

ALASKA LEGISLATURE COMMITTEE FILES 1979-1980 80/2

1202 FCC SB 240 - HB 947

80/2

RESUME

Charles C. Bovee, Ed.D.
Box 479
Sitka, Alaska 99835
Telephone (907) 747-8270

PERSONAL DATA

Born February 11, 1926 - Seattle, Washington
Attended elementary and high school in Seattle

Married - Wife, Edyth W. Sedgley Bovee

Children - Michelle K. Bovee, Nov. 4, 1956
Michael L. Bovee, Nov. 4, '56
Kent T. Bovee, July 10, 1960
Mark T. Bovee, Oct. 30, 1961
G. Spence Bovee, Dec. 14, 1962

EDUCATION

1950 - B.A. Psychology, Whitworth College, Spokane, Washington
1951 - B.E. Secondary Educ., Whitworth College, Spokane, Washington
1956 - M.A. Guidance & Student Personnel, Columbia University
Teachers College, New York
1963 - B.D. Columbia Theological Seminary, Decatur, Georgia - cum laud
1967 - Ed.D. Counselor Education, University of Georgia, Athens, Georgia

1958-60 Completed course work and certification exams for Ed.D. in
Developmental Psychology at Columbia University Teachers College

PROFESSIONAL ORGANIZATIONS

1960 - American Psychological Association...member
1961-68 Georgia Association of School Counselors...professional
member
1962 - American Personnel & Guidance Association...member
1962 - National Vocational Guidance Association (Division of APGA)
professional
1964 - Christian Association for Psychological studies...member
1963 - Ordained by Athens Presbytery, Synod of Georgia...member
through 1970
1970 - Member Alaska Presbytery United Pres. Church U.S.A.
1970 - American Psychological Association Div. 17, Counseling
Psychology...member
1970 - Alaska Psychological Association, Charter Member, Executive
Committee

HONORARY ORGANIZATIONS

Phi Delta Kappa, Phi Kappa Phi

RESUME

Charles C. Bovee, Ed.D.

Page Two

| | | |
|-----------------|---------|---|
| WORK EXPERIENCE | 1944-45 | U.S. Army Air Force |
| | 1951-52 | U.S. Air Force. Assisted clinical psychologist in interviewing and testing patients at Air Force General Hospital, Dayton, Ohio |
| | 1952-55 | The Navigators, Colorado Springs, Colorado. Representative for this Christian organization. Major portion of this time spent in Chattanooga, Tennessee |
| | 1956-58 | Baylor Prep School, Chattanooga, Tennessee. Taught psychology and Bible |
| | 1958-60 | Mental Retardation Project. Col. Univ. Teachers College, N.Y. Research assistant for project, primarily psychological observer |
| | 1960-63 | Community Mental Health Service, Georgia Health Dept. Atlanta, Georgia. Psychologist - Part-time, 10 hrs/wk |
| | 1961 | Emory University Graduate School of Education. Instructed a graduate course on Fundamentals of Guidance |
| | 1960-63 | Presbyterian Guidance Center, Synod of Georgia in Atlanta. Director and counselor; part-time, 15 hrs/wk |
| | 1963-68 | Presbyterian Guidance Center, Synod of Georgia located at Agnes Scott College, Decatur, Ga. Director and counselor, full-time |
| | 1968-70 | Associate Professor of Psychology and Coordinator of Counseling Services, Gordon College, Wenham, Massachusetts |
| | 1969 | Summer - Staff of European Seminar sponsored by Gordon College - 8-week tour of Western Europe |
| | 1970 | Sheldon Jackson College, Sitka, Alaska Academic Dean - August 1970 to April 1971 Acting President - May 1971 to October 1971 Academic Dean - November 1971 to September 1972 Vice President for Academic Affairs and Dean - October 1972 to present |

REFERENCES

Dr. John Deifell
First Presbyterian Church
Atlanta, Georgia

Dr. Richard Gross, President
Gordon College
Wenham, Massachusetts 01984

Dr. George Gazda
University of Georgia
Athens, Georgia

Dr. Merton D. Munn (Retired...President S.J.C 1974-1977)
10126 N. Andrew Street
Spokane, Wa. 99218

SB

240

MEDICAL BOARD

- (1) Synopsis
- (2) Position Paper - Ak. Medical Assoc.
- (3) Position Paper - Ak. Health Coalition
- (4) Position Paper - Commissioner Beirne (Discusses fiscal impact of HCS SB 240am H)
- (5) Fiscal Note - HCS SB240
- (6) Budget & Audit Committee Summary

State Medical Board
extends board - June 30, 1980.

HCSSB 240

Section 1 extends board until June 30, 1980.

Section 2 changes composition of the board: reduces licensed physicians from five to four and increased from two to three the number of public members on the board.

Sections 3 and 7 provides for staggered terms and allows that incumbent members do not lose membership, but appointments after effective date must be consistent with staggered terms.

Section 4 limits board members to two consecutive terms.

Section 5 creates executive officer of the board to be employed by the Department to perform administrative duties and carry out regulations and policy decisions made by the board.

Section 6 is "winding down" provision.

Section 8 repeals appropriate sections amended by this bill.

Section 9 is effective date clause.

HCSSB 240amH

Adds new Section 8 which amends AS 08.64.380(3) (Definitions) by adding new subsection (I) which proscribes discrimination against a resident seeking nonelective medical care based on denial of treatment because payment for services is to be provided through medicaid.

Adds new Section 9 which amends AS 47.07.070 (Reimbursement for cost settled providers) adding a new subsection (b) which allows providers to assess an interest charge on unpaid medical bills.

Adds new Section 10 which mandates the State Medical Board to (1) adopt regulations describing circumstances in which physicians may refuse service based on patient's ability to pay (2) submit report to Legislature examining alternatives to current system to providing delivery services for the payment of medicaid.

Adds new Section 11 defining essential medical treatment.

Adds new Section 13 revising effective date provision.

①

MEMORANDUM

TO: The Senate and House Chairman
FCC, SB 240 (Alaska State Medical Board)

FROM: Jeff Landry, Lobbyist
Alaska State Medical Association

The Alaska State Medical Association endorses the Senate version of SB 240, continuing the existence of the State Medical Board for an additional four years. The House Committee Substitute would terminate the Board on June 30, 1999.

Additionally, the State Medical Association opposes the House amendment to SB 240, which is in essence HB 228, "An Act relating to the provision of health care services", sponsored by Rep. Bill Parker.

Physicians in the State contend that HB 228 is inconsistent with the intent of the Federal Medicaid statute, the tone of which is one of provider voluntariness.

The Federal Medicaid statute sets out governing provisions that are mandatory upon the State. The State has already departed from the intent of the federal statute.

Furthermore, The State of Alaska provider agreements depart from the concept of an agreement and are not reasonably legal in form; the obligations of the state are not clearly expressed and any obligations implied are made illusory by reference to rules and regulations.

HB 228 violates Section 10 of Article I of the US Constitution which prohibits State impairment of contracts. This one-sided statutory modification imposes a penalty for breach of contract with the state that goes far beyond what was contemplated when the providers entered into the agreements.

HB 228 violates the 13th Amendment abolishing involuntary servitude.

HB 228 violates the 1st Amendment freedom of speech guarantees by effectively preventing a provider from registering his protest to government inefficiency by refusing to serve government subsidy patients.

The language of HB 228, such as on page 3, lines 21-22, "immediate pain and suffering", is so imprecise as to render it unenforceable.

Finally, despite these contractual inadequacies, physicians in the State of Alaska continue to treat government subsidy patients. There does not exist a Medicaid crisis in Anchorage, as alleged by Mr. Jamie Love and Rep. Parker.

POSITION OF ALASKA HEALTH COALITION RE: SUNSET FREE CONFERENCE

1. 4 year continuance for major boards: June 30, 1983
medical, dental, pharmacy, nursing, veterinary medicine, optometry
2. 2 year continuance for other boards: June 30, 1981
physical therapy, psychology, dispensing opticians, chiropractic
3. No more than 2 lay persons on each board.
4. Delete Sec. 8 of HCS Sb 240 (medical board regarding discrimination and denial of services.)
5. Delete Sec. 205 from HCS SB 246 or

Amend to read:

The board may waive the examination requirements for an applicant who meets the requirements of AS.36.110, pays the required fee, (and has an) holds an active licence from and has been in active practice for at least 30 hours per week for a period of 5 years in a state with licensing requirements at least equal to this state's in scope, quality, and difficulty and who has no judgements or disciplines assessed against such licence either by another state, professional review board, or state dental board and who has not failed the clinical examination of this state.

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH H 01 - JUNEAU 00011

April 30, 1979

Honorable Glenn Hackney
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Hackney:

Section 9 of SB 240 as amended by the House would require a one percent per month interest payment for all unpaid medical bills where payment is delayed more than 30 days after presentation of the bill. The Department is currently processing bills on an average of 50 days from the date of receipt of the invoice by the Department. Although improvement is expected, the Department does not expect a consistent processing time frame of less than 30 days to result unless new positions are established or a computerized schedule of maximum allowance payment is adopted by the Department. Thus, with the present workload and present staffing in the claims payment section of the Division of Public Assistance, almost all invoices would require at least a 1% interest payment. Implementation of this provision of SB 240 will require the Free Conference Committee to consider these alternatives:

- (1) Appropriation of State General Funds in the amount of 1% of the FY 80 Medicaid and General Relief Medical appropriations for Physicians' services from which the penalty payment may be made.
- (2) Appropriation of funds adequate to meet additional staffing needs to pay claims in a timely manner (the Governor's FY 80 Budget Request was for 3 new positions);
or

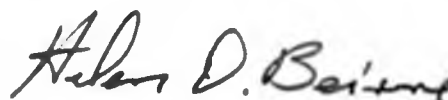
Senator Hackney

-2-

April 30, 1979

- (3) Legislative intent, if funds are not available for (1) or (2) above, that the Department implement a computerized schedule of maximum allowances which will allow for compliance with the timeliness requirements of Section 9 of SB 240.

