

Expected Outcomes

School Performance Incentive Program

- All staff have ownership of instruction and share responsibility for results
- Incentive to work differently, embrace innovation and create partnerships to improve student achievement
- Accountability and incentive to cause all students to reach proficiency and higher levels of advanced achievement
- Expand responsibility for the three Rs to all staff
- Instruction designed and delivered to meet student needs



Why Other Models Fail

School Performance Incentive Program

- Not based on student growth
- Unrealistic targets
- Conflict among staff: Some must lose for others to win
- Exclude building administrators
- Instrument used to measure is not reliable and consistent
- Compensation not large enough to provide incentive for change
- Weak commitment to the program



Value Table

School Performance Incentive Program

Previous Year Level ↓	Current Year Level					
	Far Below Prof. Minus	Far Below Prof. Plus	Below Proficient Minus	Below Proficient Plus	Proficient	Advanced
Far Below Prof. Minus	0	140	170	200	220	220
Far Below Prof. Plus	0	80	140	170	200	200
Below Prof. Minus	0	40	90	140	180	180
Below Prof. Plus	0	10	50	90	140	150
Proficient	0	0	20	50	100	130
Advanced	0	0	20	50	100	110

Values may change as a result of 2006 data analysis, public input, and State Board regulations.



Computing Index

School Performance Incentive Program

Student	Last Year	Current Year	Points
Student A	Proficient		
Student B	Below Prof. Minus		
Student C	Advanced		
Student D	Below Prof. Plus		
Student E	Far Below Prof. Plus		
Student F	Proficient		
Student G	Far Below Prof. Plus		
Student H	Below Prof. Minus		
Student I	Below Prof. Plus		
Student J	Advanced		
School Index Score			

March 17, 2006

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Computing Index

School Performance Incentive Program

Student	Last Year	Current Year	Points
Student A	Proficient	Advanced	
Student B	Below Prof. Minus	Below Prof. Minus	
Student C	Advanced	Proficient	
Student D	Below Prof. Plus	Far Below Prof. Plus	
Student E	Far Below Prof. Plus	Below Prof. Minus	
Student F	Proficient	Below Prof. Plus	
Student G	Far Below Prof. Plus	Below Prof. Plus	
Student H	Below Prof. Minus	Below Prof. Plus	
Student I	Below Prof. Plus	Below Prof. Plus	
Student J	Advanced	Advanced	
School Index Score			

March 17, 2006



Computing Index

School Performance Incentive Program

Student	Last Year	Current Year	Points
Student A	Proficient	Advanced	130
Student B	Below Prof. Minus	Below Prof. Minus	90
Student C	Advanced	Proficient	100
Student D	Below Prof. Plus	Far Below Prof. Plus	10
Student E	Far Below Prof. Plus	Below Prof. Minus	140
Student F	Proficient	Below Prof. Plus	50
Student G	Far Below Prof. Plus	Below Prof. Plus	170
Student H	Below Prof. Minus	Below Prof. Plus	140
Student I	Below Prof. Plus	Below Prof. Plus	90
Student J	Advanced	Advanced	110
School Index Score			1030/10 = 103

March 17, 2006



Performance Levels

School Performance Incentive Program

Growth Index Level	Index Point Value
Strong	102-104.99
High	105-107.99
Excellent	108-109.99
Outstanding	110 and Greater

Model is built on 100 as one year of growth.

March 17, 2006

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Performance Level Incentive

School Performance Incentive Program

Level	Certificated	Non-Certificated
Strong	\$2,500	\$1,000
High	\$3,500	\$1,500
Excellent	\$4,500	\$2,000
Outstanding	\$5,500	\$2,500

Multiple levels provide greater incentive and achievable gradations, but recognize real growth in achievement.

School Performance Incentive Program Recap

- Based on growth in student achievement
- Empowers expertise of educators and school personnel
- Includes all staff: all make it or no one makes it
- SBA used to measure growth



State of Alaska
OFFICE OF THE GOVERNOR

Frank H. Murkowski
Governor
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Juneau, Alaska 99811-0001
NEWS RELEASE



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FOR IMMEDIATE RELEASE: January 11, 2006

**Governor Proposes Incentives for School Staff to Raise
Student Achievement**

(Juneau) -- Governor Frank H. Murkowski will introduce bills in the House and Senate to establish monetary incentives for staff at public schools to significantly improve student academic performance.

"The Alaska School Performance Incentive Program is intended to encourage everyone on a school's staff to collaborate and take shared responsibility for all students, use instructional time effectively, and use the results of standards-based assessments to target students' academic needs," said Education Commissioner Roger Sampson.

The program will award bonuses to a school's administrators, teachers and support staff if a substantial number of students show more than a year's academic growth as measured by scores on the state's standards-based assessments. Some school district central office staff may receive a bonus as well.

The bonuses, which are not part of an employee's base pay, will range from \$2,500 to \$5,500 for certificated staff and \$1,000 to \$2,500 for non-certificated staff. There will be several levels of bonuses, based on how much growth students have shown.

"The performance incentive program will inspire and empower Alaska's outstanding educators to use their expertise and innovative instructional practices to improve student growth and achievement," Murkowski said. "This program will enhance Alaska's teacher recruitment efforts, raise accountability by linking the incentive payments directly to increased levels of student achievement, and promote effective instruction."

To determine whether a school's staff is eligible for bonuses, each student's test score will be placed in one of six categories: advanced, proficient, below proficient plus, below proficient minus, far below proficient plus, and far below proficient minus.

At the end of every school year, the state will compare each student's performance with his or her performance the year before, as shown by the six categories. Schools will receive various points for students based on whether a student moved up or down in the categories or stayed in the same one.

-- more --

The points for a school's students will be totaled and then divided by the number of students to produce a school score. The score will be applied to an index that has several levels. The higher the score, the larger the bonus. Schools that show only a year's growth or less will not receive bonuses.

"The program meets a need in Alaska schools for accountability," Commissioner Sampson said. "The money is directly linked to increasingly high levels of student learning. The program provides an incentive for a school's staff to work differently and creatively."

The proposed program differs from merit pay, an idea that has had a mixed reception in other states. Merit pay programs often pitted staff against one another; thus, in order for one to win, others must lose. Such programs hindered cooperation and collaboration.

- Alaska's incentive plan awards bonuses for student growth, even if students aren't yet proficient. Therefore, every school has an equal opportunity to win a bonus.
- Alaska's plan applies to all school staff.
- The targets for school achievement are clear and objective.

The cost will depend on how many people earn bonuses, and on details of the point system and the index, which will be set in regulation by the State Board of Education & Early Development.

A fiscal note prepared by the Department of Education & Early Development estimates the range of what the program could cost. For example, if 5 percent of the state's school staff members won the highest level of bonus, it would cost nearly \$3.1 million. If 25 percent of the state's school staff members won the highest level of bonus, it would cost about \$15.4 million.

More information: At the Department of Education & Early Development, contact Les Morse, Director of Assessment & Accountability, 465-8691; or Eric Fry, Information Officer, 465-2851.

###



Alaska State Legislature

Please enter into the record my testimony to the House Health, Education & Social Services
committee name

Committee on SB 235, dated 4-27-05
bill # / subject public hearing date

The Performance Incentive Plan is an embarrassment to the teaching profession. The idea that a teacher would or even could do a better job teaching because of a "salary bonus" is absurd. Any decent teacher would tell you that a child will have a greater chance of succeeding if:

1. there are less children in the classroom (lower PTR)
2. the teacher has time to prepare and collaborate with others
3. if the child's parents are actively engaged in education and seeing their children are fed and ready to come to school etc.....

Please do not vote for this proposal. There are other and better ways these monies could be used to support education. The commissioner presented this plan to teachers at NEA's Delegate Assembly this year and we were strongly opposed to it.

Thank you,

LaDawn Druce

Signed: LaDawn Druce

Testifier

teacher in the Kenai Peninsula Borough

Representing (optional)

P.O. Box 2317 Soldotna, AK 99669

Address

Phone number



SENATOR FRED DYSON

SPONSOR STATEMENT

SCR 28 "*Innovative application of Education Technology*"

SCR 28 is intended to raise awareness of new educational tools that are causing renewed excitement and hope for public K-12 education. Children come to school excited and eager to learn and it is a colossal challenge for teachers to maintain that excitement with fresh things for each child to discover and accomplish; especially in competition with television and the internet. I believe these new tools can empower teachers, parents, and school management to make a positive difference.

New education technology tools allow each student's education information to be accessed by any authorized student, teacher, parent, or administrator from any computer on the internet, 24-7.

Individual learning plans (ILPs), portfolios, curriculum, aligned standards, attendance, lesson plans, assignments, virtual "face to face" interactions, assessment tools, and all student records, assessments, student history, challenges, strengths, and special interests can now be at any teacher's fingertips for diagnostic teaching of their students.

An unprecedented scope of information is available on the internet and the tools to manage student access to that information are rapidly coming into place. Never before has there been such an array of exciting teaching tools that can be managed for the benefit of each individual student. SCR 28 brings this news to the table.

