

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

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## REPORT CONCLUSIONS

### AUDITOR COMMENTS/CONCLUSIONS

The Alaska Board of Dental Examiners has historically been the subject of much criticism. Criticism has been prompted by high failure rates experienced on past dental examinations and by the Board's decision not to provide a means for dental licensure by credentials as allowed by Alaska law. Though it is an inherent nature of all licensing boards to restrict entry into regulated professions to only those applicants possessing satisfactory qualifications, it has been suggested that the Alaska Board of Dental Examiners may be overly restricting entry into the dental profession in Alaska through adherence to licensing standards which are artificially high in order to limit competition. In our review of the Board's examination and licensing practices and procedures we did not find evidence which supports this contention. We did find, however, that entry into the dental profession in Alaska has been effectively limited due, in part, to the Board's failure to provide a means for dental licensure by credentials and, in part, to the commonness of high failure rates on past dental examinations.

We have included recommendations in this report which, if implemented, would serve to minimize the natural tendency to restrict entry into the dental profession in Alaska by allowing easier access to dental licensure in the State, while at the same time continuing to ensure adequate protection to the public by only allowing licensure to those dentists who are qualified and competent to practice dentistry. Our recommendations are included in the findings and recommendations section of this audit report.

### REGULATION OF THE DENTAL PROFESSION

All fifty states plus Puerto Rico, the Virgin Islands, and the District of Columbia, regulate dentists through licensure. Regulation through licensure of qualified dentists is necessary to protect the public's health, safety, and welfare. Though specific requirements for licensure vary between jurisdictions, two common elements involve the need to ensure that all candidates for initial licensure possess satisfactory theoretical knowledge and can demonstrate satisfactory clinical skills. Theoretical knowledge is measured by the use of written examinations while clinical skills are assessed through the use of practical, or clinical, examinations requiring procedures to be performed on patients. Successful completion of both written and clinical examinations, in some form, is required prior to initial licensure in all jurisdictions. (See Appendix B and Appendix C.)

## ALASKA DENTAL EXAMINATION

### Subject Matter and Administration

Like elsewhere, the Alaska dental examination consists of both a written and clinical examination. Topics covered on the written portion of the Alaska dental exam include oral diagnosis, oral medicine, radiology, prosthetics, and Alaska statutes and regulations governing the practice of dentistry. The clinical portion of the examination requires candidates to complete amalgam and gold inlay preparations and restorations on actual patients. (Until the most recent exam, a gold foil preparation and restoration was also a clinical requirement). The subject matter of both portions of the Alaska dental examination, as well as the overall administration of the exam, are commensurate with similar examinations administered by other states and by regional dental testing boards or agencies. (See Appendix A.)

### Test Results

The failure rate on the Alaska dental examination has historically been higher than that experienced on similar exams administered elsewhere. For example, in 1981 Alaska failed 48.1% of all dental candidates, compared to a 15.5% failure rate for the nation taken as a whole. (See Appendix F.) Alaska dental exam failure rates on the five examinations given between November 1983 and November 1985 oscillated from 33.3% to 88.9%, with an average failure rate of approximately 59.3%. (See Appendix G.)

The Alaska Board of Dental Examiners is aware of public concern related to high failure rates on the Alaska dental examination. The Board has been reviewing, for some time, their exam scoring procedures in an attempt to identify areas where improvements could be made. As a result of this review, and in response to House and Senate Letters of Intent adopted during the most recent legislative session, the Board took action at their June 1986 Board meeting to restructure the content of the examination and to revise the scoring procedures used in conjunction with the grading of the clinical portions of the same. The Board eliminated the gold foil subject of the clinical examination and adopted a new "criterion based" scoring system recommended by a consultant hired to calibrate examiners for the August 1986 dental exam. The Board also resolved to provide for examiner calibration on at least an annual basis in order to promote consistency between examiners.

The restructured examination and newly adopted scoring procedures were utilized for the most recent Alaska dental exam which was conducted on August 15-17, 1986. The pass rate associated with this particular examination was 75%, the highest experienced on any Alaska dental exam in the last 9 years. Though it is premature to conclude that the Alaska dental examination and associated scoring procedures are no longer in need of any revision, a pass rate of 75% does indicate that positive steps have been taken. Alaska's pass rate on the August 1986 dental exam compares more favorably with pass rates on dental exams administered by other western states and by various regional dental testing boards or agencies. (See Appendix H.)

### LEGISLATIVE INTENT

Both bodies of the Alaska State Legislature adopted Letters of Intent during the most recent legislative session in conjunction with the passage of CSHB 614 (HESS) (title am), an act extending the termination date of the Board of Dental Examiners. The two Letters of Intent are the result of legislative concerns formulated during Sunset hearings conducted by the House and Senate committees on health, education, and social services (HESS) while contemplating the continuation of the Board. Legislative intent and actions taken to date by the Alaska Board of Dental Examiners in response to that intent is summarized below.

#### A. House HESS Committee Intent

##### 1. Complete continued competency regulations.

Board action to date: The Board has been working towards adoption of regulations along this line for quite some time. Proposed regulations requiring proof of continuing education at license renewal dates for both dentists and dental hygienists were reviewed at the Board's June 13-14, 1986 Board meeting and subsequently adopted by the Board at their August 16, 1986 meeting. The Board appears to have complied with the intent of the Legislature related to this issue.

##### 2. Develop new procedures for credentialling including credentialling for dental specialties.

Board action to date: The Alaska Board of Dental Examiners heard testimony at their June 13-14, 1986 meeting, and again at their August 16, 1986 meeting, regarding the credentialling of dental specialists and the theoretical ramifications of licensure by credentials in general. Beyond this, the Board has

taken little action which appears to be moving Alaska closer to reinstating licensure by credentials, as allowed by AS 08.36.234, or to providing licensure by credentials for dental specialists.

The current Board's position, though not the position of all members, was reiterated by the Board's President for the benefit of those present at the June 13-14, 1986 Board meeting. He noted that the Alaska Board of Dental Examiners would not accept administrative credentialling and was opposed to any form of credentialling without at least an oral examination. (Current law does not provide for an oral examination, only a personal interview.) The Board has not taken steps to either repeal the emergency regulation by which licensure by credentials was ceased, or to develop new procedures for credentialling including credentialling for dental specialties.

3. Restructure the examination, including elimination of the gold foil portion of the test, and scoring procedures, including calibration of scoring techniques.

Board action to date: The gold foil portion of the clinical examination was eliminated, and a new "criterion based" scoring system adopted by the Alaska Board of Dental Examiners prior to the administration of the August 15-17, 1986 Alaska dental examination. In addition to actions taken to effect the above, the Board also resolved at their June 13-14, 1986 meeting to provide for examiner calibration on at least an annual basis, preferably prior to each exam. Actions taken by the Board in restructuring the examination and its scoring procedures have been in compliance with the intent of the Legislature.

4. Evaluate the possibility of joining the Northwest Regional Examining Board.

Board action to date: At their June 13-14, 1986 meeting the Board of Dental Examiners formed a committee, in response to legislative intent, to look into the possibility of Alaska's affiliation with the Western Regional Examining Board (WREB). ("Northwest" is a misnomer in the House Letter of Intent). The committee reported to the Board at the August 16, 1986 Board meeting that as a result of their inquiries the WREB had extended an invitation to the Alaska Board for one member to attend and observe their September 28-30, 1986 dental exam at the WREB's expense. The Board opted to accept the invitation and, in addition,

resolved to seek funding to cover the expense of sending the dental hygienist member of the Alaska Board to a WREB dental hygienist exam. The purpose of this trip would be to evaluate the possibility of Alaska's affiliation with the WREB for testing Alaska's dental hygienist candidates.

As evidenced by the above, the Alaska Board of Dental Examiners is in the midst of evaluating the possibility of joining the Western Regional Examining Board. The evaluation is being conducted in order to adhere to the intent of the Legislature.

B. Senate HESS Committee Intent

1. Exercise statutory authority under AS 08.36.234 to license dentists by credentials, including credentialling for dental specialties. (The intent of the Senate HESS Committee mirrors that of the House HESS Committee on this issue, but in addition, urges the Alaska Board to repeal the existing regulation under which the Board ceased licensing by credentials.)

Board action date: See actions taken per item A.2. above.

In addition to these specific items, the Letters of Intent adopted by both the House and the Senate called for reports to be submitted to the Legislature by the first day of the first session of the 15th Alaska State Legislature. It is expected at this time that the Alaska Board of Dental Examiners will comply with these requests.

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## FINDINGS AND RECOMMENDATIONS

### Recommendation No. 1

The Alaska Board of Dental Examiners should issue dental licenses to qualified dentists based on their performance records in lieu of requiring they pass an examination. (Licensure by credentials).

Alaska Statute 08.36.234 established provisions by which Alaska dental licenses could be issued to dentists already licensed in another state, territory, or region without requiring that they pass the Alaska dental examination if certain specific provisions were met. Issuing a license using a performance record in place of an examination is termed licensure by credentials.

The American Dental Association (ADA) believes, as noted in their stated policy on guidelines for licensure, that an evaluation of a practicing dentist's theoretical knowledge and clinical skill based on his/her performance record can provide as much protection to the public as would an evaluation based on examination. The ADA also believes that requiring a candidate who is seeking licensure in several jurisdictions to demonstrate his/her theoretical knowledge and clinical skill on separate examinations for each jurisdiction seems unnecessary duplication. Twenty states, including the District of Columbia, currently provide for some means of dental licensure by credentials, as did Alaska prior to October 17, 1984. (See Appendix D.)

The Alaska Board of Dental Examiners allowed for the issuance of dental licenses based on candidate's credentials during the period June 1, 1980 to October 17, 1984. (Eight of 83 dental licenses issued during that time were based on credentials - See Appendix E.) The Board adopted, by emergency order, a regulation effective October 17, 1984, which resulted in the cessation of licensure by credentials (12 AAC 28.950). This action was prompted by problems with the procedures followed by the Board when conducting personal interviews of candidates as required by AS 08.36.234(7). These problems were originally addressed by both the Ombudsman's office and the office of the Attorney General.

In January of 1983, the Ombudsman's office found fault with the credential licensing process used by the Board while investigating a complaint that the process was unfair and arbitrary. The Attorney General's office subsequently determined that the Alaska Board of Dental Examiners was, in effect, conducting an "oral examination" in lieu of an "interview," by requiring case studies be presented during the interview process. This, they said, was not proper

since there were no regulations which gave notice to applicants that the "interview" would be conducted as an examination, and that the requirement of a "personal interview" could not, by any stretch of law or logic, be construed as implementing an examination requirement in the absence of such regulations. The Attorney General's position prompted the "reinterview" and licensure of 14 candidates previously denied licensure by credentials, bringing to 22 the total number of Alaska dental licenses issued in this manner. (This amounts to approximately 17% of all dental licenses issued since June 1, 1980 - See Appendix E.)

Contrary to the belief of the American Dental Association, the majority of the members of the Alaska Board of Dental Examiners do not believe that a licensed dentist's clinical skill can be adequately assessed without examination. Due to this belief, the Board has not taken steps to rescind the regulation that stopped licensure by credentials. In addition, they have not developed policies or procedures, drafted regulations, or introduced legislation which, if adopted, would allow Alaska to return to licensing dentists based on credentials in a manner acceptable to the Board.

Licensure by credentials is a viable alternative to licensure by examination for candidates already licensed in another jurisdiction. The failure on the part of the Alaska Board of Dental Examiners to provide a means for dental licensure by credentials, as allowed by Alaska Statute, effectively limits entry into the dental profession in the State. It is not in the best interest of the citizens of our State to overly restrict entry into any regulated profession in Alaska. We, therefore, recommend that the Alaska Board of Dental Examiners take whatever steps are necessary, including the repeal of section 12 AAC 28.950 of the Alaska Administrative Code and adoption of clarifying regulations specifying the procedures to be adhered to during the interview process, in order to reinstitute dental licensure by credentials for those dentists already licensed in another state, territory, or region.

#### Recommendation No. 2

The Alaska Board of Dental Examiners should affiliate with one or more of the four existing regional testing services for the examination of dental candidate's clinical skills in lieu of administering a State-run clinical examination.

The current Alaska dental examination is administered by the Alaska Board of Dental Examiners twice annually and consists of both a written and clinical examination. The written examination is designed primarily to test a candidate's theoretical knowledge of basic biomedical and dental sciences while the clinical examination is used to determine whether the candidate possesses satisfactory clinical skill.

An applicant must receive a score of at least 75% on each subject of both examinations to receive an overall passing grade and hence be eligible for licensure.

Written examinations are of the objective type, with responses to test questions being recorded on answer sheets which are graded with the aid of an answer key or template. Alaska utilizes excerpts from the written examination administered by the Northeast Regional Board of Dental Examiners for the written portions of Alaska's exam covering oral diagnosis, oral medicine, and radiology. The portions of the written examination covering prosthetics, and Alaska Statutes and regulations governing the practice of dentistry, have been developed by the Alaska Board of Dental Examiners.