Sincerely,



Helen D. Beirne
Commissioner

cc: Ron Lind

April 24, 1979

HOUSE JOURNAL
SUPPLEMENT

No. 45

FISCAL NOTE

Page 1 of 2
HCS
52240

I. **REQUEST** House CS for SB 240
Bill/Resolution No. An act containing the existence of the State Medical Board
Title and providing for the ~~medical profession~~
Referred by ~~Committee~~ Date 4/5/79

II. **FISCAL DETAIL**
Agency Affected Commerce and Economic Development
Program Category Affected Public Protection
Budget Request Unit(s) Affected Regulation and Licensing of Professions

EXPENDITURES (Thousands of Dollars)

| | FY 79 | FY 80 | FY 81 | FY 82 | FY 83 | FY 84 |
|------------------------|-------|-------|-------|-------|-------|-------|
| 100 PERSONAL SERVICES | -6- | 50.5 | 53.5 | 57.0 | 60.6 | 64.3 |
| 200 TRAVEL | -0- | 2.3 | 2.8 | 3.6 | 3.8 | 3.9 |
| 300 CONTRACTUAL | -0- | -0- | -0- | -0- | -0- | -0- |
| 400 COMMODITIES | -0- | -0- | -0- | -0- | -0- | -0- |
| 500 EQUIPMENT | -0- | 3.8 | -0- | -0- | -0- | -0- |
| 600 LAND/STRUCTURES | -0- | 8.0 | 8.3 | 7.0 | 7.1 | 7.8 |
| 700 GRANTS/COOPERATION | -0- | -0- | -0- | -0- | -0- | -0- |
| TOTAL | -6- | 62.0 | 62.7 | 66.8 | 70.5 | 74.9 |

FUNDING (Thousands of Dollars)

| | | | | | | |
|-----------------|-----|------|------|------|------|------|
| GENERAL FUND | -0- | 62.0 | 62.7 | 66.8 | 70.5 | 74.9 |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify) | | | | | | |

POSITIONS

| | | | | | | |
|-----------|-----|---|---|---|---|---|
| FULL TIME | -0- | 3 | 3 | 3 | 3 | 3 |
| PART TIME | | | | | | |
| TOTAL | | | | | | |

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Personnel Services required for this act would be one A-13 position for all administrative duties and one Clerk Typist III position to provide clerical support. The present clerical staffing in the Juneau office can not supply the needed assistance. The Clerk Typist would most likely be used 30-75% for support to the Executive Officer. The balance of time would be used as support to other division needs. The A-13 position would be required to attend all board meetings at three days each and attend one out of state national organization conference for 1 day per year. The positions would be housed in Juneau. Equipment needs would only be required in FY80. Shortage of space availability in the existing Juneau office would require the renting of an additional 400 square feet for these positions.

a 6% inflation rate is used. See attached for further breakdowns.

IV. DATE 4/5/79 PREPARED BY Don Mosiak
Original Legislative Finance AGENCY REGULATORY LICENSING
DC: Budget and Management FICOML 463-1333

HCS
SB240

Analysis:

Page 2 of 2

Personnel Services

| | |
|---|----------|
| 12 months, partially exempt, Range 18 | |
| Benefits = \$4422, FICA = \$1588, Health = \$1716 | \$32,710 |

| | |
|---|-----------------|
| 12 months, Clerk Typist III, Range 8 | |
| Benefits = \$1555, FICA = \$1588, Health = \$1716 | 10,355 |
| | <u>\$50,865</u> |

Travel

| | |
|---|-----------------|
| Field/Administrative Travel | |
| 7 Board meetings (2 Fairbanks, 2 Anchorage, | |
| 2 Juneau, 1 Ketchikan) Transportation | \$ 846 |
| Per Diem | 846 |
| 1 Out-of-State Travel Transportation | 350 |
| Per Diem | 300 |
| | <u>\$ 2,342</u> |

Equipment (FY80 Only)

| | | |
|--------------------|-------|----------|
| 2 Side Chairs | \$152 | |
| 1 Desk | 370 | |
| 1 Exec. Chair | 178 | |
| 1 Credenza | 295 | |
| 2 file cabinets | 344 | |
| 1 book shelf | 87 | |
| 1 desk - Clerk | 370 | |
| 1 Typewriter table | 62 | |
| 1 file cabinet | 172 | |
| 1 Chair - Clerk | 91 | |
| 1 Typewriter | 206 | \$ 2,377 |

Land and Structures

| | |
|--|----------|
| Space for Range 18 and Clerk Typist would | |
| require 400 square feet at \$1.25/foot/month | \$ 6,000 |

The above is based on a 4% inflation rate.

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
POUCH W-STATE CAPITOL

JUNEAU, ALASKA 99811

November 5, 1978

SUMMARY OF: A Performance Review of the Alaska State Medical Board.

PURPOSE OF THE REVIEW

In accordance with the intent of Alaska Statutes 24.20.271(1), and 44.66.050 (sunset legislation), a review of the State Medical Board was conducted to review Board activities and accomplishments to determine if the Board has been operating in an effective, efficient and economical manner. The major areas reviewed were the Board's operations and its licensing, examination, administration, complaint and affirmative action functions.

REPORT CONCLUSION

In our opinion, the State Medical Board should be reestablished with consideration given to our recommendation that the Board be reorganized to provide a greater public awareness on the Board.

The practices of medicine, osteopathy, and acupuncture by physicians, osteopaths, paramedics, podiatrists, chiropractors, and physician assistants is regulated by the Alaska State Medical Board. In addition, the Medical Board jointly regulates the practice of medicine by advanced nurse practitioners with the Board of Nursing. Because these occupations affect the public health, safety and welfare, in our opinion they should be subject to regulations and controls. Establishing minimum educational and experience requirements provides the public a reasonable assurance persons licensed are qualified. In addition, an active investigation of complaints from the public and other practitioners assures the public that those licensed continue to practice in a competent manner.

In our opinion, these functions are needed for the protection of the public. However, we do not believe the Medical Board has effectively accomplished these functions. We are making recommendations which should be implemented in order for the State Medical Board to effectively serve the Alaska public.

We recommend a reorganization to prevent one occupational group from acting to the detriment of another and to provide a greater assurance that the public's interest is considered.

We have recommended the Board act in a timely manner to pass regulations needed to protect the public. The emergence of the mid-range medical profession has not been effectively handled. The Board has not passed regulations establishing the qualifications and scope of practice of the mid-range health care practitioner. It has been four years since the board was originally mandated to pass these regulations.

We have recommended that consumer complaints be examined on the basis of merit. Presently, consumer complaints are either not examined or are referred to the Alaska State Medical Association's grievance committees.

The Board has not effectively policed the profession. A substantial portion of this problem is because the Division of Occupational Licensing (OL) has not provided the required investigations for the Board. However, the Board has powers defined under the Administrative Procedures Act which could be used to investigate life threatening cases or when severe public harm could occur.

We have also recommended possible statutory amendments in areas where such changes increase the effectiveness of the Board.

SB

2 4 2

(2 FILES)

BOARD OF CHIROPRACTIC EXAMINERS

- (1) SYNOPSIS
- (2) POSITION PAPER - ALASKA HEALTH COALITION
- (3) BUDGET & AUDIT COMMITTEE'S SUMMARY

SB 242
Board of Chiropractic
Examiners
Extends board -
June 30, 1983

HCSSB 242 - Secs 1, 2 & 6 extends board
January 1, 1981 and then jurisdiction
licensing of chiropractors and the
of chiropractic is transferred to Dept
Comm & Econ Dev.
Secs 3 & 4 includes within Dept's du
duty of providing investigative serv
to the boards for the purpose of ass
those boards in matters of professio
discipline.
Secs 5, 7 - 17 provides for necessar
statute changes to effect transfer
from board to Dept.
Sec 18 repeals appropriate sections
by this bill.
Sec 19 effective date clause.

POSITION OF ALASKA HEALTH COALITION RE SUNSET FREE CONFERENCE

1. 4 year continuance for major boards: June 30, 1983
medical, dental, pharmacy, nursing, veterinary medicine, optometry
2. 2 year continuance for other boards: June 30, 1981
physical therapy, psychology, dispensing opticians, chiropractic
3. No more than 2 lay persons on each board.
4. Delete Sec. 8 of HCS Sb 240 (medical board regarding discrimination and denial of services.)
5. Delete Sec. 205 from HCS SB 246 or

Amend to read:

The board may waive the examination requirements for an applicant who meets the requirements of AS.36.110, pays the required fee, (and has an) holds an active licence from and has been in active practice for at least 30 hours per week for a period of 5 years; in a state with licensing requirements at least equal to this state's in scope, quality, and difficulty and who has no judgements or disciplines assessed against such licence either by another state, professional review board, or state dental board and who has not failed the clinical examination of this state.

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
POUCH WF-STATE CAPITOL

JUNEAU, ALASKA 99811

October 27, 1978

SUMMARY OF: A Performance Review of the Board of
Chiropractic Examiners.

