

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9296 HOUSE LABOR & COMMERCE

Recommendation No. 1 - No limitation for the number of times an applicant may attempt an examination.

Agree with recommendation

The Board supports such a limit and recently generated a request for staff to draft new regulations to implement a limit of 5 attempts or 5 years from the date of initial application. Many other states have such limits. Several states limit the applicant to 3 attempts, and bar the applicant forever after failing 3 attempts. Another requires a personal appearance before the board after 3 attempts to pass an examination before being allowed to re-apply.

We request the recommendation be 5 attempts in five years. It is important to have both number of attempts and time period as the Architect Registration Exam will soon be administered by computer. Applicants will be able to schedule testing sessions more often than twice yearly.

Recommendation No. 3 - Financial Information in the annual report

Agree with recommendation

The Board whole heartily agrees. The Board has for some time attempted, without success, to secure meaningful financial information from the Division. The Board does not have the information or the ability to secure the data needed to include financial information in the annual report. A modification to statute to compel the Department to provide such information is an excellent idea.

Recommendation No. 4 - Public notice of Board meetings

The Board is not aware of any problems resulting from improper notice and does not have information that would allow comment.

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

In the discussion under this category it is stated ". . . we believe that licensing requirements would be enhanced by implementation of continuing education requirements for registrants, . . .". There is little evidence provided to support that belief. Board member discussions with other State Boards with mandatory CE indicates experience to date neither supports nor disproves that statement.

JANTZ ASSOCIATES

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

The Board reaffirms its belief that some form of autonomous operation is the best method to enhance service to the registrants at reduced cost while extending protection of the public.

The unanswered questions which remain are best resolved in open discussion with the legislature and the professional societies. The Board's preference is clearly a situation in which the Board can collect fees, deposit the money in their own bank account, pay their own bills, hire and release employees, pursue investigations with investigators of their own choosing, and hire professional & legal assistance as required from the private sector. Some say that is not possible, others say "why not".

SB 202 was filed a bit quicker than expected, but did offer a great opportunity to begin discussions. We suggest these discussions continue.

With respect to cost of operations, there is little question that an autonomous Board could operate at a lower cost than current experience. The division's fiscal note was intended to discourage any form of autonomy by grossly inflating the staff assigned. Clearly, the Board views autonomy differently than the Division and can envision an approach which will reduce cost.

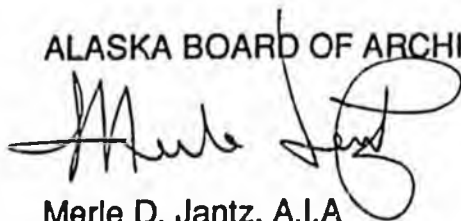
We remain ready to discuss options with anyone interested in reduced government and reduced cost.

This concludes our comments. Thank you again for the opportunity to comment and will be interested in reviewing the final report.

Should you have questions or require additional information, do not hesitate to contact me.

Sincerely,

ALASKA BOARD OF ARCHITECTS, ENGINEERS, AND LAND SURVEYORS



Merle D. Jantz, A.I.A.
Chairperson

JANTZ ASSOCIATES

MAR 13 1997

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
BOARD OF ARCHITECTS, ENGINEERS, AND LAND SURVEYORS

Notice is given that the Board of Architects, Engineers, and Land Surveyors, under the authority of AS 08.48.101, 08.48.171, 08.48.201, and 08.48.221, proposes to amend and adopt regulations in Title 12 of the Alaska Administrative Code, dealing with verification of work experience and site adaptation of drawings, to implement, interpret, and make specific AS 08.48.101, 08.48.171, 08.48.201, and 08.48.221, including:

1. 12 AAC 36.066, Verification of Land Surveyor Work Experience, is a new section that establishes a procedure for the department to hold completed work experience forms for a person who has not yet applied for registration. This section also clarifies the requirements for acceptable proof of work experience for applicants for land surveyor registration.
2. 12 AAC 36.195, Site Adaptation of Drawings, is a new section that establishes the standards that a registrant must follow when site adapting design documents prepared by others.

Notice is also given that the Department of Commerce and Economic Development, under the authority of AS 08.01.065 and AS 08.48.265 proposes to amend and adopt regulations in Title 12 of the Alaska Administrative Code dealing with a file opening fee, including:

1. 12 AAC 02.110, Board of Registration for Architects, Engineers, and Land Surveyors, is amended to add a new fee for opening a file for the retention of completed work verification forms.

Notice is also given that any person interested may present written comments relevant to the proposed action, including the potential costs to private persons of complying with the proposed action, by submitting written comments by mail, fax, or e-mail to:

JoAnne Cummings, Regulations Specialist
Department of Commerce and Economic Development
Division of Occupational Licensing
P O Box 110806
Juneau, AK 99811-0806
Fax: (907) 465-2974
e-mail: joanne_cummings@commerce.state.ak.us

Written comments must be received at the address above no later than **April 18, 1997**.

Additionally, any interested person may present oral or written comments relevant to the proposed action, including the potential costs to private persons of complying with the proposed action, at a

hearing to be held on May 8, 1997, beginning at 10:30 a.m., at the Holiday Inn, Ketchikan Room, 239 West 4th Avenue, Anchorage, Alaska.

If you are a person with a disability who may need a special accommodation in order to participate in the process on the proposed regulations, please contact JoAnne Cummings at (907) 465-2537 no later than April 4, 1997 to make any necessary arrangements.

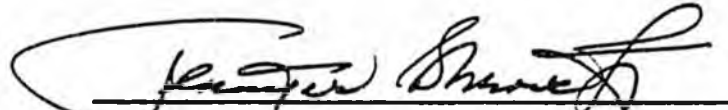
This action is not expected to require an increased appropriation.

Copies of the proposed regulations may be obtained by writing to the mail, fax, or e-mail address above or by telephoning (907) 465-2537.

After the close of the public comment period, the Department of Commerce and Economic Development and the Board of Architects, Engineers, and Land Surveyors will either adopt these or other proposals dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may vary from that of the proposed regulations. You should comment during the time allowed if your interests could be affected.

Date:

March 11, 1997



Jennifer Strickler, Administrative Manager
Division of Occupational Licensing

CHAPTER 36. STATE BOARD OF REGISTRATION
FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS.

(Words underlined indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not underlined.)

12 AAC 36 is amended by adding a new section to read:

12 AAC 36.066. VERIFICATION OF LAND SURVEYOR WORK EXPERIENCE. (a)

In support of an application for examination or registration as a land surveyor, an applicant shall arrange for proof of the work experience required in 12 AC 36.064 and 12 AAC 36.065 to be submitted to the board. Proof of work experience must be on a form prescribed by the board and submitted directly to the board by the employer who is verifying the applicant's experience.

(b) The department will open a file for retention of completed work verification forms for an individual who has not yet submitted an application for registration as a land surveyor if the individual

(1) submits a written request to open a work verification file;

(2) pays the file opening fee established in 12 AAC 02.110.

(c) The department will maintain a work verification file for five years from the date that an individual meets the requirements in (b) of this section. At the end of five years, an individual may request that the department maintain a work verification file for an additional five years by meeting the requirements in (b) of this section.

(d) A work verification form received for an individual will not be reviewed by the board or the department until that individual submits an application for registration as a land surveyor.

(Eff. / / , Register)

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.201

12 AAC 36 is amended by adding a new section to read:

12 AAC 36.195. SITE ADAPTATION OF DRAWINGS. An architect or engineer registered in the state may site adapt design documents prepared by others if the architect or engineer

(1) has written permission to adapt the design documents from the person who sealed the original design documents or the legal owner of the design documents;

(2) reviews the design documents and makes all necessary revisions to bring the design documents into compliance with applicable codes, regulations, and job-specific requirements;

(3) independently performs all calculations and maintains them on file;

(4) after review, reissues the design documents with the title block and seal of the architect or engineer performing the site adaptation;

(5) maintains design control over the use of the site-adapted design documents just as if they were the original design of the architect or engineer performing the site adaptation. (Eff.

/ / , Register)

Authority: AS 08.48.101 AS 08.48.221

CHAPTER 02. DIVISION OF OCCUPATIONAL LICENSING.

12 AAC 02.110 is amended by adding a new subsection to read:

(e) The following fee is established for opening a file for the retention of completed land surveyor work verification forms: \$50. (Eff. 11/20/86, Register 100; am 10/1/88, Register 107; am 5/4/90, Register 114; am 5/20/92, Register 122; am 9/5/93, Register 127; am 11/3/95, Register 136; am / / , Register)

Authority: AS 08.01.065 AS 08.48.265

ADDITIONAL REGULATIONS NOTICE INFORMATION
AS 44.62.190(d)

1. **Adopting agency:** Department of Commerce and Economic Development, Board of Architects, Engineers, and Land Surveyors

2. **General subject of regulation:** Verification of work experience, site adaptation of drawings, and fees for opening a file to retain completed work experience verification forms

3. **Citation of regulation:** 12 AAC 02.110, 12 AAC 36.066 and 12 AAC 36.195

4. **Reason for the proposed action:** Development of program standards, compliance with statute

5. **Program category and BRU affected:** Operations #1844 - Occupational Licensing

6. **Estimated cost of implementation to the state agency and available funding:** (in thousands of dollars)


Initial Year (FY 97) - \$1
Subsequent Years - \$1

Source of funding is program receipts (occupational licensing fees)

7. **Contact person for the regulations:**

JoAnne Cummings, Regulations Specialist
Division of Occupational Licensing
P O Box 110806
Juneau, AK 99811-0806
(907) 465-2537

8. **Origin of the proposed action:** Department of Commerce and Economic Development and Board of Architects, Engineers, and Land Surveyors

9. **Date:** 3/11/97 **Prepared by:** 
JoAnne Cummings
Regulations Specialist
Division of Occupational Licensing

STATE OF ALASKA
Boards and Commissions

ARCHITECTS/ENGINEERS/LAND SURVEYORS

BOARD: State Board of Registration for Architects, Engineers, and Land Surveyors

BOARD IDENTIFICATION NUMBER: 005

DEPARTMENT: DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

AUTHORITY: AS 08.48.011

STATUS: Active

SUNSET DATE: June 30, 1997

REQUIREMENTS: Legislative Confirmation

PROHIBITIONS: Cannot serve more than all or part of two consecutive terms.

TERM: 4 years

DESCRIPTION: 9 members appointed by the Governor: 2 civil engineers, 1 land surveyor, 1 mining engineer, 2 engineers from other branches of engineering and 2 architects; must be 3-year Alaska resident immediately preceding appointment; registered, with at least 5 years professional practice in respective field; and 1 public member.

FUNCTION: Controls registration, revocation of applicants in the architectural, engineering, and land surveying professions.

CHAIR: The board shall elect or appoint annually from its members a president, vice president, and secretary.

SPECIAL FACTS: Quorum - not less than 5. Governor may remove members for misconduct, incompetency, or neglect of duty; board elects/appoints a president, vice president, and secretary annually from its members; members serve until reappointed or replaced; annual report to Governor and Legislature. Members serve until a successor is appointed. An appointment to fill a vacancy is for the remainder of the unexpired term. A member who has served all or part of two successive terms may not be reappointed unless four years have elapsed since the person has last served. Members serve at the pleasure of the Governor.

COMPENSATION: Standard Travel and Per Diem.

MEETINGS: At least 4 regular meetings per year.

