

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9607 SENATE LABOR & COMMERCE

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

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

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

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

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

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

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

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

Application Fees for Selected States Providing Licensure by Credential⁶

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

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

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

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

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

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

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

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STATE OF ALASKA
DEPARTMENT OF COMMERCE AND
ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

TONY KNOWLES, GOVERNOR

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

December 27, 1996

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

RECEIVED
DEC 27 1996

LEGISLATIVE AUDIT

Dear Mr. Griffin:

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

Kenneth Crooks by JW

Dr. Kenneth Crooks
Chairman
Alaska Board of Dental Examiners

KC/JW/dgl/0282.kh
122796b

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

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STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF COMMERCE AND
ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

P.O. BOX 110800
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2500
FAX: (907) 465-5442
TDD: (907) 465-5437

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.

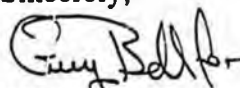
Application review is now conducted at a regular board meeting or teleconference meeting or by mail ballot. This change in procedure requires applicants to complete their applications well in advance of a board meeting, so the documents can be reviewed by staff, copied and distributed to board members. 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. Hensle
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.

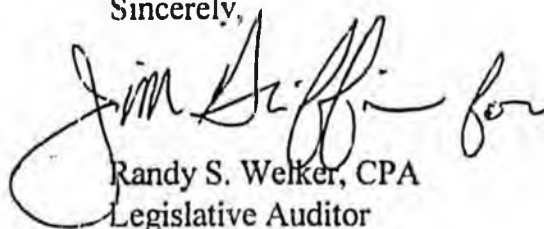
On page 3 of the response the Chairman wrote:

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

STATE OF ALASKA
Boards and Commissions

DENTAL EXAMINERS

BOARD: Board of Dental Examiners

BOARD IDENTIFICATION NUMBER: 024

DEPARTMENT: DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

AUTHORITY: AS 08.36.010

STATUS: Active

SUNSET DATE: June 30, 1997

REQUIREMENTS: Legislative Confirmation

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

TERM: 4 years

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

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

CHAIR: Board selects.

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

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

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

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

STATE OF ALASKA
Boards and Commissions

Membership Roster
DENTAL EXAMINERS (024)

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

SB

91

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 91

Revision Date: _____
 Title: An Act relating to the regulation of physical therapists
and physical therapy assistants; extending the term date...
 Sponsor: Senate Rules
 Requestor: Senate Labor & Commerce

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

Expenditures/Revenues

(Thousands of Dollars)

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

CAPITAL EXPENDITURES						
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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: \$ 53.2

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

SB 91 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
 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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Alaska State Legislature

Senate



Official Business

State Capitol
Juneau, AK. 99801-1182

Senate Labor & Commerce Committee

Memo

TO: Senator Lyda Green, Chair
Senate State Affairs Committee

FROM: Senator Loren Leman, Chair
Senate Labor & Commerce Committee

DATE: April 9, 1997

RE: Technical Amendment to SB 91: Physical & Occupational Therapy

Due to amendments adopted by the Senate Labor and Commerce Committee, a technical change is required to the Labor and Commerce Committee Substitute for SB 91. Attached is a copy of the amendment.

In the section of the bill dealing with physical therapists or physical therapy assistants, the addition of paragraph (3) in AS 08.84.032 (b) and the renumbering of the subsequent paragraphs makes the references in AS 08.84.065(a)(1)(B) inaccurate.

AS 08.84.065 addresses temporary permits for physical therapists or physical therapy assistants. It requires foreign trained applicants for temporary permits to have:
AS 08.84.032 (a) (2) - completed an approved residency and
AS 08.84.032 (a)(4) - met Immigration requirements

OR

AS 08.84.032(b)(2) - completed supervised field work and
AS 08.84.032(b)(3) - met Immigration requirements

Please consider adopting the requested amendment to make AS 08.84.065 technically correct.

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSSB 91(L&C)

1 Page 3, following line 27:

2 Insert a new bill section to read:

3 **** Sec. 4.** AS 08.84.065(a) is amended to read:

4 (a) The board may issue a nonrenewable temporary permit to an applicant for
5 licensure by acceptance of credentials or by examination who

6 (1) meets the requirements of

7 (A) AS 08.84.030(a)(1) or (b)(1); or

8 (B) AS 08.84.032(a)(2) and (4) or (b)(2) and (4) [(b)(2) AND

9 (3)]; and

10 (2) pays the required fee."

11 Renumber the following bill sections accordingly.

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 2/14/97

FURTHER: State Affairs

Date of 5-Day Notice: 3-13-97
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 3-19-97

Labor and Commerce Committee considered

SENATE BILL NO. 91

"An Act relating to the regulation of physical therapists and physical therapy assistants; extending the termination date of the State Physical Therapy and Occupational Therapy Board; and providing for an effective date."

and recommends:

- be replaced with _____ CS SB91 _____ (LC)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Tim Kelly</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
CHAIR: <i>[Signature]</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>C+ED</i>	<i>3/14/97</i>	✓	

to bill + CS

APPROPRIATION -- no fiscal note

*Include fiscal notes accompanying Governor's bill

Alaska State Legislature

Senate




Official Business

Senate Labor & Commerce Committee

State Capitol
Juneau, AK. 99801-1182

Memo

TO: All Committee Members
Courtesy Copies Noted Below

FROM: Annette Krcitzer, Aide to 
Senate Labor & Commerce Committee

DATE: March 24, 1997

RE: Corrected CS for SB 91: Occupational Therapists

Senate Labor & Commerce Committee passed SB 91 as amended from committee on March 18, however the CS (version E) did not pick up one of the amendments the committee adopted.

The drafter's memo (dated March 22) notes a change resulting from the correction that Senate State Affairs should consider when it hears the bill. My recommendation would be to amend the language to (b)(2) and (4).

Please destroy the E version of CS SB 91 in your committee packets and replace with this B version.

cc: Senator Lyda Green, Chair
Senate State Affairs
Nancy Quinto, Senate Secretary (memo only)

LEGAL SERVICES

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

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

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

MEMORANDUM

March 22, 1997

SUBJECT: CSSB 91(L&C)

TO: Senator Loren Leman
Attn: Annette

FROM: Terri Lauterbach
Legislative Counsel

Terri Lauterbach

Enclosed is a corrected CS for SB 91 for the Senate Labor and Commerce Committee.

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)(i); 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)".

Please let me know if I can be of further assistance.