Unlike the written examination, the grading of the clinical exam is subjective in nature. The clinical portion of the examination requires candidates to complete amalgam and gold inlay preparations and restorations on actual patients in a clinical setting. (Until the most recent exam, a gold foil preparation and restoration was also a requirement.) Candidates are graded at various steps during the completion of each clinical procedure by several examiners appointed by the Alaska Board of Dental Examiners. In all cases, examiners must be practicing dentists licensed in the State. More often than not, they are members of the Alaska Board. Grades are assigned by examiners based on their perception of whether a candidate's work meets certain sets of established criteria designed to measure clinical ability. An average of the scores assessed by each examiner determines the candidate's final grade on each operative subject.

At a recent examiner calibration session, held in preparation for the August 1986 dental exam, the Alaska Board of Dental Examiners concurred with a statement made by an expert on the subject of dental examinations and scoring techniques to the effect that all dental examinations are virtually the same in both content and administration, and that the differences in pass/fail rates between jurisdictions revolves solely around the scoring and grading of the individual examination itself. (See Appendix A for examination structure and general information on various regional and State dental exams.) At the same meeting, the Alaska Board was informed of a national trend showing dental exam failure rates moving towards a range of between 30% to 35%, with slightly higher failure rates noted in the western states than in the east. As shown below, Alaska's pass/fail rates have not paralleled this national trend, the primary cause for this being dental candidate's inability to attain passing scores on the clinical (subjective) portion of the Alaska dental examination.

The overall failure rate on the five Alaska dental examinations administered between November 1983 and November 1985 oscillated from 33.3% to 88.9%, with an average failure rate approximating 59.3%. The failure rate on the written portion of the examination for the same period was only 1.8%, with only one failure in 55 initial attempts. The overall pass rate on the most recent Alaska dental exam, administered in August 1986, was 75%, with 10 of 11 candidates passing the written portion. (See Appendix G.) An overall pass rate of 75% indicates that recent changes in Alaska's examination content and scoring procedures may have had a positive effect on the outcome of this exam; however, it is premature to conclude that this is more than an isolated incident and in fact evidences a change in previously established trends. (75% is the highest pass rate experienced on the Alaska dental examination since 1977.)

Clinical examination failure rates, and in turn overall dental exam failure rates, of the magnitude of those experienced prior to August 1986, are excessive not only in comparison to the above noted national trend, but also in comparison to failure rates on similar examinations administered by other western states and various regional dental testing boards or agencies. The State of Washington's dental exam failure rate over the last five years has been in the range of 35% to 37% for in-state dental school graduates and approximately 50% for out-of-state graduates. Oregon's failure rate is commonly in the range of 10% to 20%. On Oregon's most recent examination, 90% of all candidates examined received passing scores. California's 1984 failure rate was 48%, compared to 45% in 1983. (See Appendix H.)

As shown in Appendix C, regionally administered clinical examinations are utilized by 26 states in place of State administered clinical exams. An additional 6 states, including the District of Columbia, utilize regional clinical exams in conjunction with a State performance examination, while one state administers their own clinical exam only for candidates from non-accredited schools. 1985 failure rates on regional clinical examinations administered by the Northeast Regional Board of Dental Examiners (NERB) and the Central Regional Dental Testing Service (CRDTS) were 19.8% and 10.8%, respectively. The average failure rate on the examination administered by the Western Regional Examining Board (WREB) for the last 5 years has been 23.2%, with a high of 33% and a low of 19%. (See Appendix H.)

A factor known to have partially contributed to candidate failure on Alaska's clinical examination is the lack of consistent assessment of scores by dental examiners. One case was noted where a candidate's scores assigned by four

different examiners on the same step of an operative procedure ranged from 0% to 80%, with actual scores being 0, 60, 80, and 0. Though this is an extreme example, the existence of this type of situation indicates a dire need for modification in the evaluation process.

Regardless of the exact causes for Alaska's high failure rates on past dental examinations, changes must be made which will serve to foster the public's faith in the State's means for regulating entry into the dental profession. Procedures must be adhered to which will allow the clinical portion of the Alaska dental examination to be conducted in an objective manner, with the emphasis on passing all candidates who evidence satisfactory knowledge of the basic principles of operative dentistry and possess satisfactory clinical skill - even those who possess only the "minimum" qualifications. Pass rates on the Alaska dental examination should be commensurate with those being experienced on dental examinations administered elsewhere in the nation.

In order to accomplish the above, the Alaska Board of Dental Examiners should affiliate with one or more of the four existing regional dental testing services for the testing of candidates clinical ability. Another alternative would be to merely accept for licensure any candidate who has successfully completed any of the four regional boards. The first approach would allow Alaska the opportunity for input into the development of the clinical examination, while the second would require us to rely on the ability of states affiliated with the regional organizations to maintain an examination which tests procedures and methods commensurate with current trends in dental education and acceptable dental practices. In either case, the Alaska Board of Dental Examiners will benefit from disassociating themselves from the onus of administering the subjective clinical examination by placing this burden on an established, impartial, dental testing organization located outside of the State. The public will, in turn, benefit through the Board's ability to focus their efforts on other pertinent issues related to the dental profession in the State of Alaska.

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APPENDIXES

Source for Appendixes A - D: American Dental Association 1986 publication, titled, "Facts About States - For the dentist seeking a location."

Source for Appendix F: American Dental Association 1982 publication, titled, "Facts About States - For the dentist seeking a location."

APPENDIX A

## State and Regional Boards: Structure of Exams and General Information\*

The following chart outlines the structure of the board exams for each state and region. Among the new developments in 1985: Idaho has joined the Western Regional Examining Board.

The supporting papers needed to take the boards are generally the same in every state: recent photographs, copies of your national board scores, a certificate of graduation, fingerprints, copies of your dental school transcripts (and sometimes undergraduate transcripts), proof of liability insurance coverage, and other dentists' verification of your high moral character. Not every state requires all of these, but it pays to collect them all, especially if you're planning to take exams in several states.

Nearly every state requires you to supply your own patients and the proper indications for the procedures you'll perform. Most states also expect you to provide your own handpieces, instruments, and supplies. Several states supply some of these for a nominal fee, and in other states, dental supply firms attend the board exams and have limited supplies on hand for your use. In any case, you should go to the exam with everything you think you may need.

Most states do not accept reciprocity from other states, but many do allow licensure by credentials: that is, they will grant a license to practice if you have already passed a board exam in another state and have worked there for a certain number of years.

Thirty-two states belong to regional testing systems. The regional boards do only the clinical testing phase for the different states.

Regional Testing Service/State Board	Exam Frequency	Fee	Written	Practical	Additional Information
Northeast <sup>1</sup>	Winter, spring, summer	\$275	Simulated clinical examinations; (1) diagnosis, oral medicine, and radiology; (2) comprehensive treatment planning	Class V gold foil or class II amalgam; class II, III, IV gold foil or class II inlay, ¾ or full crown; diagnosis and scaling of periodontal patient; complete denture exercise with patient (impression of either arch to esthetic try-in of maxillary denture)	Candidates are permitted to take the NERB examination only once during a cycle.
Southern <sup>2</sup>	May/June, July/August, December	\$300	Treatment planning, oral pathology	Class II amalgam; MOD inlay/onlay; class III or IV composite, denture exercise on patient (impressions upper and lower, to esthetic try-in)	Candidates must submit proof of malpractice insurance with their applications.
Central <sup>3</sup>	May, June, August, December	\$350	Prosthodontics, periodontics, emergency/basic life support	Periodontal clinical; Class II amalgam; cast restoration, an inlay, onlay, ¾ crown, or ½ crown; composite restoration; simulated clinical judgment	Applications must be received 45 days before examination date. Nebraska allows reciprocity from other states. Must furnish own patients.
Western <sup>4</sup>	March, June, September	\$375	Oral pathology, prosthetics	Class II amalgam, periodontics, gold casting (onlay to full crown, no inlay), endodontics	Must furnish own patient, instruments, and handpieces. Expendable materials (except gold) are supplied.
Alabama	June (may vary)	\$120	Theoretical exam on Alabama jurisprudence and radiation safety	Prosthetics, endodontics, prophylaxis, operative	Must furnish own patients. Must furnish own instruments, and supplies. No reciprocity with other states.
Alaska	June, November	\$200	Oral diagnosis and treatment planning, jurisprudence, prosthetics	Class II amalgam, class V gold foil, class II gold inlay <sup>3)</sup>	Must furnish own patients, handpieces, instruments, and supplies. No reciprocity with other states. No licensure by credentials.
California	6 times a year	\$150	Oral diagnosis and treatment planning, written perio. Radiation safety (optional).	Class II amalgam. Periodontal exam includes written diagnostic and clinical. Crown and bridge prepare two abutments; construct wax pattern on one. Full denture set-up.	

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Regional Testing Service/State Board	Exam Frequency	Fee	Written	Practical	Additional Information
Florida	June, December	\$280	Laws and rules of Florida	On mannequin: cast gold class II MOD onlay on bicuspid tooth; class II amalgam; pin amalgam endodontic access on posterior and anterior tooth. On patient; periodontal exercise, prosthetic impression and articulation.	Must furnish own patients (Supply companies will usually help.) About 52% pass annually. Must have taken national board within 10 years. No reciprocity with other states.
Georgia	June.	\$200	Jurisprudence, periodontics and oral pathology slide exam (multiple choice)	Clinical class II amalgam, class III composite, cast gold class II inlay or onlay; laboratory; preparations and gold casting on dentiform, denture set-up.	Must furnish own patients, instruments, and handpieces. No reciprocity with other states.
Hawaii	twice a year; announced 60 days before exam	\$250	Jurisprudence, oral diagnosis, treatment planning	Class III or II gold foil; class II amalgam; MOD onlay and 1/2 crown with 1 indirect wax-up, complete denture set	Must furnish own patients, but Hawaii does run ad in local college newspapers. Must furnish own handpieces, instruments, and supplies. No reciprocity with other states.
Indiana	twice a year	\$100	Theoretical exam if all parts of national boards have not been completed; jurisprudence on Indiana laws.	Class II amalgam; class II, III, IV foil, or class I, V gold foil and composite, or MOD inlay or crown; prosthetic problem solving; Lab: anterior porcelain bonded to metal preparation; 1/4 crown prep on bicuspid, wax, cast and finish; upper denture set-up; periodontal scaling and curettage; diagnosis and treatment planning.	Must have valid CPR certification before exam. Must furnish own patient. Must obtain malpractice insurance before the exam. Must furnish original dental school diploma.
Louisiana	May/June (annually)	\$100	Ethics and jurisprudence, office emergencies, oral surgery, periodontics, oral pathology	Amalgam and composite, onlay procedure, removable prosthodontics, endodontics, occlusion	Must furnish own patients, liability insurance, equipment, and supplies. Content of examination is subject to change at the discretion of the board.
Mississippi	June (annually)	\$200	Jurisprudence, dental anatomy, radiography	One MOD, DO, or MO amalgam; one four-surface amalgam replacing at least one cusp; one class III composite; one full gold crown; removable prosthetics	No reciprocity. All information subject to change for each examination. Must have valid CPR. Must furnish own patients.
Nevada	March, July (annually)	\$200	Must have passed national board examination.	Complete denture fabrication; either a class II, III, or IV gold foil or a class II cast gold restoration, inlay, or onlay (restoration must be finished in one day); class II amalgam	Must furnish own patients, instruments, and supplies, including pre- and postoperative radiographs. Some disposable items will be available. No reciprocity.
New Mexico	January, June	\$150	Jurisprudence, oral diagnosis, office emergencies	Class II amalgam; gold casting; MOD inlay; class III, IV or V gold foil	Must furnish own patients, instruments and high low speed handpiece. Supply company assists with exam. No reciprocity. No licensure by credentials.
New York <sup>3,6</sup>	August, December	\$245	Equivalent to Northeast Regional Board	Equivalent to Northeast Regional Board	Equivalent to Northeast Regional Board but valid only in New York. Open to eligible graduates of non-accredited and accredited schools. Must furnish own patients and instruments.

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Regional Testing Service/State Board	Exam Frequency	Fee	Written	Practical	Additional Information
North Carolina	May, August	\$75	Jurisprudence, periodontics, occlusion	Class II inlay or onlay; class II amalgam; oral surgery; removable prosthodontics (complete upper denture, partial design); periodontics; lab exercises; endodontics, crown preps	Must furnish own patients and instruments. No reciprocity. No licensure by credentials. No specialty exams.
Oklahoma	May, June, and December	\$200	Jurisprudence	Prosthetic denture set-up; clinical operative procedures	Must furnish own patients and instruments. Must have valid CPR.
Oregon	June, Decemoer	\$50	Jurisprudence, oral diagnosis, treatment planning, oral pathology, and general dentistry	Selection from the following: amalgam restoration, cast gold restoration, periodontics, prosthodontics	No reciprocity or temporary licenses. Must furnish own patients and instruments. Specialty exams available.
South Carolina	Summer	\$200	Ethics and Jurisprudence	Clinical includes 2 class II amalgams, 2 composites; prosthetics: impressions, CR records, set mandibular and maxillary 6 inferior teeth. Laboratory: Wax up 3-unit bridge, prep onlay, wax and cast on a dentiform.	
Texas	May/June, August/September	\$100	Jurisprudence	3-unit fixed bridge; 2 class II amalgams; 2 composite restorations; prepare diagnosis and treatment plan from photographs, x-rays, models, etc.; denture set-up, ready for flasking	Must furnish own patients. No reciprocity or temporary licenses.
Virgin Islands	June, November	\$65	Operative dentistry, pharmacology, prosthodontics, oral surgery and pain control, oral pathology and radiology, endodontics-periodontics, anatomic sciences, and dental anatomy from the national board exams if have not passed the national boards during the last two years.	Periodontics, radiology, oral surgery, operative dentistry	
Washington	June, September	\$120		Class II amalgam; class II, III, V gold foil; MOD inlay and a periodontal section	Must furnish own: patients, instruments, handpieces, and supplies. Some companies may have supplies for use at no cost. No reciprocity with other states.