FOR FURTHER INFORMATION CONTACT: Ms. Carol Whelan, Division of Occupational Licensing, DCED, P.O. Box 110806 M/S 0800, Juneau, AK, 99811 0806, Phone: 907 465 2540, Fax: 907 465 2974 E-mail address: Carol_Whelan@commerce.state.ak.us

STATE OF ALASKA

Boards and Commissions

Membership Roster ARCHITECTS/ENGINEERS/LAND SURVEYORS (005)

Member	Appointed	Reappointed	Term Exp.
Vacant Public			07/01/98
Daphne E. Brown Architect 2501 Douglas Drive Anchorage, AK 99517	07/01/96		07/01/00
Byron Haynes, Jr. Engineer P.O. Box 196612 Anchorage, AK 99519-6612	07/20/95		07/01/99
Merle D. Jantz Architect 1648 Cushman Street, Suite 200 Fairbanks, AK 99701	07/01/93		07/01/97
Patrick H. Kalen Land Surveyor Kalen and Associates, Inc. 1041 Chena Ridge Road Fairbanks, AK 99709	07/01/96		07/01/00
D. Larce Mearig Civil Engineer P.O. Box 34752 Juneau, AK 99803	07/05/94		07/01/98
Robert E. Miller Engineer 7729 Anne Circle Anchorage, AK 99504	09/11/96		07/01/00
Ernie Siemoneit Mining Engineer P.O. Box 375 Healy, AK 99743	01/30/96		07/01/99
Michael J. Tauriainen Civil Engineer 35186 Spur Highway Soldotna, AK 99669	07/01/91	07/01/93	07/01/97

HB

134

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 134

Revision Date: _____ Department: Commerce and Economic Development
 Title: An Act relating to regulation of barbers and BRU: Occupational Licensing
hairdressers; extending the termination date of the Board... Component: Operations
 Sponsor: House Rules
 Requestor: House Labor & Commerce COMPONENT SERIAL NO. _____ 1844

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1091 Designated PR						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: \$ 223.1

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

HB 134 extends the Board of Barbers and Hairdressers to June 30, 2003 and makes other amendments to AS 08.13. Funding for continuation of the board in the amount of \$223.1 is included in the department's FY 98 operating budget request; therefore, new funds are not needed. The program is required to cover its costs with licensing fees under AS 08.01.065, and revenue generated by board fees are anticipated to cover its full operating costs.

Prepared by: Jennifer Strickler, Administrative Manager Phone: 465-2144
 Division: Occupational Licensing Date: 3/14/97
 Approved by Commissioner: William L. Hensley Date: 3-14-97
 Agency: Commerce and Economic Development

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: February 13, 1997

FURTHER REFERRALS:

Date of Committee Action: 4/18/97

The LABOR AND COMMERCE Committee considered:

HB 134

HOUSE BILL NO. 134

BARBERS AND HAIRDRESSERS

"An Act relating to regulation of barbers and hairdressers; extending the termination date of the Board of Barbers and Hairdressers; and providing for an effective date."

recommends it be replaced with the following committee substitute CSHB 134(24C) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____ fiscal note(s) _____
 zero fiscal note(s) DCED zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<u>Tom Bruce</u>	<input checked="" type="checkbox"/>			
<u>Joe Moran</u>	<input checked="" type="checkbox"/>			
<u>Bill Hudson</u>	<input checked="" type="checkbox"/>			
<u>John C. Anderson</u>	<input checked="" type="checkbox"/>			
<u>Tom Kately</u>	<input checked="" type="checkbox"/>			

CHAIR'S SIGNATURE John C. Anderson 4-17-97

CS FOR HOUSE BILL NO. 134(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

**Offered:
Referred:**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND
AUDIT COMMITTEE**

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to regulation of barbers and hairdressers; extending the
2 termination date of the Board of Barbers and Hairdressers; and providing for an
3 effective date."

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

5 * Section 1. AS 08.03.010(c)(4) is amended to read:

6 (4) Board of Barbers and Hairdressers (AS 08.13.010) -- June 30, 2001
7 [1997];

8 * Sec. 2. AS 08.13.010(b) is amended to read:

9 (b) The board consists of

10 (1) two persons licensed as barbers under this chapter;

11 (2) two persons licensed as hairdressers under this chapter, one of
12 whom is also licensed as a cosmetologist under this chapter; and

13 (3) one public member.

14 * Sec. 3. TRANSITIONAL PROVISION. Notwithstanding AS 08.13.010(b), as amended

1 by sec. 2 of this Act, the members of the Board of Barbers and Hairdressers who, on the
2 effective date of this Act, hold the positions on the board that are designated for hairdressers
3 are not prohibited by this Act from serving the remainder of their terms of office. When a
4 seat on the board designated for a hairdresser becomes vacant, the governor shall appoint a
5 hairdresser who is also licensed as a cosmetologist in order to implement this Act.

6 * Sec. 4. This Act takes effect July 1, 1997.

Sec. 08.13.140. Lapsed license. A lapsed license may be reinstated if the license has not been lapsed for a period of more than three years, or otherwise at the discretion of the board, and all renewal and delinquent fees for the period during which the license has been lapsed are paid. (§ 1 ch 159 SLA 1980; am § 8 ch 137 SLA 1986)

Sec. 08.13.150. Grounds for refusal, suspension or revocation of a license or permit. The board may refuse, suspend, or revoke a license, student permit, or temporary permit for failure to comply with this chapter, with a regulation adopted under this chapter, ~~for~~ with an order of the board, ~~(UNSAFE PRACTICE)~~ or incompetent or unsafe practice:

Concurrent references. — Cancellation or suspension irrespective of licensee's personal fault, validity of statute or rule making specified conduct or condition the ground for. 3 ALR2d 107. Bias of members of license revocation board. 97 ALR2d 1210.

Sec. 08.13.160. Application of license requirements. (a) A person holding a valid license to practice barbering under former AS 08.12, is licensed under this chapter, and may continue to practice barbering under the conditions imposed by former AS 08.12 and the regulations adopted under former AS 08.12 until the license expires.

(b) A person holding a valid license under former AS 08.28 may continue to practice under the conditions imposed under former AS 08.28 and the regulations adopted under former AS 08.28 until the license expires.

(c) A person holding a valid license issued under former AS 08.12 or former AS 08.28 shall be entitled upon its expiration to a license to practice under this chapter in the field of practice for which the person was originally licensed, without meeting requirements for new licensure.

(d) The licensing and permit provisions of this chapter do not apply to

(1) a person practicing barbering, hairdressing, or cosmetology in a community having a population of less than 1,000 people that is not within 25 miles of a community of more than 1,000 people and who uses only chemicals available to the general public;

(2) a shampoo person;

(3) a licensed health care professional;

(4) a person licensed by another licensing jurisdiction in a field of practice licensed by this chapter while demonstrating techniques or products to persons holding licenses or permits under this chapter.

(e) The board shall adopt regulations to permit a person licensed under this chapter to practice outside a licensed shop or school for limited purposes including

(1) care of clients confined to an institution or health care facility;

(2) care of clients with limited mobility;

(3) participation in charitable events; and

(4) participation in workshops or demonstrations of techniques or products. (§ 1 ch 159 SLA 1980; am §§ 9, 10 ch 137 SLA 1986)

Sec. 08.13.170. Temporary permits. The department shall issue a temporary permit to an applicant for licensing who holds a license to practice as a barber, hairdresser, or cosmetologist in another state. The permit is valid until the board either issues a permanent license or rejects the application. The board shall act on an application within six months. (§ 1 ch 159 SLA 1980; am § 11 ch 137 SLA 1986)

Sec. 08.13.180. Student permits. A person attending a licensed school of barbering, hairdressing, or cosmetology, and a person apprenticed to a licensed instructor in a shop approved by the board shall obtain a student permit. A student permit to practice barbering or hairdressing is valid for two years. A student permit to practice cosmetology is valid for one year. A student permit may not be renewed, but, upon application, the board may issue a new permit to the same person, or extend an expired permit to the date

BOARD OF BARBERS AND HAIRDRESSERS
MINUTES OF TELECONFERENCE MEETING
JANUARY 27-28, 1997
PAGE 18

Barbers and Hairdresser to include a cosmetologist as a member. Ms. Reardon spoke with an individual of the audit committee and they suggested that the structure of the board could be two hairdressers, one barber, one cosmetologist, and one public member.

The board felt that a member could hold both cosmetology and hairdresser license. Therefore, the board would have two hairdressers and two barbers and a cosmetologist without losing a barber or hairdresser member.

Barbara Watkins stated that an individual that is only a cosmetologist would not be able to do the hairdresser or barber examination.

Catherine Reardon asked is it the board's recommendation that they would like to have a member that has a hairdresser's license but also hold a cosmetology license.

The board agreed they would not want to lose the current structure of the board.

For the board's information, it is the Budget and Audit Committee that will be sponsoring the board extension. Senator Randy Phillips is the chair of that committee.

Catherine Reardon stated that she has passed on the concern of the board to change the hairdresser's license to a cosmetologist license and the cosmetology license would be an esthetician license.

Catherine Reardon asked the board if they felt that the public or the profession would be have a problem with changing the names of the licenses.

1 page following

376-1694

From: MARIANNE STAFFEL
Class Room & Barber's + Hair Dressing

Att: # 907 465-3810

Att: Annette

To: Senator Loren Lomax's office

Audit Report

DEPARTMENT OF COMMERCE AND
ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING
BOARD OF BARBERS AND HAIRDRESSERS

October 24, 1996



Audit Control Number:

08-1442-96

Division of Legislative Audit
P.O. Box 113300, Juneau, Alaska 99811-3300

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

DIVISION OF LEGISLATIVE AUDIT

The Legislative Budget and Audit Committee is a permanent interim committee of the Alaska Legislature. The committee is made up of five senators and five representatives, with one alternate from each legislative chamber. The chairmanship of the committee alternates between the two chambers every legislature.

The committee is responsible for providing the legislature with audits of state government agencies. The programs and activities of state government now cost more than \$5 billion a year. As legislators and administrators try increasingly to allocate state revenues effectively and make government work more efficiently, they need information to evaluate the work of governmental agencies. The audit work performed by the Division of Legislative Audit helps provide that information.

As a guide to all their work, the Division of Legislative Audit complies with generally accepted auditing standards established by the American Institute of Certified Public Accountants and with government auditing standards established by the U.S. General Accounting Office.

Audits are performed at the direction of the Legislative Budget and Audit Committee. Individual legislators or committees can submit requests for audits of specific programs or agencies to the committee for consideration. Copies of all completed audits are available from the Division of Legislative Audit's offices in either Anchorage or Juneau.

BUDGET AND AUDIT COMMITTEE

Representative Terry Martin, Chairman
Representative Con Bunde
Representative John Davies
Representative Gary Davis
Representative Vic Kohring
Representative Mark Hanley (alternate)

Senator Randy Phillips, Vice Chair
Senator Al Adams
Senator Steve Frank
Senator Rick Halford
Senator Steve Rieger
Senator Fred Zharoff (alternate)

DIVISION OF LEGISLATIVE AUDIT

Randy S. Welker, CPA
Legislative Auditor
Merle R. Jenson, CPA
Deputy Legislative Auditor

P.O. Box 113300
Juneau, Alaska 99811-3300

(907) 465-3830, Juneau
(907) 561-1445, Anchorage
(907) 465-2347, Juneau FAX

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P. O. Box 113300
Juneau, AK 99811-3300
(907) 465-3830
FAX (907) 465-2347

October 24, 1996

Members of the Legislative Budget
and Audit Committee:

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

DEPARTMENT OF COMMERCE
AND ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING
BOARD OF BARBERS AND HAIRDRESSERS

October 24, 1996

Audit Control Number

08-1442-96

The objective of the audit was to determine whether the Board of Barbers and Hairdressers should continue in existence. Alaska Statute 08.03.010(c)(4) terminates the board on June 30, 1997. As of July 1, 1997 the board will begin its one-year "wrap up" period and, if no action is taken by the legislature, the board will be dissolved on June 30, 1998. We recommend that the legislature extend the board until June 30, 2003.

