 (Sunset Legislation). As prescribed in AS 44.66.050 one or more legislative hearings are to be held to receive testimony from the public, the Commissioner of the department having administrative responsibility for each, and the members of the Boards or Commission involved. During those hearings we will present our findings and recommendations affecting each of the foregoing Boards and the Alaska Transportation Commission.

Mr. Gerald Wilkerson
Page 2

January 9, 1979

Accordingly, we are presenting this in addition to the responses from the Department of Commerce, Department of Law, and the individual Board or Commission members and others on an interim basis.

Sincerely,

A handwritten signature in cursive script that reads "Michael Harper".

Michael Harper
Administrative Assistant
to the Governor

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

JAY S. HAMMOND, GOVERNOR

POUCH K-STATE CAPITOL
JUNEAU, ALASKA 99811

Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit
Pouch W
Juneau, Alaska 99811

Dear Mr. Wilkerson:

This department has reviewed recommendation number 4 of the performance review of the Board of Psychologists and Psychological Associate Examiners submitted by your division.

Recommendation number 4 reads:

The Board should comply with the Attorney General's advice and in those cases where the Board disregards this advice, the Attorney General should inform Board members that they may be personally liable for their actions.

Please be advised that the recommendation of your division represents what has been the consistent policy of this department with respect to every occupational licensing board under the Department of Commerce and Economic Development, including the Board of Psychologists and Psychological Associate Examiners. While the minutes of the Board of Psychologists and Psychological Associate Examiners may not reflect this department's admonition to Board members that failure to license certain applicants contrary to our express advice would subject them to possible personal liability, the department has done so on at least three occasions.

Gerald L. Wilkerson, CPA
December 22, 1978
Page 2

Should you wish further clarification or verification of this policy as we have applied it to the Board of Psychologists and Psychological Associate Examiners, please do not hesitate to contact this office.

Sincerely,

AVRUM M. GROSS
ATTORNEY GENERAL

By: *Bruce Botelho*
Bruce M. Botelho
Assistant Attorney General

BMB:cb

cc: Commissioner, Department of Administration
Commissioner, Department of Commerce and Economic Development

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

JAY S. HAMMOND, Governor

POUCH D

JUNEAU, ALASKA 99811

December 15, 1978

Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit
Pouch W
Juneau, Alaska 99811

Dear Mr. Wilkerson:

The following comments are in response to the Performance Review of the Board of Psychologists and Psychological Associate Examiners, as submitted by the Division of Legislative Audit.

Recommendation No. 1. Agreed. The use of additional public members could provide a beneficial overall perspective in board operations. However, we would not advocate increasing the size of board membership.

Recommendation No 2. Your basic premise underlying this recommendation is that effective regulations will help guide the board in consistently licensing qualified applicants. I am in complete agreement.

The proposed regulations were signed by the Lieutenant Governor and will become effective on December 24, 1978. I feel these regulations will provide the necessary frame work for applicants to be dealt with consistently.

Recommendation No. 3. Agreed. I have forwarded a copy of AS 44.62.312(a)(2) concerning public meetings to the board for their information. The Director of the Division of Occupational Licensing has also discussed this situation with the board. All meetings are now recorded and minutes taken. This recommendation has been implemented.

Recommendation No. 4. Agreed. The regulations referred to in my response to recommendation no. 1 will remedy the major portion of your recommendation. Your additional comment concerning board members becoming personally liable is a legal question which I feel should be answered by an attorney within the Department of Law.

December 15, 1978

Recommendation No. 5. Agreed. The portion of this recommendation concerning updating regulations has been answered in responding to recommendation no. 1. The application form will be revised by December 31, 1979.

Recommendation No. 6. AS 08.86.070 describes the duties of the board. It is the responsibility of the Division of Occupational Licensing to investigate complaints and the board will act as a quasi-judicial body. I do agree that the board may request an investigation. Should any board member request an investigation the division will proceed.

Recommendation No. 7. Agreed. Regulations discussed in recommendation no. 1 will in effect partially institute this recommendation. The division will work with the board concerning implementation.

Recommendation No. 8. Agreed. The board is reviewing this recommendation. The division will provide any assistance necessary or requested in order to rectify this problem.