NOTES: <sup>1</sup> Includes Connecticut, District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia.

<sup>2</sup> Includes Arkansas, Kentucky, Tennessee, and Virginia.

<sup>3</sup> Includes Colorado, Iowa, Minnesota, Missouri, Kansas, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

<sup>4</sup> Includes Arizona, Idaho, Montana, and Utah.

<sup>5</sup> In addition to participating in the Northeast Regional Board, New York administers a separate series of examinations.

<sup>6</sup> The fee shown for New York includes license fee, exam fee, and first triennial registration fee.

a) Class V gold foil no longer a clinical examination requirement.

\* SOURCE: The above information is compiled annually by American Student Dental Association and is published in the *ASDA Handbook*, Fall 1985, pages 78-82. Reprinted with permission of American Student Dental Association.

APPENDIX B

## Written Examination Requirements\*

Recognizes Certificate of  
National Board Dental Examinations

<u>State</u>	<u>Accepts Scores on National Board Exam</u>	<u>Time Limit (Years)</u>	<u>Additional Written Examinations</u>
Alabama	Yes	0	Yes
Alaska	Yes	0	Yes
Arizona	Yes	0	Yes
Arkansas	Yes	0	Yes
California	Yes	0	Yes
Colorado	Yes	15	—
Connecticut	Yes	0	Yes
Delaware	No <sup>1/</sup>	—	—
District of Columbia	Yes	—	—
Florida	Yes	10	Yes
Georgia	Yes	0	Yes
Hawaii	Yes	5	Yes
Idaho	Yes	0	Yes
Illinois	Yes	0	—
Indiana	Yes	0	Yes
Iowa	Yes	0	—
Kansas	Yes	0	Yes
Kentucky	Yes	0	—
Louisiana	Yes	—	—
Maine	Yes	—	—
Maryland	Yes	0	Yes
Massachusetts	Yes	5	Yes
Michigan	Yes	—	—
Minnesota	Yes	0	—
Mississippi	Yes	0	Yes
Missouri	Yes	—	—
Montana	Yes	0	Yes
Nebraska	Yes	0	—
Nevada	Yes	0	Yes
New Hampshire	Yes	0	Yes
New Jersey	Yes	0	Yes
New Mexico	Yes	—	—
New York	Yes	0	—
North Carolina	Yes	—	Yes
North Dakota	Yes	—	—
Ohio	Yes	0	Yes
Oklahoma	Yes	0	Yes
Oregon	Yes	0	Yes
Pennsylvania	Yes	0	—
Rhode Island	Yes	0	—
South Carolina	Yes	0	—
South Dakota	Yes	—	—
Tennessee	Yes	0	—
Texas	Yes	0	—
Utah	Yes	0	—
Vermont	Yes	0	—
Virginia	Yes	0	—
Washington	Yes	0	—
West Virginia	Yes	0	Yes
Wisconsin	Yes	0	—
Wyoming	Yes	—	—
Virgin Islands	Yes	—	—

\*For graduates of accredited dental schools. Data as of January 1, 1986.  
Source: Joint Commission on National Dental Examinations

<sup>1/</sup> Delaware conducts their own written examinations.

APPENDIX C

## Clinical Examination Requirements

<u>State</u>	<u>Regional Test</u> <sup>1/</sup>	<u>Time Limit (Years)</u>	<u>State Performance Examination</u>	<u>Limit to Times Taken</u>
Alabama	—	—	Yes	2 times and (c)
Alaska	—	—	Yes	—
Arizona	WREB	5	Yes	2 times and education
Arkansas	SRTA	5	—	3 times and (d)
California	—	—	Yes	Unlimited
Colorado	CRDTS	5	No	3 times
Connecticut	NERB	5	No	Unlimited
Delaware	—	—	Yes	—
District of Columbia (f)	NERB	5	Yes	3 times and education
Florida	—	—	Yes	3 times and education
Georgia	—	—	Yes	3 times and education
Hawaii	—	—	Yes	—
Idaho	WREB	—	No	—
Illinois	NERB	10	Yes	Unlimited
Indiana	—	—	Yes	—
Iowa	CRDTS	5	No	2 times, education and (c)
Kansas	CRDTS	5	No	2 times, education and (c)
Kentucky	SRTA	5	No	Unlimited
Louisiana (f)	—	—	Yes	3 times and education
Maine (f)	NERB	5	No	—
Maryland	NERB	5	No	2 times and education
Massachusetts	NERB	5	No	—
Michigan (f)	NERB	10	(e)	3 times and education
Minnesota	CRDTS	5	No	—
Mississippi	—	—	Yes	2 times and education
Missouri	CRDTS	5	No	3 times and education
Montana	WREB	3	No	—
Nebraska	CRDTS	5	No	2 times and education
Nevada	—	—	Yes	2 times and (b)
New Hampshire	NERB	5	No	(c)
New Jersey	NERB	15	No	—
New Mexico (f)	—	—	Yes	Unlimited
New York	NERB	0	Yes	2 times and (d)
North Carolina	—	—	Yes	Unlimited
North Dakota (f)	CRDTS	5	No	—
Ohio	NERB	5	No	2 times and education
Oklahoma	—	—	Yes	2 times and (c)
Oregon	—	—	Yes	Unlimited
Pennsylvania	NERB	—	No	—
Rhode Island	NERB	—	No	Unlimited
South Carolina (f)	—	—	Yes	Unlimited
South Dakota (f)	CRDTS	5	No	—
Tennessee	SRTA	5	Yes	—
Texas	—	—	Yes	3 times (c)
Utah (f)	WREB	3	No	—
Vermont	NERB	5	No	—
Virginia	SRTA	5	No	3 times
Washington	—	—	Yes	Unlimited
West Virginia (f)	NERB	—	No	—
Wisconsin	CRDTS	5	No	—
Wyoming (f)	CRDTS	5	Yes	2 times and education
Virgin Islands (f)	—	—	Yes	2 times and education

Data as of January 1, 1986 unless otherwise indicated.

- (a) Skip one testing before re-taking third time.
- (b) Must wait one year before re-taking.
- (c) Must have approval of the Board.
- (d) Remedial training.
- (e) Yes, for graduates of non-accredited schools.
- (f) 1982 data.

<sup>1/</sup>

CRDTS - Central Regional Dental Testing Service  
 NERB - Northeast Regional Board of Dental Examiners  
 SRTA - Southern Regional Testing Agency  
 WREB - Western Regional Examining Board

Source: Joint Commission on National Dental Examinations

APPENDIX D

## Summary of Requirements for Licensure by Credentials in Certain States Granting Licensure by Credentials

The states that grant licensure by credentials have individual requirements, of which the following is an overview. All states require a jurisprudence examination; however, this might be a formal, written examination, or a signed statement attesting that the candidate is familiar with the laws governing dentistry in the state. Candidates should write to the individual states for complete information and application.

State	Will accept applications from	Letters of recommendation	Personal interview	Years in practice
Arkansas	R	2	X	5
District of Columbia	Specialists Only		X	
Indiana	All states	3	X	5
Iowa	R	2	X	5
Kansas	R	5		5
Maine	All states	0	X*	5 <sup>1</sup>
Maryland	All states	3	X	5 <sup>1</sup>
Massachusetts	R	1	X	5
Michigan	On an individual basis	4	Rarely	No Limit
Minnesota	All states	4	X	2 <sup>2</sup>
Missouri	All states	2		5
Nebraska	All states	2	X	1 <sup>3</sup>
New Hampshire	R	3	X	5
New York	All states	3		5
North Dakota	Has an option, but has not granted licensure by credentials in 5 years			
Oklahoma	R	10		5
Pennsylvania	All states	2		5
Rhode Island	R	3		5
Tennessee	R	1 <sup>4</sup>		5
Vermont	At the discretion of the board	2		5

R = states that will issue licenses by credentials only to candidates from states with a reciprocal agreement.

\*The state of Maine will require a personal interview with a candidate who passed a state board examination more than 1 year before applying to Maine for a license.

<sup>1</sup>Will issue a licensure by credentials to candidates who pass the Northeast Regional Board Examination in lieu of active practice.

<sup>2</sup>Two years of the past 3 years must have been in active practice.

<sup>3</sup>This requirement will change to 3 years of active practice.

<sup>4</sup>One letter of recommendation from each state board in each state in which the dentist has practiced.

Source: "Licensure by Credentials — Is it Working?", report published in the *Journal of the American Dental Association*, Vol 111, July 1985, pages 19-32.

APPENDIX E

ALASKA DENTAL LICENSES ISSUED

Information presented in this appendix was compiled from the dental license issue log maintained by the Department of Commerce and Economic Development's Division of Occupational Licensing.

	June 1, 1980 through October 17, 1984 <sup>1/</sup>	October 17, 1984 through June 30, 1986	Total June 1, 1980 through June 30, 1986
Number issued based on credentials	8	14 <sup>2/</sup>	22
Number issued based on examination	<u>75</u>	<u>31</u>	<u>106</u>
Total number issued	<u>83</u>	<u>45</u>	<u>128</u>
By credentials as percentage of total	<u>9.6%</u>	<u>31.1%</u>	<u>17.2%</u>

<sup>1/</sup> The Alaska Board of Dental Examiners issued licenses based on candidates' credentials, pursuant to AS 08.36.234, from June 1, 1980 through October 17, 1984. At that time they ceased issuing licenses by credentials, by emergency order, as promulgated in 12 AAC 28.950.

<sup>2/</sup> Licenses issued based on reinterview of candidates previously denied licensure by credentials, as recommended by the Ombudsman's office and the Attorney General's office.

APPENDIX F

## Total Dental Licensure Results by State Board in 1981

State Board	Total	Passed	Percent passed	Failed	Percent failed
Alabama.....	87	84	95.5%	3	3.5%
Alaska <sup>1/</sup> .....	27	14	51.9%	13	48.1%
Arizona.....	137	137	100	0	0.0
Arkansas.....	49	49	100	0	0.0
California.....	1,535	781	50.9	754	49.1
CRDTS*.....	995	729	73.3	266	26.7
Colorado.....	225	225	100	0	0.0
Connecticut.....	191	191	100	0	0.0
Delaware.....	29	17	58.6	12	41.4
District of Columbia.....					
Florida.....	601	315	52.4	286	47.6
Georgia.....	200	200	100	0	0.0
Hawaii.....	26	16	61.5	10	38.5
Idaho.....	44	29	65.9	15	34.1
Illinois.....	507	469	92.5	38	7.5
Indiana.....	173	126	72.8	47	27.2
Iowa.....	122	122	100	0	0.0
Kansas.....	82	82	100	0	0.0
Kentucky.....	151	151	100	0	0.0
Maine.....	52	52	100	0	0.0
Maryland.....	305	305	100	0	0.0
Massachusetts.....	357	357	100	0	0.0
Michigan.....	95	95	100	0	0.0
Minnesota.....	188	188	100	0	0.0
Mississippi.....	52	39		13	
Missouri.....	218	218	100	0	0.0
Montana.....	30	30	100	0	0.0
Nebraska.....	98	98	100	0	0.0
Nevada.....	58	28	48.3	30	51.7
New Hampshire.....	47	47	100	0	0.0
New Jersey.....	478	478	100	0	0.0
New Mexico.....	42	36	85.7	6	14.3
New York.....	857	677	79	180	21.0
North Carolina.....	147	117	79.6	30	20.4
NERB*.....	2,628	2,280	86.8	348	13.2
North Dakota.....	31	31	100	0	0.0
Ohio.....	341	341	100	0	0.0
Oklahoma.....	130	130	100	0	0.0
Oregon.....	147	147	100	0	0.0
Pennsylvania.....	576	576	100	0	0.0
Rhode Island.....	42	42	100	0	0.0
South Carolina.....	91	91	100	0	0.0
South Dakota.....	40	32	80	8	20.0
SRTA*.....	597	572	95.8	25	4.2
Tennessee.....	166	166	100	0	0.0
Texas.....	519	464	89.4	55	10.6
Utah.....					
Vermont.....	22	22	100	0	0.0
Virginia.....	178	178	100	0	0.0
Washington.....	237	149	62.9	88	37.1
West Virginia.....	63	63	100	0	0.0
Wisconsin.....	211	211	100	0	0.0
Wyoming.....	47	32	68.1	15	31.9
WREB*.....	467	403	86.3	64	13.7
Puerto Rico.....	75	70	93.3	5	6.7
<b>TOTAL.....</b>	<b>15,726</b>	<b>12,488</b>	<b>84.5</b>	<b>2,298</b>	<b>15.5</b>

\*Regional Testing results are not included in totals.

Source: Council on Dental Education, American Dental Association.