TML:glc
97-201.glc

Enclosure

Senate Labor & Commerce Committee

MEMO

TO: Terri Lauterbach, Attorney
Legal Services
via fax: 2029 this page only

FROM: Annette Kreitzer, Aide to
Senate Labor & Commerce Committee

DATE: March 18, 1997 *Revised 3-22-97 for a corrected C.S.*

RE: CS for SB 91 (L&C)

Please prepare a FINAL CS for SB 91 (L&C). The committee passed the bill today with the following amendments:

- 1) Page 1, Line 7:
DELETE [2003]
Insert 2001
- 2) Page 1, Line 2:
Insert in title occupational therapists and occupational therapy assistants;
- 3) Page 1, Line 8:
New Section 2: Amend AS 08.84.030(b)(1)
(1) have successfully completed a curriculum of occupational therapy approved by the Committee of Allied Health Education and Accreditation of the American Medical Association, or [AND] the American Occupational Association [APPROPRIATE TO THE LICENSE BEING SOUGHT];

Renumber following sections

- 4) Page 2, Line 17:
New Section 4: Amend AS 08.84.032(b)(1)
(1) have completed, to the satisfaction of the board, a resident course of study and professional instruction equivalent to that provided by a curriculum approved by the Committee of Allied Health Education and Accreditation of the American Medical Association or [AND] the American Occupational Therapy Association, and have furnished documentary evidence of compliance with this paragraph, translated, if necessary, into the English language by a person verifying the accuracy of the translations;
(2) have completed, to the satisfaction of the board, supervised field work equivalent to that required under AS 08.84.030(b);
(3) at the discretion of the board, demonstrate an ability to effectively speak English through an interview with a member of the board;

renumber the following sections

- 5) Page 2, Add New Section 5: Amend AS 08.84.150(b) to read:
A person may not provide services that the person describes as occupational therapy without being licensed under this chapter unless the person is.....

Submitted by Pauline Bennett-Gannon
3-18-97

DRAFT
Proposed Substitution

SENATE BILL NO. 91

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE-FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE
BUDGET AND AUDIT COMMITTEE

Original Bill Introduced: 2/13/97
Referred : Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 " An Act relating to the regulation of physical therapists and physical therapy
2 assistants; occupational therapists and occupational therapy assistants; extending
3 the termination date of the State Physical Therapy and Occupational Therapy
4 Board; and providing for an effective date."

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


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

6 (16) State Physical Therapy and Occupational Therapy Board
7 (AS 08.84.010)--June 30, 2003 [1997]; (Am #1)

8 *Sec. 2. AS 08.84.030. (b) is amended to read: *New Section 2*

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

1 (1) have successfully completed a curriculum of occupational therapy
 2 approved by the Committee of Allied Health Education and Accreditation of the
 3 American Medical Association, or [AND] the American Occupational
 4 Association [APPROPRIATE TO THE LICENSE BEING SOUGHT];

Am. H. 3
no objection


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

7 ***no further changes in remainder of this section****

8 Sec. 3. AS 08.84.032(a) is amended to read: *Same as Sec. 2 in SB 91*

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

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

19 (2) have completed, to the satisfaction of the board, an internship
 20 under continuous direction and immediate supervision of a physical therapist in
 21 and institution that ordinarily provides physical therapy and is approved by the
 22 board, for that period of time specified by the board, and furnish documentary

1 evidence of compliance with this paragraph;

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



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

8 (5) pass the examination administered by the board under
9 AS08.84.030(a)(2); and

10 (6) pay the fee required under AS 08.84.050

11 Sec. 4. AS 08.84.032(b) is amended to read:

New Section 4

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


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

*AMH 4/
no more
no date*



22 (2) have completed, to the satisfaction of the board, supervised

- 1 field work equivalent to that required under AS 08.84.030(b);
- 2 (3) at the discretion of the board, demonstrate an ability to
- 3 effectively sneak English through an interview with a member of the board;
- 4 (4)[3] have met applicable requirements under the federal 8
- 5 U.S.C. 1101 -1503 (Immigration and Nationality Act) unless a United States
- 6 citizen;
- 7 (5)[4] pass an examination administered or approved by 20 the
- 8 board under AS 08.84.030; and
- 9 (6)[5] pay the fee required under AS 08.84.050.

iff 4/


10 **Sec. 5.** AS 08.84.150 (b) is amended to read:

11 A person may not provide services that the person describes as occupational

12 therapy without being licensed under this chapter unless the person is

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

14 supervised field work program;

15 (2) a graduate of a foreign school of occupational therapy fulfilling the

16 internship requirement of AS 08.84.032, and then only under the continuous

17 direction and immediate supervision of an occupational therapist;

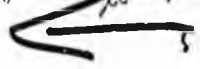
18 (3) an occupational therapist or occupational therapy assistant employed

19 by the united states government while in the discharge of official duties.

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

21

New Section 5.

*App #5
 Machine
 to Object*


*only incorporate
Sec. # 2*

SENATE BILL NO. 91

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

**BY THE SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND
AUDIT COMMITTEE**

**Introduced: 2/14/97
Referred: L&C, State Affairs**

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the regulation of physical therapists and physical therapy
2 assistants; extending the termination date of the State Physical Therapy and
3 Occupational Therapy Board; and providing for an effective date."

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

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

6 (16) State Physical Therapy and Occupational Therapy Board

7 (AS 08.84.010) -- June 30, 2003 [1997]; 2001 *Am #1 make
no chg, etc. c.c.*

8 * **Sec. 2.** AS 08.84.032(a) is amended to read:

9 (a) To be eligible for licensure by the board as a physical therapist or physical
10 therapy assistant, an applicant who is a graduate of a school of physical therapy that
11 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 school approved
14 by the Council on Medical Education and Hospitals of the American Medical

1 Association or the American Physical Therapy Association, and furnish documentary
2 evidence of compliance with this paragraph, translated, if necessary, into the English
3 language by a person verifying the accuracy of the translations;

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

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

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

14 (5) pass the examination administered by the board under
15 AS 08.84.030(a)(2); and

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

17 * Sec. 3. 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.

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DIVISION OF LEGISLATIVE AUDIT

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

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

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

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



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

October 24, 1996

Members of the Legislative Budget
and Audit Committee:

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

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING
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.

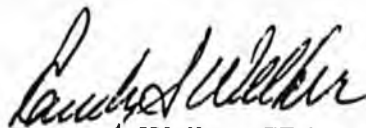

Randy S. Welker, CPA
Legislative Auditor

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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.

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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.

(Intentionally left blank)

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.

(Intentionally left blank)

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

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

November 25, 1996

RECEIVED
NOV 27 1996
LEGISLATIVE AUDIT

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

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, 1996

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 03.84.032(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, 1997.

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.