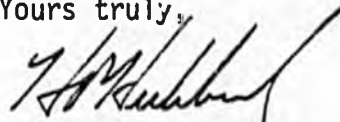
Recommendation No. 9. I agree with the concept concerning continuing education as a condition of relicensure.

Recommendation No. 10. Agreed. This board, as well as all boards, will be contacted in March or April, 1979 for input into the division's budget for FY 1981. This input will address the board's goals, objectives and financial needs.

Recommendation No. 11. Agreed. Discussions will be held with the board and through cooperative efforts a procedure manual will be formulated by the end of calendar year 1979.

I appreciate the time and efforts expended by your staff.

Yours truly,



H. Phillip Hubbard
Commissioner

Entry Requirements for Professional Practice of Psychology

**A Guide for Students
and Faculty**

**American Association of
State Psychology Boards**





The Purpose of Licensure or Certification of Psychologists*

The practice of professional psychology is now regulated by law in 49 of the 50 states of the U.S., as well as the District of Columbia and 7 provinces of Canada.** The laws are intended to protect the public by limiting licensure to those persons who are qualified to practice psychology as defined by state law.

The legal basis for licensure lies in the right of the state to enact legislation to protect its citizens. *Caveat emptor* or "buyer beware," is felt to be an unsound maxim when the "buyer" of services cannot be sufficiently well informed to beware, and hence states have established regulatory Boards to license qualified practitioners. A professional board is a state agency acting to protect the public, not to serve the profession. However, by insuring high standards for those who practice independently, the Board is simultaneously serving the best interests of both the public and profession. The major functions of any professional board are: (1) To determine the standards for admission into the profession and to administer appropriate procedures for selection and examination, and (2) To regulate practice and to conduct disciplinary proceedings involving violation of standards of professional conduct embodied in law.

Those who practice the profession of psychology in a research laboratory, in a state or federal institution or agency, or in a college or university are still exempt from the requirements of licensure in some states, although there is a trend toward requiring licensure of agency employees. The psychologist who offers direct services to the public for a fee must be licensed.

Typical Requirements of Psychology Licensing Laws

Licensing laws in the various jurisdictions differ considerably, yet most have a common core of agreement. Of course, each board is the final authority

*When both the title and practice of psychology are regulated, the law is called a *licensing law*, when only the title of psychologist is regulated, the law is called a *certification law*. To avoid redundancy in the remainder of our discussion the word "licensure" will be used to stand for either licensure or certification.

**Throughout this text the term "state" will refer to Canada's provinces as well as political subdivisions of the U.S.

The Purpose of this Brochure

The American Association of State Psychology Boards (AASPB) has become increasingly concerned that students preparing for professional practice of psychology be made aware of the legal requirements for entry into such practice. The purpose of this brochure is to acquaint students with typical requirements for licensure or certification in the various jurisdictions in the United States and Canada. The Association hopes that an understanding of these requirements will enable the student to better meet the standards established by law to regulate the practice of psychology in the public interest.

What is the American Association of State Psychology Boards?

The AASPB was formed in 1961 to serve a number of needs of state psychology boards throughout North America. One primary need was the establishment of a standardized, written examination for professional practice in psychology which could be used by all jurisdictions to examine candidates for licensure or certification. In addition to that purpose, the AASPB also serves to coordinate efforts of the various boards, facilitate communication among boards, and act as a voice for those responsible for the legal regulation of the practice of psychology.

on all matters of requirements within its jurisdiction and should be contacted for specifics. The typical requirements for licensure in the various jurisdictions are as follows:

A) Education

Achievement of a doctoral degree in psychology from an approved program, or the equivalent as deemed by the board. The definitions of approved programs vary widely, but often refer to accreditation of the academic institutions by recognized accrediting bodies. (Some states have two or more levels of licensure or certification, with the lower level requiring less than the doctoral degree and entailing more restrictions on the practitioner.)

B) Experience

One or two years supervised experience in a setting approved by the state board. Most, but not all, states require that some of the supervised experience be postdoctoral.

