

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

4832 HLAB HB 526 - HB 532

404

MEMORANDUM

State of Alaska

TO: Sandra Schubert, Aide to
Representative Pat Pourchot

DATE: March 23, 1988

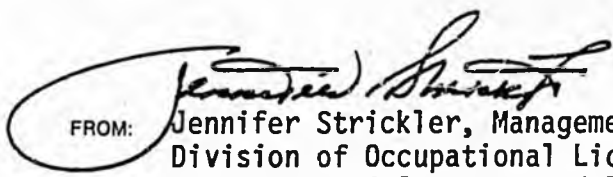
FILE NO:

TELEPHONE NO:

THRU:

SUBJECT: Preliminary Costs on Draft
CS for HB 526, Clinical
Social Work

FROM:


Jennifer Strickler, Management Analyst
Division of Occupational Licensing
Department of Commerce and Economic
Development

In response to your request, I have prepared a preliminary cost summary based on the draft committee substitute for HB 526. If the CS is adopted by the committee, these calculations will be transferred to a fiscal note.

PERSONAL SERVICES	0.0
TRAVEL	3.5 (Based on one meeting)
CONTRACTUAL	1.0 (Printing/Advertising, Communications, etc.)
COMMODITIES	0.0
EQUIPMENT	<u>0.0</u>
TOTAL	4.5*

*(Note: This does not include overhead costs.)

The department has statutory authority to establish licensing fees through regulations so that each occupation will be responsible to cover their costs to the extent possible through licensing fees. To accomplish this, the division has established a formula used to spread overhead costs in each licensing area based on the number of licensees within an occupation. For clinical social workers, 50 practitioners equal 0.24% of the current licensees; and, therefore, 0.24% of the overhead is assigned to the clinical social work licensing program to be covered by licensing fees.

Therefore, the total cost of the clinical social work licensing program is \$15,400 in the first year and licensing fees would need to attempt to cover this cost. You advised earlier that the clinical social workers are willing to pay licensing fees of \$150 per year (\$300 biennial). If so, the profession will just about cover the costs of its licensing program.

If you have any questions, please call me at 465-2144.

JS/mst7601m
032388a

POSITION PAPER
COMMITTEE SUBSTITUTE FOR HOUSE BILL No. 526

For an Act entitled: "An Act relating to the practice of clinical social work and exempting certain persons from licensure as clinical social workers; and providing for an effective date."

The Committee Substitute for House Bill 526 would provide for a licensing body with the authority to regulate the practice of clinical social work in Alaska. The provisions in this Committee Substitute would:

1) promote high standards of professional performance by persons licensed to practice clinical social work.

As a result of this legislation, only persons found by the Board to meet the requirements under Section 08.95.110 would be issued a license to practice clinical social work. Clinical social workers intervene in complex situations involving interpersonal, social, financial, and legal dimensions, and in an area where the professional capabilities of the individual have such an important impact on the persons receiving services, it is essential that the standards of quality of one's professional performance are consistently high. Licensure or certification has been effected in 43 states, the Virgin Islands, and Puerto, as a mechanism to ensure those standards.

2) protect the consumer by insuring that persons using the title of clinical social worker have specific educational training designed to prepare persons for the field of social work.

There are presently no requirements for clinical social work practitioners, and while consumers of these services can contact the Alaska Chapter of the National Association of Social Workers (NASW) to see if the person is a member, membership in NASW is voluntary and therefore all "licensable" social workers may not belong to NASW. In addition, while persons who are members of NASW are required to conduct their practices according to the national organization's code of ethics, censoring a member for unethical practices does not stop them from practicing in Alaska; that can only be accomplished through licensure.

3) provide individuals in the community with more options for treatment than what presently exists.

Licensure provides the clinical social worker with the ability to seek financial reimbursement for services through a number of insurance companies which presently will only reimburse "licensed" professionals. The result of the present situation is that persons seeking treatment services are forced to wait for the availability of other professionals if they need to pay for these services through insurance. Social workers provide a large percentage of the clinical services offered in Alaska, particularly in the rural areas, and the availability of those services often means the difference between some treatment and no treatment.

4) provide for privileged communication between the professional social worker and the client.

While the information acquired by state social workers in their performance of their duties under AS 47.10.090, 47.17.040, 47.35.060, and 47.35.070 is confidential, social workers in private agencies or in private practice have no similar protection of their clients' information.

The Department of Health and Social Services strongly supports both the recognition of the profession of social work and the commitment of the Alaska Legislature to regulate that practice in order to assure quality service to clients.

RECOMMENDED: *Yvonne M. Chase*
Yvonne M. Chase, Director
Division of Family
and Youth Services

DATE: 3/24/88

APPROVED: *Myra M. Munson*
Myra M. Munson, Commissioner
Department of Health
and Social Services

DATE: 3/24/88

Alaska State Legislature

REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE,
VICE CHAIR

HOUSE ETHICS COMMITTEE, CHAIR

LEGISLATIVE BUDGET & AUDIT
COMMITTEE



House of Representatives

ANCHORAGE
P.O. BOX 104836
ANCHORAGE, AK 99510
(W) (907) 561-7623
(H) (907) 338-2425

JUNEAU
P.O. BOX V
STATE CAPITOL
JUNEAU, AK 99811
(907) 465-3712

M E M O R A N D U M

TO: Representative Dave Donley, Chairman
House Labor and Commerce Committee

FROM: Representative Pat Pourchot *Pat*

RE: HB 526, Social Work Licensing

DATE: March 22, 1988

Thank you for your consideration of the proposed committee substitute for House Bill 526, which would establish licensure for clinical social workers.

Licensure of social workers is an issue that has been before the Legislature in the past, but due to strong opposition from some groups has failed to achieve passage into law. The primary opposition has come from Native non-profit organizations concerned about the impact licensure might have on the ability of the Native community to continue to provide services to its people. Lesser opposition has come from the State Division of Family and Youth Services (DFYS) who is concerned about the feasibility of licensing state employees and the difficulty of attracting licensed professionals to remote areas of the state.

The bill before you is a scaled-down version of earlier licensing proposals. It meets the concerns of the Native non-profits and DFYS, is supported by the Alaska Chapter of the National Association of Social Workers (ANASW), and meets the most pressing consumer protection issue -- social workers providing counseling or psychotherapy services in unsupervised private practice.

Proposed CSHB 526(L&C) would apply only to clinical social workers in private practice, a subset (approximately 50 persons) of the general social work profession. A clinical social worker is classified according to NASW's standardized definition and is set apart from other social workers by the fact that he or she performs psychotherapy (diagnosis and assessment of persons with mental and emotional conditions). This aspect of social work requires specialized knowledge and training and can have detrimental effects if wrongly

CSHB 526(L&J)
March 22, 1988
Page 2

applied. Social workers employed by federal, state, or local government entities and by private non-profits (e.g. social workers who, by the nature of their employment, operate within a supervised structure) would be specifically exempt from licensure.

HB 526 should not be interpreted to mean that consumer protection and standard of practice issues arise only with clinical social workers. Probably each decision made by each social worker impacts somebody's life, and there are many people who feel that this justifies licensure of all social workers. However, there is simply not support for that approach. I am convinced that CSHB 526(L&C) will do much to enhance consumer protection and improve the standard of care by targeting those social workers that are totally unregulated at this time, and I would urge your support.

You'll note that the bill has a zero fiscal note, as license fees (approximately \$150 per year) would cover the cost of licensing. It is also worth noting that licensure would facilitate the receipt of third party insurance payments by clinical social workers, which would have the general effect of increasing the availability of their services.

Alaska State Legislature

ANCHORAGE
P.O. BOX 104836
ANCHORAGE, AK 99510
(W) (907) 561-7623
(H) (907) 338-2425

JUNEAU
P.O. BOX V
STATE CAPITOL
JUNEAU, AK 99811
(907) 465-3712

REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE,
VICE CHAIR

HOUSE ETHICS COMMITTEE, CHAIR

LEGISLATIVE BUDGET & AUDIT
COMMITTEE



House of Representatives

March 22, 1988

Proposed CSHB 526 (L&C), An Act relating to the practice of clinical social work.

