

# Roster

## Board of Psychologists and Psychological Associate Examiners

NAME	APPOINTED	REAPPOINTED	EXPIRES
<b>Dammeyer, Matthew</b> (Soldotna) Psychologist	01/25/2019		03/01/2021
<b>Dutson, Suzanne</b> (Juneau) Public	09/09/2016		03/01/2020
<b>Johnson, Erin</b> (Anchorage) Psychologist	03/01/2019		03/01/2023
<b>Levy, Allen</b> (Anchorage) Psychological Associate — Chair	03/01/2012	03/01/2016	03/01/2020
<b>Wieman, Joel</b> (Anchorage) Psychologist	02/01/2012	03/01/2016	03/01/2020

**STATE OF ALASKA**  
**BOARD OF PSYCHOLOGIST & PSYCHOLOGICAL ASSOCIATE EXAMINERS**  
**AUGUST 29 & 30, 2019**  
**333 WILLOUGHBY AVE., 9<sup>TH</sup> FLOOR, CONF. ROOM A, JUNEAU, AK 99801**

Zoom Phone Line: 1-669-900-6833  
Access Code: 868 469 872

**THURSDAY, AUGUST 29, 2019**

	<u>TIME</u>	<u>TOPIC</u>	<u>LEAD PERSON</u>
1.	9:00 a.m.	Call to Order/Roll Call	Chair
2.	9:02 a.m.	Review & Approve Agenda	Chair
3.	9:05 am	<b>Ethics Report</b> Reminder of requirements to all board members.	Chair
4.	9:10 a.m.	Review & Approve Previous Minutes	Chair
5.	9:45 a.m.	Exam Scoring	Chair
6.	11:00 a.m.	Board Admin. Business	Chair
7.	11:30 a.m.	Public Comment	Chair
	12:00 p. m.	Lunch Break	
8.	1:00 p.m.	Investigative Report	E. Prieksat
9.	1:15 p.m.	Division Update	Dir. S. Chambers
10.	2:00 p.m.	<b>Tabled Application Review</b> <b>A. Electronic Voting Training</b> <b>B. Tabled Application Review/Voting</b>	Chair
13.	3:00 p.m.	<b>Recess</b> until 9:00 a.m. Friday, August 29, 2019 (Later if necessary)	

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**AUGUST 29-30, 2019**  
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Zoom Phone Line: 1-669-900-6833  
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**FRIDAY, AUGUST 30, 2019**

	<u>TIME</u>	<u>TOPIC</u>	<u>LEAD PERSON</u>
14.	9:00 am	Call to Order/Roll Call	Chair
15.	9:02 a.m.	Courtesy License Update	R. Hoffard
16.	9:45 a.m.	Old Business A. PSYPACT Update B.	Chair S. Dutson
17.	11:00 am	New Business A. TBD	Chair
18.	12:00 p.m.	Lunch Break	
19.	1:00 p.m.	AKPA Licensure Act Meeting Follow Up	Michael Reed, AKPA
20.	3:30 p.m.	Adjourn (later if necessary)	

State of Alaska  
DEPARTMENT OF LAW

# ETHICS ACT PROCEDURES FOR BOARDS & COMMISSIONS

All board and commission members and staff should be familiar with the Executive Branch Ethics Act procedures outlined below.

## Who Is My Designated Ethics Supervisor (DES)?

Every board or commission subject to the Ethics Act<sup>1</sup> has several ethics supervisors designated by statute.

- The chair serves as DES for board or commission members.
- The chair serves as DES for the executive director.
- The executive director serves as DES for the staff.
- The governor is the DES for a chair.<sup>2</sup>

## What Do I Have To Disclose?

The Ethics Act requires members of boards and commissions to disclose:

- Any matter that is a potential conflict of interest with actions that the member may take when serving on the board or commission.
- Any circumstance that may result in a violation of the Ethics Act.
- Any personal or financial interest (or that of an immediate family member) in a state grant, contract, lease or loan that is awarded or administered by the member's board or commission.
- The receipt of certain gifts.

The executive director of the board or commission and its staff, as state employees, must also disclose:

- Compensated outside employment or services.
- Volunteer service, if any compensation, including travel and meals, is paid or there is a potential conflict with state duties.

- For more information regarding the types of matters that may result in violations of the Ethics Act, board or commission members should refer to the guide, *“Ethics Information for Members of Boards and Commissions.”* The executive director and staff should refer to the guide, *Ethics Information for Public Employees.* Both guides and disclosure forms may be found on the [Department of Law’s ethics website](#).

## How Do I Avoid Violations of the Ethics Act?

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- Make timely disclosures!
- Follow required procedures!
- Provide all information necessary to a correct evaluation of the matter!<sup>3</sup>
- When in doubt, disclose and seek advice!
- Follow the advice of your DES!

## What Are The Disclosure Procedures for Board and Commission Members?

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The procedural requirements for disclosures by members are set out in AS 39.52.220 and 9 AAC 52.120. One goal of these provisions is to help members avoid violations of the Ethics Act. The procedures provide the opportunity for members to seek review of matters in advance of taking action to ensure that actions taken will be consistent with the Act.

### Procedure for declaring actual or potential conflicts.

Members must declare potential conflicts and other matters that may violate the Ethics Act **on the public record and in writing to the chair**.

*Disclosure on the public record.* Members must identify actual and potential conflicts orally at the board or commission’s public meeting **in advance** of participating in deliberations or taking any official action on the matter.

- A member must always declare a conflict and may choose to refrain from voting, deliberations or other participation regarding a matter.<sup>4</sup>
- If a member is uncertain whether participation would result in a violation of the Act, the member should disclose the circumstances and seek a determination from the chair.

*Disclosure in writing at a public meeting.* In addition to an oral disclosure at a board or commission meeting, members’ disclosures must be made in writing.

- If the meeting is recorded, a tape or transcript of the meeting is preserved **and** there is a method for identifying the declaration in the record, an oral disclosure may serve as the written disclosure.
- Alternatively, the member must note the disclosure on the Notice of Potential Violation disclosure form and the chair must record the determination.

*Confidential disclosure in advance of public meeting.* Potential conflicts may be partially addressed in advance of a board or commission's public meeting based on the published meeting agenda or other board or commission activity.

- A member identifying a conflict or potential conflict submits a Notice of Potential Violation to the chair, as DES, in advance of the public meeting.
- This written disclosure is considered confidential.
- The chair may seek advice from the Attorney General.
- The chair makes a written determination, also confidential, whether the disclosed matter represents a conflict that will result in a violation of the Ethics Act if the member participates in official action addressing the matter.<sup>5</sup>
- If so, the chair directs the member to refrain from participating in the matter that is the subject of the disclosure.
- An oral report of the notice of potential violation and the determination that the member must refrain from participating is put on the record at a public meeting.<sup>6</sup>

*Determinations at the public meeting.* When a potential conflict is declared by a member for the public record, the following procedure must be followed:

- The chair states his or her determination regarding whether the member may participate.
- Any member may then object to the chair's determination.
- If an objection is made, the members present, excluding the member who made the disclosure, vote on the matter.
- *Exception:* A chair's determination that is made consistent with advice provided by the Attorney General may not be overruled.
- If the chair, or the members by majority vote, determines that a violation will exist if the disclosing member continues to participate, the member must refrain from voting, deliberating or participating in the matter.<sup>7</sup>

*If the chair identifies a potential conflict,* the same procedures are followed. If possible, the chair should forward a confidential written notice of potential violation to the Office of the Governor for a determination in advance of the board or commission meeting. If the declaration is first

made at the public meeting during which the matter will be addressed, the members present, except for the chair, vote on the matter. If a majority determines that a violation of the Ethics Act will occur if the chair continues to participate, the chair shall refrain from voting, deliberating or participating in the matter. A written disclosure or copy of the public record regarding the oral disclosure should be forwarded to the Office of the Governor for review by the chair's DES.

