

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 86/2

9297 HOUSE LABOR & COMMERCE

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

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December 17, 1996

Mr. Randy S. Welker
Legislative Auditor
Division of Legislative Audit
Legislative Budget and Audit Committee
P.O. Box 113300
Juneau, AK 99811-3300

RECEIVED
DEC 18 1996

LEGISLATIVE -

Dear Mr. Welker:

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

The Department of Commerce and Economic Development agrees that the Board of Dental Examiners is operating in the public interest and should be extended until at least June 30, 2003. The following is the Department's response to the analysis and recommendations contained in the preliminary audit.

Recommendation No. 1: The legislature should revise the Board's statutes for more flexibility in licensing by credentials

The Department agrees that statutory changes should be considered to allow competent dentists to obtain Alaska licenses while protecting the public from unqualified practitioners. The preliminary audit suggests three alternative methods of demonstrating capability in areas of practice not covered by an examination. The Department finds these alternatives worthy of careful consideration by the Board, the public and the legislature.

Recommendation No. 2: The legislature should consider revising the Board's composition to include more public members

The Department supports an increase in the number of public members, provided that the overall size of the Board does not increase.

Recommendation No. 3: The legislature should revise the statute requiring submission of a signed photograph by dental applicants

The Department concurs with the recommendation to delete the word "autographed" from this statute.

Analysis of Public Need

The audit raises concerns that a public comment time was not provided for 27% of the regularly scheduled meetings reviewed. Division policy and procedure DOL-2, effective January, 1990, states the requirement for board meetings and agenda preparation. The lack of a specific public comment period on the Dental Board agenda was an oversight and has been corrected for future meetings. It should be acknowledged that individuals attending a board meeting have always been given an opportunity to address the Board, regardless of whether the agenda reflected a public comment period.

The audit refers to complaints the Office of the Ombudsman received alleging the division did not review applications in a timely manner. Several years ago, all dental hygienist applicants and dentist applications for licensure by credential were reviewed by a designated board member. Based upon approval by the board member, the division issued licenses. However, the Department of Law then advised that boards could not delegate application review to a single member.

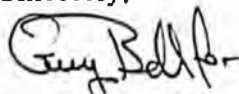
Application review is now conducted at a regular board meeting or teleconference meeting or by mail ballot. This change in procedure requires applicants to complete their applications well in advance of a board meeting, so the documents can be reviewed by staff, copied and distributed to board members. This process was the subject of the complaints to the Office of the Ombudsman. The Board and the division strive to process applications promptly within the constraints of the law.

As noted in the preliminary audit, both the division and the Board erred in failing to have a specialist review three specialty license applications as required by AS 08.36.247(a). The division has updated the application checklist to include documentation that the specialist review has taken place.

Finally, the preliminary audit refers to the fee for review of applications for dental license by credential. In August of 1996, the Department proposed changes to dental fees. The Board and numerous licensees objected to the Department's proposal to lower credential review fees from \$1,500 down to \$900. After consideration of public comment, the Department adopted a fee of \$1,200 for credential review.

In conclusion, the Department appreciates the effort required to produce a thorough and balanced audit, and thanks the Legislative Budget and Audit Committee for the opportunity to comment.

Sincerely,



William L. Hensley
Commissioner

WLH/CR/kg

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

December 27, 1996

Members of the Legislative Budget
and Audit Committee:

We have reviewed the responses from the Chairman of the Board of Dental Examiners, and have the following comments.

In the board's response they take exception with the report phrasing that "*board actions or inactions have restricted licensure by credentials.*" The board states that this inaccurate and point to its recent licensing record. We acknowledge the board has a good, and much improved record in this area. The phrase the board takes exception to was used in the report to recap the tone and major issue that was set out in **prior audits** conducted since 1985.

We think the use of this phrasing is historically accurate, and point to the discussion of the court case presented in Exhibit 1 on page six. But we agree with the board that improvements have been made — to the point to where now the board's statutes, rather than licensing philosophy, is possibly the central impediment. In short, we think the phrase is historically accurate, but acknowledge the change in attitude and approach of the board in recent years.

The board also takes umbrage at what they feel is an attack on their personal integrity. They take exception to what they characterize as a "reoccurring theme" in the report that they take actions only to further their personal financial interests. Our discussion of "financial interests" was in the context of Recommendation No. 2, where we suggest the legislature consider adding an additional public member to the board. We were essentially speaking theoretically, bringing to the legislature's attention the public policy precept that increased public membership promotes open, public-interest perspective into the activities of a licensing board.

As set out in the report, the board has had a history of limiting professional entry (although it is certainly much improved in recent years) and the single public member of the nine-person board was not present at 45% of the board's meeting over the past three years. Given these circumstances we thought it was appropriate for the legislature to at least consider expanding

public membership on the board, in order to better achieve the public policy objective provided by a public presence.

It should be noted that by statute, the Board of Accountancy has two public members among its seven. In our view, it is reasonable to at least consider perhaps two public members on the nine person dental board. It was not our intent to accuse or imply by our recommendation there was self-serving venality going on with the current Board of Dental Examiners.

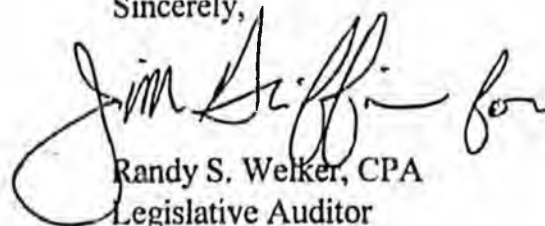
On page 3 of the response the Chairman wrote:

Your discussion of credentialling 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 17 of final report] were in error. Specifically, the State of New York charges \$345.00 (not \$0), the State of Kansas charges \$105.00 (not \$50), and the State of Washington's fee is \$700 (not \$375). 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 information reported in this table was obtained from licensing statutes and discussion with licensing examiners for the states reviewed. As indicated in the footnote associated with the table on page 17 of this report, the fees for licensure have been adjusted as necessary to promote 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. For example, although the State of New York provides for licensure by credential, the fee is the same as that for licensure by examination (\$345). This fee, however, is for a triennial licensing, therefore, we reported only the two-thirds of this cost in order to ensure comparability with Alaska's system of biennial licensing.

Similarly, the amounts reported for the State of Kansas and the State of Washington were also adjusted for comparability. Upon receipt of the Chairman's letter, we verified the information in our report with the licensing examiners within these states and found that the information we reported was accurate. In fact, we were also informed that, in the State of Washington, licensing fees were decreased from \$1,400 to the current amounts in September 1995, not December 1995 as indicated by the Chairman.

Sincerely,



Randy S. Welker, CPA
Legislative Auditor

HB

136

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 136

Revision Date: _____ Department: Commerce and Economic Development
 Title: An Act relating to the regulation of physical therapists BRU: Occupational Licensing
and physical therapy assistants; extending the term date.... 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						
CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0

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: \$ 53.2

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

HB 136 extends the State Physical Therapy and Occupational Therapy Board to June 30, 2003 and makes other amendments to AS 08.84. Funding for continuation of the board in the amount of \$53.2 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 *JS* Phone: 465-2144
 Division: Occupational Licensing *JS* Date: 3/14/97
 Approved by Commissioner: William L. Hensley *W. Hensley* Date: 3-14-97
 Agency: Commerce and Economic Development



MAIL BOXES ETC.

MAR 24 1997

Facsimile Transmission

To: House L & C - Shirley Armstrong
HB 136 staff for Rep. Rokelberg

Fax Number: (907) 466-2040

Date: 3/24/97 Total Pages: 3

From: Pauline Bennett-Gannon, AKOTA

586-9518 SB91 / HB136
 7:51 pm - physical therapists
 Share Macklin
 org to Amibus
 Insura Bill
 HB 218 - freedom of
 choice for health
 care providers

March 21, 1997

To: Representatives Rokeberg, Cowdery, Hudson, Ryan, Sanders, Brice and Kubina of the Alaska House of Representatives Labor and Commerce Committee

From: Pauline Bennett-Gannon, OTR/L
Alaska Occupational Therapy Association- President
1076 Willow Grouse Road (home address)
Fairbanks, AK 99712

Re: **H B 136 Physical Therapists and Occupational Therapists**

Please pardon my lack of understanding of the system that bills travel in my testimony to your Committee Friday, March 21, 1997. I had sent information for SB 91 and had the impression that the amendments made to the Senate version of the bill would be given to you. Now I see that I misunderstood one of the Senate staffers who told me not to send the same thing I had sent for their hearing. I suspect she meant not to send the same format, in addition to the one additional suggestion (incorporated below) which was faxed to Shirley Armstrong, staffer for Representative Rokeberg.

My oral testimony was to **Amend HB 136**. Briefly, here are the specifics:

1. The Alaska Occupational Therapy Association (AkOTA) Executive Board supports HB 136 to extent the PT and OT Board, but would like to recommend some additional changes. Mostly are in the nature of improving accuracy or clarity in the law. I have reviewed the proposed amendments with Jean McCarthy, Alaska Physical Therapy Association (APTA) President; and Larry Seethaler, President of the State Board for Physical Therapy and Occupational Therapy, to insure that they had no problems with these proposed changes.

2. Amendments:

A. The use of the word **and** in Sec. 08.84.030 (b) (1) should be replaced by **or**. This is because the AMA was involved in the approval of allied health curriculum for PTs and OTs in the past, but is not currently as there are commissions within the individual professions which do it now. The language in part (a) for Physical Therapist is "or" which supports both those who were educated some time ago, and those who more recently completed their schooling. We ask that the language in (b)1 for Occupational Therapists be changed to be accurate as well.