BILL ANALYSIS

Section 1 Purpose

Protect the public by setting standards of professional performance for clinical social workers.

Section 2, 08.95.010 Board Make-up

Four licensed clinical social workers and one public member.

Section 08.95.020 Board Meetings

At least once a year.

Section 08.95.030 Duties of the Board

Issue licenses, impose disciplinary sanctions, adopt regulations, and prepare an annual report.

Section 08.95.040 Continuing Education

Minimum of 45 hours per biennium of education or training, with a minimum of 6 hours in substance abuse and 6 hours in cross-cultural education that emphasizes Alaska Natives.

Section 08.95.100 Penalties

Class B misdemeanor (maximum 90 day sentence) for practicing clinical social work or using the title "clinical social worker" without a license. Unlicensed persons may use the title "social worker".

Section 08.95.110 Licensure

Qualifications: (1) Masters or doctoral degree in social work; (2) 2-years of full-time supervised employment in clinical social work or 3,000 supervised hours of less than full-time employment; (3) good professional standing; (4) 3 professional references; (5) pass examination; (6) pay fees.

Section 08.95.130 Display of License

Must be in a conspicuous place.

Section 08.95.900 Confidentiality

Required except under certain conditions (case conferences with other licensed professionals, written consent, incidents of child abuse or neglect).

Section 08.95.910 Exemptions

Employees of federal/state/local government, non-profits, other qualified professionals.

Section 08.95.990 Definitions

Defines "clinical social work" and "social work principles and methods".

Section 3-4 DCED Duties

08.01.010 places Social Work Board under the centralized licensing statute.
08.01.050 authorizes DCED to provide investigative services to the Board.

Section 5, 08.02.010(a) Use of Title

Must be used on all signs, stationery, or other advertising.

Section 6, 08.03.010(c) Sunset

June 30, 1992

Section 7 Initial Appointments to Board

Persons with masters or doctoral degree in social work, 2 years or 3000 hours of experience, good professional standing, and who practiced in Alaska during the past year are eligible.

Section 8 Transitional Licensure

License without exam until June 30, 1989 for persons who meet all other licensure requirements.

Section 9 Effective Date

July 1, 1988

NASW Statement

LICENSING OF CLINICAL SOCIAL WORKERS IN PRIVATE PRACTICE

The Alaska Chapter of the National Association of Social Workers supports the passage of legislation to regulate social workers who are engaged in the private-for-profit, independent practice of clinical social work. Currently 35 States provide some control over clinical social work in their jurisdiction through registration, certification, or licensure of social workers and 9 States including California and Oregon regulate only the practice of clinical social work.

The standard adopted by NASW for the independent practice of clinical social work includes a master's degree in social work from an accredited program and two years of supervised experience in a clinical setting. Clinical settings include but are not limited to mental health clinics, hospitals, and counseling centers. Only clinical social workers are qualified to diagnose and treat mental illness and emotional disorders utilizing psychosocial methods and psychotherapeutic techniques. Clinical social workers deliver over 50% of mental health services on the national and statewide level. Clinical social workers are the only unlicensed mental health professionals currently permitted by State statute to evaluate clients for commitment in mental health proceedings.

The majority of social workers engaged in private practice throughout the State are clinical social workers. There are several masters level and some bachelors level social workers engaged in private practice as consultants but it would be difficult to regulate this group because they do not possess a standard body of knowledge in comparison to clinical social workers. Consumers of clinical social work services by private practitioners are those consumers most at risk of receiving services from unqualified or unethical practitioners.

NASW believes that licensing of all social workers is beneficial to the public but licensing of private practitioners is absolutely necessary to protect consumers. Clients of agencies can file complaints with the worker's supervisor, director, or governing board, but clients of private practitioners have no such recourse. Recently there have been several reports indicating that complaints against social workers accused of sexually abusing clients has sharply increased. The Alaska Chapter of NASW is currently in the process of handling a complaint of this nature against one of our members. Because NASW can only handle complaints against members, the only sanction we can impose is to revoke membership.

We estimate that approximately 40-50 clinical social workers are engaged in the private practice of clinical social work on a part-time or full-time basis in Alaska and an additional 50-80 clinical social workers employed by agencies, clinics, and hospitals will meet the qualifications. Licensing of clinical social workers will enable private practitioners to collect third-party payments for treatment of mental and emotional disorders. Licensing of clinical social workers will expand treatment options for many Alaskans because clinical social workers frequently charge less for their services, and because clinical social workers are more likely to reside in rural areas of the State than psychiatrists or psychologists. In addition, many clinical social workers have developed expertise in areas such as treating victims of domestic violence and sexual abuse, but have had difficulty establishing their expertise as competent witnesses in courtroom settings because social workers are not licensed.

Submitted by: Marsha Schneider, MSW, ACSW
Executive Director
Alaska Chapter, NASW
3/22/88

Ben Crawford, Ph.D.
4020 Folker Street
Anchorage, Alaska 99508

March 21, 1988

The Honorable Niilo Koponen, Vice Chairman
House Labor & Commerce Committee
Alaska House of Representatives
P. O. Box V
Juneau, Alaska 99811

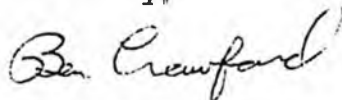
Dear Representative Koponen:

This letter is with regard to Committee Substitute for House Bill 526, an Act entitled: "Licensing of Social Work." CS526 is scheduled to come before your committee on Thursday and I urge you to support this bill.

CS526 is a bill that will protect consumers. Consumers currently can receive services that are provided by any individual who is "called a social worker," regardless of education, training, or experience. This bill will provide much needed protection for mental health clients as well as set standards for persons practicing clinical social work.

Again, I urge your support of CS526.

Sincerely,



Ben Crawford, Ph.D.

Mike Griffith, MSW
4020 Folker Street
Anchorage, Alaska 99508

March 21, 1988

The Honorable Niilo Koponen, Vice Chairman
House Labor & Commerce Committee
Alaska House of Representatives
P. O. Box V
Juneau, Alaska 99811

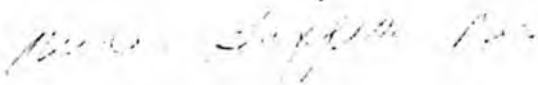
Dear Representative Koponen:

This letter is with regard to Committee Substitute for House Bill 526, an Act entitled: "Licensing of Social Work." CS526 is scheduled to come before your committee on Thursday and I urge you to support this bill.

CS526 is a bill that will protect consumers. Consumers currently can receive services that are provided by any individual who is "called a social worker," regardless of education, training, or experience. This bill will provide much needed protection for mental health clients as well as set standards for persons practicing clinical social work.

Again, I urge your support of CS526.

Sincerely,



Mike Griffith, MSW

Christy Williams, MSW, ACSW
4020 Folker Street
Anchorage, Alaska 99508

March 21, 1988

The Honorable Niilo Koponen, Vice Chairman
House Labor & Commerce Committee
Alaska House of Representatives
P. O. Box V
Juneau, Alaska 99811

Dear Representative Koponen:

This letter is with regard to Committee Substitute for House Bill 526, an Act entitled: "Licensing of Social Work." CS526 is scheduled to come before your committee on Thursday and I urge you to support this bill.

CS526 is a bill that will protect consumers. Consumers currently can receive services that are provided by any individual who is "called a social worker," regardless of education, training, or experience. This bill will provide much needed protection for mental health clients as well as set standards for persons practicing clinical social work.

Again, I urge your support of CS526.

