

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 8672

1399 HHESS HB 856 - HB 861

12 AAC 60.010 is amended to read:

12 AAC 60.010. APPLICATION FORMS; SUPPORTING EVIDENCE.

(a) An application for initial licensure by examination as a psychologist must be submitted on a form provided by the department with

(1) a check or money order in the amount specified in AS 08.06.140;

(2) official transcripts from all undergraduate and graduate schools attended by the applicant;

(3) a certified copy of the applicant's doctoral degree diploma awarded with primary emphasis on psychology by an accredited school with an approved program;

(4) a complete vita from the date of high school graduation to the time of application, including dates and places of residency;

(5) a copy of the applicant's doctoral dissertation abstract;

(6) five letters of reference, one of which must be from the applicant's doctoral committee membership, preferably the chairperson; two from licensed psychologists, members of the American Psychological Association, or diplomates of the American Board of Examiners in Professional Psychology; and, two from other persons not related to the applicant; and

(7) evidence of one year of supervised professional experience as defined in 12 AAC 60.070.

(b) An application for initial licensure by examination as a psychological associate must be submitted on a form provided by the department with

(1) a check or money order in the amount specified in AS 08.06.140;

(2) official transcripts from all undergraduate and graduate schools attended by the applicant;

(3) a complete vita from the date of high school graduation to the time of application, including dates and places of residency;

(4) proof of a practicum from an accredited school with an approved program in the area in which licensure is requested;

(5) proof of experience required under AS 08.86.162(3) and 12 AAC 60.070(c); and

(6) the recommendations required by AS 08.86.162(4). (Eff. 12/24/78, Reg. 68; am 1/14/82, Reg. 81)

Authority: AS 08.86.070(a)(1)
AS 08.86.080
AS 08.86.130

12 AAC 60.020 is amended to read:

12 AAC 60.020. APPLICATION FOR TEMPORARY LICENSE. (a) A psychologist applicant who is approved by the board to sit for the psychologist examination may be issued a temporary license by making a written request to the board.

(b) A temporary license granted under this section is valid until the date of the first available examination for licensure if the applicant fails to sit for it, or, if the applicant does sit for the examination, until the applicant receives notification of the results of the examination.

(c) The board will renew a temporary license only for good cause and only one time.

(d) An applicant who fails the examination or a portion of the examination, is not entitled to a temporary license or to renewal of a temporary license.

(e) A temporary license will not be issued to a psychological associate applicant. (Eff. 12/24/78, Reg. 68; am 1/14/82, Reg. 81)

Authority: AS 08.86.070(a)(1)
AS 08.86.080
AS 08.86.135

12 AAC 60 is amended by adding a new section to read:

12 AAC 60.025. SUPERVISORY RELATIONSHIP FOR PSYCHOLOGICAL ASSOCIATES. (a) The supervisory relationship between a psychologist and a psychological associate must meet the minimum of at least some form of communication monthly regarding the practice supervised and actual face to face consultation on a quarterly basis.

(b) A psychological associate must maintain records documenting the supervisory contacts required by (a) of this section and must make them available to the board for review at any time considered necessary by the board and for good cause.

(c) A psychological associate applicant shall document the supervisory relationship, signed by the supervising psychologist, on a form provided by the department.

(d) A psychological associate must immediately notify the board in writing of a change in his or her supervisory relationship. (Eff. 1/14/82, Reg. 81)

Authority: AS 08.86.070(a)
AS 08.86.080
AS 08.86.164

12 AAC 60.030 is amended to read:

12 AAC 60.030. APPLICATION FOR LICENSURE BY CREDENTIALS. An applicant for licensure by credentials as a psychologist will be licensed without examination if the applicant

(1) complies with 12 AAC 60.010(a); and

(2) submits verification of his or her valid and current certificate, license, or other evidence of qualification issued by another licensing jurisdiction and provides evidence to the board that the certificate, license or other evidence of qualification was issued based upon examination and qualifications substantially similar to the Alaska board's at the time of application for an Alaska license; or

(3) submits verification that he or she is a diplomata in good standing of the American Board of Examiners in Professional Psychology. (Eff. 12/24/79, Reg. 68; am 1/14/82, Reg. 81)

Authority: AS 08.86.070(a)(1)
AS 08.86.080
AS 08.86.150

12 AAC 60.070 is amended to read:

12 AAC 60.070. PSYCHOLOGIST AND PSYCHOLOGICAL ASSOCIATE EXPERIENCE DEFINED. (a) Repealed.

(b) The one year's experience required for a psychologist applicant by AS 08.86.130(3) is satisfied by one year of post-doctoral experience in a field of psychology the same as or similar to that in which the applicant acquired academic training under the supervision of a licensed psychologist or a diplomate of the American Board of Examiners in Professional Psychology.

(c) The three years' experience required for a psychological associate applicant by AS 08.86.162(3), is satisfied by three years supervised experience in the speciality area for which licensure is sought. (Eff. 12/24/78, Reg. 68; am 1/14/82, Reg. 81)

Authority: AS 08.86.070(a)(1)
AS 08.86.080
AS 08.86.130(3)

12 AAC 60.080(a) is amended to read:

12 AAC 60.080. CRITERIA FOR EVALUATION OF EXPERIENCE FOR PSYCHOLOGIST. (a) In order to be credited with the experience required by 12 AAC 60.070(b), a psychologist applicant must meet the following minimum requirements:

12 AAC 60.080(a)(3) is amended to read:

(3) during the entire supervised experience, contact between the supervisor and applicant must be for a minimum of one hour per person per week face to face consultation and the supervisor must vary to the board the applicant's supervised experience, setting forth the nature and extent of the supervision;

12 AAC 60.080 is amended by adding a new subsection to read:

(c) The minimum one hour face to face consultation between a supervisor and applicant required under (a)(3) of this section may be substituted by a plan for alternate supervision and consultation between the supervisor and applicant if the plan is submitted to the board, and approved by the board, before the start of the alternate supervised experience, and the applicant submits proof to the board of completion of a pre-doctoral psychology internship approved by the American Psychological Association. (Eff. 12/24/78, Reg. 68; am 1/14/82, Reg. 81)

Authority: AS 08.86.070(1)
AS 08.86.080
AS 08.86.130(3)

Register 81

PROFESSIONAL AND
VOCATIONAL REGULATIONS

12 AAC 60.140
12 AAC 60.180

12 AAC 60.140 is amended to read:

12 AAC 60.140. **PASSING SCORES.** (a) If the board uses the Professional Examination Service for a psychologist applicant, a score of 70 percent is the passing grade on the objective portion of the examination.

(b) If the board uses the Professional Examination Service for a psychological associate applicant, a score of 60 percent is the passing grade on the objective portion of the examination.

(c) The essay section of the examination will be graded on a pass/fail basis.

(d) An applicant will only be given written notification by the department of his or her score on the examination.

(e) Essay examination questions will be based upon material contained in standard textbooks used in accredited educational institutions. (Eff. 12/24/78, Reg. 60; as 1/14/82, Reg. 81)

Authority: AS 08.86.070(a)(2)
AS 08.86.080

12 AAC 60 is amended by adding a new section in Article 3 to read:

12 AAC 60.170. **TRANSFER OF EXAMINATION GRADES.** An applicant who, within three years before the date of application to the board for licensure, has passed the Professional Examination Service examination under the jurisdiction of another State or territory of the United States under standards equivalent to 12 AAC 60.140 is exempted from taking that portion of the written examination administered by this State. (Eff. 1/14/82, Reg. 81)

Authority: AS 08.86.070(a)(2)
AS 08.86.080

12 AAC 60.180 is amended to read:

12 AAC 60.180. **COMPETENCE.** (a) Neither a psychologist nor a psychologist-supervisor may function outside her or his particular field or fields of competence as established by her or his education, training and experience.

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PROFESSIONAL AND
VOCATIONAL REGULATIONS

12 AAC 60.200
12 AAC 60.210

(b) A psychological associate may not function outside her or his specialty. (Eff. 12/24/78, Reg. 68; am 1/14/82, Reg. 81)

Authority: AS 08.86.080

12 AAC 60.200 is amended to read:

12 AAC 60.200. CONFIDENTIALITY. A psychologist and a psychological associate shall safeguard confidential information that has been obtained in the course of her or his teaching, practice, or investigation. (Eff. 12/24/78, Reg. 68; am 1/14/82, Reg. 81)

Authority AS 08.86.080

12 AAC 60.210 is amended to read:

12 AAC 60.210. TEST SECURITY. Neither a psychologist nor a psychological associate may reproduce or describe in ways that might invalidate the techniques in public or in publications subject to general public distribution, any psychological tests or other assessment devices the value of which depends in whole or in part on the naivete of the subject. A psychologist and a psychological associate shall limit access to such tests or devices to persons with professional interests who will safeguard their use. (Eff. 12/24/78, Reg. 68; am 1/14/82, Reg. 81)

Authority: AS 08.86.080

Ethical Standards of Psychologists

(1979 Revision)

American Psychological Association

Ethical Standards of Psychologists¹

Climaxing nine years of work by several task forces and the Committee on Scientific and Professional Ethics and Conduct (CSPEC), draft #11 of the Ethical Standards of Psychologists went to the Council of Representatives at its January 28-30, 1977 meeting. A number of changes were made in the document by Council, resulting in draft #12, which was adopted on January 30th as printed below.

Because the Council could not agree on several sections of Principle 5 (Confidentiality), the final action was to approve the final revised draft with the exception of this principle. The old principle (formerly Principle 6 in the Ethical Standards as printed in the 1975 *Biographical Directory*) will hold until a revision has been adopted by Council.

Council comments and suggestions applicable to this section are now being solicited by CSPEC. Council also directed the Committee to take into account the forthcoming report of the Task Force on Privacy and Confidentiality, as well as upcoming federal regulations covering similar matters. APA members having specific wording changes to suggest may send them to Brenda Gurel, Secretary, CSPEC, APA, 1200 Seventeenth Street, N.W., Washington, D.C. 20036.

PREAMBLE

Psychologists^{2,3} respect the dignity and worth of the individual and honor the preservation and protection of fundamental human rights. They are committed to increasing knowledge of human behavior and of people's understanding of themselves and others and to the utilization of such knowledge for the promotion of human welfare. While pursuing these endeavors, they make every effort to protect the welfare of those who seek their services or of any human being or animal that may be the object of study. They use their skills only for purposes consistent with these values and do not knowingly permit their misuse by others. While demanding for themselves freedom of inquiry and communication, psychologists accept the responsibility this freedom requires: competence,

objectivity in the application of skills and concern for the best interests of clients, colleagues, and society in general. In the pursuit of these ideals, psychologists subscribe to principles in the following areas: 1. Responsibility, 2. Competence, 3. Moral and Legal Standards, 4. Public Statements, 5. Confidentiality, 6. Welfare of the Consumer, 7. Professional Relationships, 8. Utilization of Assessment Techniques, and 9. Pursuit of Research Activities.

PRINCIPLE 1. RESPONSIBILITY

In their commitment to the understanding of human behavior, psychologists value objectivity and integrity, and in providing services they maintain the highest standards of their profession. They accept responsibility for the consequences of their work and make every effort to insure that their services are used appropriately.

a. As scientists, psychologists accept the ultimate responsibility for selecting appropriate areas and methods most relevant to these areas. They plan their research in ways to minimize the possibility that their findings will be misleading. They provide thorough discussion of the limitations of their data and alternative hypotheses, especially where their work touches on social policy or might be construed to the detriment of persons in specific age, sex, ethnic, socioeconomic or other social groups. In publishing reports of their work, they never suppress disconfirming data. Psychologists take credit only for the work they have actually done.

Psychologists clarify in advance with all appropriate persons or agencies the expectations for sharing and utilizing research data. They avoid dual relationships which may limit objectivity, whether political or monetary, so that interference with data, human participants, and milieu is kept to a minimum.

b. As employees of an institution or agency, psychologists have the responsibility of remaining alert to and attempting to moderate institutional pressures that may distort reports of psychological findings or impede their proper use.

c. As members of governmental or other organizational bodies, psychologists remain accountable as individuals to the highest standards of their profession.

¹ Approved by the Council of Representatives, January 30, 1977. Reprinted from the APA "Monitor," March 1977.

² A student of psychology who assumes the role of a psychologist shall be considered a psychologist for the purpose of this code of ethics.