C) Examination

Demonstration of relevant knowledge through passing an objective written examination. The Examination of Professional Practice in Psychology, constructed by a committee of AASPB in association with the Professional Examination Service, is used in about 48 jurisdictions. The cut-off point for successful performance on the examination is determined by the board having authority for the jurisdiction. In some states, successful performance is required on an oral and/or essay examination conducted by the Board or a committee designated by the Board. Specialty examinations, e.g. in clinical psychology, industrial psychology, or school psychology may become common in the near future.

D) Administrative requirements

In addition to the foregoing requirements, the various state laws specify different citizenship, age, and residence requirements, as well as requiring evidence of good moral character.

Stated succinctly, the major hurdles which any candidate must meet in the evaluation by the board are:

- 1) The Board's review of credentials (transcripts, application, references).
- 2) Examination (written and/or oral)

Most candidates successfully pass these hurdles, but some fail. Potential sources of difficulty are discussed below

How to Prepare for Successfully Meeting the Requirements of Licensure

Although well prepared candidates have little or no problem with the licensing process, certain areas can be identified in which difficulties are most likely to occur. These potential problem areas are:

1) **Knowledge of the law and regulations.** The applicant should examine the law for the jurisdiction in which licensure is sought to assure that there has been full compliance with the law before an application is submitted. The applicant also should be familiar with, and comply with, any regulations of the board with respect to qualifications.

2) **Adequacy of training and/or experience.** The problems subsumed under this heading include a lack of the appropriate degree specified by the law (usually a Ph.D. in psychology); failure of the candidate to complete the required number of graduate hours in psychology; failure of the institution from which the degree was granted to meet the criteria for approval by the board; failure of the specific curriculum in which the student was enrolled to meet the requirements of the particular state board. With regard to the last-mentioned criterion, most laws contain a stipulation that the graduate work be predominantly psychological in nature, and the doctoral degree be based upon a dissertation which is psychological in content. It should also be noted that some jurisdictions require evidence of continuing education, beyond the Ph.D., for psychologists to retain their licenses.

In addition to these problems having to do with the nature of the candidate's education, each law specifies the duration of experience required, and each board stipulates the type of setting in which approved experience may be obtained. Typical of such approved settings are the APA-approved internship programs. Each candidate should plan for supervised experience that will satisfy the legal requirements for practice in the jurisdiction in which licensure is desired.

3) **Examination Performance.** Successful performance in state licensing examinations usually requires demonstration of knowledge of basic psychology which is relevant to professional practice, along with knowledge of professional ethics and professional affairs. While numerous factors are undoubtedly operative, probably the most frequent source of failure is the candidate's possession of insufficient knowledge of basic psychology. Candidates may also be disqualified in oral examinations as a consequence of demonstration of insufficient knowledge about the management of professional problems, particularly ethical problems.

The Content of the Examination of Professional Practice in Psychology

In order to help the candidate to prepare for the Examination of Professional Practice in Psychology (EPPP), a separate brochure has been prepared by AASPB, and is available from AASPB, the Professional Examination Service, or the board of examiners in those jurisdictions using the exam. In the paragraphs below, the content of that examination is summarized briefly.

- 1) **Background knowledge:** physiological psychology and comparative psychology, learning, history, theory and systems, sensation and perception, motivation, social psychology, personality, cognitive processes, developmental psychology, psychopharmacology;
- 2) **Methodology:** research design and interpretation, statistics, test construction and interpretation, scaling;
- 3) **Professional practice:**
 - a) Clinical psychology: test usage and interpretation, diagnosis, psychopathology, therapy, judgment in clinical situations, community health;
 - b) Behavior modification: Learning, applications;
 - c) Other specialities: Management consulting, industrial and human engineering, social psychology, T-groups, counseling and guidance, communications, systems analysis;
 - d) Professional conduct, affairs, and ethics: Interdisciplinary relations, professional conduct, knowledge of professional affairs.

The EPPP is published in various forms, with new forms published periodically. The examination varies from 150 to 200 items in length. The content areas enumerated above are not equally weighted.