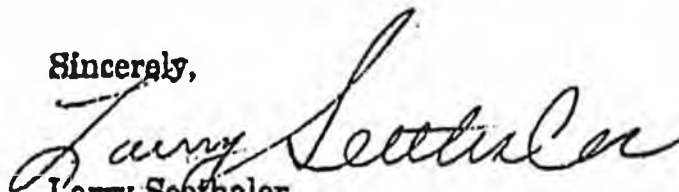
Upon my review of the report, I noted that on page 3, Organization and Function, that there are two board members' names that are misspelled. They are as follows:

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
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2500
FAX: (907) 465-5442
TDD: (907) 465-5437

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

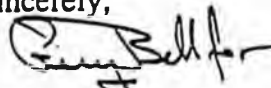
The Department concurs that the division and the board have not always carefully administered AS 08.84.032(a)(4) and (b)(3), which require proof of compliance with the U.S. Immigration and Nationality Act. The Department will work with the board to ensure that such proof is required prior to licensure 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

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

SB

92

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

HB 137
became vehicle
+ incorporated
changes made
in SB 92.
AK
6-98

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

TONY KNOWLES, GOVERNOR

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

P.O. BOX 110806
JUNEAU, ALASKA 99811-0806
PHONE: (907) 465-2534
FAX: (907) 465-2974
TDD: (907) 465-5437

JAN 09 1998

DIVISION OF OCCUPATIONAL LICENSING

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

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 to 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.

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/14/97

FURTHER: State Affairs

Date of 5-Day Notice: 2-27-97
 (in accordance with Uniform Rule 23)

DATE TURNED
 IN TO OFFICE: 4-4-97

Labor and Commerce Committee considered

SENATE BILL NO. 92

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

and recommends:

- be replaced with CS SB92 (L+C)
- adopt previous CS ()
- attached amendment(s)
- adopt Letter of Intent by Committee
- further referral to the Committee

- Senate Bill:**
 same title
 new title
- House Bill:**
 same title
 technical title
 new: SCR#

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Tom Kelly</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>Brew D. Lewan</i>	<input checked="" type="checkbox"/>	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
C+ED	3/1/97	<input checked="" type="checkbox"/>	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

CS
 SB 92
 bill

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSSB 92(L&C)

Revision Date: _____
 Title: An Act relating to veterinarians;.....

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

Sponsor: Senate Rules
 Requestor: Senate 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						
---------------------------	--	--	--	--	--	--

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)

CSSB 92(L&C) extends the Board of Veterinary Examiners to June 30, 2001 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: 4/3/97
 Date: 4-3-97

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Committee Aid

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0-LS0595VB
Lauterbach
4/2/97

Post-it® Fax Note	7671	Date	4-2-97	# of pages	3
To	BASLER/Tuomi	From	Annette Kreitzer		
Co./Dept.	FOR THU. 4/3/97	Co.	Sen. Leman		
Phone #	1:30 p.m.	Phone #	465-3844		
Fax #	272-9114	Fax #	465-3810		

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered:
Referred:

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

A BILL

FOR AN ACT ENTITLED

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

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

4 * Section 1. AS 08.03.010(c)(20) is amended to read:

5 (20) Board of Veterinary Examiners (AS 08.98.010) - June 30, 2001
6 [1997].

7 * Sec. 2. AS 08.98.165(a) is amended to read:

8 (a) An applicant is qualified to receive a license as a veterinarian who

9 (1) is a graduate of an accredited veterinary school or who has
10 successfully completed the Educational [PASSED THE EXAMINATION OF THE
11 NATIONAL BOARD EXAMINATION COMMITTEE'S EDUCATION] Commission
12 for Foreign Veterinary Graduates certification process;

13 (2) has passed an examination for veterinarians prepared by the
14 National Board Examination Committee or an equivalent examination as determined

1 by the board [, OR QUALIFIES FOR AN EXEMPTION UNDER (b) OF THIS
2 SECTION];

3 (3) has passed the written examination of the state ²⁰⁰⁴ on specific Alaska
4 issues of veterinary practice;

5 (4) has passed a practical examination of skills if required by the board;
6 [AND]

7 (5) has no disciplinary proceeding, unresolved complaint, or
8 professional association review proceeding pending at the time a license is to be
9 issued, and has not had a veterinarian license revoked for cause in another jurisdiction;
10 and

11 (6) has paid required fees.

12 * Sec. 3. AS 08.98.180 is amended to read:

13 Sec. 08.98.180. Temporary license. A person who meets the requirements
14 of AS 08.98.165(a)(1), (5), and (6) [AS 08.98.165(a)(1) and (5)] is entitled to be
15 temporarily licensed after applying for examination [,] if the person works under the
16 supervision of a licensed veterinarian. A license issued under this section is valid until
17 the results of the examinations are published. A person may not receive more than
18 one temporary license. An application for a temporary license must be signed by the
19 supervising veterinarian and accompanied by the temporary license fee required under
20 AS 08.98.190.

21 * Sec. 4. AS 08.98.184 is amended to read:

22 Sec. 08.98.184. Licensure by credentials. The board shall approve the
23 issuance of a license to an applicant who holds a valid license to practice veterinary
24 medicine in another state, territory, or country [WITH LICENSING REQUIREMENTS
25 SUBSTANTIALLY SIMILAR TO OR HIGHER THAN THOSE OF THIS STATE
26 WHICH WERE IN EFFECT AT THE TIME THE APPLICANT OBTAINED A
27 LICENSE IN THE OTHER JURISDICTION] if the applicant has

28 (1) [HAS] graduated from an accredited school of veterinary medicine
29 or has successfully completed the Educational [PASSED THE EXAMINATION OF
30 THE NATIONAL BOARD EXAMINATION COMMITTEE'S EDUCATION]
31 Commission for Foreign Veterinary Graduates certification process;

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

3 (3) passed a [HAS NOT FAILED THE STATE WRITTEN OR]
4 practical examination of skills if required by the board and has passed the written
5 examination administered by the state on specific Alaska issues of veterinary
6 practice;

7 (4) [HAS] no disciplinary proceeding, unresolved complaints, or
8 professional association review proceedings pending at the time a license is to be
9 issued [,] and has not had a veterinarian license revoked for cause in another
10 jurisdiction; and

11 (5) [HAS] paid required fees.

12 * Sec. 5. AS 08.98.186 is amended to read:

13 Sec. 08.98.186. Temporary permit. A person licensed to practice veterinary
14 medicine in another state who meets the requirements of AS 08.98.165(a)(1), (5), and
15 (6) [AS 08.98.165(a)(1) and (5)] may be granted a temporary permit to conduct the
16 practice of a person licensed in the state who is absent from practice. An application
17 shall be signed by the person who is or will be absent from practice and by the
18 applicant. A temporary permit is valid for no longer than 60 days after issuance but
19 may be renewed.

20 * Sec. 6. AS 08.98.165(b) is repealed.

21 * Sec. 7. This Act takes effect August 1, 1997.