A number of Alaska school districts have made innovative application of these education technology tools. We have seen evidence of positive results and received significant encouragement regarding SCR 28. Because education technology reduces the impact of distance, I look forward to seeing significant improvement in distance delivery of instruction to rural-remote Alaska. Because education technology tools significantly expand the ability of teachers to focus on the needs of individual children (and collaboration between adults who care about those needs), I anticipate excited adaptation and acceptance.

SCR 28 collects the factors that are related to innovative application of educational technology in a list of "Whereas" statements, then expresses legislative intent that we work together to find ways to employ these improvements in our Alaska education system.

Updated March 7, 2006

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSCR 28(IIES)
 (S) Publish Date: 4/27/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Education & Early Development
 Title Relating to the innovative application of RDU Education Support Sevice
education technology tools... Component School Finance & Facilities
 Sponsor Senate HESS
 Requester Senate HESS Component No. 2737

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

Estimate of any current year (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

SCR 28 allows local school districts to apply for grants available under AS 14.14.115 as a means of installing educational technology.

The Department of Education & Early Development has determined that a zero fiscal note is warranted for SCR 28. If districts apply for grants under AS 14.14.115 the department will include the request in the subsequent year's budget for legislative consideration.

Prepared by: Eddy Jeans, Director Phone 465-8679
 Division School Finance Date/Time 4/17/06 12:02 PM
 Approved by: Karen Rehfeld, Deputy Commissioner Date 04/17/2006
 Agency Education & Early Development

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SCR 28
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Education & Early Development
 Title: Relating to the innovative application of RDU: Education Support Services
education technology tools Component: School Finance & Facilities
 Sponsor: Senate HESS
 Requester: Senate HESS Component No: 2737

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
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Supplies						
Equipment						
Land & Structures						
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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1005 GF/Program Receipts						
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TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

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Prepared by: Eddy Jeans, Director
 Division: School Finance
 Approved by: Karen Rehfeld, Deputy Commissioner
 Agency: Education & Early Development

Phone: 465-8679
 Date/Time: 4/17/06 12:02 PM
 Date: 04/17/2006

SCR 28

Education Technology



Alaska Education Demographics

- 130,560 students, 53 districts, ~500 schools
- 37 (70%) districts have less than 1000 students
- 19 districts in unorganized areas (36%)
- \$10,578 per student ('05 excludes Capitol exp.)
- Pupil to teacher ratio: 17:1
- Pupil to staff ratio: 8:1
- Average teacher salary: over \$50,000
- Approx. 8,000 students in Correspondence Programs

ADM Pie



NAEP 2003 performance

<u>Proficiency</u>	Alaska	National Avg.
• Grade 4 Reading	28%	30%
• Grade 4 Math	30%	31%
• Grade 8 Reading	27%	30%
• Grade 8 Math	30%	27%

AYP and Alaska Schools

All Alaska Schools

Number of Schools Eligible for AYP Calculations 495
Number of Schools Not Meeting AYP 203 (41%)

Title I Schools

Number of Title 1 Schools 291
Number of Title 1 Schools Not Meeting AYP 124 (38.7%)

	<u>04-05 school year</u>		<u>05-06 School Year</u>
Level 1 <u>Alert</u>	38	→	57
Level 2 <u>Improvement</u>	112	→	45
Level 3 <u>Improvement</u>	39	→	93
Level 4 <u>Corrective Action</u>	7	→	35
Level 5 <u>Restructuring</u>	7	→	15

AYP Levels

- **Level 1-** School must seek technical assistance from District or EED to avoid being labeled again.
- **Level 2-** School must provide *choice* or *Supplemental Education Services (SES)* implementing School Improvement Plan designed by the school.
- **Level 3-** School must provide *choice* and *SES* implementing School Improvement Plan designed by the school

AYP Levels (cont.)

- **Level 4-** School must continue offering *choice* and *SES* and must additionally do one of the following:
 - Replace staff, **or**
 - New Curriculum, **or**
 - Decrease school management authority, **or**
 - Appoint outside expert management, **or**
 - Increase school day or school year seat time, **or**
 - Restructure Internal organization of the school.

AYP Levels (cont.)

- **Level 5-1** *Choice + SES + additional level 4 “or”, and,*
District must now make a plan to prepare for “alternative governance”
 - reopen as charter school,
 - replace all or most of the staff,
 - contract with private management company
 - turn over management to EED,
 - or other major restructure approved by state.
- **Level 5-2** (second year of level 5) Implement District Restructuring Plan for alternative governance, and continue all of the above.

Education Technology to address AYP Requirements

- **Supplemental Ed Services (SES)**
- **New Curriculum**
- **New Staff**
- **Alternative governance (restructuring)**
- **Parental Choice (levels 2-5)**
- **Parental Notification (levels 2-5)**
- **School Improvement Plans (collaboration)**

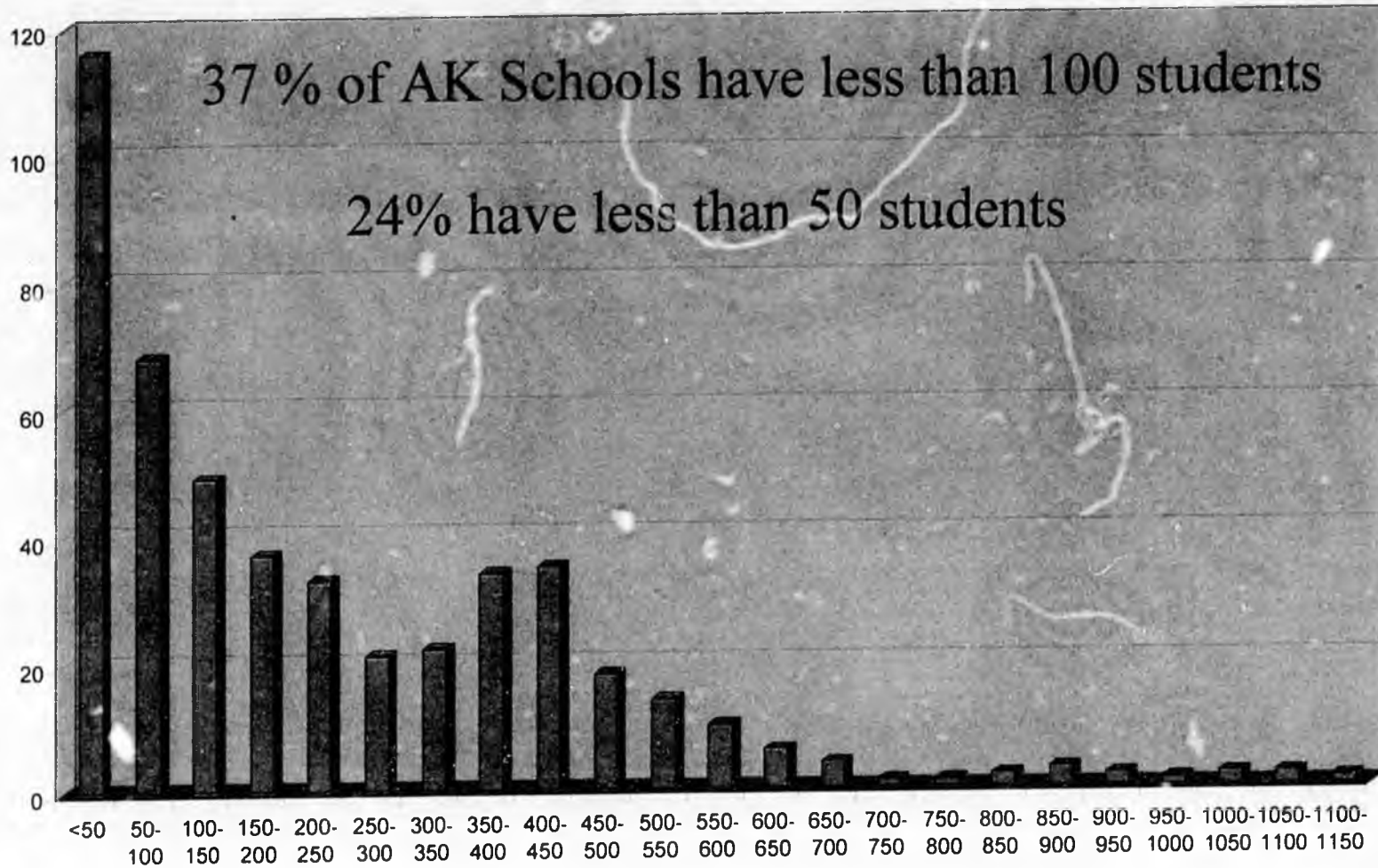
Education Technology

- Distance delivery
- Efficient grouping into “Virtual” classes
- Accumulative Student Records (individual learning plans, tests, assignments, ...)
- Collaborative focus on student need (Individualized Learning Plan, Goals...)
- Unprecedented scope of information
- Unprecedented Communications
- Governance cooperation (standards, reporting...)

Myths about Ed. Tech

- Technology takes teachers out of equation
- Primarily Correspondence Application
- Teachers need extensive new Training
- Ed Tech is Computers
- Education Technology is Expensive.

School Size



SCR 28 Resolves

- Encourages responsible application of education technology
- Encourages virtual grouping of students
- Encourages use of educational technology to address AYP challenges
- Encourages paying for educational technology via reallocation of savings from use of education technology
- Requests distribution to ALL local school board members in the state.

