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HB

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1979

FREE CONFERENCE COMMITTEES 1979

LIST OF FILES (PAGE 1)

HB 66

FREE CONFERENCE COMMITTEE GENERAL FILE (FREE CONFERENCE
ON SUNSET OF HEALTH BOARDS)

HB 446

SB 240

SB 242 - FILE NO. 1

SB 242 - FILE NO. 2

SB 243 - FILE NO. 1

SB 243 - FILE NO. 2

SB 244 - FILE NO. 1

SB 244 - FILE NO. 2

SB 245 - FILE NO. 1

SB 245 - FILE NO. 2

SB 246 - FILE NO. 1

SB 246 - FILE NO. 2

SB 247

SB 248 - FILE NO. 1

SB 248 - FILE NO. 2

SB 947

FREE
CONFERENCE
COMMITTEE
1979-80

HB

66

April 5, 1979

RE: FCC CSHB 66

Section 23

Eligible veterans are entitled to a discount of up to a maximum of 75% on the purchase price, which amounts to 5% per year of residency or \$37,500 whichever is less. There is no such discount under current law, *however,*

Section 25 *refers to the*
Definition *of a* eligible veteran. (See attached zerox copy)
Blocked off in red

Section 28 & 29

The Veterans Preference Law does not apply to land sold under this bill, such as priority for first selection.

Size of Land lots:

Residential: not less than 2 acres and not larger than 5 acres.

Agricultural: not less than 20 acres and not larger than 320 acres.

Conditions:

The land may not be sold or subdivided for a period of 10 years from the time of signing the contract. The department of natural resources is authorized to conduct "in-house" appraisals.

(g) After receiving the deposit required under (a) of this section, the director or his representative shall immediately issue a receipt containing a description of the land or property purchased, the price of the land and the terms of sale. The receipt shall be acknowledged in writing by the purchaser. A contract of sale shall be executed in the same form and manner as required under § 55 of this chapter.

(h) An aggrieved lottery participant may appeal to the commissioner within five days after the lottery is conducted for a review of the lottery procedures.

(i) The director may include in contracts for sale of land under this section terms which

(1) require purchasers to use or occupy, or both, the land purchased for a reasonable period of time after a sale;

(2) prohibit the resale of land purchased by the initial purchaser until the requirements imposed under (1) of this subsection, if any, are satisfied. (§ 4 ch 176 SLA 1978)

Effective date. — Section 6, ch. 176, SLA 1978, makes this section effective July 18, 1978, in accordance with AS 01.10.070(c).

Sec. 38.05.058. Land discount program. (a) The director shall grant to eligible persons a discount on the purchase price of land sold for residential use under this chapter at the rate of five per cent of the purchase price of the land purchased for each full year that the purchaser is a resident of the state. A discount granted under this section may not exceed 50 per cent of the total purchase price of the land or a value of \$25,000, whichever amount is less. A discount may be used by an eligible veteran to purchase land offered at a restricted sale under § 67 of this chapter.

(b) To be eligible for a discounted purchase price under (a) of this section, a person shall

- (1) have been physically present in the state for the 12-month period before the sale except for brief intervals, military service, attendance at an educational or training institution or for absence for good cause;
- (2) maintain a place of residence in the state;
- (3) be registered to vote in the state;
- (4) not have claimed residence in any other state for any purpose during the 12-month period immediately before the sale;
- (5) show by all attending circumstances that his intent is to make Alaska his continuous residence; and
- (6) have attained the age of 18 at the date of sale.

(c) A person seeking to establish eligibility for a discount under this section shall present proof meeting the criteria set out in (b) of this section to the director. A person who submits information to the director under this section knowing it to be false is guilty of a felony and, upon

conviction, is or by a fine of

(d) A person who purchases land under this section in state land. A road development determined by cases, a cash land shall be

(e) The provisions of

Effective date SLA 1978.

Sec. 38.05.065. land sold at price to be period of 10 a year. Installment level-payment

(b) The cost remainder of annual installment payments plus interest rate on similar land determined by a year or above

(c) The director for each sale purchase price commissioner conditions, in proper to provisions of this chapter to appropriate to specific provisions in accordance with AS 5 ch 17

Effect of an amendment, of rewrote this section

SECTIONAL ANALYSIS OF FCC CSHB 66

Section 1. Technical amendment; see sections 6 and 7.

Section 2. Provides that the following municipalities must select land to satisfy their municipal land entitlements before the date set out after each:

- 1) unified municipalities, organized boroughs and cities - October 1, 1980.
- 2) new municipalities - 1 year after certification of entitlement.

This section also provides that a portion of an entitlement may be selected after the deadline if the entitlement cannot be satisfied because of a shortage of vacant unappropriated and unreserved land suitable for residential, industrial or commercial use, because the land selected has not been tentatively approved for patent to the state, or because the land has been selected by a party who is also entitled to select the land.

Section 3. The Director of the Division of Lands is required to approve selections within 9 months of selection and convey patent to lands selected by the municipality not later than 3 months after the survey plat is approved.

Sections 4 and 5. Makes certain amendments which are necessary to remove references to AS 29.18.205(g) (joint consideration provision) which is repealed in section 49 of this bill.

Section 6. The state must comply with municipal subdivision regulations except that the platting board may not disapprove the plat or require the state to build roads or capital improvements.

Section 7. Preliminary plats for state subdivisions must be submitted to the local platting authority at least 60 days before they are filed by the Commissioner of Natural Resources.

Sections 8, 9 and 10. Second class boroughs may establish service areas by ordinance for vacant, unappropriated and unreserved municipal land. Second class boroughs may establish service areas by ordinance for vacant, unappropriated, unreserved state land with the concurrence of the Commissioner of the Department of Natural Resources. Second class boroughs may provide those services necessary to develop state or municipal land in compliance with local planning and platting ordinances. Surplus money received from a disposal of land in a service area returns to the borough.

Section 11.

a) Establishes the land disposal bank which, must contain by July 1, 1979, 250,000 acres of state land classified for the following purposes:

1. remote cabin sites;
2. residential/recreational;
3. commercial; and
4. Industrial

b) By January 1, 1981 the land disposal bank must contain at least 500,000 acres of state land classified for the above purposes.

c) After January 1, 1981 the land disposal banks must always contain at least 500,000 acres of state land.

d. The Commissioner must withdraw land from the disposal bank located outside a municipality which has been offered for disposal but not conveyed within 5 years after inclusion in the land disposal bank.

e. Three alternative financing requests for the disposal for state land in the land disposal bank are to be submitted each fiscal year along with the governor's budget. At least 100,000 acres must be offered each year.

f. Any person or municipality may make nominations of land to be included in the land disposal bank. The Commissioner of the Department of Natural Resources must make a written reply if he decides not to place the nominated lands in the land disposal bank. Nomination hearings are to be held semi-annually.

Section 12. Technical amendment.

Section 13. CLASSIFICATION AND SALE OF STATE LAND IN MUNICIPALITIES

a) Notwithstanding AS 18.04, by September 1, 1980, the Commissioner of Natural Resources is required to classify all state land located in municipalities which he determines is best suited for the following purposes:

1. Designation by the legislature as a state park, recreation area, game refuge, sanctuary, or fish and game critical habitat area;
2. Designation by the Governor as a state monument or historic site;
3. Designation by the Commissioner of Natural Resources and Commissioner of the Department of Transportation and Public Facilities as wilderness trails, campsite, road side rests and recreational beaches;

4. Designation by the Commissioner of Natural Resources as trails and foot paths;
5. Remote parcels and remote cabins;
6. Agricultural;
7. Commercial;
8. Timber and commercial quantities;
9. Grazing;
10. Greenbelts;
11. Industrial;
12. Materials;
13. Minerals including oil and gas;
14. Public recreation;
15. Watersheds;
16. Wildlife habitat;
17. Easements for public facilities utilities and pipelines for the transportation of oil and gas;
18. Airstrips and transportation facilities

b) State land which has not been classified for one of the purposes specified above or which has not been nominated for selection or selected by a municipality is available for disposal under the terms outlined in Section E.

c) Before September 1, 1979 the Commissioner must identify land located in a municipality suitable for classification for the purposes established above. State land not identified for those purposes is available after September 1, 1979 for residential disposal. The land available for disposal is to be divided into surveyed districts.

d) Land located within the survey district "suitable for residential use" shall be subdivided and surveyed into

parcels which may not exceed 5 acres. The Commissioner will first survey those districts which contain land which may be developed immediately for residential use at the least cost to the state and potential purchasers. Land which is unsuitable for residential use will not be surveyed. The Commissioner must justify that decision with a written finding which includes reasons for the determination. The findings shall be filed in the Office of the Commissioner and in the appropriate district offices.

e) After subdivision plat is recorded, the land surveyed in the survey district shall be sold as follows:

1. 80% of the parcels sold by lottery (38.05.057; 38.05.065)
2. 10% under the homesite program (38.06)
3. an additional 10% under the homesite program except that if more than one eligible person applies for the same homesite, the winner is determined by lottery.

f) State selections made after the effective date of this act shall be classified within 2 years in accordance with above procedures.

Section 14. Technical amendment.

Section 15. This section rewrites subsection a. of the lottery law (38.05.057). The purchase price of land sold by lottery shall be the fair market value (no change) as determined by

the Commissioner, but may not be less than \$400 per acre, or \$100 per acre if the land is for agricultural purposes only (new). The Commissioner may sell land by lottery for less than fair market value if he determines a scarcity of land for private use in the area of the land to be sold has resulted in unrealistic land values (no change). Before the Commissioner determines the purchase price he must consult with the assessor of the municipality (new). Each successful lottery applicant must, at the time of signing the contract, deposit 5% of the purchase price (no change). If residency discounts are used, he must deposit 5% of the discounted purchase price (new).

Section 16. Changes residency eligibility for lottery sales from 3 years to 1 year.

Section 17. Technical amendment.

Section 18. Lottery application fees have been increased from \$10 to \$25.

Section 19. Lottery application period is increased from a minimum of 30 days to 45 days.

Section 20. Notice of the application period and date of lottery is given in accordance with AS 35.05.34 (the general land disposal notice statute).

Section 21. Adds a new section to lottery statute. No lottery is required if only one application for a parcel is received. If no applications are received, or if a purchaser fails to sign a contract or pay the deposit within the required time, the parcel shall be offered to the first eligible person under the same terms and conditions as originally offered.

Section 22. Technical amendment.

Section 23. Residency discounts may be used for any land sold which is classified for a "use other than commercial or industrial" (law now says: "residential"). Eligible veterans are entitled to a discount of up to 75% off (5% per year of residency) the purchase price or \$37,500 whichever is less (no such discount under current law; residents only get up to 50% or \$25,000 whichever is less; 5% per year of residency).

Section 24. Provides that the cash down payment of 5% may be taken off the discounted purchase price of the land (now the down payment is taken off the top).

to be added
Section 25. Defines eligible veteran.

Section 26. Sets the interest rate for auction sales as the prevailing rate for real estate mortgage loans made by the federal land banks for the farm credit districts for Alaska at the time the contract is signed (law now says: no less than 5%).

Section 27. Sets the interest rate for lottery sales as prevailing rate for real estate mortgage loans made by the federal land bank for the farm credit district for Alaska. (law now says: no less than 5%; no more than usury rate).

Section 28 and 29. The Veterans Preference Law does not apply to land sold under this bill.

Section 30. Agricultural land sold under 38.05.069 may not be less than 20 acres nor more than 320 acres (no minimum under current law). Agriculture land acquired under this section must be used for agricultural purposes (no minimum under current law).