Sincerely,

Christy Williams, MSW, ACSW

Rick Auman
4020 Folker Street
Anchorage, Alaska 99508

March 21, 1988

The Honorable Niilo Koponen, Vice Chairman
House Labor & Commerce Committee
Alaska House of Representatives
P. O. Box V
Juneau, Alaska 99811

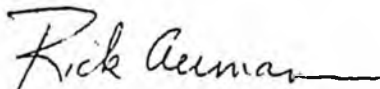
Dear Representative Koponen:

This letter is with regard to Committee Substitute for House Bill 526, an Act entitled: "Licensing of Social Work." CS526 is scheduled to come before your committee on Thursday and I urge you to support this bill.

CS526 is a bill that will protect consumers. Consumers currently can receive services that are provided by any individual who is "called a social worker," regardless of education, training, or experience. This bill will provide much needed protection for mental health clients as well as set standards for persons practicing clinical social work.

Again, I urge your support of CS526.

Sincerely,


Rick Auman

Sharon Williams-Webb, MS
4020 Folker Street
Anchorage, Alaska 99508

March 21, 1988

The Honorable Niilo Koponen, Vice Chairman
House Labor & Commerce Committee
Alaska House of Representatives
P. O. Box V
Juneau, Alaska 99811

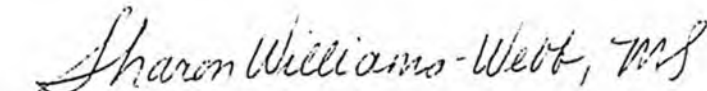
Dear Representative Koponen:

This letter is with regard to Committee Substitute for House Bill 526, an Act entitled: "Licensing of Social Work." CS526 is scheduled to come before your committee on Thursday and I urge you to support this bill.

CS526 is a bill that will protect consumers. Consumers currently can receive services that are provided by any individual who is "called a social worker," regardless of education, training, or experience. This bill will provide much needed protection for mental health clients as well as set standards for persons practicing clinical social work.

Again, I urge your support of CS526.

Sincerely,


Sharon Williams-Webb, MS

Jan MacClarence
4020 Folker Street
Anchorage, Alaska 99508

March 21, 1988

The Honorable Niilo Koponen, Vice Chairman
House Labor & Commerce Committee
Alaska House of Representatives
P. O. Box V
Juneau, Alaska 99811

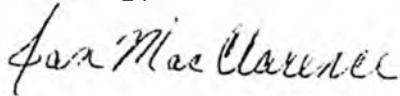
Dear Representative Koponen:

This letter is with regard to Committee Substitute for House Bill 526, an Act entitled: "Licensing of Social Work." CS526 is scheduled to come before your committee on Thursday and I urge you to support this bill.

CS526 is a bill that will protect consumers. Consumers currently can receive services that are provided by any individual who is "called a social worker," regardless of education, training, or experience. This bill will provide much needed protection for mental health clients as well as set standards for persons practicing clinical social work.

Again, I urge your support of CS526.

Sincerely,



Jan MacClarence, MSW, ACSW

Betsy John, MSW, ACSW
4020 Folker Street
Anchorage, Alaska 99508

March 21, 1988

The Honorable Niilo Koponen, Vice Chairman
House Labor & Commerce Committee
Alaska House of Representatives
P. O. Box V
Juneau, Alaska 99811

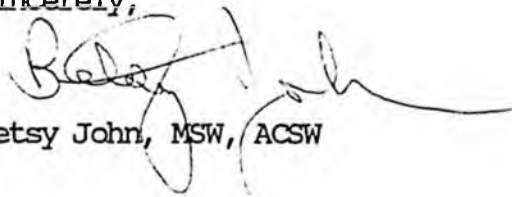
Dear Representative Koponen:

This letter is with regard to Committee Substitute for House Bill 526, an Act entitled: "Licensing of Social Work." CS526 is scheduled to come before your committee on Thursday and I urge you to support this bill.

CS526 is a bill that will protect consumers. Consumers currently can receive services that are provided by any individual who is "called a social worker," regardless of education, training, or experience. This bill will provide much needed protection for mental health clients as well as set standards for persons practicing clinical social work.

Again, I urge your support of CS526.

Sincerely,


Betsy John, MSW, ACSW

Chad Morris, MSW
4020 Folker Street
Anchorage, Alaska 99508

March 21, 1988

The Honorable Niilo Koponen, Vice Chairman
House Labor & Commerce Committee
Alaska House of Representatives
P. O. Box V
Juneau, Alaska 99811

Dear Representative Koponen:

This letter is with regard to Committee Substitute for House Bill 526, an Act entitled: "Licensing of Social Work." CS526 is scheduled to come before your committee on Thursday and I urge you to support this bill.

CS526 is a bill that will protect consumers. Consumers currently can receive services that are provided by any individual who is "called a social worker," regardless of education, training, or experience. This bill will provide much needed protection for mental health clients as well as set standards for persons practicing clinical social work.

Again, I urge your support of CS526.

Sincerely,



Chad Morse, MSW

Laurie Huffman, MS
4020 Folker Street
Anchorage, Alaska 99508

March 21, 1988

The Honorable Niilo Koponen, Vice Chairman
House Labor & Commerce Committee
Alaska House of Representatives
P. O. Box V
Juneau, Alaska 99811

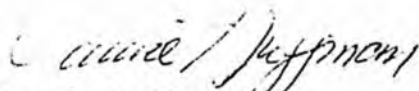
Dear Representative Koponen:

This letter is with regard to Committee Substitute for House Bill 526, an Act entitled: "Licensing of Social Work." CS526 is scheduled to come before your committee on Thursday and I urge you to support this bill.

CS526 is a bill that will protect consumers. Consumers currently can receive services that are provided by any individual who is "called a social worker," regardless of education, training, or experience. This bill will provide much needed protection for mental health clients as well as set standards for persons practicing clinical social work.

Again, I urge your support of CS526.

Sincerely,


Laurie Huffman, MS

Martha Houck, MSW, ACSW
4020 Folker Street
Anchorage, Alaska 99508

March 21, 1988

The Honorable Niilo Koponen, Vice Chairman
House Labor & Commerce Committee
Alaska House of Representatives
P. O. Box V
Juneau, Alaska 99811

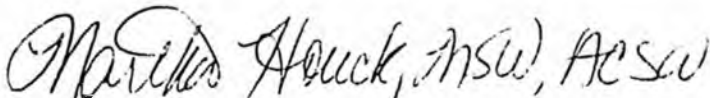
Dear Representative Koponen:

This letter is with regard to Committee Substitute for House Bill 526, an Act entitled: "Licensing of Social Work." CS526 is scheduled to come before your committee on Thursday and I urge you to support this bill.

CS526 is a bill that will protect consumers. Consumers currently can receive services that are provided by any individual who is "called a social worker," regardless of education, training, or experience. This bill will provide much needed protection for mental health clients as well as set standards for persons practicing clinical social work.

Again, I urge your support of CS526.

Sincerely,


Martha Houck, MSW, ACSW

HB

529

HOUSE COMMITTEE REPORT

(7)

Date referred: 2/17/88

FURTHER REFERRALS:

State Affairs
Finance

DATE: 4/12/88

The Labor & Commerce Committee has considered HB 529

"An Act relating to workers' compensation benefits for members of the state's organized militia; and providing for an effective date."

RECOMMENDS:

- [] replace with _____ [] the same title
[] attached amendment(s) [] a new title
[] do pass
[] do not pass
[] no recommendation
[X] individual recommendations
[] additional referral to the _____ Committee

ADOPTS: [] _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- [] fiscal impact [] same as previous fiscal note published _____
[] zero fiscal note [X] same as previous ^{three} zero fiscal note published 2/17/88
[] zero with analysis

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Clyde D. ...
W. A. ...

Send Amendment N/A
Send Only (NO REC)

W. A. ...
Chairman's signature

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

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

Mary Van Nimwegen

HL+C

4-12-88

2:00 p.m.

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 17, 1988

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to workers' compensation benefits for members of the Alaska State Militia, Alaska National Guard, and Alaska Naval Militia.

Under AS 26.05.020, the organized militia is composed of the Alaska State Militia (also known as the Alaska State Guard), the Alaska National Guard (composed of the Alaska Army National Guard and the Alaska Air National Guard), and the Alaska Naval Militia.