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d. As teachers, psychologists recognize their primary obligation to help others acquire knowledge and skill. They maintain high standards of scholarship and objectivity in presenting psychological information fully and accurately.

e. As practitioners, psychologists know that they bear a heavy social responsibility because their recommendations and professional actions may alter the lives of others. They are alert to personal, social, organizational, financial, or political situations or pressures that might lead to misuse of their influence.

f. Psychologists provide adequate and timely evaluations to employees, trainees, students, and others whose work they supervise.

decisions involving individuals or policies based on test results have an understanding of psychological or educational measurement, validation problems and other test research.

e. Psychologists recognize that their effectiveness depends in part upon their ability to maintain effective interpersonal relations, and that aberrations on their part may interfere with their abilities. They refrain from undertaking any activity in which their personal problems are likely to lead to inadequate professional services or harm to a client; or, if engaged in such activity when they become aware of their personal problems, they seek competent professional assistance to determine whether they should suspend, terminate or limit the scope of their professional and/or scientific activities.

PRINCIPLE 2. COMPETENCE

The maintenance of high standards of professional competence is a responsibility shared by all psychologists in the interest of the public and the profession as a whole. Psychologists recognize the boundaries of their competence and the limitations of their techniques and only provide services, use techniques, or offer opinions as professionals that meet recognized standards. Psychologists maintain knowledge of current scientific and professional information related to the services they render.

a. Psychologists accurately represent their competence, education, training and experience. Psychologists claim as evidence of professional qualifications only those degrees obtained from institutions acceptable under the Bylaws and Rules of Council of the American Psychological Association.

b. As teachers, psychologists perform their duties on the basis of careful preparation so that their instruction is accurate, current and scholarly.

c. Psychologists recognize the need for continuing education and are open to new procedures and changes in expectations and values over time. They recognize differences among people, such as those that may be associated with age, sex, socioeconomic, and ethnic backgrounds. Where relevant, they obtain training, experience, or counsel to assure competent service or research relating to such persons.

d. Psychologists with the responsibility for

PRINCIPLE 3. MORAL AND LEGAL STANDARDS

Psychologists' moral, ethical and legal standards of behavior are a personal matter to the same degree as they are for any other citizen, except as these may compromise the fulfillment of their professional responsibilities, or reduce the trust in psychology or psychologists held by the general public. Regarding their own behavior, psychologists should be aware of the prevailing community standards and of the possible impact upon the quality of professional services provided by their conformity to or deviation from these standards. Psychologists are also aware of the possible impact of their public behavior upon the ability of colleagues to perform their professional duties.

a. Psychologists as teachers are aware of the diverse backgrounds of students and, when dealing with topics that may give offense, treat the material objectively and present it in a manner for which the student is prepared.

b. As employees, psychologists refuse to participate in practices inconsistent with legal, moral and ethical standards regarding the treatment of employees or of the public. For example, psychologists will not condone practices that are inhumane or that result in illegal or otherwise unjustifiable discrimination on the basis of race, age, sex, religion, or national origin in hiring, promotion, or training.

c. In providing psychological services,

psychologists avoid any action that will violate or diminish the legal and civil rights of clients or of others who may be affected by their actions.

As practitioners, psychologists remain abreast of relevant federal, state, local, and agency regulations and Association standards of practice concerning the conduct of their practice. They are concerned with developing such legal and quasi-legal regulations as best serve the public interest and in changing such existing regulations as are not beneficial to the interests of the public and the profession.

d. As researchers, psychologists remain abreast of relevant federal and state regulations concerning the conduct of research with human participants or animals.

PRINCIPLE 4. PUBLIC STATEMENTS

Public statements, announcements of services, advertising, and promotional activities of psychologists serve the purpose of providing sufficient information to aid the consumer public in making informed judgments and choices. Psychologists represent accurately and objectively their professional qualifications, affiliations, and functions, as well as those of the institutions or organizations with which they or the statements may be associated. In public statements providing psychological information or professional opinions or providing information about the availability of psychological products, publications, and services, psychologists base their statements on scientifically acceptable psychological findings and techniques with full recognition of their limits and uncertainties.

a. When announcing or advertising professional services, psychologists may list the following information as a description of provider and services provided: name, highest relevant academic degree earned from a regionally accredited institution, date, type and level of certification or licensure, diplomate status, APA membership status, address, telephone number, office hours, a brief listing of the type of psychological services offered, an appropriate presentation of fee information, foreign languages spoken, and policy with regard to third-party payments. Additional relevant or important consumer information may be in-

cluded if not prohibited by other sections of the Ethical Standards.

b. In announcing or advertising the availability of psychological products, publications, or services, psychologists do not display any affiliations with an organization in a manner that falsely implies the sponsorship or certification of that organization. In particular and for example, psychologists do not state APA membership or fellowship in a way that implies specialized professional competence or qualifications. Public statements, defined herein to include, but not be limited to, communication by means of newspaper, book, list, directory, television, radio, or motion picture, shall not contain: a false, fraudulent, misleading, deceptive, or unfair statement; a misinterpretation of fact; a statement likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts; a statement containing a client's laudatory statements about psychologists, their services, or products; a statement intended or likely to create false or unjustified expectations of favorable results; a statement implying unusual, unique, or one-of-a-kind abilities; a statement intended or likely to appeal to a client's fears, anxieties, or emotions concerning the possible results of the consumer's failure to obtain the offered services; a statement concerning the comparative desirability of offered service; a statement of direct solicitation of individual clients.

c. A psychologist shall not compensate or give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of or in return for professional publicity in a news item. A paid advertisement must be identified as such unless it is apparent from the context that it is a paid advertisement. If the paid advertisement is communicated to the public by use of radio or television, it shall be prerecorded and approved for broadcast by the psychologist and a recording of the actual transmission shall be retained by the psychologist.

d. Announcements or advertisements of "personal growth groups" give a clear statement of purpose and the nature of the experiences to be provided. The education, training, and experience of the staff members are appropriately specified.

e. Psychologists associated with the development or promotion of psychological devices,

books, or other products offered for commercial sale make reasonable efforts to insure that announcements and advertisements are presented in a professional, scientifically acceptable, and factually informative manner.

f. Psychologists do not participate for personal gain in commercial announcements or advertisements recommending to the general public the purchase or use of any proprietary or single-source product or service.

g. Psychologists present the science of psychology and offer their services, products, and publications fairly and accurately, avoiding misrepresentation through sensationalism, exaggeration, or superficiality. Psychologists are guided by the primary obligation to aid the public in forming their own informed judgments, opinions, and choices.

h. As teachers, psychologists insure that statements in catalogs and course outlines are accurate and not misleading, particularly in terms of subject matter to be covered, bases for evaluating progress, and nature of course experiences. Announcements, brochures, or advertisements describing workshops, seminars, or other educational programs accurately represent intended audience and eligibility requirements, educational objectives, and nature of the material to be covered, as well as the education, training, and experience of the psychologists presenting the programs, and any fees involved. Public announcements or advertisements soliciting subjects for research, and in which clinical services or other professional services are offered as an inducement, make clear the nature of the services as well as the costs and other obligations to be accepted by the human participants of the research.

i. Psychologists accept the obligation to correct others who may represent the psychologist's professional qualifications or associations with products or services in a manner incompatible with these guidelines.

j. Psychological services and products for the purpose of diagnosing, treating, or giving personal advice to particular individuals are provided only in the context of a professional relationship and are not given by means of public lectures or demonstrations, newspaper or magazine articles, radio or television programs, mail, or similar media.

PRINCIPLE 5. CONFIDENTIALITY

Safeguarding information about an individual that has been obtained by the psychologist in the course of his teaching, practice, or investigation is a primary obligation of the psychologist. Such information is not communicated to others unless certain important conditions are not met.

a. Information received in confidence is revealed only after most careful deliberation and when there is clear and imminent danger to an individual or to society, and then only to appropriate professional workers or public authorities.

b. Information obtained in clinical or consulting relationships, or evaluative data concerning children, students, employees, and others are discussed only for professional purposes and only with persons clearly concerned with the case. Written and oral reports should present only data germane to the purposes of the evaluation and every effort should be made to avoid undue invasion of privacy.

c. Clinical and other materials are used in classroom teaching and writing only when the identity of the persons involved is adequately disguised.

d. The confidentiality of professional communications about individuals is maintained. Only when the originator and other persons involved give their express permission is a confidential professional communication shown to the individual concerned. The psychologist is responsible for informing the client of the limits of the confidentiality.

e. Only after explicit permission has been granted is the identity of research subjects published. When data have been published without permission for identification, the psychologist assumes responsibility for adequately disguising their sources.

f. The psychologist makes provisions for the maintenance of confidentiality in the prevention and ultimate disposition of confidential records.

PRINCIPLE 6. WELFARE OF THE CONSUMER

Psychologists respect the integrity and protect the welfare of the people and groups

with whom they work. When there is a conflict of interest between the client and the psychologist's employing institution, psychologists clarify the nature and direction of their loyalties and responsibilities and keep all parties informed of their commitments. Psychologists fully inform consumers as to the purpose and nature of an evaluative, treatment, educational or training procedure, and they freely acknowledge that clients, students, or participants in research have freedom of choice with regard to participation.

a. Psychologists are continually cognizant of their own needs and of their inherently powerful position vis a vis clients, in order to avoid exploiting their trust and dependency. Psychologists make every effort to avoid dual relationships with clients and/or relationships which might impair their professional judgment or increase the risk of client exploitation. Examples of such dual relationships include treating employees, supervisees, close friends or relatives. Sexual intimacies with clients are unethical.

b. Where demands of an organization on psychologists go beyond reasonable conditions of employment, psychologists recognize possible conflicts of interest that may arise. When such conflicts occur, psychologists clarify the nature of the conflict and inform all parties of the nature and direction of the loyalties and responsibilities involved.

c. When acting as a supervisor, trainer, researcher, or employer, psychologists accord informed choice, confidentiality, due process, and protection from physical and mental harm to their subordinates in such relationships.

d. Financial arrangements in professional practice are in accord with professional standards that safeguard the best interests of the client and that are clearly understood by the client in advance of billing. Psychologists are responsible for assisting clients in finding needed services in those instances where payment of the usual fee would be a hardship. No commission, rebate, or other form of remuneration may be given or received for referral of clients for professional services, whether by an individual or by an agency. Psychologists willingly contribute a portion of their services to work for which they receive little or no financial return.

e. The psychologist attempts to terminate a clinical or consulting relationship when it is reasonably clear that the consumer is not

benefiting from it. Psychologists who find that their services are being used by employers in a way that is not beneficial to the participants or to employees who may be affected, or to significant others, have the responsibility to make their observations known to the responsible persons and to propose modification or termination of the engagement.

PRINCIPLE 7. PROFESSIONAL RELATIONSHIPS

Psychologists act with due regard for the needs, special competencies and obligations of their colleagues in psychology and other professions. Psychologists respect the prerogatives and obligations of the institutions or organizations with which they are associated.

a. Psychologists understand the areas of competence of related professions, and make full use of all the professional, technical, and administrative resources that best serve the interests of consumers. The absence of formal relationships with other professional workers does not relieve psychologists from the responsibility of securing for their clients the best possible professional service nor does it relieve them from the exercise of foresight, diligence, and tact in obtaining the complementary or alternative assistance needed by clients.

b. Psychologists know and take into account the traditions and practices of other professional groups with which they work and cooperate fully with members of such groups. If a consumer is receiving services from another professional, psychologists do not offer their services directly to the consumer without first informing the professional person already involved so that the risk of confusion and conflict for the consumer can be avoided.

c. Psychologists who employ or supervise other professionals or professionals in training accept the obligation to facilitate their further professional development by providing suitable working conditions, consultation, and experience opportunities.

d. As employees of organizations providing psychological services, or as independent psychologists serving clients in an organizational context, psychologists seek to support the integrity, reputation and proprietary rights of the host organization. When it is

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judged necessary in a client's interest to question the organization's programs or policies, psychologists attempt to effect change by constructive action within the organization before disclosing confidential information acquired in their professional roles.

e. In the pursuit of research, psychologists give sponsoring agencies, host institutions, and publication channels the same respect and opportunity for giving informed consent that they accord to individual research participants. They are aware of their obligation to future research workers and insure that host institutions are given adequate information about the research and proper acknowledgement of their contributions.

f. Publication credit is assigned to all those who have contributed to a publication in proportion to their contribution. Major contributions of a professional character made by several persons to a common project are recognized by joint authorship, with the experimenter or author who made the principal contribution identified and listed first. Minor contributions of a professional character, extensive clerical or similar nonprofessional assistance, and other minor contributions are acknowledged in footnotes or in an introductory statement. Acknowledgement through specific citations is made for unpublished as well as published material that has directly influenced the research or writing. A psychologist who compiles and edits material of others for publication publishes the material in the name of the originating group, if any, and with his/her own name appearing as chairperson or editor. All contributors are to be acknowledged and named.

g. When a psychologist violates ethical standards, psychologists who know firsthand of such activities should, if possible, attempt to rectify the situation. Failing an informal solution, psychologists bring such unethical activities to the attention of the appropriate local, state, and/or national committee on professional ethics, standards, and practices.

h. Members of the Association cooperate with duly constituted committees of the Association, in particular and for example, the Committee on Scientific and Professional Ethics and Conduct, and the Committee on Professional Standards Review, by responding to inquiries promptly and completely. Members taking longer than 30 days to respond to such inquiries shall have the burden of demonstrating that they acted with "reasonable promptness." Members also

have a similar responsibility to respond with reasonable promptness to inquiries from duly constituted state association ethics committees and professional standards review committees.

