

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10361 HOUSE LABOR & COMMERCE

206

**SB**

**270**

# Alaska State Legislature

SENATOR  
GENE THERIAULT  
Chair



SESSION ADDRESS  
State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-4797  
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## Legislative Budget and Audit Committee

Senate Bill 270

"An Act extending the termination date of the Board of Dispensing Opticians."

Sponsor:

Senate Rules Committee by Request of the  
Legislative Budget and Audit Committee

### Sponsor Statement

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Alaska Statute 08.71.010 established the State Board of Dispensing Opticians in 1973 to regulate and control the practice of opticians in Alaska. The Board promotes the competent and safe practice of opticianry. The Board currently oversees 99 licensed opticians and approximately 158 apprentices.

The Board consists of four licensed Opticians and one public member appointed by the governor. It regulates the practice of opticianry in the state by setting education, training, and work experience standards necessary for an individual to be licensed. Such standards provide reasonable assurance that persons licensed as opticians are qualified.

An audit was conducted and released by the Legislative Budget and Audit Committee on January 24, 2002. The audit expressed several concerns with the Board, mainly in regards to the Board's examination process and the amount of apprenticeship hours required for licensure. SB 270 reduces the number of hours required and removes the Board's state examination replacing it with successful completion of the national exams. It also allows a candidate who has earned an associate degree from a school of optometry to become licensed in Alaska after passing the national exams, but removes the mandate that the candidate also complete 2,000 hours of apprenticeship.

Under AS 08.03.010, Termination of State Boards and Commissions, the State Board of Dispensing Opticians is set to expire June 30, 2002. If the Legislature does not act to extend the Board, it will have one year, until June 30, 2003, to administratively conclude its affairs. Senate Bill 270 will extend the Board for three years and makes changes to its licensure requirements.

Contact: Heather Brakes, Legislative Budget and Audit Committee Aide

### INTERIM ADDRESS

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## Sectional Analysis

### CSSB 270(L&C)

*"An Act extending the termination date of the Board of Dispensing Opticians; relating to the regulation of dispensing opticians; and providing for an effective date."*

Section 1. Amends AS 08.03.010 to extend the Board of Dispensing Opticians for three years to June 30, 2005, as recommended by the audit report released on January 24, 2002 by the Legislative Budget and Audit Committee.

Section 2. Removes the reference to the board's examination in AS 08.71.055(1) & (5).

Section 3. Removes the reference to the board's examination. from AS 08.71.080.

Section 4. Amends AS 08.71.090 removing reference to the board's examination and requiring one or both of the national examinations be successfully completed for licensure in Alaska.

Section 5. Amends AS 08.71.110 reducing the number of apprenticeship hours from the currently required 6,000 hours to 3,000 hours. An associate degree from a recognized school or college may be substituted for experience requirements.

Section 6. Removes reference to the board's examination in AS 08.71.120.

Section 7. Amends AS 08.71.130 by clarifying the renewal of license statute.

Section 8. Amends AS 08.71.145, cleaning up the licensing by credentials statute with the removal of the "examination" reference.

Section 9. Repeals AS 08.71.100 from the chapter and removes the board's examination.

# FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: SB 270  
(S) Publish Date: 2/19/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DCED  
Title An Act extending the termination date of the BRU: Occupational Licensing (117)  
Board of Dispensing Opticians \_\_\_\_\_ Component Occupational Licensing  
Sponsor Rules by Request \_\_\_\_\_  
Requester Senate Labor & Commerce \_\_\_\_\_ Component No. 2360

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	14.2	14.2	14.2	14.2		
Travel	3.5	3.5	3.5	3.5		
Contractual	2.9	2.9	2.9	2.9		
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>20.6</b>	<b>20.6</b>	<b>20.6</b>	<b>20.6</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>	<b>20.6</b>	<b>20.6</b>	<b>20.6</b>	<b>20.6</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other 1156-Receipt Supported Services	20.6	20.6	20.6	20.6		
<b>TOTAL</b>	<b>20.6</b>	<b>20.6</b>	<b>20.6</b>	<b>20.6</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2002) cost: 0.0  
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:  X

**POSITIONS**

Full-time					
Part-time					
Temporary					

**ANALYSIS:** (Attach a separate page if necessary)  
The bill extends the Board of Dispensing Opticians to June 30, 2005, and amends statutes relating to the licensing examination. In accordance with AS 08.03.020, funding is extended one year following the termination date allowing the board to conclude its affairs. The information above identifies direct expenditure and revenue information included in the FY 2003 Operating Budget request. New funds are not required to implement changes to the examination statutes.

Prepared by: Jennifer Strickler, Administrative Manager Phone (907) 465-2144  
Division: Occupational Licensing Date/Time 2/11/02 5:00 PM  
Approved by: Deborah B. Sedick, Commissioner Date 2/11/2002  
Agency: Department of Community & Economic Development

# *Alaska Board of Dispensing Opticians*

Alaska State Legislature  
Capitol Building  
Juneau, AK 99801

Dear Members of the Alaska State Legislature:

In reviewing SB 270, the Board of Dispensing Opticians opposes the recommendation of removal of board examination for applicants. The proposed recommendation does not benefit the citizens of Alaska and has the potential to do harm.

Practical testing measures the competency of the applicant to perform daily clinical tasks that cannot otherwise be measured. This is important in regards to spectacles and essential regarding contact lenses. Spectacle competency is imperative when considering potential permanent vision loss, i.e. pediatric amblyopia. In the State of Alaska, opticians are licensed to fit contact lenses. Without proper education and the evaluation of the applied knowledge, contact lenses can and do cause damage. Contact lenses are a Class II and Class III FDA-regulated medical device.

The American Board of Opticianry examination (ABO) and National Contact Lens Examination (NCLE) are entry-level certifications establishing minimum level competency, only testing candidate's knowledge of physiological optics. These tests were never designed to be stand-alone licensing exams, thus there are no states currently allowing the fitting of contact lenses with National Contact Lens Certification only.

It is our opinion that the State of Alaska would be doing a disservice to its citizens by eliminating current statutory standards. These standards are for the health, welfare, and safety of its citizens. It would seem any statutory changes made should be to benefit the welfare and safety of its citizens.

Previous audits requested an educational component to the apprenticeship program. This element has been met after lengthy hours of research and meetings by this newly appointed board as recorded in the minutes of August 1, 2001. The adoption of the National Academy of Opticianry's Career Progression Program will achieve this and more. This program will directly benefit rural Alaskans. It will enable anyone with a high school education to participate in this educational program in his or her community. Opticians are needed throughout Alaska, Barrow, and Kotzebue, to name a few. The average income of an optician is \$40,000 annually; this seems to offset any concerns one might have regarding the cost of the progression program.

This board appreciates the frustration of the Legislative Budget and Audit personnel regarding the past boards' seeming indifference to previous audit recommendations concerning the practical exam. We administered the new practical exam on Friday, April 19, 2002. Enclosed are exit interviews conducted by the licensing examiner. We believe that the practical exam problems have been solved. This newly appointed board has spent countless hours and personal expense to correct past deficiencies. It has acted swiftly to correct the criticisms of the most recent audit in a very short period of time. Please allow these changes to show their merit.

Sincerely,

Alaska Board of Dispensing Opticians

## **Memo to the Members of the Alaska State Legislature**

**From:** The State Board of Dispensing Opticians  
**RE:** Practical Examination of Candidates, April 19, 2002  
**Date:** April 19, 2002

In response to the Legislative Audit Committee's valid criticism of the former Practical Examination for potential licensees, the current Board members rewrote the examination administered on this date to six potential licensees. The specific criticism of the Audit Committee addressed by the new examination was the elimination of the subjective nature of the former exam. The new exam is specifically designed to be objective in nature, with a total of four areas of minimum practical competency tested. The four areas are as follow:

1. Competency in the use of a lensometer, a necessary basic tool which identifies lens power, prism, segment height, base curve, center thickness, optical center, lens type and style, and pupillary distance. Three pair of spectacles, newly acquired for the examination from Colts Laboratories, were provided for the exam. All three pair were certified by the lab as to their powers, center thickness, base curve, prism, pupillary distance, segment measurements and segment insets for the exam; and re-measured by the Board members, who are Licensed Dispensing Opticians. These measurements are objective, and the applicants were required to identify them for each set of spectacles. This is a routine function of a dispensing optician on a daily basis. The correct mastery of this basic equipment is necessary to assure that the prescription ordered by the Optometrist or Ophthalmologist is correctly fabricated for the consumer. There are acceptable ranges established by ANSI (American National Safety Institute), and any question answered within the acceptable range was accepted as correct. This section was worth a total of 40 points.
2. Measurement of a customer for new glasses. This function assures the customer that the lenses will be fabricated in such a way as to correctly position frames, progressive lenses and bifocal lenses. This is a basic, everyday task of a Licensed Dispensing Optician. The same "customer" was measured with the same frames by every candidate. Prior to the exam, the "customer" was measured for all of the information required of the candidates, and the

measurements recertified by another Licensed Dispensing Optician for accuracy. This section was worth a total of 22 points.