B. In Sec. 08.84.032 (a) (3) we support your intent to not have board members administering English proficiency tests to every foreign trained applicant (especially if from an English speaking country); however, as a former board member, I would like the board to still have the option to test. Therefore, after "an interview with a member of the board" I would like to see "**or appropriate testing**" or similar wording where regulatory language can hook. The type of test used and specifics can be addressed in regulation (Ms. Reardon

had a possible specific test). Communication with the client/patient and other health care staff for education and coordination of care services is very important in therapy. Because of past manpower shortages in allied health positions such as OT and PT, there have been a number of schools around the world (Belgium, Phillipines, etc.) cranking out graduates who want to come to the U.S. This is in addition to N.A.F.T.A. which may bring some of our Canadian neighbors who are skilled in English.

C. In Sec. 08.84.032 (b) the same change of *and* to *or* is needed as in Sec. 08.84.030 (b) (1) addresses in suggestion "A" above. In addition, we would like to see the same wording as you adopt in (a) 3 [as above referring to PT], be inserted for Occupational Therapy as (b) 3. This would cause current (b) (3), (4), and (5) to be renumbered, becoming (b) (4), (5), and (6).

D. In Sec. 08.84.150 (b) we would like to have three words added for clarity so that that section would read... "(b) A person may not provide services that the person describes as occupational therapy without being licensed under this chapter unless the person is". This would be consistent with the PT wording in (a) and gives further clarity in understanding the law. (We have been made aware of concern where someone was interpreting that "any Alaska license" would do. The situation was resolved and so did not get turned in and investigated by the Attorney General's office. This wording might prevent a similar happening).

As the above changes would increase accuracy and clarify statutes on which the regulations are based without additional fiscal cost changes; I respectfully ask you to adopt these amendments. Thank you. If I can assist in answering any further questions, please leave me a message to return your call at (907) 452-2000, 441; or you can reach me in the evening at (907) 457-6127.

cc: L.S. AK PT & OT Board
AkOTA Licensure and Legislative Committees
APTA President

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

MAR 25 1997

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 25, 1997

SUBJECT: CSHB 136(L&C) (Physical and Occupational Therapists)

TO: Representative Norman Rokeberg
Attn: Shirley Armstrong

FROM: Terri Lauterbach *TLauterbach*
Legislative Counsel

Enclosed is the CS you requested for HB 136. As requested, it is identical to CSSB 91(L&C). The purpose of this memorandum is to alert you to the fact that there is a flaw in both CS's.

In sec. 3 of each CS, the addition of a new paragraph (3) in AS 08.84.032(b), and the renumbering of the subsequent paragraphs, probably makes the references in AS 08.84.065(a)(1)(B) inaccurate. Currently, AS 08.84.065(a) reads as follows:

- (a) The board may issue a nonrenewable temporary permit to an applicant for licensure by acceptance of credentials or by examination who
 - (1) meets the requirements of
 - (A) AS 08.84.030(a)(1) or (b)(1); or
 - (B) AS 08.84.032(a)(2) and (4) or *(b)(2) and (3)*; and
 - (2) pays the required fee.

The issue for consideration is whether, in light of the new paragraph (3) in AS 08.84.032(b), the reference italicized above should be "(b)(2) and (4)" or "(b)(2) - (4)".

If you wish to deal with this issue in the House Labor and Commerce Committee, please let me know which way you want to amend AS 08.84.065(a)(1)(B) and I will prepare a new CS for you.

TML:glc:jdr
97-213.glc

Enclosure

0-LS0548VE
Lauterbach
3/25/97

CS FOR HOUSE BILL NO. 136(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 the regulation of physical therapists, physical therapy
2 assistants, occupational therapists, and occupational therapy assistants; extending the
3 termination date of the State Physical Therapy and Occupational Therapy Board;
4 and providing for an effective date."

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

6 * Section 1. AS 08.03.010(c)(16) is amended to read:

7 (16) State Physical Therapy and Occupational Therapy Board
8 (AS 08.84.010) -- June 30, 2001 [1997];

9 * Sec. 2. AS 08.84.030(b)(1) is amended to read:

10 (b) To be eligible for licensure by the board as an occupational therapist or
11 occupational therapy assistant, an applicant, unless a graduate of a foreign school of
12 occupational therapy located outside the United States, shall

13 (1) have successfully completed a curriculum of occupational therapy
14 approved by the Committee of Allied Health Education and Accreditation of the

1 American Medical Association or [, AND] the American Occupational Therapy
2 Association [APPROPRIATE TO THE LICENSE BEING SOUGHT];

3 (2) submit proof of successful completion and supervised field work
4 approved by the board

5 (A) for an occupational therapist, a minimum of six months of
6 supervised field work;

7 (B) for an occupational therapy assistant, a minimum of two
8 months of supervised field work;

9 (3) pass, to the satisfaction of the board, an examination prepared by
10 a national testing service approved by the board or an examination recognized by the
11 American Occupational Therapy Association to determine the applicant's fitness for
12 practice as an occupational therapist or an occupational therapy assistant, or be entitled
13 to licensure without examination under AS 08.84.060; and

14 (4) meet qualifications for licensure established in regulations adopted
15 by the board under AS 08.84.010(b).

16 * Sec. 3. AS 08.84.032 is amended to read:

17 **Sec. 08.84.032. Foreign-trained applicants.** (a) To be eligible for licensure
18 by the board as a physical therapist or physical therapy assistant, an applicant who is
19 a graduate of a school of physical therapy that is located outside of the United States
20 shall

21 (1) have completed, to the satisfaction of the board, a resident course
22 of study and professional instruction equivalent to that provided by a school approved
23 by the Council on Medical Education and Hospitals of the American Medical
24 Association or the American Physical Therapy Association, and furnish documentary
25 evidence of compliance with this paragraph, translated, if necessary, into the English
26 language by a person verifying the accuracy of the translations;

27 (2) have completed, to the satisfaction of the board, an internship under
28 the continuous direction and immediate supervision of a physical therapist in an
29 institution that ordinarily provides physical therapy and is approved by the board, for
30 that period of time specified by the board, and furnish documentary evidence of
31 compliance with this paragraph;

1 (3) at the discretion of the board, demonstrate an ability to
2 effectively speak English through an interview with [PASS AN ORAL
3 EXAMINATION ADMINISTERED BY] a member of the board;

4 (4) have met applicable requirements under the federal Immigration and
5 Nationality Act (8 U.S.C. 1101 et seq.), unless a United States citizen;

6 (5) ~~pass~~ the examination administered by the board under
7 AS 08.84.030(a)(2); and

8 (6) pay the fee required under AS 08.84.050.

9 (b) To be eligible for licensure by the board as an occupational therapist or
10 occupational therapy assistant, an applicant who is a graduate of a school of
11 occupational therapy that is located outside of the United States shall

12 (1) have completed, to the satisfaction of the board, a resident course
13 of study and professional instruction equivalent to that provided by a curriculum
14 approved by the Committee of Allied Health Education and Accreditation of the
15 American Medical Association or [AND] the American Occupational Therapy
16 Association, and have furnished documentary evidence of compliance with this
17 paragraph, translated, if necessary, into the English language by a person verifying the
18 accuracy of the translations;

19 (2) have completed, to the satisfaction of the board, supervised field
20 work equivalent to that required under AS 08.84.030(b);

21 (3) at the discretion of the board, demonstrate an ability to
22 effectively speak English through an interview with a member of the board;

23 (4) have met applicable requirements under 8 U.S.C. 1101 - 1503
24 (Immigration and Nationality Act) unless a United States citizen;

25 (5) [(4)] pass an examination administered or approved by the board
26 under AS 08.84.030; and

27 (6) [(5)] pay the fee required under AS 08.84.050.

28 * Sec. 4. AS 08.84.150(b) is amended to read:

29 (b) A person may not provide services that the person describes as
30 occupational therapy without being licensed under this chapter unless the person is

31 (1) a student in an accredited occupational therapy program or in a

1 supervised field work program;

2 (2) a graduate of a foreign school of occupational therapy fulfilling the
3 internship requirement of AS 08.84.032, and then only unless under the continuous
4 direction and immediate supervision of an occupational therapist;

5 (3) an occupational therapist or occupational therapy assistant employed
6 by the United States Government while in the discharge of official duties;

7 (4) granted a limited permit under AS 08.84.075;

8 (5) licensed under this title and uses occupational therapy skills in the
9 practice of the profession for which the license is issued; or

10 (6) employed as a teacher or teacher's aide by an educational institution
11 and is required to use occupational therapy skills during the course of employment, if

12 (A) the occupational therapy skills are used under a program
13 implemented by the employer and developed by a licensed occupational
14 therapist;

15 (B) the employer maintains direct supervision of the person's
16 use of occupational therapy skills; and

17 (C) the person does not represent to

18 (i) be an occupational therapist or occupational therapy
19 assistant; and

20 (ii) practice occupational therapy.

21 * Sec. 5. This Act takes effect July 1, 1997.