Section 31. CLASSIFICATION AND DISPOSAL OF REMOTE PARCELS

- a) Allows the Commissioner of the Department of Natural Resources to classify and sell land in remote areas to eligible persons. A remote parcel may not exceed 40 acres. The Commissioner determines within each remote parcel selected, the amount of land that may be used for "residential purposes." Land that may be used for residential purposes may not be less than 2 acres nor exceed 5 acres.
- b) The Commissioner is authorized to prescribe parcel selection procedures in accordance with this section.
- c) Remote parcels are sold by lottery.
- d) Within 15 days after staking a parcel, the applicant must file a sketch plat with the Department and apply to lease the land. The lease granted under this section will be for 7 years with an option to renew for a second 5 year term. The annual rental is \$150 a year for the first 5 acres plus an additional \$50 for each additional acre staked.
- e) The remote parcel may not be assigned, conveyed or otherwise transferred but may be inherited.
- f) After revocation or termination of the lease, improvements remaining must be managed in accordance with 18.05.090.

Section 32. PURCHASE OF LAND IN A REMOTE PARCEL:

a) Land in a remote parcel leased for "residential purposes" (2 to 5 acres) may be purchased if the lessee, prior to expiration of the lease, surveys the land and erects a "habitable dwelling" on that land.

b) The lessee may also purchase land in excess of the land used for "residential purposes" if he complies with (a) above, surveys the additional land, and constructs permanent improvements (airstrips, buildings, etc.) on that land.

c) The purchase price shall be the fair market value at the time the survey and plat is approved by the Commissioner.

d) Terms for payment are specified on 38.05.065(b). (5% down; 20 years to pay). The land may not be leased, sold or otherwise conveyed before 10 years after the date the contract sale is signed. The land may not be subdivided for 10 years after contract is signed.

e) If the purchaser fails to comply with the conditions, the contract is void.

REMOTE CABIN PERMITS

a) After September 1, 1980 the Commissioner may issue a permit for a cabin on remote state land if its classified under 38.05.047(4)(3)(b). The permit may not be less than 25 years.

b) After September 1, 1981, the Commissioner may issue a permit for a remote cabin on state land in the unorganized borough if the land is classified under AS 38.05.300 and 305.

c) The fee is \$100. The permit will be terminated before expiration of the term if permittee doesn't comply with conditions of the permit. After termination of the permit, improvements are managed in accordance with 38.05.090.

d) If the land subject to a remote cabin permit is offered for sale or long term lease the permittee gets first choice. The land is sold for fair market value.

SENIOR CITIZENS EXEMPTION: Rural property occupied as a permanent place of abode by resident 65 years of age or over and leased by that resident from the state is exempt from the payment of an annual lease rent.

Section 33. The Commissioner shall classify for surface use lands and areas where he considers it necessary and proper. No land except by act of the State Legislature, may be closed to multiple purpose use if the area involved is over 640 acres (minor changes to current law).

Section 34. Not later than February 1 of each year, Commissioner must submit a written report to each house of the Legislature which describes classifications of state land made during the preceding year.

Section 35. This section requires notice of classifications and disposals to village corporations and unincorporated communities in the unorganized borough with 25 or more permanent residents

located within the vicinity of the land (now law only requires notice to municipalities and regional corporations).

Section 36. Before land may be sold or leased in the unorganized, borough the Commissioner must consider and mitigate the adverse effects on traditional uses by residents in the vicinity of the land to be disposed.

Section 37 and 38. The Department is authorized to conduct "in-house" appraisals.

Section 39. Notice of the auction sales must be published once a week for 4 (law now says: 3) weeks prior to the auction in newspapers of general circulation in the state and by the electronic media covering the regions of the state in which it is located (provision adds electronic media). If there is no newspaper of general circulation, notices must be posted not later than 4 (law now says: 3) weeks before the public auction in 3 public places near the land to be sold. The auction may not be less than 45 days after publication of the first notice or later than 5 weeks following the last appearance of the public notice. (no change)

Section 40. Notice of the lottery sales and homesite disposals are to be published in newspapers of general circulation and by the electronic media covering the region of the state in which the land is located at least once a week for 4 consecutive weeks before the beginning of the application period. If there is no newspaper of general circulation in the vicinity of the land, notice shall be posted not later than 4 weeks before the land is offered in 3 public places near the land.

Section 41. Notice of homestead availability is published in accordance with Section 37 above.

Section 42. Homestead permittees must occupy the land for 35 months out of 5 years (months of 3 years; 5 months of 3 years if a 20 year resident). (current law now says 2)

Section 43. Municipalities may not select land subject to an amended lease under Sec. 12, Ch. 138, SLA 1977, as amended by Sec. 2, Ch. 182, SLA 1978, until the expiration of the lease or until January 1, 1981 whichever is earlier.

Section 44. A person who uses a cabin or shelter on remote state land is entitled to receive a permit to use that land for a remote cabin or shelter if:

1. he applies in writing before Sept. 1, 1980;
2. the cabin was constructed by him or his ancestor before Jan. 1, 1979; and
3. he is the primary user of the cabin

REPEALERS

Section 45.

1. 29.18.20) c - g; h - i; 29.18.207(a)(b); 29.18.213(1) - relating to the repeal of joint consideration provisions in the municipal entitlements law. (see sections 2 - 5)

2. AS 29.33.090(d) - This section provides that no homestead permits may be issued until a local assembly has restricted use of state land found suitable for homestead entry.

3. 38.08.010(c). No land may be classified for homesite entry which:

- a) would threaten fish regeneration
- b) lacks water
- c) is unsuitable for onsite sewage disposal, if no other methods are feasible

4. 38.08.070. No state land may be classified for homesite entry unless studied and jointly approved by state and municipality.

5. 38.08.080. Within municipalities, homesites can only be offered on land zoned for residential use only. Outside municipalities, Division of Lands must restrict use of land to residential purposes.

6. 38.05.325. Homestead entry authorization.

FREE CONFERENCE
COMMITTEE GENERAL
FILE. (FREE CONFERENCE
ON SUNSET
OF HEALTH BOARDS)

FREE CONFERENCE COMMITTEES ON

- FCCS HB 446 Psychology Board
240 Medical Board
244 Pharmacy Board
245 Dispensing Opticians
248 Physical Therapy
242 Chiropractic Examiners
246 Dental Board
243 Optometry Board
247 Veterinary Examiners

including "General File" materials, minutes of meetings, tapes of meetings

MAY 29, 1980

FINAL FREE CONFERENCE COMMITTEE MEETING

8:30am

AGENDA

no suorem

1. Extension of the Medical Board
2. Housekeeping bill
3. Complaint Processing
4. Revision of the sunset process

WORK ORDER REQUEST FORM

NS 8581

KEYWORDS: Sunset

ASSIGNED TO Walker

REQUEST FOR: BILL RESOLUTION RESEARCH OTHER

SUBJECT Legislative Oversight

REQUESTED FOR House Rules Committee B. Margo Waring EXT. _____

* DELIVER TO Margo/ Senator Sturgulevski TAKEN BY Walker

INSTRUCTIONS, EXPLANATIONS Note (1) this is a duplicate of WO 8582 prepared for

the Senate.

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED

AUTHORIZED TO CONFER WITH _____

RETURN _____

TO REQUESTER

APPROVED: BCR Director, Legal Services

Director, Research

REVIEWED _____

IN 5/17 DUE inero 5/19

TYPED - Draft _____ DATE _____

Final _____ DATE _____

PROOFED _____ DELIVERED _____

SPECIAL INSTRUCTIONS TO TYPIST/PROO READER

Sponsor: Rules Committee by request

DRAFT

FINAL

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Nº 8582

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APPROVED: BEB Director, Legal Services

Director, Research

REVIEWED _____

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IN 5/17 DUE Intro 5/19

Sponsor: Rules committee by request

TYPED - Draft _____ DATE _____

Final _____ DATE _____

PROOFED _____ DELIVERED _____

DRAFT

FINAL

SENATOR
ARLISS STURGULEWSKI

COMMITTEES
CHAIRMAN
Community & Regional Affairs

VICE-CHAIRMAN
Commerce

Health & Social Services



Senate

2987 SHELDON JACKSON
ANCHORAGE, ALASKA 99504
DISTRICT 10-H

While in Juneau
POUCH V
JUNEAU, ALASKA 99811
(907) 465-8712

FREE CONFERENCE ON SUNSET (HEALTH BOARDS)

AGENDA

Time & Place: Thursday, March 20 at 8:30 a.m. in Beltz Rm. (Rm. 211 Cap.)

Topics:

1. Status report on practice acts: all are at Legal Services except Nursing, Veterinarians, Psychology & Medical
2. Status report on complaint processing--memorandum 3/11/80 of Waring to Griggs & Burke
3. Decision regarding revision of the sunset process--memo of 3/8/80 of Waring to Malone & Sturgulewski
4. Discussion of the "pre-screening" concept.

Alaska State Legislature



Senate

SENATOR
ARLISS STURGULEWSKI

COMMITTEES
CHAIRMAN
Community & Regional Affairs

VICE-CHAIRMAN
Commerce

Health & Social Services

2957 SHELDON JACKSON
ANCHORAGE, ALASKA 99504
DISTRICT 10-H

While in Juneau
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3712

Free Conference on Sunset (Health Boards)

STATUS REPORT

The Co-Chairs of the Sunset Free Conference on the Health Boards have met several times to discuss mutual concerns and to identify an approach acceptable to the position taken by the Senate and the position taken by the House. From those meetings and discussions by each chair with members of their committees and houses, a series of issues were identified as free conference concerns:

1. changes in practice acts
2. improvement of the complaint processing system
3. consideration of changes in the sunset process

1. Representative Malone and Senator Sturgulewski spoke with Senator Hackney regarding changes in practice acts to be heard by the Senate HESS Committee. Staff developed a list of changes which would be introduced into all the practice acts. These are now in Legal Services. It should be noted, however, that two practice acts, Nursing and Veterinarians, are on the House side in HESS. A list of the items for inclusion as minimum changes in the practice acts is attached. (Attachment A)

2. Regarding complaint processing, the item clearly identified as one of the most significant to the public and of concern to the chairs, has been approached as a matter not of statutory change but as an administrative change. A memorandum concerning this matter is attached. (Attachment B)

3. It appears that the first round of sunset reviews has called into question the sunset process itself. The Free Conference may consider and will discuss changes in the sunset process. At the direction of the co-chairs, staff prepared a memorandum on this subject. (Attachment C)

4. Pre-screening was seen as a way of systematizing the inclusion of new professions in the licensing system. Legal Services has been requested to draft legislation which will describe a pre-screening process. The drafting request is attached as Attachment D.

Attachment A

List of items for consideration in revision of health professions practice acts.

- a. Board membership and composition
 - 1 lay member for 5 person board
 - 2 lay members for 7 person board
 - limitation of membership to 2 consecutive 4-year terms
- b. Fee schedule revision
 - fee should be increased
 - work toward a two tier system, one higher fee for owner/operator/supervisor types and a lower fee for the supervised.
- c. Board effectiveness
 - Include in the AS 08 for DOL an assignment of responsibility for board orientation and development.
- d. Umbrella
 - Give instructions to Legal Services to check for inconsistencies, for unconstitutional provisions, either in restraint of trade or whatever. Eliminate all references to "good character," "professional conduct," etc., unless this behavior is defined.
 - Make sure that out-of-state licensees who have been credentialed through a process and by standards equivalent to Alaska is licensed by endorsement
 - Eliminate standards which protect the economic interest of the occupational group or reducing information flow or by restricting competition.
 - Change license renewal provisions: a license should be good for a longer period of time, renewed less frequently, but should be renewable only upon proof to the board of continued competency.
 - Boards should promulgate regulations for the determination of continued competency.
- e. Licensing violations: make sure that each board may revoke, suspend, or take any other disciplinary action necessary to correct any incompetency determined by the board.
- f. Recruitment: Add to AS 08 for DOL a board membership recruitment obligation: DOL shall annually solicit through public advertisement professional and lay members for the boards; the advertisements shall explain the function of the boards in protecting the public interest and persons should be encouraged to submit resumes and letters of interest. DOL shall interview potential board members as convenient. New board members will be selected by the Governor from that pool of candidates.
- g. Board removal
 - Under the section regarding removal of board members, make sure that each practice act specifies that board members may be removed for unexcused absences, judgment in a hearing of a license violation, conflict of interest or anything else detrimental to the public interest served by the board.