Alaska State Legislature

Senate



Official Business

State Capitol
Juneau, AK. 99801-1182

TO: Terri Lauterbach, Legislative Counsel
Legislative Legal Services
via fax: 2029 this page only

FROM: Annette Kreitzer, Aide to
Senate Labor & Commerce Committee
X3844

DATE: April 1, 1997

RE: Committee Substitute for SB 92: Veterinarians

Please make the following changes to LS0595NE Lauterbach dated 3/17/97 for Senate Labor & Commerce for Thursday, April 3. For the sake of public comment, I need the draft WEDNESDAY, APRIL 2.

- 1) Page 1, Line 5:
Delete [2003] Insert 2001
- 2) Page 3, Line 21:
Delete [July 1, 1997] Insert August 1, 1997

(There is a veterinarian test in July and the Board needs time to revise the state test to "specific Alaska issues".)

LEGAL SERVICES

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

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


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

MEMORANDUM

March 18, 1997

SUBJECT: Veterinarians (CSSB 92(L&C), draft "E")

TO: Senator Loren Leman
Attn: Annette Kreitzer

FROM: Terri Lauterbach 
Legislative Counsel

Enclosed is the CS you requested for SB 92.

Because of the change you requested in AS 08.98.165 relating to fees (new paragraph (6)), I have added bill sections that amend AS 08.98.180 and 08.98.186, so that the references in them to AS 08.98.165 include your new material on fees. Please let me know if you would rather not add those sections, and I will do a new CS.

TML:glc
97-183.glc

Enclosure

0-LS0595VE
Lauterbach
3/17/97

**CS FOR SENATE BILL NO. 92(L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION**

BY THE SENATE LABOR AND COMMERCE COMMITTEE

**Offered:
Referred:**

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

A BILL

FOR AN ACT ENTITLED

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13 (2) has passed an examination for veterinarians prepared by the
14 National Board Examination Committee or an equivalent examination as determined

1 by the board [, OR QUALIFIES FOR AN EXEMPTION UNDER (b) OF THIS
2 SECTION];

3 (3) has passed the written examination of the state on specific Alaska
4 issues of veterinary practice;

5 (4) has passed a practical examination of skills if required by the board;
6 [AND]

7 (5) has no disciplinary proceeding, unresolved complaint, or
8 professional association review proceeding pending at the time a license is to be
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10 and

11 (6) has paid required fees.

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13 Sec. 08.98.180. Temporary license. A person who meets the requirements
14 of AS 08.98.165(a)(1), (5), and (6) [AS 08.98.165(a)(1) and (5)] is entitled to be
15 temporarily licensed after applying for examination [,] if the person works under the
16 supervision of a licensed veterinarian. A license issued under this section is valid until
17 the results of the examinations are published. A person may not receive more than
18 one temporary license. An application for a temporary license must be signed by the
19 supervising veterinarian and accompanied by the temporary license fee required under
20 AS 08.98.190.

21 * Sec. 4. AS 08.98.184 is amended to read:

22 Sec. 08.98.184. Licensure by credentials. The board shall approve the
23 issuance of a license to an applicant who holds a valid license to practice veterinary
24 medicine in another state, territory, or country [WITH LICENSING REQUIREMENTS
25 SUBSTANTIALLY SIMILAR TO OR HIGHER THAN THOSE OF THIS STATE
26 WHICH WERE IN EFFECT AT THE TIME THE APPLICANT OBTAINED A
27 LICENSE IN THE OTHER JURISDICTION] if the applicant has

28 (1) [HAS] graduated from an accredited school of veterinary medicine
29 or has successfully completed the Educational [PASSED THE EXAMINATION OF
30 THE NATIONAL BOARD EXAMINATION COMMITTEE'S EDUCATION]
31 Commission for Foreign Veterinary Graduates certification process;

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

3 (3) passed a [HAS NOT FAILED THE STATE WRITTEN OR]
4 practical examination of skills if required by the board and has passed the written
5 examination administered by the state on specific Alaska issues of veterinary
6 practice;

7 (4) [HAS] no disciplinary proceeding, unresolved complaints, or
8 professional association review proceedings pending at the time a license is to be
9 issued [,] and has not had a veterinarian license revoked for cause in another
10 jurisdiction; and

11 (5) [HAS] paid required fees.

12 * Sec. 5. AS 08.98.186 is amended to read:

13 **Sec. 08.98.186. Temporary permit.** A person licensed to practice veterinary
14 medicine in another state who meets the requirements of AS 08.98.165(a)(1), (5), and
15 (6) [AS 08.98.165(a)(1) and (5)] may be granted a temporary permit to conduct the
16 practice of a person licensed in the state who is absent from practice. An application
17 shall be signed by the person who is or will be absent from practice and by the
18 applicant. A temporary permit is valid for no longer than 60 days after issuance but
19 may be renewed.

20 * Sec. 6. AS 08.98.165(b) is repealed.

21 * Sec. 7. This Act takes effect July 1, 1997.

8/1
2nd to 3rd
D.D.

Alaska State Legislature

Senate



Official Business

Senate Labor & Commerce Committee

State Capitol
Juneau, AK. 99801-1182

Chairman Senator Loren Leman
Vice Chairman Senator Jerry Mackie
Senator Mike Miller
Senator Tim Kelly
Senator Lyman Hoffman

MEMO

TO: Legal Services
via fax: 2029 3 pages total

FROM: Annette Kreitzer, Aide to
Senate Labor & Commerce Committee

DATE: March 16, 1997

RE: SB 92: Board of Veterinary Examiners

Please prepare a Labor & Commerce Committee Substitute (work draft) for SB 92 incorporating the changes on the following two pages. I need the CS by Wednesday before noon to deliver to committee members.

These changes are based on the LS0595\A version of SB 92.

1. Add new section to the bill:

Sec. 2. AS 08.98.165 is amended to read:

Sec. 08.98.165. Qualification for license. (a) An applicant is qualified to receive a license as a veterinarian who

(1) is a graduate of an accredited veterinary school or who has **[PASSED THE EXAMINATION OF THE]** successfully completed the [NATIONAL BOARD EXAMINATION COMMITTEE'S] Educational Commission for Foreign Veterinary Graduates (ECFVG) certification process:

(2) has passed an examination for veterinarians prepared by the National Board Examination Committee or an equivalent examination as determined by the board; **[, OR QUALIFIES FOR AN EXEMPTION UNDER (b) OF THIS SECTION];**

(3) has passed the written examination of the state, specific to Alaska issues of veterinary practice;

(4) has passed a practical examination of skills if required by the board;

[AND]

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

(6) has paid required fees.