SCR 28 is part of the big picture

- AS 14.07.020 (7) permits districts, and the department, the flexibility to contract and cooperate to assure the efficient delivery of education throughout the state.
- AS 14.14.110 districts may cooperate, or may be required to cooperate, to provide more efficient or economical education or administrative services. This statute is broad in scope and allows agreements to implement education technology.
- AS 14.14.115 Provides a financial incentive for such cooperation by authorizing grants for co-operative arrangements.
- Complements Carl Rose, AASB Consortium
- Complements the "Whole Village Project"

"Revenues and Expenditures by Public School Districts: School Year 2002-03" published by DOE in November 2005. NAEP 8th-grade reading and math scores published by U.S. DOE in October 2005.

State	Median Per Pupil Spending	Percentage of 8th-Graders at Proficiency or Better in Reading	Percentage of 8th-Graders at Proficiency or Better in Math
Alaska	\$16,665	27%	29%
DC	\$16,344	12%	7%
New York	\$13,989	33%	31%
New Jersey	\$12,419	37%	36%
Wyoming	\$12,116	35%	29%
Delaware	\$10,874	31%	30%
Connecticut	\$10,765	34%	35%
New Mexico	\$10,602	19%	14%
Rhode Island	\$10,189	29%	23%
Massachusetts	\$9,952	44%	43%
Wisconsin	\$9,805	34%	36%
Maine	\$9,787	38%	30%
New Hampshire	\$9,731	38%	35%
Vermont	\$9,614	37%	38%
Maryland	\$9,298	30%	30%
Pennsylvania	\$9,298	36%	31%
Minnesota	\$9,133	37%	43%
Colorado	\$8,948	31%	32%
Montana	\$8,927	37%	36%
West Virginia	\$8,845	22%	17%
Texas	\$8,826	26%	31%
Nebraska	\$8,714	35%	35%
Indiana	\$8,673	28%	30%
Michigan	\$8,651	28%	30%
Hawaii	\$8,632	18%	18%
Kansas	\$8,620	34%	31%
Oregon	\$8,577	33%	33%
North Dakota	\$8,552	37%	35%
Illinois	\$8,465	31%	28%
Nevada	\$8,458	22%	21%
Washington	\$8,454	34%	36%
Georgia	\$8,393	24%	23%
California	\$8,262	21%	22%
South Carolina	\$8,226	25%	30%
Ohio	\$8,208	24%	34%
Virginia	\$8,087	35%	33%
South Dakota	\$8,001	35%	36%
Iowa	\$7,789	34%	34%
Florida	\$7,571	25%	26%
Idaho	\$7,554	32%	30%
North Carolina	\$7,469	27%	32%
Missouri	\$7,462	31%	26%
Louisiana	\$7,443	20%	16%
Alabama	\$6,942	22%	15%
Kentucky	\$6,934	31%	22%
Arizona	\$6,933	23%	26%
Utah	\$6,859	29%	30%
Oklahoma	\$6,817	25%	20%
Arkansas	\$6,774	26%	22%
Tennessee	\$6,460	26%	21%
Mississippi	\$6,387	19%	13%

SB

251

Alaska State Legislature

Session Address:

Alaska State Capitol
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Interim Address:

600 E. Railroad Avenue
Wasilla, AK 99654
Phone: (907) 376-2679
Fax: (907) 376-4745

Representative.Mark.Neuman@legis.state.ak.us

Representative Mark A. Neuman

District 15

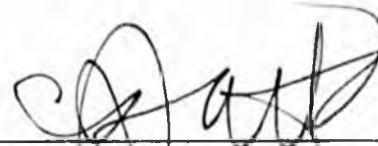
Due to the short time remaining this session, the sponsor has asked consideration in moving SB 251 from the House Special Committee on Education. If you concur, please sign below.

SB 251 An Act relating to immunization for meningitis of postsecondary students residing on campus.

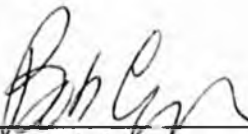
This bill would ensure that post-secondary schools that do not have on-campus dormitories or overnight facilities be exempted from the notification requirement currently in place, while insuring that students who will be utilizing school residential facilities are advised of related health risks prior to taking up residence there.



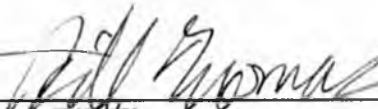
Rep. Mark Neuman
Chair



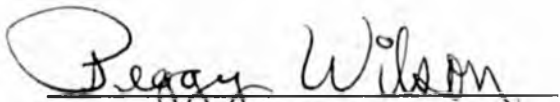
Rep. Carl Gatto
Vice-Chair



Rep. Bob Lynn



Rep. Bill Thomas



Rep. Peggy Wilson



Rep. Les Gara



Rep. Woodie Salmon



Alaska State Legislature

Senator Con Bunde
Senate District P

Vice Chair: Senate Finance Committee
Chair: Senate Labor & Commerce Committee

Sponsor Statement
SB 251
Postsecondary Students Meningitis Immunization

Meningococcal disease is a seriously contagious, but preventable bacterial infection that can quickly impair or even be fatal if gone unnoticed. It spreads through the air or from person to person through oral contact or sharing of items. Given that knowledge, it is quite obvious that college dormitories would be an ideal breeding ground for meningitis. In order to better inform students of this risk, legislation was enacted in 2005 to require that post-secondary education facilities inform its students of the risks of meningitis and retrieve signed documentation that the student has received this information. This is a provision that was newly enacted with the passage of HB 185 in 2005.

A consequence of this legislation is that now even post-secondary schools that do not have on-campus dormitories or overnight facilities must disseminate related advisory information, obtain signed statements acknowledging receipt of the information by each student, and retain these records on file. This would include "day school" type programs and short-course programs such as software training or other similar avocational workshops where students are on site only for their instruction. The schools and training facilities in question do not offer residential living options, making the application of this notice and records retention requirement inappropriate to the circumstance. Doing so creates an undue administrative burden for the short-course and nonresidential school administrators and the students they serve.

SB 251 would ensure that they be exempted from the notification requirement currently in place, while insuring that students who will be utilizing school residential facilities are advised of related health risks prior to taking up residence there.

Senate Bill: 251

Short Title: Postsecondary Student Meningitis Immunization

Sponsor: Senate Labor and Commerce

Current Version: SB 251

Contact: Jane Alberts, 465-4843

Summary:

- Exempts post secondary educational institutions without dormitory facilities (day-school type instruction) from requirement to distribute information to its prospective students regarding meningitis

Benefits:

- reduces unnecessary paperwork for students and administrators in these "day-school" type programs
- would ensure that they be exempted from the notification requirement currently in place, while insuring that students who will be utilizing school residential facilities are advised of related health risks prior to taking up residence there.

Background :

- In 2005, the passage of HB 185 required post-secondary schools to distribute information to prospective students regarding meningitis and retrieve their confirming signatures verifying their receipt of this information. This action was deemed necessary because dormitories make for an ideal breeding ground for meningitis bacteria due to the close proximity of the students
- The consequence of HB 185 is that now post-secondary schools without dormitories are also required to distribute this information and collect signatures even when the threat of meningitis is reduced

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 251
 (S) Publish Date: 3/1/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Education
 Title: An Act relating to immunization for meningitis of RDU: ACPE
postsecondary students residing on campus. Component: Program Admin. & Operations
 Sponsor: (S)Labor & Commerce
 Requester: (S) HES Component No.: 2738

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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 ()						
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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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill amends language to require Alaska postsecondary institutions to provide notice regarding meningococcal disease and maintain records of notice only to students who intend to reside in campus housing.

The Commission would implement by providing due notice to Alaska institutions and amending this requirement within its institutional authorization compliance review program.

Prepared by: Diane Barrans, Executive Director Phone: 465-6740
 Division: Executive Office Date/Time: 2/3/06 11:45 AM
 Approved by: Diane Barrans, Executive Director *Diane Barrans* Date: 2/3/2006
 Agency: Alaska Commission on Postsecondary Education

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: SB 251
 (S) Publish Date: 3/1/06

Revision Date/Time (Note if correction): _____ Dept. Affected: University of Alaska
 Title Postsecondary Student Meningitis Immunization RDU _____
 _____ Component _____
 Sponsor _____
 Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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 ()						
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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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This bill would have no fiscal impact on the University.

Prepared by: Pat Pitney Phone 907-450-8191
 Division: University of Alaska Date/Time 2/27/06 12:00 AM
 Approved by: Pat Pitney Date 2/27/2006
 Agency: University of Alaska



SEARCH

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About Us**ABOUT US HOME**[Alaska Advantage™ Programs](#)[Commission Members](#)[Corporation Board](#)[Senior Staff](#)[Advisory Bodies](#)**OUR HISTORY****AUTHORIZATION INFO
FOR ALASKA SCHOOLS****PRESS RELEASES****PUBLICATIONS****PUBLIC NOTICES****STATUTES &
REGULATIONS****CONTACT US****Authorization Information for
Alaska Schools**

In an effort to minimize the administrative burden placed on schools resulting from requirements, ACPE has partnered with the Alaska Department of Labor and Workforce Development's [Division of Business Partnerships](#) to streamline regulatory oversight maintaining compliance standards. Together, we provide for the protection and well citizens of Alaska through the oversight of and support for its postsecondary educational institutions. We serve this shared mission by establishing minimum standards concerning education, ethical business practices, institutional fiscal responsibility, and student safety.