The National Guard is concurrently a reserve component of the armed forces of the United States. The National Guard drills one weekend each month and two weeks annually. For this duty, members of the National Guard are paid by the federal government from money appropriated to the Department of Defense. Members of the Naval Militia are concurrently members of the U.S. Naval Reserve. When performing drill for the U.S. Navy, naval reservists may be paid from money appropriated to the Navy Department.

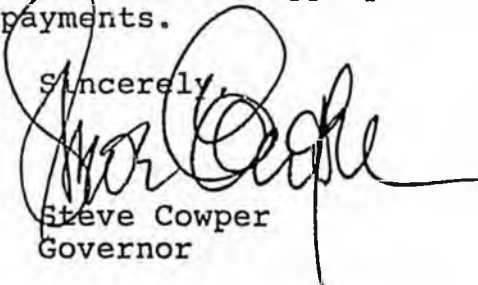
The Alaska State Militia (ASM) has no status as a reserve of the armed forces of the United States and its members receive no compensation from the federal government. The governor has authority to call the organized militia into active state service or training duty under AS 26.05.070. As currently written, AS 26.05.260 expressly provides that members of the National Guard and Naval Militia who are injured or killed while performing duties under AS 26.05.070 are entitled to workers' compensation. The statute is silent regarding compensation of members of the ASM who are injured or killed while performing duties under AS 26.05.070. No state workers' compensation coverage is presently provided for members of the National Guard who are injured or killed in the line of duty in the reserve component of the armed forces of the United States.

This bill expressly extends workers' compensation coverage to members of the ASM. Sections 1, 2, and 3 of the bill. This insures that injured militia members receive adequate compensation for injuries incurred incident to state service, and the bill limits the state's liability for injuries to the remedy provided for in AS 23.30. The bill also expressly extends workers' compensation coverage to members of the organized militia who are injured or killed in the line of duty under certain federal statutes, including federal details, drills, exercises, and training. However, members injured or killed in the line of federal duty are not covered while in transit to and from duty, and workers' compensation benefits are subject to a setoff described below. Section 4 of the bill, in proposed AS 26.05.260(i) and (j).

For purposes of computing workers' compensation benefits for a member of the organized militia, the bill provides that a member's earnings are presumed to be no less than the pay and allowances authorized for a member of the armed forces in the same grade and rank as the member at the time of the injury or death. Section 4 of the bill, in proposed AS 26.05.260(l). The bill also provides that members, or survivors of members, of the Alaska National Guard must apply for available benefits payable by the federal government for the injury or death of the member, and that workers' compensation payments will be reduced by the amount payable by the federal government for the disability or death. Section 4 of the bill, in proposed AS 26.05.260(k). The provisions on the federal setoff apply only to the National Guard because, of the three components of the organized militia, only that one is entitled to federal compensation under federal law. Notwithstanding the federal benefits, there will be some occasions when individuals will have recourse to the Alaska workers' compensation system. Therefore, some additional appropriation to cover the premium for this responsibility is anticipated.

This bill, then, provides for equity among the three components of Alaska's organized militia, and appropriately provides for setoff of federal payments.

Sincerely,



Steve Cowper
Governor

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An act relating to workers' comp. benefits for member of the ANG, ANM & ASM
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Department of Administration
BRU: Risk Management
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0.0	88.0	114.0	148.0	193.0	250.0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0.0	88.0	114.0	148.0	193.0	250.0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	88.0	114.0	148.0	193.0	250.0
TOTAL	0	88.0	114.0	148.0	193.0	250.0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

This fiscal note is extremely difficult to project---see Fiscal Note Analysis on page 2.

Prepared By: Donald J. Hitchcock Phone: 465-2180
Division: Risk Management Date: February 10, 1988

Approved by Commissioner: John M. Andrews Date: 2/16/88
Agency: Department of Administration

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

CONTINUATION OF FISCAL NOTE ANALYSIS

This fiscal note is based on present estimated costs of the State self-insured Workers' Compensation program prorated to the number of days of probable National Guard or Militia exposure.

It is further estimated that the Federal Government would pay 75% of loss and the State of Alaska would pay any additional in order to provide the injured person with Alaska Workers' Compensation benefits. If no Federal coverage was available, then the State may become obligated to the entire amount of loss.

There are approximately 5,000 people in these affected military units of which approximately 600 are full time.

It is very difficult to estimate total additional exposure to the State with no loss history available.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An act relating to workers comp
benefits for members of the org. militia
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Military & Veterans Affairs
BRU: Alaska National Guard
Components: Office of the Adjutant General

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		88.0	114.0	148.0	193.0	250.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		88.0	114.0	148.0	193.0	250.0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		88.0	114.0	148.0	193.0	250.0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Amounts budgeted by this fiscal note will be transferred by RSA to Risk Management, Department of Administration, to pay for additional insurance coverage created by this bill. See attached analysis.

Prepared by: Jeff Morrison
Division: Administrative & Support Services, DMVA

Phone: 465-4600
Date: February 11, 1988

Approved by Commissioner: MG John W. Schaeffer
Agency: Department of Military & Veterans Affairs

Date: February 11, 1988

Distribution (by preparer):

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

Attachment to fiscal note for: "An Act relating to workers compensation benefits for members of the organized militia."

Overview: This act makes two changes to existing statutes: 1) to expand workers compensation coverage to members of the Alaska State Militia; and 2) to provide a safety net of state workers compensation coverage to members of the Alaska National Guard on training status.

1. Alaska State Militia (ASM) workers compensation coverage: Premiums for workers compensation coverage are calculated by multiplying the total payroll covered by the specific rate for the type of work being performed. Members of the ASM serve without pay for their training, which consists of two days per month, for a total of 24 days per year. Under the bill, the earnings of a member of the ASM are presumed to be the same as they would be if the ASM member held the same grade or rank as a member of the U.S. Armed Forces. Under this assumption, the total covered payroll of the ASM amounts to about \$10,000 per day. For the 24 days of drill per year, the total payroll covered is about \$240,000. During drills, members of the ASM train in an office setting. The rate for workers compensation for office workers is approximately 1% of the total payroll. At an assumed total payroll of \$240,000, and a premium rate of 1%, the total annual premium due to the Division of Risk Management is \$2,400.
2. Safety net coverage for Alaska National Guard members: Alaska National Guard members are already covered under state workers compensation while on state active duty. The proposed legislation would extend that coverage to include the times that a guardsman is on federal duty under 32 U.S.C. Since guardsmen are also covered under federal workers compensation while on federal duty, the state would only be paying for the coverage which exceeds the federal workers compensation coverage. The legislation also provides that any state workers compensation payable under the proposed new language of the law would be reduced and offset by the amount payable under the federal coverage. The Division of Risk Management has estimated that the additional workers compensation exposure created by this bill will cost the state an additional \$ 85,600 in the first year.
3. FY90 and beyond: Recent workers compensation loss history documented by the Division of Risk Management shows a growth rate in risk management costs of about 30% per year. This growth rate is applied to the total first year expense of \$88,000, to project the likely cost of this legislation for the years following FY89.

