

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

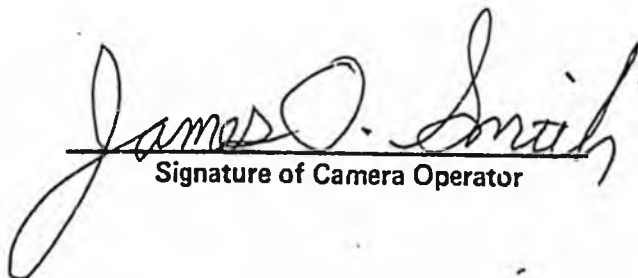
3999 SHEES HB 497 - HB 614

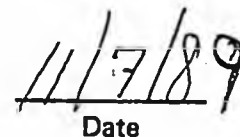


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Signature of Camera Operator


Date

HB

497

Senate Health, Education and Social Services Committee

Legislation Checklist

Bill number: HB 497

Sponsor: Governor

Date referred to committee: 4/30/86

Synopsis completed:

Fiscal note:

Further referrals:

CONTACTS:

- ✓ Kathy Marshall, Women's Commission
x3568
- ✓ Sherry Gell, Women's Lobby
- ✓ Karla Forsythe, courts 264-0634
- ✓ Joan Brooks, ^{Patty Lee} Vital Statistics 3393

COMMITTEE REPORT

SENATE

FURTHER: JUDICIARY

4/30/86

Date 5-8-86

Mr. President

The Committee on HESS considered CSHB 497(Jud)am relating to custody, support, visitation, and birth certificates of children.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt SCS for CSHB 497(Jud)am
- new title
- same title and recommends Do Pass
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Joe P. Josephson

Adrian Szymanski

Edna De Vries

Fahrenkamp DePass
Chairman

Chairman recommendation _____

5/8/86

Memorandum to Senator Fahrenkamp, Chair, Senate HESS

From: Senator Josephson

Subject: CSHB 497

As requested, I have reviewed CS HB 497. I have spoken with advocates and with a member of the judiciary who handles domestic relations dockets. I have not spoken with Rep. Gruenberg, at this writing, whom I understand crafted some of the language. (Rep. Gruenberg specializes as a lawyer in domestic relations matters and probably brings some expertise to this issue).

My conclusions are as follows:

1. Proposed Section 1. I would delete Section 1. Section 1 as written puts the court in a really impossible position. The court is called on to "examine the agreements between the parties. . . to ensure that (they) are in the best interests of the child and that neither parent has been subjected to duress or coercion to accept the agreements." There is really no way to ensure those facts unless both parties are in court. (Even if both parties are in court, of course, one spouse may still intimidate the other). At present, "Appearance and Waiver" forms already recite that the party executing the Waiver is doing so voluntarily. Similarly, acknowledgement forms signed by the parties before notaries public at the end of a custody or property settlement agreement also contain language stating that the execution was done freely and voluntarily.

By the same token, it is difficult for the court to determine from the documentation whether the agreement is "in the child's best interest", unless the court has some bias (e.g., for or against the mother, for or against the father, for or against split custody), which is the actual predicate of such a determination. I believe that in most cases -- assuming

voluntariness and freedom from coercion -- the parents are in at least as good a position as the court to decide what is "in the child's best interest." In Anchorage, there is a custody investigator who can do interviews at the courthouse on the day of the hearing, but there is no such investigator provided in other sites. The essential questions raised by Section 1, in sum, are whether Section 1 does anything useful (and we should bear in mind Ms. Forsythe's testimony that the court system does not take Section 1 as requiring that both parties appear or that the court should do anything except ask a few more questions), and to what extent (if the agreement of the parents is voluntary and not coerced) we should desire the state to intervene more than is done under present practice.

2. Section 2. I would retain section 2, but I would delete the second section of subsection (f). As you recall, in our hearing we were unable to ascertain what ^{the second sentence of} section 2 really means. It would appear to invite the court to distract itself from the central issue of the well-being of the child. Subsections (d) and (3) conform to existing law, but by enacting them we may bring about greater public awareness of these options on visitation and child support. The second sentence of the proposed subsection (f), by the way, is in conflict with AS 25.24.150(d) which says that "In awarding custody the court may consider only those facts that directly affect the well-being of the child."

3. Section 3. Attached is copy of AS 25.24.150, so that you can see the factors that the court is required to consider under existing law. The proposed section 3 would put a burden on the court because the court would have to state on the record the court's "reasoning" about

each of the factors. In most cases, the court would probably accept the agreement or joint decision or request of the parents. And in most cases, there would be no basis for the court to have any "reasoning" about the factors in any event, since the court would be operating on the papers, very brief testimony of one party, or extremely superficial information. Perhaps one solution would be to change the new language proposed at lines 15-16 to read: "including the court's reasoning, in the event that the request for shared custody is denied, on each of the factors enumerated in AS 25.24.150(c). In all cases in which a request for shared custody is made, the court shall state on the record, or in the court order or decree, that the decision of the court with respect to the request is not, ^{shown to be} inconsistent with the factors enumerated in AS 25.24.150(c)."

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ARLISS STURGULEWSKI, Vice Chairman
JOE JOSEPHSON
PAUL FISCHER
EDNA ARMSTRONG-DE VRIES



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Sandra

Senate Committee on Health, Education and Social Services

M E M O R A N D U M

TO: Members, Senate Committee on Health, Education and Social Services

FROM: Committee Staff

RE: Committee Meeting, May 6, 1986

DATE: May 2, 1986

On Tuesday, May 6, 1986 from 1:30-3:30 p.m. in the Beltz Room, the Senate Committee on Health, Education and Social Services will hear the following bills:

HB 418 An Act relating to liability for providing emergency medical care.

Current statute shields an Emergency Medical Technician (EMT) and a paramedic from liability for ordinary negligence in life saving situations only. HB 418 would expand this protection to include rendering emergency care to any person "who is in need of immediate aid in order to avoid serious harm." EMTs and paramedics would still be liable in cases of gross negligence or intentional misconduct. The State of Alaska currently licenses both EMTs and paramedics.

CSHB 497 (Jud) am Relating to custody, support, visitation, and birth certificates of children

HB 497 amends Alaska's divorce and dissolution statutes to:
1) require the court to examine child custody agreements between parents, whether the case is disputed or undisputed, to ensure the agreement is in the best interest of the child and that

neither parent has been subjected to coercion or duress in accepting the agreement. The court would be authorized to disapprove the agreement and enter an appropriate child custody order.

2) permit the court to award visitation to a grandparent or another person,

3) require the court to list the reasons why shared custody has been awarded or denied, rather than only when denied as under current statute,

4) repeal the provision which allows the state registrar to file birth certificates of children born to unmarried parents separate from certificates of children born to married parents. According to the state registrar, separate filing procedures have never been used.

The bill is intended to ensure that custody arrangements are made in the best interests of the child.

SB 435 Relating to the Alaska Children's Trust Corporation; the Alaska children's trust fund; contributions to the trust fund from permanent fund dividends.

SB 435 would establish the Alaska Children's Trust Fund as a continuing source of funding for community-based programs and projects that aid in the prevention and treatment of child abuse and neglect. The trust fund would consist of contributions solicited through a "check off" on the Permanent Fund Dividend application form, and would be managed by the public corporation established in the bill.

The Department of Health and Social Services has recommended several amendments to the bill (see attached).

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : 4/22/86

REQUEST

Bill/Resolution No. : CSHR 497 (HESS)
 Title : An Act relating to . . .
and child custody

 Sponsor : Ruler
 Requestor : Gov nor
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Alaska Court System
 BRU : Trial Courts

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME		-0-	-0-	-0-	-0-	-0-
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Karla Forsythe Phone : 264-8228
 Division : Alaska Court System Date : 4/22/86

Approved by Commissioner : Arthur H. Snowden, AHS II Date : 4/22/86
 Agency : Alaska Court System *by K. Forsythe*

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget

Fiscal Impact

CSHB 497

CSHB 497 deletes language contained in the original bill which would have required the courts in all custody cases, disputed or undisputed, to actively solicit information about the factors enumerated in AS 25.24.150(c). The procedures adopted in the current version of this bill will require courts to ask a few additional questions of the parties and to spend a slightly longer time explaining the reasoning for award or denial of shared custody. Because this bill does not appear to require substantial deviation from existing judicial practice and will not require lengthy custody investigations in every case, it appears that existing court resources will be adequate to carry out the intent of the bill.

Offered: 4/23/86
Referred: Rules

DRAFT
changes marked in text

Original sponsor: Rules/Governor

1 IN THE HOUSE
2 SCS CS FOR HOUSE BILL NO. 497 (Judiciary) ^{H E S S} am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to custody, support, visitation, and
7 birth certificates of children."