3. Familiarity with the American National Safety Institute Standards. The section of the exam reviewed by these questions is, again, objective. The format for the answers was multiple choice, with four potential answers provided for each question. These are basic, non-interpretable, cut and dried standards. The section was worth a total of 18 points.
4. The final section of the exam tests for minimum competency in mathematics, knowledge of common terms utilized in prescriptions for eyewear, OSHA requirements, and other assorted necessary items. This section was worth 20 points.

All of the candidates were assessed an exit interview, conducted by the Licensing Examiner. All were asked the same questions:

1. Were the exam questions clear and concise?
2. Was the format arranged in an orderly way, and easy to use?
3. Was the equipment provided accurate and satisfactory?
4. Do you have any suggestions for improving the exam for the future?

The results of the exam were as follows:

- Of six candidates tested, one passed with a minimum score of 70 out of a possible 100 points.
- The lensometer seemed to present the most problems for the candidates, with a total of 80.5 points lost by the six candidates out of a potential 240 points for all six candidates. The competency rate for the group was 66.46%. The obvious conclusion reached by the Board is that the candidates are lacking in practical knowledge. The elimination of the Practical Exam will result in the licensing of candidates who are incompetent, causing potential harm to the consuming public, and possible unnecessary expense.
- The fittings section, worth a total of 22 points per candidate, or 132 total points, earned a total of 90 correct points. The competency rate for the group was 68%.

- The ANSI Standards multiple choice question, worth 18 points each (or 108 for the group), earned a total of 64 total points. The competency rate for the group was 59%.
- The final section of the exam, which is primarily formulas and mathematics, had a total score per candidate of 20 points, or 120 points for the group. The group earned a total of 84 correct points. The competency rate of the group was 70%.

The conclusion of the Board based on the findings as enumerated above is that the practical examination is necessary for licensure. It is irresponsible to license incompetent candidates who have not mastered basic, minimum, every-day skills. Simply passing a written certificate exam such as the ABO or NCLE exams will place incompetent licensed "opticians" into the workforce. Alaskan consumers demand and deserve better.

The further conclusion of the Board is that the Career Progression Program component advocated by the Board would, if instituted by legislation, prepare the candidates for the Practical Exam by insuring their mastery of minimum skills. It is reasonable to extrapolate that a higher percentage of successful candidates would be licensed if true training were received. Since it is obvious by the results of an objective test that the level of training received by apprentices is currently sorely lacking, a serious and formally designed training program such as the CPP would make up for the evident lack of training being received by apprentices in various optometrists' and ophthalmologists' offices, retail stores and opticians' shops.

Thank you for considering the information we have provided and retain the practical exam as in the best interest of the Alaska consumer, and insert a requirement for apprentices to complete a Career Progression Program as being in the best interest of the potential licensee.

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CS SB 270 (L&C)  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DCED  
 Title An Act extending the termination date of the BRU: Occupational Licensing (117)  
Board of Dispensing Opticians Component Occupational Licensing  
 Sponsor Senate Rules by Request  
 Requester Senate Finance Component No. 2360

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

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<b>CAPITAL EXPENDITURES</b>						
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Estimate of any current year (FY2002) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

The bill extends the Board of Dispensing Opticians to June 30, 2005, and amends statutes relating to the licensing examination. In accordance with AS 08.03.020, funding is extended one year following the termination date allowing the board to conclude its affairs. The information above identifies direct expenditure and revenue information included in the FY 2003 Operating Budget request. New funds are not required to implement changes to the examination statutes.

Prepared by: Jennifer Strickler, Administrative Manager Phone (907) 465-2144  
 Division Occupational Licensing Date/Time 3/22/02 2:34 PM  
 Approved by: Deborah B. Sedwick, Commissioner Date 3/22/2002  
 Agency Department of Community & Economic Development

**Proposed Amendment to CSSB 270 (L&C)**  
Extending the Termination Date of the Board of Dispensing Opticians; Relating to  
Licensing of Dispensing Opticians; and Providing For an Effective Date.

**Amendment No. 1**

Page 3, line 13:

Insert a new paragraph to read:

(4) has successfully completed a career progression program required by the board in regulation;

*Renumber the remaining paragraph*

Page 3, line 14

Amend to read:

(b) Graduation from an associate degree program in a recognized school or college of opticianry may be substituted for [4,000 OF THE 6,000 HOURS OF EXPERIENCE REQUIRED BY (a)(2)] the requirements of (a)(2) and (a)(4) of this section.

Page 3, line 31

Add a new section to read:

**AS 08.71.165. Assistants.**

A person who is not a licensed dispensing optician may assist a licensed physician, optometrist or dispensing optician. The person may perform dispensing optician tasks that have been specifically delegated by, and are performed under the direct supervision of, the licensed physician, optometrist or dispensing optician. The person may not use a title including the word "optician" or "opticianry."

**Proposed Amendment to CSSB 270 (L&C)**  
Extending the Termination Date of the Board of Dispensing Opticians; Relating to  
Licensing of Dispensing Opticians; and Providing For an Effective Date.

**Amendment No. 2**

Page 2, line 19

After "shall" add "pass a practical examination given by the board and"

Page 2, line 24

After "shall" add "pass a practical examination given by the board and"

Delete Sections 2 and 6

### **Letter of Intent for CSSB 270(L&C)**

It is the intent of the House Labor and Commerce Committee that the Board of Dispensing Opticians researches the options for conducting a practical examination for licensure as a dispensing optician. The board shall report its findings and recommendations regarding practical examination to both the chair of this committee and the Legislative Auditor by June 30, 2004. The Division of Legislative Audit is directed to consider the board's report as part of the next sunset review of the board.

SB270

## Licensure of Optician

Questions for the Labor and Commerce Committee to consider.

### **How licensing opticians furthers the public good?**

It does not. There are no significant differences in quality between license vs. non-license states. In the non-licensed states, opticians seeking professional growth, competence and career advancement are free to pursue national certification programs, just as apprentices in license states do during the 6000 hour apprenticeship period do. During the apprenticeship period, there is not guarantee that the apprentice is learning the skills required to pass their licensing test or if they are simply assisting the customer with the fashion aspects of selling frames. Certainly the astoundingly high drop out rate of apprentices and the failure rate for the board test (last month 1 apprentice out of 6 passed the new test) testifies to the fact that apprentices treat pursuing higher education as optional. Opticianry is a trade, with no public safety issue that requires licensure. The person working on your auto's brakes has much more responsibility than a "dispensing optician" (frame stylist-salesperson) and does not need a "license" in Alaska. "Bench opticians", who actually have skills in grinding the lenses and making the glasses, are exempted and do not need a license under current Alaska optician law.

### **By licensing opticians, what harm is the State protecting the public from?**

None. Glasses are PRESCRIBED by optometrists & ophthalmologists, and patients are asked to bring them back to be verified that the prescription is correct. Contact lenses are only dispensed "in conjunction with and under the supervision of a licensed physician or an optometrist and with a written contact-lens prescription.... and requiring that the patient return to see the prescribing physician or optometrist..." (AS 08.71.200) If an optician dispenses a pair of glasses to a child with a 'lazy eye,' the child is under the care of a medical professional. Caring for that child's vision and status of his medical condition is not within the scope and practice of the optician.

Only 21 States license opticians, 2 register (1 VOLUNTARY), and 1 has certification. The other 27 States & DC have NO REGULATION AT ALL of opticians. Most licensure of opticians occurred in the 1950's or earlier, and NO NEW STATE has licensed opticians in 21 years. Iowa repealed their registration statute in 1992.

The national Council on Licensure, Enforcement and Regulation (CLEAR), of which Alaska is a member, stated that 27 state jurisdictions felt that a "clear and present danger to the public's health, safety, and welfare" has NOT been established to warrant licensure or even registration of opticians. (Shimberg, Benjamin and Roederer, Doug. Questions A Legislator Should Ask. 2nd Edition.