Prepared by: Jeff Morrison, Director
Administrative and Support Services Division
Department of Military and Veterans Affairs
465-4600
February 11, 1988

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act relating to workers' Compensation benefits..."
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Labor
BRU: Workers' Compensation
Components: Workers' Compensation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
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						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

[Empty box for analysis]

Prepared by: Jacque McClintock
Division: Workers' Compensation

Phone: 465-2790
Date: 12/16/87

Approved by Commissioner: Jim Sampson
Agency: Labor

Date: 12/16/87

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: HB 529
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Labor
Title: "An Act relating to workers' compensation benefits for the ... militia;" BRU: Workers Compensation
Sponsor: Governor Components: Workers Compensation
Requestor: House Labor & Commerce

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Jacque McClintock Phone: 465-2790
Division: Workers Compensation Date: 4/11/88

Approved by Commissioner: Jim Sampson Date: 4/11/88
Agency: Department of Labor

Distribution (by preparer) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

STATE OF ALASKA

MEMBER

TENTH ALASKA LEGISLATURE
ELEVENTH ALASKA LEGISLATURE
TWELFTH ALASKA LEGISLATURE
THIRTEENTH ALASKA LEGISLATURE
FOURTEENTH ALASKA LEGISLATURE
FIFTEENTH ALASKA LEGISLATURE



SENATOR TIM KELLY

P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3822

P. O. BOX 210001
ANCHORAGE, ALASKA 99521
(907) 561-7812

MEMORANDUM

TO: Representative Dave Donley

FROM: Senator Tim Kelly *TK*

DATE: February 29, 1988

House Bill 529, regarding extending workers' compensation coverage to the state's organized militia, has recently been brought to my attention. This is something I strongly support.

It has been suggested that it be added to SB 322. I am concerned, however, with the fiscal implication it would have on SB 322. I would like to request that you pursue passage of HB 529 and I would be pleased to help when the bill reaches the Senate.

MEMORANDUM

State of Alaska

TO: Representative Dave Donley
Chairman, House Labor & Commerce Committee

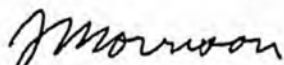
DATE: March 14, 1988

FILE NO: 465-4600

TELEPHONE NO:

THRU:

SUBJECT: HB529



FROM: Jeff Morrison, Director
Administrative & Support
Services Division
Department of Military &
Veterans Affairs

My memo of February 18 to you had requested that you schedule HB529 for a hearing. At that hearing we plan to have Major Gary Bowen, the Staff Judge Advocate of DMVA, testify. He will be in travel status the weeks of March 21-25, and April 4-8. We would greatly appreciate it if you would not schedule the hearing for this bill during those weeks.

Thank you very much.

MEMORANDUM

State of Alaska

TO: Representative Dave Donley
Chairman, House Labor & Commerce Committee

DATE: February 18, 1988

FILE NO:

465-4600

TELEPHONE NO:

HB529

THRU:

SUBJECT:

Morrison

FROM: Jeff Morrison, Director
Administrative & Support
Services Division
Department of Military &
Veterans Affairs

HB 529, An Act relating to workers' compensation benefits for members of the state's organized militia, has been referred to your committee. This bill was introduced by the Rules Committee by request of the Governor.

I am the Legislative Liaison for the Department of Military and Veterans Affairs, which is the Administration's lead agency on this bill. We would appreciate it very much if you would please schedule this bill for a hearing in your committee at your earliest convenience. Please contact me if you have any questions or suggestions for items to include in our testimony on this bill. Thank you very much.

④ Jeff Morrison - 4600
Leg. Liaison
DUM/ADIA/2000
- Vet. Aff.
MUCH-BINGO
GOV'S BILL RULES
TRAINING + EXERCISE
AK. STATE MILITIA
① EXPANDS to state militia
② SAFETY net / AK. GUARDIAN
BBK-1989 when not covered by
Feds. W.C.

HB

531

HOUSE COMMITTEE REPORT

(7)

Date referred: 2/17/68

FURTHER REFERRALS:

HESS
Finance

DATE: 3-1-88

The Labor & Commerce Committee has considered HB 531

"An Act extending the termination date of the Board of Chiropractic Examiners; and providing for an effective date."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

H. Ellis

Walt Furnace

Carl W. ...

Alto Kopman

Derek Douley

SIGNING OTHER RECOMMENDATIONS:

Derek Douley

 Chairman's signature

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

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

Mary Van Nimwegen

HL+C

3-1-88

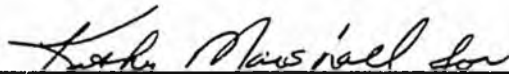
1:30 p.m.

HB 531: An Act extending the termination date of the Board of Chiropractic Examiners; and providing for an effective date.

The Board of Chiropractic Examiners is presently in its sunset year and scheduled to terminate on June 30, 1988. HB 531 extends the board to June 30, 1992.

The performance report conducted by the Legislature's Budget and Audit Committee found the process of licensure by the board to be neither unduly restrictive nor too lax, and no found violations of statute or regulations by the board. In addition, the performance report found that the licenses were correctly granted strictly on the basis of the applicant's professional qualifications.

We believe the board is necessary for the regulation of qualified professionals in order to protect the public's health, safety and welfare; the department concurs with the audit report's finding that the board should be reestablished.



J. Anthony Smith, Commissioner
Department of Commerce and Economic
Development

Date: 2/29/88

JS/dg10041o-3
022988b

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Commerce & Economic Dev.
 Title: An Act extending the termination BRU: Occupational Licensing
date of the Board of Chiropractic Examiners;...
 Sponsor: House Labor & Commerce Components: _____
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

The bill extends the termination date of the Board of Chiropractic Examiners to June 30, 1992. Funding for the board is included in the department's FY 89 operating budget request.

Prepared by: Jennifer Strickler, Management Analyst Phone: 465-2144
 Division: Occupational Licensing Date: 2/29/88

Approved by Commissioner: J. Anthony Smith Date: 2/29/88
 Agency: Commerce and Economic Development

Distribution (by preparer):

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

A PERFORMANCE REPORT
ON THE BOARD OF
CHIROPRACTIC EXAMINERS

July 1, 1983 - June 30, 1987

Audit Control Number

08-1315-88-R

Commissioner, Department of
Commerce and Economic
Development

J. Anthony Smith

Deputy Commissioner, Department
of Commerce and Economic
Development

John Williams

Members of the
Board of Chiropractic Examiners

Kenneth Ketz, D.C. (Chair)
Carol J. Davis, D.C.
Thomas Gundelfinger, D.C.
Frank J. Kufel (Public)
Leland P. Oldjer, D.C.

STATE OF ALASKA

AUDIT DIVISION
P.O. BOX W
JUNEAU, ALASKA 99811 3300

THE LEGISLATURE
BUDGET AND AUDIT COMMITTEE

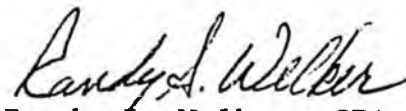
December 31, 1987

Members of the Legislative Budget
and Audit Committee:

According to the provisions of Titles 24 and 44 of the Alaska Statutes, the Division of Legislative Audit is required to conduct a "Sunset" review of the Board of Chiropractic Examiners.

At the request of the Chairman, during Fiscal Year 1988 budget deliberations, the Audit Division's budget was revised to reflect certain changes in the organization of the Committee's two Divisions. The revised budget of the Audit Division reflected efficiencies that might be obtained by utilizing the staff of the Legislative Finance Division on selected audit assignments during the interim.

As a result, the audit of the Board of Chiropractic Examiners was conducted and this report has been prepared by the Legislative Finance Division. We feel this report discharges our responsibility under Titles 24 and 44. The report is submitted for your review.



Randy S. Welker, CPA
Acting Legislative Auditor
Division of Legislative Audit

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
POUCH WF-STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3795

November 16, 1987

Members of the Legislative Budget
and Audit Committee:

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

A PERFORMANCE REPORT
ON THE BOARD OF
CHIROPRACTIC EXAMINERS

July 1, 1983 - June 30, 1987

Audit Control Number

08-1315-88-R

MGREANY

Mike Greany, Director
Division of Legislative Finance

TABLE OF CONTENTS

	<u>Page</u>
Purpose and Scope of the Report	1
Organization and Function	3
Report Conclusion	5
Analysis of Public Need	7
Appendixes:	
A. Schedule of Revenues Compared with Expenditures, for Fiscal Year 1987.	11
B. Schedule of Estimated Revenues Compared with Budgeted Expenditures, for Fiscal Year 1988	12
Agency Response:	
Department of Commerce and Economic Development	15

PURPOSE AND SCOPE OF THE REPORT

PURPOSE

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have examined the activities of the Board of Chiropractic Examiners for the past four fiscal years. Our examination was conducted to determine if the Board has been operating in a effective and efficient manner.