[(b) AN APPLICANT IS EXEMPTED FROM TAKING THE EXAMINATION REQUIRED UNDER (a)(2) OF THIS SECTION IF THE APPLICANT FURNISHES PROOF ACCEPTABLE TO THE BOARD THAT THE APPLICANT HAS PASSED THE EXAMINATION PREPARED BY THE NATIONAL BOARD OF VETERINARY MEDICAL EXAMINERS, THE VETERINARY EXAMINATION PREPARED BY THE NATIONAL BOARD EXAMINATION COMMITTEE, OR AN EQUIVALENT EXAMINATION WITHIN THE FIVE YEARS BEFORE APPLICATION, OR HAS BEEN IN ACTIVE PRACTICE OF VETERINARY MEDICINE FOR FIVE OF THE SEVEN YEARS BEFORE APPLICATION 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.]

Sec. 3. AS 08.98.184 is repealed and reenacted to read:

Sec. 08.98.184. Licensure by credentials. The board shall approve the issuance of a license to an applicant who holds a valid license to practice veterinary medicine in another state, territory, or country if the applicant has

- (1) graduated from an accredited school of veterinary medicine or has successfully completed the Educational Commission for Foreign Veterinary Graduates (ECFVG) certification process;
- (2) been engaged in the active practice of veterinary medicine for at least five of the seven years before filing the application;
- (3) passed the exam administered by the state, specific to Alaska issues of veterinary practice;
- (4) passed a practical examination of skills if required by the board;
- (4) 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; and
- (5) paid required fees.

Alaska State Legislature

Senate



Official Business


State Capitol
Juneau, AK. 99801-1182

Senate Labor & Commerce Committee

Chairman Senator Loren Leman
Vice Chairman Senator Jerry Mackie
Senator Mike Miller
Senator Tim Kelly
Senator Lyman Hoffman

MEMO

TO: Committee Members
And Others (listed below)

FROM: Annette Kreitzer, Aide to 
Senate Labor & Commerce Committee

DATE: March 12, 1997

RE: SB 92: Board of Veterinary Examiners

I have tried to come up with language that reflects the desires of the committee. I have additional material explaining the ECFVG process, and the CCT, and NBE examinations if you would like copies.

My understanding is that the committee didn't want unfair restraints on foreign graduates coming into Alaska through credentialing, but wanted to ensure that vets who could have done so, graduated from accredited schools (recognizing that only one school outside of Canada and the U.S. is accredited by the American Veterinary ^{Medicine} Medical Association.)

Catherine Reardon and I believe that AS 08.98.165(b) appears to be redundant.

cc: Catherine Reardon, Division of Occupational Licensing
✓ Dr. James Leach, Chairman of Board of Veterinary Examiners

AMENDMENT

OFFERED IN SENATE LABOR & COMMERCE
BY SENATOR LEMAN
TO: SB 92

Sec. 2. AS 08.98.165 is amended to read:

Sec. 08.98.165. Qualification for license. (a) An applicant is qualified to receive a license as a veterinarian who

(1) is a graduate of an accredited veterinary school or who has **[PASSED THE EXAMINATION OF THE] successfully completed the [NATIONAL BOARD EXAMINATION COMMITTEE'S] Educational Commission for Foreign Veterinary Graduates (ECFVG) certification process;**

(2) has passed an examination for veterinarians prepared by the National Board Examination Committee or an equivalent examination as determined by the board; **[, OR QUALIFIES FOR AN EXEMPTION UNDER (b) OF THIS SECTION];**

(3) has passed the written examination of the state;

(4) has passed a practical examination of skills if required by the board;

[AND]

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

(6) has paid required fees.

[(b) AN APPLICANT IS EXEMPTED FROM TAKING THE EXAMINATION REQUIRED UNDER (a)(2) OF THIS SECTION IF THE APPLICANT FURNISHES PROOF ACCEPTABLE TO THE BOARD THAT THE APPLICANT HAS PASSED THE EXAMINATION PREPARED BY THE NATIONAL BOARD OF VETERINARY MEDICAL EXAMINERS, THE VETERINARY EXAMINATION PREPARED BY THE NATIONAL BOARD EXAMINATION COMMITTEE, OR AN EQUIVALENT EXAMINATION WITHIN THE FIVE YEARS BEFORE APPLICATION, OR HAS BEEN IN ACTIVE PRACTICE OF VETERINARY MEDICINE FOR FIVE OF THE SEVEN YEARS BEFORE APPLICATION 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.]

JUSTIFICATION:

The committee members expressed concern that veterinarians be graduates of veterinary medicine schools. That is accomplished for other states' applicants with the above amendment. For foreign applicants, it has been a requirement that they pass the Educational Commission for Foreign Veterinary Graduates exam. However, passing the exam is only one step in the ECFVG certification process, so the language is amended to show that it is a certification process, not just passing the test. There are 49 states that require passage of the ECFVG program for foreign veterinary licensure. The 50th state in that list has NO provision for licensure of foreign applicants. Subsection (6) is added as it appears to have been an oversight.

(b) is deleted because it is redundant to AS 08.98.184.

Sec. 3. AS 08.98.184 is repealed and reenacted to read:

Sec. 08.98.184. Licensure by credentials. The board shall approve the issuance of a license to an applicant who holds a valid license to practice veterinary medicine in another state, territory, or country if the applicant has

- (1) graduated from an accredited school of veterinary medicine or has successfully completed the Educational Commission for Foreign Veterinary Graduates (ECFVG) certification process;
- (2) been engaged in the active practice of veterinary medicine for at least five of the seven years before filing the application;
- (3) passed the state written or practical examination;
- (4) 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; and
- (5) paid required fees.

JUSTIFICATION:

The committee members expressed concern that veterinarians be graduates of veterinary medicine schools. That is accomplished for other states' applicants with the above amendment. For foreign applicants, it has been a requirement that they pass the Educational Commission for Foreign Veterinary Graduates exam. However, passing the exam is only one step in the ECFVG certification process, so the language is amended to show that it is a certification process, not just passing the test. There are 49 states that require passage of the ECFVG program for foreign veterinary licensure. The 50th state in that list has NO provision for licensure of foreign applicants.

cc:Mail for: Annette Kreitzer

Subject: Re: SB 92: Veterinary Examiners
From: Randy Welker at LEG_AUDIT-JNU 3/13/97 11:23 AM
To: Annette Kreitzer at LAA_SLEM

We have reviewed the draft language you sent to us on the Vets Board. We have no problems with the changes to Sec 2. Section 3 changes AS 08.98.184 by adding (3) passed the state written or practical exam.

I am not sure I like the "or"! As I understand it, the state's practical exam is in fact a written one, which to me is confusing as I think of a practical exam as a sort of hands-on demonstration.