Audit Report

DEPARTMENT OF COMMERCE AND
ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING
STATE PHYSICAL THERAPY AND
OCCUPATIONAL THERAPY BOARD

October 24, 1996



Audit Control Number:

08-1444-96

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

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Representative Con Bunde
Representative John Davies
Representative Gary Davis
Representative Vic Kohring
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DIVISION OF LEGISLATIVE AUDIT

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ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



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(907) 465-3830
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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
STATE PHYSICAL THERAPY
AND OCCUPATIONAL THERAPY BOARD

October 24, 1996

Audit Control Number

08-1444-96

The objective of the audit was to determine whether the State Physical Therapy and Occupational Therapy Board should continue in existence. Alaska Statute 08.03.010(c)(21) 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's termination date 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.

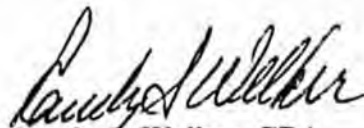

Randy S. Welker, CPA
Legislative Auditor

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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 State Physical Therapy and Occupational Therapy 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.

Objectives

Given the context as discussed above, the objectives of our review are twofold:

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 appropriate control over licensed physical and occupational therapists. 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

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 and selected board members.
- 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 State Physical Therapy Board was established in 1974, and expanded in 1987 to include Occupational Therapy.

The current board (see inset at right) is comprised of seven members; three physical therapists, two occupational therapists, one physician, and one public member.

State Physical Therapy and Occupational Therapy Board Members

Lawrence W. Seethaler, Physical Therapist, Chairman
Leslie F. Schwartz, Physical Therapist
Mary Pomeroy-Horne, Physical Therapist
Anne P. Mattson, Occupational Therapist
Dee Berline, Occupational Therapist
Cary S. Keller, Physician
Arlene C. Gerety, Public Member

Alaska Statute also requires that the public member of the board have no direct financial interest in the health care industry. Board members are appointed by the governor and serve staggered terms of four years.

Alaska Statute 08.84.010 establishes the powers of the board. They include:

1. Examining qualified applicants.
2. Suspending, revoking, or refusing to issue or renew a license.
3. Issuing permits to license physical therapists, physical therapy assistants, occupational therapists, and occupational therapy assistants who meet standards of education and training determined to be necessary by the board.

The board is organized under the Department of Commerce and Economic Development, Division of Occupational Licensing (OL). OL provides the board with licensing and investigative support. 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.

(Intentionally left blank)

REPORT CONCLUSIONS

In our opinion, the State Physical Therapy and Occupational Therapy Board should be reestablished. The regulation and licensing of qualified professionals serves to protect the public's health, safety, and welfare. The board provides this service by establishing minimum educational and examination requirements that provide reasonable assurance that persons licensed are qualified. Active investigation of complaints and revocation or suspension of licenses also provides assurance that licensees act in a competent manner.

Alaska Statute 08.03.010(c)(16) terminates on June 30, 1997. Under AS 08.03.020 the board has one year in which to administratively 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.

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FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The Office of the Governor should exercise care in board member appointments to the State Physical Therapy and Occupational Therapy Board.

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 appointment of the current public member raises some concern.

The main purpose for public membership on boards is to add an objective viewpoint which is not swayed towards the profession or an industry which financially relies on that profession. If the public member is not independent from the profession and industry, that viewpoint could be compromised. Below is the legal criteria to be used for public member appointments to boards and commissions.

AS 08.01.025. Public members. A public member of a board may not

- (1) be engaged in the occupation that the board regulates;*
- (2) be associated by legal contract with a member of the occupation that the board regulates except as a consumer of the services provided by a practitioner of the occupation; or*
- (3) have a direct financial interest in the occupation that the board regulates.*

Additionally, AS 08.84.010 requires that the public member of the State Physical Therapy and Occupational Therapy Board be a "lay person with no direct financial interest in the health care industry." The board's current public member is a registered nurse with an active Alaska nursing license. She is employed as a "Nurse Auditor" on a part-time basis by a company who provides services to insurance companies. Her duties consist of reviewing medical records to evaluate the reasonableness and necessity of treatment provided, evaluating hospital and chiropractic bills from a cost containment perspective and performing research for insurance companies.

In our view, this employment represents a direct financial interest in the health care industry, and is inconsistent with the requirements of AS 08.84.010. Additionally, discussion with this individual indicated that she has been asked in the past and may be asked in the future, to review medical records pertaining to treatment provided by physical therapists. In our view, this constitutes a direct financial interest in the occupation that the board regulates, which is prohibited under AS 08.01.025(3).

We recommend that the board's public member not be reappointed and the Office of the Governor consider such issues prior to the appointment of a new public member in order to avoid similar circumstances in the future.

Recommendation No. 2

The legislature should consider revising the statutory requirement that the board conduct an oral examination of foreign-trained applicants.

AS 08.84.032(a)(3) requires that foreign-trained applicants for licensure as physical therapists and physical therapy assistants pass an oral examination administered by a member of the board. Only one foreign-trained applicant, from Canada, was licensed during FY 94 through FY 96, however, the board did not administer an oral examination to this individual.

According to Division of Occupational Licensing (OL) personnel, the board's current policy is to administer oral examinations only as the board deems necessary. The primary reason for the examination appears to be to assess the applicant's ability to communicate effectively with English-speaking patients. The board's current policy appears to be reasonable, particularly since the board is clearly not using their authority to inappropriately exclude qualified applicants. We, therefore, recommend that AS 08.84.032(a)(3) be amended to require that applicants pass an oral examination to be administered by a member of the board, at the board's discretion.

Recommendation No. 3

The board should adhere to current statutory and regulatory requirements when reviewing and approving applications for licensure.

During our review of active license files, we identified three circumstances in which current statutory and regulatory requirements were not strictly followed. In review of the license file for the foreign-trained physical therapist discussed above, no evidence could be found that this individual met applicable requirements under the federal Immigration and Nationality Act as provided by AS 08.84.032(a)(4). The file did contain correspondence indicating both, that a visa was required prior to licensure, and that the applicant was encountering difficulties in obtaining a visa, however, nothing in the file indicated that the applicant had ever received one. Future review of applications for foreign-trained therapists should include documented verification of receipt of a visa.

Similarly, we also found that occupational therapists and therapy assistants were not being required to provide proof of having met educational and training requirements required by regulation. The board's current policy is to accept certification from the American Occupational Therapy Certification Board as proof of meeting all of the educational and training related requirements specified by regulation. 12 AAC 54.600, however, states:

An applicant for an occupational therapy license or occupational therapy assistant license shall submit. . .

(5) proof of certification by the American Occupational Therapy Certification Board (AOTCB) as evidence of having met the requirements of AS 08.84.030(b); and

(6) evidence that, within the 24 months immediately preceding the date the application is received by the department, the applicant

(A) performed 60 hours of occupational therapy service; or

(B) completed 20 hours of occupational therapy related course work.

Regulations do not indicate that certification by the AOTCB is substitutable for the education or experience requirements of (6) above. For one of the two files reviewed, a recent graduate had only 10.25 hours of occupational therapy related course work, little more than half that required by the current regulations. No information regarding performance of occupational therapy services or occupational therapy related course work was available for the other file reviewed. Educational and training requirements established by regulation should be the minimum necessary to protect public health and welfare.

If the board actually believes, as its current policy seems to indicate, that AOTCB certification is adequate to ensure applicants are qualified for licensure, then 12 AAC 54.600 should be deleted so that current board practice is reflected in formal regulations established by the board. Otherwise, the board should enforce the educational and training requirements currently established by regulations previously promulgated by the board.

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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 physical and occupational therapists and therapy assistants, has endeavored to present competent professionals to the public. Proof of continuing professional education is required for license renewal to ensure continued competence. Licensees are required to post and publicly display their licenses. This notifies the public that their practitioner has met the standards for the issuance and renewal of their licenses.

The board has established regulations governing its duties and licensure requirements, enforced the laws for issuing licenses in a uniform and consistent manner, held meetings and administered examinations in accordance with statutory requirements.

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.

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 appointment of the board's current public member raises some concern (see Recommendation No. 1).

Since the last sunset audit, several changes to the Alaska Administrative Code were made, the most significant of which include:

- A. Changing the required passing score for the national examination for physical therapists and physical therapy assistants from a score of 70 percent to a scaled score of 600, based on a scale ranging from 200 to 800.
- B. Modifying the number of physical therapy assistants that a physical therapist may supervise from two to three.

The remaining changes were primarily housekeeping in nature.

As indicated in Recommendation No. 2, we believe that the current statute requiring foreign-trained applicants for licensure as physical therapists and physical therapy assistants should be modified to be required only at the board's discretion. We also believe that the board should adhere to current statutory and regulatory requirements when reviewing and approving applications for licensure (see Recommendation No. 3).

Annual reports for FY 94, FY 95, and FY 96 were submitted by the board to OL.

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

The board does not currently have any recommendations for statutory changes, nor have there been any changes during the period reviewed. The board has, however, considered requesting a revision of AS 08.84.032(a)(4). This statute, as indicated in Recommendation No. 2, requires that an applicant obtain a visa prior to licensure. Federal Immigration authorities, however, require state licensure prior to issuance of a visa. From review of applicant files, however, it appears that a letter from the licensing agency, indicating that licensure will not be granted until a visa is obtained, is sufficient to overcome these apparently mutually exclusive requirements. The board has subsequently dropped this issue as it is believed that changes in federal regulations will soon remove this potential barrier to licensure of foreign-trained therapists.

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, in accordance with OL's internal policy for provision of public notice, so that interested parties may attend. A public comment period is listed on all meeting agendas and provided for during all board meetings.