Lexington, Kentucky: The Council on Licensure, Enforcement and Regulation, 1994.)

QUOTE: From the current 2002 Alaska Audit of Opticians:

"Requirements for licensure are excessive and unduly prohibit people from obtaining licensure".

"Registering opticians under a titlement statute is a reasonable public policy alternative.

Currently, 22 states license opticians through the use of licensing board. The other jurisdictions regulate opticians through the use of a registration program under a titlement law, or have no minimum established requirements related to the practice of opticianry.

Given such circumstances, jurisdictions in which opticians are registered under a titlement law, or not licensed at all, the public still receive opticianry services typically from optometrists or opticians who are often affiliated with, or supervised by, optometrists.

Given the limited potential for real adverse harm to the public health and welfare, a registration program for opticians has merit. Such a program administered by the Division of Occupational Licensing could provide for the registration of individuals holding themselves as opticians. Such a system could provide adequate, if not optimum, protection to the public."

Here are some relevant points to ponder when considering licensure of opticians. "Why regulate a profession or trade?" from a book many legislators have access to: Shimberg, Benjamin and Roederer, Doug., Questions A Legislator Should Ask. 2nd Edition. Lexington, Kentucky: The Council on Licensure, Enforcement and Regulation, 1994.

**What is the problem?** Licensure is the most stringent form of regulation imposed by a state legislature upon occupations and professions that pose a "clear and present danger to the public's health, safety and welfare." Opticians currently perform the services referenced in statute without apparent harm to the public.

**Will regulation be harmful to the public?** Licensure as a form of regulation serves to restrict the number of individuals able to provide statutorily defined services. In general, opticians employed by others do not favor licensure, which they see as a mechanism to restrict the number of opticians available to serve the public. In addition, the cost of licensure including, application fees, renewal fees, continuing education costs, etc. are passed along to the consumer.

The current trend in many states is to downsize government and deregulate occupations where no significant risk to the public is apparent. Would a lesser level of public regulation, such as registration, be more appropriate, if any form of regulation is deemed necessary?

Licensure costs the state government money. (Currently, the Board of Dispensing Opticians is running at a significant deficit. The deficit arises from the cost of doing business opposed to a regulatory enforcement action.) The process of establishing a licensing agency, the cost of state employees, the cost of licensing board meetings, the cost of regulation development, the cost of enforcement, the cost of processing applications for licensure, the cost of the license renewal process, the cost of investigation of complaints, etc., are rarely supported by license renewal fees alone.

**Is there a public need?** Is licensure being proposed by individuals performing optician services or an "outraged public seeking to end intolerable abuse?" Phone conversations with Oregon and Colorado, both states that do not license, revealed that the public is unaware that opticians should be or should not be licensed. Not only is there no "outcry" there is no sense of a problem. In a conversation with an optician in the state of Iowa, which converted from a voluntary registration system to no regulation whatsoever, the same result was noted. In Iowa, opticians still pursue certification from national programs or they may not. Regardless, the State of Iowa has not noted an increase in complaints. In fact, the complaints lodged with the State that dealt with opticians related to billing.

"Registration," is defined as "the least restrictive form of state regulation, usually consisting of requiring individuals to file their name, address and qualifications with a government agency before practicing."

# Audit Report

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DEPARTMENT OF COMMUNITY AND  
ECONOMIC DEVELOPMENT  
BOARD OF DISPENSING OPTICIANS  
SUNSET REVIEW

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September 20, 2001

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Audit Control Number:

08-20010-02

Division of Legislative Audit

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

# LEGISLATIVE BUDGET AND AUDIT COMMITTEE

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## 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 the Senate and two from the House. 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 \$6 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 as mandated by Alaska Statutes or 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 Juneau, Anchorage, or our web site <http://www.legis.state.ak.us/legaud/web/default.htm>.

### BUDGET AND AUDIT COMMITTEE

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**Senator Dave Donley**  
**Senator Lyman Hoffman**  
**Senator Randy Phillips**  
**Senator Jerry Ward**  
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**Representative John Harris**  
**Representative Reggie Joulé**  
**Representative Ken Lancaster**  
**Representative Eldon Mulder**  
**Representative Bill Williams (alternate)**  
**Representative John Davies (alternate)**

### DIVISION OF LEGISLATIVE AUDIT

**Pat Davidson, CPA**  
**Legislative Auditor**

**P.O. Box 113300**  
**Juneau, AK 99811-3300**

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**(907)561-1452 Anchorage Fax**

# ALASKA STATE LEGISLATURE

## LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



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Juneau, AK 99811-3300  
(907) 465-3830  
FAX (907) 465-2347  
Internet e-mail address:  
legaudit@legis.state.ak.us

October 1, 2001

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 COMMUNITY  
AND ECONOMIC DEVELOPMENT  
BOARD OF DISPENSING OPTICIANS  
SUNSET REVIEW

September 20, 2001

Audit Control Number

08-20010-02

This audit was conducted as required by AS 44.66.050 and under the authority of AS 24.20.271(1). Alaska Statute 44.66.050(c) lists criteria to be used to assess the demonstrated public need for a given board, commission, agency, or program subject to the sunset review process. Currently under AS 08.03.010(c)(9), the Board of Dispensing Opticians is scheduled to terminate on June 30, 2002. The board would be allowed one year in which to conclude its administrative operations.

In our opinion, the termination date for the Board of Dispensing Opticians should be extended. The regulation and licensure of opticians contributes to the protection of the public's welfare. We recommend the legislature extend the termination date of the Board of Dispensing Opticians to June 30, 2005.

This sunset review 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 set out on page one of this report.

A handwritten signature in cursive script that reads "Pat Davidson".

Pat Davidson, CPA  
Legislative Auditor

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## OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Board of Dispensing Opticians. As required by AS 44.66.050(a), the legislative committee of reference shall consider this report during the legislative oversight process to determine whether the board should be reestablished. Currently, AS 44.66.010(9) states that the board will terminate on June 30, 2002, and will have one year from that date to conclude its operations.

### Objectives

The three central, interrelated objectives of our report are:

1. To determine if the termination date of the board should be extended.
2. To determine if the board is operating in the public interest.
3. To determine if the board has exercised appropriate regulatory oversight of licensed opticians.

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

Under the direction and supervision of the Division of Legislative Audit, another auditor conducted the majority of this review. We followed professional standards to determine that the other auditor was independent and that their work was competent and sufficient.

The major areas of our review were licensing, examination, and board proceedings. We reviewed and evaluated the following:

1. Applicable statutes and regulations.
2. Compliance with statutes and regulations related to the licensing of Dispensing Opticians and the registration of optician apprentices.
3. Files and documentation of individuals licensed as opticians and those who are applying to be licensed as opticians.
4. Files related to investigations carried out by the Division of Occupational Licensing involving allegations of violations of statutes and regulations related to opticians.

5. Information related to the requirements of other states related to individuals being licensed as dispensing opticians.
6. Minutes of board meetings and division correspondence files.
7. Annual reports issued by the board.

In addition, we conducted interviews with Division of Occupational Licensing staff.

## ORGANIZATION AND FUNCTION

Alaska Statute 08.71.010 establishes the Board of Dispensing Opticians. The board consists of five members appointed by the governor and is subject to legislative confirmation. Four members must be dispensing opticians while the fifth member is of the general public with no financial interest in opticianry.

The board regulates the practice of opticianry. The board sets the minimum standards to practice in Alaska by:

1. Registering dispensing optician apprentices.
2. Licensing opticians through examination or credentials.
3. Establishing, amending, or eliminating regulations affecting the standards of professional opticianry practice.
4. Instilling disciplinary actions in accordance with the Administrative Procedures Act when a person has violated statutes or regulations related to the practice opticianry.

**Board of Dispensing Opticians**  
(As of June 30, 2001)

James Rothmeyer – Optician, Chair  
Ann M. Bezona – Optician  
Larry Harper - Optician  
Cynde Oleck - Optician  
Roberta Rawcliffe - Public Member

From a commercial perspective, the licensed dispensing optician is, compared to other professional groups, somewhat uniquely situated. The optician provides services that also can be provided by two other licensed professionals: optometrists and ophthalmologists (the latter being a licensed physician specializing in care of the eyes). State law specifies that the rights, privileges, and obligations of dispensing opticians are designed not to "limit or restrict a licensed physician or optometrist from the practices enumerated" in the dispensing optician statutes. Additionally, statute provides that "each licensed physician and optometrist has all the rights and privileges which may accrue under [statute] to a Dispensing Optician licensed [under state law]."