The audit was conducted in accordance with generally accepted government auditing standards. Fieldwork procedures utilized in the course of developing the findings and discussion presented in this report are discussed in the Objectives, Scope, and Methodology section of this report.

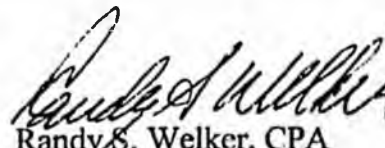

Randy S. Welker, CPA
Legislative Auditor

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OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Board of Barbers and Hairdressers. As required by AS 44.66.050(a), the committee of reference shall consider this report during the legislative oversight process to determine whether the board should be reestablished. Currently, AS 08.03.010(c)(4) states that the board will terminate on June 30, 1997, and will have one year from that date to conclude its affairs.

Objectives

1. To determine if the termination date of the board should be extended.
2. To determine if the board is operating in the public's interest and determine if the board has exercised general control over the vocations of barbering, hairdressing and cosmetology.¹ The assessment of the operations and performance of the board, was based on criteria set out in AS 44.66.050(c). Criteria set out in this statute relate to the determination of a demonstrated public need for the board.

Scope and Methodology

Our audit reviewed the operations and activities of the Board of Barbers and Hairdressers for the period of FY 94, FY 95 and FY 96.

During the course of our examination, we reviewed and evaluated the following:

1. Applicable statutes and regulations.
2. Compliance with statutes and regulations related to the licensing of barbers, hairdressers and cosmetologists. Our evaluation addressed considerations of license applications and testing of candidates.
3. Minutes of meetings of the Board of Barbers and Hairdressers.
4. Annual reports issued by the board.

¹ AS 08.13.030 (b) states that the board shall

- (1) examine applicants and approve the issuance of licenses and permits to practice;
- (2) authorize the issuance of licenses for schools of barbering, hairdressing, and cosmetology.

AS 08.13.030 (c) states that the board may

- (1) suspend or revoke a license or permit;
- (2) on its own motion or upon receipt of a written complaint, conduct hearings and request the Department of Commerce and Economic Development to investigate the practices of a person, shop, or school involved in the practice or teaching of barbering, hairdressing, or cosmetology;
- (3) adopt regulations or do any act necessary to carry out the provisions of this chapter.

5. Complaints filed with the Division of Occupational Licensing and the Department of Law.
6. Office of the Ombudsman closed case file.
7. Reading files maintained at the Division of Occupational Licensing.
8. Other documents deemed pertinent.

We also conducted interviews with

1. Employees of the Department of Commerce and Economic Development, Division of Occupational Licensing.
2. Chairman of the Board of Barbers and Hairdressers.
3. Members of related national professional organizations.
4. Alaska Commission on Postsecondary Education personnel.

ORGANIZATION AND FUNCTION

Alaska Statute 08.13.010 establishes the Board of Barbers and Hairdressers. It was established in 1980 as a result of the legislature combining the Board of Barbers and the Board of Hairdressing and Beauty Culture Examiners.

Members of the board are appointed by the governor and serve four year staggered terms. The five member board includes two barbers, two hairdressers and one public member. Current vacancies include a barber member seat and the public member seat.

Department of Commerce and Economic Development, Division of Occupational Licensing

The Department of Commerce and Economic Development, Division of Occupational Licensing provides administrative and investigative assistance to the Board of Barbers and Hairdressers. Administrative assistance includes budgetary services and functions such as collecting fees, maintaining files, receiving and issuing application forms, and publishing notices of examinations and meetings.

Alaska Statute 08.01.065, mandates the department, with the concurrence of the board, adopt regulations to establish the amount and manner of payment of application fees, examination fees, license fees, registration fees, permit fees, investigation fees, and all other fees as appropriate for the occupations covered by the statute.

Alaska Statute 08.01.087 empowers the Division of Occupational Licensing with the authority to act on its own initiative or in response to a complaint. The division may: (1) conduct an investigation if it appears a person engaged or is about to engage in a prohibited professional practice; (2) bring an action in Superior Court to enjoin the act; (3) examine the books and records of an individual; (4) and issue subpoenas for the attendance of witnesses and records.

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REPORT CONCLUSIONS

In our opinion, the Board of Barbers and Hairdressers should be reestablished. The regulation and licensing of qualified barbers, hairdressers and cosmetologists is of benefit to the public's health, safety and welfare. The board benefits the public by establishing minimum educational and experience requirements that provide reasonable assurance that persons licensed are qualified. Assurances that those licensed act in a competent manner is also provided by active investigation of complaints conducted by the Division of Occupational Licensing's Investigative Unit within the Department of Economic Development.

Alaska Statute 08.03.010(c)(4) requires the Board of Barbers and Hairdressers be terminated on June 30, 1997. Under AS 08.03.020, the board has a one-year period to administratively conclude its affairs. We recommend the legislature extend the board's termination date to June 30, 2003.

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FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The legislature should consider reconfiguring the membership of the Board of Barbers and Hairdressers to include a cosmetologist.

The current membership of the Board of Barbers and Hairdressers requires two barbers, two hairdressers, and one public member. The board's responsibilities however, include regulating the field of cosmetology. Cosmetology licenses are currently held by the two hairdresser board members, however this is not required for membership on the board.

Cosmetologist practical examinations offered in Fairbanks, are proctored by the barber board member who is not a licensed cosmetologist. Although the Division of Occupational Licensing tries to find licensed cosmetologists to proctor the examination, such an arrangement is not required by statute or regulation. The chairman of the board indicated that with adequate training of the proctors, a license is not necessary. Training of the proctors, however is the responsibility of the board. We question whether adequate training can be ensured without a cosmetologist on the board.

To ensure board activities consider the profession of cosmetology and ensure the regulating body of the profession has the necessary expertise to fulfill their responsibilities, we recommend the legislature consider re-configuring the board membership to include a cosmetologist.

Recommendation No. 2

The Board of Barbers and Hairdressers should take steps to improve the structure and scoring procedures for professional licensing examinations.

Currently, applicants for most licenses are required to take a practical and a written examination. Current procedures require the practical examination be administered by three people (at least one of which must be a board member). Additional proctors (barbers and hairdressers) are recruited to assist board members in grading the examination. Proctors grade each of the disciplines tested. They are not required to be licensed in each of the disciplines they are grading.

A review of the examination scores indicated grades given applicants by the three proctors involved can fluctuate greatly. In one instance the scores given for one applicant varied by 38 out of a possible 100 total points. A review of the score sheets used did not provide insight on the fluctuation. When points were deducted, the proctors did not document the reasons why. The subjective nature of the examination and lack of information supporting a reduction in points given during the examination raise concerns whether the results of the examination would withstand a court challenge.

Further, proctors are to declare on their grading sheet any conflicts of interest they might have with the applicant. During our review we determined this does not always occur. On occasion, it was determined that an applicant's proctor had also been the individual's instructor. In one instance, this situation led to examination scores being challenged and allegations that the proctor involved was not free of a conflict of interest.

The scoring of examinations have also suffered from oversight and carelessness on the part of proctors. The applicants grade is based on the average of each of the proctor's scores. The Division of Occupational Licensing will provide each grader a score sheet which summarizes each subject to be tested by different categories. Each category has a point total assigned to it. The division will total each proctors scores and calculate the average to get the final grade. On several occasions a proctor would forget to score all of the categories. The division would then have to disregard the proctor's score in calculating the final grade.

To mitigate these problems many states are now contracting with national testing services to administer and grade the practical examination. By giving a nationally administered practical examination, the board could allow individual schools to offer the examination without requiring the presence of a board member. Additionally, by requiring a nationally accepted examination, the State's professional standards will remain on par with the rest of the nation.

An additional benefit of using a national testing service would be to provide applicants improved access to examinations. The examination could be offered in other locations which may be more convenient to the applicants. Currently, sites at which examinations are administered are determined by where the board member administering the examination resides. In the past year, examinations have only been available in Anchorage and Fairbanks.

If the board does not feel the use of a national testing service is justified or appropriate, it should take steps to improve the documentation of the rationale used in the scoring of examinations. The board should establish written standards for examination categories to insure uniform grading. For each point deducted, an explanation should be included on the score sheet to justify the reduction. However, we believe utilization of a national testing service is the best option and would provide for better licensing access to applicants with limited, if any, compromise of "public protection."

Recommendation No. 3

The Office of the Governor should replace vacancies on the board in a more timely manner.

Alaska Statute 08.13.010 states that the five member board includes two barbers, two hairdressers and one public member. Over the past three years the board has had to effectively operate without a public member. At the time of completion of fieldwork of this audit, the public member has attended only one meeting of the board since July, 1993. In February, 1995, the public member was terminated from the board by the governor. The position continues to be vacant as of the date of this report.

Additionally, one of the barber members of the board resigned during 1995 and the Governor has not appointed a replacement. As a result all three members of the board must be present in order to have a quorum. In April, 1996, a board meeting was scheduled to be held in Anchorage but, due to illness, a board member was unable to attend; therefore the meeting was canceled for lack of a quorum. Members of the public planning to attend the meeting (including at least one individual from Fairbanks) were disgruntled upon arriving and finding the meeting had been canceled.

The term of a third member of the board expired on July 1, 1995. This member is eligible for reappointment, however the governor has not taken action. As established by current statute, the member continues to serve on the board until a replacement is appointed.

The lack of board members clearly has impacted the effectiveness of the board. Without a public member, the general public is not represented on the board. With only three members, the board is continuously at risk of not having a quorum and if for any reason one of the current board members is unable to continue as a member, the board will not be able to carry out its responsibilities.

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ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses of board activities relate to the public need factors defined in the "sunset" law, AS 44.66.050. These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

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

Each year the Board of Barbers and Hairdressers has administered the examination several more times than the semi-annual requirements of AS 08.13.040. These examinations are offered in both Anchorage and Fairbanks.

Regulations were amended to enable the issuance of most licenses by the Department of Commerce and Economic Development's Division of Occupational Licensing. An additional change enables schools of barbering, hairdressing and cosmetology to withhold reporting of a student's hours if the student is no longer attending the school and has not paid for the schooling.

Regulations were also amended to require individuals who have failed the written examination three times to provide documentation of additional training before the applicant will be scheduled for reexamination. An applicant applying to retake the practical section of the examination shall provide the board documentation of successful completion of 50 hours of training in each practical examination subject failed.

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

Maintaining full membership on the board has been a recent problem. With the removal of the public member in February of 1995 (with no replacement appointed as of June 1996) and the lack of new appointment to replace the member whose term expired in July 1995, the board has been reduced to three members. As discussed in Recommendation No. 3 besides placing an additional workload on remaining members, this situation has resulted in the cancellation of a public meeting due to a lack of an operating quorum.

The composition of the present board, such as it is, does not statutorily provide for representation of all the professions regulated by the board. As discussed in Recommendation No. 1, we suggest that the legislature consider changing the statutory composition of the board to include a licensed cosmetologist.

Numerous problems hinder the effective administration of the board's licensing examinations. As discussed in Recommendation No. 2, there is evidence that the practical examination is at times subject to inconsistent, subjective scoring; at least perceived conflict-of-interests between examination proctors and individuals taking the examination; and, occasional oversight in how scores are summarized and tallied.

The extent to which the board has recommended statutory changes that are generally of benefit to the public interest.

The board supported legislation introduced in 1996 that would have expanded the mandate of the board to regulate and license manicurists. The legislation is consistent with the current statute for barbers and hairdressers allowing the board to regulate the profession consistently with the manner in which it currently oversees the other license-holders under its purview. The legislation was not adopted by the 1996 legislature.