PRINCIPLE 8. UTILIZATION OF ASSESSMENT TECHNIQUES

In the development, publication, and utilization of psychological assessment techniques, psychologists observe relevant APA standards. Persons examined have the right to know the results, the interpretations made, and, where appropriate, the original data on which final judgments were based. Test users avoid imparting unnecessary information which would compromise test security, but they provide requested information that explains the basis for decisions that may adversely affect that person or that person's dependents.

a. The client has the right to have and the psychologist has the responsibility to provide explanations of the nature and the purposes of the test and the test results in language that the client can understand, unless, as in some employment or school settings, there is an explicit exception to this right agreed upon in advance. When the explanations are to be provided by others, the psychologist establishes procedures for providing adequate explanations.

b. When a test is published or otherwise made available for operational use, it is accompanied by a manual (or other published or readily available information) that fully describes the development of the test, the rationale, and evidence of validity and reliability. The test manual explicitly states the purposes and applications for which the test is recommended and identifies special qualifications required to administer the test and to interpret it properly. Test manuals provide complete information regarding the characteristics of the normative population.

c. In reporting test results, psychologists indicate any reservations regarding validity or reliability resulting from testing circumstances or inappropriateness of the test norms for the person tested. Psychologists strive to insure that the test results and their interpretations are not misused by others.

d. Psychologists accept responsibility for removing from clients' files test score information that has become obsolete, lest such information be misused or misconstrued to

the disadvantage of the person tested.

e. Psychologists offering test scoring and interpretation services are able to demonstrate that the validity of the programs and procedures used in arriving at interpretations are based on appropriate evidence. The public offering of an automated test interpretation service is considered as a professional-to-professional consultation. The psychologist makes every effort to avoid misuse of test reports.

PRINCIPLE 9. PURSUIT OF RESEARCH ACTIVITIES

The decision to undertake research should rest upon a considered judgment by the individual psychologist about how best to contribute to psychological science and to human welfare. Psychologists carry out their investigations with respect for the people who participate and with concern for their dignity and welfare.

a. In planning a study the investigator has the responsibility to make a careful evaluation of its ethical acceptability, taking into account the following additional principles for research with human beings. To the extent that this appraisal, weighing scientific and humane values, suggests a compromise of any principle, the investigator incurs an increasingly serious obligation to seek ethical advice and to observe stringent safeguards to protect the rights of the human research participants.

b. Responsibility for the establishment and maintenance of acceptable ethical practice in research always remains with the individual investigator. The investigator is also responsible for the ethical treatment of research participants by collaborators, assistants, students, and employees, all of whom, however, incur parallel obligations.

c. Ethical practice requires the investigator to inform the participant of all features of the research that might reasonably be expected to influence willingness to participate, and to explain all other aspects of the research about which the participant inquires. Failure to make full disclosure imposes additional force to the investigator's abiding responsibility to protect the welfare and dignity of the research participant.

d. Openness and honesty are essential characteristics of the relationship between investigator and research participant. When the methodological requirements of a study

necessitate concealment or deception, the investigator is required to insure as soon as possible the participant's understanding of the reasons for this action and of a sufficient justification for the procedures employed.

e. Ethical practice requires the investigator to respect the individual's freedom to decline to participate in or withdraw from research. The obligation to protect this freedom requires special vigilance when the investigator is in a position of power over the participant, as, for example, when the participant is a student, client, employee, or otherwise is in a dual relationship with the investigator.

f. Ethically acceptable research begins with the establishment of a clear and fair agreement between the investigator and the research participant that clarifies the responsibilities of each. The investigator has the obligation to honor all promises and commitments included in that agreement.

g. The ethical investigator protects participants from physical and mental discomfort, harm, and danger. If a risk of such consequences exists, the investigator is required to inform the participant of that fact, secure consent before proceeding, and take all possible measures to minimize distress. A research procedure must not be used if it is likely to cause serious or lasting harm to a participant.

h. After the data are collected, the investigator provides the participant with information about the nature of the study and to remove any misconceptions that may have arisen. Where scientific or human values justify delaying or withholding information, the investigator acquires a special responsibility to assure that there are no damaging consequences for the participant.

i. When research procedures may result in undesirable consequences for the individual participant, the investigator has the responsibility to detect and remove or correct these consequences, including, where relevant, long-term after effects.

j. Information obtained about the individual research participants during the course of an investigation is confidential unless otherwise agreed in advance. When the possibility exists that others may obtain access to such information, this possibility, together with the plans for protecting confidentiality, be explained to the participants as part of the procedure for obtaining informed consent.

8 ETHICAL STANDARDS OF PSYCHOLOGISTS

k. A psychologist using animals in research adheres to the provisions of the Rules Regarding Animals, drawn up by the Committee on Precautions and Standards in Animal Experimentation and adopted by the American Psychological Association.

l. Investigations of human participants using drugs should be conducted only in such settings as clinics, hospitals, or research facilities maintaining appropriate safeguards for the participants.

REFERENCES

Psychologists are responsible for knowing about and acting in accord with the standards and positions of the APA, as represented in such official documents as the following:

American Association of University Professors. *Statement on Principles on Academic Freedom and Tenure. Policy Documents & Report, 1977, 1-4.*

American Psychological Association. *Guidelines*

for Psychologists for the Use of Drugs in Research. Washington, D.C.: Author, 1971.

American Psychological Association. *Principles for the Care and Use of Animals.* Washington, D.C.: Author, 1971.

American Psychological Association. *Guidelines for conditions of employment of psychologists.* *American Psychologist, 1972, 27, 331-334.*

American Psychological Association. *Guidelines for psychologists conducting growth groups.* *American Psychologist, 1973, 28, 933.*

American Psychological Association. *Ethical Principles in the Conduct of Research with Human Participants.* Washington, D.C.: Author, 1973.

American Psychological Association. *Standards for Educational and Psychological Tests.* Washington, D.C.: Author, 1974.

American Psychological Association. *Standards for Providers of Psychological Services.* Washington, D.C.: Author, 1977.

Committee on Scientific and Professional Ethics and Conduct. *Guideline for telephone directory listings.* *American Psychologist, 1969, 24, 70-71.*

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

August 12, 1981

Audit Control Number
08-121-1054-R

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Commerce and Economic Development

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Deputy Commissioner, Department
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STATE OF ALASKA

AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDING

THE LEGISLATURE

FINANCE DIVISION
POUCH WF—STATE CAPITOL

BUDGET AND AUDIT COMMITTEE

JUNEAU, ALASKA 99811

August 12, 1981

Members of the
Legislative Budget and Audit Committee:

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

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

August 12, 1981



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

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PURPOSE AND SCOPE OF THE REVIEW

Purpose

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

As required by legislative intent, this report shall be considered during the legislative oversight function in determining whether the Board of Psychologist and Psychological Associate Examiners should be reestablished. The law currently specifies that this Board will terminate on June 30, 1982, but will continue until June 30, 1983, for the purpose of concluding its affairs.

Scope

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

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

ORGANIZATION AND FUNCTION

The Board of Psychologist and Psychological Associate Examiners (PPAE) was established under the provisions of Title 8 Chapter 86 of the Alaska Statutes. The Board consists of four licensed psychologists and one public member appointed by the Governor and approved by the Legislature.

The Board regulates licensed psychologists and psychological associates in the State. A psychologist is licensed to use psychological principles, methods and procedures for the treatment of emotional and mental disorders. A psychological associate is licensed to perform psychological services under the supervision of a licensed psychologist.

The Board's duties are basically the following:

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

An applicant may be licensed by passing an exam given by the Board or by credentials. For credentials, an applicant must provide proof of licensure by another authority with equal licensing requirements.

In order to qualify for licensure as a psychologist by examination, an applicant must pass a written examination, have a doctorate and one year of experience. The examination is composed of two parts: an objective national examination composed by the Professional Examination Service (PES) and an essay examination composed by the Board.

Psychological associates may qualify for the examination if they have three years supervised experienced after obtaining a Master's Degree.

REPORT CONCLUSION

Policy Issues

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

Report Conclusion

In our opinion, the continuation of the Board and the licensing of psychologists and psychological associates is not necessary to protect the public's health, safety and welfare. The Board's performance has not always been in the public's best interest. Two prior audit reports dated August 5, 1975, and October 31, 1978, show that the Board had been unnecessarily restricting the licensing of qualified psychologists and psychological associates in the State. These conditions still exist (see Recommendation No. 1).

In the event that the Board is reestablished, certain changes need to be implemented in order for the Board to more effectively serve the public. A statutory change should be considered which will increase the number of public members on the Board and allow the public to be better represented (see Prior Audit Recommendation No. 1).

Legislation should be introduced which clarifies the jurisdiction of the Board. The Board has not established regulations defining which professions are exempt from Title 8 Chapter 86 of the Alaska Statutes. The lack of regulations has caused confusion as to which professions are covered by the statutes (see Recommendation No. 2).

Legislation needs to be introduced to change the licensing statutes of psychological associates (PA's). The statutes should be changed to encourage additional qualified applicants to apply and become licensed in the State without lowering the quality of services provided by PA's (see Prior Audit Recommendation No. 8).

The Board should consistently apply statutory licensing criteria to all applicants (see Prior Audit Recommendation No. 2). The Board needs to openly conduct its meetings and provide documentation supporting its deliberations and

decisions (see Prior Audit Recommendation No. 3). The Board should develop a test manual and consistently grade the examination given to license applicants (see Prior Audit Recommendation No. 7).

The Board needs to establish regulations which specifically define the conditions in which a licensed psychologist may be restricted to a speciality (see Prior Audit Recommendation No. 6). Also, the Board needs to develop regulations defining the type of continued competency required before a psychologist's license is renewed (see Prior Audit Recommendation No. 9).

The Division of Occupational Licensing should develop a procedures manual for the licensing examiner supporting the Board (see Prior Audit Recommendation No. 11).

FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The Board of Psychologist and Psychological Associate Examiners should be allowed to terminate and the licensing of psychologists and psychological associates should be discontinued.

The Board has had a long history of not always operating in the public's best interest. Two reports by the Division of Legislative Audit dated August 5, 1975, and October 31, 1978, found that the Board has been unnecessarily restricting the licensing of qualified psychologists and psychological associates in the State. Several times the Attorney General has had to intervene and strongly advise the Board to halt these practices. Other reports by different organizations supported these findings.

We have reviewed the Board's performance since 1978 and conclude that past conditions still exist. The following has been left unresolved by the Board.

1. The Board has continued to be inconsistent in approving applicants to take the Board's examination and in licensing psychologists and psychological associates (see Prior Audit Recommendation No. 2).
2. The Board has continued to conduct its deliberations in secrecy (see Prior Audit Recommendation No. 3).
3. The Board has proposed and supported statutory changes which have unnecessarily restricted the licensing and practice of psychological associates and decreased the representation of the public on the Board (see Prior Audit Recommendations No. 1 and No. 8).
4. The Board has not passed or developed regulations establishing specialty designations for psychologists and psychological associates and requiring proof of continued competency before a license is renewed. Both types of regulations are required by AS 08.86.070 (see Prior Audit Recommendations No. 8 and No. 9).
5. The Board has inconsistently graded the essay examination. In addition, the records of applicants' grades are confusing, unorganized, and inaccurate (see Prior Audit Recommendations No. 2 and No. 7).

In our opinion, the Board's performance has not always been in the public's best interest. These actions not only discourage qualified applicants from attempting to become

licensed in the State, but also harm the public by artificially creating shortages of mental health practitioners. These shortages tend to increase the costs of mental health services in the State.

In our prior audit dated October 31, 1978, we recommended that if the Board continues to inconsistently apply the statutes, the Board's licensing function should be transferred to the Department of Commerce and Economic Development.

However, we believe that the intent of Sunset legislation is to reduce government control and interference over the public. The Alaska statutes broadly define who is to be licensed to practice psychology. The Board has not established regulations to better identify those professions who are covered by the statutes or to give guidance to those who are exempt. We found no evidence after reviewing complaints filed against those practicing psychology in the State that the public would be harmed by not licensing psychologists. The Board has never revoked or suspended a license and the violations filed with the Board have been minor in nature. Therefore, we recommend that the State eliminate licensing of psychologists and psychological associates and allow the profession and other legal remedies to regulate and discipline the practice of psychology (see Recommendation No. 2).