PURPOSE OF THE REVIEW

In accordance with the intent of Alaska Statutes 24.020.271(1) and 44.66.050 (sunset legislation), a review of the Board of Chiropractic Examiners was conducted to review Board activities and accomplishments to determine if the Board has been operating in an effective, efficient and economical manner. The major areas reviewed were the Board's operation and its licensing, examination, administration, complaint and affirmative action functions.

REPORT CONCLUSION

In our opinion, the Board of Chiropractic Examiners should be reestablished as the body that regulates and licenses the chiropractic professionals. The regulation and licensing of these professionals is necessary to protect the public's health, safety and welfare.

However, certain changes need to be made in order for the Board to more effectively perform its duties. Current Board policies and actions, such as lack of an effective reciprocity policy and a required State examination redundant of National Board examinations are restricting the entry of qualified, experienced Doctors of Chiropractic from entering the State.

Also, Board - and individual Board member - actions adversely affect the services of chiropractic care to the public. Such actions as employing chiropractors using restrictive employment contracts with associates that have not-to-compete provisions, and unwritten examination grading procedures do not serve the public's best interest.

The Board needs to evaluate present statutes and regulations for relevancy, legality and protection of the public. The Board needs to better define license violations and review its advertising restrictions which may be unconstitutional. There are no statutes requiring continuing education to upgrade or maintain the quality of care.

In conclusion, the Board of Chiropractic Examiners should analyze and evaluate the purpose of the Board and take the necessary steps to perform and fulfill their responsibilities.

FCCS and so, FREE CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE
SB BILL NO. 242 passed the Senate.
242

Senator Colletta moved and asked unanimous consent that the roll call on the passage of the above bill be considered the roll call on the effective date clause. Without objection, it was so ordered.

The Secretary was requested to notify the House.

2ND FREE CONFERENCE COMMITTEE REPORT

May 12, 1980

Mr. President:
Mr. Speaker:

SB

2 4 3

(2 FILES)

OPTOMETRY BOARD

- (1) SYNOPSIS
- (2) POSITION PAPER - ALASKA HEALTH COALITION
- (3) BUDGET & AUDIT COMMITTEE'S SUMMARY

SB 243
Board of Examiners
in Optometry
Extends board -
June 30, 1983

HCSSB 243 - Secs 1, 2 & 6 extends board until
January 1, 1981 and then jurisdiction over
licensing of optometry and practice of
optometry is transferred to Dept Comm &
Econ Dev.
Secs 3 & 4 includes within duties of Dept
the duty of providing investigative service
to the boards for the purpose of assisting
those boards in matters of professional
discipline.
Secs 5 & 7-20 provide for necessary statutory
changes to effect transfer of authority from
the board to Dept.
Sec 21 repeals appropriate sections amended
by this bill.
Sec 22 effective date clause.

1. 4 year continuance for major boards: June 30, 1983
medical, dental, pharmacy, nursing, veterinary medicine, optometry
2. 2 year continuance for other boards: June 30, 1981
physical therapy, psychology, dispensing opticians, chiropractic
3. No more than 2 lay persons on each board.
4. Delete Sec. 8 of HCS Sb 240 (medical board regarding discrimination and denial of services.)
5. Delete Sec. 205 from HCS SB 246 or

Amend to read:

The board may waive the examination requirements for an applicant who meets the requirements of AS.36.110, pays the required fee, (and has an) holds an active licence from and has been in active practice for at least 30 hours per week for a period of 5 years in a state with licensing requirements at least equal to this state's in scope, quality, and difficulty and who has no judgements or disciplines assessed against such licence either by another state, professional review board, or state dental board and who has not failed the clinical examination of his state.

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
POUCH WF—STATE CAPITOL

JUNEAU, ALASKA 99811

November 7 1978

SUMMARY OF: A Performance Review of the Board of Examiners
in Optometry.

PURPOSE OF THE REVIEW

In accordance with the intent of Alaska Statutes 24.20.271(1) and 44.66.050 (sunset legislation), a review of the Board of Examiners in Optometry was conducted to review Board activities and accomplishments to determine if the Board has been operating in an effective, efficient and economical manner. The major areas reviewed were the Board's operation and its licensing, examination, administration, complaint, and affirmative action functions.

REPORT CONCLUSION

In our opinion, the Board of Examiners in Optometry should continue to regulate and license optometrists. The regulation and licensing of this profession is necessary to protect the public's health, safety and welfare.

However, we are making recommendations which should be implemented in order for the Board to more effectively serve the Alaska public.

We have recommended the Board repeal its unduly restrictive regulations on branch offices, working for a corporation and leasing of commercial property. The Attorney General and our legal counsel have found that these regulations may constitute a restraint of competition among optometrists and could violate antitrust laws.

In addition, we recommend the Board enforce existing laws for issuing and renewing licenses and develop policies and procedures for examinations and meetings.

11CS of Examiner, in Optometry on January 1, 1981, and re-
 23 assigning its responsibilities to the Department of
 243 Commerce and Economic Development) recommends that FREE
 CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 243
 (relating to the continuation of regulatory boards and
 continuing the existence of the Board of Examiners in
 Optometry; eff. date) be adopted.

Senator members signing the report: Senator Sturgulewski,
 Chairman, Senators Bennett and Fahrenkamp. House members:
 Representative Malone Chairman, Representatives Osterback
 and Bettsworth.

Senator Colletta moved that the Senate adopt the Free
 Conference Committee report.

The question being: "Shall FREE CONFERENCE COMMITTEE
 SUBSTITUTE FOR SENATE BILL NO. 243 (relating to the
 continuation of regulatory boards and continuing the
 existence of the Board of Examiners in Optometry) pass
 the Senate?" The roll was taken with the following
 result:

PCCS SB 243

Yeas: 17 Bennett, Bradley, Colletta,
 Dankworth, Fahrenkamp, Ferguson,
 Hackney, Mohman, Kelly, Kerttula,
 Meland, Mulcahy, Ray, Sackett,
 Stinson, Sturgulewski, Tillion

Nays: 0

Excused: 3 Rodey, Sumner, Ziegler

PCCS and so, FREE CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE
 SB BILL NO. 243 passed the Senate.
 243

Senator Collette moved and asked unanimous consent that
 the roll call on the passage of the above bill be con-
 sidered the roll call on the effective date clause.
 Without objection, it was so ordered.

The Secretary was requested to notify the House.

Introduced: 4/7/80
Referred: Health, Education
and Social Services

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 SENATE BILL NO. 551

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 optometry; 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 in this title, [ALL] licenses
12 shall be renewed biennially on the dates set by the department with the
13 approval of the respective board.

14 * Sec. 2. AS 08.72.010 is amended to read:

15 Sec. 08.72.010. CREATION AND PURPOSE OF BOARD OF EXAMINERS. There
16 is created the Board of Examiners in Optometry to regulate and control
17 the practice of optometry and to protect and promote the public health,
18 welfare, and safety/and the public interest/

19 * Sec. 3. AS 08.72.020 is amended to read:

20 Sec. 08.72.020. MEMBERSHIP OF BOARD AND TERMS OF OFFICE. The
21 board consists of five persons, appointed by the governor. Members
22 serve staggered terms of four [THREE] years. [THE TERMS OF THE PUBLIC
23 MEMBERS OF THE BOARD SHALL BE SET SO THAT THEY DO NOT EXPIRE AT THE SAME
24 TIME.]

25 * Sec. 4. AS 08.72 is amended by adding a new section to read:

26 Sec. 08.72.025. REMOVAL OF BOARD MEMBERS. A member of the board
27 may be removed from office by the governor for cause. The board may by
28 regulation provide that unexcused absences from meetings constitute
29 cause for removal.

1 * Sec. 5. AS 08.72.040 is amended to read:

2 Sec. 08.72.040. QUALIFICATIONS. Four [THREE] board members shall
3 be licensed, practicing optometrists who have been residents for at
4 least three years. One board member shall be a public member. A person
5 who has served two successive complete terms may not be reappointed until
6 four years from the expiration of the second term that he served [TWO
7 SHALL BE PERSONS WHO HAVE NO DIRECT FINANCIAL INTEREST IN THE HEALTH
8 CARE INDUSTRY].

9 * Sec. 6. AS 08.72.050 is amended by adding new paragraphs to read:

10 (5) establishing requirements for licensing in addition to
11 those established in this chapter;

12 (6) prescribing requirements which a person licensed under
13 this chapter must meet to demonstrate continued professional competency.

14 * Sec. 7. AS 08.72.060(b) is repealed and re-enacted to read:

15 (b) The board may

16 (1) adopt a seal;

17 (2) define professional conduct and adopt rules of profes-
18 sional conduct.

19 * Sec. 8. AS 08.72.060(c) is repealed and re-enacted to read:

20 (c) The board shall

21 (1) elect a president and secretary from among its members;

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

25 * Sec. 9. AS 08.72.125(a) is amended to read:

26 (a) The board shall [MAY] issue a branch office certificate of
27 registration to an Alaskan licensee who maintains a full-time practice
28 in the state but who serves other communities in the state on a part-
29 time basis [A BRANCH OFFICE CERTIFICATE OF REGISTRATION].

1 * Sec. 10. AS 08.72.140(2) is amended to read:

2 (2) he has [NORMAL COLOR PERCEPTION AND] a visual acuity of a
3 standard of at least 20/40 in at least one eye as corrected;

4 * Sec. 11. AS 08.72.160(a) is amended to read:

5 (a) The examination shall be written, practical, and oral in
6 nature. The National Board of Examiners in Optometry Examination,
7 Parts I and 2, shall comprise the written portion of the Alaska examina-
8 tion. The oral portion of the examination shall be recorded and re-
9 tained for two years.