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

The location, date, and time of upcoming board meetings and notices of proposed changes in regulations are published in the **Anchorage Daily News**, the **Fairbanks Daily News-Miner** and **Juneau Empire**. The board's meeting agenda set aside time for public comment. Meeting minutes reflect public participation throughout the meeting.

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

Meetings were adequately advertised, and time was set aside for public testimony. Review of meeting minutes provided public comment throughout the meeting and is not limited to the public comment period. Proposed changes to regulation are subjected to the public participation process.

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

Between FY 93 and April 1, 1996, the investigative unit within the Department of Commerce and Economic Development's Division of Occupational Licensing is responding or has responded to 69 cases. Over 80% of the cases are related to licensing issues. We reviewed a sample of cases and determined investigative activities were sufficient and cases were resolved timely.

Three complaints were informally addressed by the Ombudsman. The three complaints essentially involved two central allegations, summarized as follows:

Allegation 1: The Division of Occupational Licensing unfairly and unreasonably failed to give adequate notice of proposed license and permit fee increases.

Allegation 2: The division unfairly and unreasonably failed to notify licensees of the effective date for the new fee schedule.

The Ombudsman found that the

notice of proposed regulation changes probably met minimal legal requirements, the conclusion that this process was unfair and unreasonable from the viewpoint of licensees seems inescapable. Small ads in one issue of each regional newspaper and notices mailed to a few dozen licensees out of the thousands who will be affected do not by any reasonable estimate constitute fair notice.

The Division has since increased the mailing list for proposed regulation changes to include all schools and supply houses as well as a direct mailing to all licensees.

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

New Permits Issued (Excluding Renewals)	FY 93	FY 94	FY 95	Total
Barber	20	17	21	58
Hairdresser	193	194	156	543
Cosmetology	16	26	19	61
Instructor	12	6	16	34
Shop Owner	21	48	72	141
School	1	0	2	3

In addition, 336 student permits and 53 temporary permits were issued during FY 95.

Applicants can apply for licensure by examination or by credentials. Applicants by examination are required to take a written and practical examination. The practical examination is scored by three people, with at least one being a board member. Division of Occupational Licensing (DOL) staff is responsible for totaling the points by category for each examiner and averaging the points for the three examiners to arrive at the applicant's final grade.

Letters from DOL to some of the proctors indicated there were inconsistencies in the scoring of the examinations. The graders did not give the applicant scores for certain categories of the examination. Rather than treating the scores for those candidates as zero, the examiner would not include the incomplete scores in determining the candidates final score.

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

We did not find any evidence that the board was not complying with the state personnel practices, including affirmative action in qualifying applicants. In no instances has the board denied an applicant a license based on personal attributes.

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

Please refer to the Findings and Recommendations section of this report.

HB

135

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 135

Revision Date: _____
 Title: An Act relating to dental licensing; extending the
termination date of the Board of Dental Examiners;....
 Sponsor: House Rules
 Requestor: House Labor & Commerce

Department: Commerce and Economic Development
 BRU: Occupational Licensing
 Component: Operations
 COMPONENT SERIAL NO. 1844

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1091 Designated PR						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: \$ 163.2

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

HB 135 extends the Board of Dental Examiners to June 30, 2003 and makes other amendments to AS 08.36. Funding for continuation of the board in the amount of \$163.2 is included in the department's FY 98 operating budget request; therefore, new funds are not needed. The program is required to cover its costs with licensing fees under AS 08.01.065, and revenue generated by board fees are anticipated to cover its full operating costs.

Prepared by: Jennifer Strickler, Administrative Manager
 Division: Occupational Licensing
 Approved by Commissioner: William L. Hensley
 Agency: Commerce and Economic Development

Phone: 465-2144
 Date: 3/14/97
 Date: 3-14-97

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HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: February 13, 1997

FURTHER REFERRALS:

Date of Committee Action: 3/21/97

The LABOR AND COMMERCE Committee considered:

HB 135

HOUSE BILL NO. 135

DENTISTS: LICENSING & EXTEND EXAMINING BD

"An Act relating to dental licensing; extending the termination date of the Board of Dental Examiners; and providing for an effective date."

recommends it be replaced with the following committee substitute CSHB135 (LNC) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) DCED zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>John Conduff</i>	✓			
<i>John Price</i>			✓	
<i>Bill Hudson</i>	✓			
<i>Nan Retchy</i>	✓			

CHAIR'S SIGNATURE Nan Retchy 3/21/97

03/21/97 15:14:57 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1120
MESSAGE FROM: LIOCJEN IN ANCHORAGE JNU

RE TCN: 70496 SCHEDULED FOR:03/21/97 15:15 TO 17:30
SPONSOR: HOUSE LABOR & COMMERCE PURPOSE: PUBLIC HEARING

MESSAGE TEXT: DR. WARREN AND DR. CROOKS ARE BOTH ON
LINE TO T ON HB 135

03/21/97 *P.T.* LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
15:16:02 PARTICIPANT LIST (ALL PARTICIPANTS) BY:ANC
TCN:70496 SCHEDULED FOR:03/21/97 15:15 TO 17:30 FOR:ANC
PUBLIC HEARING HOUSE LABOR & COMMERCE

LOCATION: ANCHORAGE
HB 136 MARY MELISSA ROBINSON TESTIFY

03/21/97 *PT* LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
15:21:06 PARTICIPANT LIST (ALL PARTICIPANTS) BY:FBX
TCN:70496 SCHEDULED FOR:03/21/97 15:15 TO 17:30 FOR:FRX
PUBLIC HEARING HOUSE LABOR & COMMERCE

LOCATION: FAIRBANKS
HB 136 MS. PAULINE BENNETT-GANNON AK O T ASSOC TESTIFY

03/21/97 15:26:10 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1120
MESSAGE FROM: LIOCJEN IN ANCHORAGE JNU

RE TCN: 70496 SCHEDULED FOR:03/21/97 15:15 TO 17:30
SPONSOR: HOUSE LABOR & COMMERCE PURPOSE: PUBLIC HEARING

MESSAGE TEXT: DR. D. THORNELL ON LINE TO T ON HB 137

Vat's

03/21/97 15:37:35 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1120
MESSAGE FROM: LIOCJEN IN ANCHORAGE JNU

RE TCN: 70496 SCHEDULED FOR:03/21/97 15:15 TO 17:30
SPONSOR: HOUSE LABOR & COMMERCE PURPOSE: PUBLIC HEARING

MESSAGE TEXT: DR. TUOMI IS ON LINE TO T ON HB 137

VAT'S

WORK DRAFT

WORK DRAFT

WORK DRAFT

0-LS0547E
Lauterbach
3/20/97

**CS FOR HOUSE BILL NO. 135(L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION**

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

**Offered:
Referred:**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND
AUDIT COMMITTEE**

A BILL

FOR AN ACT ENTITLED

**1 "An Act relating to dental licensing; extending the termination date of the Board
2 of Dental Examiners; and providing for an effective date."**

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

4 * Section 1. AS 08.03.010(c)(7) is amended to read:

**5 (7) Board of Dental Examiners (AS 08.36.010) -- June 30, 2003
6 [1997];**

7 * Sec. 2. AS 08.36.120 is amended to read:

**8 Sec. 08.36.120. Signing, photograph, and filing date of application. Each
9 applicant shall submit a recent unmounted [, AUTOGRAPHED] photograph of the
10 applicant. Applications shall be signed by the applicant and filed at least 45 days
11 before the date scheduled for an examination.**

12 * Sec. 3. AS 08.36.234(a) is amended to read:

**13 (a) The board shall provide for the licensing without examination, except as
14 provided in (2) of this subsection, of a dentist who**

1 (1) provides certification to the board that the dentist

2 (A) is a graduate of a dental school accredited by the
3 Commission on Accreditation of the American Dental Association, or its successor
4 agency, and holds a certificate from the American Dental Association Joint
5 Commission on National Dental Examinations that the dentist has passed the written
6 examination given by the commission;

7 (B) has passed clinical and written examinations required for
8 licensure in another state, territory, or region of the United States and has been
9 licensed to practice dentistry in that state, territory, or region of the United
10 States; the state, territory, or region must have licensing requirements at least
11 generally equivalent to those of this state at the time of application; if the
12 board does not consider the licensing requirements of the other jurisdiction
13 to be generally equivalent to those of this state at the time of application
14 because certain areas of subject matter were not included in the other
15 jurisdiction's examinations, the board may find compliance with the
16 requirements of this subparagraph if the dentist demonstrates completion
17 of continuing education in the omitted subject areas, holds a specialty
18 certification in the omitted subject areas, or provides proof satisfactory to
19 the board of a history of successful practice involving the omitted subject
20 areas;

21 (C) is in good standing with the licensing entity in the
22 jurisdiction where the dentist is currently licensed and in all jurisdictions in
23 which the dentist was previously licensed while practicing in those
24 jurisdictions; if the dentist is employed by the federal government, the dentist
25 must be in good standing with the employing federal agency;

26 (D) has been engaged in continuous active clinical practice
27 averaging at least 20 hours a [PER] week for each of the five years
28 immediately preceding the application

29 (i) in a jurisdiction in which the dentist was licensed and
30 in good standing; or

31 (ii) working for the federal government while in good

1 standing with the employing federal agency and after having been
2 licensed by a jurisdiction;

3 (E) is not the subject of an adverse decision based upon a
4 complaint, investigation, review procedure, or other disciplinary proceeding
5 within the five years immediately preceding application, or of an unresolved
6 complaint, investigation, review procedure, or other disciplinary proceeding,
7 undertaken by a state, territorial, local, or federal dental licensing jurisdiction
8 or a dental society;

9 (F) is not the subject of an unresolved or an adverse decision
10 based upon a complaint, investigation, review procedure, or other disciplinary
11 proceeding undertaken by a state, territorial, local, or federal dental licensing
12 jurisdiction, dental society, or law enforcement agency that relates to criminal
13 or fraudulent activity, dental malpractice, or negligent dental care and that
14 adversely reflects on the applicant's ability or competence to practice dentistry
15 or on the safety or well-being of patients;

16 (G) has not previously had a license to practice dentistry
17 suspended for grounds similar to those specified under AS 08.36.315, revoked,
18 or voluntarily surrendered;

19 (H) has completed at least 42 hours of continuing education
20 related to clinical dentistry in the three years preceding application for a license
21 in this state; the continuing education must have been approved by the
22 American Dental Association, the Academy of General Dentistry, or the
23 appropriate specialty board;

24 (I) has not within the previous three years failed the clinical
25 exam given by the Western Regional Examining Board;

26 (J) is not the subject of an adverse report from the National
27 Practitioner Data Bank or the American Association of Dental Examiners
28 Clearinghouse for Disciplinary Information that relates to criminal or fraudulent
29 activity, negligent dental care, or malpractice;

30 (2) has passed, to the satisfaction of the board, a written examination
31 that consists of the portion of the written examination given under AS 08.36.160(b)

1 that pertains to the state's laws on the practice of dentistry; the board may not require
2 a higher passing score for applicants under this section than the board requires for
3 applicants under AS 08.36.110;

4 (3) is personally interviewed by the board for purposes of verifying
5 credentials;

6 (4) pays all required fees;

7 (5) provides the board with an affidavit that the dentist is not an
8 impaired practitioner;

9 (6) provides to the board an authorization for release of records in a
10 form prescribed by the board.

11 * Sec. 4. This Act takes effect July 1, 1997.