Other alternatives to the above recommendation would include terminating the Board and allow the Department of Commerce and Economic Development to certify qualified applicants. This approach to licensing would allow only qualified applicants to use the title "psychologist" or "psychological associate". However this would not prohibit other persons from practicing psychology (see Recommendation No. 2). Another option would be registration. In this case, all persons who practice psychology must register with the State. However, they do not need to meet minimum educational or experience requirements or be required to pass an examination.

Another alternative would be to require that professionals must have a minimum amount of malpractice insurance before being allowed to practice psychology. The insurance companies would then be responsible for establishing the minimum licensing requirements for psychologists. The Department of Commerce could keep a register of those qualified persons.

If the Board is not terminated and the licensing functions are not discontinued, then the following should be implemented.

Recommendation No. 2

Legislation should be introduced which clarifies the jurisdiction of the Board.

The statutes which govern the Board (AS 08.86) prohibit any person, unless they are licensed or exempt, to practice psychology in the State. They also allow the Board to establish regulations defining which professions are exempt and under what conditions those exempt must operate. The Board has not done so and has caused confusion as to which professions are covered by the statutes.

AS 08.36.180 states that a person working for a governmental unit, educational unit, or private agency is exempt if she/he is under "appropriate supervision". In a memorandum dated February 9, 1976, sent from an Assistant Attorney General to both the Department of Health and Social Services and the then chairman of the Board, it was explained that "appropriate supervision" was too vague and required further definition by the Board through adoption of a regulation.

The memorandum also pointed out the need for the Board to adopt regulations defining its jurisdiction over other professions. The psychology statutes were changed in 1980. However, questions have again been raised as to who is covered under the psychology statutes. The National Association of Social Workers (NASW) sent a letter to the Board in March 1981 requesting that a resolution be passed saying that it was not the intent of the Board to regulate the practice of social workers. The Board passed a resolution only saying that they supported the licensure of NASW.

Due to the confusion that has arisen over the Board's jurisdiction and the lack of regulations clarifying this issue, legislation should be introduced specifying who is covered by the statutes. We suggest that the legislation allow anyone to practice psychology, but require that certain requirements be met before a qualified applicant can use the title "psychologist". This would effectively change the regulation process from licensing to certifying psychologists.

PRIOR AUDIT RECOMMENDATIONS

Three of the eleven recommendations presented to the Board in a previous audit report "A Performance Review of the Board of Psychologist and Psychological Associate Examiners, October 31, 1978", have been implemented. The following is the status of the remaining recommendations:

Prior Audit Recommendation No. 1

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

Prior to June 5, 1980, the Board was composed of three psychologists and two public members. In questionnaires returned by State licensed psychologists, 39% of the respondents believed that the Board had not operated in the public's best interest.

The Board had been inconsistently licensing applicants even though an Attorney General's opinion and a prior Division of Legislative Audit report, dated August 5, 1975, noted prior inconsistencies and made recommendations to change these practices. Also, the Board had been conducting its meetings and making its deliberations in secrecy. Such actions not only exposed the State to lawsuits, but also threaten recruiting efforts of State mental health institutions for qualified psychologists and counselors.

Legislative Audit's Current Position

With the enactment of Chapter 58 SLA 1980, the Board is now composed of four psychologists and one public member. The public member has a doctorate in counselor education, a strong background in psychology and is a member of the American Psychological Association. While this is not a violation of the statutes, it contradicts the spirit of the law requiring public members.

The Board continues to have the problems noted above. We have found inconsistencies in granting of licenses, approving applicants to take the examination, and in the testing of applicants (see Prior Audit Recommendation No. 2). In addition, the Board has continued to conduct its meetings and making its decisions in secrecy (see Prior Audit Recommendation No. 3).

If Recommendation No. 1 is not implemented, then we recommend that the Board be composed of a majority of public members to help ensure that the Board acts in the public's best interest.

Prior Audit Recommendation No. 2

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

In a prior Division of Legislative Audit report dated August 5, 1975, it was found that the provisions of AS 08.86, outlining the required qualifications for licensure of psychologists and psychological associates, had not been consistently applied by the Board. A review of available records filed from 1975 to 1978, indicated that this condition still existed.

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

Legislative Audit's Current Position

Although the Board adopted regulations in December 1978, a review of records since 1978 shows that the Board has continued to be inconsistent in licensing qualified applicants, approving applicants to take the examination and in grading the examination.

For example, the Board approved the qualifications of an applicant to take the examination for psychological associates. However, at the next meeting, the Board ordered the license examiner from the Division of Occupational Licensing after meeting in executive session to write a letter explaining what the Board had decided about the applicant's qualifications (see Prior Audit Recommendation No. 3). The letter explained that the Board had decided that the applicant was not qualified because of the lack of three years of experience. Documentation in the applicant's file showed that she had over six years of experience.

An applicant was licensed as a psychological associate (PA), without substantial evidence of a Master's Degree. Other licensed PA's were required to submit college transcripts as evidence.

Another applicant was denied the opportunity to take the examination because he had not submitted all the required information for licensure. However, two other applicants were allowed to take the examination pending receipt of the same type of information.

According to the Board's minutes, an applicant was required to retake the national psychology examination (PES) because:

1. Although the applicant's scores were above Alaska's standards for passing, they were not passing in the state where the examination was taken.
2. The applicant's scores were three years old.

Records show the applicant's scores were only two years old when received. In addition, Board regulations stated that a score of 75 standard deviation below the national mean is passing. The Board had accepted other applicants' examination scores from other states.

An applicant who took the essay test given in October 1980 received an average score of 59% and was given a passing grade. The minimum passing scores in prior examinations was 60%. Two applicants failed the essay test in April 1980 with scores of 50.6% and 51.8%.

An applicant was required to be retested with the entire essay examination in 1979 when the applicant failed only a section. Another applicant was required six months before to take only part of the essay examination that the applicant failed.

In conclusion the Board needs to consistently apply the licensing and testing requirements. We confirm our prior recommendation.

Prior Audit Recommendation No. 3

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

The Board was found to be conducting its deliberations and parts of its meetings in secrecy. In addition, there was insufficient documentation to identify its decisions. Ambiguous minutes and lack of documentation in the files have caused licensing problems.

AS 44.62.312(1)(2) states:

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

This statute covers all meetings of a board and, therefore, should be strictly adhered to. Without compliance, the Board gives the impression that the decision making process is not for public knowledge. Also, it is difficult for

Board members and others to determine and trace the reasons for prior Board decisions without proper documentation.

Legislative Audit's Current Position

While there has been improvement in the documentation of the license files, the Board is continuing to deliberate in secrecy. They meet often in executive session and the minutes do not adequately explain why or what the Board decided. Such actions give the impression that the Board does not wish the public to be involved and aware of its decisions.

During our review of the Board's minutes, we found that the Board used executive session to:

1. Consider the grading procedures to be used for an examination after the examination was given.
2. Consider applicants for licensure.
3. Consider the status of investigations.

The essay examination given by the Board has had problems with its procedures (see Prior Audit Recommendation No. 7). However, no confidential information would have been exposed if the Board's deliberations about these procedures would have been open to the public.

In its recent meetings, the Board identified that it used executive session in reviewing applications and investigations in accordance with AS 44.62.310(c)(2). The statute allows use of executive sessions when discussions of subjects may tend to prejudice the reputation and character of individuals. However, the Board has at times held open meetings to discuss similar subjects. Also, none of these reviews should include prejudicial information. For instance, the investigative reports do not include names in order to protect the Board's impartiality when they may later have to hold an investigative hearing. The discussion of applicants' qualifications for licensure should be limited only to those attributes specified by statute or regulation. We found no evidence that demonstrated that prejudicial information was being or should have been discussed in those meetings.

If the Board uses executive session, it should ensure that the minutes accurately identify decisions and reasons for their decisions after the meeting is opened. During the March 1981 meeting, the Board directed the license examiner to write a letter to three applicants regarding their application status. Because the Board discussed these applications

in executive session, there was no other formal record of the Board's decisions regarding those applicants. A letter to one of the applicants said that the Board decided not to allow the applicant to take the examination because the applicant did not have the required number of years of experience. A review of the applicants' records show that the applicant had twice the required number of years of experience.

The minutes also need to better identify Board discussions and which members voted for or against a resolution. They should also include any letters or correspondence which are specifically mentioned in the minutes. During the July 1980 meeting, the minutes recorded that an individual in a letter accused the Board of instituting unwritten licensing policies. The letter was to be included with the minutes in the appendix. However, the official minutes filed with the Department of Commerce and Economic Development do not include the letter. We have been unable to obtain a copy from other sources.

The Board held a conference call meeting in April 1981 for an hour. During this time, the Board discussed important changes to their regulations. The minutes did not identify any of the discussion and summarized the meeting in only sixty words. They also did not identify how individual members voted on the resolution.

Although the license examiner for the Department of Commerce and Economic Development takes the minutes, the Board is responsible for them. Board minutes are the official public record of all proceedings of a meeting and the only means a board has to formally state its actions. These actions and deliberations should be conducted in the open and within the public's scrutiny. Therefore, we confirm our prior recommendation.

Prior Audit Recommendation No. 6

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

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

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

Legislative Audit's Current Position

The Board has been doing a better job in filing complaints against unlicensed practitioners. However, we still found a number of counselors practicing without a license. Because of the broad definition of psychology in the statutes and a vague series of exemptions (see Recommendation No. 2), it is unclear whether these persons are in violation of the statute.

The Board has not implemented or established regulations which specifically define under what conditions a licensed psychologist may be restricted to a specialty. We still believe that the Board needs to do so.

Prior Audit Recommendation No. 7

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

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

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

Legislative Audit's Current Position

The Board has made some improvements in its testing. However, problems still exist as evidenced by the following:

1. Grade sheets contained math errors and were left incomplete.

2. Two applicants were given different identification numbers to take the national examination. One applicant did not show to take the examination. However, the Division of Occupational Licensing received grades for the identification number of the no-show. These grades were sent to the other applicant.
3. The Board took four months to process the grades for four applicants tested in October 1981. This processing time could be greatly reduced.
4. Board members are inconsistently grading the essay examination. We found that for the October 1980 examination, grades computed separately by two Board members for an applicant varied by 34 points. One member scored the examination as 52%. Another member grading the same paper scored it as an 86%. The official score given to an applicant is calculated by averaging the four Board members grades. This score could be skewed by a large difference in two members scores such as in the above example.
5. A Board member forgot to grade a question in the October 1980 examination. The question had a value of as much as 15 points.

The Ombudsman's Office has reviewed two complaints against the Board for delays in grading the examination. In addition, the office received another complaint in 1980 concerning ambiguous exam instructions. The complaint was later withdrawn since the complainant was allowed to retake the examination.

We found that the questions on the essay examination are similar to the topics covered on the standard national examination. Because of the similarity and the problems experienced with the essay examination, we suggest that the Board consider dropping the essay portion. In any case, we concur with our prior recommendation and recommend that a test manual be developed.

Prior Audit Recommendation No. 8

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

As of September 30, 1978, there were only three licensed psychological associates (PA) in the State. Other psychological associates who were statutorily exempt from being licensed

may also have been practicing in the State. However from 1975 to 1978, at least two applicants were denied licensure because of the licensing requirements. Others may have been discouraged from applying.

Legislative Audit's Current Position

Chapter 58 SLA 80 made the following significant changes to the licensing requirements for PA's in 1980.

1. A qualified applicant for a PA's license must have three years postgraduate experience after obtaining a Master's Degree. The prior statutory requirement that applicants must have two years of Alaskan experience was deleted.
2. In order to practice as a PA, a licensee must be supervised by a licensed psychologist.
3. The duties that PA's may perform within the State were expanded. However, the statutes require that the Board restrict the practice of PA's to a speciality and identify the speciality on the license. The Board has not complied with all the statutes.

The licensing requirements now in effect are more restrictive than the prior statutes. Since the enactment of Chapter 58 an applicant has already been denied by the Board to take the PA examination due to his lack of three years of experience. He would have been eligible under the old statutory requirements.

There are eighteen other states which issue licenses to applicants with Master's Degrees. In a comparison of these states' licensing requirements, we found:

1. Nine of 13 states (69%) which issue psychological associate licenses similar to Alaska, require that applicants have one year or less of postgraduate experience before being qualified.
2. Five states (Iowa, Minnesota, Missouri, Pennsylvania, and West Virginia) issue psychology licenses to applicants with Master's Degrees. These states require that applicants have more than two years experience (the average is four years). However, they allow licensees to independently practice psychology. Minnesota does require that the licensees meet once a year with a licensed psychologist with a doctoral degree. Also, they license applicants with Master's Degrees by endorsement.

There have never been any complaints filed against PA's in the State. Based on the evidence, we suggest that the statutory licensing requirements be changed to allow PA's to be licensed after one year of postgraduate experience. In addition, they should be allowed to practice independently within their specialty with an option that for the more complex psychological practices, supervision may be required. An alternative would be to allow applicants with Master's Degrees and four years of experience to be licensed as psychologists. Also we suggest that the Board be allowed to license PA's and/or psychologists with Master's Degrees by endorsement.