Opticians provide services to the public that also can be provided by individuals associated with and supervised by optometrists and ophthalmologists. Some opticians work independently while others are employed by, or in some other way affiliated with, optometrists and ophthalmologists.

### Department of Community and Economic Development, Division of Occupational Licensing

The Department of Community and Economic Development, Division of Occupational Licensing provides administrative and investigative assistance to the Board of Dispensing Opticians. Administrative assistance includes budgetary services and functions such as

collecting fees, maintaining files, receiving and issuing application forms, and publishing notices of examinations and meetings.

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

Alaska Statute 08.01.087 empowers the Division of Occupational Licensing with the authority to act on its own initiative or in response to a complaint. The division may:

1. Conduct an investigation if it appears a person is engaged in or is about to engage in a prohibited professional practice.
2. Bring an action in Superior Court to enjoin the act.
3. Examine the books and records of an individual.
4. Issue subpoenas for the attendance of witnesses and records.

## REPORT CONCLUSIONS

In our opinion, the Board of Dispensing Opticians is operating in manner to promote the practice of opticianry in the state consistent with the interest of public protection. Although we have some reservations about the operations of the board, as reflected in the Findings and Recommendations section of this report, we believe the board is serving the public interest by promoting competence and integrity of individuals holding themselves out to the public as opticians.

The Board of Dispensing Opticians serves a public purpose by promoting the competent and safe practice of opticianry. The board does this through establishing standards for licensed professionals and monitoring the manner in which they practice. The board has carried out these responsibilities in a satisfactory manner. We do have concerns about the criteria used and the process followed by the board in licensing individuals applying to become opticians.

Alaska Statute 08.03.010(c)(9) requires that the Board of Dispensing Opticians be terminated on June 30, 2002. Under AS 08.01.020 the board has a one-year period to administratively conclude its operations. While the standard extension time period for boards suggested in statute is four years, we recommend that the board's termination date be limited to three years (June 30, 2005) in order to provide the legislature an expedited opportunity to consider the actions taken by the board to address the concerns presented in this report.

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## FINDINGS AND RECOMMENDATIONS

### Recommendation No. 1

The Board of Dispensing Opticians should evaluate the reasonableness of the apprenticeship period required for individuals seeking to be licensed.

To become licensed as an optician in the State of Alaska, an individual must pass an examination that is offered at least once a year by the board. To be eligible to sit for this examination, an individual must have graduated from high school and accumulated at least 6,000 hours of training as a registered optician apprentice. This apprenticeship requirement is reduced to 2,000 hours for individuals that have graduated from an associate degree program in opticianry. Most of the individuals licensed by examination in Alaska do so under the 6,000 hour apprenticeship requirement.

Currently, 22 states regulate opticians through the use of a licensing board. The remaining states either utilize a registration system or do not regulate opticians. All of these states provide for a process by which an individual can become licensed through an apprenticeship process.<sup>1</sup> Alaska's apprenticeship requirements are typical of those followed by other states that utilize a board to regulate opticians; however, other states have apprenticeship requirements as low as 2,000 or 3,000 hours.

Over the last three fiscal years, the board has licensed eight people under the experience and examination requirements.<sup>2</sup> By comparison, the board has registered 94 new apprentices over the same period. While there may be commercial reasons for this large difference between the number of individuals seeking licensure as opticians compared to apprentices, the disparity also suggests that the 6,000 hour requirement may unduly prohibit people from getting licensed as an optician.

We suggest the board reconsider the necessity of the 6,000 hour requirement. The board should survey registered apprentices and assess the extent that apprentices aspire to become licensed opticians. If a significant number of apprentices would be interested in becoming opticians if the 6,000 hour requirement was lowered, the board should then reconsider the necessity of requiring what is in essence a three year apprenticeship.

Given that professional competence is promoted by requiring individuals pass national examinations – the question the board should address is: How much more public protection is provided by requiring individuals to apprentice for three years compared to two years, or even one year? In the context of the two-tiered examination process, the additional requirement that an individual serve a three year apprenticeship may be unreasonably restrictive, and not in the overall interests of the public.

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<sup>1</sup> To be licensed through an apprenticeship process, the applicant typically is required to have graduated from high school or attain a graduate equivalent diploma.

<sup>2</sup> While ten opticians have been licensed over the past three fiscal years, two received their license under the credentials procedure rather than through the experience and examination process.

## Recommendation No. 2

The board should reconsider whether to continue requiring applicants pass a state administered practical examination. If it elects to continue requiring a practical examination, the board should take steps to improve the objectivity and consistency with which the examination is scored.

The board requires applicants for licensure to pass a national written examination and a practical examination to demonstrate sufficient ability to dispense optical products. The practical examination is over two hours long and is related to the "mechanics" of the profession – proper use of various devices to measure individuals for fit and comfort of eyewear and contact lenses.

This is a prior audit recommendation. In our 1995 sunset review<sup>3</sup>, we recommended the board improve the objectivity and consistency of the state's practical opticianry examination. We noted at that time that the results of the examination had been challenged five times, and in two instances test scores were changed – once resulting in an applicant moving from failing to a passing score.

The board has administered over 20 examinations in the past three fiscal years. We selected 11 of these practical examinations and reviewed the scores calculated by the board. We found five errors in the calculation of the scores. Since FY 98, four individuals who initially received failing scores in their practical examination protested the procedures and scoring. Upon review, two were licensed by the board.

At this point, we suggest the board give serious consideration to discontinuing the practical examination and require applicants only to pass the nationally recognized examinations offered by the American Board of Opticianry (the National Opticianry Competency Examination) and the National Contact Lens Examiners (the Contact Lens Registry Examination) for licensure within the State. Alternatively, the board could possibly explore efforts being made by other state licensing agencies to develop a regionally-recognized, if not nationally endorsed, practical examination.

We continue to be concerned about the apparent subjectivity or error-prone nature of the current examination. This continuing problem, coupled with what may be unduly high apprenticeship hour requirements discussed in Recommendation No. 1, may be artificially limiting the number of individuals seeking licensure as opticians and contributing to the disparity between the number of registered apprentices and number of applicants.

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<sup>3</sup> Department of Commerce and Economic Development, Board of Dispensing Opticians, September 29, 1995 (Audit Control Number 08-1435-96)

## AUDITOR COMMENTS

Under AS 44.66.050(d)(4) part of a sunset review is to provide "*an assessment of alternative methods of achieving the purposes of the program.*" In this context, we considered the merits of regulating opticians through the use of a titlement law. Such a law would certify qualified practitioners of a given profession utilizing a state registration process without administrative oversight from a licensing board.

### Registering opticians under a titlement statute is a reasonable public policy alternative

Currently, 22 states license opticians through the use of licensing board. The other jurisdictions regulate opticians through the use of a registration program under a titlement law, or have no minimum established requirements related to the practice of opticianry.

This variety in how opticians are regulated involves a concept referred to as "scope of practice." What licensed professions are allowed to do, and conversely, prohibited from doing, by state law and regulation, constitutes what is termed a profession's scope of practice.

The scope of practice for opticians, to a large extent if not completely, falls within the purview and scope of practice of optometrists and ophthalmologists.<sup>4</sup> Given such circumstances, jurisdictions in which opticians are registered under a titlement law, or not licensed at all, the public still receive opticianry services typically from optometrists or opticians who are often affiliated with, or supervised by, optometrists.

Given the nature of the profession's scope of practice, coupled with the limited potential for real adverse harm to the public health and welfare, a registration program for opticians has merit. Such a program administered by the Division of Occupational Licensing could provide for the registration of individuals holding themselves as opticians. If an individual could demonstrate they had passed recognized national examinations and had worked the required apprenticeship, they could be registered as an optician. Such a system could provide adequate, if not optimum, protection to the public.

### Due to current concerns, maintaining a board is the preferable policy alternative at this time

Registration of opticians under a titlement law, rather than licensure through the use of an oversight board of professionals would essentially set in place the status quo. As reflected in the Findings and Recommendations section, there are concerns regarding the reasonableness of the hours required of apprentice opticians prior to being eligible for licensure as opticians.