## Procedures for Other Member Disclosures

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A member's interest in a state grant, contract, lease or loan and receipt of gifts are disclosed by filling out the appropriate disclosure form and submitting the form to the chair for approval. The disclosure forms are found on the [Department of Law's ethics website](#).

## What Are The Disclosure Procedures for Executive Directors and Staff?

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Ethics disclosures of the executive director or staff are made in writing to the appropriate DES (chair for the executive director and the executive director for staff).

- Disclosure forms are found on the ethics website, noted above.

*Notices of Potential Violations.* Following receipt of a written notice of potential violation, the DES investigates, if necessary, and makes a written determination whether a violation of the Ethics Act could exist or will occur. A DES may seek advice from the Attorney General. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

- These disclosures are not required to be made part of the public record.
- A copy of a determination is provided to the employee.
- Both the notice and determination are confidential.

*Other Disclosures.* The DES also reviews other ethics disclosures and either approves them or determines what action must be taken to avoid a violation of the Act. In addition to the disclosures of certain gifts and interests in the listed state matters, state employees must disclose all outside employment or services for compensation.

- The DES must provide a copy of an approved disclosure or other determination the employee.

## How Are Third Party Reports of Potential Violations or Complaints Handled?

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Any person may report a potential violation of the Ethics Act by a board or commission member or its staff to the appropriate DES or file a complaint alleging actual violations with the Attorney General.

- Notices of potential violations and complaints must be submitted in **writing** and **under oath**.
- Notices of potential violations are investigated by the appropriate DES who makes a written determination whether a violation may exist.<sup>8</sup>
- Complaints are addressed by the Attorney General under separate procedures outlined in the Ethics Act.
- **These matters are confidential**, unless the subject waives confidentiality or the matter results in a public accusation.

## What Are The Procedures for Quarterly Reports?

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Designated ethics supervisors must submit copies of notices of potential violations received and the corresponding determinations to the Attorney General for review by the state ethics attorney as part of the quarterly report required by the Ethics Act.

- Reports are due in April, July, October and January for the preceding quarter.
- A sample report may be found on the Department of Law's ethics website.
- An executive director may file a quarterly report on behalf of the chair and combine it with his or her own report.
- If a board or commission does not meet during a quarter and there is no other reportable activity, the DES advises the Department of Law Ethics Attorney by e-mail at [ethicsreporting@alaska.gov](mailto:ethicsreporting@alaska.gov) and no other report is required.

If the state ethics attorney disagrees with a reported determination, the attorney will advise the DES of that finding. If the ethics attorney finds that there was a violation, the member who committed the violation is not liable if he or she fully disclosed all relevant facts reasonably necessary to the ethics supervisor's or commission's determination and acted consistent with the determination.

## How Does A DES or Board or Commission Get Ethics Advice?

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A DES or board or commission may make a **written request** to the Attorney General for an opinion regarding the application of the Ethics Act. In practice, the Attorney General, through the state ethics attorney, also provides **advice by phone or e-mail** to designated ethics supervisors, especially when time constraints prevent the preparation of timely written opinions.



- A request for advice and the advisory opinion are confidential.
- The ethics attorney endeavors to provide prompt assistance, although that may not always be possible.
- The DES must make his or her determination addressing the potential violation based on the opinion provided.

It is the obligation of each board or commission member, as well as the staff, to ensure that the public's business is conducted in a manner that is consistent with the standards set out in the Ethics Act. We hope this summary assists you in ensuring that your obligations are met.

<sup>1</sup> The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government.

<sup>2</sup> The governor has delegated the DES responsibility to Guy Bell, Administrative Director of the Office of the Governor.

<sup>3</sup> You may supplement the disclosure form with other written explanation as necessary. Your signature on a disclosure certifies that, to the best of your knowledge, the statements made are true, correct and complete. False statements are punishable.

<sup>4</sup> In most, but not all, situations, refraining from participation ensures that a violation of the Ethics Act does not occur. Abstention does not cure a conflict with respect to a significant direct personal or financial interest in a state grant, contract, lease or loan because the Ethics Act prohibition applies whether or not the public officer actually takes official action.

<sup>5</sup> The chair must give a copy of the written determination to the disclosing member. There is a determination form available on the Department of Law's ethics web page. The ethics supervisor may also write a separate memorandum.

<sup>6</sup> In this manner, a member's detailed personal and financial information may be protected from public disclosure.

<sup>7</sup> When a matter of particular sensitivity is raised and the ramifications of continuing without an advisory opinion from the Attorney General may affect the validity of the board or commission's action, the members should consider tabling the matter so that an opinion may be obtained.

<sup>8</sup> The DES provides a copy of the notice to the employee who is the subject of the notice and may seek input from the employee, his or her supervisor and others. The DES may seek advice from the Attorney General. A copy of the DES' written determination is provided to the subject employee and the complaining party. The DES submits a copy of both the notice and the determination to the Attorney General for review as part of the DES' quarterly report. If feasible,

the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

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The Attorney General and Department of Law staff may not provide legal advice to private citizens or organizations. Please contact an attorney if you need legal advice. The [Alaska Lawyer Referral Service](#) or your local bar association may be able to assist you in locating a lawyer.

Alaska Department of Law

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## Ethics Disclosure Form

<b>CONFIDENTIAL</b> <b>REQUEST FOR ETHICS DETERMINATION</b>
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TO: \_\_\_\_\_, Designated Ethics Supervisor

\_\_\_\_\_  
*(Identify Your Department, Agency, Public Corporation, Board, Commission)*

I request advice regarding the application of the Executive Branch Ethics Act (AS 39.52.010 - .960) to my situation. The situation involves the following:

I have provided additional information in the attached document(s).

I believe the following provisions of the Ethics Act may apply to my situation:

- AS 39.52.120, Misuse of Official Position
- AS 39.52.130, Improper Gifts
- AS 39.52.140, Improper Use or Disclosure of Information
- AS 39.52.150, Improper Influence in State Grants, Contracts, Leases or Loans
- AS 39.52.160, Improper Representation
- AS 39.52.170, Outside Employment Restricted
- AS 39.52.180, Restrictions on Employment after Leaving State Service
- AS 39.52.190, Aiding a Violation Prohibited

**I understand that I should refrain from taking any official action relating to this matter until I receive your advice.** If the circumstances I described above may result in a violation of AS 39.52.110 - .190, I intend that this request serve as my disclosure of the matter in accordance with AS 39.52.210 or AS 39.52.220.

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Printed Name)*

\_\_\_\_\_  
*(Division, Board, Commission)*

\_\_\_\_\_  
*(Position Title)*

\_\_\_\_\_  
*(Location)*

*Designated Ethics Supervisor: Provide a copy of your written determination to the employee advising whether action is necessary under AS 39.52.210 or AS 39.52.220, and send a copy of the determination and disclosure to the attorney general with your quarterly report.*

## Ethics Disclosure Form

### Receipt of Gift

TO: \_\_\_\_\_, Designated Ethics Supervisor, \_\_\_\_\_  
(Agency, Public Corporation, Board,  
Commission or Council)

This disclosure reports receipt of a gift with value in excess of \$150.00 by me or my immediate family member, as required by AS 39.52.130(b) or (f).