Prior Audit Recommendation No. 9

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

A program of continuing education will assist in avoiding professional obsolescence and keep practitioners aware of changes taking place in the profession. Twenty-two of 28 psychologists responded to a Legislative Audit questionnaire that they believed continuing education should be required for their profession. In addition, the American Psychology Association endorsed the concept and had determined that 11 states required it.

Legislative Audit's Current Position

Chapter 58 SLA 1980 in part states: "The Board shall adopt regulations requiring proof of continued competency before a license is renewed." As of May 15, 1981, the Board has not held hearings on nor adopted continued competency regulations. However, they have discussed the need for these regulations in their meetings. We encourage them to begin the process of adopting regulations as soon as possible.

Prior Audit Recommendation No. 11

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

In 1978 the licensing examiner supporting the Board had no procedures manual with which to guide his/her actions. There have been five license examiners for the Board from 1976 to 1978. With this high turnover, it is necessary that there are standard guidelines to help new and old employees.

Legislative Audit's Current Position

A formal procedure manual to guide the licensing examiner for the Board has not been developed.

We believe that the Board should give the license examiner written instructions about Board activities and the Division of Occupational Licensing should incorporate these instructions with a formal procedures manual. This will help ensure that the Board's minutes are accurate and complete (see Prior Audit Recommendation No. 3) and possibly decrease the amount of time it takes for examinations to be processed and grades sent to applicants (see Prior Audit Recommendation No. 7).

ANALYSIS OF PUBLIC NEED

Limited Analysis

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

- I. The extent to which the board, commission or program has operated in the public interest.
 1. The following areas demonstrate the extent to which the Board has operated in the public's best interest.
 - A. The board has held public hearings to update its regulations concerning application forms, supervision over PA's, licensure by endorsement, examination grades, competency requirements for psychologists and PA's, and the requirement for confidentiality of information obtained by psychologists in their practice.
 - B. The Board has developed goals and objectives. In 1980, the Board accomplished three of seven objectives. Those accomplished include:
 - (1) Support legislation requiring continuing education for relicensure.
 - (2) Clarify the role of the Board in the investigative process.
 - (3) Introduce legislation to repeal the two-year residency requirement for PA's.
 - C. The Board has updated its application forms.
 2. The following areas demonstrate the extent to which the Board has not operated in the public's best interest.
 - A. The Board needs to be consistent in approving qualified applicants to take the examination and in licensing psychologists and psychological associates (see Prior Audit Recommendation No. 2).

- B. The Board needs to discontinue its practice of deliberating in secrecy (see Prior Audit Recommendation No. 3).
- C. The Board needs to develop regulations establishing specialty designations for psychologists and psychological associates and regulations defining the type of continued competency before a license is renewed. Both are required by AS 08.86.070 (see Prior Audit Recommendations No. 6, No. 8 and No. 9).
- D. The Board needs to develop a test manual and consistently grade the examination given to license applicants (see Prior Audit Recommendations No. 2 and No. 7).
- E. According to Board minutes, it took over one year for the Board to comply with an agreement that the Attorney General's office made with an applicant improperly denied a license. The applicant had filed an administrative complaint against the Board alleging that the Board had violated due process requirements in denying the applicant's licensure. Our prior audit report dated October 31, 1978 recommended that the Board comply with the Attorney General's advice. The Board did comply in October 1979. Lengthy delays in complying with the advice from the Attorney General exposes the State to litigation proceedings.

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

- 1. The jurisdiction of the Board needs to be clarified to identify which professions are to be regulated by the Board (see Recommendation No. 2). The lack of specific statutory guidelines has caused confusion among other professions as to whether their practice is covered by Title 8 Chapter 86 of the Alaska Statutes.

2. The Division of Occupational Licensing needs to develop a procedures manual for the license examiner with the help of the Board. A manual may help improve the quality of the Board minutes and the processing time for grading examinations (see Prior Audit Recommendation No. 11).

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

1. The Board recommended that continuing education be a requirement for relicensure and that the two year Alaska experience requirement for psychological associates be removed. These were implemented by Chapter 58 SLA 1980 (see Prior Audit Recommendations No. 8 and No. 9).
2. The Board has resolved to recommend that the term "psychotherapy" be excluded from the definition of "to practice psychology." This would allow social workers to use this practice and not be regulated by the Board.
3. The Board proposed and supported statutory changes for the following:
 - A. The composition of the Board was changed from three psychologists and two public members to four psychologists and one public member
 - B. The statutory responsibilities for PA's were expanded. However, the licensing requirements were made more restrictive. In addition, a licensed PA is now required to practice under the supervision of a psychologist.

In our opinion, these statutory changes, except for the expansion of duties for PA's, are not of benefit to the public interest.

4. According to its minutes, the Board is going to recommend that the initial licensure fee be decreased from \$200 to \$30. In our opinion, this decrease in fees would not be in the public's best interest because of the Board's current deficit (see Appendix A).

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

1. We noted no evidence which demonstrates Board encouragement.

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

1. The following are examples of how the Board has encouraged public participation.
 - A. The Board has held part of its meetings to meet with interested persons.
 - B. The Board, through CL, advertises its meetings, examinations and regulatory changes in newspapers and sends notices to interested parties. This is in compliance with the Administrative Procedures Act.
2. The following are examples of how the Board has discouraged public participation.
 - A. The Board needs to discontinue the practice of holding its meetings in secrecy. Also, it needs to improve the clarity of its Board minutes.

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

1. The Office of the Ombudsman has closed eight complaints against the Board since October 1978. Two complaints were about applicants not being issued temporary permits. Those were favorably resolved. A complaint was filed concerning the Board's refusal to comply with an agreement made by the Attorney General's office with an applicant. The Board finally complied a year after the agreement. A complaint was filed about the Board's

refusal to issue a license to an applicant by endorsement proceedings. The complaint was judged as unsupported. A complaint was filed about the Board denying the use of out-of-state psychology test scores for licensing an applicant. The Ombudsman's Office ruled that since the Board had no regulations, it was up to their discretion to accept or reject the scores. And an applicant filed a complaint that the Board's examination instructions were ambiguous. This complaint was withdrawn since the complainant was allowed to retake the test.

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

1. Due to problems with statutes, especially in the area of exemptions, it is difficult to tell where the Board's jurisdiction begins and where it ends (see Recommendation No. 2).
2. The Division of Occupational Licensing has closed five cases against individuals for unlicensed activity. There are currently eight cases under investigation, six for unlicensed activity, one for unethical conduct and one for incompetence. We have found no cases which have resulted in hearings, suspension or revocations of licenses.

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

1. Psychology and psychological associate applications require unnecessary information such as an applicant's age and picture.

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

Please refer to the previous sections, recommendations and prior recommendations.

APPENDIXES

APPENDIX A

BOARD OF PSYCHOLOGIST AND
PSYCHOLOGICAL ASSOCIATE EXAMINERS
REVENUES COMPARED WITH EXPENDITURES
Fiscal Year 1980
(UNAUDITED)

Average Revenue (see Schedule 1 and Note 1)	\$ 2,650
Expenditures	<u>35,369</u>
Excess of Revenues Over Expenditures	<u>\$(32,719)</u>

Schedule 1
Types of Revenues

<u>Revenues for Psychologists and Psychological Associates</u>	<u>Amount</u>
Application Fee	\$ 25
Examination Fee	\$125
Credential Review Fee	\$125
Initial License Fee	\$200
License Renewal (due every four years)	\$200

Note 1

Most of the psychology revenues are composed of renewal registration fees. These fees in the past were collected once every two years and cause revenues in one year to be much greater than the revenues collected in the next year. Therefore, we calculated and reported an average of the revenues collected in fiscal year 1979 and 1980 in order to obtain an accurate representation of collected revenues.

Note 2

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

APPENDIX B
ADMINISTRATIVE STATISTICS

Schedule 1
Number of Licenses

	<u>As of</u> <u>March 6, 1981</u>
Licensed Psychologists	78
Licensed Psychological Associates	<u>9</u>
	<u>87</u>

Schedule 2
Licenses Issued by Fiscal Year

	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u> <u>As of</u> <u>March 6, 1981</u>
Psychologists	14	12	15	5
Psychological Associates	<u>-0-</u>	<u>-0-</u>	<u>3</u>	<u>3</u>
<u>Total</u>	<u>14</u>	<u>12</u>	<u>18</u>	<u>8</u>

APPENDIX C

EXAMINATION STATISTICS

	Examination Date									
	<u>10/29/78</u>		<u>04/29/79</u>		<u>10/19/79</u>		<u>04/11/80</u>		<u>10/10/81</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Failed at least one Section	-0-	-0-	6	60%	3	43%	4	44%	-0-	-
Passed	<u>4</u>	<u>100%</u>	<u>4</u>	<u>40%</u>	<u>4</u>	<u>57%</u>	<u>5</u>	<u>56%</u>	<u>6</u>	<u>100%</u>
<u>Total</u>	<u>4</u>	<u>100%</u>	<u>10</u>	<u>100%</u>	<u>7</u>	<u>100%</u>	<u>9</u>	<u>100%</u>	<u>6</u>	<u>100%</u>

Note 1

One person who failed the essay portion of the examination was licensed previous to an out-of-court settlement arranged by the Attorney General's Office due to a complaint filed against the Board.

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH D

JUNEAU, ALASKA 99811

Phone: 465-2500

December 2, 1981

RECEIVED

DEC 02 1981

LEGISLATIVE
AUDIT

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

Dear Mr. Wilkerson:

RE: Preliminary Audit: Board of Psychologists and
and Psychological Associate Examiners

Thank you for the opportunity to comment on the August 12, 1981 Preliminary Performance Review of the Board of Psychologists and Psychological Associate Examiners. The following comments address the Performance Review's 10 recommendations.

Recommendation No. 1: The Board of Psychologists and Psychological Associate Examiners should be allowed to terminate and the licensing of psychologists and psychological associates should be discontinued.

Comment: Since the department's research into the justification for and implications of this recommendation are still in progress, it is not possible at this point to agree or disagree with this recommendation. The department is conducting research into the question of certification vs. licensing and relicensing. Evaluation of the information gathered will form the department's position.

The above recommendation does not address the effect that the elimination of licensure may have on the ability of the public to pay for needed services through third party reimbursement. It would be counterproductive to eliminate regulation if the consequence was to erect an economic barrier which placed services out of the financial reach of the people who need these services.

Recommendation No. 2: Legislation should be introduced which clarifies the jurisdiction of the board.

Comment: The department agrees with the need to clarify the jurisdiction of the board. For reasons stated above, the department cautions against replacing the licensure with certification if it means the elimination of third party reimbursement.

PRIOR AUDIT RECOMMENDATION NO. 1: A statutory change should be considered which will increase the number of public members on the board and allow the public to be represented.

Comment: The department concurs with this recommendation. It should be noted that the number of members and composition of the board should be set with an eye to actual duties and responsibilities. The present legislatively mandated duties of the board (e.g., detailed application review, continuing education, etc.) require a substantial amount of professional time. With proper guidelines the department could accomplish the legislative mandates.

PRIOR AUDIT RECOMMENDATION NO. 2: The Board of Psychologists and Psychological Associate Examiners should consistently apply statutory licensing criteria to all applicants.

Comments: The department concurs with this recommendation.

PRIOR AUDIT RECOMMENDATION NO. 3: The board should openly conduct its meetings and provide documentation supporting its deliberations.

Comments: The department concurs with this recommendation. The department has instructed the board and provided it with legal opinions from the Department of Law concerning the use of "Executive" sessions. Guidance has also been given for conducting open meetings, and the requirements to identify subjects discussed during executive sessions, the requirement of motions and voting only in open sessions. The board was using AS 41.62.310 (c)(2) for agency meetings, public protection of the applicants, and investigative information in the broadest senses.

PRIOR AUDIT RECOMMENDATION NO. 6: The board should develop a more aggressive investigation policy by establishing clear regulations for licensing and by promptly filing complaints against those practitioners who violate the law.

Comment: The department concurs with the need for an aggressive investigation policy and clearer regulations.

PRIOR AUDIT RECOMMENDATION NO. 7: The board should develop standards and a test manual for the examination given to test applicants.

December 2, 1981

Comments: The department concurs with this recommendation. Efforts are underway for evaluation of the presently written essay examination to be reviewed for extensive change. The department has corresponded with professional testing services and various schools with graduate psychology programs for a comprehensive psychology test. We disagree with the present examinations composition and administration. The board is presently re-writing the essay portion of the examination. A test manual will result from this effort.

PRIOR AUDIT RECOMMENDATION NO. 8: Legislation should be introduced to change licensing statutes for psychological associates in order to encourage more qualified applicants to apply and become licensed in the state.