February 25, 1980

TO: Health and Allied Health Professions Board Members

FROM: Senator Arliss Sturgulewski^(al)
Representative Hugh Malone *H.M.*
Co-Chair of the Free Conference Committee on Sunset

We would like to acknowledge and thank you for your patience regarding the outcome of the sunset process as it has effected your board. We also recognize that many of you have concerns about the direction that our Free Conference may take. The purpose of this letter is to let you know what has been happening and what you can expect to have happen in the near future.

As we are sure you are aware, there were several significant differences between the positions of the House and of the Senate on the sunsets of the health professions' boards. These differences had important implications for practice act changes. Both the co-chairs of the Free Conference felt that board members and other interested parties would have a greater opportunity for input on practice act changes through the regular committee process. Therefore, we have agreed that the Senate Health and Social Services Committee, chaired by Senator Glen Hackney, will introduce and hold hearings on practice act changes. Senator Hackney anticipates reporting practice act bills out of his committee by the first of April, for action on the Senate floor. From there, bills will be sent to the House for appropriate referral. At that point the Free Conference will convene and consider such items as extensions and extension schedules and any remaining business appropriate to the Free Conference.

We urge you to participate in the practice act revision process through the Senate Health and Social Services Committee. Your experience and insight will be invaluable.

March 11, 1980

TO: Ann Griggs, Director
Division of Occupational Licensing

Susan Burke
Assistant Attorney General

FROM: Margo W. Karing
Assistant to Senator Sturgulewski

On March 11, 1980 I met with Ann Griggs to discuss my memorandum of February 29, 1980 regarding the processing of complaints. During that meeting, Ms. Griggs stated that the Division of Occupational Licensing is working in a direction concerning complaint processing substantially similar to the process as outlined by Ms. Burke in the memorandum of February 29. The Division of Occupational Licensing is in the process of drafting a procedures manual that will define that process and has already instituted appropriate forms and logging mechanisms.

To facilitate the development of an identifiable process, perhaps it would be helpful if all of us could sit down and discuss this matter together. I would suggest that Mrs. Griggs make available to Ms. Burke and myself the following: a revision of the draft procedures manual that conforms to the process as stated in the February 29 memorandum, with notations of differences, and a flow chart that illustrates those procedures, with decision points marked and complaintant communication points identified. Further, for each of those decision points, it would be helpful if we had some preliminary set of decision standards available for discussion.

Perhaps we could meet at Ms. Griggs' office at 10:00 a.m. on ~~March 21~~ ^{April 1}. As you know, solution of the complaint processing problem is of considerable concern to the committee. On behalf of the co-chairs of the Free Conference on Sunset, I want to thank both of you for your time and attention to this matter.

cc: Senator Sturgulewski
Representative Malone



Official Business

Alaska State Legislature

Senate

Committee on
Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

ATTACHMENT C

March 8, 1980

TO: Senator Arliss Sturgulewski
Representative Hugh Malone

FROM: Margo W. Karing & Paul Quesnel

RE: Sunset Free Conference Committee

Our previous memorandum on this subject (Feb. 29, 1980) conveyed to you the options and recommendations of Gerald Wilkerson, Legislative Audit. In this memorandum, we would like to present a fuller discussion of the issue of revision of the sunset process.

To establish a context for decisions about sunset revisions, a restatement of the policy approach of the sunset legislation may be appropriate. The significant difference between sunset and previously existing audit and review laws (as embodied in AS 24.20, Legislative Budget and Audit and AS 37.07 Executive Budget Act) is the provision for automatic termination of programs and agencies unless positive joint legislative action is taken. The philosophic assumption informing this approach is that needless government regulation over the private lives of individuals exists that creates a costly and needless burden. Hence, only positive action would save these agencies from automatic extinction. This bias of "guilty til proved innocent" is the key distinction between traditional audit and review mechanisms and the mechanism available in the sunset process.

Alaska's experience with sunset has not been atypical: few agencies have been allowed to terminate. A great deal of time, energy, and money has gone into reviewing boards and determining both their effectiveness and the adequacy of their enabling legislation. However, apparently, few legislators have felt a deep commitment to sunset, and several standing committees have found their time overwhelmed by the demands of the sunset process.

It is within this context that our instructions were given: to review the sunset process with a goal of a revision which would focus on those agencies/boards which require review, free regular committees from the burden of so tight a schedule, yet maintain the sunset process.

While the instructions are clear, the criteria used for judging any particular option are stringent: any number of alternatives would achieve the first two criteria; very few will meet the added criterion of

maintaining a process in which agencies/boards are automatically terminated unless positive action is taken by the legislature.

Discussion of Alternatives

1. The first alternative is the one suggested by Mr. Wilkerson (memorandum of February 29, 1980) in which legislators annually target agencies for sunset. While this option preserves the appearance of the existing sunset process, it should be noted that the power to annually target agencies/boards for sunset already exists under AS 24.20.271 relating to legislative audit. Passage of legislation which would enact this option would essentially duplicate existing authorities. Nothing more would be achieved than would be achieved by the simple repeal of sunset. Additionally, since bills would need to be signed by the Governor, possible veto could endanger this approach.

2. As mentioned in the memorandum of February 29, 1980, stretching out the existing schedule would meet the three criteria we were given, with the exception of focussing on agencies "in need" of sunset review. Even so, this option merits further discussion, as its implementation could be within the function of the Free Conference Committee itself. Legislative Legal Services informs us that the original intention behind placing the health boards in one group for sunset review was to achieve certain efficiencies in approach and to provide for coordination in review, so that consolidations, cross references and other inter-disciplinary approaches could be undertaken by the legislature. However, the Free Conference could elect to extend the life of the health boards by varying lengths. For example, while the Psychology Board might be extended for one year, the Board of Nursing could be extended for six or eight years, effectively staggering reviews over a longer time period. Such action would achieve all three objectives: more frequent attention on those boards "in need" of review, less work for the standing committees, and retention of the sunset process.

3. If greater attention is paid to the concept of "less work" than to the other criteria, other options suggest themselves.

a) The sunset legislation allows for joint hearings on the agencies/boards. If joint hearings were held, less total legislative time would be spent; it would be easier for board members to participate, and the whole process would be less expensive. These benefits would be increased if boards were extended for greater periods of time, as suggested in 2 above.

b) Most states, in their sunset legislation, review only licensing/regulatory boards. If the Sunset Act were amended to eliminate the program agencies, then the work load would be reduced. In support of this concept, it should be remembered that program agencies can and are routinely reviewed and audited, that the executive budget process performs similar performance reviews and that the perceived burden of government regulation on the lives of citizens comes substantially from the public interest efforts of licensing and regulatory boards. Hence, if program agencies were to be removed from the sunset list, all three criteria would be observed, without great loss, as program agencies can and are routinely reviewed under traditional mechanisms.

Either or both of the options mentioned in 3(a) and (b) can be supported by the following argument. During the first cycle of sunset reviews, a great deal has been learned regarding the conduct of the process. In 1983, when the boards would again be sunsetted, review criteria will be easier to establish, the organization and scheduling of hearings should be easier, and, perhaps most significantly, there should be less to review as most of the boards will have undergone considerable revision of their practice acts.

4. There is a fourth alternative which would also meet the criteria given to us. This option does not necessarily involve changes in the sunset process or in the scheduling of boards for review. Instead, the legislature itself could establish an alternative process for the sunset reviews. A standing Sunset Committee (perhaps a Joint Committee) would be established. Staff would be hired for this committee. In favor of this option are several efficiencies of effort. Although the same time and money would be spent as now, those efforts and funds could be more efficiently used. Staff would develop an expertise in the sunset process, hearings could be held over the interim, deadlines would be more easily met, and the public could be educated regarding the public interest goals of the boards, thus encouraging greater public participation in the sunset hearings. The theoretical loss involved in this option would be the expertise of existing standing committees.

This option could be combined with those detailed in 3(a) and (b) above.

After this memorandum was written, we received a copy of the "House Commerce Committee Interim Report, Sunset in Alaska, 1979-1980." On page 32 of that document a recommendation is made to establish a permanent committee on sunset. A copy of that page is attached to this memorandum.

Summary

There are several options which meet the criteria assigned to us for use in selecting optional revisions of the sunset process. Several of the options can be combined. Of importance in the consideration of these options is whether or not you wish to pursue an aggressive sunset review program. If so, the process selected should be well established and supported. On the other hand, you may consider that the primary value of sunset has already been achieved by the first sunset cycle: revisions to practice acts have been made, board performance has been improved, management adjustments have occurred, and some boards may have been terminated. In other words, we see this juncture as a further determination of the public interest and how that may be served.

Enclosure

Alaska State Legislature

SENATOR
ARLISS STURGULEWSKI

COMMITTEES
CHAIRMAN
Community & Regional Affairs

VICE-CHAIRMAN
Commerce

Health & Social Services



Senate

2987 SHELDON JACKSON
ANCHORAGE, ALASKA 99504
DISTRICT 10-H

While in Juneau
POUCH Y
JUNEAU, ALASKA 99811
(907) 485-8712

March 17, 1980

ATTACHMENT D

TO: Billy Berrler, Director
Division of Legal Services

FROM: Senator Arliss Sturgulewski

RE: Drafting Request

I would appreciate having a bill drafted on the subject of pre-screening of occupations seeking to be licensed for consideration by the Free Conference on Sunset of the Health Occupations Boards. The intent of the legislation is to deal with the fact that each legislative session, new groups are considered for inclusion among those professions regulated by occupational licensing. Last session introduced several, including social workers, for such consideration. A method is needed to evaluate the claims of these groups, possibly to exclude them (thereby obviating the need for future sunset reviews), and, if included, to provide a systematic approach to their future sunset reviews. The Council of State Governments recommends such an approach, currently embodied in the statutes of the State of Minnesota and the Commonwealth of Virginia. Applied to Alaska, statutes would assign responsibility to the Division of Occupational Licensing for a review of the public need for occupational regulation, prior to submission to the legislature. The DOL would make a finding whether a profession or occupation not presently regulated should be regulated and, if so, what degree of regulation should be imposed to protect the public health, safety, and welfare. The Division of Occupational Licensing would be directed to consider such alternatives to licensing as statutory changes in civil or criminal law or in state agency powers. If such approaches are inadequate, DOL would next consider registration, certification or licensure, dependent upon such evaluation criteria as whether the public is exposed to a health, safety or welfare hazard; the views of non-practitioners of that profession, whether alternative services that are regulated are available, whether high standards of professional competence are currently upheld by practitioners; whether the public is generally expert enough to evaluate the competence of practitioners; whether professional associations currently provide the public with adequate protection against incompetent practitioners; whether current laws are adequate to protect the public; whether the characteristics of the profession make it impractical or impossible to prohibit detrimental practices; whether the practitioner performs a service which may have detrimental effects on third parties relying on the expert knowledge of the practitioner. In addition, each group seeking regulatory control would be required to submit to DOL detailed information regarding those criteria. Provision should be made for hearings to give the applicant group and the public an opportunity to present evidence, views and supporting information

March 17, 1980

which would also be conveyed to the legislature. If regulation seems likely, proposed regulations would be presented at the same time so that standards and so forth of the proposed board would be known before a decision is made regarding regulation of that occupation.

I am enclosing xerox copies of legislation which accomplishes the same goals and a discussion produced by the Council of State Governments which may be helpful in this regard.

Enclosure

Sunset Disc.

¹⁹⁹⁴ Sunset worksheet - Judiciary ok - might not review w/out it

Clare - DOL simpler, cheaper

Conger - Standing Committee - expertise, public can focus on one, 2 sessions of staff w/ a sunset + nothing else

Christian Baker - S Comm. opposed to Standing Comm. LBA does centralized review & Standing Comm would be centralized, base "objectivity" + more participation to + in legislature.