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

9 * Section 1. AS 25.20.060(a) is amended to read:

10 (a) In a case involving [IF THERE IS A DISPUTE OVER] child
11 custody, either parent may petition the superior court for resolution
12 of the matter under AS 25.20.060 - 25.20.130. The court shall award
13 custody on the basis of the best interests of the child in either a
14 disputed or undisputed case. In determining the best interests of the
15 child, the court shall consider all relevant factors, including those

16
17
18

any party giving testimony or present whether ^{inquire on the record of}
~~examine the agree-~~
~~ments between the parents regarding custody to ensure that the agree-~~
~~ments are in the best interests of the child and that neither parent~~
^{whether}

19 has been subjected to duress or coercion to accept the agreements.
20 The court may approve agreements that are in writing and filed with
21 the court or that are made orally on the record and subsequently set
22 out in full in the court order or decree. If the court finds the
23 custody agreement is not in the child's best interest, the court shall
24 (1) disapprove the agreement in whole or in part and set
25 out the reasons for disapproval on the record or in a written decis-
26 ion;

27 (2) solicit all relevant information regarding all relevant
28 factors, including those factors enumerated in AS 25.24.150(c); and

29 (3) enter an appropriate child custody order.

1 * Sec. 2. AS 25.20.060 is amended by adding new subsections to read:

2 (d) The court may award visitation to a grandparent or another
3 person if visitation is in the best interest of the child.

4 (e) The court may award child support in an appropriate case,
5 whether custody is sole, shared, or split.

6 (f) In awarding custody, the court shall consider only those
7 factors that directly affect the well-being of the child. This sub-

8 section does not prohibit the court from considering the impact of a
9 custody award on either parent, ^{but only} to the extent such impact ^{is proved to have a direct} ~~may affect~~ ^{and substantive}
10 the best interests of the child. ^{impact on}

11 * Sec. 3. AS 25.20.100 is amended to read:

12 Sec. 25.20.100. [DENIAL OF] SHARED CHILD CUSTODY. If a parent
13 or the guardian ad litem requests shared custody of a child and the
14 court awards or denies the request, the reasons for the award or
15 denial must [SHALL] be stated on the record, ^{and the Court shall} ~~including the court's~~
16 ^{note its consideration of} ~~reasoning on each of the factors enumerated in AS 25.24.150(c).~~

17 * Sec. 4. AS 25.20 is amended by adding a new section to read:

18 Sec. 25.20.140. DEFINITION. In this chapter "split custody"
19 means a custody arrangement in which the decision as to who has custo-
20 dy of each child is not the same for all children of the marriage.

21 * Sec. 5. AS 18.50.160(f) is repealed.

Sec. 25.24.150. Judgments for custody. (a) In an action for divorce or for legal separation or for placement of a child when one or both parents have died, the court may, if it has jurisdiction under AS 25.30.020, and is an appropriate forum under AS 25.30.050 and 25.30.060, during the pendency of the action, or at the final hearing or at any time thereafter during the minority of a child of the marriage, make, modify, or vacate an order for the custody of or visitation with the minor child that may seem necessary or proper, including an order that provides for visitation by a grandparent or other person if that is in the best interests of the child.

(b) If a guardian ad litem for a child is appointed, the appointment shall be made under the terms of AS 25.24.310(c).

(c) The court shall determine custody in accordance with the best interests of the child under AS 25.20.060 — 25.20.130. In determining the best interests of the child the court shall consider

(1) the physical, emotional, mental, religious, and social needs of the child;

(2) the capability and desire of each parent to meet these needs.

(3) the child's preference if the child is of sufficient age and capacity to form a preference;

(4) the love and affection existing between the child and each parent;

(5) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;

(6) the desire and ability of each parent to allow an open and loving frequent relationship between the child and the other parent.

(d) In awarding custody the court may consider only those facts that directly affect the well-being of the child.

(e) Notwithstanding the provisions of (d) of this section, in awarding custody the court shall comply with the provisions of 25 U.S.C. 1901 — 1963 (P.L. 95-608, the Indian Child Welfare Act of 1978). (§ 1 ch 160 SLA 1968; am § 1 ch 167 SLA 1975; am § 2 ch 61 SLA 1977; am § 1 ch 63 SLA 1977; am § 1 ch 15 SLA 1982; am §§ 2, 3 ch 88 SLA 1982)

Revisor's notes. — Formerly AS 09.55.205. Renumbered in 1983.

Cross references. — For intent of 1982 amendments, see § 1, ch. 88, SLA 1982, in the Temporary and Special Acts; for enforcement of visitation rights, see AS 25.24.300.

Effect of amendments. — The first 1982 amendment designated the former first sentence as subsection (a), the second sentence as subsection (b), and the rest of the section as subsection (c), inserted "or for placement of a child when one or both parents have died" and "modify, or vacate" in subsection (a), substituted "a child of the marriage" for "any child of the marriage," and the language beginning "that

may seem necessary or proper" for "which may seem necessary or proper and may at any time modify or vacate the order" as subsection (a), and substituted "If for "Any appointment of" and "AS 09.65.130(c)" for "AS 09.65.130" and inserted "is appointed, the appointment" in subsection (b).

The second 1982 amendment, in subsection (c), substituted "under AS 25.20.060 — 25.20.130" for "neither parent is entitled to preference as a matter of right as awarded custody of the child" at the end of the first sentence, deleted "all relevant factors including" from the end of the introductory language in the second sentence, added "if the child is of sufficient

Title 25
Legislation

Title 25
Marital and Domestic
Relations



STATE OF ALASKA

OFFICE OF THE GOVERNOR

ALASKA WOMEN'S COMMISSION
3601 C STREET - SUITE 742
ANCHORAGE, ALASKA 99503

TESTIMONY

Kathy Marshall

CSHB 497 - Child Custody
House Judiciary
April 22, 1986

The Women's Commission requested the Governor to introduce the bill because of our concern about the plight of Alaska's children following divorce. Nationally, the Census Bureau projects 2/3 of the children born in 1980 will experience divorce by the time they are 17. Here in Alaska, 50 percent of all marriages end in divorce and children frequently experience emotional crisis during a divorce. Child custody arrangements impact the quality of their lives for a substantial period of time.

Over the past ten years there has been a major shift in child custody laws, from the concept of maternal preference to the gender neutral standard of the "best interests of the child." Although legal rules now give fathers equal right to custody, mothers continue to be awarded physical custody of the children 90 percent of the time. The reason appears to be that maternal custody is preferred by the parents themselves. There has been no change in the percentage of fathers who request custody. While judges appear to maintain their preference for maternal custody, only 10 percent of the contested cases actually go to trial. Most cases are negotiated out of court. When fathers do request custody in negotiated settlements, they succeed 66 percent of the time. This high success rate is due to the fact that women are less secure than they used to be under maternal preference about potential custody threats because the "best interests of the child" standard is often interpreted in favor of the father. Under the "best interest" standard, the focus shifts from unfitness to a consideration of each person's relationship with the child and to which parent is best able to care for the child. Women are perceived often as less able for the following reasons:

- 1) Courts regard women's employment, as opposed to men's, as a "diminished capacity" to care for children.
- 2) Judges assume that when both parents have worked outside the home they have been equal in the amount of

care given to the child. Research indicates, however, that men provide even less care of the children when both parents work because they are less willing to relieve a mother who has spent the day with the child.

- 3) "Quality of care" is equated with financial resources and women earn only 2/3 of that earned by men.
- 4) Courts favor two parent living situations for children and men are most likely to remarry in the first year following a divorce.

As a result, when custody is negotiated women feel compelled to give up or compromise financial interests (child support, alimony, property) in order to gain custody. So, although women are receiving custody in 90 percent of the cases, it is because they have bargained for it.

The Women's Commission is committed to custody arrangements being made in the "best interests of the child". Sec. 1 of CSHB 497 would require the court to examine the agreements between parents regarding custody to ensure neither parent has been subjected to coercion or duress. If coercion is suspected the court would then treat the custody arrangement as a disputed case and solicit additional information regarding the relevant factors listed in AS 25.24.150(c). These factors include:

- 1) the physical, emotional, mental, religious, and social needs of child;
- 2) the capability and desire of each parent to meet these needs;
- 3) the child's preference if the child is of age and capacity to form a preference;
- 4) the love and affection existing between the child and parent;
- 5) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;
- 6) the desire and ability of each parent to allow an open and loving frequent relationship between the child and the other parent;

This section also recognizes that in some cases custody investigators may be assigned to solicit the information about these relevant factors.