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<sup>4</sup> This situation is explicitly recognized in state law at AS 08.71.230(1) which states no part of the optician licensing statute is to be construed as limiting or restricting "*a licensed physician or optometrist from the practices enumerated in [the opticianry statutes], and each licensed physician and optometrist has all the rights and privileges which may accrue under [the statutes] to dispensing opticians....*"

As discussed in Recommendation No. 1, the disparity between the number of individuals licensed as opticians compared to the number registered as apprentices in part suggests that perhaps the 6,000 hour work requirement may be unreasonably onerous. The Division of Occupational Licensing would not likely be inclined to evaluate and possibly adjust the apprenticeship time requirements discussed in Recommendation No. 1.

The other concern, as discussed in Recommendation No. 2, is that consistency and applicability of the state practical examination would likely be made irrelevant since registration would involve licensure based only on an applicant passing the nationally recognized examinations. However, we believe the board should continue to work on this issue, possibly investigating the potential for joining other states who are attempting to establish a practical examination, acceptable to a group of participating states, if not on a national level.

Essentially, the board is acting in the interests of the public at large. As required by AS 08.91.065(c), licensing fees charged to opticians are established at a level intended to equal all regulatory costs. Accordingly, the public is benefiting from the board at no expense to the state's general fund.

The public would be better served by having a group of informed, engaged, and practicing professionals involved in resolving the current concerns involved in the licensing of dispensing opticians. Accordingly, our recommendation to extend the board's termination date, as set out in the Report Conclusions section, reflects our judgment of the regulatory alternatives involved. Given the current issues related to the licensure of opticians in Alaska, the board should be continued in order to best address these concerns. During the subsequent sunset review, we believe progress in these areas should be assessed, and licensing alternatives to the current board oversight structure should be given further consideration.

## ANALYSIS OF PUBLIC NEED

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

***Determine the extent to which the board, commission, or agency has operated in the public interest.***

To the extent there were applicants for licensure, the board has licensed 10 opticians over the past three fiscal years. Through licensure, the individuals are designated to offer eyeglass fitting and contact lens dispensing services to the public that is in accordance with established professional standards.

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

The limited number of licensed opticians, compared to high number of registered apprentices, suggests that the requirement that apprentices work 6,000 hours prior to being qualified for licensure may be excessive. The number of individuals seeking licensure as opticians may be artificially restrained by this apprenticeship requirement, requiring an individual work three years as a registered apprentice before being eligible to sit for the necessary opticianry examinations.

The board has not resolved the prior sunset audit recommendation related to the state practical examination. The objectivity and consistency of the state practical examination did not improve over the current sunset review period, resulting in successful challenges by applicants who originally were determined to have failed the test.

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

Since the past sunset audit, the board has reviewed proposed statutes and regulations at each meeting. These changes were in conjunction with the prior sunset audit that made recommendations concerning AS 08.71.150 (which dealt with reciprocity, a process the board was no longer utilizing for licensure) and AS 08.71.145 (which dealt with licensure by credentials). The 1996 legislature passed a measure repealing AS 08.71.150, while the credentials licensing process remains in statute.

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

The location, date, and time of upcoming meetings and exams were advertised in Alaskan newspapers, as well as on the Board of Dispensing Opticians web page, with adequate time for interested individuals to attend or to submit written comment for review. The board's meeting agenda sets aside suitable time for the board to receive public comment. Minutes from the meetings of the board reflect public participation at various meetings.

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

Public notice was given for all proposed regulations in major Alaskan newspapers. The board meeting minutes document that time was allotted for the scheduled public comment period. All proposed regulation changes are submitted to the public participation process.

*Determine 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.*

For the period between July 1, 1998 and June 30, 2001 (FY 99 – FY 01), the Division of Occupational Licensing opened three cases related to dispensing opticians. One was generated by a public complaint regarding the authority of an individual to write prescriptions for eyeglasses. The complaint, received in May 2001, was still in investigative status during August 2001, although it did appear the division had already determined that the individual was acting beyond the scope of their authority.

The two other cases were generated by shop visits conducted by occupational licensing investigators. In one instance, an optician was found to be practicing without a license. The individual had previously been licensed by the state, but had not submitted documentation that he had met the continuing education requirements. This resulted in his unlicensed status. He was fined \$300. The other case involved an individual, working for an optometrist, who was working as an optician without appropriate supervision.

We have reviewed the nature and extent of complaints filed involving dispensing opticians. In our view, the Division of Occupational Licensing, in conjunction with the board, took appropriate investigative actions, prioritized complaints in a reasonable manner, and proceeded in a manner consistent with the potential threat the complaints posed to the public welfare.

*Determine the extent to which the board regulates entry into an occupation or profession and whether it has presented qualified applicants to serve the public.*

New Licenses Issued	FY 99	FY 00	FY 01	Total	Current Licenses
Dispensing Optician	5	2	3	10	105
Apprentice	24	39	31	94	158

During the past three years, the Board of Dispensing Opticians has issued two licenses by credentials. Licensure by credentials requires "licensing requirements substantially equivalent to or higher than those of this state." The state of Alaska requirements are among the strictest in the nation, requiring both a state practical exam and 6,000 hours of apprenticeship hours or equivalent experience.

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

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

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

The board should reevaluate the requirement that individuals work at least 6,000 hours as a registered optician's apprentice before being eligible to take the examination for licensure. See discussion in Recommendation No. 1.

The board should either eliminate the state practical examination or develop a more objective test that can be consistently administered to prospective applicants for licensure. See discussion in Recommendation No. 2.

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LEGISLATIVE AUDIT

ALASKA STATE LEGISLATURE  
LEGISLATIVE BUDGET AND AUDIT COMMITTEE  
Division of Legislative Audit  
P. O. Box 113300  
Juneau, Ak 99811-3300

Fax: (907)465-2347

E-mail [legaudit@legis.state.ak.us](mailto:legaudit@legis.state.ak.us)

Re: Audit Control #08-20010-02  
Board of Dispensing Opticians

In regards to the December 6, 2001 "CONFIDENTIAL" preliminary audit report, I would like to respond to the Audit Committee's findings and recommendations.

#### Recommendation No 1

The Board has evaluated and reconsidered the 6,000 hour training requirement for apprentices. The minutes of the board's November 21, 2001 teleconference meeting reflects this in it's motion that it be "Resolved that the opticianry statutes be amended so that in order to qualify for a spectacles opticianry license, an individual must have either an associates degree from a C.O.A. - accredited school and pass the national and state exams, or have 3,000 hours of experience, pass the Career Progression Program, and pass the national and state exams, and furthermore, in order to register and work as an apprentice, a person must be enrolled in the Career progression Program."

This should accomplish several objectives regarding apprentice requirements. The 6,000 hour training requirement has been reduced by half. The adoption of the National Academy of Opticianry's Career Progression Program home study course will give all apprentices an equal opportunity to develop and share a common knowledge base, that will make them much more qualified and successful test candidates.

#### Recommendation No 2

The Board is committed to the long overdue overhaul of the State Licensing Examination.

#### Solution No 1

Dr. R. Freguson's practical test. This test is currently used by the state of North Carolina. It is to my knowledge the only practical exam currently available and qualified to meet our state licensing exam requirements. The Board want's very much to procure this test and use it at the soonest possible date. The challenge is to convince the state's procurement office that this Board is short of both time and money . We see merit in

allowing a one time procurement exemption, so that the Board has a more suitable and objective test for the April 19, 2002 State Licensing Exam. The test and related materials are readily available and could be sent to the State at least a month before the exam, the cost is nominal at \$100.00 per applicant. See attachment 1.

#### Solution No 2

Start the "Request for Proposals" process. The time and cost to complete this process is not known at this time. It is known that it would not be done in time for the April 2002 exam, it is also known it will be expensive. Before proceeding with this the Board will make an enquiry, as to just how much the cost would be. While this may be the best long term solution and will in all likelihood be the course chosen by the Board, it does not address the dilemma of the current test being susceptible to challenge and replacing it in the limited time available.

#### Solution #3

Have the Board rewrite/revise the current exam. While not impossible, it will be difficult to meet the April 29, 2002 test date and have all Board members agree on the new test content. This would not in my opinion offer a long term solution of having a badly needed completely objective. test.