Also, as I understand, the board will require the CCT exam as the test under this provision. Our initial concern was that people licensed other places may not have been required to pass the CCT at the time they were licensed. So this in effect raises the current standards for licensing by credentials. As long as we make this change knowing that, I have no problem, but it is a change in policy.

Reply Separator

Subject: SB 92: Veterinary Examiners
Author: Annette Kreitzer at LAA_SLEM
Date: 3/12/97 5:39 PM

Attached is a memo to L&C members for tomorrow's meeting. Please let me know your thoughts on this suggested fix for SB 92.

cc:Mail for: Annette Kreitzer

Subject: Re: SB 92: Veterinary Examiners
From: Catherine Reardon at dced_jun1 3/13/97 9:42 AM
To: Annette Kreitzer at LAA_SLEM
cc: Barbara Gabier
cc: Kurt West

Thank you, Annette, for keeping me informed.

It looks good, but I have one question/concern.

Section 2 (qualification for licensure) includes:

- 3) has passed the written examination of the state;
- 4) has passed a practical examination of skills if required by the board

Section 3 (licensure by credentials) includes:

- 3) has passed the state written OR practical examination

Are sections 2 and 3 intended to allow the board to require the CCT AND the Alaska exam of BOTH initial and credentialing applicants?

Or, are credential applicants being given the choice of passing either the Alaska written exam OR the CCT, but not both?

The Alaska written exam includes a slide section, a multiple choice section and an arctic/Alaska veterinary section.
(It is a different test than the NBE or the CCT.)

The Alaska exam is required in AS 08.98.165 (a) (3).of initial/non-credential applicants. They take the NBE, the CCT and the Alaska exam.

If you want credential applicants to take BOTH the CCT and the Alaska exam, I suggest you rewrite AS 08.98.184(3) so it duplicates AS 08.98.165(a) (3)and (4). If you only want to require one test of credential applicants, I suggest the CCT/practical examination.

--Catherine

Reply Separator

Subject: SB 92: Veterinary Examiners
Author: Annette Kreitzer at JNU LAA
Date: 3/12/97 5:59 PM

Attached is a memo to LAC members for tomorrow's meeting. Please let me know your thoughts on this suggested LAC for SB 92.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 92

Revision Date: March 11, 1997
Title: An Act relating to veterinarians;.....

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

Sponsor: Senate Rules
Requestor: Senate 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						
--------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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: \$ _____

POSITIONS

POSITION TYPE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)
 SB 92 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: 3/11/97
 Date: 3-12-97

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Memorandum

DATE: March 11, 1997
TO: Annette Kreitzer
FROM: Randy Welker
RE: Proposed amendment to SB 92
Board of Veterinary Examiners Extension

In light of, and in response to, the testimony presented at last Thursday's committee meeting, we offer the following attached language as an amendment to section 2 of SB 92. The purpose of this amendment is to recognize in statute the practice advocated by some board members. There is some sentiment on the board to specifically require individuals seeking licensure by credential to pass the Clinical Competency Test (CCT) — a practical examination of skills, which the board requires for licensure by examination as set out at AS 08.98.165 (a)(4).

This proposed amendment would essentially require an applicant for licensure by credential to pass the CCT, even though it may not have been required as a condition of licensure in either their original jurisdiction or Alaska at the time the individual was originally licensed.

The CCT was first adopted by the state in 1981 as a condition of licensure. Adoption of the attached statutory language may serve to limit entry of individuals licensed in another jurisdiction prior to 1981. By requiring licensees of other jurisdictions where they may not have had to take CCT, to take the test, the proposed amendment would be running counter to heretofore established policy. That policy, as reflected in existing statute, allows individuals to be licensed by credential if they had to pass requirements the same (substantially similar) or higher than those in place in Alaska at the same time.

In our view, such a change does represent an upgrade in standards, and the number of credential licensing applicants that fall into this category (credential applicants licensed prior to 1981) is limited. None have been in this category in the last three years, and the likelihood that such a restriction would keep someone from being licensed in the future who would have been licensed in the past, diminishes with time. Additionally, the statute is easier to administer, since it is difficult to ascertain what the historical standards for veterinary licensure may have been in the years leading up to 1981.

If the committee, and eventually the full legislature, adopts this change — it would endorse the thinking of those board members who may want credential license applicants to have passed the CCT. If such an amendment is rejected, it would should serve as clear indication to the board that the legislature prefers the current policy, as spelled out in statute, that applicants for licensure by credential must only meet requirements that were *“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.”*

Amend Section 2 of SB 92 as follows:

*Sec. 2. AS 08.98.184 is amended to read:

Sec. 08.98.184. Licensure by credentials. The board shall approve the issuance of a license to an applicant who holds a valid license to practice veterinary medicine in another state, territory, or country with licensing requirements substantially similar to or higher than of this state which were in effect at the time the applicant obtained a license in the other jurisdiction if the applicant

(1) has graduated from an accredited school of veterinary medicine or has successfully passed the examination of the National Board Examination Committee's Education Commission for Foreign Veterinary Graduates;

(2) has passed a practical examination of skills if required by the board;

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

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

(5) (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 veterinarian license revoked for cause in another jurisdiction; and

(6) (5) has paid required fees.

DIRECTORY OF VETERINARY LICENSE REQUIREMENTS

This *Directory* reflects the license requirements established by the Veterinary Medical Boards in most of the jurisdictions of North America. The information has been verified in most cases; those which have not been verified are noted on the respective profiles. For each jurisdiction the name of a contact person is provided as well as the telephone, fax and e-mail, if available.

The *Directory* is provided to each of the Colleges of Veterinary Medicine in the US and Canada at no charge by the AAVSB as a service to the students. Although it is copyrighted by the AAVSB, veterinary students may copy any portion of the publication for their own use. Other veterinarians may purchase a copy of the *Directory* by contacting the AAVSB office.

The three charts included in the *Directory* summarize by jurisdictions: 1) examination administration dates, 2) examination fees, and 3) the types of licensure available and whether or not there is a continuing education requirement.

Please Note:

1. All jurisdictions require the National Board Exam (NBE);
2. All jurisdictions except the District of Columbia and the Virgin Islands require the Clinical Competency Test (CCT);
3. Many states also require some type of State Board Exam (SBE); and
4. Three states require an internship (supervised experience) prior to full licensure: Alabama, Missouri and Louisiana.

Please refer to the individual board profiles for more specific information including application deadlines for these exams and the type of State Board Exam in the various jurisdictions.

All jurisdictions have adopted the criterion referenced score as the passing score on the NBE and CCT. In some jurisdictions it is reported as 425 and in others it is converted to 70 or 75. The scores are all equivalent.

If you have questions about the *Directory*, please call, fax or e-mail the AAVSB office and the staff will assist you.