All educational providers and the programs they offer must either be authorized or be exempt from authorization to operate in Alaska. If you are considering offering education in the state of Alaska, your first step should be completing this [general information form](#).

For more information about requirements for postsecondary education providers visit our [frequently asked questions](#).

Additional questions about authorization or exemption of postsecondary schools in Alaska use an [email](#), or give us a call at (907) 269-2002.

Alaska Postsecondary Immunization Act

In an effort to increase public awareness of meningococcal disease, the Alaska Postsecondary Immunization Act was signed into law on May 18, 2005. The new law requires that educational providers give written notice to each student regarding meningococcal disease as defined in the statute. The educational provider must obtain a signature from each student indicating whether the student has either 1) received an immunization against the disease, or 2) received written notification informing them of meningococcal disease. A sample [form](#) that may be used for the new requirement can be saved to your hard drive where your organization's letterhead can be inserted. You may also download these [frequently asked questions](#) and answers for distribution.

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MENINGITIS

Know Your Risk

Learn About Vaccination

Important Notice:

Information in this handout has been gathered from the Alaska Postsecondary Student Immunization Act (HB185), signed into law effective May 18, 2005. Additional information was gathered from the Alaska Department of Health and Social Services' Division of Public Health and the Web site of the American College Health Association at http://www.acha.org/projects_programs/meningitis. The Alaska Commission on Postsecondary Education (ACPE) cannot provide medical information and is not responsible for any medical information provided to schools or to students. For questions specific to meningitis, immunization, and related diseases, please consult a qualified medical professional.

Did you know?

- **Meningococcal disease** is a contagious but largely preventable bacterial infection that most often leads to meningitis, an inflammation of the membranes surrounding the brain and spinal cord, or a condition called meningococcal septicemia, which is an infection of the blood.
- **Meningococcal disease is caused** by bacteria called *Neisseria meningitidis* that are spread person-to-person through the air (usually by sneezing or coughing), through direct contact with an infected person, such as oral contact with shared items like cigarettes or drinking glasses, or through intimate contact, such as kissing. This disease is not as contagious as things like the common cold or the flu, and it is not spread by casual contact or by simply breathing the air where a person with meningitis has been.
- **Meningococcal disease is a serious illness** that can lead to death within a few hours of onset; one out of ten cases is fatal, and in one out of seven survivors it can lead to severe and permanent disabilities, such as brain damage, hearing loss, seizures, or limb amputation.

What are the symptoms of meningococcal disease?

- High fever, headache, and stiff neck are common symptoms of meningitis in anyone over the age of 2 years. A rash may also develop over parts of the body, or the entire body. Other symptoms include nausea, vomiting, discomfort looking into bright lights, confusion, and sleepiness. These symptoms can develop over several hours, or they may take 1 to 2 days. As the disease progresses, seizures may develop. If you notice these symptoms – in yourself, friends, or others – you should contact your college health service or local hospital immediately.

Who is at risk for meningococcal disease?

- Anyone can get meningococcal meningitis, but scientific evidence suggests that college freshmen living in campus housing are at moderately increased risk to get this disease when compared to the general college population. The reasons for this increased risk are still not known for certain, but factors may include such things as crowded living situations, bar patronage, active or passive smoking, irregular sleep patterns, and sharing personal items.

- Other risk groups include infants and young children, household contacts to a person with meningococcal disease, refugees from parts of the world with high rates of meningococcal disease, laboratory workers who work with this bacteria, and military recruits.

Are there vaccines against meningococcal disease?

- Yes, there are two safe and effective vaccines that protect against four strains of the bacteria that cause meningococcal disease – serogroups A, C, Y, and W135. Immunization against meningococcal disease will decrease the risk of contracting the illness from these meningococcal strains.

How can meningococcal disease be prevented?

- **Many cases of meningococcal disease can be prevented.** The Centers for Disease Control and Prevention and the American College Health Association recommend that all first-year students living in residence halls be vaccinated against meningococcal disease. All other college students under the age of 25 years who wish to reduce their risk for the disease may choose to be vaccinated.
- **Vaccination is safe and effective.** It protects against four of the five most common strains (or types) of bacteria that cause meningitis. Approximately 70 to 80 percent of cases in the college age group are caused by strains that are potentially vaccine-preventable. The most commonly reported adverse reactions among adolescents and adults in clinical studies were pain at the injection site, headache, and fatigue. These respond to simple measures (ibuprofen or acetaminophen) and resolve spontaneously within a few days.

For More Information

To learn more about meningitis and immunization, visit the websites of the American College Health Association, www.acha.org/meningitis, and the Centers for Disease Control and Prevention, www.cdc.gov/ncidod/diseases/submenus/sub_meningitis.htm.

I have received a copy of this notice on meningococcal disease.

I have received an immunization against meningococcal disease.

Student Name

Student Signature

Date

STATE OF ALASKA

DEPARTMENT of HEALTH & SOCIAL SERVICES
DIVISION of PUBLIC HEALTH

FRANK H. MURKOWSKI, GOVERNOR

OFFICE OF THE DIRECTOR
P.O. BOX 110610
JUNEAU, AK 99811-0610
PHONE: (907) 465-3090
FAX: (907) 465-4631

February 13, 2006


The Honorable Con Bunde
Alaska State Senate
State Capitol, Room 506
Juneau, AK 99801

Dear Senator Bunde:

I write in support of Senate Bill 251, introduced last week by the Senate Labor & Commerce Committee to clarify the law for Alaska postsecondary education institutions notifying students about meningococcal disease. This bill amends a law passed by the Legislature last year that requires all students attending college in Alaska to sign a form indicating they have been immunized against meningitis or have received information warning of its dangers. The amendment proposed in SB 251 will limit the requirement to only those students "who intend to reside in campus housing". Because meningitis rates, though extremely low, are more likely to increase in group living situations, it makes sense to reduce unnecessary paperwork and limit the law just to those students living in campus housing.

Thank you for your interest in this issue.

Sincerely,



Richard Mandsager, M.D.
Director
Division of Public Health

cc: Karleen Jackson, PH. D., Commissioner
Department of Health and Social Services

Sherry Hill
Special Assistant, Department of Health and Social Services

Jay Butler, M.D.
Chief, Section of Epidemiology, Division of Public Health

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

ALASKA COMMISSION ON POSTSECONDARY EDUCATION

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JUNEAU, ALASKA 99801-7109
VOICE (800) 441-2962
In Juneau (907) 465-6740
TDD (907) 465-3143
FAX (907) 465-3293

February 1, 2006

The Honorable Con Bunde
Alaska State Senate
State Capitol, Room 506
Juneau, Alaska 99801

Re: SB251

Dear Senator Bunde:

At your request, I have reviewed SB251, relating to immunization for meningitis of postsecondary students residing on campus. From my reading, the modifications to current law pose no concerns from the Commission's perspective and will alleviate the need for schools which are otherwise exempt from other authorization requirements, due to the either the brevity or avocational nature, to comply with this single recordkeeping requirement.

Sincerely,



Diane Barrans
Executive Director

DB/dv

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scott@nbsys.com
www.nbsys.com

February 16, 2006

Senator Fred Dyson
State Capitol, Room 121
Juneau, AK 99801-1182

Dear Senator Dyson:

I am writing to you as Health, Education and Social Services Chair to ask for your support of Senate Bill 251. This bill may not look like much when compared with other more weighty issues you will be dealing with during the current legislative session, but to many who run post secondary education training facilities it will solve a problem that has grown into a very thorny issue. I urge you to support this bill and help move it to the Senate floor for a vote.

Last year the legislature passed House Bill 185 which required all post secondary institutions in Alaska, without exception, to collect a meningitis disclosure form from each student. These forms must be distributed, signed by each student, collected and maintained in a filing system for an undetermined period of time. While I think the original intent of the bill was good, the unintended consequences of this bill are objectionable, and they are causing unnecessary problems for students and post secondary schools throughout Alaska.

Senate Bill 251 makes changes to the statutes limiting compliance only to institutions that maintain dormitories as part of their infrastructure. This makes sense because dormitories are what the original bill seemed designed to regulate. Without SB 251, all post secondary schools in Alaska will have to comply. Fight schools, real estate schools, trade schools, religious academies, tribal colleges and any other school that is not in the K-12 system will have to comply with these requirements unless SB 251 becomes law.

Many of our students do not like to sign this document primarily because they feel it is an invasion of their privacy. I tend to agree with their assessments because the form asks them to disclose whether or not they have had their meningitis shot. I am not comfortable gathering this information and storing it for the long term. I don't need to know about this information to effectively deliver classes.

Our classes are no different than any 5 or 6 hour business meeting that takes place all over Alaska every day. Our students do not understand why they need to sign these forms, many times they feel their privacy is violated and they do not see any value in toward resolving meningitis problems in Alaska. I find it sort of ironic that under current Federal and Alaska law, people with AIDS have more medical privacy than a student sitting in a Word class in our classroom. It would be one thing if this procedure made Alaska safer from meningitis, but in reality these requirements in schools without dormitories do nothing toward preventing this disease. It also needlessly increases our costs.