Legislative intent requires consideration of this report during legislative oversight hearings to determine whether the Board of Chiropractic Examiners should be reestablished. The law now specifies that the Board will terminate June 30, 1988 and have one year from that date to conclude 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. Discussions with the Division of Occupational Licensing personnel.
4. Tests of the records and documents of the Board and the Division of Occupational Licensing.
5. Complaints filed with the Division of Occupational Licensing, Ombudsman's Office, Consumer Protection Agency, Equal Employment Opportunity Office, and the Human Rights Commission.

ORGANIZATION AND FUNCTION

Created in 1939, the Alaska Board of Chiropractic Examiners is a regulatory board comprised of five members appointed by the Governor. Four are licensed chiropractors and one is a public individual.

The underlying reasons for this Board are fourfold. First, the Board is responsible for reviewing the applications of individuals desiring to enter the chiropractic profession in Alaska. Secondly, the Board has the responsibility of administering an examination to test the applicant's ability. Third, the Board is responsible for the adoption of regulations regarding the standards of professional practice in Alaska and fourth, to investigate and act upon complaints filed against members of the regulated profession.

To assist the Board, it has the staff support of the Division of Occupational licensing (OL), Department of Commerce and Economic Development which is comprised of two sections. The licensing section processes applications, maintains license files, collects statistics, answers inquires, and provides administrative help to the Board. The investigation section provides investigative services to the Board in the event of consumer or other professional complaints.

The Board of Chiropractic Examiners issues licenses to applicants that have met all licensing requirement and have taken and passed the State examination. The Board may also issue a license without examination if the applicant holds a current license in another state whose licensing requirements are essentially equivalent to those of Alaska.

REPORT CONCLUSION

In our opinion, the Board of Chiropractic Examiners should be reestablished. The regulation and licensing of qualified professionals is necessary to protect the public's health, safety and welfare. The Board establishes minimum educational and experience requirements that provide reasonable assurance that persons licensed are qualified. Further, active investigation of complaints and revocation or suspension of licenses, as appropriate, insure that licensees act in a competent manner.

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses indicate both positive and negative factors as they relate to the public need as defined in the "sunset" law. These analyses are not intended to be comprehensive, but to address those areas we were able to cover during our examination.

- I. The extent to which the board, commission or program has operated in the public interest.

The Board has addressed each of the recommendations made in the previous review. The balance between public protection and ease of licensure is adequate and appropriate.

- 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.

Reductions in the agency budget have limited staff support to all professional licensing boards. Present levels of funding are adequate, but further reductions would be detrimental.

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

The Board has supported Senate Bill 264, which provides a statutory basis for the continuing education requirement now in regulation. An additional bill, not yet introduced, provides for locum tenens licensure to replace temporary licensing and clarifies license by credential requirements.

- 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.

The Board publishes public notices of all examinations, meetings, and regulation changes.

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

APPENDIXES

APPENDIX A

BOARD OF CHIROPRACTIC EXAMINERS
SCHEDULE OF REVENUES COMPARED WITH EXPENDITURES

For Fiscal Year 1987

(Unaudited)

(Note 1)

Average Revenue (Note 2)	\$ 8,791
Expenditures (Note 3)	<u>26,418</u>
Excess of Expenditures Over Revenues	<u>\$17,627</u>

Note 1

The Schedule of Revenues Compared with Expenditures was prepared from available records and discussions with the Division of Occupational Licensing (DOL) personnel. The records were not audited by us and, accordingly, we do not express an opinion on the Board's Schedule of Revenues Compared with Expenditures.

Note 2

A significant portion of revenues is composed of license renewal fees. Licenses are renewed quadrennially. Because of the renewals, revenues vary substantially every fourth year. Therefore, we combined revenues collected in fiscal year 1984, 1985, 1986 and 1987; and calculated a total in order to obtain a representative amount of average annual revenues collected. Licensing fees were increased in November 1986 in response to legislative intent to make the Boards more self supporting. See Appendix B, Schedule 1 for the current fee schedule.

Note 3

Expenditures consist of direct costs resulting from board member activities, (i.e. travel and per diem) and an allocation of direct and indirect costs of DOL. It should be noted, that represented expenditures do not include expenses incurred by other Departments or other divisions of the Department of Commerce and Economic Development in assisting the Board.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

PURPOSE AND SCOPE OF THE REPORT

PURPOSE

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have examined the activities of the Board of Chiropractic Examiners for the past four fiscal years. Our examination was conducted to determine if the Board has been operating in a effective and efficient manner.

Legislative intent requires consideration of this report during legislative oversight hearings to determine whether the Board of Chiropractic Examiners should be reestablished. The law now specifies that the Board will terminate June 30, 1988 and have one year from that date to conclude 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. Discussions with the Division of Occupational Licensing personnel.
4. Tests of the records and documents of the Board and the Division of Occupational Licensing.
5. Complaints filed with the Division of Occupational Licensing, Ombudsman's Office, Consumer Protection Agency, Equal Employment Opportunity Office, and the Human Rights Commission.

(Intentionally left blank)

ORGANIZATION AND FUNCTION

Created in 1939, the Alaska Board of Chiropractic Examiners is a regulatory board comprised of five members appointed by the Governor. Four are licensed chiropractors and one is a public individual.

The underlying reasons for this Board are fourfold. First, the Board is responsible for reviewing the applications of individuals desiring to enter the chiropractic profession in Alaska. Secondly, the Board has the responsibility of administering an examination to test the applicant's ability. Third, the Board is responsible for the adoption of regulations regarding the standards of professional practice in Alaska and fourth, to investigate and act upon complaints filed against members of the regulated profession.

To assist the Board, it has the staff support of the Division of Occupational licensing (OL), Department of Commerce and Economic Development which is comprised of two sections. The licensing section processes applications, maintains license files, collects statistics, answers inquires, and provides administrative help to the Board. The investigation section provides investigative services to the Board in the event of consumer or other professional complaints.

The Board of Chiropractic Examiners issues licenses to applicants that have met all licensing requirement and have taken and passed the State examination. The Board may also issue a license without examination if the applicant holds a current license in another state whose licensing requirements are essentially equivalent to those of Alaska.

(Intentionally left blank)

REPORT CONCLUSION

In our opinion, the Board of Chiropractic Examiners should be reestablished. The regulation and licensing of qualified professionals is necessary to protect the public's health, safety and welfare. The Board establishes minimum educational and experience requirements that provide reasonable assurance that persons licensed are qualified. Further, active investigation of complaints and revocation or suspension of licenses, as appropriate, insure that licensees act in a competent manner.

(Intentionally left blank)

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses indicate both positive and negative factors as they relate to the public need as defined in the "sunset" law. These analyses are not intended to be comprehensive, but to address those areas we were able to cover during our examination.

I. The extent to which the board, commission or program has operated in the public interest.

The Board has addressed each of the recommendations made in the previous review. The balance between public protection and ease of licensure is adequate and appropriate.

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.

Reductions in the agency budget have limited staff support to all professional licensing boards. Present levels of funding are adequate, but further reductions would be detrimental.

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

The Board has supported Senate Bill 264, which provides a statutory basis for the continuing education requirement now in regulation. An additional bill, not yet introduced, provides for locum tenens licensure to replace temporary licensing and clarifies license by credential requirements.

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.

The Board publishes public notices of all examinations, meetings, and regulation changes.

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

The Board announces proposed regulation changes or additions in the newspaper, in accordance with the Administrative Procedures Act.

- 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.

Procedures for handling complaints by the Division of Occupational Licensing have been improved. No complaints have been filed with the Attorney General's Office or with the Human Rights Commission.

- 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.

The process of licensure for the practice of chiropractic in Alaska is neither unduly restrictive nor too lax. Qualified applicants are readily licensed.

- 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.

There appear to be no violations of statute or regulation. Licenses are granted strictly on the basis of professional qualifications.