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE MEMBERS:

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REPRESENTATIVE JOHN COWDERY, VICE CHAIRMAN
REPRESENTATIVE BILL HUDSON
REPRESENTATIVE JOE RYAN
REPRESENTATIVE JERRY SANDERS
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SESSION:
STATE CAPITOL, ROOM 24
JUNEAU, AK 99801-1182
PHONE: (907) 465-4954
FAX: (907) 465-2040

Labor and Commerce Committee

MEMORANDUM

TO: Representative John Cowdery, Vice Chairman
Representative Bill Hudson
Representative Joe Ryan
Representative Jerry Sanders
Representative ~~Erie Craft~~ Tom Brice
Representative Gene Kubina

FROM: Representative Norman Rokeberg, Chairman
House Labor & Commerce Committee

DATE: March 21, 1997

SUBJECT: **Sunset Hearings for Various Boards**

Committee staff has spoken with the staff to the Senate Labor and Commerce Committee. There appears to be some disagreement among the licensees, the boards and the recommended audit changes that have been included in the bills before us today.

It has come to my attention that members of the Senate Labor and Commerce Committee have expressed concerns on the audit recommendation to extend all the board sunsets to six years rather than the current four years. Since there is no consensus on what number should be used, I believe it would be in the best interests of the various boards in question to let the sunsets remain at four years. Consequently, today we will have a public hearing and hold the bills until disagreements are resolved.

The following items have been identified:

HB 135 Dentists Licensing & Extend Examining Board Sunset

Some dentist do not want to reduce the number of dentists on board. The audit report indicates that the one public member rarely attended the board meetings. Because of the increase in the number of regional exams being given the board needs to keep the same number of dentists on board. The Ann Mc Coy, public member, resigned 12/6/96 and the Governor has not appointed a new public member as of this date. The Senate L & C has prepared a CS to take care of the examinations for foreign (non US) applicants.

HB 137 Board of Veterinary Examiners License Sunset

No consensus on the changes needed. The Board President does not agree with an examination that includes Alaska specific issues. In addition outside veterinarians apparently want special treatment for licensing in Alaska and local veterinarian want to maintain high standards as well as promote veterinarians with cold weather treatments and diagnosis and rabies experts. (Senate L & C has prepared a CS to make some changes that a number of veterinarians have asked to be included.)

HB 134 Board of Barbers and Hairdressers Sunset

They want a change on Page 1, Line 13 to read Cosmetologist./hairdresser. Cosmetologists are not certified to review applications of hairdressers.

HB 136 Board of Physical Therapy and Occupational Therapy

Members of the board have forwarded several suggested amendments to Senate L & C.

i would appreciate our consideration and leave the sunsets Shirley Armstrong is the Committee Aide for the Labor and Commerce Committee. If you have any questions, please contact her at 465-4954.

March 20, 1997

Dr. Claude Rick, Fax #562-2170
Dr. Gregg Stone, Fax #274-6427

Re: HB 135

Attached is HB 135, "An Act relating to dental licensing; extending the termination date of the Board of Dental Examiners; and providing for an effective date."

Please review this bill which is being heard tomorrow in the Labor and Commerce Committee. I am concerned about the composition of the board. It changes the number of dental members from 6 to 5 and the public members from 1 to 2. I'd like your opinions as to this change by noon tomorrow. The Labor and Commerce Committee meets tomorrow at 3:15.

Thank you, very much, for your expedient response.

Norman Rokeberg
State Representative
House District 11

Dental Examiners/2

HB

Ann Harter McCoy
P.O. Box 211453
Anchorage, AK 99521-1453
Voice and Fax (907) 337-4486

BOARDS & COMMISSIONS
DEC 05 1996

FAX TRANSMISSION

DATE: December 2, 1996
TO: Marla Huss, Boards and Commissions
Office of the Governor
CC: Catherine A. Reardon, Director
Division of Occupational Licensing
RE: Resignation from Board of Dental Examiners

Please accept my resignation from the Board of Dental Examiners.

Thank you for the opportunity to serve as the public member on the Board of Dental Examiners. There have been recommendations that there be at least 2 public members on this board. I am in favor of this. If you have questions, please give me a call.

Ann H. McCoy

Ann Harter McCoy
7749 Old Harbor Road
Anchorage, AK 99504
(907) 337-6138

EDUCATION

Master of Arts in Teaching (Adult and Community Education), 1993, Alaska Pacific University
Graduate assistant 1991-93; Murdock Science Grant—developed and produced newsletters, brochures, other training materials, and graphics; collaborated on development of training component; acted as computer consultant

Bachelor of Arts (Art), 1968, Humboldt State College, Arcata, California

EXPERIENCE

Alaska Pacific University, Adjunct Faculty, 1993-present

Develop and teach ED 463/663 Computer Literacy for Teachers. The course focuses on providing information and skills for use of current technologies including computers.

Ann H. McCoy Consulting Service, Owner, 1991-present

Conduct research and program evaluations. Write reports and articles. Utilize desktop publishing skills to create documents (including newsletters, brochures, and reports) and generate graphics. Organize and coordinate conferences. Develop and present educational workshops and training seminars for adults, and produce supporting materials. Facilitate meetings and workshops.

National PTA Region 7, Vice President, 1990-1992

Supervised and provided support for seven state PTA presidents. Organized, prepared, and taught state board leadership education seminars. Designed and implemented region conferences. Developed, produced, and disseminated leadership materials, newsletters and correspondence.

Office of the Governor, Project Coordinator, 1989-1990

Managed projects. Made public presentations and personal contacts. Drafted correspondence. Researched and developed information. Organized and coordinated statewide parent involvement conference. Distributed information about parent involvement in education. Wrote and produced follow up conference report.

Alaska PTA, Treasurer, 1989-1991

Restructured financial accounting system. Implemented accountability measures. Designed budget development process. Developed yearly budget. Maintained financial transactions of organization. Processed payroll and related reports. Prepared financial reports.

Alaska PTA, President, 1985-1989

Developed, implemented and evaluated goals, activities, timelines. Coordinated work of volunteers. Prepared budgets. Established an office. Wrote and published reports, training handbooks, newsletters, and other leadership materials. Coordinated conventions. Developed and conducted training workshops for adult volunteers. Presided at meetings and conventions. Communicated and built coalitions with State Department of Education, State Board of Education, and other statewide organizations. Participated in conferences and supplied testimony. Served on numerous task forces and committees related to a variety of topics, including health and education issues.

Community Organizations, Volunteer, 1974-1985

Involvement included positions with: Creekside Park PTA, 1975-present (president 1981-1983, 1989-1990); Northeast Anchorage Community Council, 1975-1982 (organizing committee and president); Anchorage School District Art Curriculum Committee, 1981-1991; and Anchorage Council of PTAs, 1982-1985, 1989-90 (president 1983-1985)

Alaska State-Operated School System, Teacher, Nookak, 1970-1974

Supplied individualized education experiences for 2nd and 3rd grade students. Developed and taught 7th and 8th grade art program. Established school library. Conducted parent conferences. Participated in community activities.

COMMUNITY INVOLVEMENT

Alaska Department of Education Skills for Healthy Life Standards and Assessment Committee, 1993-present
Action for Alaska's Children, 1989-present, board of directors, treasurer
Alaska PTA Board of Managers, 1984-present
National PTA Board of Directors, 1985-1992
Alaska Department of Education Alternative Teacher Certification Advisory Task Force, 1991-92
Anchorage School District Art Curriculum Committee, 1981-1991
Alaska Arts In Education, 1988-1991, Advisory Board member
Alaska State Teacher Certification Advisory Committee, 1988-1989
Alaska Department of Education Youth at Risk Planning Committee, 1989
Alaska Commissioner of Education's Task Force on Education, 1987-1989
Alaska Department of Education Student Assessment Task Force, 1987-1989
Anchorage School District Parent Involvement Task Force, 1988-1989
Anchorage School District Curriculum Review Council, 1988-1989

HONORS AND SPECIAL ACHIEVEMENTS

Graduate Student Speaker, Alaska Pacific University Commencement, 1993
Distinguished Service Award-Outside the Profession (1st awarded), National Art Education Association, 1990
Legislative Commendation Honoring Service as Alaska State PTA President, Alaska State Legislature, 1989
Contributions to Quality Education Award, Anchorage Chamber of Commerce, 1987
Outstanding Volunteer Award, Anchorage School District, 1987, 1984, 1983
Honorary Life Member, National PTA, 1984; Honorary Life Member, 7 state PTAs
Green and Gold Key, Senior Men & Women's Honorary of Humboldt State, 1967
Who's Who Among Students in American Universities and Colleges, 1967

PUBLICATIONS

Breaking Down Barriers to Parent Involvement in Education: An Analysis of Responses from Participants at the 1991 Alaska Parent Involvement Conference; research report
Numerous articles for PTA newsletters and other publications

CONFERENCES AND COURSES TAUGHT

Developed and presented numerous short term workshops and seminars over the past ten years.
Guest lecturer for classes in curriculum, multicultural education, foundations, special needs
Assisted with teaching course on equity and diversity

PROFESSIONAL ORGANIZATIONS

Kappa Delta Pi, Rho Zeta Chapter, Charter member, 1986-present
Association for Supervision and Curriculum Development
American Association of University Women

GRADUATE COURSES

Professional writing, research, leadership, adult & community education, education, curriculum, multicultural education, Alaska Native history and culture; Alaska Pacific University, 1973 to 1993
Education, art, computers; University of Alaska Anchorage, 1974, 1980, 1984
Leadership in education; University of Denver, 1985
Education, curriculum; California State University, Hayward, 1969-1970

CERTIFICATE

Alaska Teacher Certificate, Type A, 1970-present

STATE OF ALASKA
Boards and Commissions

DENTAL EXAMINERS

BOARD: Board of Dental Examiners

BOARD IDENTIFICATION NUMBER: 024

DEPARTMENT: DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

AUTHORITY: AS 08.36.010

STATUS: Active

SUNSET DATE: June 30, 1997

REQUIREMENTS: Legislative Confirmation

PROHIBITIONS: Cannot serve more than all or part of two consecutive terms.

TERM: 4 years

DESCRIPTION: 9 members appointed by the Governor: 6 licensed dentists who have engaged in the practice of dentistry in the state for 5 years immediately preceding appointment; 2 dental hygienists who have engaged in the practice of dentistry in the state for 5 years immediately preceding appointment; 1 public member; terms begin on February 1.

FUNCTION: Regulates and controls licensing, permits, revocations of the dental profession.

CHAIR: Board selects.

SPECIAL FACTS: Quorum - majority; may be removed for cause; annual report to Governor. A member who has served all or part of two successive terms may not be reappointed unless four years have elapsed since the person has last served.

COMPENSATION: Standard Travel and Per Diem. No additional compensation.

MEETINGS: At the call of the chairperson, 4 times per year, or the call of majority of board.

FOR FURTHER INFORMATION CONTACT: Ms. Katherine Hazelton, Licensing Examiner, Division of Occupational Licensing, DCED, P.O. Box 110806 M/S 0806, Juneau, AK, 99811 0806, Phone: 907 465 2542, Fax: 907 465 2974 E-mail address: Katherine_Hazelton@commerce.state.ak.us

STATE OF ALASKA
Boards and Commissions

Membership Roster
DENTAL EXAMINERS (024)

Member	Appointed	Reappointed	Term Exp.
Vacant Public			02/01/97
James R. Arneson Dentist 506 Marine Way Kodiak, AK 99615	07/19/93		02/01/97
James A. Clark Dentist Oral Surgery Associates, Inc. 3650 Lake Otis Parkway, Suite 201 Anchorage, AK 99508	04/07/95		02/01/97
Kenneth L. Crooks Dentist P.O. Box 1610 Dillingham, AK 99576	04/07/95		02/01/99
Raymond L. Lang Dentist Nome Dental Offices, Inc. P.O. Box 812 Nome, AK 99762	04/07/95		02/01/98
Phyllis L. Pendergrast Dentist 1001 Noble Street Fairbanks, AK 99701	11/05/93	04/07/95	02/01/99
Carol L. Ross Dentist P.O. Box 1140 Wrangell, AK 99929	04/07/95		02/01/99
Susan C. Seater Hygienist 1610 Laurie Lane Juneau, AK 99801-9544	05/17/93		02/01/97
Connie S. Stewart Hygienist P.O. Box 755 Petersburg, AK 99833	04/07/95		02/01/99

Audit Report

DEPARTMENT OF COMMERCE AND
ECONOMIC DEVELOPMENT
BOARD OF DENTAL EXAMINERS

October 14, 1996



Audit Control Number:

08-1443-96

Division of Legislative Audit

P.O. Box 113300, Juneau, Alaska 99811-3300

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

DIVISION OF LEGISLATIVE AUDIT

The Legislative Budget and Audit Committee is a permanent interim committee of the Alaska Legislature. The committee is made up of five senators and five representatives, with one alternate from each legislative chamber. The chairmanship of the committee alternates between the two chambers every legislature.