#### Conclusion

As stated the Board has already addressed the 6000 hour requirement for apprentices. The Board has resolved to amend the statues to 3000 hour training for apprentices with a more well defined education and training requirement. This Board believes that the national written examination alone does not demonstrate the applicants ability to perform common tasks needed to insure the proper safe and accurate dispensing of ophthalmic prescription devices. A suitable practical test can be procured that will eliminate the concerns about objectivity. The recommendation to extend the termination date for the Board of Dispensing Opticians to June 30, 2005 is acceptable, however given the Boards positive action in resolving concerns regarding apprentice training hours, the Board would like to request the full 4 year standard extension time to June 30 2006 in order to address and resolve the concerns regarding the State practical exam.

**TO:** State of Alaska, Division of Occupational Licensing  
Attn: Nan Lathrop, Licensing Examiner, Board of Dispensing Opticians

**FROM:** Roy R. Ferguson, Ph.D. (DBA The Learning Curve)  
120 East Bruce Street  
Sevierville, Tennessee 37862

**DATE:** November 9, 2001

**SUBJECT:** Practical Examination Development and Administration Services

This bid pertains to examination development and administrative services to the State of Alaska, Division of Occupational Licensing, Board of Dispensing Opticians. The term of the contract is from Spring 2002 to Spring 2007 with a three-year renewal period at the option of the Division. Barring any unforeseen circumstances, the first examination may be scheduled Spring 2002. The Learning Curve must receive all test applications at least one month prior to test administration.

#### DESCRIPTION OF PRACTICAL EXAMINATION

The proposed Opticianry Practical Examination (*supplied by The Learning Curve*) is a forty (40) question, multiple-choice text which objectively measures the applicants ability to perform some of the most common tasks relating to ophthalmic dispensing.

Three different lens types are contained in four identical metal frame styles. All test sets are fabricated and verified as to accuracy by Colts Laboratories, 21915 U.S. Highway 19 North, Clearwater, Florida 33765, which is an A2LA accredited laboratory, then validated using second-year opticianry students. Approximately fourteen questions concern progressive lenses: eleven with standard bifocals, four with single vision, non-prism lenses, and five with single vision lenses containing prism. All remaining questions cover decentration, add power, bi-centric grinding, and knowledge of proper frame alignment and ability to use conventional frame adjustment tools. The test is designed to be completed in a fifty minute period.

The equipment (*supplied by the Board of Dispensing Opticians*) required to administer this examination includes a manual lensmeter, lens measure, flexible millimeter ruler, thickness gauge, fine-tip, water soluble felt tip marker, Optical Laboratories Association Progressive Identifier, and scratch paper. Applicants are required to supply their own lens measure, thickness gauge, scientific calculator (if desired), flexible millimeter ruler, and may supply their own non-automatic lensmeter if they wish. All other equipment will be supplied at the test site. A calibrating gauge such as a "Gaugemaster" will be available for applicants to insure the accuracy of their instruments. Two test proctors should be available: one to confirm applicant identification, sign in test applicants, and provide calibration devices; a second can administer as many as eight (8) examinations per test session.

This practical examination is based on the following reference material.

Brooks, C.W. *Understanding Lens Surfacing*. Butterworth-Heinemann, Boston, 1992.

Brooks, C.W. *Essentials for Ophthalmic Lens Work*. Butterworth-Heinemann, 1983.

Brooks, C.W., and Borish, I.M. *System for Ophthalmic Dispensing*.

Butterworth-Heinemann, Boston, 1996.

Z-80.1-1995 American. *American National Standard for Ophthalmics - Prescription Ophthalmic Lenses - Requirements*. New York: American National Standards Institute, 1995.

Optical Laboratories Association, *Progressive Identifier*.

This practical examination may include but will not be limited to:

- Finding single-vision and multi-focal lens powers using a Crossed-Line-Target Lensmeter;
- Reading lens prescriptions in both plus cylinder and minus cylinder form;
- Determining add power;
- Measuring lens center thickness with lens calipers;
- Checking for horizontal and vertical prism;
- Calculating prismatic effect and bicentric grinding corrections;
- Measuring base curves and seg width;
- Measuring distance between centers, and determining "distance PD," and "near PD" using fabricated eyeglasses;
- Quote and apply ANSI Z80-1995, standards;
- Identify and calculate inset, seg inset, and total inset;
- Measure seg height and determine seg drop;
- Knowledge of proper frame alignment and conventional frame adjustment tools;
- Identify lenses by both product name and manufacturer;
- Progressive addition lenses areas include monocular decentration, distance reference point, prism reference point, fitting cross, near reference point, manufacturer's hidden identifying logo, hidden reference points, hidden add power engraving, recommended minimum height, and prism thinning.

#### QUALIFICATIONS OF CONTRACTOR

Roy R. Ferguson, Ph.D.

Education:

- Walden University, Ph.D., Administration/Management
- Tusculum College, Master of Arts, Management
- Tusculum College, Bachelors of Science, Business Management

Licensure Application Review Experience:

- Tennessee State Board of Dispensing Opticians (Licensing Board), 1988 - 1991
- Testing Contractor, North Carolina State Board of Opticians:
  - Theory of Light;
  - Rx Interpretation;
  - Ophthalmic Lenses Examination;
  - Measurements of the Face;
  - Ophthalmic Lens Surfacing, Finishing;
  - Practical Anatomy of the Face;
  - Eyeglasses Practical Examination.

Examination Experience

- Opticianry Program Director, Roane State Community College, 1989 - 1996
- Approved 3 Semester Hour College-Level Courses
  - Charter Oak State College, New Britain, Connecticut
    - Introduction to the Optical Business
    - Organizational Behavior for the Ophthalmic Professional
    - Assessment of the Visual System
    - Introduction to Ophthalmic Optics
  - College-Level Courses Submitted for Approval
    - Charter Oak State College, New Britain, Connecticut
      - Business Ethics - 3 Semester Hours
      - Consumer Behavior - 3 Semester Hours
      - Growing and Managing an Entrepreneurial Business - 3 Semester Hours

*Alaska*

**Department of Community  
and Economic Development**

**Division of Occupational Licensing**

P.O. Box 110806, Juneau, AK 99811-0806

Telephone: (907) 465-2534 • Fax: (907) 465-2974 • Text Telephone: (907) 465-5437

Email: license@dced.state.ak.us • Website: www.dced.state.ak.us/occl

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JAN 16 2002

LEGISLATIVE AUDIT

January 16, 2002

Pat Davidson, Legislative Auditor  
Legislative Budget and Audit Committee  
Division of Legislative Audit  
PO Box 113300  
Juneau, AK 99811

Dear Ms. Davidson:

Thank you for the opportunity to comment on the Board of Dispensing Opticians preliminary audit.

The chair of the Board of Dispensing Opticians submitted an audit response describing the Board's support for a reduction in apprenticeship hours and for contracting for an improved practical exam for spectacles.

Since the requirements for licensure as an optician are set in statute, the law must be amended to implement the board's recommendations. The board advocates reducing by half the number of apprenticeship hours and replacing those hours with correspondence education. Individuals with an associate degree in opticianry would not be required to serve any apprenticeship and could be licensed after passing the exams. Individuals without opticianry degrees would be required to enroll in a correspondence course called the Career Progression Program at the beginning of their 3,000-hour apprenticeship. They would have to complete the correspondence course and pass the exams to qualify for licensure.

It is my understanding the Career Progression Program costs each student approximately \$800, but it would improve public health and safety as well as prepare apprentices for the exams. Under the current system, there is no guarantee that apprentices receive comprehensive training during their three to six year apprenticeships.

If education is added to the license qualifications, consideration should be given to the licensure by credentials statute to ensure that experienced opticians who received their training exclusively through apprenticeship in other states are not unintentionally barred from Alaska licensure.

Thank you for considering my comments on the preliminary audit.

Sincerely,



Catherine Reardon, director

**SB**

**274**

# Alaska State Legislature



Out of Session:  
PO Box 531  
Golovin, Alaska 99762  
(907) 443-5599

In Session:  
State Capitol, Suite 510  
Juneau, Alaska 99801-1182  
(800) 597-3707  
(907) 465-3707  
(907) 465-4821 Fax

## SENATOR DONALD C. OLSON

### DISTRICT S

### SPONSOR STATEMENT

Alakanuk  
Ambler  
Anaktuvuk Pass  
Atkasuk  
Barrow  
Brevig Mission  
Browerville  
Buckland  
Chevak  
Deering  
Diomedes  
Elim  
Emmonak  
Gambell  
Golovin  
Hooper Bay  
Kaktovik  
Kiana  
Kivalina  
Kobuk  
Kotlik  
Kotzebue  
Koyuk  
Makoryuk  
Mountain Village  
Newtok  
Nightmute  
Noatak  
Nome  
Noorvik  
Nuiqsut  
Nunam Iqua  
Pitka's Point  
Point Hope  
Point Lay  
Savoonga  
Scammon Bay  
Selawik  
Shaktolik  
Shishmaref  
Shungnak  
St. Mary's  
St. Michael  
Stebbins  
Teller  
Toksook Bay  
Tununak  
Unalakleet  
Wainwright  
Wales  
White Mountain

### SB 274, Physicians' Locum Tenens Permits.

I introduced SB 274 at the request of the Alaska State Medical Association. The bill allows the Alaska State Medical Board to issue a locum tenens permit to a physician or osteopath for purposes of employment evaluation and for filling critical staff vacancies at medical facilities. The association believes that use of the locum tenens permits in this way will enhance the recruitment of qualified doctors to permanent positions within the state.