- 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.

Passage of SB264 would provide the statutory basis for the continuing education requirement now contained in regulation. The general occupational licensing housekeeping bill to be introduced, will further enhance public protection.

APPENDIXES

(Intentionally left blank)

APPENDIX A

BOARD OF CHIROPRACTIC EXAMINERS
SCHEDULE OF REVENUES COMPARED WITH EXPENDITURES
For Fiscal Year 1987
(Unaudited)
(Note 1)

Average Revenue (Note 2)	\$ 8,791
Expenditures (Note 3)	<u>26,418</u>
Excess of Expenditures Over Revenues	<u>\$17,627</u>

Note 1

The Schedule of Revenues Compared with Expenditures was prepared from available records and discussions with the Division of Occupational Licensing (DOL) personnel. The records were not audited by us and, accordingly, we do not express an opinion on the Board's Schedule of Revenues Compared with Expenditures.

Note 2

A significant portion of revenues is composed of license renewal fees. Licenses are renewed quadrennially. Because of the renewals, revenues vary substantially every fourth year. Therefore, we combined revenues collected in fiscal year 1984, 1985, 1986 and 1987; and calculated a total in order to obtain a representative amount of average annual revenues collected. Licensing fees were increased in November 1986 in response to legislative intent to make the Boards more self supporting. See Appendix B, Schedule 1 for the current fee schedule.

Note 3

Expenditures consist of direct costs resulting from board member activities, (i.e. travel and per diem) and an allocation of direct and indirect costs of DOL. It should be noted, that represented expenditures do not include expenses incurred by other Departments or other divisions of the Department of Commerce and Economic Development in assisting the Board.

APPENDIX B

BOARD OF CHIROPRACTIC EXAMINERS
SCHEDULE OF ESTIMATED REVENUES
COMPARED WITH BUDGETED EXPENDITURES

For Fiscal Year 1988

(Unaudited)

(Note 1)

Average Revenue (Note 2)	\$ 7,150
Expenditures (Note 3)	<u>29,445</u>
Excess of Expenditures Over Revenues	<u>\$22,295</u>

Schedule 1
Types of Revenues
(Note 4)

<u>Revenues</u>	<u>Amount</u>	<u>Collection Time</u>
Application Fee	\$ 20	With Application
Credential Review Fee	\$ 20	With Application
Temporary Permit	\$ 20	With Application
Initial License	\$200	With Application
Renewal License	\$200	With Application

Note 1

The Division of Occupational Licensing (DOL) prepared the above Schedule of Estimated Revenues Compared with Budgeted Expenditures. The schedule is included for informational purposes only and has not been audited by us. Accordingly, we do not express an opinion on the Board's Schedule of Estimated Revenues Compared with Budgeted Expenditures.

Note 2

Revenues were estimated based upon the current licensing fees (See schedule 1) and projected license renewals and application fees for fiscal years 1988, 1989, 1990 and 1991. Because of a downward trend in Alaska's economy the projection for revenues includes a factor representing a 20% to 30% decline in the number licensed professionals.

Note 3

Expenditures consist of FY88 budgeted direct costs associated with board member activities (i.e. travel and per diem) and a allocation of direct and indirect costs of DOL. It should be noted that represented expenditures do not include expenses incurred by other Departments or other divisions of the Department of Commerce and Economic Development in assisting the Board.

Note 4

This schedule represents the licensing fees currently in effect. Fees were raised in November 1986 in response to legislative intent to make the Boards more self supporting.

(Intentionally left blank)

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

P. O. BOX D
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2500

OFFICE OF THE COMMISSIONER

January 21, 1988

RECEIVED
JAN 27 1988

LEGISLATIVE
AUDIT

Mr. Randy Welker
Acting Legislative Auditor
Division of Legislative Audit
Budget and Audit Committee
P.O. Box W
Juneau, AK 99811

Dear Mr. Welker:

The Department of Commerce and Economic Development (hereinafter "Department") obviously supports and appreciates the conclusion of the Budget and Audit Committee that the Board of Chiropractic Examiners should be reestablished. We are confident the Board will continue to serve the public well.

Sincerely,

Kathy Marshall for
J. Anthony Smith
Commissioner

JAS/mst7203m
011988b

H B

5 3 2

HOUSE COMMITTEE REPORT

(7)

Date referred: 2/17/88

FURTHER REFERRALS:

HESS
Finance

DATE: 3-1-88

The Labor & Commerce Committee has considered HB 532

"An Act relating to the regulation of optometrists; extending the termination date of the Board of Examiners in Optometry; and providing for an effective date."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

Dave Douley
L. Elliot
William
James
John

SIGNING OTHER RECOMMENDATIONS:

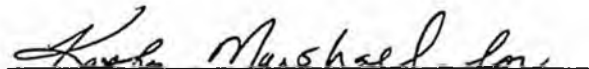
Dave Douley
 Chairman's signature

HB 532: An Act relating to the regulation of optometrists; extending the termination date of the Board of Examiners in Optometry; and providing for an effective date.

The Board of Examiners in Optometry is presently in its sunset year and scheduled to terminate on June 30, 1988. HB 532 proposes to extend the board to June 30, 1992 and makes various amendments throughout AS 08.72, primarily to amend "certificate" and "certificate of registration" to read license. These changes are proposed in response to Recommendation No. 1 from the Legislature's Budget and Audit Committee performance report which suggested that the board repeal the obsolete language in its statutes in order to make them more clear and relevant.

The board has preliminarily addressed the issue of mail order companies selling contact lenses in Alaska, as identified in Recommendation No. 2 of the performance report, and continues to further study the issue.

The performance report found that the board is necessary to protect the public's health, safety and welfare. It has done so by establishing minimum educational and experience requirements and in a careful review of all applications to determine the eligibility of the applicants. The department concurs with the report's findings and supports reestablishment of the board.


J. Anthony Smith, Commissioner
Department of Commerce and Economic
Development

Date: 2/29/88

JS/dg10041o-4
022988a

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Commerce & Economic Dev.
 Title: An Act relating to the regulation of BRU: Occupational Licensing
optometrists; extending the term, date...
 Sponsor: House Labor & Commerce Components: _____
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
----------------	----------	----------	----------	----------	----------	----------

REVENUE	0	0	0	0	0	0
----------------	----------	----------	----------	----------	----------	----------

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

The bill extends the Board of Examiners in Optometry to June 30, 1992 and makes amendments throughout AS 08.72 primarily to amend 'certificate' and 'certificate of registration' to read 'license', a result of Recommendation No. 1 of the Budget and Audit Committee Performance Report. Funding for the Board is included in the department's FY 89 operating budget request.

Prepared by: Jennifer Strickler, Management Analyst Phone: 465-2144
 Division: Occupational Licensing Date: 2/29/88

Approved by Commissioner: J. Anthony Smith Date: 2/29/88
 Agency: Commerce and Economic Development

Distribution (by preparer):

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

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

May, 1988

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

Mary Van Nimwegen

HL+C

3-1-88

1:30 p.m.



Official Business

COMMITTEE:
HOUSE LABOR & COMMERCE

DATE: March 1, 1988

SIGN-IN

Subject of meeting:

- HB 531 An act extending the termination date of the Board of Chiropractic Examiners,
- HB 532 An act extending the termination date of the Board of Examiners in Optometry
- HB 533 An Act extending the termination date of the Board of Public Accountancy.
- HB 534 An act extending the termination date of the Board of Dispensing Opticians
- ~~SJR 64 Relating to resident hire on U.S. Dept. of Defense projects at Amchitka Island~~

DO YOU WANT TO TESTIFY?