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 is made available at all board meetings. The board has also published public notices of all regulation changes.

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 listed no cases were closed during FY 94 through FY 96.

During this time, however, the Division of Occupational Licensing investigated 14 complaints related to physical and occupational therapists and therapy assistants. Most of these complaints (50%) related to licensing problems.

We reviewed a sample of four investigations. From our review we determined that the Division of Occupational Licensing and the State Physical Therapy and Occupational Therapy Board 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 reported in the board's FY 95 annual report, and the licensing examiner's records for FY 96, the number of active licenses/permits by category is as listed below.

Category	Total	Issued in FY 96
Physical Therapists	366	41
Physical Therapy Assistants	29	6
Occupational Therapists	146	16
Occupational Therapy Assistants	11	11
Temporary Permit	Not Available	15
Limited Permit	Not Available	4
Total	552	93

The board is statutorily responsible for the issuance of all licenses. A person may apply for licensure by examination or by using past performance records. Licensure using past performance records is more commonly referred to as licensure by credentials. During our testing, we found no instances where the board licensed unqualified applicants, however, we did note several instances where current statutory and regulatory requirements were not adhered to (see Recommendation Nos. 2 and 3) during the application review process.

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 physical and occupational therapists and therapy assistants 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.

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

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E-mail address:
License@commerce.state.ak.us

November 25, 1996

Mr. Randy S. Welker
Legislative Auditor
Division of Legislative Audit
P.O. Box 113300
Juneau, AK 99811-3300

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NOV 28 1996

LEGISLATIVE AUDIT

Dear Mr. Welker:

I am in receipt of the "Confidential" preliminary audit report on:

Department of Commerce and Economic Development, Division of
Occupational Licensing, State Physical and Occupational Therapy
Board, October 24, 1996

and your request for a written response to this report by November 29, 1996.

As chairman of the board, I will respond on behalf of the board to the report. At our meeting of October 14-15, 1996, the State Physical Therapy and Occupational Therapy Board had the opportunity to review the confidential Management Letter No. 1 and respond to the recommendations made by the Division of Legislative Audit. I will, once again, respond to those recommendations as follows:

Recommendation No. 1: The board feels that the public member has been acting in compliance with the intent of the law, and the board has appreciated the input that the public member has given to the board during her term. However, the board was informed, at their November 17-18, 1994, meeting that the public member contacted the chairperson regarding whether there was a conflict of interest with the public member being a board member and her part-time job. The board was advised that the chairperson did not feel that the public member was in potential violation of Ethics Act and that this decision was reached following review of the Highlights of Executive Branch Code of Ethics Regulation, 9 AAC 52. However, the board agrees with the recommendation and encourages that the Office of the Governor consider such issues prior to the appointment of the public member or any board position in order to avoid similar circumstances in the future.

Recommendation No. 2: The board finds this recommendation reasonable and will be working with the Division of Occupational Licensing in recommending that Alaska Statute (AS) 08.84.032(a)(3) be amended to require that applicants pass an oral examination to be administered by a member of the board, at the board's discretion.

November 25, 1986

Recommendation No. 3: The board agrees with the first part of this recommendation and will require, by board policy, that foreign-trained physical therapists (those who do not hold a current license in the United States) have met the requirements under the federal Immigration and Nationality Act as provided by AS 08.84.032(a)(4) by having the foreign-trained physical therapist include documented verification of receipt of a visa.

As indicated in the board's earlier response, the wording under 12 AAC 54.600(5) and (6) can be confusing. However, the board does not feel that 12 AAC 54.600, Occupational Therapy License Requirements, should be deleted as this is the section for qualifications for licensure by credentials. The board has noted that there are instances where an occupational therapist or occupational therapy assistant who has just recently graduated and took the National examination will apply for licensure, however, that individual would not be able to meet 12 AAC 54.600(6)(A) or (B) as they have just graduated. Therefore, the board will need to propose regulations for just-recently graduates to meet all of the requirements under 12 AAC 54.600 except for (6)(A) or (B). The board would plan on proposing regulations to address this issue at their next board meeting, which is scheduled for April 10-11, 1987.

For your information, the American Occupational Therapy Certification Board (AOTCB) is now called National Board of Certification for Occupational Therapy (NBCOT). Thank you for your review of the board and your report.

Upon my review of the report, I noted that on page 3, Organization and Function, that there are two board members' names that are misspelled. They are as follows:

Larry Settler - should be Larry Seethaler
Leslie Stewards - should be Leslie Schwartz

Also, Pauline Bennett-Gannon has been replaced with Dee Berline. This name change may have been after the auditor completed the report.

If you have any questions, please feel free to contact me or any of the other board members.

Sincerely,



Larry Seethaler
Physical Therapist
Chairperson
State Physical Therapy and
Occupational Therapy Board

WE/go275
112596b

cc: Catherine A. Reardon, Director

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

P.O. BOX 110800
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December 17, 1996

Mr. Randy S. Welker
Legislative Auditor
Division of Legislative Audit
Legislative Budget and Audit Committee
P.O. Box 113300
Juneau, AK 99811-3300

RECEIVED
DEC 18 1996

LEGISLATIVE AUDIT

Dear Mr. Welker:

Thank you for the opportunity to respond to the preliminary audit report on the State Physical and Occupational Therapy Board.

The Department of Commerce and Economic Development agrees that the State Physical and Occupational Therapy Board is operating in the public interest and should be extended until at least June 30, 2003. The following is the Department's response to the analysis and recommendations contained in the preliminary audit.

Recommendation No. 1: The Office of the Governor should exercise care in board member appointments to the State Physical and Occupational Therapy Board

It is the Department's experience that the Office of the Governor expends considerable time and energy obtaining qualified and dedicated public members of licensing boards. The chair of the State Physical and Occupational Therapy Board has carefully considered the situation of its public member and found that the public member is not in violation of the Executive Branch Code of Ethics. The Department defers further response to this recommendation to the Office of the Governor.

Recommendation No. 2: The legislature should consider revising the statutory requirement that the Board conduct an oral examination of foreign-trained applicants

The Department concurs with the concern regarding AS 08.84.032(a)(3). As oral examinations can be difficult to design and to administer in a uniform manner, the Department recommends that the statute be considered for elimination. There is no similar requirement for foreign-trained occupational therapists, or for many other health care professions licensed by the division.

If the legislature determines that it is important to ensure that physical therapists comprehend the English language, the Department recommends that the legislature develop a consistent policy

for all health care professionals. The Department further recommends using an existing national English examination such as the Test of Spoken English (TSE) or Test of English as a Foreign Language (TOEFL), instead of examinations created by Alaska boards. Writing statistically valid and legally defensible tests is expensive and time-consuming.

Recommendation No. 3: The board should adhere to current statutory and regulatory requirements when reviewing and approving applications for licensure

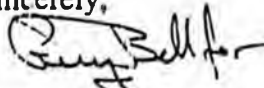
The Department concurs that the division and the board have not always carefully administered AS 08.84.032(a)(4) and (b)(3), which require proof of compliance with the U.S. Immigration and Nationality Act. The Department will work with the board to ensure that such proof is required prior to licensure as long as this statute is in place. However, the Department recommends that AS 08.84.032(a)(4) and (b)(3) be repealed for the following reasons.

- 1) It is not the board's role to make determinations regarding an applicant's legal entry into the United States and his or her authority to work. The license issued by the Board should serve as notice to the public that the person has met the minimum competency requirements to practice the profession safely. The license should not be viewed as an indication that the person has complied with other federal, state or municipal laws.
- 2) If the Board determines that an applicant satisfies the requirements of 8 U.S.C. 1101-1503 at the time of initial licensure, there is no provision for the Board to monitor continued compliance. A licensee's visa or other such authorization to work in the United States may expire. However, there is no authority for the Board to revoke the license as a result.
- 3) There are very few licensing programs under the Department's jurisdiction which require proof of authority to work in the United States. If the legislature determines that proof of compliance with immigration and naturalization laws is the role of licensing boards, a consistent policy for all licensing programs should be developed and appropriate statutes passed.

The preliminary audit also notes concerns regarding the application of 12 AAC 54.600. The Department concurs with the analysis and recommendation and will work with the Board to revise regulations as appropriate.

In conclusion, the Department appreciates the effort required to produce a thorough and balanced audit, and thanks the Legislative Budget and Audit Committee for the opportunity to comment.

Sincerely,



William L. Hensley
Commissioner

WLH/CR/kg

HB

137

FISCAL NOTE

No. 1
 Bill Version: CSHB 137(L&C)
 (H) Publish Date: 4/9/97

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Revision Date: _____ Department: Commerce and Economic Development
 Title: An Act relating to veterinarians;..... BRU: Occupational Licensing
 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: \$ 50.1

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

HB 137 extends the Board of Veterinary Examiners to June 30, 2003 and amends the requirements for licensure by credentials. Funding for continuation of the board in the amount of \$50.1 is included in the department's FY 98 operating budget request; therefore, new funds are not required to implement this bill. The program is required to cover its costs with licensing fees under AS 8.01.065, 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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Audit Report

DEPARTMENT OF COMMERCE
AND ECONOMIC DEVELOPMENT
BOARD OF VETERINARY EXAMINERS

December 1, 1996



Audit Control Number:

08-1445-97

Division of Legislative Audit

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

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January 22, 1997

Members of the Legislative Budget
and Audit Committee:

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

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT BOARD OF VETERINARY EXAMINERS

December 1, 1996

Audit Control Number

08-1445-97

This audit was conducted under the requirements of Alaska Statutes 44.66.050 and the authority of AS 24.20.271(1). In the report, we assess the operations and performance of the Board of Veterinary Examiners utilizing the criteria set out in AS 44.66.050(c). This statutory criteria is intended to be used to assess whether the activities of a given board, commission, council, agency, or program is effectively meeting a demonstrated public need. Currently, under AS 08.03.010 (c)(20) the board is scheduled for termination on June 30, 1997. The board would be allowed one year from this date in which to conclude its affairs, if not extended by legislative action. We recommend that the legislature extend the board until June 30, 2004.