Sec. 2 of the bill adds three new subsections which also ensure that custody arrangements are in the best interests of the child:

- (d) permits the court to award visitation to a grandparent of another person. The Women's Commission believes children suffer less if they can continue to be involved in relationships that are important to them.
- (e) clarifies that child support should not necessarily be dependent on the type of custody arrangement made.
- (f) restricts the kinds of factors that can be considered by the court in custody determinations.

Sec. 3 would require the court to list the reasons why shared custody has either been awarded or denied. Under current law this only occurs when joint custody is denied. Joint custody is an important means of ensuring children get access to both parents. A five year study of the impact of divorce on children concluded children adjust best when they maintain a continuing relationship with both parents. However, the single most dangerous consequence to children from divorce is hostility between parents. If the joint custody arrangement is voluntary and both parents truly want it, it is the preferred custody choice. If, however, coercion has occurred, there is a high likelihood of hostility. In fact, a number of studies have indicated higher rates of conflict and relitigation among couples with joint custody. Careful investigation of these cases is essential.

The last section of the bill repeals AS 18.50.160(f) which permits the state registrar to require a different procedure be followed for filing a birth for a child born to unmarried parents than for a child born to married parents. The state registrar assured us that in the past nine years separate procedures have never been used and that there was no reason the law should not be repealed.

KM/dn

information required by the certificate within five days after the birth.

(c) When a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority:

(1) the physician in attendance at or immediately after the birth; or in his absence

(2) a person in attendance at or immediately after the birth; or in his absence

(3) the father, mother, or, in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurs.

(d) If the mother was married at the time of conception or birth, the name of the husband shall be entered on the certificate as the father of the child unless paternity has been determined otherwise by a court of competent jurisdiction, in which case the name of the father, if determined by the court, shall be entered.

(e) If the mother was not married at the time of conception or birth, the name of the father shall not be entered on the certificate of birth unless paternity has been determined by a court of competent jurisdiction, or both the mother and father request the entry, or otherwise as specified by statute.

(f) In the case of a child born out of wedlock, the certificate of birth shall be filed in accordance with (a), (b), and (c) of this section unless the state registrar directs another procedure. (§ 13 ch 118 SLA 1960; am § 83 ch 127 SLA 1974)

Sec. 18.50.170. Foundling registration. (a) The person who assumes the custody of a living infant of unknown parentage shall within seven days report the information prescribed by the state registrar on a form and in the manner prescribed by the state registrar to the local registrar of the registration district in which the child was found.

(b) The place where the child was found shall be entered as the place of birth and the date of birth shall be determined by approximation.

(c) A report registered under this section constitutes the certificate of birth for the infant.

(d) If the child is identified and a certificate of birth is found or obtained, a report registered under this section shall be sealed and filed in accordance with instructions of the state registrar, and may be opened only by order of a superior court or as provided by regulation. (§ 14 ch 118 SLA 1960)

Sec. 18.50.180. Delayed registration of birth. (a) When the birth of a person born in the state has not been registered a certificate may be filed in accordance with regulations issued under this chapter. The certificate shall be registered subject to the evidentiary requirements the department prescribes by regulation to substantiate the alleged facts of birth.

Sec. 25.24.150. Judgments for custody. (a) In an action for divorce or for legal separation or for placement of a child when one or both parents have died, the court may, if it has jurisdiction under AS 25.30.020, and is an appropriate forum under AS 25.30.050 and 25.30.060, during the pendency of the action, or at the final hearing or at any time thereafter during the minority of a child of the marriage, make, modify, or vacate an order for the custody of or visitation with the minor child that may seem necessary or proper, including an order that provides for visitation by a grandparent or other person if that is in the best interests of the child.

(b) If a guardian ad litem for a child is appointed, the appointment shall be made under the terms of AS 25.24.310(c).



(c) The court shall determine custody in accordance with the best interests of the child under AS 25.20.060 — 25.20.130. In determining the best interests of the child the court shall consider

(1) the physical, emotional, mental, religious, and social needs of the child;

(2) the capability and desire of each parent to meet these needs;

(3) the child's preference if the child is of sufficient age and capacity to form a preference;

(4) the love and affection existing between the child and each parent;

(5) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;

(6) the desire and ability of each parent to allow an open and loving frequent relationship between the child and the other parent.

(d) In awarding custody the court may consider only those facts that directly affect the well-being of the child.

(e) Notwithstanding the provisions of (d) of this section, in awarding custody the court shall comply with the provisions of 25 U.S.C. 1901 — 1963 (P.L. 95-608, the Indian Child Welfare Act of 1978). (§ 1 ch 160 SLA 1968; am § 1 ch 167 SLA 1975; am § 2 ch 61 SLA 1977; am § 1 ch 63 SLA 1977; am § 1 ch 15 SLA 1982; am §§ 2, 3 ch 88 SLA 1982)

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may seem necessary or proper" for "which may seem necessary or proper and may at any time modify or vacate the order" in subsection (a), and substituted "If" for "Any appointment of" and "AS 09.65.130(c)" for "AS 09.65.130" and inserted "is appointed, the appointment" in subsection (b).

The second 1982 amendment, in subsection (c), substituted "under AS 25.20.060 — 25.20.130" for "neither parent is entitled to preference as a matter of right in awarding custody of the child" at the end of the first sentence, deleted "all relevant factors including" from the end of the introductory language in the second sentence, added "if the child is of sufficient



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OFFICE OF THE GOVERNOR

ALASKA WOMEN'S COMMISSION

3601 C STREET - SUITE 742

ANCHORAGE, ALASKA 99503

TESTIMONY

Kathy Marshall

CSHB 497 - Child Custody
Senate Health, Education
and Social Services Committee
May 6, 1986

The Women's Commission requested the Governor to introduce the bill because of our concern about the plight of Alaska's children following divorce. Nationally, the Census Bureau projects 2/3 of the children born in 1980 will experience divorce by the time they are 17. Here in Alaska, 50 percent of all marriages end in divorce and children frequently experience emotional crisis during a divorce. Child custody arrangements impact the quality of their lives for a substantial period of time.

The Women's Commission is committed to custody arrangements being made in the "best interests of the child". Sec. 1 of CSHB 497 would require the court to examine the agreements between parents regarding custody to ensure neither parent has been subjected to coercion or duress. If coercion is suspected the court would then treat the custody arrangement as a disputed case and solicit additional information regarding the relevant factors listed in AS 25.24.150(c). These factors include:

- 1) the physical, emotional, mental, religious, and social needs of child;
- 2) the capability and desire of each parent to meet these needs;
- 3) the child's preference if the child is of age and capacity to form a preference;
- 4) the love and affection existing between the child and parent;
- 5) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;
- 6) the desire and ability of each parent to allow an open and loving frequent relationship between the child and the other parent;

This section also recognizes that in some cases custody investigators may be assigned to solicit the information about these relevant factors.

Sec. 2 of the bill adds three new subsections which also ensure that custody arrangements are in the best interests of the child:

- (d) permits the court to award visitation to a grandparent or another person. The Women's Commission believes children suffer less if they can continue to be involved in relationships that are important to them.
- (e) clarifies that child support should not necessarily be dependent on the type of custody arrangement made.
- (f) restricts the kinds of factors that can be considered by the court in custody determinations.

Sec. 3 would require the court to list the reasons why shared custody has either been awarded or denied. Under current law this only occurs when joint custody is denied. Joint custody is an important means of ensuring children get access to both parents. A five year study of the impact of divorce on children concluded children adjust best when they maintain a continuing relationship with both parents. However, the single most dangerous consequence to children from divorce is hostility between parents. If the joint custody arrangement is voluntary and both parents truly want it, it is the preferred custody choice. If, however, coercion has occurred, there is a high likelihood of hostility. In fact, a number of studies have indicated higher rates of conflict and relitigation among couples with joint custody. Careful investigation of these cases is essential.

The last section of the bill repeals AS 18.50.160(f) which permits the state registrar to require a different procedure be followed for filing a birth for a child born to unmarried parents than for a child born to married parents. The state registrar assured us that in the past nine years separate procedures have never been used and that there was no reason the law should not be repealed.



THE CHILDREN'S BILL

HB 497

Attitudes toward children and the family have changed dramatically over the past century. When our country was in its industrial infancy, children were considered little more than chattel with no rights of their own. Many worked like slave laborers in factories and coal mines, or stayed at home to raise younger brothers and sisters while their parents struggled to make a living. Their responsibilities were many, but their rights few.