1. Is the gift connected to my position as a state officer, employee or member of a state board or commission?

Yes  No

2. Can I take or withhold official action that may affect the person or entity that gave me the gift?

Yes  No

*(If you answer "No" to both questions, you do not need to report this gift. If the answer to either question is "Yes," or if you are not sure, you must complete this form and provide it to your designated ethics supervisor.)*

The gift is \_\_\_\_\_

Identify gift giver by full name, title, and organization or relationship, if any:

Describe event or occasion when gift was received or other circumstance explaining the reason for the gift:

My estimate of its value is \$ \_\_\_\_\_ The date of receipt was \_\_\_\_\_

The gift was received by a member of my family. Who? \_\_\_\_\_

*If you checked "Yes" to question 2 above, explain the official action you may take that affects the giver (attach additional page, if necessary):*

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Division)

\_\_\_\_\_  
(Position Title)

\_\_\_\_\_  
(Location)

Ethics Supervisor Determination:  Approve  Disapproved

\_\_\_\_\_  
Designated Ethics Supervisor\*

\_\_\_\_\_  
(Date)

*\*Designated Ethics Supervisor: Provide a copy of the approval or disapproval to the employee. If action is necessary under AS 39.52.210 or AS 39.52.220, attach a determination stating the reasons and send a copy of the determination and disclosure to the attorney general with your quarterly report.*

**State Of Alaska**  
**DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT**  
**DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING**

**BOARD OF PSYCHOLOGIST AND PSYCHOLOGICAL ASSOCIATE EXAMINERS**  
**May 9 – 10, 2019**

**These are DRAFT minutes prepared by the staff of the Division of Corporation, Business and Professional Licensing. These minutes have not been reviewed or approved by the Board.**

**Written meeting minutes reflects a brief overview of the business conducted by the board during their meeting. For a more detailed account, please request a copy of the meeting recording.**

**Thursday, May 9, 2019**

**Agenda Item – Call to order and Roll call**

Board Chair Al Levy called the meeting to order at 9:17 am.

Those present constituting a quorum of the Board:

Al Levy, Psychological Associate  
Joel Wieman, Psychologist  
Matthew Dammeyer, Psychologist  
Erin Johnson, Psychologist

In attendance from the Department of Commerce, Community and Economic Development, Division of Corporations, Business and Professional Licensing were:

Lacey Bartlett, Licensing Examiner  
Sara Chambers, Director  
Erika Prieksat & Sonia Lipker, Investigators

**Agenda Item – Review & Approve Agenda**

The board reviewed the drafted agenda of the meeting

**In a motion duly made by Erin Johnson and seconded by Matthew Dammeyer, with unanimous consent, it was resolved to approve the agenda as amended.**

**Agenda Item – Exam Scoring**

**Upon a motion made by Matt Dammeyer, seconded by Erin Johnson, and approved unanimously, it was resolved to enter into Executive Session in accordance with AS 44.62.310(c), and Alaska constitutional right to privacy provisions for the purpose of discussing matters involving matters consideration of government records that by law are not subject to public disclosure. Board staff Lacey Bartlett to remain in the room.**

**Off Record: 9:24am**

45 **On Record: 10:18am**

46

47 After scoring exams, the board briefly reviewed the next items on the agenda before taking a break.

48

49 **Off Record: 10:20am**

50 **On Record: 10:36am**

51

52 **Agenda Item – Board Business**

53

54 Board Chair, Al Levy, began the discussion regarding scheduling attendees to the upcoming ASPPB Year-  
55 end Conference. Chair Levy expressed sincere interest in having the 2 new board members attend the  
56 upcoming conference as priority. This being priority and requesting the entire board be able to attend  
57 as secondary. The conference is set for October 16-20, 2019. Board Chair Al Levy stated he would start  
58 the request for travel.

59

60 It was also discussed to schedule the rest of the board meetings for the year. The Board decided to hold  
61 the next meetings August 29<sup>th</sup> – 30<sup>th</sup>, 2019 and November 7<sup>th</sup> – 8<sup>th</sup>, 2019. Testing Dates for the SLEE  
62 were set for 2 weeks prior to the meeting, as the Divisions scheduling best allows.

63

64 The Board took the opportunity to fully introduce themselves as we have 2 new members. It was also  
65 discussed how the Board Chair and other senior members of the Board will be terming out next spring.  
66 To ensure the best and most efficient operation of the board, Chair Levy discussed the prospect of  
67 training new board members to take the lead and having elections of a new Board Chair in the near  
68 future. Discussion involved the dynamics of the Board's operations, potential risks the Board faces with  
69 turnover/new leadership, new members were able to ask questions they've had so far, and some board  
70 concerns were expressed. Fellow board members agreed training would be very useful and the new  
71 members will examine their prospective election to open board positions, as their professional  
72 obligations allow.

73

74 **Agenda Item – Public Comment**

75

76 There were no members of the public that wished to provide public comments to the board.

77

78 Off Record: 11:38am

79 On Record: 11:43am

80

81 **In a motion duly made by Erin Johnson and seconded by Matthew Dammeyer, with**  
82 **unanimous consent, it was resolved to approve the agenda to recess for lunch.**

83

84 **Recess for Lunch: 11:44am – 1:04pm**

85

86 *Investigators Sonia Lipker & Erika Prieksat joined @ 1pm*

87

88 **Agenda Item – Investigative Report**

89

90 Investigator Erika Prieksat addressed the board with current investigation. There were Zero opened  
91 matters from January 18, 2019 – April 25, 2019, 4 closed matters, and 2 remain ongoing. The Board

92 questioned if the closed items were updated by the complainant, will it be reopened and the answer  
93 was yes. Pending matters are in varying stages of the investigative process and will be updated as  
94

95 **Agenda Item – Investigative Training**

96  
97 **Upon a motion made by Erin Johnson, seconded by Joel Wieman, and approved unanimously, it was**  
98 **resolved to enter into Executive Session in accordance with AS 44.62.310(c), and Alaska constitutional**  
99 **right to privacy provisions for the purpose of discussing matters involving matters consideration of**  
100 **government records that by law are not subject to public disclosure. Board staff Lacey Bartlett, Sonia**  
101 **Lipker, & Erika Prieksat to remain in the room.**

102  
103 **Off Record: 1:08pm**

104 **On Record: 1:50pm**

105  
106 Board Chair Al Levy wanted to state on the record after coming out of Executive Session that the training  
107 provided by our Investigations Team was outstanding and very informative. Also, the request had been  
108 made to have our Investigative Team provide annual training during the May meetings.

109  
110 **Off Record: 1:51pm**

111 **On Record: 2:00pm**

112  
113 **Agenda Item – Division Update**

114  
115 Director Sara Chambers was running behind from a legislative hearing so to make best use of their time,  
116 the board began reviewing the applications in OnBoard. Director Chambers joined at 2:16pm and began  
117 the division update.

118  
119 **Fiscal Year 2019 (FY19) 3<sup>rd</sup> Quarter:**

120 At the end of the 3<sup>rd</sup> quarter of FY19 the board income was \$25,206 and the outgoing has been \$68,629.  
121 Director Chambers advised the board the income showing is lower than usual due to the new licensing  
122 fees just going into effect. Renewals have since launched and the board will see their total revenue  
123 grow. Additionally, it was questioned why personal services costs are higher than previous years. It was  
124 advised it's likely due to having new full-time staffed and having regulations projects.

125  
126 Director Chambers reviewed the indirect vs direct expenses, how these expenses are figured, and what  
127 the boards past trends have looked like. The Board is on track for reducing the overall surplus to be  
128 more in line with outgoing costs.

129  
130 Chair Levy inquired of Director Chambers a letter that was forwarded to the Commissioner in April. It  
131 was stated the letter provided was compelling and the division had been working diligently to try and  
132 accommodate the requests made. As additional information comes available or new developments are  
133 made, The Board will be notified.

134  
135 **Agenda Item – Application Review**

136  
137 Board Chair Levy turned the board's attention to the three applications that needed to be reviewed.  
138 OnBoard had been utilized for 2 of the 3 voting with one application that had been added more  
139 recently. Of the 3 applications, 2 votes were completed in OnBoard.

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The recently added application was tabled by the board, allowing the applicant the opportunity to provide additional or corrected information, per roll call vote. Staff was directed to contact the applicant individually.