Once again, please support this bill so it can be enacted into law. Thank you for your consideration.

Sincerely,

Scott Thorson
CEO



WOSTMANN & ASSOCIATES, INC.

February 23, 2006

Senator Con Bunde
State Capitol, Room 506
Juneau, AK 99801-1182

Reference No: 06020026

Dear Senator Bunde,

I would like to express my appreciation for your support of Senate Bill 251.

As you are aware, last year the legislature passed House Bill 185 which required all post secondary institutions in Alaska, without exception, to collect a meningitis disclosure form from each student. These forms must be distributed, signed by each student, collected and maintained in a filing system for an undetermined period of time. While I think the original intent of the bill was good, the unintended consequences of this bill are objectionable and onerous, and they are causing unnecessary problems for students and post secondary schools and classes throughout Alaska.

Wostmann & Associates is a small Alaskan information technology firm with offices in Juneau and Anchorage. Based on suggestions from a number of our customers we began providing post secondary training classes in December 2005. Our first class consisted of a 2-day, 8 hour/day session on Project Management that was held at the Centennial Hall in Juneau. There were 8 students enrolled and the class was given in the lecture style of training. The class was well received and we plan to provide similar short, intensive training sessions in other information technology topics. Our target audience is information technology managers throughout the state. Our classes are designed to be given during the work day so that busy professionals can obtain useful work skills in a short period of time.

Since this is a new endeavor for our company, we were surprised when the Postsecondary Education Commission required us to distribute, collect and maintain the meningitis disclosure form from each student. Although we can understand the importance of informing all Alaskans about the dangers of meningitis, we do not believe that the current requirement for the collection and maintenance of this information is appropriate for a firm of our size and type of training we offer. We do not believe that our students are any more susceptible to contracting meningitis than any other public sector or private sector employee that attends all day business meetings, conferences, or trade meetings throughout the State every day.

Senate Bill 251 makes changes to the statutes limiting compliance only to institutions that maintain dormitories as part of their infrastructure. We believe that the original bill was designed for schools that provide dormitory accommodations. Without SB 251, all postsecondary schools in Alaska will have to comply. Flight schools, real estate schools, trade schools, religious academies, tribal colleges and any other school that is not in the K-12 system will have to comply with these requirements unless SB 251 becomes law.

Once again, our sincere thanks to you and all the members of the Labor and Commerce Committee for your sponsorship of this bill. Please feel free to contact me if there is anything I can do to help move this bill along in the process.

Sincerely,

Karen R. Morgan
Wostmann & Associates, Inc.
CEO

Results through Information Technology

Linda Hobert
4227 Checkmate Drive
Anchorage, Ak. 99508
1/16/2006

Jane Alberts
State Capitol, Room 506
Juneau, Ak 99801-1182

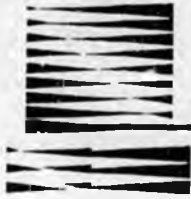
Encouraging passing of SB251 – Meningitis Medical Release Form

Regarding Senate Bill 251 – changing the wording on the original statute passed last year to allow students who are taking specialty courses lasting one day or short periods of time should not be required to sign this form. Only students residing full time in dormitories would need to fill out the form.

As a person working full time, I am sometimes required for my job to attend a one day or one week class at a local training facility especially for the latest computer learning classes (example of facilities would be CompuCom or Network Business Systems in Anchorage). I have taken many classes at these locations and thousands of other Alaskan "every day workers" are taking this same type of training. I believe in this type of situation, signing the meningitis form should not be a mandatory issue.

An example of my own case... I had 2 different one day classes within a 2 week time period and I was required to sign the meningitis form both times or I would not be allowed to take the class. I believe this to be a waste of time, not necessary for this type of situation. I believe this to be a redundant process and also, I don't agree with giving out private medical information under this type of situation.

I encourage the passage of SB251. This will allow the situation to be more realistic for the intended use of this medical release form.



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Jane Alberts
(907) 465-4843

RE: Meningitis bill (SB 251) The bill is scheduled for a hearing on this coming Monday, February 27 at 1:30 PM.

I have been with this post secondary school for 11 years. The intent of the original bill (House Bill 185) was to require post secondary institutions with students staying in dormitories to make a disclosure to their students about meningitis and to collect information about which students have been immunized. The way the original bill was written required the Commission on Post Secondary Education to extend this requirement to ALL post secondary institutions in Alaska, not just those with dormitories.

I run classes that are less than 80 hours and most of our classes are only 6-9 hours long. The requirement to collect these forms infringes on a student's right to privately maintain their medical information. The post secondary institution is required to keep a record of this disclosure for each student for an indefinite period of time. With students coming and going on a regular basis and most students only returning once within the year, this requirement poses a large burden on small institutions financially to copy the forms, in space to maintain the forms, and the manpower to collect and file the forms.

I do not see any value in requiring post secondary training facilities to collect this information. My institution is no different than the ice rink and I am not required to sign a form before using that facility!

It angers my students to have to disclose such information and it takes class time away from what they are here to learn.

The Commission on Post Secondary Education (the regulatory agency charged with enforcing these regs) agrees that these requirements are not effective in stopping meningitis except for those institutions that have dormitories.

The Department of Health and Social Services also supports doing away with this requirement for institutions without dormitories. They do not see any value in making institutions without dormitories comply with these regulations in their fight against meningitis.

Requiring post secondary institutions without dormitories to collect this information does not resolve the problem (advising students about the problems meningitis causes) that was trying to be solved.

If you have any questions, please feel free to contact me 907-452-7325.

Sincerely,

Lisa Shaffer
President

SB

255

Audit Report



**DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT
BOARD OF EXAMINERS IN OPTOMETRY
SUNSET AUDIT**

September 27, 2005



Audit Control Number:

08-20042-05

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 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 Juneau, Anchorage, or at our web site <http://www.legaudit.state.ak.us/>

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Pat Davidson, CPA
Legislative Auditor

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ALASKA STATE LEGISLATURE

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September 27, 2005

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 and Title 44 of the Alaska Statutes (sunset legislation), the attached report is submitted for your review.

DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT
BOARD OF EXAMINERS IN OPTOMETRY

September 27, 2005
Audit Control Number
08-20042-05

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, or program subject to the sunset review process. Currently under AS 08.03.010(c)(14), the Board of Examiners in Optometry is scheduled to terminate on June 30, 2006. The board would be allowed one year in which to conclude its administrative operations.

In our opinion, the termination date for the Board of Examiners in Optometry should be extended. The regulation and licensure of optometrists contributes to the protection of the public's welfare. We recommend the legislature extend the termination date of the Board of Examiners in Optometry to June 30, 2014.

The audit was conducted in accordance with generally accepted government audit 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.

Handwritten signature of Pat Davidson in cursive.

Pat Davidson, CPA
Legislative Auditor

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OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with the intent of Title 24 and Title 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Board of Examiners in Optometry (BEO). Under AS 44.66.050(a), the legislative committee of reference is to consider this report during the legislative oversight process to determine whether the board should be reestablished. Currently, AS 08.03.010(c)(14) requires the board to terminate on June 30, 2006. If the legislature takes no action to extend the termination date, the board will have one year from that date to conclude its operations.

Objectives

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 optometrists.

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 board proceedings, licensing, and complaint investigation and resolution functions for fiscal years ending June 30, 2002, 2003, 2004, and 2005. During the course of our examination we reviewed and evaluated the following:

- Applicable statutes and regulations.
- Compliance with statutes and regulations related to the licensing of optometrists. Our evaluation addressed consideration of applications, testing of candidates, and continuing education necessary for an individual to maintain their optometry license in good standing.

- Minutes of board meetings, budget documents, and annual reports related to, or issued by, BEO.
- Files related to applicants for, and holders of, licenses issued by BEO.
- Complaints filed with the Department of Commerce, Community, and Economic Development, Division of Corporations, Professional and Business Licensing (division).
- Interviews with employees of the division.
- Reading and correspondence files maintained with the division.

ORGANIZATION AND FUNCTION

Alaska Statute 08.72.010 establishes the Board of Examiners in Optometry (BEO). The board is composed of five members: four licensed optometrists who have been Alaska residents for at least three years and one public member. All appointments are made by the governor.

Alaska Statute (AS 08.72) defines the practice of optometry as the examination, diagnosis, and treatment of conditions of the human eyes and visual system, other than by use of laser, x-rays, surgery, or pharmaceutical agents.

Board Duties and Powers

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

- Licensing optometrists through examination or credentials.
- Establishing, amending, or eliminating regulations that affect the standards of professional optometry practice.
- Taking disciplinary actions in accordance with the Administrative Procedure Act when a person has violated optometric statutes or regulations.

Board of Examiners in Optometry (As of September 26, 2005)

Jill Matheson, Optometrist, Chair

John Cobbett, Optometrist, Secretary

Jeffrey Gonnason, Optometrist

Thomas Carter, Public Member

Vacant, Optometrist

Applicants must be a high school graduate or equivalent, in addition to having graduated from a recognized college or school of optometry. Additionally, applicants must pass all parts of the National Board of Examiners in Optometry (NBEO) examination, the Treatment and Management of Ocular Disease (TMOD) examination, and the Alaska State Optometry Law examination. Licensed optometrists are required to obtain minimum amounts of continued education every year. Optometrists licensed in other states who wish to license by credentials must meet the requirements of AS 08.72.170 and regulation 12 AAC 48.020 prior to receiving Alaska licensure.