Comment: The department concurs with this recommendation.

PRIOR AUDIT RECOMMENDATION NO. 9: Legislation should be introduced requiring continuing education for psychologists and psychological associates.

Comments: As noted in the narrative accompanying this recommendation, legislation has been passed requiring continuing education as recommended. The board has developed a draft set of regulations which are scheduled for public hearing after January 1, 1982.

Based on the research presently available, we seriously doubt the value of continuing education as a licensing or renewal requirement. In addition, the development and enforcement of continuing education regulations has turned out to be an inordinately burdensome undertaking for the board. Although the department concurs with continuing education requirements a number of concerns develop. The availability of acceptable and recognized programs, the type of acceptable methods (seminars, independent study, tape programs, etc.). The question of transferring cost by providers of the service to the users of the service. Overall we would concur a properly administered and scrutinized program would be beneficial.

PRIOR AUDIT RECOMMENDATION NO. 11: The Division of Occupational Licensing should develop a procedures manual for the licensing examiner supporting the board.

Comment: The department concurs with this recommendation. The staff in the Division of Occupational Licensing is preparing a procedures manual. The manual is approximately half complete and will be completed prior to June 1982.

Sincerely,



Lois J. Cook
Acting Deputy Commissioner

Kodiak Island Mental Health Center

8.

Pamela J. Delys Baglien, Ph. D.
Director

J. Ray Langdon, M.D., F.A.P.A.
Psychiatrist

December 15, 1981

RECEIVED

DEC 16 1981

LEGISLATIVE
AUDIT

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

Dear Mr. Wilkerson,

This letter is in response to your Performance Review of the Board of Psychologist and Psychological Associate Examiners dated August 12, 1981 and received by me on or about December 5, 1981. Since many parts remain the same as in the Interim Letter No. 1 of June 9, 1981 from Don Allen, I am also including my detailed response to the Interim Letter as part of this response.

I will respond to your findings and recommendations in the order of their presentation.

Recommendation No. 1

The Board of Psychologist and Psychological Associate Examiners should be allowed to terminate and the licensing of psychologists and psychological associates should be discontinued.

In my opinion termination of the Board and discontinuation of licensing would very clearly not be in the best interest of Alaska's consuming public. You neglected to note in your report that the states of Florida and South Dakota both followed that course as a result of their Sunset process. Both of those legislatures reinstated the board procedure at the first opportunity as a result of the difficulties entailed in functioning without professional licensing boards.

Functioning of the Board has increased dramatically in effectiveness during the past two years. The Board most certainly has not approved every individual who has applied for licensure examination and will probably not do so in the future. A number of applicants are not qualified on the basis of training, experience, or character reference to be licensed for practice as psychologists or psychological associates. A few disappointed applicants have constituted a noisy and persistent complaint group; however, a strong duty of the professional Board in protecting the public will always involve licensing on the basis

of careful and critical scrutiny of such matters as training, experience, and character. Refusing licensure on these grounds does not constitute inconsistency even though it sometimes results in a few disgruntled applicants.

Due to the heavy workload required of professional members on the Board an increase in the overall size of the Board was requested. This increase was not allowed; however, one of the public member positions was filled with a professional in order to increase the work force for test development, test scoring, and other jobs requiring professional expertise. The Board would still prefer to see an increase in the Board size in order to receive more public member input.

The Board has concentrated focus on complying meticulously with the open meeting policy while at the same time making every effort to avoid public deliberation which might taint the reputation of individuals. The Board met with a representative of the Department of Law during 1981 specifically for the purpose of clarifying this issue procedurally.

Since the implementation of new regulations, there has been a steady increase in the number of both applications and granted licenses to psychological associates. Regulations for continued competency through continued education have been written and are being processed through hearings and the Department of Law. Psychological associate licenses are now being issued with imprinted specialty areas. A request has been submitted for a minor statute change in this area.

The Board is currently evaluating the possibility of contracting from a professional testing service for the essay portion of the exam in order to further objectify scoring of that portion of the licensing exam.

Recommendation No. 2

Legislation should be introduced which clarifies the jurisdiction of the Board.

Definitions of "appropriate supervision" have been clarified through regulations.

Regulations clarifying the relationship with other professionals have been through hearings and are being processed.

A number of changes have occurred in the past year which facilitate improved Board function. The Division of Occupational Licensing has taken an assertive position about providing improved supportive services to the Board. Board meetings are regularly attended by a regulations specialist, the Division director, and appropriate investigators. Advisors from the Department of Law are available on a regular basis. Communication and working relations between the Board, the Division and the Attorney General's office have been significantly improved through coordination efforts on the part of Mr. Traeger's organization.

Improved guidelines and support systems for licensing examiners have been developed by the Board and the Division. This is expected to lower the possibilities of errors in handling applications and test files. The Board is working toward having the total administration and scoring of the tests handled by testing services thus eliminating the possibility of inter-member variance. This process would also eliminate many hours of test related work by professional members and free the entire board for greater refinement of other procedures and for attending to broader issues. It would also make operating with the present, small unpaid Board far more realistic.

A recent meeting of the various licensing board chairmen sponsored by the Division of Occupational Licensing allowed an opportunity for in-depth work among boards and with representatives of legal and investigative branches, as well as the Governor's office. This type of board support on the part of the Division will play a very important part in problem solving of occupational licensing at all levels throughout the state.

I thank you for this opportunity to respond to the Performance Review and look forward to being of assistance to the legislative process again in the future.

Sincerely,

Emala J. Delys-Baglien, Ph.D.
Chairman, Board of Psychologists and Psychological
Associate Examiners

CC: Dorothy Whitmote, Ed.D.
James Greenough, Ph.D.
Paul Turner, Ph.D.
Charles Ewert, Ed.D.

Kodiak Island
Mental Health Center
8.

Panela J. Delys Baglien, Ph.D.
Director

J. Ray Langdon, M.D., F.A.P.A.
Psychiatrist

July 7, 1981

Daniel A. Allen, CPA
Auditor
Division of Legislative Audit
Pouch W
Juneau, AK 99811

Dear Mr. Allen:

Thank you for your call alerting my attention to the int. un
Letter No. 1 from the Division of Legislative Audit. As
chairman of the Board of Psychologists and Psychological
Associate Examiners, I am responding to your letter. The
Board will be having a regular meeting in August and review
the issues as a body at that time.

As chairperson, I feel you have some valid concerns, most
of which the Board shares with you. Others, I feel may be
based on missing information or inaccurate information. All
in all, I feel strongly that this very small, unpaid board
has accomplished a great deal in view of being funded for only
three two day meetings per year. The board clearly needs a
few more members and more meeting time in order to accomplish
all tasks as quickly as might be desired.

I will attempt to respond to some of the highlights of your
letter point by point.

Recommendation No. 1

1. In the past two years, the Board has taken great caution
to be as consistent as possible. They have someone from
the Attorney General Office either present or available
for consultation for all meetings. They have worked on
extensive revisions to regulations in order to clarify
issues and avoid confusion or lack of specificity which
may lead to inconsistency. The Board, at times, is caught
in a double bind in some of these situations between
attempting absolute consistency, while at the same time,
having individuals who are concerned about too rigid
regulations constituting restrictiveness.

2. In order to avoid any concern about lack of openness (p.2) regarding Board matters, for the past several years all meetings including work sessions have been tape recorded. Only executive sessions, which contain information and personal materials regarding individual applicants or complaints which have been filed, are not taped. Meetings are set and publicly announced for time and place well ahead of time. There are frequently members of the public in attendance at meetings.
3. The Board supported adding another professional member (p.2) to the board to share the workload. No funds have been available to pay for scoring of exams, developing pools of test items, or other extremely time consuming work which cannot be accomplished by public members. The board is funded for only three two day meetings a year, which severely limits working time. The Board has never favored limiting public members and would welcome their addition. Board requests for additional members have not been met.
4. The Board may have draft regulations by the August 1981 (p.2) meeting regarding specialty designations. This area requires careful deliberation since such designations are only now being formulated at the national level by the American Psychological Association. Before the new regulations were formulated, this designation process had been very restrictive in Alaska for psychological associates and limited them to only two narrow areas of practice. In recent years, new and very legitimate areas of practice have been developing in psychology. The intention of the Board is to avoid limiting any qualified professional from practice in the state. There is also concern for designing regulations which will be compatible with standards in other parts of the country and enhance opportunities for qualified psychological professionals from other areas who may come to Alaska.

Draft regulations for continued competency standards are expected after the August meeting. Once again, the intention is to develop strong standards which are compatible with other areas of the country.

5. (p.2) The Board has begun requiring that at least the chairperson, if not the entire Board, review all nonroutine correspondence sent out for the Board by the Occupational Licensing staff. Scoring and computation of test average scores is also being reviewed by the Board as a double check against computational errors or misinformation. The staff position has a history of fairly rapid turnover, which has always concerned the Board. The individual is sometimes gone before they have had an opportunity to become job proficient.

On page 3, you note that two states have eliminated state licensing of psychologists. Please also note that South Dakota found that situation so unworkable that they have reinstated state licensing. As of today, I understand, the Florida legislature has reinstated state licensing of psychologists and that bill is on the governor's desk awaiting signature.

You comment that the Board has neither revoked nor suspended any licenses. This would indicate that the initial licensing procedures, even with their occasional difficulties, have been working quite effectively.

Recommendation No. 2

- (p.3) The Board has been working for several years to refine identifying and defining regulations to eliminate ambiguity and/or confusion regarding who is or is not included in the practice of psychology. The Board was concerned about continued difficulty in this area and requested additional public hearings before final recommendations on the latest proposed regulations. The teleconference hearings held on May 4, 1981 helped clarify these issues and provided opportunity for input by concerned professionals. It was found that a few semantic problems in the proposed regulations were creating confusion for a few other qualified professionals (particularly social workers). Changes were made in the recommended regulations to remedy the problem.

New regulations for the area of adequate supervision for doctoral level licensing applicants were also presented during the teleconference hearing which are expected to provide for more flexible arrangements in outlying areas. This has been a long and difficult area to develop satisfactorily.

Prior Audit Recommendation No. 1

- (p.4) As pointed out earlier, the Board requested the addition of at least one more professional member in order to share the work load. While this increase was made with a new appointment, the total size of the Board was not increased with the resultant under-representation of public members. This is indeed a serious problem and the Board would welcome the addition of more public members. The Board would certainly support such a statutory change.

Prior Audit Recommendations No. 2

- (p.6) In this section of your letter, you make incomplete reference to certain applicant cases implying that there may have been error or inconsistency in handling the cases. I am not able to respond to this unidentified case material. The Board will happily review clearly identified and specific case problems.

I have mentioned several safeguards the Board is implementing to avoid this kind of problem, such as the review of all non-routine correspondence and all test score calculations prior to their release by the Division of Occupational Licensing. More detailed information regarding individual case decisions needs to be formally entered in Board minutes as well. Not only details of action, but more rationales for the decisions need to be formally recorded in order to avoid misinterpretation by those outside the Board.

Once again, let me reassure you that the Board will gladly review clearly identified and specific concerns you may have regarding individual cases. The Board is very concerned about these issues. However, I feel you will usually find that concerns come from someone with incomplete information.

The Board appreciates the fine support from the Division of Occupational Licensing, but is continually concerned about accurate and complete presentation of information to licensing applicants and to the public. The Board is working on a number of projects to assure simple and accurate information management.

Prior Audit Recommendation No. 3

- (p.8) While the open nature of Board activities is of supreme importance, the protection of reputation and character of individuals must also be carefully guarded. In the past, work sessions were not tape recorded; however for at least two years, even work sessions are recorded except for executive sessions, which may influence reputation and character of individuals applying for licensure or under review. It is important to realize that in a professional community as small as Alaska, the elimination of names alone in no way protects the identity of an individual in a situation which requires such discretion.

Again I concur that the Board needs to provide for more detail and rationale for decisions made in either executive or regular session. I share your concern regarding failure to attach correspondence or other documents to Board minutes before submission to Occupational Licensing. This procedure is handled by the staff member and the Board must insist that this is corrected. I have attached a note to the minutes of the April conference call requesting the attachment be added as indicated.

Prior Audit Recommendation No. 6

- (p.11) The development of specialty designations should be helpful in this area. The Board has neither statutory authority nor intent to regulate any professional outside psychology. Psychology is not alone, as a profession, in its concern with assuring the public of quality in professional services.

Prior Audit Recommendation No. 7

- (p.12) The Board has spent a great deal of time improving testing procedures and is aware that there is still more to be desired. The oral examination procedure has been completely eliminated in order to avoid possible inequities. The written essay portion is improving considerably with the development of more specialty questions (which also require a scoring format and answer citations). Scoring forms are being improved to assure more consistent scoring by individual board members.