American Association of Veterinary State Boards
PO Box 1702
Jefferson City, MO 65102

(573) 761-9937 (telephone)
(573) 761-9938 (fax)
aavsb1@socketis.net (e-mail)



NATIONAL BOARD EXAMINATION COMMITTEE FOR VETERINARY MEDICINE

Post Office Box 1356 Bismarck, North Dakota 58502

Phone: (701) 224-0332 Fax: (701) 224-0435 E-mail: 74232.42@compuserve.com

TO: US and Canadian Veterinary Medical Licensing Boards

FROM: Dean Frey, DVM, Chair

DATE: April 14, 1997

SUBJECT: Request for Proposal

RECEIVED
 OCCASIONAL BUSINESS
 APR 17 1997
 11 57 AM '97

Catherine Cross, DVM, ABVP
 Chair-Elect
 American Animal
 Hospital Association

Richard S. Hawe,
 DVM, ABVP
 American Animal
 Hospital Association

Norman LaFauce,
 DVM, ACT
 American Association of
 Bovine Practitioners

Roger A. Magnusson,
 DVM, ABVP
 American Association of
 Equine Practitioners

R. B. Baker, DVM
 American Association of
 Swine Practitioners

Nancy L. Collins, DVM
 American Association of
 Veterinary State Boards

Dean Frey, DVM, ABVP
 Chair
 American Association of
 Veterinary State Boards

Al Hopkins, DVM
 American Association of
 Veterinary State Boards

Jenna Jones
 Public Member
 American Association of
 Veterinary State Boards

William W. Rosser,
 DVM, MA, ACVPM
 AVMA Council on Education

James Brace, DVM, ACVIM
 Past Chair
 Association of American
 Veterinary Medical Colleges

David Sandals, DVM, MSc
 Canadian National
 Examining Board

Michael G. Groves,
 Secretary-Treasurer
 DVM, PhD, ACVM
 National Association of
 Federal Veterinarians

John R. Boyce, DVM, PhD
 Executive Director

As you may know from reading the *National Board Report*, the NBEC has decided to move from offering two paper and pencil licensing examinations (the National Board Examination (NBE) and the Clinical Competency Test (CCT)) to a single computer-adaptive examination, with a planned date for implementation of December, 2000. I wanted to take this opportunity to communicate directly with the licensing boards on this important topic.

Since the early 1950's, the veterinary medical licensing examination program has been operated successfully for the NBEC by the Professional Examination Service (PES). Over the years, the NBE and CCT have been continuously improved and refined, and they are recognized as high quality evaluation instruments with demonstrated validity and reliability. However, security concerns associated with printing and shipping thousands of test booklets and answer sheets across North America, logistical difficulties caused by mass administrations on two dates each year, and the availability of new technology that makes it possible to offer more realistic assessments of clinical knowledge and skills, have led the NBEC to decide to make a move to computer-based testing. Nursing, pharmacy, and human medicine are three of the professions that have adopted computer-based licensing examinations in recent years, and several other national testing programs are also making the change. The NBEC has concluded that it is time to move our program in this direction. In doing so, it is our goal to offer boards and candidates a better licensing examination in a more secure format, while reducing the work load of licensing board staff and offering more convenient testing options to candidates.

Licensing boards should look closely at their practice acts and regulations, ensuring that the language in these documents will accommodate a change from the NBE and CCT to a single new computer-based licensing examination by December 2000. Mr. Dale Atkinson, legal counsel for the American Association of Veterinary State Boards (AAVSB), will be addressing this issue in a presentation to the AAVSB on Tuesday, July 22 in Reno, NV.

In conjunction with the decision to move to computer-based testing, the NBEC voted to issue a Request for Proposal (RFP) for the new computer-based examination program. The NBEC last issued an RFP in 1988. At that time, several companies submitted bids, and the committee selected PES to continue as the test vendor. The decision to issue another RFP was not made because of any problems in our relationship with PES. However, given the decision to move to a new testing format, and because it has been nine years since the last RFP was issued, the committee believed that it was time to see what services could be offered by other vendors, so that we are sure that we are offering the best examination to licensing boards at the most economical cost to candidates.

The RFP process will allow us to restructure our entire relationship with the test vendor. For that reason, the NBEC would welcome input from licensing boards. Feel free to direct your comments through one of the NBEC members (listed at left), through the AAVSB office, or directly to the NBEC at the address above. Thank you in advance for your help.

THE CLINICAL COMPETENCY TEST IN VETERINARY MEDICINE

What is the Clinical Competency Test (CCT)?

The CCT is a set of 14 animal patient management problems developed by Professional Examination Service (PES) under the direction of the National Board Examination Committee for Veterinary Medicine (NBEC) for use by veterinary medical licensing boards.

What are the purposes of the Clinical Competency Test in Veterinary Medicine?

The primary purposes of the CCT are:

- To provide veterinary licensing boards with information about a candidate's ability to solve problems and manage cases comparable to those encountered in actual veterinary practice.
- To assess the professional clinical competency of veterinarians at the entry level from a different perspective than that assessed by the National Board Examination (NBE).
- To provide additional examination options to boards charged with the licensing of veterinarians.

What is the role of the State or Provincial Licensing Board?

Candidates wishing to sit for the CCT must apply for the test through a state or provincial licensing board. The CCT is offered only on the common testing dates. However, the CCT is not administered in all states or provinces. Some states or provinces require the CCT as part of their licensing process, while others do not. It is the responsibility of each candidate to determine whether the CCT is offered in the state or province in which licensure is being sought, and whether it is required for licensure in that state or province.

As with the NBE, the state or provincial board sets the eligibility requirements, receives applications, and sets fees.

Since requirements, deadlines, and application fees vary, candidates are advised to contact the state or provincial board from which licensure is being sought well in advance of the examination date. Most state and provincial boards have a deadline for the receipt of applications and other materials one or two months prior to the examination date.

The addresses of the state licensing boards in the United States and of the provincial licensing boards in Canada can be found in the current *American Veterinary Medical Association Directory*.

Why is the CCT necessary when the NBE is available?

The CCT measures aspects of a candidate's suitability to enter practice *that are not measured by the NBE*. Therefore, a state or provincial board which uses both the NBE and the CCT obtains information about a candidate's ability that would not be obtained by using the NBE examination alone.

The correlation between candidate performance on the NBE and the CCT has ranged in the past from +0.20 to +0.36. These results might suggest that the NBE and CCT examinations are fundamentally

different tests. Actually, since both tests refer to the same "knowledge" base, they simply assess competence in veterinary medicine from different perspectives.

How can the CCT scores be used in the licensing process?