The committee is responsible for providing the legislature with audits of state government agencies. The programs and activities of state government now cost more than \$5 billion a year. As legislators and administrators try increasingly to allocate state revenues effectively and make government work more efficiently, they need information to evaluate the work of governmental agencies. The audit work performed by the Division of Legislative Audit helps provide that information.

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Senator Al Adams
Senator Steve Frank
Senator Rick Halford
Senator Steve Rieger
Senator Fred Zharoff (alternate)

DIVISION OF LEGISLATIVE AUDIT

Randy S. Welker, CPA
Legislative Auditor
Merle R. Jenson, CPA
Deputy Legislative Auditor

P.O. Box 113300
Juneau, Alaska 99811-3300

(907) 465-3830, Juneau
(907) 561-1445, Anchorage
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ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P. O. Box 113300
Juneau, AK 99811-3300
(907) 465-3830
FAX (907) 465-2347

October 14, 1996

Members of the Legislative Budget
and Audit Committee:

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

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT BOARD OF DENTAL EXAMINERS

October 14, 1996

Audit Control Number

08-1443-96

The objective of the audit was to determine whether the Board of Dental Examiners should continue in existence. Alaska Statute 08.03.010(c)(10) terminates the board on June 30, 1997. As of July 1, 1997, the board will begin its one-year "wrap up" period and, if no action is taken by the legislature, the board will be dissolved at June 30, 1998. We recommend that the legislature extend the board until June 30, 2002.

The audit was conducted in accordance with generally accepted government auditing standards. Fieldwork procedures utilized in the course of developing the findings and discussion presented in this report are discussed in the Objectives, Scope, and Methodology section of this report.



Randy S. Welker, CPA
Legislative Auditor

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OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Board of Dental Examiners (the board) to determine if it should continue in existence.

As required by statute, the legislative committee of reference is to consider this report as part of the oversight process in determining whether this board should be reestablished. The law currently specifies that the board will terminate on June 30, 1997 and will have one year from that date to conclude its affairs.

During the course of our examination, we reviewed and evaluated the following:

- Applicable statutes and regulations.
- Interviews with Department of Commerce and Economic Development, Division of Occupational Licensing personnel.
- Interviews with the board's legal representative.
- Licensing files.
- Investigation files.
- Annual reports of the board's activities.
- Minutes of the board's meetings.
- Office of the Ombudsman on-line closed case files.
- Division of Occupational Licensing Policy and Procedures Manual.
- Contents of the board's correspondence files.
- Other relevant documents.

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ORGANIZATION AND FUNCTION

The Board of Dental Examiners was established in 1955. This regulatory board (see inset at right) is comprised of six licensed dentists, two licensed dental hygienists, and one public member. The dentists and dental hygienists must have been practicing in Alaska for five years immediately preceding their appointment to the board. Alaska Statute also requires that the public member of the board have no direct financial interest

in the occupation the board regulates. Board members are appointed by the governor and serve staggered terms of four years.

Board of Dental Examiners Board Members

James A. Clark, Dentist, Chairman
James R. Arneson, Dentist
Kenneth L. Crooks, Dentist
Raymond L. Lang, Dentist
Phyllis L. Pendergrast, Dentist
Carol L. Ross, Dentist
Susan L. Seater, Dental Hygienist
Connie Stewart, Dental Hygienist
Ann H. McCoy, Public Member

Alaska Statute 08.36.070 establishes the powers of the board. They include:

1. Examining and issuing licenses to qualified applicants.
2. Holding hearings and ordering the disciplinary sanction of a person who violates the provisions of Alaska Statute 08.32, Alaska Statute 08.36, or a regulation of the board.
3. Adopting regulations ensuring that renewal of licenses is contingent upon proof of continued competency.
4. Issuing permits to licensed dentists and dental hygienists who meet standards determined by the board for specific procedures that require specific education and training.

The board is organized under the Department of Commerce and Economic Development, Division of Occupational Licensing. The department is statutorily responsible for performing administrative duties such as receiving applications and fees, issuing licenses as authorized by the board, and providing enforcement and investigative services to the board.

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REPORT CONCLUSIONS

Alaska Statute 08.03.010(c)(7) terminates the Board of Dental Examiners on June 30, 1997. Alaska Statute 08.03.020 provides the board one year in which to conclude its affairs if the legislature does not enact legislation for its continuance. We recommend that the legislature extend the board's termination date until June 30, 2003.

Audits since 1985 have reported that board action or inaction has restricted entry into the dental profession by not allowing licensure by credentials as permitted by Alaska law. Although the board has made significant strides in permitting such licensure, this continues to remain an issue for the board (see Recommendation No. 1). As a result, the legislature may wish to revise the board's statute with regard to licensure by credential and the board's composition to include more public members. The main purpose for public membership on boards is to add a more objective viewpoint which is not inhibited by personal financial interests.

The Findings and Recommendations section of this letter describes areas where weaknesses or conflicts exist. We have made recommendations which, if implemented, will improve the efficiency and effectiveness of the board.

Exhibit 1

Court Orders Board to Allow Licensure by Credentials of Qualified Applicants

In 1984, the board issued an emergency regulation, 12 AAC 28.950, which suspended licensure by credentials after concern was expressed by the Attorney General about the board's procedures. The Attorney General found that the board was conducting an "oral test" instead of an "oral interview" as allowed by statute. In the late 1980's the board refused to permit licensure by credentials of qualified applicants. This was despite specific intent language attached to 1986 legislation which extended the board under the State's sunset statute. This intent directed the board and the division of occupational licensing (OL) to develop new procedures for credentialing. In August 1990, twenty-three applicants applying for licenses by credentials filed a civil suit protesting the board's refusal to consider their applications. The court found for the plaintiffs and ordered the board "to receive and consider all applications submitted by plaintiffs for admission by credentials on or before 60 days from January 28, 1991." According to the Department of Law (Law), this suit cost the state approximately \$40,000 with less than half of this amount being paid with dental licensing fees.

The following table summarizes the total applications for licensure by credentials from FY 90 through FY 93. We believe the sharp upswing of licenses issued in FY 92 represents pent up demand for licensure by credentials.

DENTISTS LICENSED BY CREDENTIALS

DESCRIPTION	FY 86 - FY 90 ¹	FY 91 ²	FY 92	FY 93	FY 94	FY 95	FY 96
Dentists	Unknown	20	55	11	13	16	4 ³
Applications Denied ⁴	Unknown	2	4	6	9	18	10

License by credentials statute revised effective June 1992

Alaska Statute 08.36.234 was revised in 1992 to mandate licensure by credentials. In addition, changes were made to the requirement that an applicant for licensure be "licensed to practice dentistry in 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." The revised statute required that applicants have

passed clinical and written examinations required for licensure in another state, territory, or region of the United States and has been licensed to practice dentistry in that state, territory, or region of the United States; the state, territory, or region must have licensing requirements at least generally equivalent to those of this state at the time of application. [Emphasis added.]

According to the Department of Law,

Current law thus appears to direct the board to be more flexible in accepting, as generally equivalent, out-of-state exams that are not identical to Alaska's exam.

Applicants denied licensure by credentials in FY 91 through FY 96 appeal board's decisions

Alaska Statute 08.36.234, relating to dental licensure by credentials, requires an applicant to meet a variety of qualifications (see page 10). Of the fifteen applicants for licensure by credentials that were denied licensure between FY 91 and FY 96, six were because the state or regional clinical examination required by the state in which they were licensed was not considered by the board to be generally equivalent to the clinical examination required in Alaska for licensure by examination. Two of the six appealed the board's decision. The appeals went to a hearing officer as part of the administrative adjudication process provided for in Alaska Statute 44.62. The appellants' contention was that the clinical examinations were generally equivalent.

The hearing officer recommended that one applicant's licensing decision be reconsidered and that the other applicant be licensed by the board. The board rejected the hearing officer's proposed decision and pursuant to Alaska Statute 44.62.500(c) called for the record and heard additional evidence on whether the examinations were generally equivalent.

¹ There were no dental licenses by credentials issued during FY 86 through FY 90. We did not compile records of any applications for licensure by credentials for this time period.

² Of the twenty-three dentists who filed suit to force the board to license dentists by credentials, sixteen were issued licenses in FY 91 and four in FY 92. The remaining three apparently did not continue to pursue licensure in Alaska.

³ The 1996 class of dentists has not yet graduated, the bulk of FY 96's licensing had not occurred as of the end of our fieldwork.

⁴ Count of denied applications is based on the fiscal year the board makes the decision to reject/deny the application for licensure.

FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The legislature should revise the board's statutes for more flexibility in licensing by credentials.

Issuing a license based on past performance records in place of an examination is termed licensure by credentials. In prior audits, we have criticized the board for not providing a means for licensure by credentials for dentists. Although significant efforts have been made by the board to license dentists by credentials, this method of licensing remains at issue with the board.

After the court decision discussed in Exhibit 1, the standards adopted by the board for general equivalency still resulted, until recently, in the rejection of other regional examinations as being generally equivalent to the WREB examination (see Exhibit 2). The board attempted to compensate for this by instituting a policy of allowing a credential applicant to substitute continuing education to compensate for an out-of-state licensure examination that is not equivalent to Alaska's examination. This appears to be a reasonable policy, however, in a Memorandum of Advice dated November 6, 1992 the Attorney General's office indicated that they did not

Exhibit 2

Board Rejects Examination Requirement of 27 Jurisdictions.⁵

The Western Regional Examining Board (WREB) examination is the clinical examination selected by the board for licensure by examination of dentists. The board's policy since they began licensing by credentials has been to use the "same subject" rule to define general equivalency of examinations.

The board reviews the subjects on the clinical examination that the state in which the applicant has been licensed requires for licensure to ensure that they are the same subjects on the WREB examination. As a result of this rule, in the past some applicants were rejected. They were not licensed, although they had passed either of the two other regional exams, the Northeast Regional Examining Board (NERB) and the Central Regional Dental Testing Service (CRDTS), and the exam given by the State of California. All of these exams were rejected as being generally equivalent because they did not test on endodontics, the branch of dentistry that deals with diseases of the tooth root, dental pulp, and surrounding tissue.

believe that the 1992 amendments allowed the Board to adopt such policy because the policy means that the board would be accepting out-of-state licensing requirements which at the time of the person's application were not generally equivalent to Alaska's requirements at the time of application, and allowing the applicant to supplement his or her qualifications after the fact.

The board, therefore, ceased allowing continuing education to compensate for an out-of-state licensure examination that is found not to be generally equivalent to Alaska's examination.