Staggering is the way to go; all comes up; joint hearings mandatory. ~~ok~~ as legist. review (Wilkerson's idea).

Mian Dubois - maintain sunset philosophy, Mike feels this is imp't.

Wilkerson - legislative review, selected annually, based on public/personal input. Interest, gauge workload, veto can be overridden. In the past, legislators request sp. audit of program that come to their attention. Not much value in doing it over & over ~~no~~ diminishing returns / Committees get more staff + more \$ to do this.

Anna process would be too political Wilkerson's way. Makes lobbying efforts too imp't. Automatic review - interim review leading to sunset review. Likes Permanent Comm. for consistency reasons - diff committees deal w/ it differently. Criteria would be helpful.

Bob - non-automatic is heard or not heard makes politics/lobbying more imp't. Standing Comm = professional review

group. Regular Comms = like a jury & →
changes hesperinely. H Commerce - sunset as
a way of getting at other stuff - relationships
to bills on similar topics

Walker "bds + commissions" + 44 66 010 + 08 ones
Can these be separated out? Some automatic (08)
& some selected - (44) or 11 - by legislature.

Wilkinson - real intent was state agencies, not bds
& commissions. Standing Comm ~~was~~ ^{regular} not real sensible
for that.

Walker former balance, what legisl willing & able to do -
44 bds come up auto & affirmative action to
determine on 08 & agency programs need to be
targeted anyway.

Christian - mechanics are the problem; not the philosophy
"may" to "shall" re joint hearings. Disc on this -
work sessions/debaterations would be sep. but hearing to
take testimony together. Exchange of soapboxes for
efficiency

"encourage" "when possible to save taxpayer's" "staff
to work together etc" DeBois No Permanent Comm.

I invited them all to the FCC mtg

Walker coordinate AGS // GROUP MEMO?

1. Practice Acts

Senate / House

S → FCC (decision) → H
→ ok

allow comm. system to do ok. FCC to review
& to untangle for future avoid deluge by
extending differentially

Malone - H adoption → FCC decides ok → act on
resolution based on 1st house's version. Let houses
can't on bill & on FCC report.

Bd by Bd decision
+ onto floor

joint hearings

2) Complaint processing

Manual to FCC members

Report on complaint statistics, backlog
& future

3) Process

anticipated - MCK - only prob if so next time
around

Fahrentz - god has some fr it. We smoother must
go round

Malone - procedures/laws not enough to pay attn
to citizens.

Archie - limitation on process

LBA - agency reviews

Fahrenkamp - LBA not too good / M's

Malme - ag/bds selected for rev. based on where probes are & those seen by reviewers. Bds/progrs selected for sunset based on where they see probes, based on screening process → LBA list → to legisl (shorten/lengthen)

Mikes - LBA does this now. Standards? Malme - yes, standards for priorities to get on list. Not to exclusion of reg. review (scratch where there is an itch). ~~LBA~~

Auton. review slower. LBA rev. by st & procedural order. - Interim Comm → hearings → complaint list → sunset

MCK - reg rev. id's bds need sunset / no complaints / A - part of standard for LBA. "Need" for pt. act changes evaluated; mandatory review → no more neglect. A - bds could report to LBA MCK - OC ^{required} could come in w/ annual bill re p.a. changes (1 - ^{biannual} 2 yr) is regular process for p.a. act changes, esp nec. if sunset process changed.

A - is there need. MCK - based on sunset fr. years of neglect.

A - worth it? Malme - write Wilkerson to discuss in more detail & in touch w/ Rep Miller's group. Dave Walker - specific recs.

Malme - need recs fr. Wilkerson re staff needs of LBA.

Duncan for budget

4. Prescreening - bring it back for Comm.

Malone - gd idea

Jenna - #1 "bogged down" reconsider S p.a → FCC
PA changes are house changes + accepted by bds + profs.

+ some non - controversial bd reccs. If no S controversy,
may get involved in hearings, & not go. Frustration to bds.

reconsider

Malone - look at scheduling probs. . . .

Jenna - 2 yrs. etc

Next Meeting

- 1) Griqqs - report on complaint status, bce. 'alog +
future
- 2) Invite Duncan / Milkerson staff needs LBA
Dave Walber - specific reccs.
"keep in touch w/ DeBois' group"

Passed

May 13, 1980

Senator Clem Tillion, President
Alaska State Legislature

Terry Gardiner, Speaker
Alaska State Legislature

Mr. Speaker:
Mr. President:

It is the intent of this Free Conference Committee that the provisions of Sec 18 of CSSB 261 provide that members currently serving on the state Physical Therapy Board continue to serve until their current terms expire.

Senate Members:

House Members:

Senator Sturgulewski, Chairman

Representative Malone, Chairman

Senator Bennett

Representative Osterback

Senator Fahrenkamp

Representative Bettisworth

Alaska State Legislature

SENATOR
ARLISS STURGULEWSKI

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Senate

2957 SHELDON JACKSON
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While in Juneau
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FREE CONFERENCE ON SUNSET Bills

Meeting # 2

Saturday May 10, 1980 11:00 am Senate HSS Room Assembly Bldg.

AGENDA

1. Discussion of health board practice acts.
2. Extension schedule and decision on extension of boards.
3. Pre-screening legislation.
4. Complaint Processing.

FCC #2.

1. Med Bd ~~SB~~

SB 580

FCCS SB 240

A - Summary of approach.

Malone - On practice act - questions
& requested delay tel. level of agenda.

McKinnon agreed.

2. Pub Pharmacy

FCCS 244

SB 550 am

motion in amendments to Maine

Notice to extend Board. & meeting

FCCS SB 244 - teleconferencing.

terminations. No objection to SB 550.

3. Bd Dispensing Opticians

SB 541

FCCSSB 245

Malone - p. s. changes are what H wants

& FCCS same procedure as the other

Bd. & so much to ~~do~~ pass FCCSSB 245.

A on staggered & then candidate

No objection. All "do pass".

4. Physical Therapy Bd.

FCCSSB 248

CSSB 261

Motion: 2 on 261 Sec. 18

A Paul Cager - intent is

so present Bd. members can serve out their term of office. Motion felt this should be clarified

Motion - appear FCCS 248 w/ letter of intent clarifying Sec 18 of CSSB 261. No disc of objection.

5. Chiropractic Examiners

FCCSSB 242

SB 578

Disc. of SB 578. Motion - public interest served better by endorsing bill & do not have previous H stand. Fairbank noted adoption of FCCSSB 242. No objection & adopted.

6. Pre screening legislation

H - requested people to take a look. Explained.

Falrenkamp - too much regulation?

Moore - wants to see it introduced even if it won't go far. Would be publicly available for next session. Explained some reasons -

legislative decision. Provides better info for decision making -

F - How to handle?

Moore - part of Comm Report - letter stating reasons, + offering legislation w/ request for Rules Comm to intro, even if remote chance of passage; public record comment.

Falk - speed up by preparing for their signatures.

M - More proc. Falk - letter to be signed by all. but w/o "Do Pass" rec - feels needs handling + public discussion.

7. Complaint Processing

A - summary of actions on the subject: method to expedite complaints.

Ann Briggs: summary - Oct 79 Audit report, ombudsman help, A & FCC staff assistance. Procedures Manual. Copies in packet - not final, just draft.

A - structured process? Ann had said they didn't need more staff - will the process help?

Ann HB 1005 SB 580 add investigators

Malme - procedure packet, a on Ann - change - eq's

Malme - lengthy report. Asked Ann to go over at next meeting - the procedures' - changes in man - had complaints reviewed by dir. - the report. For next meeting + available to staff icon. For review + as part of FCC Report. Thanks to Ann for diligence etc.

8. Draft FCC Reports

Malone - AS on pre-screening legislation. W/ clarification at one pt = letter on pre screening bill. ~~AS~~ FCC takes no part. position on leg's provisions as no hearings yet. And if agreeable, letter circulated for signature.

9. A - ~~A~~ other Draft FCC Report materials. ^{members to} ~~discuss now~~ get back on whether it should be in final report.

10. Draft on Pt Bdk letter of intent by Paul Carter. No objection.

11. Medical Board

FCCS SB 240

SB 580

[update of where other ppl were - P. C.]

A - when? PC no STRESS problems.
in Rules.

A - FCC Comm. Thursday? 130

McK in - Ostedt back out.

Malone - Medicaid amendment,
SB deals w/ 4 concerns, 14
bd composition etc.

Asked McK if he felt ready
to consider the bill? McK -
concerned re public member
& on merger vs exec
director goes w/ DC.

Malone: delay Med Bd to
130 Thursday required.
Agreed

Adjourned.



Official Business

Alaska State Legislature

JOINT SENATE AND HOUSE
COMMUNITY AND REGIONAL AFFAIRS COMMITTEE
LOCAL GOVERNMENT STUDY

Co-Chairmen
Senator Arliss Sturgulewski
Representative Bill Parker

Address all
correspondence to:
LOCAL GOVERNMENT STUDY

Pouch V
State Capitol
Juneau, Alaska 99811

FREE CONFERENCE COMMITTEE MEETING #3

Thursday, May 15 at 1:30 p.m. in Butrovich Room

Agenda

1. SB 243 - Optometry Bd.
SB 246 - Dental Bd.
SB 240 - Medical Bd.
2. FCC Drafts
 - a) "housekeeping" amendments ✓
 - b) revision to Sunset process
 - c) complaint processing ✓

FCC #3

1. Optometry Bd

H Commerce amendments discussed
Moline moved to pass FCCSB 243.
Discussion. Pass w/o objection.

2. Dental ^{FCC} SB 246

SB 561 am 5
Reduction of H Commerce
amendments. Necessity assessed
Moline to pass FCCSB 246
by full roll call w/o objection.
Compliments in written bill
by Duets.

3. FCC SB 247 SB 584

Anna Verrate - all bill passed
not changes
Moline moved FCC SB 247
" will handle P&C Act +
redemption w/ Rep. Buchheit.
Discussion of '85 redemption
pass w/o objection.

Bennett - 243 asked for clarification
of statute not changes in H.
Commerce.

4. Hearing keeping letter
recessed

Malone felt it a good idea
noted need for interim Committee
& left legislation rather than
judicial action letter & moved
the letter as part of Conf
Comm Report. Judicial w/o
objection.

Malone suggested draft
legislation by done for
intro. for next meeting
at fall in up

5. Summary -

March 24

March 24

William Home Nelson HB 417,

Map for the FCC

Complaint procedure } next
renewal discussion } meeting

Next meeting - prep for ^{before} 1⁰⁰ SAT.

Room

file copy passed

May 14, 1980

Representative Terry Gardiner
Speaker of the House

President Clem Tillion
President of the Senate

Mr. Speaker:
Mr. President:

The Free Conference Committee, as part of its deliberations, finds that there is a need for certain amendments to clarify and perfect existing statutory language and recommends legislative action on the following:

1) AS 44.66.010(a) uses the word "expire" when it should use "are terminated."

2) Statutory language should be developed to address what happens when the legislature does not comply with the AS 44.66.050(d) procedure or deadlines.

3) If the legislature intends for the boards, etc., identified in AS 44.66.010 to be effected by the one year wind-down period in the same way as the Title 8 boards, then the Free Conference Committee recommends that the second sentence of AS 08.03.020(a) be added to AS 44.66.010(b) and that the word "otherwise" be deleted from that sentence to indicate that the boards, etc., retain full powers during the wind-down period.

4) If the legislature intends that the standing committees meet and conduct the oversight process during the interim, the Free Conference Committee recommends that such an intention be expressed in the oversight statutes.

Senator Arliss Sturgulewski
Chairman, Senate FCC

Representative Hugh Malone
Chairman, House FCC

Senator Don Bennett

Representative Bob Bettisworth

Senator Bettye Fahrenkamp

Representative Alvin Osterback

passed

May 14, 1980

Representative Terry Gardiner
Speaker of the House

Senator Clem Tillion
President of the Senate

Mr. Speaker:
Mr. President:

The Free Conference Committee recommends that in SB 551, page 2, line 22-24 be deleted. Eliminating as a board duty:

"(2) order a licensee to submit to a reasonable physical or mental examination if his physical or mental capacity to practice safely is at issue."