10 * Sec. 12. AS 08.72.170(a)(2) is amended to read:

11 (2) holds a current license by examination in another state
12 or a province of Canada [, TERRITORY OR FOREIGN COUNTRY] and has been
13 established in ethical optometric practice for at least three years
14 before the application, or shows satisfactory evidence of having passed
15 the written portion of the examination given by the National Board of
16 Examiners in Optometry; and

17 * Sec. 13. AS 08.72.181(a) is amended to read:

18 (a) To remain in force a license must be renewed every four years
19 [BIENNIALLY].

20 * Sec. 14. AS 08.72.181(d) is amended to read:

21 (d) Before a license may be renewed the licensee shall submit to
22 the board evidence of 48 [24] hours of post graduate continuing education
23 instruction as prescribed by regulations of the board. The board may
24 specify by regulation those circumstances under which the requirements
25 of this subsection may be waived.

26 * Sec. 15. AS 08.72.181 is amended by adding a new subsection to read:

27 (e) Before a license may be renewed, the licensee shall provide
28 evidence of continued professional competency in accordance with the
29 regulations adopted by the board under AS 08.72.050(6).

1 * Sec. 16. AS 08.72.191 is amended to read:

2 Sec. 08.72.191. FEES. The following fees shall be imposed under
3 this chapter when applicable:

- 4 (1) examination fee..... \$50 [\$35]
5 (2) re-examination fee for written portion..... \$50 [50]
6 (3) waiver of examination fee..... \$50 [25]
7 (4) certificate fee..... \$100 [50]
8 (5) [BIENNIAL] renewal fee
9 (due every four years)..... \$200 [50]
10 (6) branch office [BIENNIAL] registration fee
11 (due every four years)..... \$100 [25]

12 * Sec. 17. AS 08.72.240 is repealed and re-enacted to read:

13 Sec. 08.72.240. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.
14 The board may impose disciplinary sanctions when the board finds after a
15 hearing that a licensee

- 16 (1) secured a license through deceit, fraud, or intentional
17 misrepresentation;
18 (2) engaged in deceit, fraud, or intentional misrepresenta-
19 tion in the course of providing professional services or engaging in
20 professional activities;
21 (3) advertised professional services in a false or misleading
22 manner;
23 (4) has been convicted of a felony or other crime which
24 affects his ability to continue to practice competently and safely;
25 (5) intentionally or negligently engaged in or permitted the
26 performance of patient care by persons under his supervision which does
27 not conform to minimum professional standards regardless of whether
28 actual injury to the patient occurred;
29 (6) failed to comply with this chapter, with a regulation

1 adopted under this chapter, or with an order of the board;

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

3 (A) professional incompetence;

4 (B) failure to keep informed of or use current profes-
5 sional theories or practices;

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

8 (D) physical or mental disability;

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

11 * Sec. 18. AS 08.72.250 is repealed and re-enacted to read:

12 Sec. 08.72.250. DISCIPLINARY SANCTIONS. (a) When it finds that a
13 licensee is guilty of an offense under AS 08.72.240, the board may
14 impose the following sanctions singly or in combination:

15 (1) permanently revoke a license to practice;

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

17 (3) censure a licensee;

18 (4) issue a letter of reprimand;

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

20 to

21 (A) report regularly to the board upon matters involving
22 the basis of probation;

23 (B) limit practice to those areas prescribed;

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

27 (6) impose limitations or conditions on the practice of a
28 licensee.

29 (b) The board may withdraw probation status if it finds that the

1 deficiencies which required the sanction have been remedied.

2 (c) The board may summarily suspend a license before final hearing
3 or during the appeals process if the board finds that the licensee poses
4 a clear and immediate danger to the public health and safety if he
5 continues to practice. A person whose license is suspended under this
6 section shall be entitled to a hearing by the board no later than seven
7 days after the effective date of the order. He may appeal the sus-
8 pension after a hearing to a court of competent jurisdiction.

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

12 (e) The board shall seek consistency in the application of dis-
13 ciplinary sanctions, and significant departure from prior decisions
14 involving similar situations shall be explained in findings of fact or
15 orders.

16 * Sec. 19. AS 08.72.270(a) is amended to read:

17 (a) A registered optometrist, who temporarily practices optometry
18 away from his regular place of business, shall display his registration
19 certificate and deliver to each patient or person fitted or supplied
20 with glasses a receipt [WITH HIS SIGNATURE] showing his permanent place
21 of business or post office address [, CERTIFICATE NUMBER,] and the
22 amount charged. A licensee who fails to comply with any of the [FORE-
23 GOING] provisions of this section for six months after issuance of the
24 certificate shall forfeit his certificate.

25 * Sec. 20. AS 08.72.275 is amended by adding a new subsection to read:

26 (d) A licensee may sell, exchange or deliver eyeglasses or sun-
27 glasses which do not meet the requirements of (a) of this section if the
28 sale, exchange or delivery is authorized in a written request signed by
29 the patient.

1 * Sec. 21. AS 08.72.300(2) is amended to read:

2 (2) "optometry" is the examination of the human eyes and the
3 visual system for the purpose of ascertaining a departure from the nor-
4 mal, ascertaining the status of the human visual system, including re-
5 fractive and functional abilities, or ascertaining the presence of
6 ocular disease and any other departure from the normal which may require
7 referral to other health care practitioners; or is the employment of
8 means or methods, other than the use of drugs, for the diagnosis of
9 an optical deficiency or deformity, visual or muscular anomaly of the
10 human eye, or the prescription or application of lenses, prisms or
11 ocular exercises for the correction or relief of the human eye;

12 * Sec. 22. AS 08.72.300(3) is amended to read:

13 (3) "practicing optometry" is an examination of the human
14 eyes and visual system for the purpose of ascertaining a departure from
15 the normal, ascertaining the status of the human visual system, in-
16 cluding refractive and functional abilities, or ascertaining the pre-
17 sence of ocular disease and any other departure from the normal which
18 may require referral to other health care practitioners; or [MEANS] the
19 diagnosis, by means or methods other than the use of drugs, of an
20 optical deficiency or deformity, visual or muscular anomaly of the human
21 eye, or the prescription of lenses, prisms or ocular exercises for the
22 correction or relief of the human eye, or the holding of oneself out as
23 being able to do so;

24 * Sec. 23. AS 08.72.060(e), 08.72.070, 08.72.090, and 08.72.140(6) are
25 repealed.

26 * Sec. 24. This Act takes effect immediately in accordance w'th AS 01.10.-
27 070(c).

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

SB

2 4 4

(2 FILES)

PHARMACY BOARD

- (1) Synopsis
- (2) Position Paper - Alaska Pharmaceutical Assoc.
- (3) Position Paper - Alaska Health Coalition
- (4) Budget & Audit Committee Summary

SB 244 - Board of Pharmacy

Extends board - June 30, 1983

HCSSB 244

Section 1 extends board until June 30, 1983.

Section 2 changes composition of board (7 member board): reduces number of pharmacists from five to four and increases from two to three the public members on the board.

Section 3 provides for staggered terms.

Section 4 puts a limit on the term of service a board member may serve to no more than two consecutive terms.

Section 5 is "winding down" provision.

Section 6 provides for an incumbent member not to have his term shortened because of the reallocation of membership proposed in this bill.

Section 7 repeals appropriate section amended by this bill.

Section 8 is effective date clause.

HCSSB 244amH

Adds new Section 8 repealing AS 08.80.420(b) which states "A person may not advertise in any manner, prices, percentiles of prices or discounts for drugs requiring a prescription."

New Section 9 is effective date clause.

①

ALASKA PHARMACEUTICAL ASSOCIATION



Box 1185

Anchorage, Alaska 99517

Dear Senators & Representatives,

The pharmacists of the State of Alaska are unalterably opposed to the restructuring of the State Board of Pharmacy from its current status to a watered-down, weakened & ineffective board as proposed by State Representative Brown's Commerce Committee.

The current Board has displayed in the past its ability to perform adequately, efficiently & effectively for the protection of the public & the overseeing of the profession of pharmacy in the State of Alaska.

The State Board of Pharmacy is already operating on an unsatisfactory budget of \$4500 annually. The Department of Occupational Licensing, with a budget of nearly four times this amount, has failed in the past to complete its required tasks. From taxpayers' points of view, we feel that the State Board of Pharmacy, given the same amount could more efficiently & at less expense, license its own approximately 50 pharmacists, oversee the profession & protect the public.

Since the legislature has already approved retaining the State Board of Pharmacy under the "Sunset Review", why dilute the expertise of the members by limiting the term of office to 4 years?

Sincerely yours,

Chuck Decker R.Ph

Secretary

Alaska Pharmaceutical Association

Pharmacy Bd.

POSITION OF ALASKA HEALTH COALITION RE: SUNSET FREE CONFERENCE

1. 4 year continuance for major boards: June 30, 1983
medical, dental, pharmacy, nursing, veterinary medicine, optometry
2. 2 year continuance for other boards: June 30, 1981
physical therapy, psychology, dispensing opticians, chiropractic
3. No more than 2 lay persons on each board.
4. Delete Sec. 8 of HCS Sb 240 (medical board regarding discrimination and denial of services.)
5. Delete Sec. 205 from HCS SB 246 or

Amend to read:

The board may waive the examination requirements for an applicant who meets the requirements of AS.36.110, pays the required fee, (and has an) holds an active licence from and has been in active practice for at least 30 hours per week for a period of 5 years in a state with licensing requirements at least equal to this state's in scope, quality, and difficulty and who has no judgements or disciplines assessed against such licence either by another state, professional review board, or state dental board and who has not failed the clinical examination of this state.