⁵ Northeast Regional Examining Board (NERB) fifteen member states are: Connecticut, Maine, New Hampshire, Ohio, District of Columbia, Maryland, New Jersey, New York, Illinois, Massachusetts, Michigan, Pennsylvania, Vermont, Rhode Island, and West Virginia. Central Regional Dental Testing Service (CRDTS) eleven member states are: Colorado, Minnesota, North Dakota, Wyoming, Iowa, Missouri, South Dakota, Kansas, Nebraska, Wisconsin, and Illinois.

Exhibit 3

Alaska Statute 08.36.234. Licensure by credentials.

(a) The board shall provide for the licensing without examination, except as provided in (2) of this subsection, of a dentist who

(1) provides certification to the board that the dentist

(A) is a graduate of a dental school accredited by the Commission on Accreditation of the American Dental Association, or its successor agency, and holds a certificate from the American Dental Association Joint Commission on National Dental Examinations that the dentist has passed the written examination given by the commission;

(B) has passed clinical and written examinations required for licensure in another state, territory, or region of the United States and has been licensed to practice dentistry in that state, territory, or region of the United States; the state, territory, or region must have licensing requirements at least generally equivalent to those of this state at the time of application;

(C) is in good standing with the licensing entity in the jurisdiction where the dentist is currently licensed and in all jurisdictions in which the dentist was previously licensed while practicing in those jurisdictions; if the dentist is employed by the federal government, the dentist must be in good standing with the employing federal agency;

(D) has been engaged in continuous active clinical practice averaging at least 20 hours per week for each of the five years immediately preceding the application

(i) in a jurisdiction in which the dentist was licensed and in good standing; or

(ii) working for the federal government while in good standing with the employing federal agency and after having been licensed by a jurisdiction;

(E) is not the subject of an adverse decision based upon a complaint, investigation, review procedure, or other disciplinary proceeding within the five years immediately preceding application, or of an unresolved complaint, investigation, review procedure, or other disciplinary proceeding, undertaken by a state, territorial, local, or federal dental licensing jurisdiction or a dental society;

(F) is not the subject of an unresolved or an adverse decision based upon a complaint, investigation, review procedure, or other disciplinary proceeding undertaken by a state, territorial, local, or federal dental licensing jurisdiction, dental society, or law enforcement agency that relates to criminal or fraudulent activity, dental malpractice, or negligent dental care and that adversely reflects on the applicant's ability or competence to practice dentistry or on the safety or well-being of patients;

(G) has not previously had a license to practice dentistry suspended for grounds similar to those specified under AS 08.36.315, revoked, or voluntarily surrendered;

(H) has completed at least 42 hours of continuing education related to clinical dentistry in the three years preceding application for a license in this state; the continuing education must have been approved by the American Dental Association, the Academy of General Dentistry, or the appropriate specialty board;

(I) has not within the previous three years failed the clinical exam given by the Western Regional Examining Board;

(J) is not the subject of an adverse report from the National Practitioner Data Bank or the American Association of Dental Examiners Clearinghouse for Disciplinary Information that relates to criminal or fraudulent activity, negligent dental care, or malpractice;

(2) has passed, to the satisfaction of the board, a written examination that consists of the portion of the written examination given under AS 08.36.160(b) that pertains to the state's laws on the practice of dentistry; the board may not require a higher passing score for applicants under this section than the board requires for applicants under AS 08.36.110;

(3) is personally interviewed by the board for purposes of verifying credentials;

(4) pays all required fees;

(5) provides the board with an affidavit that the dentist is not an impaired practitioner;

(6) provides to the board an authorization for release of records in a form prescribed by the board.

(b) A dentist applying for licensure without clinical examination is responsible for providing to the board all materials required by this section or by the board to implement this section to establish eligibility for a license without clinical examination. In addition to the grounds for revocation of a license under AS 08.36.315, the board may revoke a license issued without a clinical examination upon evidence of misinformation or substantial omission.

(c) The board shall adopt regulations necessary to implement this section including the form and manner of certification of qualifications under this section.

During this time, the board also proposed a policy to

accept an applicant's certification in a dental specialty as substitute proof to show that the applicant is qualified for an examination topic that is not included on the out of state licensure exam required in the jurisdiction in which the applicant is currently licensed.

However, the Attorney General's office indicated that, for the same reasons cited in the November 1992 memorandum, the board's statute regarding licensure by credentials did not give them the authority to implement this policy (see opposite page for statutes regarding licensure by credential).

Recently, the board has given more consideration to regional examinations when licensing applicants by credential. Since November 1992, both the Central Regional Dental Testing Service (CRDTS) and the Northeast Regional Examining Board (NERB) examinations have been modified, and the CRDTS exam was considered to be generally equivalent. This past spring, the board licensed an applicant who had passed the NERB examination. Additionally, there are eleven other states and territories that do not belong to the regional examination boards, but give their own individual exams. It is unclear how many of these states give exams that would be considered generally equivalent as the board only evaluates exams for equivalence when an application is received from a licensee in that jurisdiction.

The licensing by credential statute is currently being interpreted to require the comparison of the current exam offered in the jurisdiction in which the applicant is licensed, to the exam offered in Alaska at the time of application. Since exams have changed over the years, it is possible that jurisdictions which currently do not test endodontics, resulting in licensees from those jurisdictions being denied based on general equivalency, actually tested this subject at the time the applicant took the exam. Additionally, an individual may also be a specialist in this field of dentistry, or have extensive continuing education in the subject and still be unable to be licensed in Alaska. Thus it seems that the current interpretation of the statute is unduly restrictive, and appears to have resulted in the denial of licensure to qualified dental practitioners.

Some board members appear to be working toward a proposal to make licensing by credentials more flexible. An examination under review would have to meet, for example, six out of eight criteria in order to be considered generally equivalent. These members, however, do not appear to be in the majority. We, therefore recommend that the legislature consider further revising the statute to provide additional flexibility in the examination requirements for licensure by credential. Currently the statute requires that an applicant have

passed clinical and written examinations required for licensure in another state, territory, or region of the United States and has been licensed to practice dentistry in that state, territory, or region of the United States; the state, territory, or region must have licensing requirements at least generally equivalent to those of this state at the time of application.

We suggest the legislature expand this statute to alternatively allow substitution of:

1. Proof of certification in a dental specialty. Applicants should be allowed to demonstrate they are qualified for an examination topic that is not included on the out-of-state licensure exam required in the jurisdiction in which the applicant is currently licensed by providing proof that they maintain a current specialty license in that field.
2. Continuing education. Continuing education credits, as determined to be adequate by regulation to be developed by the board, should be sufficient to demonstrate that the applicant is qualified for an examination topic that is not included on the out-of-state licensure exam required in the jurisdiction in which the applicant is currently licensed.
3. Successful practice history. Proof of continuing practice, for a number of years as determined by the board to be adequate in area of dentistry that is not included on the out-of-state licensure examination required in the jurisdiction in which the applicant is currently licensed, should be sufficient to demonstrate the applicant's qualifications in this area.

In our view, this statutory change will result in increased licensing for qualified dental practitioners that are not currently eligible for licensure.

Recommendation No. 2

The legislature should consider revising the board's composition to include more public members.

The regulation and licensing of qualified professionals is necessary to protect the public's health, safety, and welfare. The board is to provide this service by establishing minimum educational and experience requirements that provide reasonable assurance that persons licensed are qualified. Assurance that licensed professionals act in a competent manner is provided by investigation of complaints and revocation or suspension of licenses when appropriate.

Audits since 1985 have found that board action or inaction has restricted entry into the dental profession by not allowing licensure by credentials as permitted by Alaska law. Such licensure continues to remain an issue for the board (see Recommendation No. 1). The board is currently composed of six dentists, two dental hygienists, and a single public member. Our review, however, indicated that the board's public member was not present for 45% of the meetings and teleconferences held by the board. As there is currently only one public member assigned to the board, the absence of this member leaves the board without a representative from the public.

The main purpose for public membership on professional licensing boards is to add an objective viewpoint which is not inhibited by personal financial interests. We recommend the legislature consider revising the board's composition to include an additional public member to provide better representation of individuals without a direct financial interest in the board's decision making process.

Recommendation No. 3

The legislature should revise the statute requiring submission of a signed photograph by dental applicants.

AS 08.36.120 currently requires that applicants for dental licenses submit an autographed photograph with their application. The Division of Occupational Licensing is not currently requiring that the photograph submitted be signed as it is submitted attached to a signed and notarized application. Additionally, the notary's seal is required to partially cover the photograph on the application. The existing requirement is redundant and we recommend that the legislature delete the word autographed within this statute.

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A ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses of board activities relate to the public need factors defined in the "sunset" law, Alaska Statute 44.66.050. These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

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

The board, through their administration of the licensure of dentists and dental hygienists, has endeavored to present competent dental professionals to the public. Continuing professional education is required for dentists and dental hygienists renewing their licenses. Licensees are required to post and publicly display their licenses. This notifies the public that their practitioner has met the minimum standards for the issuance and renewal of their licenses.

Applicants can be licensed through examination or credentials. Issuing a license by using a performance record in place of an examination is termed licensure by credentials. Prior audits have noted that the board has restricted entry by making it difficult to obtain a license by credentials. Although the board has considerably increased their efforts to provide for licensure by credential, this issue continues to consume resources of the board (see Recommendation No. 1).

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

During FY 94, FY 95, and FY 96, the board achieved their statutory requirement of meeting at least four times during the year. Relatively frequent teleconferences were also held to permit applicants to be licensed between the regularly scheduled quarterly board meetings.

Board members are appointed by the governor, and the creation and composition of boards are defined within Alaska statutes. According to our review of FY 94 through FY 96 board appointments, the current composition of the board raises some concern. In our view, public interests would be better served by the addition of a second public member to the board (see Recommendation No. 2).

Since the last sunset audit, changes to the Alaska Administrative Code include:

- A. The addition of regulations requiring all non-metal full base dentures to be identified with the owner's first initial and last name at the time of processing.

- B. The addition of regulations requiring that acceptable cardiopulmonary resuscitation techniques for licensure be based on training equivalent to that required by the American Heart Association or American Red Cross.
- C. The addition of regulations requiring applicants for licensure by credentials take a clinical examination on the subjects of periodontics, endodontics, amalgam and cast gold, and either a clinical or written examination on prosthetics.

As indicated in Recommendation No. 1, we believe that this interpretation of the general equivalency standard has resulted in the denial of licensure for qualified individuals, impeding the board's efforts to license qualified individuals by credential. We, therefore, recommend that changes be made to this statute to provide more flexibility to the board to allow dentists interested in relocating to Alaska from other jurisdictions to be licensed.

Annual reports for FY 94, and FY 95 were submitted by the board to OL. As of the end of fieldwork, the deadline for submission of the FY 96 report had not yet passed.

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

The board is primarily composed of relatively new members. The new board has not yet recommended any statutory changes be made to the dental hygienists' or dentists' statutes.

There has been only one statutory change to the dental hygienists' statutes (Title 8, Chapter 32) since our previous audit. Effective September 1995, Alaska Statute 08.32.110(d) was added as follows:

This section does not prohibit a dental assistant from applying topical preventive or prophylactic agents or pit and fissure sealants when those duties have been delegated to the assistant by a dentist licensed under AS 08.36 or by a dentist exempt from licensure under AS 08.36.350(a)(2).

Few statutory changes have been made to the dentistry statutes (Title 8, Chapter 36) since our previous audit. Effective September 1995, however, the legislature revised the board's statutes to include the following:

- A. Alaska Statute 08.36.070(13) was added to require applicants to have, and maintain throughout the period of a license, current certification in cardiopulmonary resuscitation techniques.
- B. Alaska Statute 08.36.315(4) was added to include receipt of compensation for referrals as grounds for discipline, suspension, or revocation of license.