Senator Arliss Sturgulewski
Chairman, Senate FCC

Representative Hugh Malone
Chairman, House FCC

Senator Don Bennett

Representative Bob Bettisworth

Senator Bettye Fahrenkamp

Representative Alvin Osterback

May 13, 1980

Senator Clem Tillion, President
Alaska State Legislature

Terry Gardiner, Speaker
Alaska State Legislature

Mr. Speaker:
Mr. President:

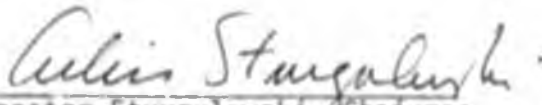
During the research of the Free Conference Committee into the hearings, audits, and history of the health and health related boards and from discussions with representatives of the administration, board members and legislators, it became increasingly clear to the Committee that additional screening processes might insure that professions which sought regulation were, indeed, needing of regulation through establishment of boards, licensing, and practice acts. It was felt by the Committee that screening of professions and development of substantive answers to a wide variety of questions about professions seeking regulation was advisable and would best be handled through the executive branch of government for action by the legislature.

Therefore, the Free Conference Committee had legislation drafted which establishes such a systematic review of professions seeking regulation. The Committee wishes to make clear that in signing this letter there is no endorsement or approval of this particular bill, as there have been no hearings on this bill. Rather, the Committee feels strongly that the concept needs to be available to the public and circulated, and the public should have an opportunity to respond to legislators regarding this concept between now and the next legislative session.

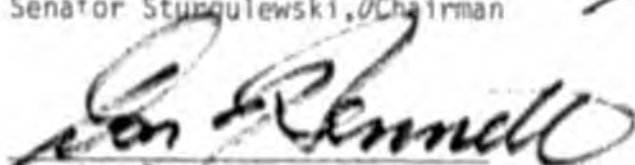
The Free Conference Committee requests that the Rules Committees of the House and of the Senate introduce this legislation so that it may be publically available for discussion, hearing and eventual action.

Senate Members:

House Members

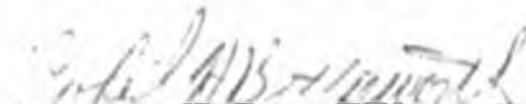

Senator Sturgulewski, Chairman


Representative Malone, Chairman


Senator Bennett


Representative Osterback


Senator Fahrenkamp


Representative Betrisworth

sharm
vto
psych

Introduced: 5/12/80
Referred: Health, Education &
Social Services

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 SENATE BILL NO. 583

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to professional licensing and to the
7 regulation of the practice of psychology; and providing
8 for an effective date."

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

10 * Section 1. AS 08.01.100(a) is amended to read:

11 (a) Except as otherwise provided by statute, [ALL] licenses shall
12 be renewed biennially on the dates set by the department with the ap-
13 proval of the respective board.

14 * Sec. 2. AS 08.86.010 is amended to read:

15 Sec. 08.86.010. CREATION AND MEMBERSHIP OF BOARD. There is created
16 a Board of Psychologist and Psychological Associate Examiners. It
17 consists of four [THREE] licensed psychologists, and one person [T O
18 PERSONS] who has [HAVE] no direct financial interest in the health care
19 industry.

20 * Sec. 3. AS 08.86.020 is amended to read:

21 Sec. 08.86.020. APPOINTMENT AND TERM OF OFFICE. Members of the
22 board are appointed by the governor and confirmed by the legislature for
23 staggered terms of four [THREE] years. [THE TERMS OF THE PUBLIC MEMBERS
24 SHALL BE SET SO THAT THEY DO NOT EXPIRE AT THE SAME TIME.] A member
25 serves at the pleasure of the governor. A person who has served two
26 successive complete terms may not be reappointed until four years from
27 the expiration of the second term.

28 * Sec. 4. AS 08.86 is amended by adding a new section to read:

29 Sec. 08.86.025. REMOVAL OF BOARD MEMBERS. A member of the board

1 may be removed from office by the governor for cause. The board may by
2 regulation provide that unexcused absences from meetings constitute
3 cause for removal.

4 * Sec. 5. AS 08.86.030 is amended to read:

5 Sec. 08.86.030. BOARD MEETINGS. The board shall hold at least
6 three meetings annually [A REGULAR ANNUAL MEETING]. The board may hold
7 special meetings at the call of the chairman or of a majority of the
8 [TWO] board members.

9 * Sec. 6. AS 08.86.070(a) is amended by adding new paragraphs to read:

10 (5) define, by regulation, areas and techniques of practice
11 in psychology for which specialty training is required and establish
12 standards for specialty designation in the field of psychology;

13 (6) adopt regulations requiring proof of continued competency
14 before a license is renewed.

15 * Sec. 7. AS 08.86.070 is amended by adding a new subsection to read:

16 (c) The board may, after a hearing, order disciplinary sanctions
17 against a person who violates this chapter, an order of the board, or a
18 regulation of the board.

19 * Sec. 8. AS 08.86.130 is amended to read:

20 Sec. 08.86.130. QUALIFICATION FOR EXAMINATION. A person is en-
21 titled to take an examination if the board finds he

22 [(1) HAS NOT ENGAGED IN DISHONORABLE CONDUCT RELEVANT TO THE
23 PRACTICE OF PSYCHOLOGY;]

24 (2) holds a doctoral degree with primary emphasis on psy-
25 chology from an accredited school with an approved program;

26 (3) has at least one year's experience acceptable to the
27 board.

28 * Sec. 9. AS 08.86.140 is repealed and re-enacted to read:

29 Sec. 08.86.140. FEES. The following fees shall be imposed under

1 this chapter as applicable:

- 2 (1) application fee..... \$ 25
- 3 (2) examination fee..... \$125
- 4 (3) credential review fee..... \$125
- 5 (4) initial license fee..... \$200
- 6 (5) license renewal due every 4 years..... \$200

7 * Sec. 10. AS 08.86.150 is amended to read:

8 Sec. 08.86.150. [OUT-OF-STATE] LICENSE BY CREDENTIALS. A person
9 who is licensed or certified as a psychologist by an authority other
10 than Alaska is entitled to be licensed in Alaska without examination if

11 (1) he holds a doctoral degree with primary emphasis on psy-
12 chology from an accredited school;

13 (2) the examination and qualification requirements for his
14 out-of-state license or certificate were essentially ~~equal~~ ^{comparable} to
15 or higher than the examination and qualification requirements for
16 licensure under this chapter [IN ALASKA AT THE TIME HE WAS LICENSED]; or

17 ~~or~~ (3) he is a diplomate in good standing of the American Board
18 of Examiners in Professional Psychology;

19 (4) he completes and returns the proper application forms,
20 submits proof of continued competency as required by regulation of the
21 board, and pays the credential review [OUT-OF-STATE CERTIFICATE] fee.

22 * Sec. 11. AS 08.86.162(2) is amended to read:

23 (2) holds a master's degree with primary emphasis on psy-
24 chology from an accredited [OR APPROVED] educational institution which
25 has an approved program, with the equivalent of at least 24 semester
26 credit hours of ~~graduate~~ ^{graduate} course work directly related to a [COUNSELING OR
27 ANOTHER] specialized area of psychology in which licensure is requested,
28 including a practicum;

29 * Sec. 12. AS 08.86.162(3) is amended to read:

1 (3) has at least three years' supervised experience after
2 obtaining a master's degree within the past ten years [, TWO OF WHICH
3 ARE IN ALASKA, AND INCLUDING ONE YEAR'S SUPERVISED POSTGRADUATE EXPE-
4 RIENCE ACCEPTABLE TO THE BOARD];

5 * Sec. 13. AS 08.86 is amended by adding a new section to article 3 to
6 read:

7 Sec. 08.86.164. SCOPE OF PRACTICE. (a) A psychological associate
8 shall be licensed for specific activities or areas of competence as
9 determined by the nature and extent of his training and experience, and
10 these areas shall be specified on the license.

11 (b) A psychological associate shall function under the supervision
12 of a licensed psychologist.

13 (c) Supervision of a licensed psychological associate is the
14 responsibility of the supervising licensed psychologist, and includes
15 face-to-face consultation as required by the nature of the work of the
16 psychological associate which is consistent with accepted professional
17 practices in psychology. The supervising psychologist is responsible
18 for insuring that the extent, kind and quality of the psychological
19 services performed are consistent with the training and experience of
20 the psychological associate.

21 (d) A psychological associate and his supervisor shall register
22 with the board a statement of the intended area of practice and arrange-
23 ments for supervision.

24 * Sec. 14. AS 08.86.180(a) is amended to read:

25 (a) Unless he is licensed under this chapter, a [NO] person may
26 not practice psychology, or offer to practice psychology, or represent
27 to the public that he is a psychologist or that he practices psychology.
28 A person represents himself to be a psychologist when he holds himself
29 out to the public by a title or description of services incorporating

1 the words "psychology", "psychological", "psychologist", "psychometry",
2 "psychometrics", "psychometrist", "psychological counseling", "psycho-
3 logical counselor", "psychotherapy", "psychotherapeutic", "psychothera-
4 apist", "psychanalysis", or "psychoanalyst", or when he holds himself out
5 to be trained, experienced or qualified to render services in the field
6 of psychology.

7 * Sec. 15. AS 08.86.180(b) is amended to read:

8 (b) This section does not apply to

9 (1) a person employed by a governmental unit, educational
10 institution or private agency who may be required to engage in some
11 phase of work of a psychological nature in the course of his employment,
12 if the employer maintains appropriate supervision of psychological
13 activities and professional conduct, and if the person is performing
14 the psychological activities as part of the duties for which he was
15 employed, is performing the activities solely within the facilities of
16 the organization in which he is employed or under the supervision of
17 the organization in which he is employed, and does not render or offer
18 to render psychological services to the public for compensation in
19 addition to the salary he receives from the organization;

20 (2) a student, intern, or resident in psychology pursuing a
21 course of study approved by the board as [IS] qualifyi g training and
22 experience for a psychologist, if his activities constitute a part of
23 his supervised course of study and he is designated by titles such as
24 "psychology intern" or "psychology trainee";

25 (3) a qualified member of another profession, such as a
26 *drug abuse or alcoholism counselor* social worker, or pastoral counselor, in doing work of a psychological
27 nature consistent with his training and consistent with the code of
28 ethics of his profession, if he does not hold himself out to the public
29 by a title or description of service incorporating the words "psycho-

1 logy", "psychological", "psychologist", "psychometry", "psychometrics",
2 "psychometrist", "psychotherapist", "psychoanalysis", "psychoanalyst" or
3 represents himself to be trained, experienced or qualified to render
4 services in the field of psychology;

5 (4) (repealed)

6 (5) ~~a person practicing~~ *as a part of the* medicine, if he is licensed to prac-
7 tice medicine. *a physician licensed under AS 08.86 in the normal course of the practice of medicine.*

8 * Sec. 16. AS 08.86 is amended by adding new sections to read:

9 Sec. 08.86.204. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.

10 After a hearing, the board may impose a disciplinary sanction on a
11 person licensed under this chapter when the board finds that he

12 (1) secured a license through deceit, fraud, or intentional
13 misrepresentation;

14 (2) engaged in deceit, fraud, or intentional misrepresenta-
15 tion in the course of providing professional services or engaging in
16 professional activities;

17 (3) advertised professional services in a false or misleading
18 manner;

19 (4) has been convicted of a felony or other crime which
20 affects his ability to continue to practice competently and safely;

21 (5) intentionally or negligently engaged in or permitted the
22 performance of patient care by persons under his supervision which does
23 not conform to minimum professional standards regardless of whether
24 actual injury to the patient occurred;

25 (6) failed to comply with this chapter, with a regulation
26 adopted under this chapter, or with an order of the board;

27 (7) continued to practice after becoming unfit due to

28 (A) professional incompetence;

29 (B) failure to keep informed of  or use current profes-

1 sional theories or practices;

2 (C) addiction or severe dependency on alcohol or other
3 drugs which impairs his ability to practice safely;

4 (D) physical or mental disability;

5 (8) engaged in lewd or immoral conduct in connection with the
6 delivery of professional service to patients.