As the social consciousness of the country matured, with government as the ultimate guardian, so did the status of children. The emergence of the traditional family concept redefined the importance of children and their station within the family unit. But today, family life is going through a new set of changes, changes that once again affect the lives of children. The increasing rate of divorce and dissolution, a greater number of working mothers, and a higher incidence of women with children who live in poverty, suggests that the traditional family is in transition.

In Alaska, over one-half of all marriages end in divorce. Nearly half of all women go to work leaving someone else to care for the families. And, a quarter of all single-family households, almost always headed by women, live in poverty. That means if a woman is left to care for three children and has no income, that family lives on \$823, or less, per month.

These facts indicate that more and more children are faced with the emotional crises of living in nontraditional families. New concepts of parenting have developed to keep pace with the changing family structure. Such concepts include how to cope with shared custody, single parenting, and how to preserve the family when both parents work outside of the home.

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The Children's bill addresses three critical issues involving parents and their children. These issues include responsibility for a child's actions, child custody, and preparation of birth certificates.

Section 1.

Under present law (AS 09.65.110(b)), the parent with legal custody of a minor child is responsible when that minor shoplifts. This law creates problems for divorced families where one parent has legal custody and the other has the child part-time.

For example, assume the mother has legal custody, but the father has the child for the summer months. Under present law, the mother must bear the financial responsibility for the summer acts of shoplifting even though the child was living with the father at the time. Since the child is influenced by both parents, both should be held accountable for the child's acts.

The Children's Bill will:

amend the shoplifting law to provide the courts the same option of assigning joint parental responsibility for a child's actions, as it currently does for acts of vandalism caused by minors.

Sections 2 and 3.

Under the current law governing child custody, the interests of children are not always considered when the case goes to court. Custody arrangements are inadequately scrutinized by judges, especially when prearranged by the parents. This limited oversight frequently results in custody arrangements that are made from unequal bargaining positions between the parents at the expense of their children.

For example, when the husband proposes joint custody--often as a threat or as a means used to manipulate the division of the marital assets--the wife may agree in order to escape the emotional turmoil. What results is two independent people who have some hostility towards each other, trying to make joint decisions about their child. The couple sought divorce because they could not agree on equal terms. The result of this arrangement usually hurts the child the most.

Moreover, the court is allowed to look at any factors it considers pertinent when awarding child custody. The possibility exists that parental lifestyles, or parental sexual activity, may be considered even if such conduct has no effect on the parent's relationship with the child. Women who choose a nontraditional lifestyle may fare poorly under such an open-ended standard, regardless of the quality of their relationship with the children, while similar behavior by fathers may be regarded as insignificant or expected behavior.

The statutes also do not distinguish custody arrangements from the child support obligation. If the judge considers the income of each parent as a factor in determining the best custodian, women--particularly homemakers--would seriously be disadvantaged because women generally earn less money. Furthermore, a joint custody arrangement should not influence an award of child support since the financial status of each parent is a distinct issue from the custody arrangement.

The Children's Bill will:

increase judicial scrutiny and require the court to report more explicitly its findings on custody cases. The bill also requires the court to consider only those factors, in child custody cases, that directly affect the well-being of the child. Lastly, the law is amended to separate out the custody arrangement determined in the best interests of the child from the matter of child support.

Section 4.

Under present law, AS 18.50.160(f), the state registrar can require that a different procedure be followed for the filing of a birth from unmarried parents than from married parents. The provision has been unused by the registrar and appears to have no apparent purpose other than to stigmatize the relationship of the parents.

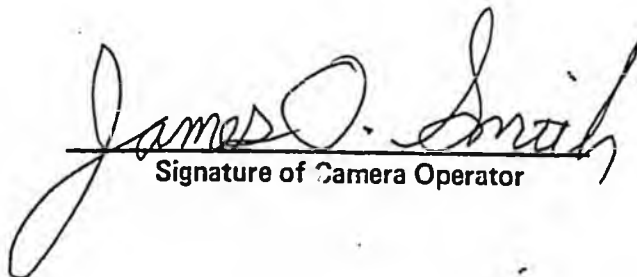
The Children's Bill will repeal this law.

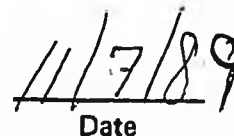


RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

H B

G I H

Senate Health, Education and Social Services Committee

Legislation Checklist

Bill number: HB 614

Sponsor: HOUSE HESS

Date referred to committee:

Synopsis completed:

Fiscal note:

Further referrals:

CONTACTS:

Jenny Strickler.	2534	2144
Ed Pitt, Orthodontist	483-0730	
Pete Freulich .		

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ARLISS STURGULEWSKI, Vice Chairman
JOE JOSEPHSON
PAUL FISCHER
EDNA ARMSTRONG DE VRIES



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3762

Senate Committee on Health, Education and Social Services

Letter of Intent for HB 614, An Act extending the termination date
of the Board of Dental Examiners.

It is the intent of the Senate Committee on Health, Education and Social Services in passing HB 614 that the Board of Dental Examiners exercise its statutory authority under AS 08.36.234 to license dentists by credentials, including credentialing for dental specialties. The committee realizes that this will require repeal of the existing regulation under which the board ceased licensing by credentials (12 AAC 28.950), and urges that this be done.

Further, it is the intent of the committee that the Board report to the Legislature by the first day of the first session of the 15th Alaska Legislature on implementation of the credential provision. The report should include the number of licenses issued by credentials since the effective date of HB 614 and an analysis of those situations under which licensure by credentials was requested but not granted. In addition, any recommendations for revision to the credential statute should be included.

FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The Board of Dental Examiners should adopt regulations to provide requirements for proof of continued professional competence for dentists, dental hygienists, and dental specialists.

Alaska Statute 08.36.070 requires that the Board provide requirements for proof of continued professional competence for dentists and dental hygienists. The Board has not yet adopted any regulations regarding continued professional competence. One way of demonstrating continued competence is to require practitioners to obtain continuing education, an action currently under consideration by the Board.

Continuing education is one method that provides a reasonable means of assuring continuing competency in a profession. A required program of continuing education will help prevent professional obsolescence and keep practitioners aware of changes taking place in the profession. We encourage the Board to adopt regulations pertaining to continuing competency in order to provide better dental services to public and fulfill their statutory responsibility.

Recommendation No. 2

The Board should pursue adopting policies allowing for licensure by credentials.

The Board adopted a regulation effective February 1, 1985 which ceased licensing by credentials (licensing based on out-of-state licensure) for dentists because of problems raised over the Board's credentialing procedures. This regulation was adopted so that the Board could reconsider policies and procedures over licensing dentists by credentials.

The cessation of licensing by credentials restricts entry into the dental profession in Alaska for out-of-state dentists wishing to practice in the State. The Board should address the policies and procedures and introduce legislation clarifying statutes over licensure by credentials.

September 1985

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ARLISS STURGULEWSKI, Vice Chairman
JOE JOSEPHSON
PAUL FISCHER
EDNA ARMSTRONG-DE VRIES



P. O. BOX V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
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Senate Committee on Health, Education and Social Services

Wb 614

M E M O R A N D U M

TO: Senator Bennett, Senate President

FROM: Senator Fahrenkamp, Chairman
Senate Committee on Health, Education and Social Services

RE: Board of Dental Examiners

DATE: March 5, 1986

Pursuant to your referral under AS 44.60.050 and AS.03.010, the Senate Committee on Health, Education and Social Services has had under review the Board of Dental Examiners.

As required by statute, a public hearing was held on the review of this Board. The Committee considered the findings and recommendations of the Legislative Audit Division and has examined the proposed budget for the Board.

After careful analysis, the Committee is recommending that the Board of Dental Examiners be extended for another four year period. Legislation to extend the Board has been introduced.

Senator Fahrenkamp, Chairman

Senator Sturgulewski, Vice Chairman

Senator Josephson

Senator Devries

Senator P. Fischer

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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JUNEAU, ALASKA 99811
907-465-3000

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

Senate/Health Education and Social Services 2/18/86, 1:36 pm
" " " " " 5/1/86, 2:10 pm

COMMITTEE REPORT
SENATE

FURTHER:

4/24/86

Date 5-1-86

Mr. President

The Committee on HESS considered CSHB 614 (HESS)
(title am)
extending the termination date of the Board of Dental Examiners; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- ~~replace with/or adopt~~ CS for ~~CSHB 614 (HESS)~~
- new title
- same title and recommends _____
- and attached a ^{Senate HESS} "LETTER OF INTENT" ^{also} ~~recommends~~ NEW FISCAL NOTE
the Senate Letter of Intent
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Elin McVie

Arthur Stupulis

Joe Josephson

MEMBERS HAVING
OTHER RECOMMENDATIONS

Philip Fabunlay
Chairman

Chairman recommendation _____



Alaska State Legislature

House of Representatives

COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

OFFICIAL BUSINESS

POUCH V
JUNEAU, AK 99811
465-3759

CSHB 614 (HESS)

LETTER OF INTENT

It is the intent of the House Health, Education and Social Services Committee in passing the Committee Substitute for HB 614 (HESS) that in the next year, the Board of Dental Examiners and the Division of Occupational Licensing complete the following tasks, and report their recommendations to the House and Senate HESS Committees by the first day of the first session of the 15th Alaska State Legislature:

1. Complete continued competency regulations.
2. Develop new procedures for credentialling including credentialling for dental specialities.
3. Restructure the examination, including elimination of the gold foil portion of the test, and scoring procedures, including calibration of scoring techniques.
4. Evaluate the possibility of joining the Northwest Regional Examination Board.