1/

Alaska statistics were not published by the American Dental Association. Information included here was obtained from the Department of Commerce and Economic Development's Division of Occupational Licensing. Alaska results are not included in totals.

APPENDIX C

RECENT ALASKA DENTAL EXAMINATION STATISTICS

Information in this appendix was compiled and provided by the Department of Commerce and Economic Development's Division of Occupational Licensing.

	<u>November 1983</u>	<u>June 1984</u>	<u>November 1984</u>	<u>June 1985</u>	<u>November 1985</u>	<u>August 1986</u> <sup>4/</sup>
Number of applicants examined <sup>1/</sup>	18	18	18	34	25	20
Number Failed <sup>2/</sup>	6	16	8	21	16	5
Number Passed <sup>3/</sup>	12	2	10	13	9	15
Percentage Failure Rate	33.3%	88.9%	44.4%	61.8%	64.0%	25.0%
Percentage Pass Rate	66.7%	11.1%	55.6%	38.2%	36.0%	75.0%

<sup>1/</sup> Totals include candidates taking all or part of the examination.

<sup>2/</sup> Totals include candidates failing all or part of the examination.

<sup>3/</sup> Totals include candidates passing entire examination or those passing remaining parts not passed at prior examinations.

<sup>4/</sup> The dental examination scheduled for June 1986 was postponed until August 1986 in order that a new examination site could be located and to allow restructuring of the examination's content and scoring procedures.

APPENDIX H

EXAMINATION STATISTICS: WESTERN STATES AND REGIONAL TESTING BOARDS/AGENCIES

WASHINGTON - Over the last five years the failure rate for Washington state dental school graduates has been from 35% to 37%. Out-of-state graduates' failure rate has been approximately 50%. (These statistics include results from exam retakes - retake failure rate approximates 50%, regardless of whether candidates are in-state or out-of-state graduates.)

OREGON - Results from the most recent (June 1986) Oregon dental exam are as follows:

Number of candidates taking exam	70	(69 1st attempts)
Number Failing	7	
Number Passing	63	
Percentage Failure Rate	10%	
Percentage Pass Rate	90%	

Historically Oregon's passage rate has been in the 80 and 90 percentile range.

<u>CALIFORNIA</u> -	<u>1984</u> *	<u>1983</u> *
Number of candidates taking exam	1567	1884
Number Failing	753	849
Number Passing	814	1035
Percentage Failure Rate	48%	45%
Percentage Pass Rate	52%	55%

\* (Statistics exclude results of retakes by California dental school graduates.)

NEVADA - Current statistics related to pass/fail rates for Nevada state dental examinations were not available for release by the Nevada State Board of Dental Examiners.

WESTERN REGIONAL EXAMINING BOARD (WREB) - The average annual pass rate on the WREB exam for the past five years is 76.8%, with a high of 81% and a low of 67%. This equates to an average failure rate of 23.2%, with a high of 33% and a low of 19%.

CENTRAL REGIONAL DENTAL TESTING SERVICE (CRDTS) - CRDTS evaluates approximately 1000 dental candidates per year, including candidates repeating the examination. The 1985 failure rate for the operative clinical examination administered by CRDTS was 10.8%.

NORTHEAST REGIONAL BOARD OF DENTAL EXAMINERS (NERB) - In the past ten years, failure rates on the NERB examination have ranged from a high of 34.4% in 1983 to a low of 19.8% in 1985. A failure, in these calculations, is a candidate who fails at least one of the five tests in his/her first examination attempt.

SOUTHERN REGIONAL TESTING AGENCY (SRTA) - Dental examination pass/fail statistics are not generated on an annual basis by SRTA, but instead are prepared for specific test sites. This information was not made available.

1/ Information obtained in this appendix was provided by the individual state boards or regulating bodies and by representatives of the various regional boards or testing agencies.

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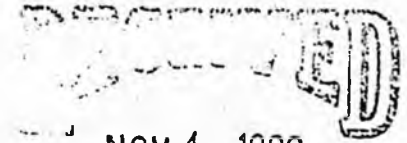
BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF COMMERCE &  
ECONOMIC DEVELOPMENT**

POUCH D  
JUNEAU, ALASKA 99811  
PHONE: 465-2500

OFFICE OF THE COMMISSIONER

November 3, 1986



NOV 4 - 1986

LEGISLATIVE  
AUDIT

Mr. Gerald L. Wilkerson  
Legislative Auditor  
Division of Legislative Audit  
P.O. Box W  
Juneau, AK 99811

Dear Mr. Wilkerson:

Thank you for the opportunity to review and comment on the preliminary audit findings of the Board of Dental Examiners. At this time, the department's position to the audit recommendations remains as noted in our response to the interim letter dated September 10.

The department agrees with recommendation number one, and will assist the board in the repeal of 12 AAC 28.950. Prior to taking a position for or against recommendation number two, the department is seeking more information regarding regional testing and its feasibility. There are many factors which must be investigated. Recently, the chairman of the Dental Board attended the Western Regional Exam in California; we will be receiving a report on this exam at the next board teleconference meeting which is scheduled for November 13.

Sincerely,

  
Loren H. Lounsbury  
Commissioner

LHL/mst4921m  
103086a

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STEVE COWPER, GOVERNOR

**DEPARTMENT OF COMMERCE &  
ECONOMIC DEVELOPMENT**

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

*DIVISION OF OCCUPATIONAL LICENSING*

THE ALASKA BOARD OF DENTIAL EXAMINERS

Robert E. Warren, Chairman

December 16, 1986

DEC 22 1986

Gerald L. Wilkerson  
Legislative Auditor  
Division of Legislative Audit  
Pouch W  
Juneau, Alaska 99811-3300

Re: "A Special Report on The Department of Commerce and  
Economic Development, Board of Dental Examiners  
August 27, 1986" (Confidential Preliminary Audit)

Audit Control Number: 08-4271-86-S

Dear Mr. Wilkerson:

On behalf of the Alaska Board of Dental Examiners, I offer the following response to the above-referenced confidential Preliminary Audit Report. As you know, that Report contains two recommendations. The Board provisionally concurs with one recommendation but strongly disagrees with the other.

1. Areas of Agreement. Recommendation Number 2, set forth on pages 12-15 of the Report, proposes that "The Alaska Board of Dental Examiners should affiliate with one or more of the four existing regional testing services for the examination of dental candidate's [sic] clinical skills in lieu of administering a State-run clinical examination." (Report, page 12.)

The Board provisionally agrees with this recommendation and is in the process of taking active steps to implement it. Geographically, the most logical affiliation for Alaska is the Western Regional Examining Board (WREB). As noted in Appendix A to the Report (at page 20, note 4), the WREB includes Arizona, Idaho, Montana and Utah.

Gerald L. Wilkerson  
Legislative Auditor  
Division of Legislative Audit  
Re: Report/Board of Dental  
Examiners  
December 16, 1986  
Page 2

On September 28-30, 1986, the Board's Hygenist member, Chris Baxter, and I personally attended the WREB autumn, 1986 examination, which was conducted at Loma Linda University in Loma Linda, California. I directly observed the entire four-day examination as it was administered to the 70 dental candidates and the 31 hygenist candidates. In my professional opinion, the examination as administered by the WREB was comprehensive, thorough, and fair.

More recently, on December 5-6, 1986, I attended the WREB Examination Review Committee meeting in Phoenix, Arizona. While in Phoenix, I also attended the WREB General Membership Meeting and the meeting of the Board of Directors. My conclusion from my direct observations is that the WREB is a competent and highly professional testing agency.

At the upcoming January 15, 1987 meeting of the Alaska Board of Dental Examiners, the question of whether Alaska should join the WREB will be voted upon. Prior to the vote, I will present my field research and findings with respect to the WREB. Also, Dr. David Low, past President of the WREB and current Chairman of the WREB Examination Committee, will make a presentation. My recommendation will be that Alaska should join the WREB, thereby recognizing a passing grade on the WREB examination as satisfying the examination requirement of AS 08.36.130 and AS 08.36.160.

I might note in passing that only a portion of my travel expenses have been paid by the WREB and I have donated the balance of my travel expenses and my professional time. The State of Alaska has not absorbed any of these costs.

2. Areas of Disagreement. Recommendation Number 1, set forth at pages 11-12 of the Report, proposes that "The Alaska Board of Dental Examiners should issue dental licenses to qualified dentists based on their performance records in lieu of requiring they pass an examination. (Licensure

Gerald L. Wilkerson  
Legislative Auditor  
Division of Legislative Audit  
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by credentials)." The Board strongly disagrees with this Recommendation.

In our experience, licensure by credentials runs a serious and substantial risk of authorizing incompetent or otherwise undesirable individuals to practice dentistry in Alaska for two reasons. First, licensure by credentials provides inadequate opportunity to investigate and verify the applicant's professional, clinical skills. Second, because there is presently no central clearing house of professional dental information in the United States, it is extremely difficult to weed out individuals who are the subject of outstanding complaints or disciplinary review proceedings in other states. In practice, the Board has found licensure by credentials to be inconsistent with the Board's responsibilities as established by AS 08.36.070(a).

AS 08.36.234 establishes licensure by credentials as a permitted practice: "The [B]oard may provide for the licensing without examination of a dentist who [satisfies the criteria of subsections (1)-(8)]." (Emphasis added.) The decision whether or not to implement this practice must be made in light of the more basic responsibilities of the Board. AS 08.36.070(a) mandates that the Board shall:

- (1) examine applicants and issue licenses to the applicants it finds qualified;
- . . .
- (8) adopt regulations ensuring that renewal of registration is contingent upon proof of continued professional competence by a licensed dentist....

(Emphasis added.)

Gerald L. Wilkerson  
Legislative Auditor  
Division of Legislative Audit  
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Page 4

As all dental patients know, the essence of dentistry is performing minutely delicate and precise procedures in the confined and extremely vulnerable area of the patient's mouth. In short, the practice of dentistry is at least as much craftsmanship as it is science. The only way to evaluate an individual dentist's abilities as a craftsman is to review examples of his work. The critical failure of licensing by credentials is that it does not adequately provide this review.

The premise of expedited licensing of dentists who have practiced for at least five years prior to applying for an Alaska license (See AS 08.36.234(3)) is that the prior period of practice in and of itself establishes technical professional competence. In reality, there are two flaws in this premise.

First, the standards of competence vary considerably from state to state and from region to region. Proof of continued professional competence is not required in many states. The consequence of accepting any individual's past practice as satisfactory credentials will, over time, lead to the lowering of competency standards in Alaska.

Second, in the case of dentists who have practiced in the military or in non-uniformed federal service (e.g., the Public Health Service), there has been no requirement of board certification or state licensing agency review of their competence. In Alaska, this is a matter of particular concern, since many dentists come to Alaska either in military or non-uniformed federal service and practice in remote areas virtually unsupervised.

AS 08.36.234(4) requires, as a prerequisite to licensure by credentials, that the applicant "...is not the subject of an unresolved complaint, review procedure or disciplinary proceeding undertaken by a dental licensing jurisdiction." In

Gerald L. Wilkerson  
Legislative Auditor  
Division of Legislative Audit  
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reality, it is very difficult to verify this fact or to expose a misrepresentation of fact by an applicant. There presently exists no central clearing house of information regarding unresolved complaints or disciplinary proceedings. The varying privacy law standards of the several states has the effect of making this information unobtainable for many out-of-state applicants. And in the case of military and federal dentists, the individual may never have practiced in the state in which he or she obtained a license. In these instances the outside licensing-state board has no pertinent information on file, and only limited information about dental officers is available through a military commanding officer.

Our experience in Alaska with dentists licensed by credentials tends to confirm the seriousness of the risks of admitting incompetent or otherwise undesirable individuals into the practice of dentistry here. There have been numerous patient complaints against credentialled dentists filed with the State Division of Occupational Licensing. In one instance, the Board received a fortuitous report from the Illinois Attorney General's office that a licensed-by-credentials candidate had been charged with numerous counts of sexual abuse of patients in Illinois. Since these were pending charges that had not been entered of record, our earlier investigation of this applicant had not been able to uncover this information.

The Alaska Board of Dental Examiners' position on licensure by credentials is perhaps best summarized by Dr. George Hansen, President-Elect of the Alaska Dental Society. As he stated at the August 16, 1986 meeting of the Board of Dental Examiners, "If the Board's goal is to protect dentists' freedom to practice, there should be licensure by credentials. But if the goal of the Board is to protect the public, the Board must examine applicants."

Gerald L. Wilkerson  
Legislative Auditor  
Division of Legislative Audit  
Re: Report/Board of Dental  
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December 16, 1986  
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In closing, I would note for the record that none of the audit staff personnel who prepared the August 27, 1986 Special Report attended either a dental examination or a credentials interview.

Thank you for having given me this opportunity to respond to the Preliminary Report. My apologies for any inconvenience my delay in responding to the Report may have caused. In the interest of responding accurately to Recommendation Number 2, I concluded it would be best to wait until I returned from the December WREB Examination Review Committee meeting before composing this letter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "R. E. Warren 12/15/86".