**Michael Gould – Reinstatement of Lapsed License**

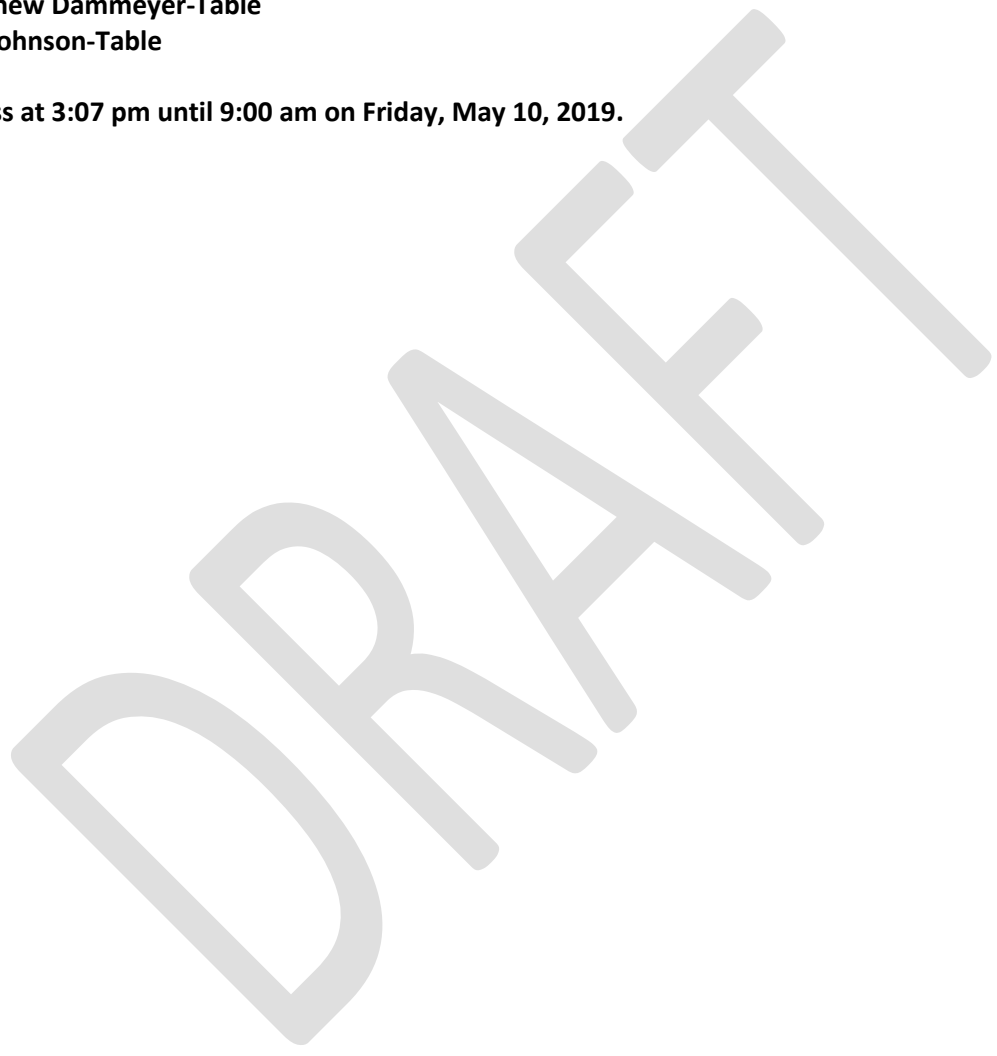
**Al Levy-Table**

**Joel Wieman-Table**

**Matthew Dammeyer-Table**

**Erin Johnson-Table**

**Recess at 3:07 pm until 9:00 am on Friday, May 10, 2019.**





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**State Of Alaska**  
**DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT**  
**DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING**

**BOARD OF PSYCHOLOGIST AND PSYCHOLOGICAL ASSOCIATE EXAMINERS**  
**May 9 – 10, 2019**

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**Written meeting minutes reflects a brief overview of the business conducted by the board during their meeting. For a more detailed account, please request a copy of the meeting recording.**

**Friday, May 10, 2019**

**Agenda Item – Call to order and Roll call**

Board Chair Al Levy called the meeting to order at 9:16 am.

Those present constituting a quorum of the Board:

- Al Levy, Psychological Associate
- Joel Wieman, Psychologist
- Matthew Dammeyer, Psychologist
- Erin Johnson, Psychologist

In attendance from the Department of Commerce, Community and Economic Development, Division of Corporations, Business and Professional Licensing were:

- Lacey Bartlett, Licensing Examiner
- Public Present, Michael Reed, AKPA

Chair Levy wanted to state for the record the late start time was due to issues with technological issues and coordination between Anchorage staff and Juneau staff to conduct the meeting via videoconference.

**In a motion duly made by Erin Johnson and seconded by Joel Wieman, with unanimous consent, it was resolved to amend the agenda to make Courtesy License Update a separate agenda item.**

**Agenda Item – Courtesy License Update**

Examiner Bartlett updated the Board on the status of current courtesy licenses. Of the 6 Active Courtesy Licenses, all but 2 were compliant. The 2 who were out of compliance had been sent status letters, requesting immediate response. The Board questioned what the process was for following up on repeated noncompliance. It was advised after so many status letters being sent and no response being received, the file gets referred to investigations for further action.

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**Agenda Item – Correspondence**

The Board reviewed the items received for Correspondence. Items included the PSYPACT announcement, letter regarding the EPPP test, and a letter submitted to the Commissioner regarding board travel. After brief discussions on the items, it was suggested no action needed to be taken by the Board. However new board members did express their gratitude for the correspondence to the Commissioner regarding travel. They too felt the need to increased face to face meetings for board development and training.

**Agenda Item – Review/Approve Previous Meeting Minutes**

**In a motion duly made by Erin Johnson and seconded by Joel Wieman, with unanimous consent, it was resolved to approve the amended previous meeting minutes as discussed.**

**Off Record: 10:12am**

**On Record: 10:16am**

**Agenda Item – Old Business**

Dr. Wieman updated the Board on what he took away from the ASPPB Conference in October, 2018. The primary focus regarded the EPPP2 test to be launched in 2020. After discussing the future of testing with the new EPPP2, it was agreed board members need to be present at future conferences. It highlights not only immediate needs and concerns of the psychology profession, but also potential investigations risks and long term items that may affect the Board. Also notes was how each individual takes away something different from the conferences and that is what ensures a well-rounded and informed board. It was agreed to wait to discuss the PSYPACT information until board Member Dutson can return and present her information.

**In a motion duly made by Matthew Dammeyer, seconded by Joel Wieman, with a roll call vote, it was resolved to amend: 12 AAC 60.065 (b), to be removed.**

**12 AAC 60.065. REVIEW OF APPLICATION FOR COURTESY LICENSE.** (a) An applicant who meets the requirements on the appropriate checklist established in this section has demonstrated the necessary qualifications for the courtesy license applied for and will be approved by the board’s designee for issuance of that license. An applicant who does not meet the requirements on the appropriate checklist in this section will not be issued a courtesy license unless the board further reviews the application and determines that the applicant meets the qualifications in AS 08.86 and 12 AAC 60 for the courtesy license applied for.

(b) The form title “*Application Checklist for Psychology Courtesy License,*” dated December 2004, is adopted by reference. This form is established by the board for use by an employee of the department in the completion of processing of an application for a courtesy license to practice psychology in this state.