The report should include any other areas the board or division feel require change. The House HESS Committee is also requesting a Legislative Audit of the board to be completed by the first day of the second session of the 15th Alaska State Legislature.

Handwritten signature of Max F. Gruenberg, Jr.

Representative Max F. Gruenberg, Jr., Co-Chair

Handwritten signature of Niilo Koponen.

Representative Niilo Koponen, Co-Chair

House Adopted 4/23/86

PROFESSIONAL AND
VOCATIONAL REGULATIONS

12 AAC 28.340
12 AAC 28.950

(6) procedures for determining whether the hygienist has acquired the necessary knowledge and proficiency to administer local anesthetic agents. (Eff. 5/31/81, Reg. 78)

Authority: AS 08.32.110(b)

12 AAC 28.350. EXPIRATION AND RENEWAL OF CERTIFICATION. (a) A certification to administer local anesthetic agents expires on the date the dental hygienist's license expires or is revoked or suspended.

(b) A certification to administer local anesthetic agents will be renewed when the dental hygienist's license to practice is renewed. (Eff. 5/31/81, Reg. 78)

Authority: AS 08.32.110(b)

12 AAC 28.360. REGISTRY. The board shall maintain a registry of all board approved courses of instruction and all dental hygienists certified to administer local anesthetic agents. (Eff. 5/31/81, Reg. 78)

Authority: AS 08.32.110(b)

**ARTICLE 4.
GENERAL PROVISIONS**

Section

- 900. Current address
- 950. Cessation of licensing by credentials
- 990. Definitions

12 AAC 28.900. CURRENT ADDRESS. A licensee shall maintain a current, valid mailing address on file with the division at all times. The latest mailing address on file for an active, inactive or lapsed license is the address of the licensee for official communications, notifications and service of legal process. (Eff. 7/14/85, Reg. 95)

Authority: AS 08.36.070(a)(1) and (7)
AS 08.36.080

12 AAC 28.950. CESSATION OF LICENSING BY CREDENTIALS. In the absence of specific regulations implementing AS 08.36.234 or legislation clarifying that statute, no applications for licensure by credentials will be accepted. (Eff. 10/17/84, Reg. 92; am 2/1/85, Reg. 93)

Authority: AS 08.36.070
AS 08.36.234

A PERFORMANCE REPORT ON THE
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
BOARD OF DENTAL EXAMINERS

September 24, 1985

Audit Control Number

08-1226-86-R

Commissioner, Department of
Commerce and Economic Development Loren H. Lounsbury

Deputy Commissioners, Department of
Commerce and Economic Development Greg Baker
Terry Elder

Members of the
Board of Dental Examiners

President	Paul S. Buxton, DDS
Secretary	Leslieann Luboff
Member	Jerry F. Zemlicka, DDS
Member	Robert E. Warren, DDS
Member	Timothy J. Woller, DDS
Member	Patrick J. Gullufsen, Esq.
Member	Hubert J. Gellert

STATE OF ALASKA

AUDIT DIVISION
POUCH W
JUNEAU, ALASKA 99811

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

September 24, 1985

Members of the Legislative Budget
and Audit Committee:

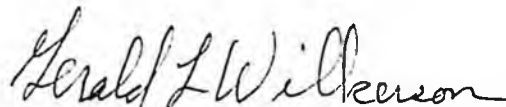
In accordance with the provisions of Titles 24 and 44 of the Alaska Statutes (sunset legislation), the attached report is submitted for your review.

A PERFORMANCE REPORT ON THE
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
BOARD OF DENTAL EXAMINERS

September 24, 1985

Audit Control Number

08-1226-86-R



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

TABLE OF CONTENTS

	<u>Page</u>
Purpose of the Report	1
Organization and Function	3
Report Conclusion	5
Findings and Recommendations.	7
Analysis of Public Need	9
Appendixes:	
A. Board of Dental Examiners Revenues Compared with Expenditures	15
B. Board of Dental Examiners Practical Examination and Statistics.	17
C. Board of Dental Examiners Administrative Statistics	18
Agency Response:	
Department of Commerce and Economic Development	19

PURPOSE OF THE REPORT

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Board of Dental Examiners to determine if the Board has been operating in an efficient and effective 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, 1986, but will continue until June 30, 1987 for the purpose of concluding its affairs.

The major areas of our examination were the licensing, examination, administration, complaint, and affirmative action functions of the Board. We reviewed and evaluated the following:

1. Applicable statutes and regulations.
2. Tests of files and documents of licensees.
3. Interviews with the licensing examiner.
4. Complaints filed with the Division of Occupational Licensing, Equal Employment Opportunity Office, Attorney General's Office, and the Ombudsman Office.
5. Discussions with Board members.
6. Minutes of Board meetings and Division correspondence files.
7. Attorney General's Opinions applicable to professional boards.

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ORGANIZATION AND FUNCTION

The Board of Dental Examiners was created in 1955. The Board consists of seven members; four licensed dentists, one dental hygienist, and two public members which are appointed by the Governor subject to confirmation of the Legislature. Board members serve terms of four years.

The Board is organized under the Department of Commerce and Economic Development, Division of Occupational Licensing (OL). Administrative functions of the Board are provided by OL, such as processing applications, maintaining licensing files, answering inquiries, and providing investigative support.

The primary function of the Board is to ensure a minimum quality of dental care to Alaskans by licensing qualified applicants and establishing regulations necessary to enforce statutes. The Board regulates dentists, dental specialists, and dental hygienists who perform services in the State. Special permits are issued by the Board to Federal agencies that supply dentistry to residents of isolated areas remote from major population centers.

The responsibility and authority for evaluating the competence of candidates for dental licensure are vested in the Board. A clinical and written examination has been developed by the Board to assess a candidate's competency. The clinical examination is a two day practical examination, requiring candidates to complete an amalgam, gold foil, and a gold inlay restoration procedure. Dental hygienists are also required to take a clinical and written examination. Although dental specialists are not required to take an examination, they must be licensed dentists in Alaska and may be required to have completed additional years of education in their specialty area.

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REPORT CONCLUSION

Policy Issues

This report 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 report but require legislative consideration. In debating these issues, the oversight committees should take into consideration the findings and recommendations presented in this report so the potential impact of policy changes can be evaluated.

Report Conclusion

In our opinion, the Board of Dental Examiners should be reestablished. The regulation and licensing of qualified professionals is necessary to protect the public's health, safety, and welfare. The Board provides this service by establishing minimum educational and experience requirements that provide reasonable assurance that persons licensed are qualified. Also, assurance that those licensed act in a competent manner is provided by active investigation of complaints and revocation or suspension of licenses when appropriate.

However, the following findings describe areas where weaknesses or conflicts exist. We have made recommendations which, if implemented, will improve the efficiency and effectiveness of the Board.

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FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The Board of Dental Examiners should adopt regulations to provide requirements for proof of continued professional competence for dentists, dental hygienists, and dental specialists.

Alaska Statute 08.36.070 requires that the Board provide requirements for proof of continued professional competence for dentists and dental hygienists. The Board has not yet adopted any regulations regarding continued professional competence. One way of demonstrating continued competence is to require practitioners to obtain continuing education, an action currently under consideration by the Board.

Continuing education is one method that provides a reasonable means of assuring continuing competency in a profession. A required program of continuing education will help prevent professional obsolescence and keep practitioners aware of changes taking place in the profession. We encourage the Board to adopt regulations pertaining to continuing competency in order to provide better dental services to public and fulfill their statutory responsibility.

Recommendation No. 2

The Board should pursue adopting policies allowing for licensure by credentials.

The Board adopted a regulation effective February 1, 1985 which ceased licensing by credentials (licensing based on out-of-state licensure) for dentists because of problems raised over the Board's credentialing procedures. This regulation was adopted so that the Board could reconsider policies and procedures over licensing dentists by credentials.