State and provincial boards use the CCT in the following ways:

- as a methodological replacement for the state or provincial practical examination.
- as a percentage of the state or provincial practical examination (e.g., 30% of a candidate's practical examination score might consist of that candidate's score on the CCT).
- as a third examination (in addition to the NBE and the practical or jurisprudence exam).
- as a reciprocity examination for candidates seeking licensure in another state or province.

How is the CCT constructed?

The CCT is developed by content-area specialists, including academicians and experienced practitioners, who represent a cross-section of clinical expertise in veterinary medicine. Grouped by areas of expertise, and aided by detailed instructions about test construction from the PES staff, veterinarians write simulation exercises designed to recreate actual clinical cases in step-by-step progression from presentation (history) to conclusion (treatment, management, and/or prevention).

Following numerous reviews by content experts as well as by PES staff for conformity to principles of test construction, grammar, and clarity, the CCT is reviewed and approved by the NBEC Examination Preparation Subcommittee.

What does the CCT cover?

The CCT currently contains 14 patient management problems in the following areas:

- Five problems in Small Animal (includes canine and feline);
- Six problems in Food Animal (includes bovine, porcine, and ovine/caprine or poultry);
- Three problems in Equine;
- The theme of at least one problem is food safety, public health, and/or epidemiology.

The blueprint used for the CCT is based on the test blueprint and job analysis used for the National Board Examination. The important issues and diagnoses tested by the CCT were obtained from a 2-year job analysis study recently completed by PES and the NBEC. The NBE blueprint is printed in the NBE candidate information brochure, also available from PES and the AVMA.

Three sample problems are included beginning on page 8 of this brochure.

Why are there fourteen (14) problems in the CCT?

This number is sufficient to measure the problem-solving and patient management abilities of candidates by presenting a variety of clinical situations, involving six animal species.

What is a CCT problem?

Each CCT problem presents a potential clinical situation, in order to evaluate the candidate's ability to manage it. Each problem is designed to simulate, as closely as possible, the types of decisions involved in diagnosing and treating a patient in an actual clinical setting. Developed by content-specialists in veterinary medicine, the problems involve the types of cases and the decisions entry-level veterinarians typically encounter in actual practice.

The use of a special marking pen and a special printing method (called latent-image printing) permits the CCT to simulate real-life situations by allowing the candidate to make choices from among many options and to learn the consequences of those choices by uncovering the latent-image (invisible ink) printed responses. The candidate then decides the relevance of the revealed information and makes further decisions as the simulated problem progresses.

Each CCT problem begins with an "Opening Scene", placing the candidate into the problem situation. A series of sections then follows, in which the candidate has the opportunity to obtain and evaluate information concerning the patient's history, physical examinations, and laboratory data. Based upon the candidate's assessment of the problem, treatment and/or management options are then selected. As in actual clinical practice, the problems vary in format, style, and length.

It is essential that the candidate, when making choices from the alternatives presented, develop the latent-image responses that correspond numerically to the choices made. Once a response has been exposed by the special marking pen, it cannot be recalled; and it serves, for grading purposes, as a permanent record of the choice the candidate has selected.

What are the test administration procedures for the CCT?

The CCT is administered on the day following the administration of the National Board Examination. Up to 4 hours are provided to complete the 14 problems. Test sites west of the Central Time Zone will begin the administration of the CCT at 9:00 am or 9:30 am local time and test sites east of the Mountain Time Zone will begin the administration of the CCT at 12:00 pm or 12:30 pm local time. Report to the test site at the time indicated on your admission ticket. Note that candidates will be allowed to complete testing and leave the test room no sooner than two (2) hours into the testing period. Exceptions to this procedure would be made for emergency situations (illness, power outages, etc.) and for candidates who wish to use the restrooms during the testing period.

Test dates for CCT administrations are as follows:

- 1995 -- Wednesday, April 12 and Wednesday, December 13
- 1996 -- Wednesday, April 10 and Wednesday, December 11
- 1997 -- Wednesday, April 9 and Wednesday, December 10
- 1998 -- Wednesday, April 15 and Wednesday, December 9
- 1999 -- Wednesday, April 14 and Wednesday, December 15

Most of the estimated 68,000 veterinarians in the United States have graduated from thirty-one colleges of veterinary medicine in the United States and Canada. These veterinary colleges have all been accredited by the AVMA Council on Education. A veterinarian who wishes to become licensed in the United States must sit for, and pass, a state board examination in the state or states where he or she may wish to practice. Most states require that veterinarians applying for licensure be graduates of a college accredited or approved by AVMA. The Council on Education will approve colleges of veterinary medicine outside the United States and Canada using the same standards and criteria that are used for American veterinary colleges. To date, only one veterinary college, the State University of Utrecht in the Netherlands, has requested and received approval by the AVMA Council on Education.

Many graduates of foreign veterinary colleges other than the University of Utrecht have been interested in obtaining licensure in the United States. The World Health Organization lists more than 250 veterinary colleges throughout the world. Some of these colleges are undoubtedly offering training for veterinarians that is comparable to that received at colleges Accredited or Approved by AVMA. Others, however, do not provide the quality or degree of training that would be acceptable by AVMA criteria; consequently graduates of those colleges are often not competent to practice in the United States.

This wide variation in the training and competency of veterinarians educated in other countries has led to many problems for licensing boards and state legislative bodies throughout the United States. Most states have no desire to turn away an adequately trained veterinarian simply because that training was received in another country. On the other hand, most licensing boards do not wish to or cannot attempt to screen large numbers of applicants from other countries, nor do they attempt to identify or categorize the types of training the various individuals may have received.

The AVMA foreign graduate certification program was developed to assist state licensing boards to identify veterinarians who have received training comparable to that offered in colleges accredited or approved by AVMA. The program also provides veterinarians who have been educated in other countries with a means of demonstrating their capabilities and eventually becoming licensed to practice in the United States.

The AVMA program is administered through the Educational Commission for Foreign Veterinary Graduates, hence the abbreviation ECFVG. The members of the Commission are appointed by the AVMA Executive Board and represent various disciplines in veterinary medicine, including education, civilian government services, and examining boards.

An Educational Commission for Foreign Veterinary Graduates (ECFVG) certificate is required by 49 states, plus the District of Columbia, Puerto Rico, and the Virgin Islands, before graduates of veterinary colleges outside the United States and Canada can qualify for licensure. One state has no provision for licensure of graduates of foreign colleges.

A veterinarian who wishes to obtain an ECFVG certificate must complete, in order, four basic steps to qualify for ECFVG certification. These steps are outlined and explained in the Information for Graduates brochure, available from AVMA. Application forms are available through AVMA and require a \$275.00 registration fee.

1. First, proof of graduation from an AVMA-listed college of veterinary medicine. The AVMA staff will seek verification of the applicant's credentials by direct request to the college from which the individual claims graduation.
2. Second, proof of fluency in English must be furnished -