**Al Levy - Yes**

**Joel Wieman - Yes**

**Matthew Dammeyer - Yes**

**Erin Johnson - Yes**

273           **In a motion duly made by Matthew Dammeyer, seconded by Joel Wieman, with a roll call**  
274           **vote, it was resolved to amend 12 AAC 60.065 (a), to include “an applicant who meets the**  
275           **requirements on the appropriate checklist provided & maintained by the division.”**  
276

277           **Al Levy – Yes**  
278           **Joel Wieman - Yes**  
279           **Matthew Dammeyer – Yes**  
280           **Erin Johnson - Yes**  
281

282           **In a motion duly made by Joel Wieman, seconded by Erin Johnson, with a roll call vote, it was**  
283           **resolved to amend section 12 AAC 60.010 (6), to remove language “one of which must be from**  
284           **an applicant’s doctoral committee membership.” And replace with “submits 5 letters of**  
285           *recommendation from three licensed psychologists, members of the American Psychological*  
286           *Association, or diplomates of the American Board of Professional Psychology; and two from*  
287           *other persons not related to the applicant.”*  
288

289           **Al Levy – Yes**  
290           **Joel Wieman – Yes**  
291           **Matthew Dammeyer – Yes**  
292           **Erin Johnson - Yes**  
293

294           **Off Record: 11:28am**  
295           **On Record: 1:00pm**  
296

297           **Agenda Item – AKPA**  
298

299           Michael Reed, AKPA Representative, presented to the Board how they are working on resequencing of  
300           training hours and including additional license statues (ex: retired). AKPA is seeking to adjusting hours  
301           professionals are required to accrue, and how they can be applied during their internship. It was  
302           hopeful that the Model Licensing Act proposal could have made it to the legislature this year but it  
303           would not make the deadline. Mr. Reed advised they have the sponsors needed for the change to be  
304           introduced and AKPA is currently finalizing their information for next session. AKPA requested to be  
305           placed on future board agendas so the Board can remain informed of progress on the MLA and AKPA  
306           activities.  
307

308           It was also clarified how the AKPA Board and the State Board are 2 separate entities. Where the State  
309           Board MAY be in agreement with the processes AKPA is perusing, it was important to note the 2 Boards  
310           are entirely separate entities. AKPA was seeking communication, collaboration, and support of the  
311           Board, as long as it all falls within the law. It was requested Licensing Examiner Bartlett get additional  
312           information to clarify the allowable relationship between the 2 boards. Especially when it comes to  
313           lobbying and legislation changes. This was a 2 way question as the Board would like to seek  
314           fingerprinting as a requirement in the future and could use AKPA as a supporter.  
315

316           **Off Record: 1:48pm**  
317           **On Record: 1:55pm**  
318

319  
320

321 **Agenda Item – Annual Report**

322  
323 The Board reviewed the Annual Report draft. After some discussion regarding minor grammatical and  
324 spelling changes, it was moved to a vote.

325  
326 **In a motion duly made by Matthew Dammeyer and seconded by Erin Johnson, with**  
327 **unanimous consent, it was resolved to approve the FY 2019 Annual Report, with corrections,**  
328 **as discussed.**

329 **Agenda Item – Adjourn**

330  
331 **Upon a motion made by Erin Johnson, seconded by Joel Wieman, and approved unanimously,**  
332 **it was resolved to adjourn the meeting.**

333  
334 **Chair Levy Adjourned the meeting at 2:44pm.**

335  
336 Respectfully submitted,

337  
338  
339 \_\_\_\_\_ Date \_\_\_\_\_  
340 Lacey Bartlett  
341 Occupational Licensing Examiner

342  
343  
344 \_\_\_\_\_ Date \_\_\_\_\_  
345 Allen Levy  
346 Board Chair

347  
348

**EXECUTIVE SESSION MOTION**

I, \_\_\_\_\_, move that the Alaska State Board of Psychologists & Psychological Associates enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing \_\_\_\_\_  
\_\_\_\_\_

Board staff member(s) \_\_\_\_\_ to remain during the session.

Off record: \_\_\_\_\_  
On record: \_\_\_\_\_

Authority: AS 44.62.310(c), Government meetings public

The following subjects may be considered in executive session:

- matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;
- **subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;**
- **matters which by law, municipal charter, or ordinance are required to be confidential;**
- matters involving consideration of government records that by law are not subject to public disclosure.

# STATE OF ALASKA 2019

## State Holidays

Date	Holiday
01/01	New Year's Day
01/21	MLK Jr.'s Birthday
02/18	Presidents' Day
03/25	Seward's Day
05/27	Memorial Day
07/04	Independence Day
09/02	Labor Day
10/18	Alaska Day
11/11	Veterans' Day
11/28	Thanksgiving Day
12/25	Christmas Day

Biweekly employees please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

 Holiday



State calendar maintained by the  
Division of Finance,  
Department of Administration  
<http://doa.alaska.gov/calendars.html>  
Revised 08/28/2018

# HOLIDAY CALENDAR

## JANUARY

S	M	T	W	R	F	S
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## FEBRUARY

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## NOVEMBER

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# 2020 STATE HOLIDAY CALENDAR

## JANUARY

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## FEBRUARY

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## MARCH

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## APRIL

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## JUNE

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## JULY

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## AUGUST

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## SEPTEMBER

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## OCTOBER

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## NOVEMBER

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## DECEMBER

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Date	Holiday
01/01	New Year's Day
01/20	MLK Jr.'s Birthday
02/17	Presidents' Day
03/30	Seward's Day
05/25	Memorial Day
07/04	Independence Day (observed 7/3)

 Holiday

State calendar maintained by the Division of Finance, Department of Administration  
<http://doa.alaska.gov/calendars.html>

Biweekly employees please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

### State Holidays

Date	Holiday
09/07	Labor Day
10/18	Alaska Day
11/11	Veterans' Day
11/26	Thanksgiving Day
12/25	Christmas Day

## Public Comment:

The board chair shall open public comment. The time allotted for comment will be divided between all individuals signed in to give comment. The group will be told how much time each person will have to speak; the licensing examiner will keep track of the time and notify the individual when they have 1 minute left.

This is not the time for the board to respond to the comments. The board can choose to respond to any comments at the end of the comment period; they can choose to send a letter with their responses to the individual; or they can choose to not respond.





**MEMORANDUM**

DATE: August 15, 2019  
TO: Alaska Board of Psychologists and Psychological Associates  
THRU: Sonia Lipker, Senior Investigator *SL*  
FROM: Erika Prieksat, Investigator *EP*  
RE: Investigative Report for the August 29, 2019, Meeting

The following information was compiled as an investigative report to the Board for the period of April 26, 2019, to August 15, 2019. This report includes all investigations, complaints, and intake matters handled since the last report. The Division **opened two (2) matters and closed zero (0) matters. Four (4) matters** remain on going and/or under active investigation.

Matters opened by the Paralegal in Juneau, regarding continuing education audits and license action resulting from those matters are not covered in this report.

<u>CASE #</u>	<u>OPENED</u>	<u>COMPLAINT/INVESTIGATION</u>
2018-001291	8/20/18	Unethical Conduct
2018-001129	9/25/18	Unethical Conduct
2019-000464	5/14/19	Unethical Conduct
2019-000696	7/17/19	License Application Issue

**OPEN: TOTAL = 4**

**INVESTIGATIVE ACTIONS CLOSED SINCE LAST MEETING**

**CLOSED: TOTAL = 0**

The following licensees are on probation except as noted. All are in compliance with the terms of their license probation, at this time.

**NAME                                      START OF PROBATION                                      END OF PROBATION**

**PROBATION CASES: TOTAL = 0**

***END OF REPORT***



## MEMORANDUM

**TO:** Professional Licensing Board Members

**DATE:** July 26, 2019

**FROM:** Sara Chambers, Division Director

**SUBJECT:** Professional Licensing Reform

Happy New Year! We are nearly a month into Fiscal Year 2020, and with it comes a new division budget, as well as new opportunities to evaluate how we are doing, where we are going, and how we plan to get there. Often, the beginning of a new year inspires us to set resolutions, and we are doing just that in FY20.

Governor Dunleavy set the stage for us to dig into this task when he issued his State of the State Address in January. As our new chief executive, he promised to accomplish the following during his tenure in office:

- We're going to declare war on criminals.
- We're going to get our spending in line with our revenue.
- We're going to protect Alaskans' Permanent Fund dividends.
- We're going to grow our economy and put Alaskans to work.
- And we must restore public trust in government and elected officials.

Several of these goals relate to our work as professional licensing leaders: We must spend less than our allocated budget, ensure public safety, and inspire the trust of the public through responsibility and transparency. **Most of all, we must strike the delicate balance between growing our economy and putting Alaskans to work while protecting the public interest.** We accomplish these goals as partners in active, accountable governance and defensible, reasonable administration.