The audit was conducted in accordance with generally accepted government auditing standards using the criteria set out in AS 44.66.050(c). 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.

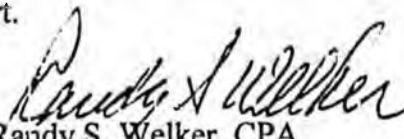

Randy S. Welker, CPA
Legislative Auditor

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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 Veterinary Examiners. 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)(20) states that the board will terminate on June 30, 1997, and will have one year from that date to conclude its affairs.

Objectives

The objectives of our review were:

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. 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 Veterinary Examiners for the period of FY 94 through 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 veterinarians and veterinary technicians. Our evaluation addressed considerations of license applications and testing of candidates.
3. Minutes of meetings of the Board of Veterinary Examiners.
4. Annual reports issued by the board.
5. Complaints filed with the Division of Occupational Licensing and the Department of Law.
6. Office of the Ombudsman closed case file.
6. Reading files maintained at the Division of Occupational Licensing.
7. Other documents deemed pertinent.

We also conducted interviews with

1. Employees of the Department of Commerce and Economic Development, Division of Occupational Licensing.
2. Members of the Board of Veterinary Examiners.
3. Members of related national professional organizations.

(Intentionally left blank)

ORGANIZATION AND FUNCTION

Alaska Statute 08.98.010 creates the Board of Veterinary Examiners. It is a regulatory board consisting of four licensed veterinarians and one public member. Members are appointed by the governor and approved by the legislature. Board members serve staggered four-year terms.

The board regulates the profession of veterinary care in the State by:

1. Examining applicants and approving the issuance of licenses to qualified applicants;
2. Establishing or amending rules and regulations necessary to enforce state statutes;
3. Conducting disciplinary proceedings in accordance with law.

<u>BOARD MEMBER</u>	<u>TERM EXPIRES(D)</u>
James Leach, III Veterinarian, Chair	January 31, 1996
Deanna J. Thornell Veterinarian	January 31, 1998
Connie J. Sanders Veterinarian	January 31, 1999
James L. Morris Veterinarian	January 16, 2000
William G. Lewis Public Member	January 31, 2000

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 Veterinary Examiners. 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 fees for applications, examinations, licenses, registration, permits, investigations, 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 conduct an investigation on its own initiative or in response to a complaint.

(Intentionally left blank)

REPORT CONCLUSIONS

Alaska Statute 08.03.010(c)(20) requires that the Board of Veterinary Examiners be terminated on June 30, 1997. Alaska Statute 08.03.020 provides one year in which to conclude its affairs if the legislature does not enact legislation extending the existence of the board.

The Board of Veterinary Examiners has been found to serve a public purpose and has demonstrated its ability to conduct its business in a satisfactory manner. The board continues to propose changes to statutes and regulations to improve its effectiveness.

In our opinion, the Board of Veterinary Examiners is operating in an efficient and effective manner and should continue to regulate the profession of veterinary medicine. We believe the board is safeguarding the public interest by ensuring the competence and integrity of those who hold themselves out as licensed veterinarians or veterinary technicians. We recommend that the legislature extend the board's termination until June 30, 2004.

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FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

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

AS 08.01.035 states that members of occupational licensing boards are appointed for staggered terms of four years. A member of a board serves until a successor is appointed. Additionally, a member who has served all or part of two successive terms on a board may not be re-appointed to that board unless four years have elapsed since the person has last served on the board.

At the time of fieldwork, board membership included two veterinary board members whose second terms had expired. One member's second term expired on January 31, 1995, and the other's second term expired on January 31, 1996. A third member is relocating out of state and therefore has just submitted his resignation.

We believe the statutory intent of staggering the terms of board members is to allow for a smooth transition for new members and help promote the continuity of board operations. By not replacing board members in a timely manner the governor has established a situation where board members are serving longer than the statutory limits. Additionally, the turnover of four seats in one year puts undue burden on the remaining board member. We recommend the Office of the Governor take steps to appoint new members to the board as soon as possible in order to comply with statutory requirements.

Recommendation No. 2

The board should consider establishing in regulation a passing score on the examinations.

Current statutory language states that an applicant must have passed an examination prepared by the National Board of Veterinary Medical Examiners or an equivalent examination as determined by the board. Current regulations however, do not specify what constitutes a passing score.

Not all jurisdictions use the same criteria to determine a passing grade. In one situation, an applicant provided proof of passing the Clinical Competency Test (CCT) examination under the administering jurisdiction. Review of the grades however, reflected the examination score would not have been a passing grade in Alaska. Although the applicant satisfied all the requirements to obtain licensing, the board denied the application because "the applicant did not achieve a passing score on the CCT."

The precarious position created because regulations do not define a passing score resulted in an applicant challenging the board's decision to turn down the application because the statutes and regulations to obtain licensing were satisfied. By establishing a passing score in regulations, the board would not need to expend the resources to defend their position.

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AUDITOR'S COMMENTS

There is sentiment among current board members to seek legislation clarifying the statutes related to licensure by credential. Current statutes allow individuals to be licensed by credential (rather than by examination) if they have received a license in another jurisdiction and meet other conditions (see Exhibit below for text of full statute).

Licensure by credential involves reviewing the qualifications of an applicant who has been licensed in another jurisdiction. In reviewing such applications, the board compares the requirements that were in place for licensure in the other jurisdiction to those that were in place in Alaska at that time. The applicant's initial licensure requirements had to be "*substantially similar or higher*" to the State's requirements.

Beginning in 1981, the state board required applicants, seeking licensure by examination, to successfully complete the Clinical Competency Test (CCT). This is an examination which has been developed by the National Board Examination Committee for Veterinary Medicine. Adoption of the CCT for licensure by examination, has in turn, had an impact on how applicants for licensure by credentials have been evaluated.

In the past, if a credentialed applicant had been licensed elsewhere prior to 1981, but had not been required to pass the CCT, they could still be licensed in Alaska — since the examination requirement had not yet been adopted.

The board has come to place increasing emphasis on passage of the CCT when considering licensing an applicant by credential. That is, if an individual was licensed elsewhere, and had not been required to pass the CCT, the board denied licensure. This has been done even though at the time of the applicant's initial licensing, the State of Alaska did not require passage of the CCT. By applying this approach, the board is requiring applicants to meet current standards for credential licensure rather than the requirements that may have been in place at the time of licensure as provided for in statute.

CURRENT ALASKA STATUTES RELATED TO LICENSING BY CREDENTIAL

Under AS 08.98.184, an applicant for a veterinarian license may be licensed by what is termed "credentials." An individual may be licensed in such a manner if they hold a

valid license to practice veterinary medicine in another state, territory, or country with licensing requirements substantially similar to or higher than those of this state which were in effect at the time the applicant obtained a license in the other jurisdiction if the applicant (emphasis added)

(1) has graduated from an accredited school of veterinary medicine or has successfully passed the examination of the American Veterinary Association Education Commission for Foreign Veterinary Graduates;

(2) has been engaged in the active practice of veterinary medicine for at least five of the seven years before filing the application;

(3) has not failed the state written or practical examination;

(4) has no disciplinary proceeding, unresolved complaints, or professional association review proceedings pending at the time a license is to be issued, and has not had a veterinary license revoked for cause in another jurisdiction; and

(5) has paid required fees.

The Board believes its increased reliance on the CCT is in the public's interest. In their view, the CCT provides objective, reliable evidence of the competency of the veterinary practitioner. They are concerned that by licensing veterinarians from other jurisdictions, who may have obtained their license without having to take the CCT, they may be exposing the public to incompetent or outdated veterinary practice.

At its recent meetings, the board has discussed the merits of pursuing legislative changes which would amend the credential licensure provisions. The board suggests that the statutes be changed to require that credential licensure applicants pass the CCT. This would make successful completion of the CCT a condition of licensure, regardless of Alaska's requirements at the time of the applicant's initial licensure.

Requiring credential applicants to meet current requirements would be unduly restrictive

If the licensing by credential statutes were amended to require applicants to meet current licensing requirements, most significantly the CCT examination requirement, entry into the veterinary profession in Alaska would be restricted. Such an action would sanction the board's current policy and approach which is serving to deny licensure to individuals who may not have been required to take the CCT at the time they were originally licensed in another jurisdiction.

Alternative, perhaps even more substantial, means can be used by the board to satisfy itself regarding the competency of an applicant, other than completion of the CCT. These measures are embodied in the various existing statutory provisions. They involve assessment of the applicant's practice history and the existence, or lack thereof, of disciplinary sanctions.

Under AS 08.98.184(4) an applicant is qualified to receive a license as a veterinarian who has no disciplinary proceeding, unresolved complaints, or professional association review proceedings pending at the time a license is to be issued, and has not had a veterinarian license revoked for cause in another jurisdiction. This provision allows the board to deny an applicant a license by credential if it has been determined the applicant has not maintained the standards of the profession while practicing in another jurisdiction. The board has access to a nationwide system that tracks disciplinary proceedings.