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

The location, date and time of board meetings and examinations are published in newspapers around the State so that those interested can attend. During our review, however, we noted that for 27% of the regularly scheduled meetings reviewed, a public comment period was neither included in the board meeting agenda nor provided during the meeting itself.

The board also publishes a summary of disciplinary actions, in a newspaper of general circulation, at least annually as required by Alaska Statute 08.36.070(10).

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

As discussed above, a public comment period was not consistently made available at board meetings. However, a public comment period is made available in the process of adopting new regulations.

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

The Office of the Ombudsman closed eight files relating to the board during FY 94 through FY 96. Six of these complaints were closed the date of their receipt with the complainant referred to occupational licensing (OL). Three of these six complaints alleged that OL was not reviewing applications in a timely manner. This appeared to be the result of a policy change requiring the entire board to review new applications. Additional audioconferences are now scheduled to accommodate new applicants in a timely manner.

The remaining three complaints were resolved within two weeks of receipt as follows: 1) The complaint alleged that a probation monitor's reports were not presented to the board, resulting in termination of the monitor on an erroneous basis. This complaint was investigated, and it was found that the licensing staff did not act improperly, the board chose not to have a full hearing on the issue; 2) The complaint alleged that the board unreasonably would not provide information regarding policies and procedures for investigating complaints, this complaint was resolved by providing complainant with a copy of procedures obtained from OL; and 3) The complaint alleged that the board ignored relevant facts in license restriction hearing. This complaint was made over one year after the incident occurred. Since the complainant did not wish to appeal, he was informed that the complaint was not timely for review.

Between FY 94 and current FY 96, the Division of Occupational Licensing investigated 58 complaints related to dentists and dental hygienists. The most common complaint was incompetence on the part of the practitioner (23%) with drug diversion the second most common complaint (17%).

We reviewed a sample of 14 investigations. From our review we determined that the Division of Occupational Licensing and the Board of Dental Examiners were investigating and resolving complaints in a timely manner, given the budgetary constraints involved.

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

Based on the numbers included in the board's FY 95 annual report, and the Licensing Examiner's records for FY 96, as of the end of our fieldwork, the number of active licenses/permits by category is as listed below.

Category	Total	Issued in FY 96
Dentists	461	14
Dental Hygienists	400	19
Dental Specialists	73	4
Parenteral Sedation Permit	25	1
Local Anesthetic Permit	305	13
General Anesthetic Permit	15	2
Branch Office Registration	15	1
Total	1,294	54

The board is statutorily responsible for the issuance of all licenses. A person may apply for licensure by examination or by credentials (see Recommendation No. 1). During our testing, we found no instances where the board licensed unqualified applicants, however, we did note three instances where specialty license applications were not reviewed by a specialist in the same field of dentistry prior to licensure, as required by Alaska Statute 08.36.247(a).

As noted in Recommendation No. 3, Alaska Statute 08.36.120 requires an applicant to submit an unmounted, autographed photograph along with their application. Application forms, however, do not specify the photograph must be autographed. This requirement seems redundant since the photograph accompanies a signed application.

As indicated above, the issue of licensure by credential continues to consume a significant amount of board resources. In fact, the issue consumes so many board resources that the board felt it was justified to begin to charge these individuals \$1500 for each credential application reviewed. This amount was three times that originally proposed to the board by the Division of Occupational Licensing. We reviewed six out of the twenty nine states that provide for licensure by credential, and found that this fee was 424% above the average fee for licensure by credential.

Application Fees for Selected States Providing Licensure by Credential⁶

Fee Type	Alaska	New York	Kansas	Illinois	Washington	Iowa	Average	AK's Fees Compared to Average
Application & Original License Fee	650	230	100	25	540	100	293	222%
Credential Review Fee	1500	0	50	25	375	175	354	424%

Although the fees for dental licensure by credential in Alaska seem unreasonably high, the fee for credential review in the state represents only 1.7% of the national average annual income for dentists (\$90,000). Therefore, it is unclear that this fee represents a barrier to entry to the profession for dentists who desire to practice in Alaska.

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

We did not find any evidence that the board was not complying with state personnel practices, or the Civil Rights or the Americans with Disabilities Acts in qualifying applicants. OL has reviewed the applications for dental licensing to determine if the questions asked are reasonable and in accordance with the above Acts.

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

Please refer to the Findings and Recommendations section of this report.

⁶ Note: Fees for licensure have been adjusted as necessary to ensure comparability. Candidates for licensure by credential must pay the applicant fee, original license fee, and the credential review fee. Amounts indicated as credential review fees represent only the additional costs for licensure by credential above the regular licensure by examination fees.

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STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

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December 27, 1996

Mr. Jim Griffin
Division of Legislative Audit
State of Alaska
P.O. Box 113300
Juneau, AK 99811-3300

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LEGISLATIVE AUDIT

Dear Mr. Griffin:

Thank you for the opportunity to comment on the audit report regarding the Alaska Board of Dental Examiners. We appreciate the opportunity to respond before the finalized report is submitted. The text of Dr. Clark's October 2, 1996, letter appears below and has been modified only by updating certain paragraphs. For your ease in reading, I have darkened the text so that you can see where changes have been made.

As you know, Alaska laws regarding dental licensure by credentials are relatively new. The dental profession and Dental Boards throughout the United States opposed licensure without examinations (by credentials) until the mid-1980s. Currently, less than half of the states permit true licensure by credentials. There are significant differences between licensure by endorsement, licensure by reciprocity, and licensure by credentials that might not be reflected in various licensure tables that might have been reviewed by your auditors. Licensure by these means is a very complex issue, and a number of national and regional dental organizations (ADA, ADHA, AADE, AADA, WREB, NERB, SRTA, CRDTS, etc.) have been focused on this issue the past 10 to 15 years. Previous opposition has been reversed and dentistry now supports licensure by credentials. However, it must be done thoughtfully and carefully if the mission of State Dental Boards (protect the public welfare) is to be preserved.

The Alaska Board of Dental Examiners strongly disagrees with your statements that "*board actions or inactions have restricted licensure by credentials as permitted by Alaska law.*" In the last three fiscal years (1994, 1995, and 1996), 47 applications for licensure by credentials were processed, and 42 (89.4 percent) were approved. Those few that were not approved did not meet minimum licensure requirements as defined by Alaska law. Even teachers have minimum requirements to be licensed in Alaska. The board has reviewed the requirements for licensure by credentials in other states to determine if this method of licensing can be further facilitated while still ensuring that the citizens of Alaska have access to competent dentistry. One-third of each scheduled dental board meeting is devoted to the matter of credentialing dentists and dental hygienists. We feel that we are very responsive and receptive to issues of dental credentialing. Further, we have been advised, as recently as February 1996 by

the Attorney General's (AG) office, that we must follow existing Alaska law to the letter. I was glad to see that you had identified some of the earlier AG interpretations that have directed previous board actions in this regard. The current Alaska Board of Dental Examiners feel that we are ALL (100 percent) in favor of improving our flexibility in this arena. As you noted, most of the board is relatively new to public service in this capacity. In contrast to previous boards, current membership is harmonious and cooperative. I think that the outlook for future collaboration and improvements is quite good. The Western Regional Examining Board (WREB) has been discussing a Credential Review Analysis service and this topic was an agenda item at the October 11-12, 1996, WREB meeting in Phoenix. The Alaska Board of Dental Examiners is very much in favor of transferring this function to WREB. Credentialing dental professionals only yields criticism by others. No one seems to appreciate or even recognize good faith efforts on our part!

The board is unanimous in our opposition to your position that our actions are directed by personal financial interests. This was a reoccurring theme in your preliminary report and it is simply not true. Even our public member feels otherwise. Board members are experienced dental practitioners who are as busy in their practices as they want to be. Most or all of us welcome new dentists and dental hygienists to help share the demand for dental services. Further, Alaska is a huge state and none of us know what community an applicant might be interested in. Certainly, we never ask or inquire before voting. It is professionally insulting to suggest that we would base our actions or decisions on economics in any fashion. If financial concerns governed our actions, none of us would serve on the Dental Board since it is an unpaid and unappreciated activity that takes us out of our offices and consumes hours and hours of our free time.

The Alaska Board of Dental Examiners generally agreed with your first recommendation to provide more flexibility in licensure by credentials. We are currently studying the procedures in place in other states that allow licensure in this manner. It was an agenda topic at our September 1996 board meeting and was discussed further at the December 1996 scheduled meeting. **At the December meeting, the board made recommendations for changes in regulations that were intended to remove barriers to licensure by credentials.**

The second recommendation to include another public member on the board is acceptable as long as the numbers of dentists and dental hygienists are not reduced. As the **recently-resigned public member** will attest, there are numerous professional issues in dentistry that come before the board and professional input should not be diluted. Additionally, dental professionals on the board are required to serve as examiners at regional examinations around the country. The current Dental Board has found consumer input from the public member quite helpful in some of our deliberations. As you know, each member of the Dental Board has a full-time job and our public member had teaching responsibilities that precluded attendance at some of our scheduled meetings. Perhaps another public member will help ensure consumer representation at future meetings. **The inability of our public member to attend all meetings is evidence of the need for a second public member. The fact that the only public member resigned makes this change urgent.**

The board agreed with your third recommendation for the reasons cited.

Evidently, your preliminary report was prepared some time ago. Your reference to the Annual Report for FY 96 was otherwise puzzling since the FY 96 Annual Report was finalized and submitted for publication prior to August 1, 1996. I am quite sure that the Licensing Examiner (Katherine Hazelton) would be happy to provide you with a copy upon your request.

On page 7 of your report, you referred to the absence of a Public Comment period in the agenda for one or two of our scheduled Dental Board meetings. Perhaps you did not know that a new Licensing Examiner had been appointed to that position replacing the former Examiner. The new Licensing Examiner indicated that she did not know that a Public Comment period was supposed to be scheduled at each meeting. When this was pointed out, she self-corrected that paper requirement. Even so, your use of the word "sporadic" (page 8) seems to imply a biased observation. On the contrary, your reference could have indicated that 73 percent of the time, a Public Comment period was properly scheduled. It is ironic that you found the issue even remotely interesting since most Public Comment periods pass without anyone present to discuss issues of any type, form, or substance.

Your discussion of credentialing fees charged by other states needs revision. I personally called three of the six State Dental Boards you referenced and found that all three Credential Review Fees you recorded (page 10) were in error. Specifically, the State of New York (518-474-3888) charges \$345.00 (not \$0), the State of Kansas (913-273-0780) charges \$105.00 (not \$50.00), and the State of Washington's (360-586-6898) fee is \$700.00 (not \$375.00). It would appear that your review reference is considerably outdated. For example, I was informed that the Credential Review Fee in Washington was \$1,400.00 as recently as December 1995. The Licensing Examiner can provide you with contact names and telephone numbers of each State Dental Board if you care to check into this issue further. We have discussed this licensure fee in great detail and feel that it is a fair and reasonable charge considering the time, application processing, reference calls, and scheduled meeting time each quarter devoted to licensing by credentials. In fact, it is a bargain when compared to the costs involved with obtaining licensure by examination. Lowering the costs of obtaining a dental license by credentials would increase the board's work load substantially and would not serve the public interest.

Once again, thank you for the opportunity to respond to our preliminary Legislative Audit. I hope that these remarks are of some value to you and I would be happy to discuss these issues (and any others) further at any time. Please call me at my office (907-842-5245), or send me E-mail at rsklc1@aurora.alaska.edu if I can assist you further or clarify any of my remarks.

Sincerely,

Kenneth Crooks Jay JW

Dr. Kenneth Crooks
Chairman
Alaska Board of Dental Examiners

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cc: Catherine A. Reardon, Director
Division of Occupational Licensing

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