Department of Commerce, Community, and Economic Development (DCCED), Division of Corporations, Professional and Business Licensing (division)

The division provides administrative and investigative assistance to BEO. Administrative assistance includes budgetary services; functions such as collecting fees, maintaining files,

and receiving and issuing application forms; and publishing notices of examinations and meetings.

Alaska Statute 08.01.065 mandates DCCED to adopt regulations establishing the amount and manner of payment for application fees, examination 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 with the authority to act on its own initiative or in response to a complaint. The division may:

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

REPORT CONCLUSIONS

In our opinion, the termination date for the Board of Examiners in Optometry (BEO) should be extended. The board is operating in the public interest by effectively regulating the individuals who hold themselves out to the public as licensed optometrists.

The regulation and licensing of qualified optometrists is necessary to protect the public's health, safety, and welfare. To that end, BEO assists in establishing educational and work experience standards for licensure. Such standards provide reasonable assurance that persons licensed as optometrists are qualified. Standards of practice are enforced through the active investigation of complaints and revocation or suspension of licenses when appropriate.

BEO has operated effectively and in the public's best interest over the past four years. It has adopted regulatory changes and supported legislation that improved its oversight process and promoted more effective regulation of licensed optometrists.

Chapter 58, SLA 2005, enacted on June 25, 2005, amended AS 08.03.020, Procedures governing termination, transition, and continuation. Among other changes, this amendment extends the continuation or reestablishment period of a board from four to eight years.

Alaska Statute 08.03.010(c)(14) requires that BEO be terminated on June 30, 2006. Under AS 08.03.020(a), the board has a one-year period to administratively conclude its operations. We recommend the legislature extend the board's termination date to June 30, 2014.

(Intentionally left blank)

FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The Division of Corporations, Business, and Professional Licensing (the division), in conjunction with the Board of Examiners in Optometry (BEO), should decrease licensing fees to eliminate the board's current and projected operating surplus.

Evidence shows the board is accumulating a growing surplus each year. At the end of FY 04 and FY 05, BEO had an operating surplus of \$13,541 and \$56,760, respectively.

Alaska Statute 08.01.065(c) requires that fees for an occupation be set to approximate the regulatory costs related to that occupation. Given the growing surplus, it is evident that BEO revenues have exceeded board costs for several years without the division and BEO recommending necessary licensing and other fee adjustments.

There has been a steady decrease in board costs since FY 02. Review of board expenditures for the period FY 02 through FY 05 shows travel and contractual costs have decreased each year since FY 02 and personal services costs are down following a spike occurring in FY 03. In general, total expenditures have decreased slightly each year since FY 02, while revenues have steadily increased each renewal year during this time period. See Exhibit 1, the financial schedule in the Analysis of Public Need section of this letter.

We recommend that the division and the board review licensing fees and regulatory costs to ensure BEO's fees are not unduly high and are set to meet the annual operating costs of the board.

Recommendation No. 2

The legislature should consider amending the optometry statutes to ensure they support license endorsements for diagnostic use of pharmaceutical agents.

The board could better serve the public if optometry statutes were broadened to allow the issuance of a pharmaceutical use (only) endorsement. This change would maintain and potentially increase the number of licensees available to provide optometric services. Additionally, if current optometric statutes are amended, BEO may issue pharmaceutical use (only) license endorsements without violating current law.

Currently, BEO issues pharmaceutical agent use (only) license endorsements under 12 AAC 48.021, which is not consistent with AS 08.72.175. Regulation 12 AAC 48.025, Pharmaceutical Agent Prescription and Use Endorsement, specifically authorizes the board to issue a TPA, or Therapeutic Pharmaceutical Agent endorsement. This endorsement

authorizes a licensee to prescribe and use pharmaceutical agents as specified by AS 08.72.175. Comparatively, regulation 12 AAC 48.021 authorizes the board to issue a license endorsement to use topically applied pharmaceutical agents for diagnostic examination purposes only. The endorsement, commonly referred to as a DPA, or Diagnostic Pharmaceutical Agent endorsement, is not authorized by statute.

The 1992 amendment to AS 08.72.175 expanded the license endorsement authority of the board from "use" to "prescribe and use," thereby causing regulation 12 AAC 48.021, Pharmaceutical Agent Use Endorsement, to become void. A discord between statute and regulation governing optometry endorsements is evident.

We recommend the legislature consider amending AS 08.72.175 to specifically authorize the board to issue a license endorsement allowing for use (only) of pharmaceutical agents in addition to the current prescribe-and-use authorization. Further, consideration should be given to the need for a grandfather clause to ensure the legality of DPA endorsements issued since the 1992 statute amendment.

A ANALYSIS OF PUBLIC NEED

The following analyses of board activities relate to the public-need factors defined in AS 44.66.050(c). 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 program has operated in the public interest.

The Board of Examiners in Optometry (BEO), through regulation of the licensure of optometrists, has provided the public with qualified professionals in the field of optometry. The board has ensured continued public safety by supporting both statutory and regulatory changes relating to the exam process, licensure by credentials, and continuing education hours.

The board supported a statutory amendment relating to the requirement to submit a photograph of the applicant with an application for a new license. While not repealed, the statute was revised, specifying that "*the department may require the applicant to submit a photograph of the applicant for its files; however, the photograph may not be forwarded with the application to the board for review.*" This change eliminates any possible bias that could occur if an applicant's photograph was forwarded with the application to the board.

The board supported legislation to ensure that statutory and regulatory licensing renewal requirements were congruent with one another. Chapter 16, SLA 2002, amended AS 08.72.181(d) to require licensees to obtain 24 hours of postgraduate continuing education (CE). This statutory change reduced the prior CE requirement of 48 hours, thereby providing consistency between statutory and regulatory requirements relating to CE hours.

The board continues to support a statutory change to AS 08.72.272 allowing for prescriptive use of systemic drugs in the treatment of ocular disease or emergency anaphylaxis. In 1988, optometry statutes were updated to allow qualified individuals to use diagnostic drugs. In 1992, a statutory amendment dropped oral medication authorization, thereby limiting licensees to prescribing only topical therapeutic drugs to treat eye diseases.

The board has maintained a reasonable meeting schedule, has consistently strived to make the licensing process more efficient, and has continued to license only qualified applicants.

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

The Board of Examiners in Optometry supported passage of Chapter 16, SLA 2002, which accomplished changes to several statutes related to optometry. Significant changes benefiting the public included:

- Acceptance of passing scores of an exam administered by the National Board of Examiners in Optometry (NBEO).
- Requiring a state jurisprudence exam.
- Elimination of the state practical exam for licensure by credentials.

Overall, the statutory changes allow qualified applicants a more streamlined licensure process in the State. The acceptance of a passing score on the national examination eliminates a duplication of effort that all applicants previously faced with the state practical examination. Requiring successful passage of a state jurisprudence exam ensures optometrists are knowledgeable of Alaska's laws governing optometry.

The board licenses applicants in two ways, by examination and by credentials. Licensure by credentials requires applicants to document their previous work history as the basis for receiving a state license to practice. Applicants under both licensing methods must also pass a written exam of the laws of Alaska governing optometry.

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

The establishment of a statute allowing for licensure by credentials has eliminated an unnecessary barrier for individuals licensed in other states wishing to practice in Alaska.

As shown in Exhibit 1 on the following page, most of BEO's revenues are from licensing and renewal fees. License renewals are conducted on a biennial basis in odd-numbered fiscal years. This creates a two-year cycle in board revenues, with most revenues collected in the renewal year. We reviewed the internal records maintained by the Division of Corporations, Professional and Business Licensing (division) for revenues and expenditures associated with BEO. We did not audit this information, but present it for general information purposes.

In FY 02, revenues were considerably lower than expected, \$362, for a nonrevenue-generating year. The division staff could not account for the reason for the low reported revenues. The records for BEO show only two persons were licensed that year and paid a total of \$1,150. It is unknown where the difference, \$788, was recorded.

There is a recurring cumulative surplus in nonrenewal years. The revenue generated in a renewal year must be sufficient to fund most of the board's costs for the subsequent nonrenewal year. FY 05 financial data show a significant surplus at year end. Exhibit 1 also details both a steady revenue increase in renewal years and a growing cumulative surplus. Therefore, we recommend the division and the board review the regulatory costs and licensing fees to ensure BEO licensing fees are reduced to eliminate the growing surplus. (See Recommendation No. 1)

Alaska Statute 08.01.065(c) requires "that the total amount of fees collected for an occupation approximately equals the actual regulatory costs for the occupation." As Exhibit 1 reflects, the board's growing cumulative surplus is in noncompliance with this statute.