In addition, AS 08.98.184(2), requires credential applicants to have been engaged in active veterinarian practice for five of the last seven years. This requirement coupled with the absence of disciplinary action discussed previously, should provide some assurance that the individual has a history of professional, competent practice. Further, even though not a statutory factor in licensing, continuing education is required in 40 of the 56 licensing jurisdictions included in the American Association of State Veterinary Boards (AASVB). This provides additional assurance that most applicants from other jurisdictions have kept

apprised of current practice techniques and theory, regardless of what examination they may or may not have taken at the time they were initially licensed.

Additionally, any proposal along the lines suggested by recent board discussions would seem to run counter to model legislation currently under consideration by the AASVB. The model legislation, while recognizing the importance of the CCT (in addition to a second national examination — the National Board Examination, or NBE) contains language similar to our current statute.¹ That is, it permits reciprocity or credential licensing for individuals licensed in another jurisdiction who were not required to take either the CCT and/or the NBE, if they can demonstrate a history of professional, competent practice.

While we can appreciate the concerns of the board, we believe that there are other protections in place to assure that credential applicants are competent. If an applicant for licensure by credential can meet various other statutory requirements, we believe they would pose minimal risk to the public interest, and the benefits of allowing a more open access to the profession would outweigh any potential harm to the public.

¹Under the model legislation currently being reviewed by the American Association of State Veterinary Boards, an applicant could be licensed as follows:

A person who:

(1) holds a current license in good standing in another state, U.S. territory or province of Canada, and

(2) has passed the National Board Examination (NBE) and the Clinical Competency Test (CCT) as prepared under the authority of the National Board Examination Committee for Veterinary Medicine (NBEC) (or its predecessor organization the National Board of Veterinary Medical Examiners), or any subsequent national licensing examination prepared under the authority of the NBEC or the American Association of Veterinary State Boards (AAVSB), or an equivalent examination(s) as established by this state's veterinary licensing body, unless at the time the applicant became licensed in the state, province, or U.S. territory from which he or she is applying, the NBE and/or CCT or subsequent examinations prepared under the authority of the NBEC was/were not required by this state (in which case the applicant need only have passed whatever national licensing examinations were required of the entry level licensees in this state at that time), and

(3) has actively practiced clinical veterinary medicine for 3,000 hours during the 3 years preceding application.

may be granted a license as a veterinarian in (the designated state) upon the satisfactory completion and acceptance of an application and payment of appropriate licensure fees, provided, however, prior to issuing such license the board may require satisfactory completion of an examination covering state laws and regulations related to the practice of veterinarian medicine and/or the state or national veterinary codes of ethics. [Emphasis added]

(Intentionally left blank)

ANALYSIS OF PUBLIC NEED

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

The board continues to ensure the quality among those licensed to practice veterinary medicine and those registered as veterinary technicians. The board administers three national examinations. Additionally, the board administers and evaluates the results of a state administered examination. This examination tests the applicants knowledge of both veterinary medicine in the state of Alaska and jurisprudence. The state examination is produced from a database of questions developed and continually modified by the board.

State regulations require that an applicant for renewal of a veterinary license must certify having completed 15 hours per year of continuing education. The board continues to approve additional courses enabling a veterinarian many options to enhance his education. The board also audits the continuing education hours reported on the renewal application for a sample of the licensees.

The board distributes a handbook to all applicants for a veterinary license. The handbook assists veterinarians new to the State to become familiar with disease problems that exist in Alaska. It also provides information on state laws and regulations pertaining to domestic animals and it provides a list of resource agencies and contact persons.

The board will be required to approve renewals of veterinary technicians. The renewal process will also include verification of continuing education requirements.

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.

The board amended regulations related to courtesy licenses allowing a veterinarian from another country to obtain such a license. This license will enable the practice of veterinary medicine for a single event or a clinic without having to go through all the requirements of obtaining a general veterinary license. Previously, regulations restricted those eligible for the courtesy license to those licensed in the United States or Canada. Additionally, the board decided to waive that requirement until the regulations could be amended to include courtesy licenses for foreign veterinarians.

The board has discussed the need of a state examination for veterinary technicians and whether the board membership should include a veterinary technician. Although neither of these issues have been acted upon by the board, the issues have been discussed.

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

In 1996, the legislature established under AS 08.98.120(c) that the practicing of veterinary medicine without a license is a misdemeanor punishable by a fine of not more than \$10,000 or by imprisonment for not more than one year, or both. This empowers the board to effectively regulate the profession and take action against unqualified individuals providing services regulated by the Board of Veterinary Examiners.

Additionally, the board is considering revising the requirements for licensure by credentials. See Auditors Comments for a discussion on this.

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 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*. Additionally, time for public comment was provided at all meetings.

As discussed previously, the board elected to waive the requirement that individuals needed to be licensed in another jurisdiction of the United States or Canada in order to obtain a courtesy license. Although the waiver of this regulation served the public by increasing the number of veterinarians available for the Iditarod, notice of the meeting did not go through the customary process. Notice of the meeting was broadcast over several radio stations less than a week before the meeting, contrary to established public notice requirements.

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

Public notices of proposed regulations are published in major newspapers. As a result of public input changes were made to the proposed regulations.

A member of the public proposed to the board a new type of license which would allow a veterinary specialist into Alaska without needing to obtain a general veterinary license. The board considered the issues raised and incorporated that type of license into the regulations adopted regarding courtesy licenses.

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 94 and current FY 96, the Division of Occupational Licensing investigated 20 complaints related to the practice of veterinary medicine. We reviewed a sample of six

investigations. From our review we determined that the Division of Occupational Licensing was investigating and resolving complaints in a timely manner, given the budgetary constraints involved. Additionally, a board member was delegated to be the liaison between the board and the investigative staff to offer assistance to expedite the investigative process.

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

The table below summarizes licensing activity for the past three fiscal years and lists the number of current license holders regulated by the board.

Licenses	Issued in FY 94	Issued in FY 95	Issued in FY 96	Total Current Active Licenses
Veterinarians	18	17	21	265
Veterinary Technician	19	5	3	83
Temporary Permits	3	2	3	N/A
Temporary Licenses	6	4	10	N/A
Courtesy Licenses	23	29	28	N/A

Veterinarian licensing requirements require three examinations. Two of the examinations are developed and graded nationally. The third examination has been developed by the board and includes questions specific to conditions in Alaska. The board has spent a considerable amount of time reviewing questions in the state examination database. Several questions have been removed from the database. Additionally, several questions have been developed by the board to add to the database.

The board also administers an examination for veterinary technicians. The examination is developed and graded by a national testing company.

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.

No complaints regarding the Division of Occupational Licensing were received by the Ombudsman. 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 and Auditor's Comments sections of this report.

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STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

P.O. BOX 110806
JUNEAU, ALASKA 99811-0806
PHONE: (907) 465-2534
FAX: (907) 465-2974
TDD: (907) 465-5437
E-mail address:
License@commerce.state.ak.us

March 4, 1997

Mr. Randy S. Welker
Legislative Auditor
Division of Legislative Audit
Legislative Budget and Audit Committee
P.O. Box 113300
Juneau, AK 99811-3300

RECEIVED
MARCH 10 1997
LEGISLATIVE AUDIT

Dear Mr. Welker:

Thank you for the opportunity to respond to the preliminary audit report on the Board of Veterinary Examiners.

The department agrees that the Board of Veterinary Examiners is operating in the public interest and should be extended until at least June 30, 2004. The following is the department's response to the analysis and recommendations contained in the preliminary audit.

Recommendation No. 1: The Office of the Governor should replace vacancies on the Board in a more timely manner

The department defers to the Office of the Governor for response to this recommendation. However, it is the department's understanding that the Office of the Governor was hampered in its effort to fill vacancies by a lack of applicants for board seats. There are currently no vacant board seats. Two members' terms have expired, but they continue to serve until replacements are appointed.

Recommendation No. 2: The board should formally establish in regulation a passing score for licensing examinations

The department concurs with this recommendation and suggests that the board adopt the passing score recommended by the national testing service. Although each state is free to establish its own passing score, the testing company is the expert in the calibration and defense of the examination. The department recommends that credential applicants from states which accept a lower passing score be held to the Alaska standard.

Auditor Comments

The department agrees that the current credential statute has caused the board and applicants concern. The department supports statutes and regulations which make Alaska licensure as convenient as possible, while protecting the public from incompetent veterinarians. The department looks to the board as experts in veterinary medicine.

It is the department's understanding that the board believes applicants for licensure by credentials should be required to pass the following examinations in addition to the qualifications in AS 08.98.184(1) - (5):

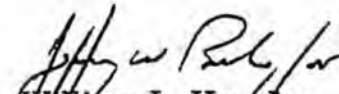
- 1) the Clinical Competency Test (CCT) or an examination determined by the board to be equivalent; and
- 2) the National Board Exam (NBE) or an examination determined by the board to be equivalent.

Analysis of Public Need

The preliminary audit notes an incident in which a teleconference was not public noticed in newspapers in accordance with the division's internal policy and procedure. Instead, the teleconference was advertised on several radio stations. It is important to note that this method of notice followed guidance from the Department of Law. The department has been advised that announcing meetings via radio complies with the Open Meetings Act. The division has established a standard public notice policy which goes beyond the minimum requirements of the Open Meetings Act. Occasionally, situations arise in which the internal policy is too restrictive to serve the public interest. In response to audit comments, the division has revised its policy and procedure on public notice to allow for more limited application in some instances, while continuing to encourage more notice than technically required by the Open Meetings Act.