Further, Commissioner Anderson has tasked our division and our partner boards with the following immediate focus:

- Consider whether our occupational licensing requirements are reasonable responses to actual potential harm rather than hypothetical harm.
- Review statutes and regulations to ensure any licensing requirement is necessary and tailored to fulfill legitimate public health, safety, or welfare objectives.
- Review the license application process with a goal of substantially reducing the time required to review applications and issue licenses.

In celebration of the new year—and to keep us on track with our mandate—I've developed a few New Year's Resolutions for our boards and staff. (And, yes...true to tradition, these resolutions do involve losing weight!)

1. **At all times, our governance should demonstrate that we have *internalized the purpose of professional licensing: safeguarding the public interest.***
  - a. Records of decisions should reflect that *the board considered the risk of harm* to consumers, the *impact on those seeking or holding a license*, the *effect on the market*, and any *unintended consequences* to any party.
  - b. All board deliberations should be *thorough, balanced, and grounded* in law and logic.
  - c. Board business should reflect *accountability and responsiveness* in addressing concerns.
  
2. ***Make decisions that reflect proficiency in the statutes, regulations, division policies, and state/national issues that affect our licensing programs.***
  - a. Read all centralized statutes ([AS 08.01-03](#)) and regulations ([12 AAC 02.010-400](#); [12 AAC 02.900-990](#)) and *know how to utilize them*, as appropriate.
  - b. Read [your program's](#) statutes under AS 08 and regulations under 12 AAC 02 and *take responsibility for being the state's experts* in what they say and how they impact the public, applicants, licensees, and other stakeholders.
  - c. Refer regularly to your [board member training resources](#) located on the division's web site, especially the Guide to Excellence in Regulation, which will help you navigate the intricacies of service on a quasi-judiciary government board.
  
3. **Add value to the bottom line by delivering *excellent service* to all internal and external customers.**
  - a. Communicate *transparently, proactively, and clearly*.
  - b. Respond to inquiries *promptly and professionally*.
  - c. *Resolve any roadblocks* that are delaying review or issuance of licenses to qualified individuals.
  - d. *Maximize efficiencies* where possible and practical.
  - e. Identify when *additional resources* are needed, and make solution-oriented suggestions to the director.
  
4. **Prioritize changes to statutes and regulations that *streamline, modernize, and reduce barriers* to employment of qualified individuals.**
  - a. *Develop a strategic plan for your board.* The division can provide resources to assist you.
  - b. *Look for low-hanging fruit:* What has created a regulatory roadblock in the last five years? What is outdated or outmoded, given current tools, trends, and technology?
  - c. *Think big:* Now is the time to consider those ambitious changes you've dreamed about making. Join a licensure compact? Adopt reciprocity with other states? Put it on the table.
  - d. *Challenge biases and "the way we have always done it":* Does the data support the decision? What does the requirement accomplish? Is it based on fact, fear, familiarity, or faction?
  - e. *Build into each agenda ample time to review* a portion of your program statutes and regulations to ensure they are serving the public interest.
  - f. *Set deadlines to assertively draft changes to statutes and regulations.* Consider assigning committees to work on them at publicly noticed gatherings between board meetings. Use the division's administrative resources to maximize outputs and opportunities.

I have directed staff to provide you with various tools to begin addressing New Year's Resolution #4 at your next board meeting. Either your board executive (if you have one), the deputy division director, or I plan to attend during the standard Division Update agenda item to walk through these tools and the task ahead.

**Board progress on this review and your suggested regulatory changes will be reported up to the governor's office, and we stand at the ready to support your work.** As always, our division regulations specialists are here to assist in drafting regulations. If you plan to navigate legislation that meets these objectives, please contact me directly or through your staff so we can leverage all our resources toward our common goal.

We are scheduling a survey to licensees and industry stakeholders to gather their input, which will be shared with each relevant board. You may also wish to encourage public comment on this topic in advance of a future board meeting. As resources allow, we may hold "town hall"-style meetings to solicit thoughts from the public. If you have additional ideas for outreach, please let me know. Please be sure to check the division's [board member training resources web site](#) for additional links to helpful resources.

The year ahead may move us out of our comfort zones, but it will fine tune our agency into a high-functioning, laser-focused, mission-oriented team. I look forward to actively working with you to accomplish these goals. Please reach out to me any time with questions, concerns, and ideas. I'm happy to think through both the small tweaks and the big ideas along with you. My direct line is 907-465-2144 and email is [sara.chambers@alaska.gov](mailto:sara.chambers@alaska.gov).

# Is it government's responsibility?

## EVALUATING REGULATORY GOVERNMENT ACTIVITY

Department: \_\_\_\_\_ Division \_\_\_\_\_

Rater: \_\_\_\_\_ Role: \_\_\_\_\_ Date: \_\_\_\_\_

Sector/activity/program under review: \_\_\_\_\_

This evaluation tool is based on the principles of **right-touch regulation**, which does not prescribe an outcome but leads the thoughtful regulator to explore what characteristics of oversight will properly limit or address any problems with the activity in question.

The principles state that regulation should aim to be:

<b>Proportionate</b>	Regulators should <b>only intervene when necessary</b> . Remedies should be appropriate to the risk posed, and costs identified and minimized
<b>Consistent</b>	Rules and standards must be <b>aligned and implemented fairly</b>
<b>Targeted</b>	Regulation should be <b>focused on the problem, and minimize side effects</b>
<b>Transparent</b>	Regulators should be <b>open, and keep regulations simple and user friendly</b>
<b>Accountable</b>	Regulators must be able to <b>justify decisions, and be subject to public scrutiny</b>
<b>Agile</b>	Regulation must <b>look forward</b> and be able to <b>adapt to anticipate change</b>

These principles provide the foundation for thinking on regulatory policy in all sectors of society. The concept of right-touch regulation emerges naturally from the application of these six principles: bringing together commonly agreed-upon principles of good regulation with understanding of a sector, and a quantified and qualified assessment of risk of harm. It is intended for those making decisions about the design of an assurance framework.

### What this exercise WILL do:

- prompt you to consider new ideas to solve problems
- encourage deep dives into alternatives to regulation
- provide justification and reinforcement of management decisions
- expose you to fresh perspectives
- provide a framework for further discussion

### What this exercise WILL NOT do:

- tell you how to solve the problem
- make you feel comfortable
- force you to change

This workbook is intended to accompany an explanatory presentation with the same title. If you have received the workbook without access to the presentation or materials, please contact Sara Chambers at [sara.chambers@alaska.gov](mailto:sara.chambers@alaska.gov).

## Identify the Problems

We need to identify the problem before we can determine whether any policy is the right one. Often in policy development the need for regulatory change, as a solution, is identified before the problem is properly described and understood. This can lead to inefficiencies as resources are spent developing a regulatory solution when the problem may be better dealt with in other ways.

**A. Describe the problems with this profession.** List each problem on a separate line.


## Quantify and Qualify the Risks

Once the problem has been identified, we need to understand it fully and quantify and qualify the risks associated with it. Quantifying risks means gauging the likelihood of harm occurring and its severity. Qualifying risks means looking closely at the nature of the harm, and understanding how and why it occurs. Without this two-fold evaluation, which must be based on evidence, it is impossible to judge whether regulatory action is necessary, what type of regulatory response might be needed, or whether it would be better to use other means of managing the issues. Regulation should only be chosen when it clearly provides the best solution. Simply identifying a real or potential risk is not sufficient.