7 Sec. 08.86.206. DISCIPLINARY SANCTIONS. (a) When it finds that a
8 licensee is guilty of an offense under AS 08.86.204, the board may
9 impose the following sanctions singly or in combination:

10 (1) permanently revoke a license to practice;

11 (2) suspend a license for a determinate period of time;

12 (3) censure a licensee;

13 (4) issue a letter of reprimand;

14 (5) place a licensee on probationary status and require him

15 to

16 (A) report regularly to the board upon matters involving
17 the basis of probation;

18 (B) limit practice to those areas prescribed;

19 (C) continue professional education until a satisfactory
20 degree of skill has been attained in those areas determined by the
21 board to need improvement;

22 (6) impose limitations or conditions on the practice of a
23 licensee.

24 (b) The board may withdraw probation status if it finds that the
25 deficiencies which required the sanction have been remedied.

26 (c) The board may summarily suspend a license before final hearing
27 or during the appeals process if the board finds that the licensee poses
28 a clear and immediate danger to the public health and safety if he
29 continues to practice. A person whose license is suspended under this

1 section shall be entitled to a hearing by the board no later than seven
2 days after the effective date of the order. The person may appeal the
3 suspension after a hearing to a court of competent jurisdiction.

4 (d) The board may reinstate a license which has been suspended or
5 revoked if the board finds after a hearing that the applicant is able to
6 practice with reasonable skill and safety.

7 (e) The board shall seek consistency in the application of dis-
8 ciplinary sanctions, and significant departure from prior decisions
9 involving similar situations sha' be explained in findings of fact or
10 orders.

11 * Sec. 17. AS 08.86.210 is amended to read:

12 Sec. 08.86.210. PENALTY. A person who violates this chapter
13 [AS 08.86.170, 08.86.180, 08.86.185, OR 08.86.190] is guilty of a
14 class B misdemeanor.

15 * Sec. 18. AS 08.86.230(2) is repealed and re-enacted to read:

16 (2) "to practice psychology" means to render or offer to
17 render for a fee to individuals, groups, organizations or the public for
18 the diagnosis, prevention, treatment, or amelioration of psychological
19 problems and emotional and mental disorders of individuals or groups or
20 for conducting research on human behavior, a psychological service
21 involving the application of psychological principles, methods, and
22 procedures of understanding, predicting, and influencing behavior,
23 including

24 (A) the principles pertaining to learning, perception,
25 motivation, emotions, and interpersonal relationships;

26 (B) the method and procedures of interviewing, counsel-
27 ing, psychotherapy, biofeedback, behavior modification, and hypno-
28 sis;

29 (C) constructing, administering and interpreting tests

1 of mental abilities, aptitudes, interests, attitudes, personality
2 characteristics, emotions, and motivations;

3 * Sec. 19. AS 08.86.230(5) is repealed and re-enacted to read:

4 (5) "psychological associate" means a person licensed under
5 this chapter who renders specific psychological services in association
6 with a licensed psychologist and complies with AS 08.86.164;

7 * Sec. 20. AS 08.86.230(10) is amended to read:

8 (10) "private agency" means a clinic or private practice, or
9 custodial, rehabilitative or health care organization whose mental
10 health services are under the direction of a licensed psychologist [,]
11 or psychiatrist [, OR A CUSTODIAL, REHABILITATIVE OR HEALTH CARE ORGANI-
12 ZATION WHICH IS ACCEPTABLE TO THE BOARD];

13 * Sec. 21. AS 08.86.230(11) is amended to read:

14 (11) "supervised experience" as used in AS 08.86.162(3)
15 ["SUPERVISION"] means the equivalent of at least one hour a week of
16 personal interview with a supervisor whose educational qualifications
17 are consistent with the level of activity being supervised; [A SUPER-
18 VISOR IS RESPONSIBLE FOR INSURING THAT THE EXTENT, KIND AND QUALITY OF
19 THE PSYCHOLOGICAL AND COUNSELING SERVICES PERFORMED ARE CONSISTENT WITH
20 A PSYCHOLOGICAL ASSOCIATE'S TRAINING AND EXPERIENCE, AS WELL AS HIS
21 OBEDIENCE TO THE PROVISIONS OF THIS CHAPTER.]

22 * Sec. 22. AS 08.86.230 is amended by adding a new paragraph to read:

23 (12) "approved program" means a program which meets the
24 requirements established by the American Psychological Association
25 Education and Credentialing Committee in Psychology for an approved
26 program.

27 * Sec. 23. AS 44.62.330(a) is amended by adding a new paragraph to read:

28 (47) Board of Psychologist and Psychological Associate
29 Examiners (AS 08.86.010).

1 * Sec. 24. AS 08.86.070(a)(3), 08.86.185, and 08.86.230(6), (7), (8), and
2 (9) are repealed.

3 * Sec. 25. This Act takes effect immediately in accordance with AS 01.10.-
4 070(c).

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TO: ARLISS
FROM: MARGO
RE: SUNSET REVIEWS: HEALTH BOARDS

Methodology: During the last couple of days, I spent time discussing the health board sunset reviews with a number of concerned and involved people, including Janna Verrati of the Alaska Health Coalition, Ann Criggs of the Division of Occupational Licensing and Susan Burke and Connie Sipe of the Attorney General's staff. Christian Baerler also worked on the subject and was of considerable assistance. I read the Legislative Audits, Alaska Statutes, regulations, and other relevant materials. The suggestions which follow represent a position which is apparently supported by all parties and addresses perceived long and short term needs. More information can be provided regarding perceptions and commitments of the various parties.

Analytic Assumptions: Work on this assignment was conducted in the context of several philosophic assumptions regarding both the sunset process and the place of regulatory licensing boards in the governmental structure.

- 1) The sunset process should succeed at achieving the goals described in the enabling legislation. Patterns established in the review of the health boards will significantly effect future review activities.
- 2) The dominant function of licensing boards is protection of the public health, safety and welfare.
- 3) Professionals in a field are far more likely to be competent judges of the competency of fellow practitioners than are lay persons uneducated in a particular field. Therefore, boards composed of professional members are preferable to alternative decision structures which employ non-professionals in decision making capacities.
- 4) Since the function of boards is consumer protection by maintaining high professional standards among practitioners, and since it is possible for professionals to use boards for exclusionary purposes, the public welfare is better protected by inclusion of consumer advocate members on boards and by a balanced relationship with the administrative arms of government.

General Findings: In the course of my discussions and readings, I have come to several conclusions which I would like to share with you regarding the sunset process as it relates to the health boards.

- 1) All those concerned with both the sunset process and the licensing functions have approached both these responsibilities with good will and a desire to see an efficient, effective and fair system emerge. Most parties are apparently willing to negotiate and compromise in order to see that goal reached. State agency personnel have particularly

attempted, over the last year, to improve their performance.

2) As pointed out by the testimony of the Alaska Health Coalition, the sunset process to date has not been a thorough and systematic one. Apparently, no one feels that adequate hearing has been given to concerned parties.

3) There is a greater focus on function and achievement than on cost and cost reduction. While, of course, everyone is concerned about the latter, no one is more concerned with cost reduction than with higher levels of achievement.

4). The health boards can be considered as a discreet grouping, both in terms of sunset reviews already conducted and in terms of future directions which might be taken, with the proviso that outcomes of these reviews should be consistent with directions desired of other licensing boards that are not health related.

5) My own perception of the existing situation regarding the health related licensing boards is that they need help in fulfilling their obligations to protect the public health, safety and welfare. My own values direct that a solution to this situation lies in creating a structure which can enable them to fulfill this obligation on their own, with continued administrative assistance from the Division of Occupational Licensing. Strategically, this means that it is necessary to redistribute power between the boards and the Division by giving the boards more information regarding their responsibilities, the "system", in which they operate, and other organizational tools.

6) Last, but hardly least, is my perception that no one wants to spend a great deal of time or energy on this subject during this session. While staff and concerned parties all agree that something should be done, no one apparently is willing to devote much energy to it now. People seem to want it "over and done with" early in the session.

The Strategy: The recommendations in this section are a direct result of both my assumptions and findings as outlined in the preceding sections. I feel that it is a strategy that makes those concessions desired by concerned parties, provides an acceptable level of action for this session, while at the same time details work that needs to be done for a full approach to the subject. I would be glad to discuss this perception further with you, largely for my own understanding of legislative processes.

Free Conference Committee: The following measures are recommended for free conference action. Each one addresses either a pressing need or points in a direction which will be reinforced by recommended future legislation.

1) All the health boards should be continued for two years. Two year continuance will enable the boards to fully implement the recommendations of Legislative Audit and the actions of this legislative session. The impetus provided by the sunset review process should mobilize those boards whose activities have not been fully in accord with the Statutes. If additional

legislation is drafted during the summer of 1980, the boards will also have time to implement those directions. At the conclusion of the two year period, it should be possible to reassess board effectiveness in a more systematic fashion that will be both more equitable and , hopefully, more just. The Senate and the Boards want continuance, but the House does not.

2) Continuance should be contingent upon inclusion in the Centralized Licensing Section of Title 8 of certain conditions regarding board membership and composition.

a) Length of term of any board member should be limited to two consecutive terms, not to exceed four years.

b) Each seven person board should have 2 consumer advocate members and each five person board should have one lay member.

2(b) above is a compromised position between the needs of boards to have numbers of working professional members for distribution of board work and the general desire to see a number of lay persons on boards who will thwart any tendencies toward monopolistic or other professionally exclusionary practices.

These two conditions should address expressed concerns of both the House and the Senate and are supported by the Alaska Health Coalition and the Division of Occupational Licensing.

3) Fee schedule revision is desired by all parties. Fees for the health licenses are fixed in Statute and have not been revised in many years. There is general agreement that fees should be set in regulations rather than in Statutes, so that changes can be more readily made in response to inflationary pressures and changing wage structures. I recommend that fees be set by joint agreement between the boards and the Division of Occupational Licensing. Rather than having a different fee for each of the professions, statutes should be revised, regarding health profession licensing, to provide for a dual flat fee system: one fee for supervised health professionals (for example, dental hygienists and physical therapists and nurses) and a higher fee for professionals who could supervise and have their own business (for example, doctors and dentists). The two tier flat fee system (supervised v. owner/operator) is supported by the Alaska Health Coalition and is in keeping with results, as reported to me by C. Basler, of hearings held.

4) One of the greatest complaints of the Boards and also a focus of the Legislative Audits was the existing non-system of complaint processing. Complaints are the heart of the consumer protection responsibility of the boards: action on complaints is the major means of assuring the competence of practitioners. Currently, there is no concept of timely processing of complaints and a great deal of vagueness regarding each party's responsibilities. Because complaints are poorly handled, disciplinary actions are few. During the first week of January, the administration has shifted responsibility for Investigations from OL to the Dept. of Public Safety. While this may mean that investigations

SB94 proposes amend-
ment to licensing fee Act
but a
difficult
approval

are conducted in a more timely and professional manner, it does not establish the basic ground rules and structural relationships necessary to insure protection of the public interest. I recommend that the system for processing complaints lobbied for by the Alaska Health Coalition be adopted by statutory amendment. A copy of the relevant sections are attached to this memorandum. Regularization of complaint handling, in addition to being supported by the Coalition, DOL and others, is also supported by the Attorney General's office (Susan Burke and Connie Sipe). The amendments offered by the Alaska Health Coalition provide for notification of the board of investigations, use of one professional member's expertise by the investigator (this member is then disqualified from further judicial functions of the board to protect due process considerations), and other frequently mentioned concerns. I would like to see the additional inclusion in this section of responsibility assigned to the DOL for a quarterly listing of disciplinary actions: practitioner's name, violation, penalty (if any). This listing should be made available to the public in order to further bolster the boards' responsibility not to their respective professions but to the public welfare.