THE LEGISLATURE

FINANCE DIVISION
POUCH WF—STATE CAPITOL

BUDGET AND AUDIT COMMITTEE

JUNEAU, ALASKA 99811

November 10, 1978

SUMMARY OF: A Performance Review of the Board of Pharmacy

PURPOSE OF THE REVIEW

In accordance with the intent of Alaska Statutes 24.20.271(1) and 44.66.050 (sunset legislation), a review of the Board of Pharmacy was conducted to review Board activities and accomplishments to determine if the Board has been operating in an effective, efficient, and economical manner. The major areas reviewed were the Board's operations and its licensing, examination, administration, complaint, and affirmative action functions.

REPORT CONCLUSION

In our opinion, the Board of Pharmacy should continue to be the body that regulates and licenses its profession. The regulation and licensing of these professionals, pharmacies and drug rooms is necessary to protect the public's health, safety and welfare.

The practice of pharmacy is regulated by the Alaska Board of Pharmacy. Also, the Board is required to license shopkeepers dispensing non-prescription drugs. Because the practice of pharmacy affects the public's health, safety and welfare, we believe pharmacists should be subject to regulations and controls. The establishment of minimum educational and experience requirements provides the public with a reasonable assurance that persons licensed are qualified. In addition, an active investigation of complaints assures the public that those licensed continue to practice in a competent manner. In our opinion, these functions have been performed by the Board of Pharmacy.

However, we are making recommendations which, if implemented, will improve the effectiveness of the Board in serving the Alaskan public.

We recommend the Board fulfill all of its statutory responsibilities to adopt regulations, report to the Legislature and to issue shopkeeper permits while seeking changes in the Alaska Statutes.

We recommend that qualified pharmacist applicants who are licensed in another state, but who have not had 540 hours of postgraduate internship, be licensed. In addition, we recommend licensed pharmacists be required to demonstrate continued competency through continuing education or re-examination.

We recommend that the Board comply with statutory requirements for grading examinations and establish internal controls to assure that the administration of examinations is not open to accusations of bias.

We recommend legislation be considered to establish an annual inspection of pharmacies by the Board. Presently, some inspections are being performed by the Board. We recommend this program be formalized to provide additional public protection.

We recommend a limitation on the consecutive number of terms a Board member can serve. Although we found many examples of commendable public service on the part of Board members, several pharmacists have complained that the Board members do not represent all pharmacists.

In addition, we recommend the Board promulgate regulations which will define and list examples of acts by pharmacists which should be considered licensing violations.

HCS Senator members signing the report: Senator Sturgulewski,
 SB Chairman and Senators Bennett and Fahrenkamp. House
 244 members: Representative Malone, Chairman and Representa-
 am tives Osterback and Bettisworth.
 H

Senator Colletta moved that the Senate adopt the Free Conference Committee report.

The question being: "Shall FREE CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 242 (relating to the continuation of regulatory boards and continuing the existence of the Board of Chiropractic Examiners) pass the Senate?" The roll was taken with the following result:

FCCS SB 242

| | | |
|----------|----|--|
| Yeas: | 16 | Bennett, Bradley, Colletta, Fahrenkamp, Ferguson, Hackney, Kelly, Kerttula, Meland, Mulcahy, Rodey, Sackett, Stinson, Sturgulewski, Tillion, Ziegler |
| Nays: | 0 | |
| Excused: | 1 | Dankworth |
| Absent: | 3 | Hohman, Ray, Sumner |

The 2nd Free Conference Committee which has had SENATE BILL NO. 244 (continuing the existence of the Board of Pharmacy) and HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 244 amended House (continuing the existence of the Board of Pharmacy and amending the laws regulating the practice of pharmacy) recommends that FREE CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 244 (relating to the continuation of regulatory boards and continuing the existence of the Board of Pharmacy; eff. date) be adopted.

HCS
SB
244
am
H

Senate members giving the report: Senator Sturgulewski, Chairman and Senators Bennett and Fahrenkamp. House members: Representative Malone, Chairman and Representatives Osterback and Bettisworth.

Senator Colletta moved that the Senate adopt the Free Conference Committee report.

The question being: "Shall FREE CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 244 (relating to the continuation of regulatory boards and continuing the existence of the Board of Pharmacy) pass the Senate?" The roll was taken with the following result:

FCCS SB 24-

| | | |
|----------|----|--|
| Yeas: | 16 | Bennett, Bradley, Colletta, Fahrenkamp, Ferguson, Mackney, Kelly, Kerttula, Meland, Mulcahy, Rodey, Sackett, Stimson, Sturgulewski, Tillion, Ziegler |
| Nays: | 0 | |
| Excused: | 1 | Dankworth |
| Absent: | 1 | Hohman, Ray, Sumner |

and so FREE CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 244 passed the Senate.

FCCS
SB
244

Senator Collette moved and asked unanimous consent that the roll call on the passage of the above bill be considered the roll call on the effective date clause. Without objection, it was so ordered.

The Secretary was requested to notify the House.

SB

245

(2 FILES)

BOARD OF DISPENSING OPTICIANS

- (1) SYNOPSIS
- (2) POSITION PAPER - ALASKA HEALTH COALITION
- (3) BUDGET & AUDIT COMMITTEE'S SUMMARY

SB 245 - Board of Dispensing Opticians

Extends board - June 30, 1980

HCSSB 245

Sections 1 & 2 extends board until January 1, 1981 and then jurisdiction over licensing of dispensing opticians is transferred to the Department of Commerce and Economic Development.

Sections 3 & 4 includes within duties of Department the duty of providing investigative services to the boards for the purpose of assisting those boards in matters of professional discipline.

Sections 5 - 17 provides for necessary statute changes to effect transfer of authority from board to Department.

Section 18 repeals appropriate sections amended by this bill.

Section 19 is effective date clause.

HCSSB 245amH

Page 5, lines 7 through 12: deletes all material.

POSITION OF ALASKA HEALTH COALITION RE: SUNSET FREE CONFERENCE

1. 4 year continuance for major boards: June 30, 1983
medical, dental, pharmacy, nursing, veterinary medicine, optometry
2. 2 year continuance for other boards: June 30, 1981
physical therapy, psychology, dispensing opticians, chiropractic
3. No more than 2 lay persons on each board.
4. Delete Sec. 8 of HCS Sb 240 (medical board regarding discrimination and denial of services.)
5. Delete Sec. 205 from HCS SB 246 or

Amend to read:

The board may waive the examination requirements for an applicant who meets the requirements of AS.36.110, pays the required fee, (and has an) holds an active licence from and has been in active practice for at least 30 hours per week for a period of 5 years in a state with licensing requirements at least equal to this state's in scope, quality, and difficulty and who has no judgements or disciplines assessed against such licence either by another state, professional review board, or state dental board and who has not failed the clinical examination of this state.

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
POUCH W—STATE CAPITOL

JUNEAU, ALASKA 99811

November 10, 1978

SUMMARY OF: A Performance Review of the Board of Dispensing Opticians.

PURPOSE OF THE REVIEW

In accordance with the intent of Alaska Statutes 24.20.271 (1) and 44.06.050 (sunset legislation), a review of the Board of Dispensing Opticians was conducted to review Board activities and accomplishments to determine if the Board has been operating in an effective, efficient and economical manner. The major areas reviewed were the Board's operations and its licensing, examination, administration, complaint and affirmative action functions.

REPORT CONCLUSION

In our opinion, the Board has not operated in an effective manner and continuation of the Board and the licensing of the profession is not necessary to protect the public's health, safety and welfare.

However, if the Legislature deems that continuing the Board of Dispensing Opticians and the licensing of the profession is in the public's best interest, then several changes need to be implemented in order for the Board to effectively serve the public.

The Board has not enforced the Dispensing Opticians Law. It is the Board's responsibility to regulate the profession, thereby ensuring that the public is adequately protected. However, because of insufficient investigative support by the Division of Occupational Licensing, the Board has been somewhat hampered in enforcing the law.

Presently there is a shortage of opticians in several areas of Alaska. Board policies are not encouraging the entry of qualified opticians into Alaska. For example, the Board has no reciprocity or endorsement agreements with other states. Also, the Board's examination is given only once a year.

In addition, the Board has given almost no guidance concerning license violations. The public would be better protected as well as the profession, if regulations concerning license violations were better defined.

HCS The 2d FREE CONFERENCE COMMITTEE report on SENATE BILL
 SB NO. 245 (continuing the existence of the Board of
 245 Dispensing Opticians, effective date) and HOUSE COMMIT-
 amil TEE SUBSTITUTE FOR SENATE BILL NO. 245 amended House
 (terminating the existence of the Board of Dispensing
 Opticians on January 1, 1981 and reassigning its re-
 sponsibilities to the Department of Commerce and Econ-
 omic Development, effective date) (page 1319 of the
 journal) was before the House.

Mr. Anderson moved that the 2d Free Conference Committee report be adopted, thus adopting FCCSSB 245, and asked that the members vote yes.

The question being: "Shall the House adopt the Free Conference Committee report?" The roll was taken with the following result.