ROBERT E. WARREN, D.D.S.  
Chairman  
Alaska Board of Dental Examiners

rew:dkd

# STATE OF ALASKA

AUDIT DIVISION  
POUCH W  
JUNEAU, ALASKA 99811-3300

## THE LEGISLATURE BUDGET AND AUDIT COMMITTEE

January 6, 1987

Members of the Legislative Budget  
and Audit Committee:

We have reviewed the Alaska Board of Dental Examiner's response to our preliminary report. Our comments follow:

### Recommendation No. 1

There is nothing in the Board's response to make us change our position regarding dental licensure by credentials. Alaska Statute 08.36.234 is intended to provide a means for dental licensure without examination through the evaluation of a practicing dentist's theoretical knowledge and clinical skill based on their performance record. To this end, the provisions and requirements appear reasonable. Verification of a candidate's compliance with these provisions can be assured with minimal investigation if questions arise concerning the authenticity or validity of information provided on the candidate's application for licensure.

### Investigations

The State of Alaska is currently active with the National Disciplinary Information System (NDIS). NDIS is a project of the National Clearinghouse on Licensure, Enforcement, and Regulation (CLEAR) which reports bi-monthly on disciplinary actions taken against licensed professionals in a number of professional disciplines. Its purpose is to alert state authorities and board members to disciplinary actions taken in other states so more complete information can be obtained about licensed professionals in their state. Review of reports provided through NDIS in conjunction with the review of a credential candidate's application provides an additional means for verifying that all final disciplinary actions have been disclosed.

Division of Occupational Licensing staff have stated that they do not foresee insurmountable difficulties in performing additional investigations and background checks of individual applicants if requested by the Board. Investigations of this nature commonly would identify and disclose situations where dentists are the subject of an unresolved

complaint, review procedure, or disciplinary proceeding undertaken by a dental licensing jurisdiction. The existence of unresolved issues of this nature may serve as grounds for denial by the Board of licensure without examination pursuant to AS 08.36.234(4).

It is our belief that Alaska law currently provides the Board adequate opportunity and means to investigate and verify a credential applicant's qualifications, as well as identify situations where incomplete or questionable information is attested to by applicants on their application for dental licensure.

#### Technical Ability and Professional Competence

We concur with the Board's belief that the only way to evaluate an individual dentist's abilities as a "craftsman" (technical skill) is to review examples of his/her work; however, we disagree that licensure by credentials is critically flawed in that it does not provide consideration of this issue.

In order to obtain a dental license in Alaska based on credentials, a candidate must possess a license from another state, territory, or region with licensing requirements at least equivalent in scope, quality, and difficulty to those of this state at the time of licensure (AS 08.36.234(2)). In all jurisdictions, initial licensure is based, at least in part, on the successful completion of a clinical examination wherein a dentist's "craftmanship" is assessed. This requirement, coupled with the requirement that an applicant has been engaged in continuous active practice averaging at least 20 hours per week for each of the five years immediately preceding the application (AS 08.36.234(3)), serve to evidence adequate clinical skill and continued application of those skills.

The requirement of five years of practice prior to eligibility for licensure by credentials is not intended to, nor does it, in and of itself establish technical professional competence as is suggested by the Board. It is a combination of this requirement, the requirement that an applicant be licensed in another jurisdiction, as well as fulfillment of the other requirements of AS 08.36.234, that serve as a basis for deeming a credential candidate technically and professionally competent to practice dentistry in Alaska.

#### Patient Complaints

Complaints lodged with the Division of Occupational Licensing do not support the Board's contention that there have been numerous complaints against credentialed dentists and,

as a result, a serious risk incurred from licensing dentists in this manner. Our review of the Division's complaint logs identified a total of 47 complaints filed since June 1, 1980 involving 35 individual dentists, only one of whom was licensed by credentials.



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

HB

245

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 20, 1988

SUBJECT: Permanent fund dividends of incarcerated individuals (CSHB 245 (HESS))

TO: Representative Ramona Barnes

FROM: Tamara Brandt Cook <sup>TBC</sup>  
Director  
Division of Legal Services

Here is the sectional analysis that you requested of a draft bill dealing with permanent fund dividends and incarcerated individuals.

Section 1. A new provision is added making a person convicted of a felony ineligible for a permanent fund dividend if, during all or part of the fiscal year ending before checks are mailed, the individual is incarcerated. This provision applies whether or not the individual has applied for the dividend.

Section 2. This is a new provision. For the purposes of calculating the amount of the dividend for a year an individual who is ineligible due to incarceration but who is otherwise eligible under residency requirements will be counted as an eligible individual whether or not the individual applies for a dividend.

Section 3. Two new requirements are added to the list of duties of the Department of Revenue: (1) to annually determine the number and identity of individuals ineligible for permanent fund dividends because of incarceration and the number of ineligible individuals counted as eligible for purposes of determining the amount of a dividend for the year; (2) to adopt regulations necessary to implement the new ineligibility provision that applies to certain incarcerated individuals.

Section 4. The bill applies only to dividends for years after 1987. Since the bill has been held over from the

Representative Ramona Barnes  
Page 2  
January 20, 1988

first session, thought should be given to changing this date to 1988.

Section 5. The legislature intends to appropriate from the dividend fund to the crime victim compensation fund an amount equal to money that would otherwise be paid as dividends to incarcerated individuals.

Section 6. The bill has an immediate effective date.

TBC:bb  
WKB1/078

# STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

STEVE COWPER, GOVERNOR

REPLY TO:

1031 W 4th AVENUE  
SUITE 200  
ANCHORAGE, ALASKA 99501-1994  
PHONE: (907) 276-3550

1st NATIONAL CENTER  
100 CUSHMAN ST.  
SUITE 400  
FAIRBANKS, ALASKA 99701-4679

P.O. BOX K—STATE CAPITOL  
JUNEAU, ALASKA 99811-0300  
PHONE: (907) 465-3600

January 29, 1988

The Honorable Al Adams  
Representative, State of Alaska  
Chairman, House Finance Committee  
P.O. Box V  
Juneau, AK 99811

Re: CSHB 245(Jud); permanent fund  
dividends for felons

Dear Representative Adams:

You have requested an update of my letter of March 2, 1987, to Representative Ramona Barnes, concerning a draft bill proposing to make incarcerated felons ineligible for permanent fund dividends. The draft bill was subsequently introduced as HB 245.

We continue to believe that the bill is constitutional, although we recognize that constitutional issues may exist in denying permanent fund dividends to incarcerated felons. We also repeat that, at the present time, the Department of Law has no opinion on the merits of this proposed legislation.

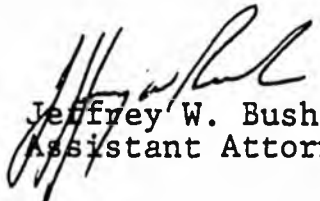
In my March 2, 1987 letter, I suggested a number of minor changes to the draft bill. All of these changes are incorporated in CSHB 245(Jud), and I have no further recommendations at this time.

I hope this answers your questions.

Sincerely yours,

GRACE BERG SCHAIBLE  
ATTORNEY GENERAL

By:

  
Jeffrey W. Bush  
Assistant Attorney General

JWB:nb

cc: Honorable Ramona Barnes  
Royce Weller, Special Assistant  
Department of Revenue

FISCAL NOTE

REQUEST

Revision Date: 01/27/88  
Title: An act relating to permanent fund dividends for incarcerated felons  
Sponsor: Judiciary  
Requestor: House Finance

Agency Affected: Revenue  
BRU: Permanent Fund Dividend  
Components: Permanent Fund Dividend  
Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
<b>OPERATING</b>						
PERSONAL SERVICES	-	-	2.2	1.1	1.1	1.1
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	1.1	.5	.5	.5
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
<b>TOTAL OPERATING</b>	-	-	3.3	1.6	1.6	1.6
<b>CAPITAL</b>	-	-	-	-	-	-
<b>REVENUE</b>	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER (PFD)	-	-	3.3	1.6	1.6	1.6
<b>TOTAL</b>	-	-	3.3	1.6	1.6	1.6

POSITIONS:

FULL-TIME	-	-	-	-	-	-
PART-TIME	-	-	1	1	1	1
TEMPORARY	-	-	-	-	-	-

ANALYSIS: See attached

Prepared By: Ervin Jones  
Division: Permanent Fund Dividend Division

Phone: 465-2323  
Date: January 27, 1988

Approved by Commissioner: A. Malone  
Agency: Revenue

Date: 1/29/88

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

Department of Revenue  
Permanent Fund Dividend Division  
Fiscal Note Analysis  
CSHB 245 (Judiciary)  
01/27/88

Assumptions:

1. The bill will be effective for the 1989 dividend.
2. Per the Department of Corrections, there are approximately 3,200 felons who would be incarcerated during part or all of a given fiscal year.
3. The Department of Corrections will provide the Department of Revenue with a list, via magnetic tape, which includes:
  - a. All persons, including full name, birthdate, and social security number, who were incarcerated during all or part of the previous fiscal year for a felony conviction. This list will be provided by August 1 of each year.

Program Summary:

The Department of Revenue will use the list provided in assumption 3(a) to match against the PFD file. Any person who files an application and who appears on that list will be denied their dividend. A denial notice will be sent to the applicant, with notice of right to appeal. If appeals are forthcoming, the Permanent Fund Dividend Division will hold informal conferences, and where requested by the applicant, the Commissioner will hold formal hearings and represent the Department in court. This is expected to generate approximately 2,000 additional denials in the first year, with a decreasing number in subsequent years, as felons realize that they are ineligible for the dividend.

The Department of Revenue will include in the dividend calculation the total number of incarcerated felons as provided by Corrections.

1. Positions:

1 PPT Document Processor I, R7, @ \$2158.82/mo. including salary and benefits for 1 month	=	\$2.2
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This position will assist in the determination of filings by felons and in the processing and mailing of denial notices, appeals, and correspondence. Reduced by half in the second and subsequent years.

2. Other Expenditures:

a. Travel: None.

b. Contractual:

Printing costs and postage for  
2,000 additional denial notices,  
appeal forms and envelopes.  
Reduced by half in second and  
subsequent years.

= 1.1

c. Supplies: None.

d. Equipment: Use existing.

-0-

TOTAL COST

\$3.3

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: "An Act relating to permanent fund dividends for individuals incarcerated."  
Sponsor: Rep. Barnes, Adams, Collins  
Requestor: \_\_\_\_\_

Agency Affected: Department of Corrections  
BRU: \_\_\_\_\_  
Components: \_\_\_\_\_

**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						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

<b>CAPITAL</b>	0	0	0	0	0	0
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<b>REVENUE</b>	0	0	0	0	0	0
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	0	0	0	0	0	0

**POSITIONS:**

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

**ANALYSIS :** (Attach a separate page if necessary)

*Susan E. Knighton*

Prepared by: Susan E. Knighton, Director  
Division: Administrative Services

Phone: 465-3376

Date: 1-28-88

Approved by Commissioner: Susan Humphrey-Barnett  
Agency: Department of Corrections

Date: 1-28-88

Distribution (by preparer):

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

Representative Ramona Barns  
Pouch V  
Juneau, AK 99811,

Dear Ramona,

I would like you to have this petition in support of your bill, HB245. This petition is signed by Correctional Officers who see first hand what use these checks go for. When the first batch of checks are recieved, commisary purchases increase to over \$13,000. The inmates purchase colar TV's, stereos', electric guitars, personal computers, etc., etc. They even assign thier checks to other inmates to pay-off gambeling debts, sex debts, and drug debts (i.e. Inmate Kozeroff assigned PFD to Inmate Kusmider, check #511159).

I can assure you that they do not send it to thier spouses, dependant children, or thier victims. It should also be noted that inmates can work and be paid while incarcerated, but a vast number choose to sleep all day and play cards and watch cable TV, (which the State provides) all night.

Inmate Cordell Boyd and Inmate Winona Fletcher savagely murdered Tom and Ann Facio and Emelia Elliott in thier Anchorage home in April of 1985. Both recieved 297 year sentences. The State of Alaska now houses, feeds, clothes, provides free medical and dental care, cable TV, and numerous other programs for these two. Do we really owe them them a share in Alaska's productivity? I wonder what Tom, Ann, and Emelia would say? Well, Alaska Correctional Officers say, "No" and hope Legislators vote that way.

Thank you.

VGT

Patrick M. Rodey  
Senator

# Alaska State Legislature

1024 W. 6th Avenue, Suite 308  
Anchorage, Alaska 99501  
(907) 276-6731



During Session:  
P.O. Box V  
Juneau, Alaska 99811  
(907) 461-3717

## Senate

MAR 9 1988

DATE: March 8, 1988

TO : Senator Paul Fischer, Chair  
Senate HESS Committee

FROM: Senator Patrick Rodey

RE : House Bill 245 - legislation which would deny permanent fund dividends to jailed felons

Since the above-referenced legislation is before your committee for consideration, I am taking the liberty of forwarding a copy of a letter I just received from one of my constituents expressing her concerns in House Bill 245.

I believe Roberta Stevens raises a valid point regarding the impact such a proposal could have on minor children who are supported by the felon.

I would appreciate your committee taking this matter under consideration when the bill is scheduled for debate.

cc Members - Senate HESS Committee

February 22, 1988  
2709 W. 29th Avenue  
Anchorage, AK 99517

Senator Pat Rodey  
P. O. Box V  
Juneau, AK 99811

Dear Senator Rodey:

I am writing to request that you do not vote for the bill coming before the Senate turning convicted felon's permanent fund money over to the State for the Violent Crimes Compensation Board.