5) The Free Conference should also direct funds (either a six-month temporary position or a contract of about \$20,000) for a short-term board orientation and development project. The goal of this project would be provision of uniform information to all the health related boards of their statutory responsibilities, methods of operation, relationship to other agencies of government, assistance with solving perceived problems and general board development and group process skills. The boards will, I think, favor this approach and assistance. It will enable the boards, if properly done, to achieve greater parity with the Division, while at the same time eliminating some of the current difficulties which exist between the boards, OL, and the AG regarding responsibilities and communication.

6) The Psychology Board is currently being reviewed by Senator Hackney's committee. If the Free conference is begun after that review is completed, and if Senator Tillion will assign that bill to the Free Conference, it is recommended that all current members of

the Psychology Board be removed and new members be appointed (a resolution to the Governor, perhaps?) Apparently, this Board has been having and creating more problems than any other and least fulfilling its obligation to the public. Removal of members, while at the same time preserving the Board, should address the desires of those who have dealt with that Board. Ms. Verrati will be speaking with Senator Hackney about this matter.

7) This last item is the most complex, but also the most important. The Free Conference should accompany the bill outlined in 1-5 above with a Letter of Intent. This Letter should detail the findings regarding the sunset review of the health boards in terms of general problems and difficulties. Such a review should be the prologue to a recommendation for intensive interim work (summer of 1980) to revise Title 8. The revision should include the following items. These items are the ones which have been found acceptable to the Alaska Health Coalition, C. Basler, OL and the AG's staff personally.

a) There is common agreement that, at a minimum, Title 8 should be revised for clarity, internal consistency, and elimination of legally unenforceable provisions. The Centralized Licensing provisions of Title 8 were included in 1964. Most of the chapters dealing with Boards were included in Territorial days. A thorough re-evaluation is called for at this time.

b) Each legislative session, new groups are considered for inclusion among those professions regulated by occupational licensing. Last session introduced several, including social workers, for such consideration. A method is needed to evaluate the claims of these groups, possibly to exclude them (thereby obviating the need for future sunset reviews), and, if included, to provide a systematic approach to their future sunset reviews. The Council of State Governments recommends such an approach, currently embodied in the statutes of the ^{State of Minnesota and the} Commonwealth of Virginia. Applied to Alaska, statutes would assign responsibility to the Division of Occupational Licensing for a review of the public need for occupational regulation, prior to submission to the Legislature. The DOL would make a finding whether a profession or occupation not presently regulated should be regulated and, if so, what degree of regulation should be imposed to protect the public health, safety, and welfare. DOL would be directed to consider such alternatives as statutory changes in civil or criminal law or in state agency powers. If such approaches are inadequate, DOL would next consider registration, ^{or} certification, ^{or} licensure dependent upon such evaluation criteria as whether the public is exposed to a health, safety or welfare hazard; the views of non-practitioners of that profession; whether alternative services that are regulated are available; whether high standards ~~of~~

of professional competence are currently upheld by practitioners; whether the public is generally expert enough to evaluate the competence of practitioners; whether professional associations currently provide the public with adequate protection against incompetent practitioners; whether current laws are adequate to protect the public; whether the characteristics of the profession make it impractical or impossible to prohibit detrimental practices; whether the practitioner performs a service which may have detrimental effects on third parties relying on the expert knowledge of the practitioner. In addition, each group seeking regulatory control would be required to submit to DOL detailed information regarding those criteria. Provision should be made for hearings to give the applicant group and the public ~~an~~ an opportunity to present evidence, views and supporting information which would also be conveyed to the legislature. If regulation seems likely, proposed regulations would be presented at the same time so that standards and so forth of the proposed Board would be known before a decision is made regarding regulation of that occupation.

c) Regarding existing occupational licensing boards in the health and related fields, several changes should be made to Title 8 to ensure a more efficient and equitable licensing system that more adequately protects the public health, safety, and welfare. Licensing standards: The establishment of initial licensing standards should be determined by the boards and recommended to the legislature, provided that those standards meet such criteria as meeting a definable public need at a minimum level of regulation; that the scope of practice be defined in such a way as to avoid fragmentation and inefficiency in the delivery of services; that evaluation procedures and standards be related to safe and effective practice; that out-of-state licensees or applicants have fair access to the credentialing process; that no standards should be included which protect the economic interest of the occupational group either by reducing the flow of information to consumers concerning fees, qualifications or attainments or by any other means lessening competition. It should be remembered that the Licensing Boards represent an interest distinct from that of professional associations whose codes of ethics need not become law.

Once granted, a license should be valid so long as the holder can provide evidence of continued competency. Currently, few, if any, of the boards are concerned with the continued competency of practitioners. License renewal is an automatic process, dependent upon payment of a licensing fee. Even those who have not actually practiced the occupation remain "qualified" for decades to practice at any time upon the public. It is recommended that the two year license renewal system be replaced with a five year renewal based upon proof of continued competency. Each board would determine the standards for this proof, whether by mandatory continued education, by reexamination, by peer professional evaluation or any other standards they might determine as suitable

to the skills, evolving information and technological change within the profession, and state of the testing art. This substitution, in addition to further protecting the public interest in the regulation of health occupations, would also remove a costly and time consuming responsibility from the Division of Occupational Licensing which now notifies each practitioner biannually of the need for license renewal.

Licensing violations: Each board should be enabled not only to revoke or suspend a license if the licensee has been found in violation of a license provision, but also to mandate such disciplinary action as may be deemed necessary to correct any incompetency in the violator's practice of the profession, by requiring educational courses, proof of the acquisition of new skills, and so forth. Additionally, each board should be able to assess a fine, paid by the practitioner in violation of a license requirement to the patient or consumer of that service whom she/he has harmed or injured. Public accountability of the boards should also mean accountability to the private individual who has suffered by incompetent practice.

Information: Individual boards should be accountable to the public. At the present time, there is insufficient information passed on to consumers of health care services by the boards for wise decisions to be made either in terms of individual care or in terms of the effectiveness of the board in protecting the public health, safety, and welfare. Title 8 should be amended to require the Division of Occupational Licensing to collect and publish such data as numbers of complaints filed, disposition of cases, disciplinary actions taken against practitioners by each board. If a case has been passed on to another agency or group, that agency or group should provide the Board and DOL with information regarding disposition and disciplinary action taken in such a manner that this information could be included with the quarterly reports.

Board Membership: In addition to those items concerning length and limit of term and lay membership proposed for Free Conference action, Title 8 should be amended to provide for recruitment of Board Members. Currently, board membership is determined by the Governor who selects new members from recommendations made by the board and the professional association. This process should be amended to allow for broader recruitment of interested professional and lay members. Annually, the Division of Occupational Licensing should advertise and solicit the public to place their names in a "pool" for membership on the various health professions' licensing boards. Responsibilities of board members would be given and candidates requested to provide adequate personal information to justify their selection. The Governor would then select from this pool of candidates. It is hoped that this new process would solve several difficulties in the existing system: long term vacancies while solicitations of recommendations are being made, too few committed lay member candidates, and under representation of non-association practitioners.

Further, regarding board members, provision should be made for the removal of Board members for a variety of causes, including, but not limited to, judgement of licensing violation, lack of attendance at meetings, and other causes which are detrimental to the public interest being served by the Board.

It is implicit in the preceding sections that amendment of Title 8 to include these items implies a consolidation and standardization of those sections of Title 8 which relate to the health professions licensing boards.

Discussion: It was my initial assessment that the two phased approach outlined in the above sections provided a means of dealing with the issues that have been of paramount concern in the sunset review process, while at the same time fulfilling the legislative obligation set forth in the sunset legislation itself. My own assessment was that the full list of Title 8 revisions as they concern the health professions licensing boards could not be accomplished through the Free Conference. My own inexperience in this arena may mean a far different assessment by you. Please let me know you thinking on this matter.

HB

4 4 6

Introduced: 5/12/80
Referred: Health, Education &
Social Services

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 SENATE BILL NO. 583

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to professional licensing and to the
7 regulation of the practice of psychology; and providing
8 for an effective date."

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

10 * Section 1. AS 08.01.100(a) is amended to read:

11 (a) Except as otherwise provided by statute, [ALL] licenses shall
12 be renewed biennially on the dates set by the department with the ap-
13 proval of the respective board.

14 * Sec. 2. AS 08.86.010 is amended to read:

15 Sec. 08.86.010. CREATION AND MEMBERSHIP OF BOARD. There is created
16 a Board of Psychologist and Psychological Associate Examiners. It
17 consists of four [THREE] licensed psychologists, and one person [TWO
18 PERSONS] who has [HAVE] no direct financial interest in the health care
19 industry.

20 * Sec. 3. AS 08.86.020 is amended to read:

21 Sec. 08.86.020. APPOINTMENT AND TERM OF OFFICE. Members of the
22 board are appointed by the governor and confirmed by the legislature for
23 staggered terms of four [THREE] years. [THE TERMS OF THE PUBLIC MEMBERS
24 SHALL BE SET SO THAT THEY DO NOT EXPIRE AT THE SAME TIME.] A member
25 serves at the pleasure of the governor. A person who has served two
26 successive complete terms may not be reappointed until four years from
27 the expiration of the second term.

28 * Sec. 4. AS 08.86 is amended by adding a new section to read:

29 Sec. 08.86.025. REMOVAL OF BOARD MEMBERS. A member of the board

1 may be removed from office by the governor for cause. The board may by
2 regulation provide that unexcused absences from meetings constitute
3 cause for removal.

4 * Sec. 5. AS 08.86.030 is amended to read:

5 Sec. 08.86.030. BOARD MEETINGS. The board shall hold at least
6 three meetings annually [A REGULAR ANNUAL MEETING]. The board may hold
7 special meetings at the call of the chairman or of a majority of the
8 [TWO] board members.

9 * Sec. 6. AS 08.86.070(a) is amended by adding new paragraphs to read:

10 (5) define, by regulation, areas and techniques of practice
11 in psychology for which specialty training is required and establish
12 standards for specialty designation in the field of psychology;

13 (6) adopt regulations requiring proof of continued competency
14 before a license is renewed.

15 * Sec. 7. AS 08.86.070 is amended by adding a new subsection to read:

16 (c) The board may, after a hearing, order disciplinary sanctions
17 against a person who violates this chapter, an order of the board, or a
18 regulation of the board.

19 * Sec. 8. AS 08.86.130 is amended to read:

20 Sec. 08.86.130. QUALIFICATION FOR EXAMINATION. A person is en-
21 titled to take an examination if the board finds he

22 [(1) HAS NOT ENGAGED IN DISHONORABLE CONDUCT RELEVANT TO THE
23 PRACTICE OF PSYCHOLOGY;]

24 (2) holds a doctoral degree with primary emphasis on psy-
25 chology from an accredited school with an approved program;

26 (3) has at least one year's experience acceptable to the
27 board.

28 * Sec. 9. AS 08.86.140 is repealed and re-enacted to read:

29 Sec. 08.86.140. FEES. The following fees shall be imposed under
30

1 this chapter as applicable:

- 2 (1) application fee..... \$ 25
3 (2) examination fee..... \$125
4 (3) credential review fee..... \$125
5 (4) initial license fee..... \$200
6 (5) license renewal due every 4 years..... \$200

7 * Sec. 10. AS 08.86.150 is amended to read:

8 Sec. 08.86.150. [OUT-OF-STATE] LICENSE BY CREDENTIALS. A person
9 who is licensed or certified as a psychologist by an authority other
10 than Alaska is entitled to be licensed in Alaska without examination if

11 (1) he holds a doctoral degree with primary emphasis on psy-
12 chology from an accredited school;

13 (2) the examination and qualification requirements for his
14 out-of-state license or certificate were essentially similar to
15 or higher than the examination and qualification requirements for
16 licensure under this chapter [IN ALASKA AT THE TIME HE WAS LICENSED]; or

17 (3) he is a diplomate in good standing of the American Board
18 of Examiners in Professional Psychology;

19 (4) he completes and returns the proper application forms,
20 submits proof of continued competency as required by regulation of the
21 board, and pays the credential review [OUT-OF-STATE CERTIFICATE] fee.