FCCSSB 245

| | | |
|----------------|----|--|
| Yes: | 22 | Anderson, Barnes, Beirne Buchholdt, Carney, Chatterton, Duncan, Eliason, Fuller, Guy, Malford, Mayes, Murlbert, Malone, Martin, Miller, Montgomery, Munson, Osterback, Parker, Smith, Zharoff |
| No: | 12 | Bettisworth, Brown, Cotten, Freeman, Gardiner, McKinnon, Metcalf, Moss, Farr, Phillips, Randolph, Rogers |
| Not Voting: | 6 | Branson, Naugen, Meekins, Miles, O'Connell, Schaeffer |

Representative Cotten changed his vote from "yes" to "nay."

Representative Metcalf changed his vote from "yes" to "nay."

Representative Freeman changed his vote from "yes" to "nay."

FCCS And so the House adopted the 2d Free Conference Com-
 SB mittee report, thus adopting FCCSSB 245

245

"An Act relating to the continua-
 tion of regulatory boards and con-
 tinuing the existence of the Board
 of Dispensing Opticians, and pro-
 viding for an effective date."

SB

2 4 6

(2 Files)

DENTAL BOARD

- (1) Synopsis
- (2) Position Paper-Ak. Health Coalition
- (3) Memo - Josh Wright
- (4) Budget & Audit Committee Summary

Extends board - June 30, 1983

HCSSB 246

Section 1 extends board until June 30, 1981.

Section 2 changes composition of board (7 members), reduces dentists on board from five to three and increases public members from one to three.

Sections 3 & 6 provide for staggered terms and allows that incumbent members do not lose membership, but appointments after effective date must be consistent with staggered terms.

Section 4 limits board members to two consecutive terms and provides for licensure by endorsement.

Section 5 is "winding down" provision.

Section 7 repeals appropriate sections amended by this bill.

Section 8 is effective date clause.

HCSSB 246amH

Adds new Section 7 repealing AS 08.36.310(8), (13), (14), (17) and (24) - provisions making advertising grounds for license revocation.

Adds new Section 8 amending AS 08.36.130 (Examination) providing that the board can appoint three dentists who are qualified resident dentists having engaged in the practice of dentistry in the state for five years immediately preceding appointment to serve on the examination committee. Currently the examination committee consists of three board members.

Adds new Section 9 adding Section (8) to AS 08.36.070 granting the board power to appoint eligible dentists to serve as examining dentists.

sections renumbered accordingly.

(1)

POSITION OF ALASKA HEALTH COALITION RE: SUNSET FREE CONFERENCE

1. 4 year continuance for major boards: June 30, 1983
medical, dental, pharmacy, nursing, veterinary medicine, optometry
2. 2 year continuance for other boards: June 30, 1981
physical therapy, psychology, dispensing opticians, chiropractic
3. No more than 2 lay persons on each board.
4. Delete Sec. 8 of HCS Sb 240 (medical board regarding discrimination and denial of services.)
5. Delete Sec. 205 from HCS SD 246 or

Amend to read:

The board may waive the examination requirements for an applicant who meets the requirements of AS.36.110, pays the required fee, (and has an) holds an active licence from and has been in active practice for at least 30 hours per week for a period of 5 years in a state with licensing requirements at least equal to this state's in scope, quality, and difficulty and who has no judgements or disciplines assessed against such licence either by another state, professional review board, or state dental board and who has not failed the clinical examination of this state.

MEMO

To: Senator Glenn Hackney

Fm: Josh Wright

As per your request to be brief, I will address only two sections of House CS for Senate Bill No. 246, namely Creation and Membership and Licensing by Endorsement.

The House Commerce Committee adopted a policy to re-constitute the membership of four health boards with four admitted professionals and three lay-persons.

The Alaska Dental Society, while not agreeing with the policy, strongly opposes counting the dental hygienist member of the board as a professional. A dental hygienist is a licensed dental auxiliary.

The committee has also found the Alaska Dental Board guilty of turf-protecting. This conclusion was reached despite the findings of both the legislative and occupational audits that no evidence was found that the board acted in a restrictive manner.

The House Committee failed to demonstrate that a shortage of dentists exist in the State. The committee at the very least should have stipulated that:

- (1) a finding be made that a dental manpower exist in Alaska;
- (2) the license used for endorsement is issued by the State in which the practitioner is currently practicing and have practiced for a minimum number of years before applying;
- (3) one establishing residence in Alaska.

Some restriction is needed to keep practitioners from collecting licenses so that if disciplinary proceedings were to arise the practitioner could not just set up shop in a different locale with a previously obtained license.

The Alaska Dental Society support genuine reciprocity, namely, allowing Alaskan dentists with appropriate credentials to migrate to another state and vice versa, but we do not support "endorsement," which we view as "one-way reciprocity."

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDING

FINANCE DIVISION
POUCH W—STATE CAPITOL

JUNEAU 99601

October 25, 1978

SUMMARY OF: A Performance Review of the Board of
Dental Examiners.

PURPOSE OF THE REVIEW

In accordance with the intent of Alaska Statutes 24.20.271(1) and 44.66.050 (sunset legislation), a review of the Board of Dental Examiners was conducted to review Board activities and accomplishments to determine if the Board has been operating in an effective, efficient, and economical manner. The major areas reviewed were the Board's operations and its licensing, examination, administration, complaint, and affirmative action functions.

REPORT CONCLUSION

In our opinion, the Board of Dental Examiners should continue to be the body that regulates and licenses the dental professionals. The regulation and licensing of these professionals is necessary to protect the public's health, safety, and welfare.

However, certain changes need to be implemented in order for the Board to effectively perform its duties. Current Board policies, such as no reciprocity agreements with other states and the practice of giving a clinical examination only once a year, are restricting the entry of qualified dentists into the State.

Also, the Board's clinical examination has several deficiencies with its procedures and examination subjects; and the public as well as the dental profession would be better protected if regulations concerning license violations were better defined by the Board.

The Board needs to evaluate present Alaska Statutes for relevancy and protection of the public. For instance, temporary dental permit statutes establish a double standard of public protection in rural and urban areas.

(A)

Dental license violation statutes restrict advertising which is unconstitutional as determined by the United States Supreme Court. However, there are no statutes requiring continuing education for dentists, dental hygienists, and dental specialists.

In conclusion, the Board of Dental Examiners should analyze and evaluate the purpose of the Board and take the necessary actions needed to perform and fulfill its responsibilities.

2nd FREE CONFERENCE COMMITTEE REPORT

May 17, 1980

HCS
SB
246
AM
H

Mr. President:
Mr. Speaker:

The 2nd Free Conference Committee considered SENATE BILL NO. 246 (continuing the existence of the Board of Dental Examiners) and HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 246 amended House (continuing the existence of the Board of Dental Examiners and amending the laws regulating the practice of dentistry) recommends that FREE CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 246 (relating to the continuation of regulatory boards and continuing the existence of the Board of Dental Examiners; eff. date) be adopted.

Senator members signing the report: Senator Sturgulevski, Chairman, Senators Bennett and Fahrenkamp. House members: Representative Malone, Chairman, Representatives Osterback and Bettlesworth.

Senator Colletta moved that the Senate adopt the Free Conference Committee report.

The question being: "Shall FREE CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 246 (relating to the continuation of regulatory boards and continuing the existence of the Board of Dental Examiners) pass the Senate?" The roll was taken with the following result:

FCCS SB 246

| | | |
|---------|----|--|
| Yeas: | 16 | Bennett, Bradley, Colletta, Dankworth, Fahrenkamp, Mackney, Mohman, Kelly, Kerttula, Meland, Mulcahy, Ray, Sackett, Stimson, Sturgulevski, Tillion |
| Nay | 1 | Ferguson |
| Excused | 3 | Rodey, Sumner, Ziegler |

and so, FREE CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 246 passed the Senate.

FCCS
SB
246

SB

247

VETERINARY BOARD

- (1) SYNOPSIS
- (2) POSITION PAPER - ALASKA HEALTH COALITION
- (3) BUDGET & AUDIT COMMITTEE'S SUMMARY

SB 247
Board of Veterinary
Examiners
Extends board -
June 30, 1983

HCSSB 247 - Secs 1 & 2 extends board until
January 1, 1981 and then jurisdiction over
licensing of veterinarians and the practice
veterinary medicine is transferred to the
Dept of Comm & Econ Dev.
Secs 3 - 11 provides for necessary statute
changes to effect transfer of authority fro
the board to the Dept.
Sec 12 repeals appropriate sections amended
by this bill
Sec 13 effective date clause.

POSITION OF ALASKA HEALTH COALITION RE: SUNSET FREE CONFERENCE

1. 4 year continuance for major boards: June 30, 1983
medical, dental, pharmacy, nursing, veterinary medicine, optometry
2. 2 year continuance for other boards: June 30, 1981
physical therapy, psychology, dispensing opticians, chiropractic
3. No more than 2 lay persons on each board.
4. Delete Sec. 8 of HCS Sb 240 (medical board regarding discrimination and denial of services.)
5. Delete Sec. 205 from HCS SB 246 or

Amend to read:

The board may waive the examination requirements for an applicant who meets the requirements of AS.36.110, pays the required fee, (and has an) holds an active licence from and has been in active practice for at least 30 hours per week for a period of 5 years in a state with licensing requirements at least equal to this state's in scope, quality, and difficulty and who has no judgements or disciplines accessed against such licence either by another state, professional review board, or state dental board and who has not failed the clinical examination of this state.

THE LEGISLATURE

FINANCE DIVISION
POUCH WF—STATE CAPITOL

BUDGET AND AUDIT COMMITTEE

JUNEAU, ALASKA 99611

November 13, 1978

SUMMARY OF: A Performance Review of the Board of
Veterinary Examiners.