While on the surface this may seem like a good thing to do, unless there are some safeguards, I believe that the bill will be detrimental to the majority of people involved.

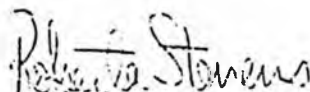
As you are probably aware, the permanent fund money is the only money many mothers receive for the support of the children of felons. Taking this money away from them would create a severe hardship, on people who are already strapped. This money provides school clothes, food, and medical expenses, where none would be available were the money turned over to the Violent Crimes Compensation Board.

While I agree that the felons should be paying the victims of their crimes, when there are innocent children, perhaps themselves victims, the first priority of the State should be their welfare. I would not be against a bill such as the one passed by the House, IF it contained language that would allow felon's children to receive their money before anyone else. In other words, if the Child Support Enforcement Division did not have an attachment, then the money would go to the Violent Crimes Compensation Board.

To my way of thinking, when (and if) the felon is released, he should be paying the State back for any monies expended by the Violent Crimes Compensation Board for his victims. This would generate some more revenue for the Board. At the most felon's money would be tied up by the Child Support Division for 18 years. Then it could be earmarked for the Violent Crimes Compensation Board, after the initial obligation to the children was met.

Thank you for your time and interest.

Sincerely,



Roberta Stevens

cc: file

HB

275

Date referred: 4/17/87

FURTHER REFERRALS: Judiciary  
Finance

DATE: 5/6/87  
HB 275

The Health, Education and Social Services Committee has considered

"An Act continuing the correctional industries program; and providing for an effective date."

**RECOMMENDS:**

- replace with CS HB 275 (HESS)  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:**

Roll E. Pell

George H. Harkey

John Ellis

Nicole King

Bill Woods

Wesley Stuenkel

**SIGNING OTHER RECOMMENDATIONS:**

Donald Donley NO REC

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

John Ellis  
Chairman's signature

Bill Woods

3/2/87

DEPARTMENT OF CORRECTIONS  
ALASKA CORRECTIONAL INDUSTRIES  
FINANCIAL DATA

FISCAL YEAR	PCNs	ADMINISTRATION COMP.		PRODUCT COSTS COMP.		REVENUES
		APPROPRIATED	EXPENDED	APPROPRIATED	EXPENDED	
FY82	( 5)	\$ 147,900	\$ 59,434	\$ -0-	\$ -0-	\$ -0-
FY83	( 5)	160,200	128,476	355,500	92,017	-0-
FY84	( 7)	278,800	216,881	285,600	140,377	32,957
FY85	(12)	524,200	448,231	AMT. AUTH. TO 703,000	SPEND <sup>(1)</sup> 377,657	217,849
FY86	(12)	540,100	485,369	871,600	562,124	498,389
Total		<u>1,651,200</u>	<u>1,338,391</u>	<u>641,100</u>	<u>1,172,175</u>	<u>749,195</u>
FY87	(11)	571,600	PROJECTED 555,732	871,600	PROJECTED <sup>(2)</sup> 994,500	PROJECTED 1,071,600
FY88	(11)	564,300	564,200	1,658,400	1,658,400	2,000,000

Note #1: No money actually appropriated in ensuing years, FY85-88.

Note #2: Total includes \$200.0 loan from Ag. Rev. Loan Fund.

# STATE OF ALASKA

AUDIT DIVISION  
POUCH W  
JUNEAU, ALASKA 99811

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

March 17, 1987

SUMMARY OF: A Special Report on the Department of Corrections, Alaska Correctional Industries, March 17, 1987.

### PURPOSE OF THE REPORT

In accordance with a Legislative Budget and Audit Committee request and Title 24 of the Alaska Statutes, this special report has been prepared to document our review of the Alaska Correctional Industries program. Our review was conducted to determine if the program should be allowed to terminate on July 1, 1987, as provided by the enabling legislation.

### OVERVIEW OF ALASKA CORRECTIONAL INDUSTRIES

Alaska Correctional Industries (ACI) was established to develop and operate agricultural, industrial, and service enterprises to provide realistic work experience for prisoners, to direct their efforts toward financial responsibility, to improve their effective work habits and occupational skills, and to increase the probability of opportunities for employment after release. The program currently employs 86 inmates with metal and furniture shops in Kenai, agriculture and auto body businesses in Palmer, and laundry and bakery operations in Juneau.

### AUDITOR'S CONCLUSIONS

In our opinion, the Alaska Correctional Industries program generally provides realistic work experience and this experience is more realistic than that available through the institutional jobs. We further believe the work experience provided by ACI will improve the likelihood of successful employment after the inmate is released.

We recommend that the ACI program be extended. However, we suggest the extension be for a definite period (perhaps four years). This would allow the Legislature an opportunity to further review the progress of the program and require ACI to demonstrate their success with the program.

## FINDINGS AND RECOMMENDATIONS

1. ACI should develop and utilize program cost guidelines for analyzing all existing and proposed industries.

The decision to continue or develop an industry within ACI should be based, in part, upon its financial viability. At present, ACI does not explicitly consider the full cost of an industry in its decision process. Financial statements, by industry, are prepared each month; however, these statements exclude the costs associated with the program's production managers and administrative personnel and the costs of the program's property, plant, and equipment. We estimate the net cost (revenue less expenses) in FY 86 to have been \$600,000, or approximately \$45 per inmate employee per day. The calculated or forecast net cost per day should be compared to a guideline cost established by the Correctional Industries Commission. This guideline should be equal to, or slightly above if justified, the incremental cost to the institution of providing alternative workweek daytime activities for the inmates. ACI should not enter into or continue industries which are not likely to approach this guideline.

2. The Correctional Industries Fund (CIF) financial statements should be presented in the State's Annual Financial Report in accordance with generally accepted accounting principles (GAAP).

CIF is an intragovernmental service fund and should be accounted for on an accrual basis. GAAP requires all the activities and the resources used by ACI to be reflected in their financial statements. The most significant items to be included are property, plant, and equipment and the related depreciation, implicit lease expense, inventory, and accounts receivable.

Alaska Statute 33.32.020 should be modified to require CIF to account for the entire industries program, including approximately \$500,000 of annual personnel costs presently excluded from CIF by statute.

3/2/87

## BRIEF HISTORY OF ALASKA CORRECTIONAL INDUSTRIES

**GENERAL:** 1979 - State of Alaska financed "Alaska Corrections Master Plan" by Moyer and Associates, who recommend implementation of an Industries program. An Industries Manager, Wally Roman was hired October 16, 1981. In the spring of 1982, the Hammond Administration introduced and the Legislature passed HB 194 (enacted as AS 33.32.) which establishes the Alaska Correctional Industries program. In October of 1982, the Governor appointed the Correctional Industries Commission. In July, 1985, a Marketing and Sales Manager was added to the staff, and in September, 1985 the management of the Industries program (three individuals) was relocated from Juneau to Anchorage. Staff which did not transfer was replaced at the new location.

**AGRICULTURAL OPERATIONS:** Farming operations began as a camp work project at the Palmer Correctional Center over twenty years ago. In March, 1983, the Correctional Industries Commission approved the expansion of the operation as a correctional industry to provide produce for state institutions. Mechanized field and potato processing equipment was purchased for a sum in excess of \$100,000 including many surplus pieces of equipment which were rebuilt at the institution. Acreage under cultivation was increased to approximately 27 acres, and is yielding in excess of 200 tons of potatoes. Flowers are also grown for State projects, including the Anchorage International Airport. 8 to 15 inmates are employed based upon seasonal needs.

**AUTO BODY REPAIR:** This business also began in prior years sometime in the 1970's, at the Palmer Correctional Center. In March, 1983, upgrading and modernization of the existing auto body shop program was approved by the Correctional Industries Commission. Conversion of an existing shop building yielded a 2900 square foot shop which contains a paint booth, mixing room, tool room, welding facilities, and a state of the art frame straightening rack. The quality control was brought up to rigid commercial standards, and the shop now repairs virtually all State of Alaska vehicles in the southcentral region. This shop employs from 5 to 8 inmates.

**COMMERCIAL LAUNDRY:** In March, 1983, the Correctional Industries Commission approved the building of a commercial laundry facility at the Lemon Creek Correctional Center to provide service to the State of Alaska Marine Highway system's southeast runs, and all other state institutions in the Juneau area. At that time, the laundry needs of the Marine Highway system were being met in Seattle, Washington, and Prince Rupert, B.C., Canada. Laundry operators in the Juneau area declined this business due to high seasonal nature. Construction of the new facility was begun in the fall of 1983 and completed in December, 1984. Operations have been excellent with almost 3/4 of a million pounds of laundry processed annually, employing 18 to 35 inmates.

**COMMERCIAL BAKERY:** In October, 1983, the Correctional Industries Commission approved the establishment of a commercial bakery at Lemon Creek Correctional Center to provide baked goods to the Marine Highway system and other state agencies throughout Alaska. This operation was designed to share the same building as the laundry operation, and went into operation in January, 1985. It has continued from that time to supply top quality baked goods to the Marine Highway system at prices at or less than previous suppliers in Seattle, Washington, and Prince Rupert, B.C., Canada. This operation has commission approval for commercial sales which are being developed. The bakery employs 5 to 8 inmates.

**FURNITURE ASSEMBLY:** July, 1983, the Correctional Industries Commission approved the establishment of a furniture and upholstery production and repair facility. A first consideration was to utilize a quonset hut at the Lemon Creek Correctional Center, but this idea was discarded and the proposed operation was moved to the Wildwood Correctional Center in Kenai, Alaska. The decision was based upon the availability of a building that could be renovated at a relatively low cost, an institutional work force of medium custody inmates, and proximity to the large southcentral market for furniture. In the spring of 1985, a contract was awarded to CPSI, a Boulder, Colorado consulting firm which gives assistance to correctional systems for furniture manufacturing. An agreement with four large national furniture companies provided pre-made components of standard furniture items for assembly at the new plant. Furniture manufacturing began in the Wildwood plant in January, 1986. A substantial dollar volume has been produced since start up of the plant, but further review is necessary due to much lower margins than originally expected, and a major collapse of the furniture market due to budget restrictions. The plant employs 15 to 25 inmates. After careful review of the current product lines, which are quite broad, this operation will probably be reduced to labor intensive oak/upholstered furniture and a few other complimentary lines which have proven very acceptable in our market place, and provide a more adequate profit margin.

**METAL FABRICATION PLANT:** In October, 1983, the Correctional Industries Commission approved the establishment of a metal fabrication plant to be located at the Wildwood Correctional Center. Plant operations began in January, 1986 and with the receipt of the large Spring Creek Correctional Center production order for bunks and desks, the plant has been running at full production level for the past 8 months with 20 to 30 inmates working full time. This plant produces a variety of products beyond cell furniture, including fish carriers for the Department of Fish and Game, barbecue pits for the Division of Parks, and several communities in Alaska, as well as custom fabricated "one off" specialties.

**MT. MCKINLEY MEAT AND SAUSAGE PLANT:** In May, 1986, the Division of Agriculture approached the Department of Corrections with the idea of using inmate labor to operate the failed meat plant in Palmer until the private sector was able to operate it again. The Agricultural Revolving Loan Fund purchased the plant and has signed an agreement with the Department of Corrections to operate the facility. Initial public hearings were held on February 6, 1987 and the Industries Commission decided to table the operational proposal until the next meeting, March 16, 1987, when the commission will hear additional public testimony regarding operation of the plant. At the present time the Department of Corrections plans to provide meat for its own consumption only. This facility will employ 20 inmates.

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

**REQUEST:** \_\_\_\_\_

Bill Version: HB 275  
Publish Date: 4-17-87

Revision Date: \_\_\_\_\_

Agency Affected: Dept. of Corrections  
BRU: \_\_\_\_\_

Title: "An Act confirming the  
correctional industries program"

Sponsor: Representative Swackhammer

Components: \_\_\_\_\_

Requestor: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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**FUNDING: (Thousands of Dollars)**

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

**POSITIONS:**

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

**ANALYSIS :** (Attach a separate page if necessary)

Prepared by: Susan E. Knighton, Research Analyst IV

Phone: 465-3376

Division: Statewide Programs

Date: 4-21-87

Approved by Commissioner: Susan Humphrey-Barnett

Date: \_\_\_\_\_

Agency: Department of Corrections

Distribution (by preparer):

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

Introduced: 4/17/87  
Referred: Health, Education &  
Social Services, Judiciary and  
Finance

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IN THE HOUSE

BY SWACKHAMMER

HOUSE BILL NO. 275

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act continuing the correctional industries  
program; and providing for an effective date."

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

\* Section 1. Section 7, ch. 53, SLA 1982 is repealed.

\* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

**Who We Are**

**Call Us!**

We are a program of the State of Alaska's Department of Corrections, and service enterprises employ individuals incarcerated within the State's Correctional system. Each business is supervised by a skilled and experienced production manager. Our quality products and services are available for sale to all local, state and federal government agencies as well as school districts and non-profit organizations. Our catalog is available to all potential customers.

### **Quality Products**

We offer the type of quality products your organization needs. Every product is fully guaranteed.