22 * Sec. 11. AS 08.86.162(2) is amended to read:

23 (2) holds a master's degree with primary emphasis on psy-
24 chology from an accredited [OR APPROVED] educational institution which
25 has an approved program, with the equivalent of at least 24 semester
26 credit hours of ^{graduate} course work directly related to a [COUNSELING OR
27 ANOTHER] specialized area of psychology in which licensure is requested,
28 including a practicum;

29 * Sec. 12. AS 08.86.162(3) is amended to read:

1 (3) has at least three years' supervised experience after
2 obtaining a master's degree within the past ten years [, TWO OF WHICH
3 ARE IN ALASKA, AND INCLUDING ONE YEAR'S SUPERVISED POSTGRADUATE EXPE-
4 RIENCE ACCEPTABLE TO THE BOARD];

5 * Sec. 13. AS 08.86 is amended by adding a new section to article 3 to
6 read:

7 Sec. 08.86.164. SCOPE OF PRACTICE. (a) A psychological associate
8 shall be licensed for specific activities or areas of competence as
9 determined by the nature and extent of his training and experience, and
10 these areas shall be specified on the license.

11 (b) A psychological associate shall function under the supervision
12 of a licensed psychologist.

13 (c) Supervision of a licensed psychological associate is the
14 responsibility of the supervising licensed psychologist, and includes
15 face-to-face consultation as required by the nature of the work of the
16 psychological associate which is consistent with accepted professional
17 practices in psychology. The supervising psychologist is responsible
18 for insuring that the extent, kind and quality of the psychological
19 services performed are consistent with the training and experience of
20 the psychological associate.

21 (d) A psychological associate and his supervisor shall register
22 with the board a statement of the intended area of practice and arrange-
23 ments for supervision.

24 * Sec. 14. AS 08.86.180(a) is amended to read:

25 (a) Unless he is licensed under this chapter, a [NO] person may
26 not practice psychology, or offer to practice psychology, or repr sent
27 to the public that he is a psychologist or that he practices psychology.
28 A person represents himself to be a psych:ologist when he holds himself
29 out to the public by a title or description of services incorporating

1 the words "psychology", "psychological", "psychologist", "psychometry",
2 "psychometrics", "psychometrist", "psychological counseling", "psycho-
3 logical counselor", "psychotherapy", "psychotherapeutic", "psychothera-
4 pist", "psychoanalysis", or "psychoanalyst", or when he holds himself out
5 to be trained, experienced or qualified to render services in the field
6 of psychology.

7 * Sec. 15. AS 08.86.180(b) is amended to read:

8 (b) This section does not apply to

9 (1) a person employed by a governmental unit, educational
10 institution or private agency who may be required to engage in some
11 phase of work of a psychological nature in the course of his employment,
12 if the employer maintains appropriate supervision of psychological
13 activities and professional conduct, and if the person is performing
14 the psychological activities as part of the duties for which he was
15 employed, is performing the activities solely within the facilities of
16 the organization in which he is employed or under the supervision of
17 the organization in which he is employed, and does not render or offer
18 to render psychological services to the public for compensation in
19 addition to the salary he receives from the organization;

20 (2) a student, intern, or resident in psychology pursuing a
21 course of study approved by the board ~~as~~ [IS] qualifying training and
22 experience for a psychologist, if his activities constitute a part of
23 his supervised course of study and he is designated by titles such as
24 "psychology intern" or "psychology trainee";

25 (3) a qualified member of another profession, such as a
26 social worker, ~~or~~ ^{drug or alcohol abuse counselor,} pastoral counselor, in doing work of a psychological
27 nature consistent with his training and consistent with the code of
28 ethics of his profession, if he does not hold himself out to the public
29 by a title or description of services incorporating the words "psycho-

1 logy", "psychological", "psychologist", "psychometry", "psychometrics",
2 "psychometrist", "psychotherapist", "psychoanalysis", "psychoanalyst" or
3 represents himself to be trained, experienced or qualified to render
4 services in the field of psychology;

5 (4) (repealed)

6 (5) ~~a person practicing medicine, if he is licensed to prac-~~

7 ~~... a physician engaged in the normal practice of medicine~~
8 ~~... a person practicing medicine, if he is licensed to prac-~~

* Sec. 16. AS 08.86 is amended by adding new sections to read:

9 Sec. 08.86.204. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.

10 After a hearing, the board may impose a disciplinary sanction on a
11 person licensed under this chapter when the board finds that he

12 (1) secured a license through deceit, fraud, or intentional
13 misrepresentation;

14 (2) engaged in deceit, fraud, or intentional misrepresenta-
15 tion in the course of providing professional services or engaging in
16 professional activities;

17 (3) advertised professional services in a false or misleading
18 manner;

19 (4) has been convicted of a felony or other crime which
20 affects his ability to continue to practice competently and safely;

21 (5) intentionally or negligently engaged in or permitted the
22 performance of patient care by persons under his supervision which does
23 not conform to minimum professional standards regardless of whether
24 actual injury to the patient occurred;

25 (6) failed to comply with this chapter, with a regulation
26 adopted under this chapter, or with an order of the board;

27 (7) continued to practice after becoming unfit due to

28 (A) professional incompetence;

29 (B) failure to keep informed of ~~current~~ current profes-

f medicine

1 sional ~~theories~~ or practices;

2 (C) addiction or severe dependency on alcohol or other
3 drugs which impairs his ability to practice safely;

4 (D) physical or mental disability;

5 (8) engaged in lewd or immoral conduct in connection with the
6 delivery of professional service to patients.

7 Sec. 08.86.206. DISCIPLINARY SANCTIONS. (9) When it finds that a
8 licensee is guilty of an offense under AS 08.86.204, the board may
9 impose the following sanctions singly or in combination:

10 (1) permanently revoke a license to practice;

11 (2) suspend a license for a determinate period of time;

12 (3) censure a licensee;

13 (4) issue a letter of reprimand;

14 (5) place a licensee on probationary status and require him

15 to

16 (A) report regularly to the board upon matters involving
17 the basis of probation;

18 (B) limit practice to those areas prescribed;

19 (C) continue professional education until a satisfactory
20 degree of skill has been attained in those areas determined by the
21 board to need improvement;

22 (6) impose limitations or conditions on the practice of a
23 licensee.

24 (b) The board may withdraw probation status if it finds that the
25 deficiencies which required the sanction have been remedied.

26 (c) The board may summarily suspend a license before final hearing
27 or during the appeals process if the board finds that the licensee poses
28 a clear and immediate danger to the public health and safety if he
29 continues to practice. A person whose license is suspended under this

1 section shall be entitled to a hearing by the board no later than seven
2 days after the effective date of the order. The person may appeal the
3 suspension after a hearing to a court of competent jurisdiction.

4 (d) The board may reinstate a license which has been suspended or
5 revoked if the board finds after a hearing that the applicant is able to
6 practice with reasonable skill and safety.

7 (e) The board shall seek consistency in the application of dis-
8 ciplinary sanctions, and significant departure from prior decisions
9 involving similar situations shall be explained in findings of fact or
10 orders

11 * Sec. 17. AS 08.86.210 is amended to read:

12 Sec. 08.86.210. PENALTY. A person who violates this chapter
13 [AS 08.86.170, 08.86.180, 08.86.185, OR 08.86.190] is guilty of a
14 class F misdemeanor.

15 * Sec. 18. AS 08.86.230(2) is repealed and re-enacted to read:

16 (2) "to practice psychology" means to render or offer to
17 render for a fee to individuals, groups, organizations or the public for
18 the diagnosis, prevention, treatment, or amelioration of psychological
19 problems and emotional and mental disorders of individuals or groups or
20 for conducting research on human behavior, a psychological service
21 involving the application of psychological principles, methods, and
22 procedures of understanding, predicting, and influencing behavior,
23 including

24 (A) the principles pertaining to learning, perception,
25 motivation, emotions, and interpersonal relationships;

26 (B) the methods and procedures of interviewing, counsel-
27 ing, psychotherapy, biofeedback, behavior modification, and hypno-
28 sis;

29 (C) constructing, administering and interpreting tests

1 of mental abilities, aptitudes, interests, attitudes, personality
2 characteristics, emotions, and motivations;

3 * Sec. 19. AS 08.86.230(5) is repealed and re-enacted to read:

4 (5) "psychological associate" means a person licensed under
5 this chapter who renders specific psychological services in association
6 with a licensed psychologist and complies with AS 08.86.164;

7 * Sec. 20. AS 08.86.230(10) is amended to read:

8 (10) "private agency" means a clinic or private practice, or
9 custodial, rehabilitative or health care organization whose mental
10 health services are under the direction of a licensed psychologist [,]
11 or psychiatrist [. OR A CUSTODIAL, REHABILITATIVE OR HEALTH CARE ORGANI-
12 ZATION WHICH IS ACCEPTABLE TO THE BOARD);

13 * Sec. 21. AS 08.86.230(11) is amended to read:

14 (11) "supervised experience" as used in AS 05.06.162(3)
15 ["SUPERVISION"] means the equivalent of at least one hour a week of
16 personal interview with a supervisor whose educational qualifications
17 are consistent with the level of activity being supervised; (A SUPER-
18 VISOR IS RESPONSIBLE FOR INSURING THAT THE EXTENT, KIND AND QUALITY OF
19 THE PSYCHOLOGICAL AND COUNSELING SERVICES PERFORMED ARE CONSISTENT WITH
20 A PSYCHOLOGICAL ASSOCIATE'S TRAINING AND EXPERIENCE, AS WELL AS HIS
21 OBEDIENCE TO THE PROVISIONS OF THIS CHAPTER.)

22 * Sec. 22. AS 08.86.230 is amended by adding a new paragraph to read:

23 (12) "approved program" means a program which meets the
24 requirements established by the American Psychological Association
25 Education and Credentialing Committee in Psychology for an approved
26 program.

27 * Sec. 23. AS 44.62.330(a) is amended by adding a new paragraph to read:

28 (47) Board of Psychologist and Psychological Associate
29 Examiners (AS 08.86.010).

1 * Sec. 24. AS 08.86.070(a)(3), 08.86.185, and 08.86.230(6), (7), (8), and
2 (9) are repealed.

3 * Sec. 25. This Act takes effect immediately in accordance with AS 01.10.-
4 070(c).

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Alaska State Legislature



Senate

SENATOR
ARLISS STURGULEWSKI

COMMITTEES
CHAIRMAN
Community & Regional Affairs

VICE-CHAIRMAN
Commerce

Health & Social Services

2867 SHELDON JACKSON
ANCHORAGE, ALASKA 99504
DISTRICT 10-H

While in Juneau
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3712

TO: HUGH MALONE
ARLISS STURGULEWSKI

April 26, 1990

FROM: MARGO WARING *MW*
PAUL QUESNEL *PQ*

As you requested, we have developed a schedule of extension dates that insure that only two boards come for review each year. The placement of boards was based on both their relationship to other professions and on the past performance of particular boards as indicated in audit reports.

The Board of Nursing was extended last year for four years, til 1983.

SB 240	medical	3 years
SB 242	chiropractic	4 years
SB 243	optomotrists	4 years
SB 244	pharmacy	4 years
SB 245	opticians	5 years
SB 246	dental	2 years ✓
SB 247	veteranarians	5 years
SB 248	physical therapy	6 years
HB 446	psvchology	2 years ✓
SB 549	am Nur ing Home Administrators	6 years