In conclusion, the department appreciates the effort required to produce a thorough and balanced audit, and thanks the Legislative Budget and Audit Committee for the opportunity to comment.

Sincerely,


William L. Hensley
Commissioner

WLH/CAR/go877
030497a

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

No. 2
Bill Version: SCS CSHB 137 (STA)
(S) Publish Date: 2-12-98

Revision Date: _____
Title: An Act relating to veterinarians;.....
Sponsor: Senate Rules
Requestor: Senate State Affairs

Department: Commerce and Economic Development
BRU: Occupational Licensing
Component: Operations

COMPONENT SERIAL NO. 1844

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 98) cost: \$ 71.8

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

CSHB 137 extends the Board of Veterinary Examiners to June 30, 2001 and amends other requirements for licensure. Funding for continuation of the board in the amount of \$71.8 is included in the department's FY 99 operating budget request; therefore, new funds are not required to implement this bill. 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: Deborah B. Sedwick
Agency: Commerce and Economic Development

Phone: 465-2144
Date: 2/2/98
Date: 2-2-98

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HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 13, 1997

FURTHER REFERRALS:

Date of Committee Action: 4/7/97

The LABOR AND COMMERCE Committee considered:

HB 137

HOUSE BILL NO. 137

BOARD OF VETERINARY EXAMINERS; LICENSE

“An Act relating to veterinarians; extending the termination date of the Board of Veterinary Examiners; and providing for an effective date.”

recommends it be replaced with the following committee substitute CSHB 137(L+C) 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) nm

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Julie Boudreau</i>			✓	
<i>Gov. Beine</i>			✓	
<i>Margie Kuehner</i>			✓	
<i>Joe Ryan</i>	✓			
<i>Jim Sanders</i>		✓	✓	
<i>W.P. Kelly</i>	✓			
<i>Bill Anderson</i>	✓			

CHAIR'S SIGNATURE

W.P. Kelly

4-7-97

Bill History/Action Display



BILL: HB 137 SHORT TITLE: VETERINARIANS & BD OF VET. EXAMINERS
 BILL VERSION: SCS CSHB 137(STA)
 SPONSOR(S): RULES BY REQUEST OF LEGISLATIVE BUDGET AND AUDIT

CURRENT STATUS: TRANSM TO GOVERNOR STATUS DATE: 03/09/98

TITLE: "An Act relating to veterinarians; extending the termination date of the Board of Veterinary Examiners; and providing for an effective date."

Full Text Bill/Resolution has Zero Fiscal Note(s).

Bill History

Jrn-Date	Jrn-Page	Action
02/13/97	<u>334</u>	(H) READ THE FIRST TIME - REFERRAL(S)
02/13/97	<u>334</u>	(H) LABOR & COMMERCE
03/21/97	Text	(H) L&C AT 3:15 PM CAPITOL 17
03/21/97	Text	(H) MINUTE(L&C)
04/07/97	Text	(H) MINUTE(L&C)
04/09/97	<u>1037</u>	(H) L&C RPT CS(L&C) 3DP 4NR
04/09/97	<u>1037</u>	(H) DP: RYAN, ROKEBERG, HUDSON
04/09/97	<u>1037</u>	(H) NR: COWDERY, BRICE, KUBINA, SANDERS
04/09/97	<u>1037</u>	(H) ZERO FISCAL NOTE (DCED)
05/01/97	<u>1448</u>	(H) RULES TO CALENDAR 5/1/97
05/01/97	<u>1448</u>	(H) READ THE SECOND TIME
05/01/97	<u>1448</u>	(H) L&C CS ADOPTED UNAN CONSENT
05/01/97	<u>1448</u>	(H) ADVANCED TO THIRD READING UNAN CONSENT
05/01/97	<u>1448</u>	(H) READ THE THIRD TIME CSHB 137(L&C)
05/01/97	<u>1448</u>	(H) PASSED Y34 N1 E1 A4
05/01/97	<u>1449</u>	(H) EFFECTIVE DATE(S) SAME AS PASSAGE
05/01/97	<u>1456</u>	(H) TRANSMITTED TO (S)
05/02/97	<u>1639</u>	(S) READ THE FIRST TIME - REFERRAL(S)
05/02/97	<u>1639</u>	(S) STATE AFFAIRS
02/10/98	Text	(S) STA AT 3:30 PM BELTZ ROOM 211
02/10/98	Text	(S) MINUTE(STA)
02/12/98	<u>2497</u>	(S) STA RPT SCS 3DP 1NR SAME TITLE
02/12/98	<u>2497</u>	(S) DP: GREEN, MILLER, WARD NR: DUNCAN
02/12/98	<u>2497</u>	(S) ZERO FISCAL NOTE TO SCS (DCED)
02/18/98	Text	(S) RLS AT 11:30 AM FAHRENKAMP RM 203
02/18/98	Text	(S) MINUTE(RLS)
02/23/98	<u>2613</u>	(S) RULES TO CALENDAR 2/23/98
02/23/98	<u>2616</u>	(S) READ THE SECOND TIME
02/23/98	<u>2616</u>	(S) STA SCS ADOPTED UNAN CONSENT
02/23/98	<u>2617</u>	(S) ADVANCED TO THIRD READING UNAN CONSENT
02/23/98	<u>2617</u>	(S) READ THE THIRD TIME SCS CSHB 137(STA)
02/23/98	<u>2617</u>	(S) PASSED Y18 N- E2
02/23/98	<u>2617</u>	(S) EFFECTIVE DATE(S) SAME AS PASSAGE
02/23/98	<u>2620</u>	(S) TRANSMITTED TO (H) AS AMENDED
02/25/98	<u>2416</u>	(H) HELD UNDER UNFINISHED BUSINESS
03/04/98	<u>2522</u>	(H) CONCUR AM OF (S) Y32 E2 A6
03/10/98		(H) 3:45 PM 3/9/98 TRANSMITTED TO GOVERNOR

Similar Subject Match or Exact Subject Match

ANIMALS

BOARDS & COMMISSIONS

STATE OF ALASKA
Boards and Commissions

PHYSICAL/OCCUPATIONAL THERAPY

BOARD: State Physical Therapy and Occupational Therapy Board

BOARD IDENTIFICATION NUMBER: 079

DEPARTMENT: DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

AUTHORITY: AS 08.84.010

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: 7 members appointed by the Governor: 1 licensed physician; 3 licensed physical therapists or 2 physical therapists and a physical therapy assistant; 2 licensed occupational therapists or 1 occupational therapist and 1 occupational therapy assistant; and 1 lay member with no direct financial interest in health care industry.

FUNCTION: Issues licenses and permits, adopts regulations for physical and occupational therapists.

CHAIR: Board selects.

SPECIAL FACTS: Serve at the pleasure of the Governor. 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.

COMPENSATION: Standard Travel and Per Diem.

MEETINGS: 2 times per year; 4 days maximum.

FOR FURTHER INFORMATION CONTACT: Ms. Wanda Fleming, Licensing Examiner, Division of Occupational Licensing, DCED, P.O. Box 110806 M/S 0800, Juneau, AK, 99811 0806, Phone: 907 465 2551, Fax: 907 465 2974 E-mail address: Wanda_Fleming@commerce.state.ak.us

STATE OF ALASKA
Boards and Commissions

Membership Roster
PHYSICAL/OCCUPATIONAL THERAPY (079)

Member	Appointed	Reappointed	Term Exp.
Dee Berline Occupational Therapist 6705 Lunar Drive Anchorage, AK 99504	05/15/96		01/01/00
Arlene C. Gerety Public 2138 Churchill Drive Anchorage, AK 99517	09/03/92		09/01/96
Cary S. Keller Physician 169 Eagle Ridge Road Fairbanks, AK 99709	10/13/92		09/01/96
Ann P. Mattson Occupational Therapist 1125 Slim Williams Way Juneau, AK 99801	01/20/94		01/01/98
Mary Pomeroy-Horne Physical Therapist 1730 Greendale Drive Anchorage, AK 99504	10/03/89	10/08/93	09/01/97
Leslie F. Schwartz Physical Therapist Petersburg Medical Center P.O. Box 589 Petersburg, AK 99833	10/06/95		09/01/98
Lawrence W. Seethaler Physical Therapist 2518 East Tudor Road Anchorage, AK 99507	09/03/92		09/01/96

ALASKA STATE LEGISLATURE
House of Representatives

COMMITTEE ASSIGNMENTS.

LABOR & COMMERCE COMMITTEE, CHAIRMAN
SPECIAL COMMITTEE ON OIL & GAS, MEMBER
JUDICIARY COMMITTEE, MEMBER
CORRECTIONS BUDGET SUBCOMMITTEE, MEMBER
ADMINISTRATION BUDGET SUBCOMMITTEE MEMBER
HEALTH & SOCIAL SERVICES BUDGET SUBCOMMITTEE MEMBER



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Representative Norman Rokeberg

JUST THE FAX

Date: 4/18/97

TO: AAA Legal/ Terri Lauterbock

FAX: 2029 Telephone 2450

FROM: Representative Norman Rokeberg

FAX: (907) 465-2040 Telephone: (907) 465-4968

Number of Pages: 1 (including this page)

Comments: Please sup ca House L+C CS for HB136.
I have read your memo dated 3/25/97 - Please
delete Sect 2 of the bill.

line 2
On Page 3, of Draft 50548/E please delete the
word "with" and insert "and" and remove the
brackets.