PURPOSE OF THE REVIEW

In accordance with the intent of Alaska Statutes 24.20.271 (1) and 44.66.050 (sunset legislation), a review of the Board of Veterinary Examiners was conducted to review board activities and accomplishments to determine if the Board has been operating in an effective, efficient and economical manner. The major areas reviewed were the Board's operations and its licensing, examination, administration, complaint and affirmative action functions.

REPORT CONCLUSION

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

However, certain changes need to be implemented in order for the Board to efficiently perform its duties. The Board needs to develop standards, regulations and formal procedures for the examination given to license applicants.

Legislation should be introduced which will require continuing education for veterinarians. Continuing education will assist in avoiding professional obsolescence and keep practitioners aware of changes taking place in their profession.

Legislation should also be introduced which will require public members be appointed to the Board. Public representation on the Board will help ensure that the public's interest is represented and protected.

OL should provide adequate assistance and support necessary for the proper functioning of the Board. In 1975 and 1976 the Board requested, but did not receive, assistance from OL to propose legislative changes to the Veterinary Practice Act.

Representative Anderson moved that the House adopt the Free Conference Committee report, thus adopting FCCS SB 247.

HCS
SB
247

The question being: "Shall the House adopt the Free Conference Committee report?" The roll was taken with the following result:

FCCNSB 247

Yeas: 28 Anderson, Beirne, Bettisworth, Buchholdt, Corney, Chatterton, Cotten, Duncan, Eliason, Freeman, Gardiner, Guy, Halford, Hayes, McKinnon, Malone, Martin, Metcalfe, Miles, Miller, Montgomery, Moss, Munson, Osterback, Parker, Phillips, Schaeffer, Zharoff

Nays: 2 Huribert, Randolph, Rogers

Not Voting: 9 Barnes, Branson, Brown, Fuller, Haugen, Jenkins, O'Connell, Parr, Smith

And so, the House adopted the report, thus adopting FCCS SB 247.

FCCS
SB
247

Representative Anderson moved and asked unanimous consent that the roll call on the adoption of the report be considered the roll call on the effective date clause. There being no objection, it was so ordered.

The Chief Clerk was instructed to so notify the Senate.

UNFINISHED BUSINESS

The Speaker gave an additional referral to SCA 41am (establishing as a joint committee of the Eleventh Legislature a committee of the house of representatives and senate concerned with the organization and procedures of a state constitutional convention) to the Finance Committee. SCA 41am is now referred to the Judiciary and Finance Committees.

SCR
43
am

SB

2 4 8

PHYSICAL THERAPY BOARD

- (1) SYNOPSIS
- (2) POSITION PAPER - ALASKA HEALTH COALITION
- (3) BUDGET & AUDIT COMMITTEE'S SUMMARY

SB 248
State Physical Therapy
Board
Extends board -
June 30, 1980

HCSSB 248 - Secs 1 & 2 extends board until
January 1, 1981 and then jurisdiction over
licensing of physical therapists and the pra
tice of physical therapy is transferred to
the Dept of Comm & Econ Dev.
Secs 3 & 4 includes within duties of Dept
the duty of providing investigative services
to the boards for the purpose of assist'ng
those boards in matters of professional
discipline.
Secs 5 - 18 provides for necessa y statute
changes to effect transfer of authority from
board to Dept
Sec 19 repeals appropriate sections amended
by this bill.
Sec 20 effective date clause.

POSITION OF ALASKA HEALTH COALITION RE: SUNSET FREE CONFERENCE

1. 4 year continuance for major boards: June 30, 1983
medical, dental, pharmacy, nursing, veterinary medicine, optometry
2. 2 year continuance for other boards: June 30, 1981
physical therapy, psychology, dispensing opticians, chiropractic
3. No more than 2 lay persons on each board.
4. Delete Sec. 8 of HCS Sb 240 (medical board regarding discrimination and denial of services.)
5. Delete Sec. 205 from HCS SB 246 or

Amend to read:

The board may waive the examination requirements for an applicant who meets the requirements of AS.36.11, pays the required fee, (and has an) holds an active licence from and has been in active practice for at least 30 hours per week for a period of 5 years in a state with licensing requirements at least equal to this state's in scope, quality, and difficulty and who has no judgements or disciplines assessed against such licence either by another state, professional review board, or state dental board and who has not failed the clinical examination of this state.

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
POUCH W1 - STATE CAPITOL

JUNEAU, ALASKA 99811

October 20, 1978

SUMMARY OF: A Performance Review of the State Physical Therapy Board.

PURPOSE OF THE REVIEW

In accordance with the intent of Alaska Statutes 24.20.271(1) and 44.66.050 (sunset legislation), a review of the State Physical Therapy Board was conducted to review Board activities and accomplishments to determine if the Board has been operating in an effective, efficient and economical manner. The major areas reviewed were the Board's operations and its licensing, examination, administration, complaint and affirmative action functions.

REPORT CONCLUSION

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

However, the Physical Therapy Board needs to assure continued competence of licensed PTs. We are recommending that continuing education be required for license renewal.

The Board is doing a good job of licensing qualified PTs. However, we are recommending that they improve licensing procedures for the use of temporary permits, in order to prevent unqualified persons from obtaining temporary permits.

We found three statutory problems:

- 1) The Board does not have the authority to promulgate regulations.
- 2) Qualified foreign-trained PTs may not be licensed in this state.

- 3) The statutes which establish illegal acts relating to the practice of PT do not define terms such as "unprofessional conduct" and "moral turpitude".

Senator Colletta moved and asked unanimous consent that the roll call on the passage of the above bill be considered the roll call on the effective date clause. Without objection, it was so ordered.

FCCS
SB
248

The Secretary was requested to notify the House.

2ND FREE CONFERENCE COMMITTEE REPORT

May 12, 1980

Mr. President:
Mr. Speaker:

The 2nd Free Conference Committee which has had SENATE BILL NO. 248 (continuing the existence of the State Physical Therapy Board) and HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 248 (terminating the existence of the State Physical Therapy Board on January 1, 1981 and reassigning its responsibilities to the Department of Commerce and Economic Development) recommends that FREE CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 248 (relating to the continuation of regulatory boards and continuing the existence of the State Physical Therapy Board; eff. date) be adopted with the following letter of intent:

HCS
SB
248

LETTER OF INTENT
FCCS on SB NO. 248

May 13, 1980

Senator Elm Tilton, 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 1B 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:

Gelis Sturquewski
Senator Sturquewski, Chairman

J. Malone
Representative Malone, Chairman

passed
&
signed

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

HB

947

Committee Log Book - 1980

Tape Number I

FCC CS HB 947

Side Number 1

PRESENT: ^{Committee} Senator Sturgulowski co-chair - Rep. Parker Co-chair
 Sen. Stinson & Rep. Branson

Dates 5-31-80 to 6- -80

ABSENT: Sen. Dantworth & Rep. Malone

Bill Numbers Discussed

| | | | | | | | | | |
|-----------|--|--|--|--|--|--|--|--|--|
| HB 947 | | | | | | | | | |
|-----------|--|--|--|--|--|--|--|--|--|

| Date & Time | Tape Meter Number | Bill | Significant Information (Witness, Action) |
|-----------------|-------------------|-----------|--|
| 5 PM 5-31-80 | 000 | HB 947 | Sen. Sturgulowski |
| | 005 | | Rep. Branson states her objections |
| | 160 | | Benny Chetwood, AK Municipal League |
| | | | Conversation between all 3 |
| | 270 | | Sen. Stinson |
| | | | Rep. Branson |
| | | | Sen. Sturgulowski |
| | 321 | | C. Chetwood |
| | 340 | | Rep. Branson |
| | 350 | | Sen. Sturgulowski |
| | 420 | | Rep. Parker |
| | | | Rep. Branson |
| | | | Sen. Sturgulowski |
| | 426 | | Rep. Parker |
| | | | Conversation back & forth |
| | 459 | | Rep. Elason Bill Sponsor ⁷¹⁰ _{in work} |
| | 486 - top | | |

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

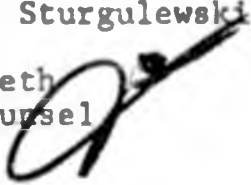
POUCH V - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-1800

MEMORANDUM

June 3, 1980

SUBJECT: FCCS HB 947

TO: Representative Bill Parker
Senator Arliss Sturgulewski

FROM: John B. Chenoweth
Legislative Counsel 

*Sec. 1 AS 29.13.100(3) - *Sec. 4 AS 29.23.021(d)

No changes in the text of the sections

AS 29.23.023:

FCCS *Sec. 5
SCS [Repealed in Senate CS]

The Senate CS repealed AS 29.23.023. The FCCS re-enacts the provision to maintain the requirement that, following each decennial census, borough officials permit the residents to vote on form of representative and assembly composition, and that any proposed change in form of representative and composition which involves use of districts requires the assembly to specify the proposed districts on the election ballot. As offered in the FCCS, the provisions of AS 29.23.023 describe the forms of representation which may be offered for voter consideration and the time period in which the election must be called. The section exempts home rule and unified municipalities from being subject to its provisions.

AS 29.23.025(a)

FCCS *Sec. 6
SCS *Sec. 5

Representative Bill Parker
Senator Arliss Sturgulewski
Page 2
June 3, 1980

Replaces Senate CS language with provisions which tie apportionment provisions to changes in composition and form of representation.

AS 29.23.0025(b)

FCCS *Sec. 7
SCS *Sec. 6

The FCCS version borrows from existing AS 29.-23.025(c) by specifically authorizing the borough assembly to change its apportionment when the existing standards of AS 29.23.021 (one-man/one-vote; no institutional representation; no weighted voting) no longer apply.