The cessation of licensing by credentials restricts entry into the dental profession in Alaska for out-of-state dentists wishing to practice in the State. The Board should address the policies and procedures and introduce legislation clarifying statutes over licensure by credentials.

September 1985

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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 comprehensive, 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.
 - A. The Board has served the public by examining and licensing qualified applicants and proposing changes in regulations that are necessary to enforce State statutes and enhances quality of dental care to Alaskans. To accomplish these functions, the Board has held an average of four board meetings and two examination sessions for dentists and dental hygienists during the past two fiscal years.
 - B. The Board introduced legislation, passed by the Legislature in 1984, which repealed the authority for issuing temporary permits without examination. The issuance of these temporary permits created a double standard in the quality of protection to the public by allowing applicants to practice dentistry who may not meet the qualifications for licensure to practice dentistry in the State.
- 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.
 - A. The Board suspended, by regulation, statutory provision for licensure by credentials because of legal problems surrounding the scope of the interview requirement for applicants. The Attorney General's Office has determined that the personal interview of an applicant by a Board member be limited to verifying credentials and asking questions, rather than requiring case presentations of the applicant's prior work for examination. The Board does not feel that it can adequately measure the qualifications of applicants without examining case presentations for issuing licenses by credentials. There are no plans for reenacting licensure by credentials in the future.

- B. The Board was unable to adopt regulations establishing licensing and examination fees to be effective during FY 85. Alaska statutes require that the Department of Commerce and Economic Development, by regulations adopted under AS 08.01.065, establish licensing and examination fees for dental hygienists and dentists. However, AS 08.01.065 did not exist during FY 85, and therefore there was no authority for adopting regulation.
- III. The extent to which the board, commission, or agency has recommended statutory changes which are generally of benefit to the public interest.
- A. Legislation was enacted in 1984 defining the rights of dentists practicing in the State. This legislation specifies certain activities permitted by dentists, such as practicing in association with other dentists and supervising research.
 - B. The Board recommended repeal of statutory provisions for administering out-of-state examinations because of budgetary and time constraints. The statutes were repealed in 1984.
 - C. The Board recommended the repeal of the statute allowing for the issuance of temporary permits, which was repealed by the Legislature in 1984.
- 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.
- A. The Board has advertised proposed regulation changes in major Alaskan newspapers, allows applicants to appeal their examination grades, and holds open meetings prior to examinations.
- V. The extent to which the board, commission, or agency has encouraged public participation in the making of its regulations and decisions.
- A. The Board announces its board meetings, examinations, and proposed regulations and regulation amendments in the Anchorage, Fairbanks, and Juneau newspapers as required by law.
 - B. 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.
- A. Two complaints have been filed against the Board regarding licensure by credentials and are scheduled for hearings. The Board has processed and addressed complaints in an effective and timely manner.
- 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.
- A. The Board issued 18 licenses during fiscal year 1984 and renewed 386 licenses effective January 1, 1985.
- B. The Board needs to establish requirements for proof of continued competency as provided by statutes (see Audit Recommendation No. 1).
- 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.
- A. The Human Rights Commission and the Equal Employment Opportunity Office have received no complaints related to the Board's activities.
- 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.
- A. Please refer to the previous section, Findings and Recommendations.

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APPENDIXES

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APPENDIX A

BOARD OF DENTAL EXAMINERS
REVENUES COMPARED WITH EXPENDITURES
 For the Fiscal Year Ended June 30, 1985
 (Unaudited)
 (Note 1)

Average Revenue (See Schedule 1 and Note 2)	\$41,536
Expenditures (See Note 3)	<u>50,888</u>
Excess of Revenues over Expenditures	<u>\$(9,352)</u>

Schedule 1
Types of Revenues

<u>Revenues</u>	<u>Amount</u>	<u>Collection Time</u>
Filing Fee		
Dentist	\$ 25	With application
Dental Hygienist	25	With application
Examination Fee		
Dentist	200	Before exam
Dental Hygienist	75	Before exam
Credential Review Fee (Note 4)		
Dentist	200	Before interview
Dental Hygienist	75	Before interview
Initial License Fee		
Dentist	30	Before licensure
Dental Hygienist	20	Before licensure
Registration/Renewal Fee		
Dentist	200	Before licensure; quadrennially thereafter
Dental Specialist	30	" "
Dental Hygienist	100	" "
Reexamination Application		
Dentist	25	With application
Dental Hygienist	25	With application
Specialty License	30	Before licensure
Branch Office Registration	100	Quadrennially
Delinquent Registration		
Dentist	10	With registration
Dental Hygienist	10	With registration
Duplicate License	10	With application

Note 1

This revenue/expenditure comparison was prepared from available records and discussions with Occupational Licensing personnel. The records were not audited by us and, accordingly, we do not express an opinion on the Board's Statement of Revenues Compared with Expenditures.

Note 2

A significant portion of revenues is composed of license renewal fees. Licenses are renewed quadrennially and the last renewal date was December 31, 1984. Because of the renewals, revenues vary substantially every fourth year. Therefore, we averaged revenues collected in fiscal year 1982, 1983, 1984, and 1985 in order to obtain a representative amount of average annual revenues collected.

Note 3

Expenditures consist of direct costs resulting from Board activities, which includes travel, per diem, and miscellaneous contractual expenditures incurred by the Board members and the Board's licensing examiner. This amount does not include indirect administrative expenditures of the Division of Occupational Licensing or expenditures for efforts of other departments assisting the Board.

Note 4

The Board suspended by regulation, licensing by credentials effective October 17, 1984. No applications for licensure by credentials have been accepted subsequent to the date of suspension.

APPENDIX B

BOARD OF DENTAL EXAMINERS
PRACTICAL EXAMINATION AND STATISTICS

The dental examination consists of two sections, written and clinical. The written examination covers subjects dealing with the diagnosis of oral condition, prosthetics, and jurisprudence (Alaska Statutes).

The clinical section of the examination is a two day examination covering the following three subjects:

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

Dental applicants must furnish their own patients and equipment. The examinations have been held in the Teamster's Clinic in Anchorage. An applicant must have a score of at least 75% for each subject to receive a passing grade for licensure.

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 their own patients and tools.

There are no examinations required for dental specialists before being licensed; however, the applicant must be a licensed dentist in the state.

Alaska Dental Examination Statistics

	<u>Dentists</u>		<u>Dental Hygienists</u>	
	<u>FY 84</u>	<u>FY 85</u>	<u>FY 84</u>	<u>FY 85</u>
Number of Applicants	36	28	23	20
Number Failed	22	18	3	3
Number Passed	16	10	20	17
Percentage Pass Rate	38.9%	35.7%	86.9%	85.0%
Number of Examinations	2	2	2	2

APPENDIX C

BOARD OF DENTAL EXAMINERS
ADMINISTRATIVE STATISTICS
September 15, 1985

Licensed Dental Practitioners	714
Dentists licensed in State	386
Out-of-State Dentists licensed in State	101
Dental Hygienists	303
Dental Specialists	25
Average number of meetings per year (excluding teleconferences)	4

BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT**

DIVISION OF OCCUPATIONAL LICENSING

December 23, 1985

POUCH D
JUNEAU, ALASKA 99811
PHONE: (907) 465-2534

RECEIVED
DEC 24 1985

**LEGISLATIVE
AUDIT**

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

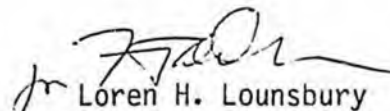
Dear Mr. Wilkerson:

Thank you for the opportunity to comment on your preliminary audit report for the Board of Dental Examiners.

We concur with your findings and recommendations, and support continuation of the board.

Thank you once again for your cooperation and the opportunity to comment on your audit.

Sincerely,


Loren H. Lounsbury
Commissioner

LHL/mst3048m
120985a

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ARLISS STURGULEWSKI, Vice Chairman
JOE JOSEPHSON
PAUL FISCHER
EDNA ARMSTRONG-DE VRIES



P. O. BOX V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3762

Senate Committee on Health, Education and Social Services

M E M O R A N D U M

TO: Members, Senate Committee on Health, Education and Social Services

FROM: Senator Fahrenkamp, *BF* Chairman

RE: Sunset Review of Board of Dental Examiners

DATE: February 20, 1986

Please find attached information prepared by the Division of Occupational Licensing regarding the number of dental licenses issued and licensure by credentials. I am anticipating a quick response to additional questions raised during our review of the board. I will forward that information to you as soon as I receive it.

**DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT**

DIVISION OF OCCUPATIONAL LICENSING

POUCH D
JUNEAU, ALASKA 99811
PHONE: (907) 465-2534

February 13, 1986

Honorable Max Gruenberg
Co-chairman
Health, Education and Social
Services Committee
House of Representatives
P.O. Box V
Juneau, AK 99811

Dear Representative Gruenberg:

You asked us yesterday to answer the following questions for today's hearing on the Dental Examiners Sunset Review.

1. Which states license dentists by credentials?
2. Which states offer reciprocity?
3. What is the number of applicants and the pass/fail rate for dentists' licenses from FY 66 - FY 85?
4. What is the number of newly licensed dentists from FY 66 - FY 85?
5. How does the division's exam statistics released to Dr. Buxton compare with those noted in the Legislative Audit Report?

Our responses are as follows:

1. Enclosed is a list of states (prepared by the American Association of Dental Examiners) which license by credentials. A brief description of testing requirements is included. Note that, although this is the Association's most current list, it was completed in 1983 (Attachment I).

Also enclosed is a draft list prepared within the past six months by an intern for the Council on State Governments. The list indicates at least 23 states must still be contacted. We are aware of at least one error on the list - a call to the State of Kentucky shows that it dropped licensing by credentials two years ago. Therefore, we cannot testify to the accuracy of the list.

Also attached is a brief description of the requirements for licensure by credentials in Arkansas and Kansas (Attachment II).

2. The draft report of the Council of State Governments indicates that of the 27 states offering licensing by credentials, 12 will do so only under reciprocal agreement and 15 will do so by endorsement. Again, the report does not include statistics on 23 states not yet contacted.

Alaska does not maintain reciprocal agreements with any state.

3. & 5. It was not possible to review statistics released to Dr. Buxton except for FY 84 and FY 85; we believe that remaining files back to 1976 are in archives; files older than 10 years have been destroyed. We are presently researching the actual files in archives to see which remain.

The licensing examiner for the board and the auditor reviewed the audit figures and those released to Dr. Buxton. These are the findings:

- The division and the auditor used the same assumptions and procedures in calculating results.
- FY 84 figures released to Dr. Buxton were incorrect due to a mathematical error. Corrected copy provided (Attachment IV).
- FY 85 figures released to Dr. Buxton are correct; the auditor included November 1984 exam results but not June 1985 exam results.

A listing of statistics for initial licenses issued during calendar years 1966 through 1976 and fiscal years 1977 through 1985 is attached (Attachment IV).

Honorable Max Gruenberg

-3-

February 13, 1986

When the division has audited all years for which files are still available we will submit the results to the committee and to the board.

Sincerely,



Nancy Dunn
Director

ND/BB/ss2573c
021386b

LICENSURE BY CREDENTIALS
TESTING REQUIREMENT

Arkansas	-- no examination indicated
Indiana	-- not specified whether board may conduct clinical evaluation
Iowa	-- interview by the board; board in its discretion may require examination in dental jurisprudence, oral diagnosis, treatment planning
Kansas	-- interview by the board
Kentucky	-- no examination indicated
Maine	-- no examination indicated
Maryland	-- interview by the board; examination on dental jurisprudence
Massachusetts	-- no examination indicated
Michigan	-- interview by the board to evaluate credentials
Minnesota	-- interview by the board to question applicant's dental knowledge
Missouri	-- written and practical examination if licensure has been denied, revoked, etc. in another state
New York	-- have passed an examination satisfactory to the board
Ohio	-- examination on dental jurisprudence is mandatory; practical, written or oral examination is discretionary with the board
Oklahoma	-- examination discretionary with the board
Pennsylvania	-- examination on dental jurisprudence
Rhode Island	-- oral examination by the board
South Dakota	-- examination on dental jurisprudence
Tennessee	-- no examination indicated
Vermont	-- practical examination

No information on the District of Columbia or Virgin Islands.

STATE OF ALASKA
DEPARTMENT OF LABOR
DIVISION OF OCCUPATIONAL LICENSING

MAY 03 1955

STATE OF
OCCUPATIONAL LICENSING

19

ATTACHMENT II
 STATES LICENSING BY CREDENTIALS
 DRAFT, FEBRUARY 1986*

Reciprocity	Endorsement/ Credentials	Unknown to Date
Alabama		
Arkansas	Arizona	
	Idaho	California
	Kansas	
Iowa		Colorado
Delaware	Maine	Illinois
Louisiana	Maryland	Florida
	Michigan	
	Minnesota	Montana
	Nevada	Nebraska
New Hampshire	New York	
North Dakota	North Carolina	Ohio (?)
Oklahoma		
Rhode Island	Pennsylvania	
	South Dakota	South Carolina
Washington	Texas	
West Virginia	Vermont	Tennessee
Wyoming	Wisconsin	Utah
		Virginia

*This list was released by phone to the Division of Occupational Licensing by Ellen Hume from the Council of State Governments.

ALASKA DENTAL BOARD EXAMINATIONS

Year	Number of Candidates	Number Passed	Number Failed	Percent Passed	Percent Failed
1966	20	14	6	70	30
1967	20	15	5	75	25
1968	23	12	11	52	48
1969	18	8	10	44	54
1970	32	25	7	78	22
1971	22	12	10	55	45
1972	25	16	9	64	36
1973	25	14	11	56	44
1974	26	15	11	58	42
1975	33	16	17	48	52
1976	31	25	6	81	19
1977	28	23	5	82	18
1978	25	12	13	48	52
1979	19	11	8	57	43
1980	26	14	12	54	46
1981	27	14	13	52	48
*1982	45	21	24	47	53
*1983	51	27	24	53	47
*1984	36	18 14	18 22	50 39	50 61
*1985	<u>52</u> 584	<u>23</u> 335 331	<u>29</u> 249 253	<u>44</u> 37%	<u>56</u> 43%
*Fiscal Year (July 1 - June 30)				56.68%	43.32%

NOTE: The number of candidates that passed and failed the examination in FY '84 were reported incorrectly due to a computation error. These numbers have been corrected on this copy. The total percentage of pass/fail rate was not adversely affected. The figures from FY '83 and before have not been audited to date.

Corrected: 2/13/86

ATTACHMENT V

Initial Dental Licenses issued for calendar years 1966-1976 and fiscal years 1977-1985.

1966	14
1967	16
1968	12
1969	8
1970	25
1971	12
1972	16
1973	14
1974	15
1975	16
1976	57
(23 initial licenses issued between)	
*1977	26
*1978	17
*1979	16
*1980	13
*1981	13
*1982	25
*1983	19
*1984	22
*1985	24

* Fiscal Year

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 634
 Title : Continuation of the Board of Nursing Home Administrators
 Sponsor : House HESS
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Commerce & Econ. Dev.
 BRU : Occupational Licensing
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL					[.4]	[.4]
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	[.4]	[.4]
CAPITAL						
REVENUE		-0-	-0-	-0-	-0-	-0-

FUNDING : (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	[.4]	[.4]
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	[.4]	[.4]

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

This bill provides for continuation of the Board of Nursing Home Administrators and reduces the number of board members from five to three by attrition. One Anchorage member would attend only one meeting in FY 87, so per diem cost of \$80 would be eliminated for FY 88-91. This cost is not reflected as it is under \$100 annually.

Prepared by: Jennifer Strickler, Management Analyst Phone: 465-2144
 Division: Occupational Licensing Date: February 20, 1986

Approved by Commissioner: *[Signature]* Date: February 20, 1986
 Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 634

The reduction in cost shown for FY 90 and FY 91 reflects the elimination of one Juneau member whose term expires October 1, 1988. This member would attend the face to face meeting in FY 89 but travel and per diem cost of \$432.00 in FY 90 and FY 91 would be eliminated.

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT**

POUCH D
JUNEAU, ALASKA 99811
PHONE: (907) 465-2534

DIVISION OF OCCUPATIONAL LICENSING

February 20, 1986

Honorable Bettye Fahrenkamp
Chairman, Senate Health,
Education and
Social Services Committee
Alaska State Senate
P.O. Box V
Juneau, AK 99811

Dear Senator Fahrenkamp:

At the Senate HESS hearing on the Board of Dental Examiners Sunset Review, you requested that the following information be provided to the committee.

1. Name of dental schools from which examination applicants have graduated, whether they passed or failed the Alaska practical exam, and the applicant's state of origin.
2. Number of applicants licensed by credentials prior to suspending licensure by credentials in October 1985.
3. Number of examination applicants who could have applied for licensure by credentials, and whether they passed or failed the exam.

Our responses are as follows:

1. We have reviewed the files of examination applicants from the last four exams and have attached a list which addresses both questions #1 and #3.