The issue of recruitment is a matter of increasing concern for the medical association because of both the aging population of Alaskan practitioners and the small number of Alaskans that graduate from med. school each year. Over 50% of the Alaska's nearly two thousand medical doctors are passed the age of 50 years. Typically, the WWAMI medical program produces 8 new doctors per year. Replacement of retiring physicians and osteopaths will increasingly depend on recruitment success

CS SB 274 (L&C) temporarily permits an invited physician to practice medicine for 90 days for employment evaluation. A hospital or community health center may also use locum tenens permitted physicians to temporarily fill vacant staff positions. If a locum tenens permitted physician makes application for permanent

licensure, the temporary permit will be extended an additional 60 days. A locum tenens permit may be further extended by the medical board in a situation where the doctor is providing critical and essential service.

# Alaska State Legislature



Out of Session:  
PO Box 531  
Golovin, Alaska 99762  
(907) 443-5599

In Session:  
State Capitol, Suite 510  
Juneau, Alaska 99801-1182  
(800) 597-3707  
(907) 465-3707  
(907) 465-4821 Fax

## SENATOR DONALD C. OLSON

### DISTRICT S

### ANALYSIS

CS SB 274 ( L&C)

### Physicians' Locum Tenens Permits

Alakanuk  
Ambler  
Anaktuvuk Pass  
Atkasuk  
Barrow  
Brevig Mission  
Browerville  
Buckland  
Chevak  
Deering  
Diomede  
Elim  
Emmonak  
Gambell  
Golovin  
Hooper Bay  
Kaktovik  
Kiana  
Kivalina  
Kobuk  
Kotlik  
Kotzebue  
Koyuk  
Mekoryuk  
Mountain Village  
Newtok  
Nightmute  
Noatak  
Nome  
Noorvik  
Nuiqsut  
Nunam Iqua  
Pitka's Point  
Point Hope  
Point Lay  
Savoonga  
Scammon Bay  
Selawik  
Shaktoolik  
Shishmaref  
Shungnak  
St. Mary's  
St. Michael  
Stebbins  
Teller  
Toksook Bay  
Tununak  
Unalakleet  
Wainwright  
Wales  
White Mountain

Section 1. A member of the State Medical Board or designee may grant a temporary permit to practice medicine to a visiting physician or osteopath for two new situations. Subsection (a)(2) allows for the temporary hire of a physician or osteopath by a licensed doctor for the purpose of valuation for permanent employment. Subsection (a)(3) allows a hospital or mental health facility to temporarily fill staff vacancy through a locum tenens permit while seeking a permanent employment of a licensed physician or osteopath.

Section 2. The initial duration of the permit is changed from the current 60 days to 90 consecutive days. It can be extended for an additional 60 days if the permittee completes an application for licensure and pays the associated fee. An individual's exercise of locum tenens permits is limited in the aggregate to 240 days in any 24 consecutive month period.

Section 3. The board is allowed to further extend a permit if it determines that there is a medical necessity to protect public health and safety.

# FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: SB 274  
(S) Publish Date: 3/1/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DCED  
Title An Act relating to issuance of a locum tenens BRU: Occupational Licensing (117)  
permit for a physician or osteopath Component Occupational Licensing  
Sponsor Senator Olson  
Requester Senate Labor & Commerce Component No. 2360

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2002) cost: 0.0  
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
SB 274 amends the statutes relating to issuance of locum tenens permits for physicians and osteopaths. New funds are not required to implement these changes.

Prepared by: Jennifer Strickler, Administrative Manager Phone (907) 465-2144  
Division Occupational Licensing Date/Time 2/11/02 5:00 PM  
Approved by: Deborah B. Sedwick, Commissioner Date 2/11/2002  
Agency Department of Community & Economic Development

# Alaska State Medical Association

4107 Laurel Street • Anchorage, Alaska 99508 • (907) 562-0304 • (907) 561-2063 (fax)

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February 8, 2002

Honorable Ben Stevens  
Alaska State Senate  
Chair, Senate Labor & Commerce  
State Capitol Room 119  
Juneau, AK 99801-1182

**DRAFT**

RE: SB 274

Dear Senator Stevens:

The Alaska State Medical Association (ASMA) represents Alaska's patients and the physicians who care for them. Thank-you for the opportunity to provide testimony on SB 274.

ASMA's interest in the support of SB 274 stems primarily from a concern pertaining to Alaska's physician workforce. Our physician workforce is characterized by insufficient numbers of physicians who are rapidly aging. We have a recruiting challenge.

SB 274 would allow the use of locum tenens to enable observation and evaluation of a candidate for permanent employment by an employing, licensed physician or osteopath. ASMA views this as another tool necessary for recruiting physicians.

Additionally, ASMA supports the concept of allowing for a locum tenens permit to be extended beyond 240 days for the purpose of substituting for a physician of a specific specialty that is otherwise unavailable in a particular location. This issue stems from a situation when the only radiologist in a small community retired and was unable to be replaced in a timely manner due to the nationwide shortage of radiologists.

ASMA urges you to support SB 274.

Sincerely,



John Troxel, MD, President

cc: Sen. Donny Olson, MD

**S B**

**3 5 4**

# ALASKA STATE LEGISLATURE



*Interim:*

600 East Railroad Avenue  
Wasilla, Alaska 99654  
(907) 376-3370  
(907) 376-3157 Fax

*Session:*

State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-6600  
(907) 465-3805 Fax

**SENATOR LYDA GREEN**  
SENATE DISTRICT N

**SPONSOR STATEMENT**  
**SB 354**

**"An Act relating to the prices paid by milk processing plants to suppliers of fluid milk."**

SB 354 will help dairy farmers receive fair pricing for the milk they supply to processing plants. Milk pricing has become fairly complex in today's marketplace and is based on a combination of factors including protein, butterfat, non-fat solids and bacteria content of the product. Milk fat, because it is used in high-value products such as ice cream, is more valuable to the processor.

Farmers should be encouraged to manage their herds for higher milk fat content. In Alaska, if the fat content of a particular dairy farmer's milk drops below a rate established by the processor, the creamery reduces the amount the farmer is paid. On the other hand, if the fat content rises above the established rate, the creamery does not increase the payment to the farmer.

In the Lower 48, federal and state laws have devised a system of milk marketing orders which guarantee the farmer gets a fair price for the milk he produced. Milk fat content is an important part of those marketing orders and, for example, when Matanuska Maid purchases bulk milk (from other states or from Canada) for its processing plant in Anchorage, the percentage of milk fat is a consideration.

SB 354 simply injects this fairness into the milk marketplace in Alaska by stipulating that if a milk processor opts to penalize a dairy farmer for low milk fat content, it must also reward those farmers whose product has a high milk fat content.

# FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

Fiscal Note Number 1  
 Bill Version: SB 354  
 (S) Publish Date: 4/4/02  
 Dept. Affected: Natural Resources  
 BRU: Agriculture Development  
 Component: Agriculture Development  
 Component Number: 455

Revision Date/Time (Note if correction): \_\_\_\_\_  
 Title: Prices Paid by Milk Processing Plants  
 Sponsor: (S) HESS  
 Requester: (S) RES

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

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

Estimate of any current year (FY2002) cost: none  
 Check this box (X) if funding for this bill is included in the Governor's FY2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

There is no fiscal impact associated with implementation of this legislation.