AS 29.23.025(c)

FCCS *Sec. 8
SCS *Sec. 7

The FCCS confines this section to voter-initiated petitions asking for change in apportionment.

AS 29.23.025(e)

FCCS *Sec. 9
SCS *Sec. 8

Substantially the same in both versions -- describes time limits for apportionment when required.

Apportionment Appeals

FCCS *Sec. 10 -- AS 29.23.027
SCS *Sec. 9

Authorizes appeals of apportionment ordinances which are alleged to be not in compliance with standards of AS 29.23.021 to the commissioner of community and regional affairs. The FCCS version describes the procedures to be followed under the appeal.

Representative Bill Parker
Senator Arliss Sturgulewski
Page 3
June 3, 1980

Judicial Review

FCCS *Sec. 10 -- AS 29.23.029
SCS *Sec. 12 (h) and (i)

Substantially the same

Effective Date of New Apportionments

FCCS *Sec. 10 -- AS 29.23.031
SCS *Sec. 11 and *Sec. 12 (j)

Substantially the same

Applicability of Apportionment

FCCS *Sec. 10 -- AS 29.23.033
SCS *Sec. 12 (k)

Substantially the same

No changes in remainder of bill --

Because material in existing AS 29.23.025(f) and (g) is
picked up in new AS 29.23.027 and AS 29.23.031, these
are repealed in the FCCS.

JBC:jdn

Original sponsor: Community and Regional
Affairs Committee

1 IN THE HOUSE

BY THE FREE CONFERENCE COMMITTEE

2 FREE CONFERENCE CS FOR HOUSE BILL NO. 947

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 borough assemblies and amending the
7 apportionment requirements of charters of unified
8 municipalities; and providing for an effective date."

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

10 * Section 1. AS 29.13.100(3) is repealed and re-enacted to read:

11 (3) AS 29.23.021 (borough assembly composition and apportion-
12 ment), and AS 29.23.040 - 29.23.050 (borough assembly members)

13 * Sec. 2. AS 29.18.050(4) is amended to read:

14 (4) composition and apportionment of the assembly or council
15 [, BUT THE NUMBER OF MEMBERS OF A BOROUGH ASSEMBLY MAY NOT EXCEED 11];

16 * Sec. 3. AS 29.23.021(b) is amended to read:

17 (b) The assembly of a newly incorporated borough is, after incor-
18 poration and until the adoption of an ordinance providing for a change
19 in composition or apportionment, composed of the number of members and
20 apportioned as set out in the incorporation petition approved by the
21 voters. If the borough is already incorporated, the assembly shall be
22 composed and apportioned in a manner that is consistent with the require-
23 ments of this section [AS 29.23.023] and prescribed by charter or ordi-
24 nance.

25 * Sec. 4. AS 29.23.021 is amended by adding a new subsection to read.

26 (d) A member of the assembly of a borough may not be elected or
27 appointed by and from the council of a city in the borough.

28 * Sec. 5. AS 29.23.023 is repealed and re-enacted to read:

29 Sec. 29.23.023. COMPOSITION AND FORM OF REPRESENTATION. (a) The

1 borough assembly shall provide for its composition and for the form of
2 its representation.

3 (b) Not later than the first regular election which occurs after
4 the report of a federal decennial census, the assembly shall propose and
5 submit to the voters of the borough, at that regular election or at a
6 special election called for the purpose, one or more forms of borough
7 assembly representation. The forms of representation which the assembly
8 may submit to the voters are:

9 (1) election of members of the borough assembly at large by
10 the qualified voters throughout the borough;

11 (2) election of members of the borough assembly by district,
12 including

13 (A) election at large by the qualified voters throughout
14 the borough, but with a requirement that a candidate live within an
15 election district established by the borough for election of
16 assembly members; or

17 (B) election from election districts established by the
18 borough for the election of assembly members by the qualified
19 voters of a district;

20 (3) election of members of the borough assembly both at large
21 and by district.

22 (c) A form of borough assembly representation which includes
23 election of borough assembly members under (b)(2) or (b)(3) of this
24 section shall be submitted to the voters of the borough with a plan of
25 apportionment as required by AS 29.23.025(a).

26 (d) The borough assembly shall, within 30 days of certification of
27 the results of the election held on a proposed form of representation
28 under this section, adopt an ordinance providing for its composition and
29 the form of assembly representation, and, if applicable, the apportion-

1 ment of assembly seats which corresponds to the proposed form of rep-
2 resentation which receives the most votes at the election.

3 (e) This section does not apply

4 (1) to a unified municipality incorporated under AS 29.68.-
5 240 - 29.68.440;

6 (2) to a home rule borough if the borough charter contains
7 procedures for changing assembly composition and form of representation.

8 * Sec. 6. AS 29.23.025(a) is repealed and re-enacted to read:

9 (a) Not later than two months after the official report of a
10 federal decennial census, the borough assembly shall determine and
11 declare by resolution whether the existing apportionment of the borough
12 assembly meets the standards of AS 29.23.021. If the borough assembly
13 submits to the voters a form of representation which includes election
14 of borough assembly members under AS 29.23.023(b)(2) or (b)(3), the
15 assembly shall submit with the proposition a proposed plan of apportion-
16 ment which corresponds to the form of representation proposed. The
17 assembly shall describe the plan of apportionment in the ballot proposi-
18 tion, and may present the plan in any manner which it believes accurate-
19 ly describes the apportionment which is proposed under the form of
20 representation. If the borough assembly determines that its existing
21 apportionment meets the standards of AS 29.23.021, the assembly may
22 include the existing apportionment as a proposed plan of apportionment
23 of assembly seats which corresponds to a form of representation which is
24 proposed.

25 * Sec. 7. AS 29.23.025(b) is repealed and re-enacted to read:

26 (b) The borough assembly shall provide, by ordinance, for a change
27 in an existing apportionment of the borough assembly whenever it
28 determines that the apportionment does not meet the standards of
29 AS 29.23.021. At the same time, the borough assembly may, by ordinance,

1 change the composition of the assembly.

2 * Sec. 8. AS 29.23.025(c) is repealed and re-enacted to read:

3 (c) If a petition signed by not less than 50 registered voters who
4 are residents of the borough requests the borough assembly to determine
5 whether the existing apportionment meets the standards for apportionment
6 in AS 29.23.021, and the petition contains evidence that the existing
7 apportionment does not meet those standards, the assembly may make the
8 determination requested. The borough assembly shall make a determina-
9 tion required by this subsection within two months of receipt of a
10 petition which meets the requirements of this subsection.

11 * Sec. 9. AS 29.23.025(e) is amended to read:

12 (e) Within six [FOUR] months of a determination by the borough
13 assembly under (b) or (c) of this section that the current apportionment
14 does not meet the standards of AS 29.23.021 [AS 29.23.021 - 29.23.025],
15 the borough assembly shall adopt an ordinance providing for reapportion-
16 ment, and submit the ordinance to the voters. If, at the end of the
17 six-month [FOUR-MONTH] time period, an ordinance providing for reap-
18 portionment has not been approved by the voters, the commissioner of the
19 Department of Community and Regional Affairs shall provide for the
20 reapportionment in accordance with the standards of AS 29.23.021
21 [AS 29.23.021 - 29.23.023] by preparing an order of reapportionment and
22 delivering the order to the borough mayor.

23 * Sec. 10. AS 29.23 is amended by adding new sections to read:

24 Sec. 29.23.027. APPORTIONMENT APPEALS. (a) A reapportionment
25 ordinance approved by the voters, or a decision of the borough assembly
26 that the standards of AS 29.23.021 do not require a change in appor-
27 tionment, may be appealed to the commissioner of the Department of Community
28 and Regional Affairs. Fifty registered voters who are residents of the
29 borough may submit a petition to the commissioner of community and
30

1 regional affairs requesting the commissioner to determine whether the
2 proposed reapportionment ordinance approved by the voters meets the
3 standards of AS 29.23.021, or whether a decision of the borough assembly
4 that the standards of AS 29.23.021 do not require a change of apportion-
5 ment is correct. If the petition asks the commissioner of community and
6 regional affairs to review an ordinance approved by the voters under
7 AS 29.23.025(e), the petition shall be delivered to the commissioner not
8 later than 20 days after certification of the election. If the petition
9 asks the commissioner of community and regional affairs to review a
10 decision of the borough assembly under AS 29.23.025(c), the petition
11 shall be delivered to the commissioner within 20 days of the decision of
12 the borough assembly.

13 (b) The commissioner of community and regional affairs shall
14 review the petition and may make the determination requested. The
15 commissioner shall provide copies of his determination to the persons
16 petitioning for appeal and to borough officials not later than 60 days
17 after he receives the petition.

18 (c) If the commissioner of community and regional affairs deter-
19 mines that the proposed reapportionment ordinance approved by the voters
20 does not meet the standards of AS 29.23.021, or if he determines that
21 the decision of the borough assembly that the standards of AS 29.23.021
22 do not require a change of apportionment is not correct, the commissioner
23 shall, by order, direct the borough assembly to prepare a reapportion-
24 ment ordinance which meets the standards of AS 29.23.021 and submit the
25 ordinance to the voters.

26 (d) When the borough assembly has been directed by the commis-
27 sioner of community and regional affairs to prepare a reapportionment
28 ordinance under (c) of this section, the borough assembly shall, within
29 two months of its receipt of the commissioner's order, adopt an ordi-