Some exam candidates have made several attempts to pass the examination, therefore, an additional column was added to indicate the number of attempts the individual has made during the last four exams to pass.

Section 08.36.234 of the Dental Statutes requires eight provisions which must be met to be eligible for licensure by credentials. Given the time available to produce this information, only two of the eight provisions were considered in determining those who may have been

February 20, 1986

eligible for licensure by credentials. The provisions considered were whether the applicant was licensed in another state, and whether the applicant had practiced for more than five years preceding the examination date.

Six of the thirty-three candidates who passed the exam were eligible for licensing by credentials. Note that, of twenty-three candidates who failed, only two would have been eligible for licensure by credentials. Neither applicant was from Alaska. One candidate was from Oregon and had studied at the University of Oregon; the other candidate was from New Jersey and studied at New York University.

Also please note that of the twenty-three applicants failing the exam, four were from Alaska. Six Alaska applicants passed the exam and were licensed.

2. In response to question number 2, the following were licensed by credentials:

FY 84:	1
FY 85:	12

Should you or the committee have further questions, we will be happy to assist in any way possible.

Sincerely,



Nancy Dunn
Director

ND/sa1643s
22086a

Division of Occupational Licensing
 Board of Dental Examiners Examination Date FY'84-FY'86

<u>SCHOOL OF DENTISTRY</u>	<u>PASS/FAIL</u>	<u>STATE OF ORIGIN</u>	<u>NUMBER OF ATTEMPTS OF EXAM</u>	<u>ELIGIBLE FOR LICENSURE BY CREDENTIALS</u>
<u>University of Pacific (CA)</u>				
Canidate #1	Passed	AK	1	No
Canidate #2	Passed	CA	1	No
Canidate #3	Passed	CA	1	No
Canidate #4	Passed	AK	1	No
Canidate #5	Passed	AZ	1	Yes
Canidate #6	Passed	AK	3	No
Canidate #7	Failed	AK	3	No
Canidate #8	Failed	AK	1	No
<u>University of Washington</u>				
Canidate #1	Failed	WA	1	No
Canidate #2	Failed	CO	1	No
Canidate #3	Passed	AK	2	No
Canidate #4	Passed	WA	1	No
<u>University of Oregon</u>				
Canidate #1	Failed	OR	1	Yes
Canidate #2	Passed	OR	2	No
Canidate #3	Failed	OR	1	Yes
Canidate #4	Passed	NV	2	No
Canidate #5	Passed	OR	1	No
<u>Oregon Health Sciences Univ.</u>				
Canidate #1	Failed	AK	3	No
Canidate #2	Passed	OR	1	No
Canidate #3	Passed	AK	2	No
Canidate #4	Passed	OR	1	No
Canidate #5	Failed	OH	1	No
<u>Loma Linda University</u>				
Canidate #1	Failed	WA	1	No
Canidate #2	Failed	WA	2	No
Canidate #3	Passed	MT	2	No

2/20/86

<u>SCHOOL OF DENTISTRY</u>	<u>PASS/FAIL</u>	<u>STATE OF ORIGIN</u>	<u>NUMBER OF ATTEMPTS OF EXAM</u>	<u>ELIGIBLE FOR LICENSURE BY CREDENTIALS</u>
<u>Marquette University (WI)</u>				
Canidate #1	Failed	WI	2	No
Canidate #2	Passed	WI	2	No
Canidate #3	Passed	WI	3	No
Canidate #4	Passed	WA	2	Yes
<u>Ohio State University</u>				
Canidate #1	Passed	OH	1	Yes
Canidate #2	Passed	OH	1	Yes
Canidate #3	Passed	NY	2	Yes
<u>University of Iowa</u>				
Canidate #1	Passed	MT	2	No
Canidate #2	Failed	AK	2	No
<u>University of Illinois</u>				
Canidate #1	Failed	IL	1	No
<u>Indiana University</u>				
Canidate #1	Failed	IN	2	No
Canidate #2	Passed	IN	2	No
<u>University of Texas</u>				
Canidate #1	Passed	TX	1	No
Canidate #2	Passed	MD	2	Yes
<u>Washington University (MO)</u>				
Canidate #1	Passed	TX	1	No
Canidate #2	Passed	CA	1	No

2/20/86

<u>SCHOOL OF DENTISTRY</u>	<u>PASS/FAIL</u>	<u>STATE OF ORIGIN</u>	<u>NUMBER OF ATTEMPTS OF EXAM</u>	<u>ELIGIBLE FOR LICENSURE BY CREDENTIALS</u>
<u>Louisiana State University</u>				
Canidate #1	Failed	LA	2	No
<u>Northwestern University (IL)</u>				
Canidate #1	Failed	IL	1	No
<u>University of Louisville (KT)</u>				
Canidate #1	Passed	KT	2	No
<u>University of Kentucky</u>				
Canidate #1	Passed	MA	2	No
<u>Creighton University</u>				
Canidate #1	Failed	CA	2	No
Canidate #2	Passed	IL	2	No
<u>University of Pennsylvania</u>				
Canidate #1	Passed	PA	2	No
<u>Medical College of Virginia</u>				
Canidate #1	Passed	AK	3	No
<u>Nebraska Medical Center College</u>				
Canidate #1	Passed	CO	1	No
<u>Farleigh Dickinson University (NJ)</u>				
Canidate #1	Failed	NY	2	No

2/20/86

<u>SCHOOL OF DENTISTRY</u>	<u>PASS/FAIL</u>	<u>STATE OF ORIGIN</u>	<u>NUMBER OF ATTEMPTS OF EXAM</u>	<u>ELIGIBLE FOR LICENSURE BY CREDENTIALS</u>
<u>New York University</u>				
Canidate #1	Failed	NJ	1	Yes
Canidate #2	Failed	WA	2	No
<u>Columbia University (NY)</u>				
Canidate #1	Failed	WA	2	No
<u>U. of Medicine and Dentistry of New Jersey</u>				
Canidate #1	Failed	NJ	4	No
<u>Georgetown University (D.C.)</u>				
Canidate #1	Failed	UT	1	No

Note: This data was compiled from the Dental Examinations given between June 1984 and November 1985, which includes the last examination given in FY'84 and the first examination given in FY'86.

2/20/86

MAR 5 1986
BILL SHEFFIELD, GOVERNOR

file 'hb 614'

**DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT**

POUCH D
JUNEAU, ALASKA 99811
PHONE: (907) 465-2534

DIVISION OF OCCUPATIONAL LICENSING

REGULATIONS
NOTICE OF PROPOSED CHANGES TO THE REGULATIONS OF
THE BOARD OF DENTAL EXAMINERS

Notice is hereby given that the Department of Commerce and Economic Development, Board of Dental Examiners, under authority vested by AS 08.36.070 and AS 08.36.190, proposes to repeal and adopt regulations in Title 12 of the Alaska Administrative Code dealing with the grading of the clinical examination and the notification of grades to implement AS 08.36.070 and AS 08.36.190 as follows:

1. 12 AAC 28.260, which established a point grading system for the clinical examination is repealed; and
2. 12 AAC 28.280 is repealed and readopted to clarify the procedure used for notification of clinical exam grades.

Notice is given that any person interested may present written statements or arguments relevant to the action proposed by mailing them to Kevin Henderson, Regulations Specialist, Division of Occupational Licensing, P.O. Box D-LIC, Juneau, Alaska 99811, so that they are received no later than Thursday, April 10, 1986.

Copies of the proposed regulations may be obtained by writing to the above address or by telephoning (907) 465-2535.

This action is not expected to require an increased appropriation.

The Board of Dental Examiners, upon its own motion or at the instance of any interested person, may, after the deadline stated above, adopt the proposals within the scope of this notice without further notice or may decide to take no action on them.

Loren H. Lounsbury

Loren H. Lounsbury, Commissioner

Date: MARCH 4, 1986

PUNOT3c3/3/86a

Register ,

1986 COMMERCE AND
ECONOMIC DEVELOPMENT

12 AAC 28.260
12 AAC 28.280

BOARD OF DENTAL EXAMINERS
CHAPTER 28

12 aac 28.260 is repealed.

12 AAC 28.260. GRADING OF CLINICAL EXAMINATION. Repealed
/ / .

12 AAC 28.280 is repealed and readopted to read:

12 AAC 28.280. NOTIFICATION OF GRADES. Each exam appli-
cant will be given written notification of his or her final
score and the minimum passing score on each subject of the
clinical examination. (Eff. 4/8/79, Reg. 70; am / / ,
Reg.)

Authority: AS 08.36.070(1) and (7)
AS 08.36.190