The nature of board involvement with applicants during and after testing provides for total anonymity of applicants until such time as all pass-fail decisions are complete. This necessitates careful management and security by staff members who administer the tests and handle test materials.

The Board is helping the staff develop a testing procedure manual to eliminate possible errors. As mentioned previously, the Board is now reviewing all calculations as a double check against error.

Professional members of the Board score exams with only a number as case identification. This does not allow members to always know whether the applicant is after a psychologist or psychological associate license. For this reason, scoring sheets are sometimes indicated as passing at the psychological associate level. Designation of levels would sometimes reveal the identity of psychological associate applicants since there are very few of them during most test administrations. Scoring time is being improved. However, scoring is done by unpaid professional members and requires considerable time for mailing test material all over the state and back to Juneau. Tests take a significant amount of time for careful review and scoring. Once all tests are returned to Juneau, tallies and computations need to be rechecked. The Board is working to expedite this whole process.

As you indicated, there is a great deal of similarity between certain questions which have been used in the essay exam and the standard national exam. However, the multiple choice nature of the national exam does not allow a well qualified applicant to demonstrate the depth and detail of knowledge shown through an essay exam. The essay exam provides an opportunity to examine areas unique to the Alaskan situation as that is indicated. Also, while the national exam covers a broad range of areas in psychology, it does not demonstrate an individual's thorough knowledge in specific areas. The national exam can be passed by intensive study of a strong academically oriented introductory general psychology text. The national exam is very complimentary to the very in depth nature of the essay portion because it indicates broad general understanding of the entire field of psychology. Both sections have an important part in determining qualified professionals.

Prior Audit Recommendation No. 8

(p.14) I am enclosing copies of two letters to legislators which cover the issues regarding the licensing of psychological associates.

The Board is very much aware of the need to broaden the scope of professionals in such a place as Alaska and has

provided to allow that broading. However, the distance, isolation, and lack of other referral resources in many Alaskan communities places far more than average importance on guaranteeing highly qualified individuals with adequate back up and supervision arrangements to provide services. The Board is concerned, not just with numbers of such professionals, but with quality of training and adequate support for service providers at all levels. As noted in the letter, the doctoral level of training is the beginning level of entry for independent practice. A psychological associate, like a physicians assistant, does not become a doctor without going back for the additional training and degree.

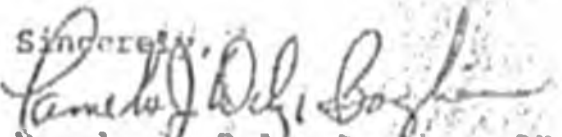
Prior Audit Recommendation No. 9

(p.16)As indicated earlier, the Board hopes to have draft regulations for continued competency by this fall.

Prior Audit Recommendation No. 11

(p.16)Again as indicated earlier, the board shares serious concern about rapid turn over in Division support staff. The Board is working with the current licensing examiner to develop a much needed manual. The Board depends heavily on the licensing examiner to provide and relay information, manage case files, and of course administer exams. That individual needs all the clarity and completion of information possible to handle the great deal of responsibility placed with them. The Board is unable to function expeditiously without accurate and quick work on the part of the examiner. The Division of Occupational Licensing has been very supportive and deserves a great deal of appreciation from the Board.

Thank you, Mr. Allen, for your lengthy review of concerns regarding the Board of Psychologist and Psychological Associate Examiners. While our conclusions clearly differ in many areas, you bring out many pertinent points for the Board to examine and improve. I look forward to further contact with you in the future.

Sincerely,

Pamela J. Delys-Baglien, PH
Chairman
Board of Psychologist and
Psychological Associate
Examiners

cc. Dr. Paul Turner
Dr. Dorothy Whitmore
Dr. Jane Krouse
Dr. Charles Bovee
Division of Occupational Licensing

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. SB 823 "An Act continuing the existence of
 Title the Board of Psychology and Psychological Associate Examiners; ...
 Requested by Senate HESS Date 3-31-82

II. FISCAL DETAIL
 Agency Affected Department of Commerce & Economic Development
 Program Category Affected Public Protection
 BRU, Program, Or Subprogram(s) Affected Regulation & licensing of professions
 (Note: If more than one budget component is affected, separate line-item
 amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		0	0	0	0	0

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

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

Funding of the Board of Psychology and Psychological Associate Examiners is already included in the department's detail budget for FY'83.

IV. DATE March 31, 1982

PREPARED BY Margorie Odland
 AGENCY Division of Occupational Licensing
 PHONE 465-2535

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 856 "An Act continuing the existence of
Title the Board of Psychology and Psychological Associate Examiners; ...
Requested by House Labor & Commerce Committee Date 3-8-82

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development
Program Category Affected Public Protection
BRU, Program, Or Subprogram(s) Affected Regulation & licensing of professions
(Note: If more than one budget component is affected, separate line-item
amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		0	0	0	0	0

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

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

Funding of the Board of Psychology and Psychological Associate Examiners is already included in the department's detail budget for FY'83.

IV. DATE March 8, 1982

PREPARED BY Marjorie Odland
AGENCY Division of Occupational Licensing
PHONE 465-2535

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

H B

857

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 857 "An Act continuing the existence
Title of the Board of Dental Examiners; and providing for an effective date."
Requested by Labor and Commerce Date 2-16-82

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development
Program Category Affected Public Protection
BRU, Program, Or Subprogram(s) Affected Regulation & licensing of professions.
(Note: If more than one budget component is affected, separate line-item
amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITION

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

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

The Board of Dental Examiners has been included in the FY'83 detail budget. HB 857 has no additional fiscal impact on the department.

IV. DATE 3-4-82

PREPARED BY Marjorie Odland
AGENCY DIVISION OF OCCUPATIONAL LICENSING

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Name)

33-001 (Rev. 12/81)

A PERFORMANCE REVIEW OF THE
BOARD OF DENTAL EXAMINERS

July 17, 1981

Audit Control Number
08-101-1038-R

Commissioner, Department of
Commerce and Economic
Development

Charles R. Webber

Deputy Commissioner, Department
of Commerce and Economic
Development

Pete Jeans

Deputy Commissioner, Department
of Commerce and Economic
Development

Vacant

Members of the
Board of Dental Examiners

President
Secretary
Member
Member
Member
Member
Member

Arthur Hansen, D.D.S.
John Kobylarz, D.M.D.
Dennis L. Anderson, D.D.S.
John Beard
Leslieann Melvin, R.D.H.
Dick Madson
Wayne Putman, D.M.D.

STATE OF ALASKA

AUDIT DIVISION
POUCH W - ALASKA OFFICE BUILDING

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

JUNEAU, ALASKA 99811

July 17, 1981

Members of the
Legislative Budget and Audit Committee:

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

A PERFORMANCE REVIEW OF THE BOARD OF DENTAL EXAMINERS

July 17, 1981



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

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PURPOSE AND SCOPE OF THE REVIEW

Purpose

In accordance with the intent of Alaska Statutes 24.20.271(1) and 44.66.050 (Sunset legislation), a review of the Board of 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.

As required by legislative intent, this report shall be considered during the legislative oversight function in determining whether the Board of Dental Examiners should be reestablished. The law currently specifies that this Board will terminate on June 30, 1982, but will continue until June 30, 1983 for the purpose of concluding its affairs.

Scope

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

1. Applicable statutes and Board regulations.
2. Interviews with Board members.
3. Interviews with health agencies and professional associations.
4. Tests of records and documents of the Board and the Division of Occupational Licensing (OL), Department of Commerce and Economic Development.
5. Interviews with OL employees.
6. Complaints filed with OL, the Ombudsman's Office, Consumer Affairs Agency, and the Equal Employment Opportunity Office.

ORGANIZATION AND FUNCTION

The Board of Dental Examiners was first created in 1906. Today, it is a regulatory board with seven members - four dentists, one dental hygienist and two public members.

Basically, the Board determines the minimum quality of dental care in the State by:

1. Examining and issuing licenses to qualified applicants;
2. establishing or amending rules and regulations necessary and desirable to enforce State statutes; and,
3. holding hearings in order to revoke, annul or suspend the license of a person violating the dental statutes and regulations.

In addition, the Board has staff support from OL which is composed of two sections. The licensing section, which processes applications, maintains license files, gathers and collects statistics, answers inquiries and provides other administrative help to the licensing boards. The investigative section provides investigative services to the Board in the event of consumer or other professional complaints.

The Board regulates three groups of dental practitioners in the State: dentists, dentists specializing in specific fields and dental hygienists who perform limited dental services. Most licensing requirements are established by statute. However, statutes have granted to the Board the power of waiving the dental examination if applicants have certain qualifications. In addition, Alaska statutes allow the Board to grant special permits for the practice of dentistry without taking the clinical examination. One is a temporary permit for applicants waiting to take the examination. The permit limits the area of practice to areas where there are currently no dentists practicing and is valid for one year. Another special permit is granted to those Federal agencies that supply dentistry to critical shortage areas.

The examinations given to prospective dentists include a clinical examination and a written examination. Both are graded by the Board. Dental Hygienists are also required to take a clinical and written examination. Although dental specialists do not need to take an exam, they must be licensed dentists in Alaska and may be required to have completed additional years of education in their specialty area.

REPORT CONCLUSION

Policy Issues

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

Report Conclusion

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

The Board of Dental Examiners is carrying out its function in a responsible manner and is meeting needs and demands reasonably. The Board has attempted to correct many of the conditions noted in a previous audit report dated August 9, 1978 hindering its performance. For example, the Board has increased the number of clinical examinations to at least two a year. They have prepared regulations defining new expanded duties that dental hygienists may perform within the State. And the dental and dental hygienist licensing examinations have been improved.

Despite the increase in the frequency and speed of the licensure process, the statutes still allow temporary permits to be given to qualified applicants who are applying to take the clinical examination and who will practice in those areas which have no practicing dentists. Although the Board has not issued any permits in the last two years, the temporary permit statute should be amended to alleviate the double standard found in the current law (see Prior Audit Recommendation No. 3).

Chapter 49 of the 1980 Session Laws established "continuing competency" as a requirement for dentists to renew their licenses. The Board should pass well-defined regulations in a timely manner to help dentists prepare for their next license renewal (see Prior Audit Recommendation No. 5).

PRIOR AUDIT RECOMMENDATIONS

Eight of the ten recommendations presented to the Board of Dental Examiners in a previous audit report dated August 9, 1978 have been substantially implemented. The following is the status of the remaining recommendations.

Prior Audit Recommendation No. 3

Legislation should be introduced to amend the temporary permit statutes for dentists in order to alleviate the double standard found in the current law.

Alaska statutes allow temporary permits to be given to qualified applicants who are applying to take the clinical examination and who will practice in those areas which have no practicing dentists. The Board believes that temporary permit requirements with those provisions establish a double standard of quality of public protection against incompetent dentists in rural and urban areas and has stopped granting permits. This restriction may also be in violation of State and Federal anti-trust laws.

Legislative Audit's Current Position

The Board is presently administering two tests annually and applicants can now be licensed by credential, increasing the frequency and speed of the licensure process. Even though these conditions now exist, AS 08.36.280 has not been amended and there is still a double standard in the quality of public protection. Therefore, we again recommend legislation should be introduced amending the temporary permit statute.

Prior Audit Recommendation No. 5

Legislation should be introduced requiring continuing education for dentists, dental hygienists and dental specialists.

Dental practitioners are acutely aware of the public trust that they maintain their professional competency. Required continuing education is one means of fulfilling that trust. In addition, a program of continuing education will recognize individual interests and efforts, avoid professional obsolescence and keep practitioners aware of changes taking place in the profession.

According to the Council of State Governments, a nonprofit organization which studies state practices, eight states have required continuing education for dentists. Twenty-eight of 56 dentists (50%) and 22 of 25 dental hygienists (88%) responded to a Legislative Audit questionnaire that they believed continuing education should be required of their professions.

Legislative Audit's Current Position

Chapter 49 of the 1980 Session Laws established "continuing competency" as a requirement for dentists to renew their licenses. The statutes left it to the Board to define what education and/or experience will be accepted to comply with the statutes. In order to accomplish this, the Board needs to compose regulations defining continuing competency. Well-defined regulations passed in a timely manner will help dentists prepare for their next license renewal.

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses of Board activities relate to the public need factors defined in the "Sunset" law. These analyses are not intended to be all-inclusive, but address those areas we were able to cover within the scope of our review.