The requirements for licensure, delineated above, and the discussion of potential bases for denial, suggest that the student who seeks out a broad and sophisticated background in psychology is likely to encounter few problems in the licensing process. The student should especially seek experiences which emphasize the application of psychological knowledge to problems likely to be encountered as a professional psychologist. Narrowly based training, avoiding the complexity of the field of psychology, is probably not in the student's best interest if professional practice is a goal. cursory or limited supervision, or supervision by

other than a qualified psychologist, is also likely to lead to deficiencies. Moreover, since psychologists tend to be mobile, a broad background acceptable to all or most boards is preferable to training narrowly designed to meet the requirements of a single jurisdiction. Students who have sought out experiences consistent with APA standards and have taken training at recognized facilities of quality rarely experience difficulty in obtaining licensure.

An Interstate Reporting Service has been established by the Professional Examination Service to facilitate mobility by permitting easier endorsement of licenses among states. The Reporting Service maintains a permanent record of examination scores on the EPPP for those candidates who choose to register. On the candidate's request, the Service will report the score, accompanied by appropriate normative data, to the board of another state in which licensure is being sought.

Resources

It cannot be overemphasized that the final and absolute word concerning requirements for licensure in any state must be obtained from the specific board in question. Addresses for state boards are published each calendar year in the *American Psychologist*. When in doubt, write or call your board. In addition to the individual Boards, the following are other sources of information which may be of value to students and faculty.

American Association of State Psychology Boards
c/o Morton Berger, Ph.D.
N.Y. State Board of Psychology
99 Washington Avenue, Rm. 1841
Albany, New York 12230

American Psychological Association,
Office of Professional Affairs
1200 Seventeenth Street, N.W.
Washington, D.C. 20036

American Psychological Association,
Office of Educational Affairs
1200 Seventeenth Street, N.W.
Washington, D.C. 20036

Standards for Providers of Psychological Services,
American Psychological Association, September,
1974

A model for state legislation affecting the practice of psychology, 1967. *American Psychologist*, Vol. 22, No. 12, December 1967.

A model for state legislation affecting the practice of psychology, 1975. (Draft) Committee on State Legislation, American Psychological Association.

Ethical Standards of Psychologists. *American Psychologist*, 1963. (Amended 1965 and 1972). Published and updated periodically by the American Psychological Association.

Professional Examination Service
475 Riverside Drive
New York, NY 10027

APA-Approved Doctoral Programs in Clinical, Counseling, and School Psychology. Published annually in the *American Psychologist*.

APA-Approved Internships for Doctoral Training in Clinical and Counseling Psychology. Published annually in the *American Psychologist*.

Terris, L.D. The National Licensing Examination. *Professional Psychology*, 1973, 4, 386-391.

Secretary of the State Board of Examiners of Psychologists, your state.

JAMES C. PARSONS
207 E. NORTHERN LIGHTS BLVD. • ANCHORAGE, ALASKA 99503
PHONE 276-2230

April 20, 1979

Sen. W. E. Bradley, Chairman
Senate Commerce Committee
Pouch V
Juneau, Ak, 99811

Dear Brad:

I am deeply concerned that the Board of Psychologist and Psychological Associate Examiners may be terminated under sunset review. I will not go into detailed history of what has happened concerning this professional licensing board except to say that I was in the House when the original bill passed that body in 1964 and have been concerned about professional standards in my field for the past quarter century.

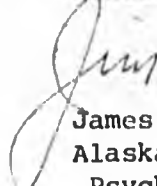
During the past several years while I have been Secretary of this Board, we have attempted to tighten up procedures and indeed, the first regulations for the Board were finally approved in December of 1978. Unfortunately, some of the statements made in both the sunset audit review and other investigations are difficult to address without lengthy explanation and refutation.

I would hope that your committee would see fit to extend the life of this Board since I do not think it would be in the public interest for this function to be assumed by a government agency, rather than by professionals in the field.

The impact of our Board being sunsetted would place in jeopardy anyone who is licensed in Alaska who attempted to move to another licensing jurisdiction (every state, Washington, D.C., and Puerto Rico have similar boards and standards). This is crucial, since every state board checks to see if standards of screening and testing are equal to those in their jurisdiction.

In addition to a national objective examination, each state gives a state examination to attempt to evaluate factors of professional ethics, work samples and similar issues.

Sincerely,



James C. Parsons, Secretary
Alaska Board of Psychologist and
Psychological Associate Examiners

JCP:amh
enc.