### B. Create a *hazard profile* for each problem

Intrinsic Hazards		Extrinsic Hazards	
<p><b>Complexity</b></p> <p>The complexity and inherent hazards of the activity</p>	<p>Potential for harm caused by essential features of practice; for example: prescribing, surgical and psychological interventions</p>	<p><b>Scale</b></p> <ul style="list-style-type: none"> <li>• Size of service user group</li> <li>• Size of practitioner or licensee group</li> </ul>	<p>This criterion helps to ascertain the dimensions of harm. If the number of practitioners or service users is small, then this may suggest an alternative method of assurance would be appropriate. Conversely, support workers might pose a small risk volume in terms of complexity but are high in numbers.</p>
<p><b>Context</b></p> <p>The environments in which the intervention takes place</p>	<p>Environments with varying levels of oversight (hospitals, private practice, homes) may indicate greater or lesser opportunity for hazards—or the ability to proactively or reactively manage hazards.</p>	<p><b>Perception</b></p> <p>Need for:</p> <ul style="list-style-type: none"> <li>• Public confidence in the occupation</li> <li>• Assurance for employers or other stakeholders</li> </ul>	<p>This criterion enables consideration of probable effects on public confidence in the occupation or needs of employers or other agencies using the services of the occupational group.</p> <p>Take care not to allow false perceptions influence your answers.</p>
<p><b>Agency</b></p> <p>Service user vulnerability or autonomy</p>	<p>Contact with service users who may have less ability to exercise control over their care and circumstances may indicate a greater opportunity for hazards.</p>	<p><b>Impact of regulation</b></p> <ul style="list-style-type: none"> <li>• Market</li> <li>• Workforce</li> <li>• Quality</li> <li>• Cost</li> <li>• Innovation</li> </ul>	<p>This criterion considers the impact of assurance mechanisms on the cost and supply of the occupation.</p> <p>Market impact might include market size, prices, trading conditions, labor supply, employer needs, cost to licensee.</p>
		<p><b>Unintended Consequences</b></p>	<p>Any identifiable unintended consequences of the proposed forms of assurance are considered so that any implications can be addressed.</p>

<b>Problem</b>	<b>Intrinsic Hazards</b>	<b>Extrinsic Hazards</b>
	1.  2.  3.	1.  2.  3.
	1.  2.  3.	1.  2.  3.
	1.  2.  3.	1.  2.  3.
	1.  2.  3.	1.  2.  3.
	1.  2.  3.	1.  2.  3.



### C. What is the possibility for the hazard(s) to lead to creation of a harm?

<b>1-2</b>	<b>No harm to personal or property</b> is associated with this profession.
<b>3-4</b>	<b>Minimal possibility of harm:</b> Unlikely to occur because conditions for hazards are unusual or infrequent.
<b>5-6</b>	<b>Moderate possibility of harm:</b> Possible to occur because conditions for hazards may be present.
<b>7-8</b>	<b>Significant possibility of harm:</b> Likely to occur because hazards are frequently present.
<b>9-10</b>	<b>Significant possibility of harm:</b> Certain to occur because hazards are always present.

<b>Hazard</b>	<b>Possibility Rating</b>	<b>Explanation of the possibility of harm:</b> What is the likelihood for something to go wrong? What hazards must be triggered?
1.		
2.		
3.		
4.		

5.		
6.		
7.		
8.		
9.		
10.		

## D. What is the significance of the harm?

<b>1-2</b>	<b>No harm to personal or property</b> is associated with this profession.		
<b>3-4</b>	<b>Minimal harm to property:</b> Items of low dollar value or low quantity could be damaged or destroyed.		
<b>5-6</b>	<b>Moderate harm to property</b> Multiple structural systems or components or a single system/component of moderate value or investment could be damaged or destroyed.	<b>OR</b>	<b>Minimal harm to life, health, or safety</b> Physical/emotional/mental harm to a person could be limited and minor, no treatment required
<b>7-8</b>	<b>Significant harm to property</b> Total loss of significant structure or investment	<b>OR</b>	<b>Moderate harm to life, health, or safety</b> to a person Temporary, treatable physical/emotional/mental injury could occur
<b>9-10</b>	<b>Significant harm to life, health, or safety:</b> Permanent physical/emotional/mental injury or death could occur.		

Hazard	Significance Rating	Explanation of the significance of the harm created by the problem
1.		
2.		
3.		
4.		
5.		
6.		
7.		

8.		
9.		
10.		

**Total your ratings regarding *harm*:**

Hazard	Harm Possibility Rating	Harm Significance Rating	<b>TOTAL</b>
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

**Write down any observations regarding your rating totals:**

## Get as Close to the Problem as Possible

Once we have identified the problem and fully understood the risks, we must look for a solution that is as close to the problem as possible. Regulation is distant and removed from the point of care and problems are best solved near to where they occur. Targeted regulation needs to understand, both the range of hazards and the factors that increase or decrease the risk of them resulting in harm. In healthcare this means understanding the context in which the problem arises and the different tools that may be available to tackle the issues. We may need to work with organizations and individuals that are closer to the problem to bring about change. Some problems may be best tackled by regulatory measures applying to a whole profession, while others may require more targeted regulation or a non-regulatory approach.

## Focus on the Outcome

Adopting a “right-touch” approach means staying focused on the outcome that we are looking to achieve, rather than being concerned about process, or prioritizing interests other than public safety. The outcome should be both tangible and measurable, and it must be directed towards the reduction of harm. Staying focused on the outcome helps identify the most appropriate solution. Having a clearly defined and measurable outcome also makes it easier to measure effectiveness.

**E. How can the hazards be managed without state regulation?** Total harm ratings under 14 *may best be managed through non-governmental strategies*. If they can't, explain why.

<b>0</b>	<b>Market competition</b>	Yelp, Angie's List, Facebook, word of mouth
<b>0</b>	<b>Quality service self-disclosure</b>	Written specific warranty or money-back guarantee
<b>0</b>	<b>Voluntary third-party certification</b>	Better Business Bureau, national accreditation
<b>1</b>	<b>Partnership with stakeholders</b>	Employer/facility oversight, such as training, qualifications, codes of conduct, supervision, and evaluation
<b>1</b>	<b>Voluntary bonding/insurance</b>	Proof of insurance or bond is available
<b>2</b>	<b>Local/municipal ordinance</b>	Regulated or managed at the local level
Assign numbers similar to levels above	<b>Other ideas:</b>	

<b>Hazard</b>	<b>Non-State Management Rating</b>	<b>Explanation of your suggested management <i>solution</i> in section E</b>
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

## Use Regulation Only When Necessary

Once the problem has been considered, we may begin to examine whether a regulatory change is the right proposal, evaluating this against the options of doing nothing and the risks and benefits of intervening. Making changes to regulation, especially statutory regulation, can be a slow process, so regulation should only be used as a solution when other actions are unable to deliver the desired results. A right-touch regulatory solution must keep to the six principles of good regulation and should build on existing approaches where possible. This will often involve looking for solutions other than regulation and may require regulators to work with other organizations and people to bring about change.

## Keep it Simple

For regulation to work, it must be clear to those who are regulated, clear to the public, clear to employers, and clear to the regulator. If each cannot explain to the other what the purpose of a regulation is and why it will work, it is not simple. This is as true in health and social care, with such a wide variety of agencies and individuals involved, as it is in other sectors. Avoiding complexity will lead to a greater impact. A regulatory response should be as simple as it can be while achieving the desired outcome.

## Check for Unintended Consequences

Assessing the probable impact of a particular solution is an essential step to help us avoid unintended consequences. In a system as interconnected and complex as health and social care, for example, it is inevitable that proposing a change in policy and practice will have consequences for other parts of the system. If regulations are not workable, people will work around them and in doing so create new risks. Regulating to remove one risk without a proper analysis of the consequences may create new risks or merely move the risk to a different place.

**F. How can the risk of hazards be managed through government regulation?** List the potential unintended consequences or new risks created by government intervention.

**Do these consequences outweigh the benefits of regulation? Why is state intervention the only solution?** Validate your answer; you may find that you change your mind.