On Page 3 line 22, delete "with" insert "and Pass
an oral examination administered by"

Have A Nice Day

Differences between Senate State Affairs CS (LS0549\B)
and CS HB 137 (LS0549\E)
as presented to the Senate State Affairs Committee
February 10, 1998

Section 2: This section deals with INITIAL licensure of veterinarians.

Page 1, Lines 13-14 Subsection (a)(2) was amended to ensure that a licensee, before applying for a license, has within the preceding 5 years, passed the national exam(s) approved by the Board. Generally, graduates of veterinary schools will have passed their national exams concurrent with graduation, but the Board wanted this language inserted. The national exam(s) referred to are currently the National Board Exam; and the Clinical Competency Test. The experts consulted by the Board advised the board that these tests may in the future be merged into one test. Thus the requirement for a "practical examination of skills" was deleted from the initial licensure requirements. The Board will still require, in regulation, that applicants for initial licensure must pass the NBE and the CCT, but the bill's language leaves them the room to change the name of the test, should the national move to one test happen.

Page 2, Lines 6-8; After consulting with national experts on this topic, the Board would like to define the term "in good standing" in regulation. A copy of what is envisioned to be included by that regulation is in your packet. The Board is given 18 months to hold public hearings to finalize those regulations (Sec. 9).

Section 3: This section sets out the requirements that a person seeking a temporary license must meet. With the amendment, the temporary licensee must:

- (a)(1): have graduated from an accredited veterinary school or successfully complete the EFVG certification process for foreign students;
- (a)(4): be in good standing as defined in regulation
- (a)(5): have paid all required fees.

Section 4 amends the portions of AS 08.98 dealing with LICENSURE BY CREDENTIAL - in other words: veterinarians already licensed in another state, territory or country.

Page 3, Lines 5-6: removes the requirement that licensed veterinarians entering Alaska practice must pass the Clinical Competency Test.

Page 3, Lines 8-12: After consulting with national experts on this topic, the Board would like to define the term "in good standing" in regulation. A copy of what is envisioned to be included by that regulation is in your packet. The Board is given 18 months to hold public hearings to finalize those regulations (Sec. 9).

Section 5: This section sets out the requirements that a person seeking a temporary permit must meet. With the amendment, the temporary permittee must:

(a)(1): have graduated from an accredited veterinary school or successfully complete the EFVG certification process for foreign students;

(a)(4): be in good standing as defined in regulation

(a)(5): have paid all required fees.

Section 6: Repeals AS 08.98.165(b) - redundant language, already incorporated in AS 08.98.184; and repeals AS 08.98.140, due to changes in this CS that render this subsection obsolete.

Sections 7 and 8: Allows the Board to begin work immediately on regulations.

Section 9: All changes to the testing and licensing of veterinarians take effect January 1, 2000.

STATE OF ALASKA

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

JAN 09 1998

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December 17, 1997

Ms. Annette Kreitzer
Senator Leman's Office
Alaska State Senate
716 West Fourth Avenue, Suite 540
Anchorage, AK 99501-2133

Dear Ms. Kreitzer:

Enclosed are the proposed revisions to House Bill 137 as proposed by the Board of Veterinary Examiners.

The board wishes to be more specific in regulation about the examinations. The intent is to reduce the need for statute changes in the future. The board believes this is the best way to streamline language and gain flexibility.

The term "good standing" is referred to in AS 08.98.184(4).. Enclosed is Northeast Association of State Veterinary Boards' (NEASVB) Model language for the definition of "good standing." It is the board's wish to use this language to define "good standing" in regulation.

If I can be of further assistance, please contact me.

Sincerely,



Catherine A. Reardon
Director

KT/go2168
112097b
Enclosures

cc: Jeffrey W. Bush, Deputy Commissioner
Office of the Commissioner
Department of Commerce and
Economic Development

Patrick Pourchot
Legislative Director
Office of the Governor

NEASVB Model Language
"Good Standing" Definition

A. The term "Good Standing" means that an applicant under this section:

1. Has not been the recipient of any administrative penalties regarding his or her practice of veterinary medicine, including but not limited to fines, formal reprimands, license suspensions or revocations (except for license revocations for nonpayment of license renewal fees), probationary limitations, and/or has not entered into any "consent agreements" which contain conditions placed by a Board on his or her professional conduct and practice, including any voluntary surrender of a license.
2. Has never had his or her United States Drug Enforcement Administration privileges restricted or revoked.
3. Is not currently under investigation by another veterinary licensing authority for acts which would provide a basis for disciplinary action in this state, as determined by the board.
4. Has no physical or mental impairment related to drugs, alcohol or a finding of mental incompetence by a physician that would limit the applicant's ability to undertake the practice of veterinary medicine in a manner consistent with the safety of a patient or the public.
5. Has not been convicted of a felony.
6. Has no criminal conviction record nor pending criminal charge relating to an offense the circumstances of which substantially relate to the practice of

veterinary medicine. Applicants who have criminal conviction records or pending criminal charges shall require appropriate authorities to provide information about the record or charge directly to the board in sufficient specificity to enable the board to make a determination whether the record or charge is substantially related to the practice of veterinary medicine.

7. Has provided satisfactory evidence of attendance at continuing education classes equivalent to those required by the State of Alaska for the previous two years.

B. Applicants who do not meet the "Good Standing" definition found in the regulations adopted by the Board may apply for licensure via this section but must prove to the satisfaction of the state veterinary licensing body that they are qualified for licensure in this state. In approving licensure applications via this section, the state licensing body shall have the option(s) of placing limits on applicants' licenses, and/or establishing conditions of probation prior to the issuance of a license.

C. For purposes of licensing by examination only, examination scores will be accepted for a maximum of 5 years after the date of examination.



Official Business


Alaska State Legislature

SENATE

State Capitol
Juneau, AK 99801-1182

MEMO

TO: Dr. James Leach III
via facsimile: this page only
(907) 892-9293

FROM: Annette Kreitzer, Aide to 
Senate Labor & Commerce Committee
PH: (907) 465-3844

DATE: February 6, 1998

RE: HB 137 suggestions

Thank you for your suggestions. I believe Senator Green would entertain an amendment to amend the temporary permit section (AS 08.98.186) to read:

a person licensed to practice veterinary medicine in another state who meets the requirements of AS 08.98.165(a)(1), (4) and (5)....

This would hold the temporary permit applicants to the same "in good standing" requirement as all other veterinarians.

Your concern about the "valid temporary license" and who is liable if a person who has graduated begins to work as a veterinarian under the supervision of a licensed veterinarian may be answered with the following:

I asked our legislative attorney and her response is that the Board and Board members are not liable if they have temporarily licensed the person in accordance with AS 08.98.180 - checking that the person graduated from an accredited veterinary school, or completed the EFVG certification process, paid any fees due; and with the amendment above, is in good standing. The liability would fall on the temporary licensee, and possibly to his/her supervisor, but that would be determined by the facts of the case.

Please let me know if I have not captured the concern you had with AS 08.98.180. My direct phone line is 465-3844.

cc: Senator Green, Chairman, Senate State Affairs Committee
Senator Loren Leman, Chairman, Senate Labor & Commerce Committee
Representative Norman Rokeberg, Chairman,
House Labor & Commerce Committee

STATE OF ALASKA
Boards and Commissions

VETERINARY EXAMINERS

BOARD: Board of Veterinary Examiners

BOARD IDENTIFICATION NUMBER: 102

DEPARTMENT: DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

AUTHORITY: AS 08.98.010

STATUS: Active

SUNSET DATE: June 30, 1997

REQUIREMENTS: Legislative Confirmation

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

TERM: 4 years

DESCRIPTION: 5 members appointed by the Governor: 4 licensed veterinarians in active practice in Alaska for 5 years; plus 1 public member; no person may serve who is, or was during the two years immediately preceding appointment, a member of a faculty, board of trustees, or advisory board of a veterinary school.

FUNCTION: Regulates and controls applications, licenses, and permits of veterinarians and veterinarian technicians.

CHAIR: No provision.

SPECIAL FACTS: Serve at the pleasure of the Governor. 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.

COMPENSATION: Standard Travel and Per Diem.

MEETINGS: At least 3 meetings per year, 2 days per meeting, plus special meetings at board or division request.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Taylor, Licensing Examiner, Division of Occupational Licensing, DCED, P.O. Box 110806 M/S 0800, Juneau, AK, 99811 0806, Phone: 907 465 5470, Fax: 907 465 2974 E-mail address: Kathy_Taylor@commerce.state.ak.us

STATE OF ALASKA
Boards and Commissions

Membership Roster
VETERINARY EXAMINERS (102)

Member	Appointed	Reappointed	Term Exp.
Vacant Veterinarian			01/31/97
James Leach, III Veterinarian P.O. Box 520882 Big Lake, AK 99652	02/01/88	05/12/92	01/31/98
William G. Lewis Public 2855 Hurst Road North Pole, AK 99705	06/25/96		01/31/00
Connie J. Sanders Veterinarian 2543 Brooke Drive Anchorage, AK 99517	06/25/96		01/31/99
Deanna J. Thornell Veterinarian P.O. Box 61263 Fairbanks, AK 99708	01/31/94		01/31/98