### **Competitive Prices**

All prices are maintained at or below market levels, helping reduce your costs of doing business.

### **Ease of Purchasing**

Our Eagle River Sales Office is set up to make ordering easy. No bidding is necessary—our products are included in the State of Alaska Contract Award Manual.

### **Rehabilitation**

Inmates are offered an opportunity to use their time productively by learning marketable skills.

### **Sales Office**

P.O. Box 600 Eagle River, AK. 99577  
**694-6000**

### **Central Office**

2200 E. 42nd Ave. Anchorage, AK. 99508  
**561-4426**

### **Production Facilities**

1. Furniture Manufacturing Plant  
Kenai 283-7296
2. Agricultural Operations  
Palmer 745-5054
3. Auto Body/Fender Repair Shop  
Palmer 745-5054
4. Metal Products  
Kenai 283-7296
5. Commercial Bakery  
Juneau 780-6105
6. Commercial Laundry  
Juneau 780-6106

**ALASKA  
CORRECTIONAL  
INDUSTRIES**

**QUALITY PRODUCTS FOR ALASKA  
MARKETABLE SKILLS FOR THE FUTURE**

# What We Make

## 1. Furniture Manufacturing

Our complete line of top quality, contemporary office and institutional furniture includes durable oak-framed tables, chairs, and sofas as well as metal-framed desks, chairs, tables, file cabinets, book cases, and computer furniture. We wholesale our furniture products to private entities as well as retail to our more traditional government and non-profit markets. Financing is available through third-party leasing companies. Located at the Wildwood Correctional Center in Kenai.

## 2. Agricultural Operations

Situated in the rich Matanuska Valley, our farm operates two greenhouses and has over twenty-five acres of land under cultivation. We currently focus on providing potatoes and fresh vegetables to institutional users. Located at the Palmer Correctional Center.

## 3. Auto Body Shop

Offering all the capabilities of any commercial facility, our auto body and fender repair business can restore the frame and body of any vehicle. Commercial painting services are provided on the premises. Current customers include the Matanuska-Susitna Borough and the State of Alaska, Department of Transportation and Public Facilities. Prompt turn-around is assured. Located at the Palmer Correctional Center.

## 4. Metal Products

Capable of fabricating hundreds of different metal products, our metal fabrication business is a fully equipped job shop. We specialize in working with your custom design to create exactly the product you need. Our current contracts include the fabrication of the institutional cell furniture for the Spring Creek Correctional Center now under construction in Seward. Located in the Wildwood Correctional Center in Kenai.

## 5. Commercial Bakery

Our bakery business provides a full range of bakery products comparable to any privately-owned commercial bake shop. The bakery takes orders for both standard and custom baked products as well as providing all the baked goods used by the Alaska Marine Highway System. Located at the Lemon Creek Correctional Center in Juneau.

## 6. Commercial Laundry

Offering a full range of services, our laundry business has the capability to process over four thousand pounds of laundry per day. The 6,500 square foot facility is primarily dedicated to providing the services required by the Alaska Marine Highway System and other state agencies in Southeast. Located at the Lemon Creek Correctional Center in Juneau.

## 7. More Industries Planned

Help us work for you. Tell us what products and services you need and how we can improve our current offerings. Your input is essential.

HB

281

# STATE OF ALASKA

## DEPARTMENT OF EDUCATION

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

GOLDBELT PLACE  
801 WEST 10th STREET  
POUCH F  
JUNEAU, ALASKA 99811

April 21, 1987

APR 22 1987

The Honorable Bette Cato  
Alaska State Legislature  
PO Box V  
Mail Stop 3100  
Juneau, Alaska 99811

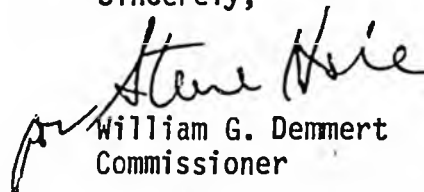
Dear Representative Cato:

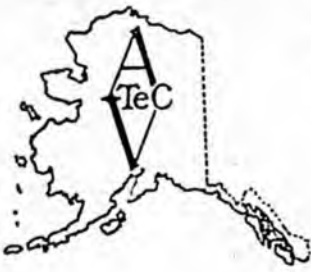
The Department of Education supports the efforts of the Alaska Vocational Technical Center (AV Tech) to attain the statutory change necessary to enable educational institutions such as AV Tech to hire students under the exempt category of service. From a practical standpoint we believe that this will benefit both the students and the employing institutions. The students will benefit through job experience and income; the employers through the accomplishment of tasks and functions on an as-needed basis and in a cost effective manner. Given the budget reductions over the past years, it is no longer possible to hire full time employees to cover the range of functions previously accomplished by staff. This approach to hiring of students will enable AV Tech to meet its program needs while benefitting participating students.

If you have further questions or wish to discuss this matter, please contact Bob Booher, Director of AV Tech, or me.

Thank you for your consideration of this matter.

Sincerely,

  
William G. Demmert  
Commissioner



# STATE OF ALASKA



DEPARTMENT OF EDUCATION  
OFFICE OF ADULT AND VOCATIONAL EDUCATION  
ALASKA VOCATIONAL TECHNICAL CENTER

VOCATIONAL/TECHNICAL TRAINING  
FOR HIRE EDUCATION

P. O. BOX 889  
SEWARD, ALASKA 99664

(907) 224-3322

April 13, 1987

Representative Betty Cato  
Pouch V, Mail Stop 3100  
Juneau, AK 99811

The Honorable Betty Cato:

Representative Cato, we are proposing that AVTEC be able to hire students to perform work tasks for the Center. In the past we were able to do this through the Student Intern program. This was not a satisfactory situation. The costs were exceptionally high. Students hired through APEA were paid at a range 5. In Seward we were paying \$7 to \$8 an hour for student trainees. We had worked out an agreement with Local 71, however, the same problem existed. If we hired a student to perform Local 71 work, the classification was dependent upon what tasks the student was performing. For example, if the student was changing the oil in a car he/she would be classified as an automobile mechanic and would receive 75% of Local 71's starting wage for automotive mechanics. Usually this meant that the student would be receiving a higher hourly wage as compared to permanent Local 71 employees in lower paid classifications. The paper-work associated with running these positions through the State personnel system was horrendous.

If we establish work experience positions, and if these positions are exempt positions, we establish the pay rates, and the amount of State personnel paper-work is reduced significantly. Students in work experience positions would be paid the prevailing wage rate for student work at other educational institutions in Alaska.

In order to meet the FY87 budgetary reductions AVTEC deleted many student services. This enabled us to keep the instructional staff intact. However, we are now discovering that many of the services are sorely missed. Many of the services being provided by the positions that were deleted did not require a high skill level.

Page 2  
Letter, Representative Betty Cato  
April 13, 1987

These services could be provided by student workers at approximately 40% of the cost of the same service being provided by a State employee. In these extraordinary times we believe that in order to continue to provide a full range of student services a viable student work program is essential. A statute which allows AVTEC to hire student workers as exempt employees would allow the Center to provide each training area with a work experience component in their curriculum. This would be a major benefit for students attending the Center.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "R. D. Booher".

R. D. Booher, Director, AVTEC

- (3) prior positions held by a state employee;
  - (4) whether a state employee is in the classified, partially exempt, or exempt service;
  - (5) the dates of appointment and separation of a state employee; and
  - (6) the compensation authorized for a state employee.
- (c) A state employee has the right to examine the employee's own personnel files and may authorize others to examine those files.
- (d) An applicant for state employment who appeals an examination score may review written examination questions relating to the examination unless the questions are to be used in future examinations. § 18 ch 144 SLA 1960; am § 5 ch 112 SLA 1982)

Effect of amendments. — The 1982 amendment rewrote this section.

### Article 2. Coverage of Personnel.

Section	Section
90. Coverage of chapter.	120. Partially exempt service
100. Classified service	130. Extension of partially exempt and classified services
110. Exempt service	

**Sec. 39.25.090. Coverage of chapter.** This chapter and the rules adopted under it apply to all positions in (1) the classified service, and (2) the exempt and partially exempt service as specifically provided. § 3 ch 144 SLA 1960; am § 6 ch 112 SLA 1982)

Effect of amendments. — The 1982 amendment inserted "exempt and" in item 1).

**Sec. 39.25.100. Classified service.** The classified service consists of all positions in the state service not included in the exempt service or in the partially exempt service. (§ 4 ch 144 SLA 1960)

### NOTES TO DECISIONS

Quoted in *Mueller v. Alaska State Bd. Personnel*, Sup. Ct. Op. No. 396 (File No. 18), 425 P.2d 145 (1967); *State v. Bogenrife*, Sup. Ct. Op. No. 918 (File No. 1665), 513 P.2d 13 (1973).

**Sec. 39.25.110. Exempt service.** Unless otherwise provided by law, the following positions in the state service constitute the exempt service and are exempt from the provisions of this chapter and the rules adopted under it:

- (1) persons elected to public office by popular vote or appointed to fill vacancies in elected offices;

(2) justices, judges, magistrates, and employees of the judicial branch including employees of the Judicial Council;

(3) employees of the state legislature and its agencies;

(4) the head of each principal department in the executive branch;

(5) officers and employees of the University of Alaska;

(6) certificated teachers and noncertificated employees employed by a regional educational attendance area established and organized under AS 14.08.031 — 14.08.041 to teach in, administer, or operate schools under the control of a regional educational attendance area school board;

(7) certificated teachers employed by the Department of Education as correspondence teachers or teachers in skill centers operated by the Department of Education;

(8) patients and inmates employed in state institutions;

(9) persons employed in a professional capacity to make a temporary or special inquiry, study or examination as authorized by the governor;

(10) members of boards, commissions, or authorities;

(11) the officers and employees of the following boards, commissions, and authorities:

(A) Alaska Gas Pipeline Financing Authority;

(B) Alaska Permanent Fund Corporation;

(C) Alaska Energy Center;

(D) Alaska Industrial Development Authority;

(E) Alaska Commercial Fisheries Entry Commission;

(F) Alaska Commission on Postsecondary Education;

(12) the executive secretary and legal counsel of the Alaska Municipal Bond Bank Authority;

(13) physicians licensed to practice in this state and employed by the division of mental health and developmental disabilities, Department of Health and Social Services;

(14) petroleum engineers and petroleum geologists employed in a professional capacity by the Department of Natural Resources and by the Oil and Gas Conservation Commission, except for those employed in the division of geological and geophysical surveys in the Department of Natural Resources;

(15) officers, agents, and employees of the Alcoholic Beverage Control Board granted limited peace officer powers by the Alcoholic Beverage Control Board under AS 04.06.110;

(16) persons employed by the division of marine transportation as masters and members of the crews of vessels who operate the state ferry system and who are covered by a collective bargaining agreement provided in AS 23.40.040;

(17) officers and employees of the state who reside in foreign countries;

(18) employees of the Alaska Seafood Marketing Institute;

(19) firefighters employed by the Department of Natural Resources for a fire emergency;

(20) employees of the Office of the Governor and the office of the lieutenant governor, including the staff of the governor's mansion;

(21) [Repealed June 30, 1988] Employees of the Citizens' Advisory Commission on Federal Areas in Alaska (AS 41.37.010);

(22) youth employed by the Department of Natural Resources under the Youth Employment and Student Intern programs. (§ 5 ch 144 SLA 1960; am § 1 ch 48 SLA 1961; am § 1 ch 133 SLA 1961; am § 3 ch 93 SLA 1962; am § 3 ch 24 SLA 1966; am § 31 ch 46 SLA 1970; am § 65 ch 69 SLA 1970; am § 13 ch 113 SLA 1970; am § 3 ch 78 SLA 1971; am § 18 ch 78 SLA 1974; am § 42 ch 127 SLA 1974; am § 2 ch 32 SLA 1975; am § 2 ch 79 SLA 1975; am § 37 ch 124 SLA 1975; am § 1 ch 157 SLA 1976; am § 3 ch 90 SLA 1978; am § 7 ch 18 SLA 1980; am § 43 ch 106 SLA 1980; am § 10 ch 131 SLA 1980; am § 4 ch 148 SLA 1980; am § 4 ch 106 SLA 1981; am §§ 2, 3 ch 37 SLA 1982; am § 7 ch 112 SLA 1982; am § 1 ch 11 SLA 1983; am § 1 ch 103 SLA 1984)

ADD  
HERE

**Effect of amendments.** — The first 1980 amendment added paragraph (22). (See now paragraph (11)(B).)

The second 1980 amendment added paragraph (23). (See now paragraph (11)(D).)

The third 1980 amendment added paragraph (24). (See now paragraph (15).)

The fourth 1980 amendment added paragraph (25). (See now paragraph (11)(C).)

The 1981 amendment added a paragraph (26) (see now paragraph (18)), relating to employees of the Alaska Seafood Marketing Institute.

The first 1982 amendment added a paragraph (27) (see now paragraph (21)), relating to employees of the Citizens' Advisory Commission on Federal Areas in Alaska. Section 3, ch. 37, SLA 1982, effective June 30, 1988, repeals this paragraph.

The second 1982 amendment rewrote this section.

The 1983 amendment rewrote paragraph (13).

The 1984 amendment added paragraph (22).