NAME	ADDRESS	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?
Harvey Sullivan	430 C St #201 Anchorage, AK 99501	276-2246	Alaska Optometric Association	yes.
Randall Burns	P.O. BOX D-4C Juneau, AK 99801	463-2335	Dir of Occupational Licensing - Commerce	YES
Steve White	P.O. Box 6 Juneau, AK 99801	465-3600	Dept. of Law	-
MICHAEL THILL	CAD. Rm 121 SEN ZHAROFF'S	4922	SEN ZHAROFF	YES
CH. SELMAN	@11 DOGWOOD ANCHORAGE ALASKA 99501	277-6332	CHARR	YES

A PERFORMANCE REPORT
ON THE BOARD OF
EXAMINERS IN OPTOMETRY

July 1, 1983 - June 30, 1987

Audit Control Number

08-1312-88-R

Commissioner, Department of
Commerce and Economic
Development

J. Anthony Smith

Deputy Commissioner, Department
of Commerce and Economic
Development

John Williams

Members of the
Board of Examiners in Optometry

Chairman
Secretary
Member
Member
Member

John Demske, O.D.
Robert O'Connell, O.D.
Jeffrey Gonnason, O.D.
John Lounsbury, O.D.
Carole L. Richmond

STATE OF ALASKA

AUDIT DIVISION
P.O. BOX W
JUNEAU, ALASKA 99811-3300

THE LEGISLATURE BUDGET AND AUDIT COMMITTEE

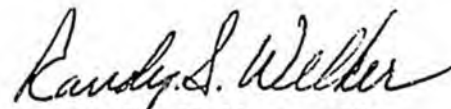
December 31, 1987

Members of the Legislative Budget
and Audit Committee:

According to the provisions of Titles 24 and 44 of the Alaska Statutes, the Division of Legislative Audit is required to conduct a "Sunset" review of the Board of Examiners in Optometry.

At the request of the Chairman, during Fiscal Year 1988 budget deliberations, the Audit Division's budget was revised to reflect certain changes in the organization of the Committee's two Divisions. The revised budget of the Audit Division reflected efficiencies that might be obtained by utilizing the staff of the Legislative Finance Division on selected audit assignments during the interim.

As a result, the audit of the Board of Examiners in Optometry was conducted and this report has been prepared by the Legislative Finance Division. We feel this report discharges our responsibility under Titles 24 and 44. The report is submitted for your review.



Randy S. Welker, CPA
Acting Legislative Auditor
Division of Legislative Audit

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
POUCH WF-STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3795

November 3, 1987

Members of the Legislative Budget
and Audit Committee:

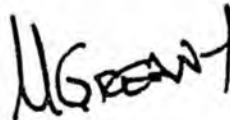
In accordance with the provisions of Title 24 and 44 of the
Alaska Statutes (sunset legislation), the attached report is
submitted for your review.

A PERFORMANCE REPORT
ON THE BOARD OF
EXAMINERS IN OPTOMETRY

July 1, 1983 - June 30, 1987

Audit Control Number

08-1312-88-R



Mike Greany, Director
Division of Legislative Finance

TABLE OF CONTENTS

	<u>Page</u>
Purpose and Scope of the Report.	1
Organization and Function.	3
Report Conclusion.	5
Findings and Recommendation.	7
Analysis of Public Need.	9
Appendixes:	
A. Schedule of Revenues Compared with Expenditures, for Fiscal Year 1987.	13
B. Schedule of Estimated Revenues Compared with Budgeted Expenditures, for Fiscal Year 1988	14
Agency Response:	
Department of Commerce and Economic Development.	17

PURPOSE AND SCOPE OF THE REPORT

Purpose

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have examined the activities of the Board of Examiners in Optometry for the past four fiscal years to determine if the Board has been operating in an efficient and effective manner.

Legislative intent requires consideration of this report during legislative oversight hearings to determine whether the Board of Examiners in Optometry should be reestablished. The law now specifies that the Board will terminate June 30, 1988, and has one year from that date to conclude its affairs.

Scope

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 licensee.
3. Interviews with the license examiner.
4. Complaints filed with the Division of Occupational Licensing, Human Rights Commission, Equal Employment Opportunity Offices, Attorney General's Office, and the Ombudsman's Office.
5. Discussions with Board members.
6. Minutes of Board meetings and Division correspondence files.
7. Attorney General's opinions applicable to the professional board.

ORGANIZATION AND FUNCTION

The Board of Examiners in Optometry is a regulatory board consisting of five members appointed by the Governor; four optometrists and one public member. Board members serve staggered terms of four years.

The Board regulates the practice of optometry. The Board sets the minimum standards to practice in Alaska by:

1. Examining and issuing licenses to qualified applicants.
2. Establishing, amending, or eliminating regulations controlling optometry practices.
3. Revoking, annulling, or suspending licenses in accordance with the Administrative Procedures Act when a person has violated optometry statutes or regulations.

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 the 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 that the potential impact on policy changes can be evaluated.

Report Conclusion

In our opinion, the Board of Examiners in Optometry 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, assurances that those licensed act in a competent manner is provided by active investigation of complaints and revocation of suspension of licenses where appropriate.

The Findings and Recommendation Section (see pages 7-8), describes areas where weaknesses or conflicts exist. We have made recommendations which, if implemented, will improve the efficiency and effectiveness of the Board.

(Intentionally left blank)

FINDINGS AND RECOMMENDATION

Recommendation No. 1

The Board should support the repeal of obsolete language in the statutes to make them more clear and relevant.

In our review of optometry law, it was observed that some terms in the statutes are vague and obsolete. For example, Alaska statute 08.72.120 states in part; "It is unlawful for a person to practice, or attempt, or offer to practice, optometry without first obtaining a certificate of registration...". However, to practice optometry a "certificate of registration" is not a requirement.

The "certificate of registration" relates to a 1949 statute that required the filing of these certificates with the clerk of the superior court in the judicial district the optometrist practices. The "certificate of registration" was repealed in some statute sections by chapter 37 of SLA 1986. Nevertheless, some sections of optometry law still refer to the requirement of a certificate.

In a April 22, 1987 memorandum to the Governor concerning statute revisions, the attorney general recommended that the reference to "certificate of registration" in sections; 08.72.120 and 08.72.150 should be replaced with the term "license". In section 08.72.191, the term "certificates" should be replaced with "licenses". To be licensed as an optometrist is the only requirement to practice optometry. Therefore, to continue the referencing of a "certificate of registration" in the statutes is confusing and obsolete.

Recommendation No. 2

To insure the public is adequately protected, the Board and Division of Occupational Licensing (DOL) should address the issue of mail order companies selling contact lens.

When contact lenses are purchased from a licensed ophthalmologist, optometrist, or dispensing optician; the consumer is provided with professional training in how to care for the eye and the contact lens. Additionally, the licensed professional conducts an on-site evaluation to determine if the contact lens properly fits the eye. A contact lens that does not proper fit the eye can cause a headache, nausea or even a permanent restriction of vision due to corneal abrasion.

However, a new sales technique has developed in the last few years. Mail order companies are selling and dispensing replacement contact lenses. It is our interpretation of the law, and is the attorney general's office view, that only

licensed ophthalmologists, optometrists and dispensing opticians have the legal authority to sell and dispense contact lenses in Alaska, whether it is the initial sale of a contact lens or a replacement of lens.

Additionally, mail order consumers are at a disadvantage in attempting to judge the fit of contact lenses purchased by mail. As previously stated, a contact lens that does not fit properly can cause injury to the eye.

Considering the potential for public harm, we believe the issue of mail order companies selling and dispensing replacement contact lenses should be addressed by the Board and DOL.

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses indicate both positive and negative factors as they relate to the public need as 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 enforced the laws for issuing licenses in a uniform and consistent manner.
 - B. The Board has held meetings and administered examinations in accordance with statutory requirements.
- 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 has received assistance from DOL relative to the drafting of legislation and regulatory changes.
 - B. The Board has received legal assistance from the Attorney General's Office.
- III. The extent to which the board, commission, or agency has recommended statutory changes which are generally of benefit to the public interest.

The Board has partially succeeded in its endeavors to amend and repeal obsolete language in the optometry law.
- 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.

The Board has published public notices of all examinations, and meetings. The Board has not actively solicited comments on its effectiveness.