Prepared by: Robert Wells Phone 907-761-3867  
 Division: Agriculture Date/Time 1-Apr-02  
 Approved by: Pat Pourchot Date 2-Apr-02  
 Agency: Natural Resources

THE  
FOLLOWING  
DOCUMENT(S)  
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COPIES



Reissue Date:  
January 1, 2001

**To: All Matanuska/Susitna Area Producers Selling Milk to  
Matanuska Maid Dairy**

**Subject: Milk Quality Program**

This notice defines the current policies concerning quality bonus, butterfat, antibiotics and added water.

### QUALITY BONUS

Every pickup at producing farms will be tested for bacteria using both Standard Plate Count and Coliform Count methods. We will discard the highest and lowest test results of both SPC and Coliform testing during each semi-monthly pay period and your quality performance will be measured on the arithmetic average of the remaining tests during the half-month period.

Quality Bonus payments for milk will be as follows:

1. Twenty-five cents (\$0.25) per cwt bonus if your SPC averages 20,000 or under AND your Coliform Count averages 200 or under.
2. Fifty cents (\$0.50) per cwt total bonus if your SPC averages 15,000 or under AND your Coliform Count averages 150 or under.
3. Seventy-five cents (\$0.75) per cwt total bonus if your SPC averages 10,000 or under AND your Coliform Count averages 100 or under.
4. One dollar (\$1.00) per cwt total bonus if your SPC averages 6,000 or under AND your Coliform Count averages 50 or under.

The Quality Bonus is available only to full-time producers who supply us with raw milk through a complete semi-monthly pay period. A new producer will be eligible at the start of the first regular pay period after he/she is on a regularly scheduled daily or every other day pickup.

In addition to the quality bonus program, we have established a minimum acceptable bacterial standard for Grade A milk purchased by Matanuska Maid. That minimum acceptable standard is 70,000 Standard Plate Count and/or 750 Coliform Count. As with the Quality Bonus testing, we will drop the high and low tests each pay period, and quality will be measured by the arithmetic average of the remaining tests.

We will make the following deductions from our base price for Grade A raw milk if the minimum acceptable standard is not met during a pay period:

1. Fifty cents (\$0.50) per cwt deduction if your SPC averages over 85,000 OR if your Coliform Count averages over 1,000.
2. One dollar (\$1.00) per cwt deduction if your SPC averages over 100,000 OR your Coliform Count averages over 1,500.

In addition, if a producer's average count is in excess of 70,000 SPC or 750 Coliform through two consecutive pay periods, that producer's milk will be refused by Matanuska Maid until there has been sufficient improvement at the farm to assure us continued milk quality.

Raw milk quality is a must for Matanuska Maid to be able to produce extended shelf-life products. The lower the bacteria and coliform counts in the raw milk, the longer the product will retain its integrity, and the less chance of an off-flavor product. We are constantly striving, with good results, to improve finished product quality. Unfortunately, even though we can pasteurize the bacterial load from the milk, any off-flavor imparted or other negative conditions caused by high pre-pasteurization counts cannot be eliminated.

We hope to see every producer consistently earn the \$1.00 per cwt Quality Bonus. It is our intent to provide assistance with working a quality problem as long as we see sincere desire at the farm to improve quality.

This Quality Bonus Plan has been in effect since April 1, 1986.

## BUTTERFATS

The base price for Grade A milk with 3.3% or higher butterfat content currently is \$19.75 per cwt FOB your farm. We will assess a penalty for each 1/10<sup>th</sup> of 1% butterfat content under 3.2%. The charge will be based on the market cost of butterfat, FOB Anchorage, from the previous month's USDA Market Report. We will discard the highest and lowest butterfat tests each pay period and calculate butterfat content for the period by the arithmetic average of the remaining tests.

This Butterfat Plan has been in effect since October 1, 1985.

## ANTIBIOTICS/INHIBITORS

In order to provide maximum assurance that our raw milk supply is free from antibiotics/inhibitors and to provide incentive to producers to prevent pickup of contamination milk:

It will be the producer's responsibility to prevent antibiotic/inhibitor-contaminated milk from being loaded into the transport tanker at the farm that would contaminate milk from other farms. If you suspect a mistake has been made at your farm, you must not let your milk be picked up until it has been tested. If you do not already have the equipment and training to do your own testing, we will make the equipment available to you at cost.

If your milk tests positive for antibiotic/inhibitor content at the farm, and we have verified your test either through our lab or the state lab in Palmer, the contaminated milk must be dumped. The milk transport driver or telephone agreement with management at the plant can provide the record for us of the quantity to be dumped. Not to exceed once in six months, we will pay one half the current base price per cwt for milk that you dumped if such a mistake occurs and you catch it before it contaminates other milk.

In the event you do ship antibiotic/inhibitor-contaminated milk, and we discover it through routine tests run at our lab, the following penalties will be assessed:

1. You will not be paid for your contaminated milk.
2. You will be charged for the freight we pay on your contaminated milk.
3. You will be charged our cost, including freight, on any other producer's milk that has been contaminated by your milk in the transport vehicle. It is not our intent that milk from a single producer be transported in more than one trailer so the maximum quantity that such a mistake can contaminate and be a producer liability is one 45,000 lb. (approximate) trailer load.
4. You will not be eligible for Quality Bonus payment for the half-month pay period during which you shipped antibiotic-contaminated milk. Conversely, if you do have a mistake that you catch and do not ship per the intent of this program, your uncontaminated shipments during that pay period will not be disqualified from the Quality Bonus Program.

We sincerely hope you never have an accidental antibiotic contamination. If you should, we trust you will be able to avoid the major mistake of shipping it. We sample from each farm and test each trailer load before combining it with other milk. None of us can afford to risk antibiotics in our product.

We'll do everything we reasonably can to work with you if you should have an antibiotic/inhibitor problem - or problems of any kind.

This Antibiotic Plan has been in effect since October 1, 1985.

## ADDED WATER

The legal definition for Grade A raw milk includes the following requirements:

- Butterfat 3.25% minimum by weight
- Milk non-fat solids 8.25% minimum by weight
- Somatic cell count < 750,000 / ml.
- Standard Plate count < 100,000 / ml.
- Antibiotic/Inhibitor residue negative
- Added water 0%

Because of herd and testing variations, the State of Alaska recognizes 0-3% added water by test to be acceptable. Should we see regular incidents of added water, we will reduce the milk weight by the percentage of added water over 3%. Additionally, DEC routinely monitors for added water. Consistent results over 3% will trigger the DEC into a compliance mode that possibly could include suspension of the Grade A permit.

This Added Water Plan has been in effect since October 1, 1985.

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If you have any questions about these programs, please contact Lab Technician Arethia Hudson or Plant Manager Gary Nelson.

Regular lab hours are Sunday - Thursday, 9:00 a.m. - 6:00 p.m.

April 3, 2002

To Pete Fellman

Hello Pete, I am writing to support SB-354/HB435. This bill seems fair to producers with respect to butterfat content.

Thank You,

Wayne Brost

Veronica Brost

*Wayne Brost*  
*Veronica Brost*

**SJR**

**44**

During Session, January - May:  
State Capitol, Room 115  
Juneau, Alaska 99801  
(907) 465-2095  
465-3810 FAX



During Interim, June - December:  
716 W 4th Ave, Suite 520  
Anchorage, Alaska 99501  
(907) 269-0240  
269-0242 FAX

Senator Loren Lemman

### **Sponsor Statement for CSSJR 44(L&C) Joint State-Federal Research and Development Plan**

CSSJR 44(L&C) requests that state and federal agencies work together to develop a joint research and development plan to help expand and diversify Alaska's economy, strengthen and maintain state research institutions, and protect the health of Alaskans and the environment of Alaska.

Alaska's economy is heavily dependent on the research and development activities of public, private, and academic sectors to attract investment, jobs, and revenue to the state. Effective research and development apply knowledge toward efficient resource extraction, resource protection, provision of human health, and the export of intellectual property.

The goal of this joint effort will be to develop and present to the Legislature a plan to identify and assess areas of high economic potential for resource development and tourism on federal and state lands in Alaska.

**Contact:** Russ Kelly, Legislative Intern to Senator Loren Lemman, at (907) 465-3841  
**Updated:** April 17, 2002

AMENDMENT

OFFERED IN THE HOUSE  
TO: CSSJR 44(L&C)

BY: REPRESENTATIVE

Page 2, line 17

Following "**Commission**":

Delete "**and**"

Insert "**,**"

Page 2, line 18

Following "**Committee**,":

Insert "**and the North Pacific Research Board**"

Page 3, line 11

Following "**Commerce**;"

Insert "**David Benton, Chair, North Pacific Research Board**;"