NOTES TO DECISIONS

The thrust of the exemptions in this chapter, the Public Employees Retirement System, former AS 39.35.680(5)(c), and the statutory leave provisions for state employees, AS 39.20.310, is to provide for those public employees who are not susceptible to ordinary recruiting and examining procedures. *Haffing v. Inlandboatmen's Union*, Sup. Ct. Op. No.

1743 (File No. 3438), 585 P.2d 870 (1978).

No inconsistency between ferry crew exemption of this section and inclusion of such personnel with Public Employment Relations Act, AS 23.40.070 et seq. — See *Haffing v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

**Sec. 39.25.120. Partially exempt service.** (a) Positions in the partially exempt service are included in the position classification plan established under this chapter and are compensated according to the pay plan (AS 39.27.011).

(b) A person holding a position in the partially exempt service is not required to take an examination or qualify or earn a place on a register,

STATE OF ALASKA 1987 LEGISLATIVE SESSION No. 1  
FISCAL NOTE

REQUEST: \_\_\_\_\_

Bill Version: HB 281  
Publish Date: HOUSE 5/4/87

Revision Date: \_\_\_\_\_  
Title: ... placing students employed in state institutions in the exempt service...  
Sponsor: Rep. Bette Cato  
Requestor: House State Affairs

Agency Affected: Education  
BRU: Alaska Vocational Technical Center, and Mt. Edgecumbe  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-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						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The bill will not require an increased appropriation.

Prepared by: Steve Korte Phone: 465-2800  
Division: Commissioner's Office Date: May 1, 1987  
Approved by Commissioner: William G. Demmert Date: May 1, 1987  
Agency: Education

Distribution (by preparer):

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

HB

282

# Alaska State Legislature

REPRESENTATIVE BILL HUDSON

PO BOX V  
Juneau, Alaska  
99801  
(907)465-3744 or 4900

February 25, 1988

Senator Paul Fischer, Chairman  
Senate Health, Education and  
Social Services Committee  
Alaska State Legislature  
Juneau, Alaska

Dear Senator Fischer:

The HESS Committee substitute for HB 282, relating to smoke detection devices passed the House yesterday, 36-1. The bill was read across to the Senate this morning and referred to the Senate Health, Education and Social Services Committee.

Current statutes, A.S. 18.70.095, require smoke detectors in apartments, condos, hotels and lodging houses. They are also required in single and multi family homes built or purchased after 1975.

CSHB 282 (HESS) requires the installation and maintenance of smoke detection devices in all homes, regardless of when they were constructed or sold.

Sections 3 and 4 delineate the responsibility of the landlord and tenant for installation and maintenance, and is cross referenced with the Landlord Tenant Act.

Alaska leads the nation in fire deaths. In 1986, 27 Alaskans died in fires in homes that did not have properly installed and maintained smoke detectors. No fire deaths have occurred in Alaska where operating detectors were present. In 49.7 percent of all residential fires in Alaska, no operating smoke detectors were present.

The legislation is supported by the Alaska Fire Chief's Association, the Alaska State Firefighters Association, the International Conference of Building Officials, the Alaska Department of Health and Social Services and the Alaska

Senator Paul Fischer  
Re: HB 282

Page Two

February 24, 1988

Department of Public Safety. Copies of the resolutions and position papers are enclosed.

There is no fiscal impact to state government; a copy of the fiscal notes are also enclosed. The fiscal impact to Alaskans is minimal; the average cost of a battery operated smoke detector is \$15.00.

There has been question of enforcement. Current statute, A.S. 18.70.100, provides for enforcement of existing smoke detection laws and regulations. Those regulations are enforced by the local fire chiefs within their own jurisdictions.

The intent is not to put people in jail or levy fines for not having smoke detectors. The intent is to reduce the tremendous and tragic loss of life by fire in Alaska.

Your scheduling this legislation for deliberations by the Senate Health, Education and Social Services Committee will be very much appreciated.

Respectfully,



Bill Hudson

Enclosures

SENATE AMENDMENT

BY: Jaybom

TO: \_\_\_\_\_ SENATE BILL NO. \_\_\_\_\_

TO: CS HOUSE BILL NO. 282

*p. 1, line 19. Add*

*"In a civil action arising from death, property loss or personal injury, a tenant's failure to maintain a smoke detection device shall not be considered as evidence of negligence."*

*landlord provide device.*

*or a landlord's failure to replace a faulty device or if the landlord was not notified*

FISCAL NOTE

REQUEST:

Revision Date: 5/12/87  
Title: An Act relating to smoke  
detection devices.  
Sponsor: Hudson et al.  
Requestor: \_\_\_\_\_

Agency Affected: Health & Social Services  
BRU: State Health Services  
Components: EMS Certification and  
Licensing

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)

The enactment of CSHB 282(SA) would have no direct fiscal impact on the Department of Health and Social Services.

Prepared by: Elizabeth Ward, Director *Elizabeth Ward* Phone: 465-3090  
Division: Public Health Date: \_\_\_\_\_

Approved by Commissioner: Maria M. Munson *Maria M. Munson* Date: 2-2-88  
Agency: Department of Health & Social Services

Distribution (by preparer):

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

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: CSHB 282 (HESS)  
PUBLISH DATE: HOUSE 2/19/88

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Public Safety  
 Title: An act relating to smoke detection BRU: Fire Prevention  
 devices  
 Sponsor: Hudson, Gruenberg, Illmer Components: \_\_\_\_\_  
 Requestor House HESS

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
CAPITAL		0	0	0	0	0
REVENUE		0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Gordon E. Brunton Phone: 465-4331  
 Division: Fire Prevention Date: 1/12/88

Approved by Commissioner: David A. Hopkins Date: 1-28-88  
 Agency: Public Safety

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

**DEPARTMENT OF PUBLIC SAFETY**

**DIVISION OF FIRE PREVENTION**

REPLY TO

PO BOX N  
JUNEAU ALASKA 99811-1200  
PHONE (907) 465-4331

5700 EAST TUDOR ROAD  
ANCHORAGE ALASKA 99507-1225  
PHONE (907) 269-5604

1979 PEGER ROAD  
FAIRBANKS ALASKA 99709  
PHONE (907) 456-4002

March 2, 1988

The Honorable Bill Hudson  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Re: Smoke Detectors;  
Enforcement of HB 282

Dear Representative Hudson:

The need for smoke detectors in every dwelling unit has been well documented as a means of saving lives and reducing the traumatic impact of burn injuries. Alaska statistics show a disproportionately high number of fire victims in the rural communities of our state. We believe that if every home had a smoke detector, as required by HB 282, the number of lives lost to fire every year could be greatly reduced, especially in rural areas.

Under AS 18.70.050 and AS 18.70.080, however, the Department of Public Safety, Division of Fire Prevention, does not have authority to enter private dwelling units to inspect them. The only way for the Department to enforce the requirements of HB 282 would be after a fire occurs. If investigation after a fire revealed that the required smoke detectors were missing or inoperative, the owner would be subject to the penalties of AS 18.70.100.

If a different enforcement scheme is desired by the legislators, then specific authority to enter and inspect residential dwellings of less than four units to enforce 18.70.095 must be granted.

Sincerely,

*Sylvester Neal*

Sylvester (Sam) Neal  
State Fire Marshal

# International Conference of Building Officials

Alaska Southeast Chapter

JANUARY 13, 1982

LEGISLATIVE POSITION PAPER IN SUPPORT OF

CSHB 232 AND SB 262

AN ACT RELATING TO SMOKE DETECTION DEVICES

Our membership recommends adoption of these two bills which are amendments to the existing statute pertaining to smoke detectors. The current law is vague in defining conditions under which smoke detectors are required.

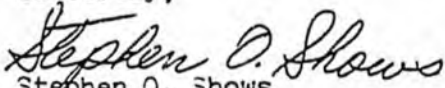
Smoke detectors are inexpensive and save lives. They offer the best available strategy in Alaska for reducing the loss of life and property from fire. Our State leads the Nation in these losses per capita year after year.

Section 2. of the proposal clearly sets forth smoke detector maintenance responsibilities for landlords and tenants in rental situations.

In addition to the State Fire Marshall's office, AS 13.70.090 allows local fire chiefs to enforce these provisions within their jurisdictions. The municipalities of Juneau and Anchorage currently require detectors in all dwelling units.

These acts would have negligible financial impact on both rural and urban residents of Alaska. There is no fiscal note to the State associated with implementation of these amendments.

Sincerely,

  
Stephen O. Shows  
President

P O Box 211411 Auke Bay, AK. 99821

H B

2 9 8

STUDENT LOAN GENERAL FUND DEMAND  
(IN MILLIONS)

LOAN YEAR	TARGET LOAN VOLUME	CURRENT PROGRAM Gen. Fund	w/o FORGIVENESS + GRACE INTEREST	w/o FORGIVENESS + 7% BONDING	w/o FORGIVENESS + 8% BONDING	w/o FORGIVENESS + 9% BONDING
			+ w/o BONDING Gen. Fund	+ GRACE INTEREST Gen. Fund	+ GRACE INTEREST Gen. Fund	+ GRACE INTEREST Gen. Fund
87-88	\$80.0	\$56.7	\$56.7	\$15.7	\$15.7	\$15.7
88-89	80.3	52.8	52.8	15.1	15.7	17.9
89-90	80.7	47.3	47.2	15.0	15.6	17.9
90-91	81.0	40.4	40.1	14.7	15.4	17.9
91-92	82.9	32.1	37.4	14.3	15.0	17.9
92-93	85.3	32.6	31.4	13.9	14.5	17.8
93-94	87.3	30.6	28.8	13.3	13.9	17.3
94-95	88.4	28.4	25.8	12.5	13.1	16.7
95-96	88.3	24.9	21.2	11.4	12.0	15.9
96-97	87.0	20.4	15.1	9.9	10.4	14.6
97-98	84.9	15.4	8.3	8.1	8.6	12.8
98-99	88.7	16.8	7.7	6.2	6.6	10.7
99-00	91.2	17.1	6.3	4.6	4.9	8.3
2000-01	93.0	16.7	4.6	3.4	3.6	6.2
01-02	94.2	15.6	2.9	2.8	3.0	4.6
02-03	95.1	14.3	1.3	2.5	2.7	3.9
03-04	96.2	13.3	.1	2.3	2.5	3.3
04-05	97.3	12.3	(1.0)	2.2	2.4	3.3
05-06	98.5	11.5	(1.9)	2.1	2.3	3.3
06-07	99.5	10.6	(2.8)	2.1	2.3	3.2
07-08	100.5	9.7	(3.8)	2.0	2.2	3.2
08-09	101.5	9.0	(4.6)	1.9	2.1	3.2
09-10	102.7	8.4	(5.3)	1.8	2.0	3.1
10-11	104.0	8.1	(5.8)	1.6	1.8	3.1

Assumptions and Notes:

- a. FY88 appropriation remains at \$15.7 million. Bonding level remains constant and loan volume remains constant. Under 7%, General Fund balance is simply carried forward, under 9%, adjustment is made in FY89.
- b. All adjustment is made to General Fund portion. Variation resulting from different rates could also be reflected in level of bonds issued or in total loan volume, and General Fund could remain constant.
- c. Bond coverage at ratio 1.50.
- d. Loan default rate at 17%. No increase anticipated as a result of eliminating forgiveness and no decrease as a result of permanent fund dividend attachments.
- e. If default rate were to increase to as much as 21%, the General Fund costs were increase slightly the first 3-4 years and then level off at around \$2.0 million per year.
- f. At 7% bonding, program should revolve around 2018.

Alaska Commission on Postsecondary Education  
(5/5/87)

# Alaska State Legislature

ANCHORAGE

P.O. BOX 104836  
ANCHORAGE, AK 99510  
(W) (907) 276-6818  
(H) (907) 338-2425

JUNEAU

POUCH V  
STATE CAPITOL  
JUNEAU, AK 99811  
(907) 465-3712

REPRESENTATIVE  
PAT POURCHOT

HOUSE FINANCE COMMITTEE  
COMMITTEE ON OIL AND GAS



## House of Representatives

### MEMORANDUM

TO: Senator Paul Fischer, Chairman  
Senate Committee on Health, Education and  
Social Services

FROM: Representative Pat Pourchot *Pat*

RE: HB 298, Making appropriations to the Alaska  
Student Loan Corporation

DATE: May 11, 1987

HB 298, which makes an appropriation to the Student Loan Corporation, is a companion piece of legislation to HB 39, which was recently waived from the Senate HESS Committee.

HB 39, which establishes a student loan corporation to issue bonds and make student loans from bond proceeds, requires that the bond underwriter be selected by competitive bid. The effective date of the bill is July 1, 1987. Allowing 60 days for the competitive selection process and an additional period for the actual issuance of the bonds, it is unlikely that bond proceeds will be available until sometime in October.

Since funds for student loans for the fall semester are needed in August, HB 298 appropriates \$37.7 million in general funds to the Student Loan Corporation, an amount sufficient to cover the fall semester checks. Once bond proceeds are received by the corporation, HB 298 appropriates \$22 million from the corporation back to the general fund. The \$15.7 million in general funds that stays with the corporation is the amount of state support needed in the first year of the bonding proposal.

Passage of HB 298 is essential to implementation of HB 39. I therefore urge you to consider it favorably and advance it to the Senate Finance Committee.