Exhibit 1

State of Alaska Board of Examiners in Optometry Schedule of License Revenues and Board Expenditures FY 02 - FY 05 (Unaudited)				
	FY 05	FY 04	FY 03	FY 02
Revenue	<u>\$ 68,285</u>	<u>\$ 9,141</u>	<u>\$ 56,090</u>	<u>\$ 362</u>
Direct Expenses				
Personal Services	12,813	12,314	15,631	12,548
Travel	3,548	4,379	3,129	8,305
Contractual	1,718	1,460	3,729	4,502
Supplies	0	49	92	18
Equipment	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total Direct Expenses	<u>18,079</u>	<u>18,202</u>	<u>22,581</u>	<u>25,373</u>
Indirect Expense	<u>6,987</u>	<u>6,212</u>	<u>5,951</u>	<u>5,299</u>
Total Expenses	<u>25,066</u>	<u>24,414</u>	<u>28,532</u>	<u>30,672</u>
Annual Surplus (Deficit)	<u>43,219</u>	<u>(15,273)</u>	<u>27,558</u>	<u>(30,310)</u>
Beginning Cumulative Surplus (Deficit)	13,541	28,814	1,256	31,566
Unallocated Administrative Indirect Revenue	0	0	0	0
Ending Cumulative Surplus (Deficit)	<u>\$ 56,760</u>	<u>\$ 13,541</u>	<u>\$ 28,814</u>	<u>\$ 1,256</u>

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 service, economy of service, and availability of service that it has provided.

The location, date, and time of upcoming board meetings and proposed changes in regulations were advertised in the *Anchorage Daily News*, as well as posted on BEO's website. Adequate time was provided for interested individuals to plan to attend or to submit written comment for review. The board's meeting agenda sets aside suitable time for public comment. Board minutes reflect public participation at various meetings and the board's review of public written comment.

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

Public notices of proposed regulations are published in the *Anchorage Daily News* and the Alaska Online Public Notice System. The board minutes document that unlimited time was allotted for the scheduled public comment period. Proposed regulation changes are circulated to those affected by the changes.

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 victims' rights or the office of the ombudsman have been processed and resolved.

For the period July 2001 through May 2005, the division opened 11 investigative cases related to individuals either seeking licensure or licensed by BEO. The type of complaint varied and included unlicensed practice, fraud/misrepresentation, incompetence, criminal conviction, license application problems, and continuing education; no single type dominated the complaints. Approximately 45% of the cases were filed by division staff; another 36% were filed by clients.

The 11 cases were open for an average of 222 days. At May 2005, two of the 11 cases remained open, averaging 440 days open. One of the two cases involved a lapsed license. While the issue itself was resolved in a timely manner, the case was not administratively closed by division staff and thus is reported as an active case. There was no apparent reason for the delay of action on the part of investigative staff for the second case remaining open.

We have reviewed the nature and extent of complaints filed involving optometrists. The division, in conjunction with the board, took appropriate investigative action, prioritized complaints in a reasonable manner, and proceeded in a manner consistent with the potential threat the complaints posed to the public welfare.

No complaints or investigations specifically involving the actions and activities of BEO were received or undertaken by either the Office of the Ombudsman or the Office of Victims' Rights within the past three fiscal years.

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

Exhibit 2 is a summary of new licenses issued by BEO for the period under review.

Exhibit 2

New Optometrist Licenses Issued (exclusive of renewals)	FY 02	FY 03	FY 04	FY 05	Current Licenses (as of June 30, 2005)
No Endorsement	0	0	0	0	3
Therapeutic Endorsement	2	6	11	15	122
Diagnostic Endorsement	0	3	1	0	5

Optometry licensing requirements involve passing two national examinations and a state jurisprudence examination. The national exams are developed and graded by the National Board of Examiners in Optometry. Developed by BEO, the state exam tests each applicant's knowledge of state statutory and regulatory requirements pertaining to optometry. Licensure-by-credentials applicants must pass the state jurisprudence exam only.

Each applicant is required to satisfy requirements for licensing. Board meeting minutes reflect that BEO considers each applicant and verifies that the licensing requirements are met prior to issuing a license.

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

We did not find any evidence that the board was not complying with the State personnel practices, including affirmative action, in qualifying applicants. In no instance 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 agency, board, or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

As discussed in Recommendation No. 2, BEO should support legislative changes to AS 08.72.175 to ensure that statutes and regulations pertaining to license endorsements are congruent with one another. Additionally, BEO should consider necessary regulatory changes to ensure required continuing education hours are consistent with any license endorsement changes.

As discussed in Recommendation No. 1, BEO should review its fee schedule and the costs of its regulatory operations. Currently, the board's revenues exceed its cost of regulatory operations. As required by AS 08.01.065(c), the division and the board must adjust licensing fees to bring BEO's revenues in line with the regulatory costs related to its operations.

Several optometric statutes are outdated, incongruent, or unclear, potentially hampering BEO's efforts to regulate the optometry profession. We noted several instances where optometry statutes were in need of revision, clarification, or elimination. Specifically, the following statutes need attention:

AS 08.72.181(d), Renewal of license. This statute specifies the number of continuing education hours necessary for license renewal. Such specificity should be removed from statute and left to the board to manage through the regulatory process.

AS 08.72.191(6), Fees. This portion of the statute, fees for branch office license and renewal, became obsolete with the repeal and rewrite of a portion of central licensing statute AS 08.01.065.

AS 08.72.060(c)(1), Miscellaneous powers and duties of the board. Currently, the statute reads in part, "*The board shall elect a president....*" It should be amended to read, "*The board shall elect a chair...*" to ensure the language is consistent with central licensing statute AS 08.01.020 (Board organization), which states in part, "*... the governor may designate the chair of a board....*"

Determine the extent to which the board, commission, or agency has effectively attained its objectives and purposes and the efficiency with which the board, commission, or agency has operated.

Broad objectives identified by the board included:

- Develop and offer a new state law exam.

- Send a representative to the Association of Regulatory Boards of Optometry (ARBO) meeting annually.
- Show support or opposition, as appropriate, for certain legislation.
- Ensure licensees are informed of both statutory and regulatory changes, including new and amended language.
- Review statutes and regulations for necessary changes.

Evidence suggests BEO establishes and meets its operational objectives annually, with the exception of sending a representative to the ARBO meeting annually. The board did not send a representative to the ARBO meeting for the years FY 02 through FY 04.

The board has streamlined the licensing process by allowing for licensure by credentials and by accepting a passing score on the national optometry examination in lieu of passing a state practical examination.

Determine the extent to which the board, commission, or agency duplicates the activities of another governmental agency or the private sector.

Our review of the interactions among BEO, the American Optometric Association (AOA), and the Alaska Optometric Association (AKOA) did not reveal activities duplicated by two or more organizations. As discussed previously, the board took action eliminating duplicative efforts of the state BEO and the AOA by eliminating the state practical exam and accepting passing scores on the national exams.

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OFFICE OF THE COMMISSIONER

Frank H. Murkowski, Governor

RECEIVED
NOV 25 2005
LEGISLATIVE AUDIT

November 22, 2005

Ms. Pat Davidson, CPA
Legislative Auditor
Division of Legislative Audit
Legislative Budget and Audit Committee
P.O. Box 113300
Juneau, Alaska 99811-3300

Dear Ms. Davidson,

Thank you for the opportunity to respond to your Preliminary Audit Report concerning the Board of Examiners in Optometry Sunset Audit.

Please consider the following comments to your findings and recommendations.

Recommendation No. 1

The Division of Corporations, Business and Professional Licensing (the division), in conjunction with the Board of Examiners in Optometry (BEO), should decrease licensing fees to eliminate the board's current and projected operating surplus.

We agree that fees will be reviewed for possible adjustments prior to its license renewal on December 31, 2006. However, the assumption that the FY05 year end operating surplus of \$56,760 should be the cause for a fee decrease is too preliminary. Fee reviews are based on the biennial licensing cycle prior to the license renewal period. Current BEO costs (FY06) will need to be included before any adjustments to the fees can be considered, especially since FY06 is a nonrenewal year. The Board normally ends nonrenewal years in a deficit situation because the primary source of revenue derives from new licensees in those years. BEO licenses are due for renewal on 12/31/06 (FY07). A financial review will be conducted prior to the license expiration and fees will be adjusted accordingly.

Recommendation No. 2

The legislature should consider amending the optometry statutes to ensure they support license endorsements for diagnostic use of pharmaceutical agents.

We concur that statutory amendments are needed to address pharmaceutical agent endorsements. We also support the need to ensure the legality of licensees with DPA endorsements (diagnostic pharmaceutical agent endorsement).

The Department also support the Board's desire to delete of the number of continuing education hours required in AS 08.72.181(d) and to grant authority to establish CE requirements by regulations, as is the practice with many other licensing programs. This will help to smooth transition in granting optometry licensees to prescribe and use therapeutic pharmaceutical agents as their normal scope of practice, and prohibit licensees who fail to meet CE requirements from attempting to practice at the status of a licensee with a DPA endorsement.

Consideration of these statutory changes during the sunset review process will enhance the practice of optometrists in Alaska.

Sincerely,



Richard K. Urion
Director of Corporations, Business and Professional
Licensing
for
William C. Noll
Commissioner



Alaska Vision Center, Inc.

JILL GEERING MATHESON, O.D.