- I. The extent to which the board, commission or program has operated in the public interest.
 1. The Board adopted regulations describing the subjects and grading procedures of the dental clinical examination. The Board has also drafted regulations specifying the additional intra-oral functions for dental hygienists.
 2. Although the Board decided not to join a regional testing board as recommended in a prior Legislative Audit report dated August 9, 1978, it increased the number of exams to two a year. In addition, the Board has started to license dentists by endorsement.
 3. The Board has changed its exam procedures and content to comply with legal requirements and more fairly test dental and dental hygiene applicants.
 4. The Board has held an average of four public meetings per year, two dental and dental hygiene examinations each fiscal year beginning in Fiscal Year 1979. The Board administered a special examination in February, 1979 for five candidates who failed a section in a previous examination. The Board started thirty-eight investigations of which seventeen have been completed. The Board licensed thirteen dentists in 1979 and fourteen dentists in 1980. Twenty-two dental hygienists were licensed in 1979 and twenty-four in 1980.
- II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.
 1. Investigations of dental complaints have been hindered due to a lack of coordination between the license examiner, the investigative unit and the

Attorney General's Office. In one case, the license examiner did not inform the investigative unit of the Board's action to revoke a license. Time was of critical importance and the license was never revoked. In another case, litigation was delayed because the Attorney General's Office and the investigative unit did not agree about the evidence needed to support complaints. Action has already been implemented to correct the lack of coordination.

2. The Board has implemented an exam procedure to insure the anonymity of dental applicants. This procedure was introduced after an examinee charged that the Board had committed sex discrimination [see VI(1)] in grading the examination and should enhance its operation.

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

1. The Board has developed a draft for a State Dental Practice Act. The major purpose of this proposal is to give the Board greater enforcement powers.
2. The Board recommended the repeal of the statute allowing temporary permits because it allows for a double standard of public protection (see Prior Audit Recommendation No. 3).
3. The Board recommended legislation allowing licensure by credential which was passed. Other "house-keeping" changes were recommended including the repeal of the statutes prohibiting advertising and changing the make-up of the Board. Some of these changes were passed by the Alaska Legislature.

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

1. The Board has allowed dental applicants to appeal their grades in Board meetings; the Board has allowed a special examination to candidates in the past.

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

1. The Board announces its Board meetings, examinations and proposed regulations and regulation amendments in newspaper advertisements, encouraging public participation. Since FY'79, one advertisement was noted in at least three publications circulated in Alaska for each Board meeting and for each proposed regulations action. Advertisements for examinations were sometimes published more than once. This also complies with the requirements of the Alaska Administrative Procedures Act.
2. Since January, 1979, twenty-five persons other than Board members were present at Board meetings as recorded by Board minutes.
3. The Board presents and discusses correspondence related to Board matters which has been received from various persons and associations.

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

1. Five dental examinees appealed their status and scores to the Board. Three of the six were re-examined in the one subject failed. One of the applicants charged the Board with sex discrimination in its grading of the exam. After the Board rejected the charge, the applicant filed a complaint against the Board. The charges were that the Board graded the examination inconsistently, unfairly delayed the grading, failed to comply with their own regulations, and failed to preserve the anonymity of the applicant.
2. Another examinee filed a complaint with the Department of Commerce and Economic Development charging that the Board's regulations conflict with the statutes. The Board adopted regulations in 1979 which allow examinees to be reexamined in the subject failed only if they pass the other subjects with a score of at least 80 per cent. Alaska Statute 08.36.180 states that an applicant shall pass each subject with a score of at least 75 per cent. The Attorney General's Office has ruled that

raising the minimum passing score to 80 per cent must be accomplished by a statutory change. Therefore the regulation is misleading and does not give adequate notice to applicants.

3. No complaints were filed with the Ombudsman during fiscal years 1979 and 1980.

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

1. Since July 1, 1978, 38 complaints have been filed in OL against State dental practitioners.
2. The Board by policy does not issue temporary permits because of the double standard of public protection contained in the law (see Prior Audit Recommendation No. 3).
3. The Board needs to establish standards for proof of continued competence (see Prior Audit Recommendation No. 9).

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

1. Dental and dental hygiene applications require information not necessary for the Board's consideration, such as race and sex. This is a violation of Equal Employment Opportunity requirements. If this information is necessary for enforcement and examination purposes, it can be submitted unattached from the application presented to the Board. For instance, OL removes candidate pictures before the application is presented to the Dental Board.

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

Please refer to the previous sections, Findings and Recommendations, and Prior Audit Recommendations.

APPENDIXES

APPENDIX A

BOARD OF DENTAL EXAMINERS
REVENUES COMPARED WITH EXPENDITURES
Fiscal Year 1980
(Unaudited)

Average Revenue (See Schedule 1 and Note 1)	\$ 11,492
Expenditures (See Note 2)	<u>46,310</u>
Excess of Revenues over Expenditures	<u>\$(34,818)</u>

Note 1

Most of the dental revenues are composed of renewal registration fees. Through FY'80, these fees are collected once every two years and cause revenues in one year to be much greater than the revenues collected in the next year. Therefore, we calculated and reported an average of the revenues collected in fiscal years 1979 and 1980 in order to obtain an accurate representation of collected revenues.

Note 2

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

See next page for accompanying schedule and note.

Schedule 1
Types of Revenues
(See Note 3)

Revenues	Amount		Collection Time	
	Before FY'81	After FY'81	Before FY'81	After FY'81
Filing Fee - Application				
Dentist	N/A	\$ 25	N/A	With Application
Dental Hygienist	\$25	25	With Application	With Application
Examination Fee				
Dentist	50	200	Before Exam	Before Exam
Dental Hygienist	50	75	Before Exam	Before Exam
Credential Review Fee				
Dentist	N/A	200	N/A	Before Interview
Dental Hygienist	N/A	75	N/A	Before Interview
Initial License				
Dentist	30	30	Before Licensure	Before Licensure
Dental Hygienist	30	20	Before Licensure	Before Licensure
Registration Fee				
Dentist	40	200	Biennially	Every 4 Years
Dental Hygienist	20	100	Biennially	Every 4 Years
Reexamination Application				
Dentist	N/A	25	N/A	With Application
Dental Hygienist	N/A	25	N/A	With Application
Speciality License	30	30	Before Licensure	Before Licensure
Branch Office Registration	40	100	Biennially	Every 4 Years
Temporary Permit, Dentistry	25	50	Before Permit issued	Before Permit issued
Delinquent Registration				
Dentist	10	10	With Registration	With Registration
Dental Hygienist	N/A	10	N/A	With Registration
Duplicate License	10	10	With Application	With Application
Reinstatement Fee				
Dentist	25	75	With Reinstatement	With Reinstatement
Dental Hygienist	25	N/A	With Reinstatement	N/A

Note 2

Chapter 49 of the 1980 session laws amended the fee structure and related time periods as noted. The change will affect revenues collected beginning with Fiscal Year 1981.

APPENDIX B

PRACTICAL EXAMINATION

The dental examination consists of two sections. The clinical section of the dental examination is comprised of three subjects:

1. Preparation and finishing of amalgams.
2. Preparation and finishing of gold inlays.
3. Preparation and finishing of gold foils.

A dental applicant must furnish his/her own patient and many of the tools. The examination has recently been given in the Teamster's Clinic in Anchorage.

The written examination covers subjects dealing with the diagnosis of oral condition, prosthetics and the Alaska Statutes.

The dental hygiene examination also consists of two sections. The clinical examination tests the applicant's knowledge of data gathering and charting, oral prophylaxis and radiographic recognition. The written examination evaluates the applicant's knowledge of radiology, fluoridation and dietary counseling. Applicants must also furnish his/her own patient and tools.

Alaska Dental Examination Statistics

	Calendar Years		Pass Rate	Pass Rate
	<u>1980</u>	<u>1979</u>	<u>1979-1980 Average</u>	<u>1975-1978 Average (Note 1)</u>
Dental Applicants	26	20		
Number of Fails	12	7		
Number of Passes	<u>14</u>	<u>13</u>		
Percentage Pass Rate	<u>54%</u>	<u>65%</u>	<u>59%</u>	<u>61%</u>

Dental Hygiene Examination Statistics

	Calendar Years		Pass Rate 1979-1980	Pass Rate 1975-1978
	<u>1980</u>	<u>1979</u>	<u>Average</u>	<u>Average</u> (Note 1)
Examination Applicants	19	8		
Number of Fails	4	0		
Number of Passes	<u>15</u>	<u>8</u>		
Percentage Pass Rate	<u>79%</u>	<u>100%</u>	<u>89%</u>	<u>96%</u>

Note 1

Statistics were obtained from Division of Legislative Audit report "A Performance Review of the Board of Dental Examiners" dated August 9, 1978.

APPENDIX C

ANALYSIS OF COMPLAINTS FILED
AGAINST DENTISTS AND DENTAL HYGIENISTS

	Calendar Years		1974- 1978 (Note 1)	<u>Total</u>
	<u>1980</u>	<u>1979</u>		
Malpractice Complaints	10	2	7	19
Administrative Complaints	0	0	14	14
Practicing Without Licenses	1	4	4	9
Unethical Practices	11	9	0	20
Unfair Practical Exam Given by Board	<u>1</u>	<u>0</u>	<u>3</u>	<u>4</u>
<u>Total</u>	<u>23</u>	<u>15</u>	<u>28</u>	<u>66</u>

Note 1

Statistics were obtained from Division of Legislative Audit report "A Performance Review of the Board of Dental Examiners" dated August 9, 1978.

APPENDIX D

ADMINISTRATIVE STATISTICS

<u>Licensed Practitioners</u>	<u>As of March 10, 1981</u>
Licensed In-State Dentists	234
Licensed Out-of-State Dentists	87
Dental Hygienists	179
Dental Specialists	29
Average Number of Meetings Per Year (Excluding Telephone Conferences)	4 Meetings

APPENDIX E

DENTAL MANPOWER SHORTAGE AREAS
(See Note 1)

<u>Service Area</u>	<u>Population to Private Dentists Ratio</u>	<u>Population to Private and Public Health Dentist Ratio</u>	<u>Days of Visits by Private Dentists Per Year</u>
Angoon Division	600 to 0	600 to 0	3
Outer Ketchikan Division	2,000 to 1	2,000 to 1	41
Prince of Wales Division	2,600 to 1	2,600 to 1	6
Skagway-Yakutat Division	2,800 to 1	2,800 to 1	82
Alutian Island Division	8,000 to 0	8,000 to 0	4
Bethel Division	10,000 to 2	10,000 to 7	11
Bristol Bay Division	3,900 to 0	3,900 to 0	5
Bristol Bay Borough Division	1,400 to 0	1,400 to 2	12
Kuskokwim Division	2,700 to 0	2,700 to 0	38
Nome Division	7,200 to 2	7,200 to 4	61
Valdez-Chitina-Whittier Division	5,000 to 3	5,000 to 3	22
Wade Hampton Division	4,400 to 1	4,400 to 1	214
Barrow Division	8,300 to 0	8,300 to 2	4
Kobuk Division	5,100 to 0	5,100 to 2	6
S.E. Fairbanks Division	5,300 to 0	5,300 to 0	0
Upper Yukon Division	1,200 to 0	1,200 to 0	2
Yukon-Koyukuk Division	5,500 to 0	5,500 to 0	12

Note 1

The population to private dentists ratio was obtained from the Department of Health and Social Services, State of Alaska Dental Manpower report. The number of public health dentists were obtained from the Public Health Service of the Department of Health, Education and Welfare. These figures were combined with the private dentists to obtain the population to private and public health dentist ratio. The number of visits by private dentists per year were obtained from the 1980 Biennial Survey of Dentists from the State Center for Health and Social Statistics, Department of Health and Social Services, State of Alaska. These figures were unadjusted.

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

POUCH D
JUNEAU, ALASKA 99811
Phone: 465-2500

September 18, 1981

RECEIVED

SEP 21 1981

LEGISLATIVE
AUDIT

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

Dear Mr. Wilkerson:

Re: Dental Board Interim Letter

Thank you for the opportunity to comment on the Division of Legislative Audit's Preliminary Report on the Board of Dental Examiners. The Department of Commerce and Economic Development concurs with your findings.

The board has made substantial progress over the past several years and does operate in a responsible manner. As recommended in the interim letter we agree that legislation should be introduced to amend the temporary permit statutes. We also concur with the continuing competency recommendation and note that the board is presently developing the necessary regulations.

Thank you

Sincerely,



Lois Cook
Acting Deputy Commissioner

LC/wfs 4/9

H B

861

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
Bill/Resolution No. HB 861 "An Act relating to the sale, prescription,
Title possession, and administration of procaine hydrochloride... (Gerovital H3).
Requested by Randolph Date 2-16-82

II. FISCAL DETAIL
Agency Affected Department of Commerce & Economic Development
Program Category Affected Public Protection
BRU, Program, Or Subprogram(s) Affected Regulation & licensing of professions
(Note: If more than one budget component is affected, separate line-item
amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

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500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
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FUNDING (Thousands of Dollars)

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FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE March 15, 1983

PREPARED BY Marjorie Odland

AGENCY Division of Occupational Licensing

PHONE 465-2575

Original: Legislative Finance
cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)