September 15, 2005

Pat Davidson
Legislative Budget and Audit Committee
P O Box 113300
Juneau, AK 99811-3300

RECEIVED
NOV 25 2005
LEGISLATIVE AUDIT

Re: Preliminary Audit Report Response
Board of Examiners in Optometry

Dear Ms. Davidson:

I have had the opportunity to read the Preliminary Audit Report. In response, I would like to restate the Board's desires, as there are some discrepancies between the report and the Board's actual wishes.

1. The Board agrees that extending the Board of Examiners to June 30, 2014 appears reasonable.
2. Regarding Recommendation #1 to lower fees: the BEO had briefly discussed at the last meeting that it would be seeking to lower licensing fees in light of the budget surplus. This surplus has been due to the decreased expense of giving an in-state board examination. The BEO will act on this at the next meeting on December 1, 2005.
3. Regarding Recommendation #2 to amend the optometry statutes to ensure they support diagnostic use of pharmaceutical agent endorsements: While it appears that regulation 12AAC 48.021 is not consistent with statute AS 08.72.175, it is not in the BEO's interest to change statute AS 08.72.175 to allow diagnostic use. The BEO has discussed at length a desire to go to one level of licensure, that is, to have all new licenses as of a specified date (we have discussed 2009) be at the prescribe and use (aka therapeutic) level. License renewals would not be eligible for "downgrading" to DPA or no endorsement. Current lower levels of licensure would be grandfathered as restricted licenses. Changing the said statute to include diagnostics would actually take us farther from our goal. The BEO will, however, look at ways to remove the inconsistency between the regulation and the statute while considering a way to provide for the legality of DPA endorsements issued since the 1992 statute amendment.
It appears the legislative audit agency is concerned that fewer optometrists will either choose to or be able to meet the requirements for TPA only licensure. While the agency is looking at this only from an economic standpoint, the BEO is looking at what is in the best interests of the patients. All optometrists since the early 1990's have been educated to be TPA licensed doctors. We are committed to using that education to protect the eye health and vision of all citizens, and a TPA licensed optometrist can provide a higher level of care. The very few numbers of DPA endorsed licenses and no endorsement licenses means that the economic impact to the state's coffers would be minimal.
4. Another BEO desire is to change 08.72.181 (d). The BEO discussed eliminating "of 24 Hours". The statute would then read "...submit to the board evidence of postgraduate continuing education instruction as prescribed by regulations of the

p.2
Preliminary Audit Report Response
Board of Examiners in Optometry

board." This gives the BEO the ability to change the hours of continuing education without legislative approval as needs arise.

5. The BEO needs legislation to grant therapeutic prescriptive authority to applicants applying for license by credentials. We are hoping this can be accomplished with a regulation change.
6. Currently, there is nothing in the practice act authorizing the BEO to deny or put stipulations on new licenses by examination. Under AS 08.72.170(8), the BEO cannot grant a license if the applicant by credentials has had any disciplinary actions regardless of the level of severity, how long it has been since the action was taken, or if the licensee is currently under investigation in another state. Under License by Credentials and License by Examination, the BEO needs authority to either deny or put stipulations on a license for an applicant who currently has disciplinary action, had disciplinary action in the past, or who is being investigated at the time of application in another state. Our only legal possibility at this time is to grant the license if the applicant is by examination, or deny the license if the applicant is by credentials.
7. The BEO supports legislation to widen the scope of therapeutic prescriptive authority to include oral and systemic pharmaceutical agents for the treatment of ocular conditions. This would allow Alaska optometrists to practice at the same level as over 35 other states which leads to fewer referrals and decreased economic impact of eye health care in the state.

Please contact me if you have further questions.

Sincerely,



Jiff Geering Matheson, OD, Chair
Board of Examiners in Optometry

Alaska State Legislature

SENATOR
GENE THERRIAULT
Chair



SESSION ADDRESS
State Capitol
Juneau, Alaska 99801-1182
(907) 465-4797
Fax: (907) 465-3884

Legislative Budget and Audit Committee

SPONSOR STATEMENT CSSB 255 (FIN)

“An Act extending the termination date and duties for the Board of Examiners in Optometry; amending the licensing, endorsement, and renewal provisions for optometrists; and providing for an effective date”

This legislation stems from recommendations contained in the Legislative Audit Report entitled “Department of Commerce, Community and Economic Development, Board of Examiners in Optometry Sunset Audit”, dated Sept. 27, 2005.

Legislative Audit concluded that the Board of Examiners in Optometry (BEO) continues to serve a public need and is operating in the public interest. The regulation and licensing of qualified optometrists is necessary to protect the public’s health, safety and welfare. Further, the BEO has operated effectively, adopted regulatory changes and supported legislation that improved its oversight process and promoted more effective regulation of licensed optometrists. Accordingly, SB 255 extends the sunset date for the BEO to June 30, 2014 for an eight-year extension.

Legislative Audit also recommended that the Legislature amend the optometry statutes to ensure they support current license endorsements for the diagnostic use of pharmaceutical agents. Currently, statutory language provides for a single endorsement for both prescribe and use. However, the BEO is issuing two types of endorsements. The first allows a practitioner to both prescribe and use pharmaceutical agents and the second type of endorsement allows a practitioner “use” only. Current law does not authorize the use only endorsement. SB 255 corrects this situation by adding a section authorizing a use only endorsement and also “grandfathers” in the practitioners that were given that endorsement over the years.

The Senate Labor and Commerce Committee deleted the statutory cite requiring 24 hours of continuing education instruction, allowing the Board to establish through regulation, the number of hours without amending statute. At the request of the BEO, the Senate Finance Committee adopted a number of statutory “housekeeping” amendments to delete unnecessary references and improve Board function to better protect the public.

INTERIM ADDRESS

119 N. Cushman Suite 101, Fairbanks, Alaska 99701 • (907) 488-0857 • Fax: (907) 488-4271



Alaska State Legislature

Senate Majority Web: www.akrepublicans.org

Sponsor: Rules By Request of LEG BUDGET & AUDIT
Current Version: CSSB 255 (FIN)
Contact: W. Tom Maher, 465-3613

Fact Sheet for: Senate Bill 255

Short Title: OPTOMETRY: EXTEND BD/ LIC. ENDORSEMENT

Summary:

- Extends the termination date of the Board of Examiners in Optometry to June 30, 2014.
- Amends optometry statutes to ensure they support current license endorsements for both "prescribe" and "use."
- Deletes the statutory cite requiring 24 hours of continuing education instruction and makes other statutory "housekeeping" changes requested by the board.

Benefits:

- Continues the regulation and licensing of qualified optometrists necessary to protect the public's health, safety and welfare.
- Maintains and potentially increases the number of licensees available to provide services to the public by authorizing a "use" only license endorsement, and grandfathering in practitioners who have been granted a "use" only endorsement without appropriate statutory authority.
- Allows the Board to establish, in regulation, the minimum number of hours of continuing education instruction without amending statutes.
- Performs statutory housekeeping to eliminate unnecessary references and improve the board's ability to protect the public.

Background:

- Legislative Audit concluded that the Board of Examiners in Optometry (BEO) continues to serve a public need and is operating in the public interest. Further, the BEO has operated effectively, adopted regulatory changes, and supported legislation that improved its oversight process and promoted more effective regulation of licensed optometrists. Legislative Audit also recommended that the Legislature amend the optometry statutes to ensure they support current license endorsements for the diagnostic use of pharmaceutical agents. Currently, statutory language provides for a single endorsement for both "prescribe" and "use." However, the BEO is issuing two types of endorsements. The first allows a practitioner to both prescribe and use pharmaceutical agents, and the second allows a practitioner to "use" only. Current law does not authorize the "use" only endorsement. SB 255 adds a section authorizing a "use" only endorsement and also grandfatheres in practitioners who were given that endorsement over the years.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSSB 255(L&C)
(S) Publish Date: 2/16/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
Title: Optometry: Extend Bd/Lic. Endorsement RDU: Corp. Bus & Prof Licensing (117)
Component: Corp. Bus & Prof Licensing
Sponsor: Rules by Request of LB&A
Requester: Labor & Commerce Component No.: 2360

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services		12.8	12.8	12.8	12.8	12.8
Travel		3.5	3.5	3.5	3.5	3.5
Contractual		1.7	1.7	1.7	1.7	1.7
Supplies		0.0	0.0	0.0	0.0	0.0
Equipment		0.0	0.0	0.0	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	18.0	18.0	18.0	18.0	18.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1156)	0.0	18.0	18.0	18.0	18.0	18.0
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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						
1156 Receipt Supported Services	0.0	18.0	18.0	18.0	18.0	18.0
TOTAL	0.0	18.0	18.0	18.0	18.0	18.0

Estimate of any current year (FY2006) cost: 18.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The bill extends the Board of Examiners in Optometry to June 30, 2014. In accordance with AS 08.03.020, funding is extended one year following the termination date allowing the Board to conclude its affairs. FY 2007 funding is included in the Operating Budget request. The costs shown for subsequent fiscal years reflect the direct costs included in the FY 2007 budget. New funds are not required to implement this bill.

Prepared by: Jennifer Strickler, Chief
 Division: Corporations, Business and Professional Licensing
 Approved by: William C. Noll, Commissioner
 Agency: Commerce, Community and Economic Development

Phone (907) 465-2144
 Date/Time 2/10/06 4:28 PM
 Date 2/10/06