<b>2</b>	<b>Legal recourse/consumer protection acts</b>	Legal grounds for court action, may enjoin the state
<b>3</b>	<b>Mandatory bonding/insurance</b>	Law requires proof of insurance or bonding
<b>5</b>	<b>State Inspection</b>	Periodic safety or compliance reviews by state agency
<b>6</b>	<b>State Registration</b>	Must be on an approved state list; minimal entry criteria required
<b>8</b>	<b>State Certification</b>	Must meet state criteria, no discipline is applicable
<b>10</b>	<b>State Licensure</b>	Must meet state criteria, may be disciplined for violations

<b>Hazard</b>	<b>State Management Rating</b>	<b>Explanation of your suggested management <i>solution</i> in section F</b>
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		



**G. Rate the level of restriction on market participants or restriction of access to services created by the management of each hazard.**

<b>1-2</b>	<b>Not restrictive:</b> No solution is necessary.
<b>3-4</b>	<b>Minimally restrictive:</b> A voluntary market solution like self-certification or bonding was selected. Most people can easily meet these criteria, and the service is widely available.
<b>5-6</b>	<b>Moderately restrictive:</b> A low-impact regulatory solution like registration, bonding, or insurance was selected. Most people seeking to enter the profession can meet these criteria, and the service is available in most markets.
<b>7-8</b>	<b>Very restrictive:</b> National certification/examination or another universal industry standard was selected. Many people seeking to enter the profession can meet these criteria, and the service is usually available in medium-to-large markets.
<b>9-10</b>	<b>Extremely restrictive:</b> Full licensure with criteria like restricted education, supervision, and examination was selected. Some people seeking to enter the profession can meet these criteria, and the service is usually only available in large markets.

Hazard	Restrictiveness Rating	Explanation of the restrictions created by your suggested <i>management</i> solutions in sections E and F.
1.		
2.		
3.		

4.		
5.		
6.		
7.		
8.		
9.		
10.		

## Review and Respond to Change

We should build flexibility into regulatory strategy to enable regulation to respond to change. All sectors evolve over time, as a result of a range of different influences. Regulators must not be left managing the crises of the past, while ignoring or being unable to react to new evidence that calls for change. This is what we mean by agility. A program of regular reviews, evaluation, and sunset audits can all help here.

### H. Rate the level of flexibility of the management strategy as determined above.

<b>1</b>	<b>Extremely flexible:</b> No solution is necessary.	
<b>3</b>	<b>Moderately flexible:</b> Solution is managed by the participant or employer.	
<b>7</b>	<b>Minimally flexible:</b> Management of the problem requires state regulation change.	
<b>10</b>	<b>Not flexible:</b> Management of the problem requires state statute change.	
Hazard	Flexibility Rating	Provide method and frequency of evaluation to determine whether the solution is relevant and effective and—if not—how changes can be made
1.		
2.		
3.		
4.		

5.		
6.		
7.		
8.		
9.		
10.		

## I. Total all your *management* ratings:

Below your ratings, write down your observations. Are you surprised that a particular hazard has a higher number—and therefore a more regulatory management response—than others? Reconsider any changes. If you are doing this exercise in a small group, discuss your ratings and answers with colleagues.

Hazard	Non-State Management Rating	State Management Rating	Restrictiveness Rating	Flexibility Rating	TOTAL
1.					
2.					
3.					
4.					
5.					

6.					
7.					
8.					
9.					
10.					

## J. Determining next steps

What must happen to adjust the climate of regulation of the profession you are reviewing? Review the documentation you have created in the previous exercises.

<b>Hazard</b>	<b>Changes needed to implement new management strategies</b>	<b>Current inhibitors to improvement in management of relevant hazards</b>
1.		
2.		
3.		
4.		
5.		

6.		
7.		
8.		
9.		
10.		





# IS IT GOVERNMENT'S RESPONSIBILITY?

RETHINKING REGULATION, RISK, AND  
RESPONSIBILITY  
IN STATE GOVERNMENT

*The best government is that which governs least.*

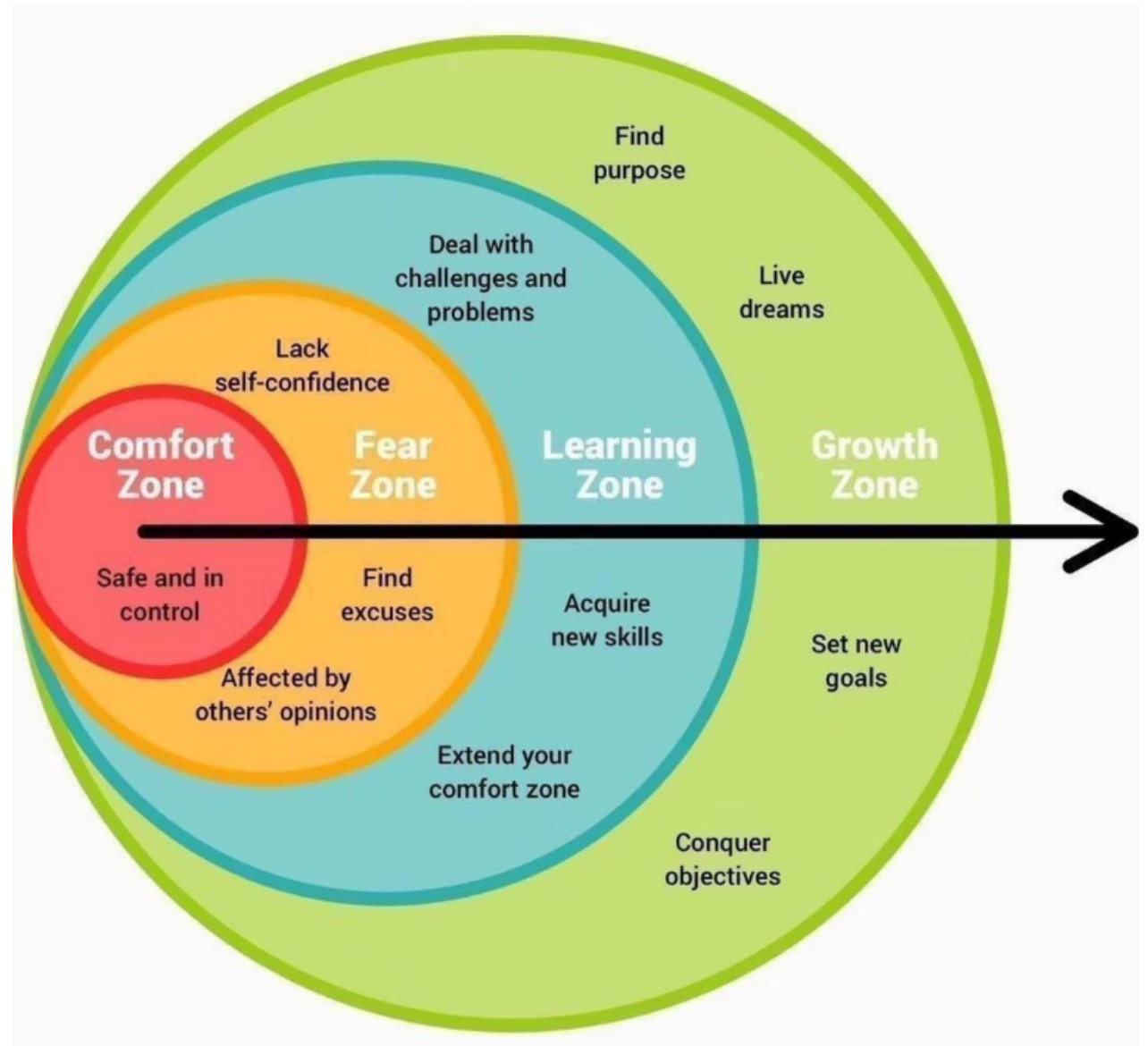
*John L. O'Sullivan, The United States Magazine and Democratic Review, Vol. 1 (1837)*

# LEARNING OBJECTIVES

- Rethink options to manage risk
- Break out of comfort zone
- Hear different perspectives
- Enable you to:
  - Evaluate current and proposed management strategies
  - Propose statute, regulation, or administrative changes to the existing regulatory landscape

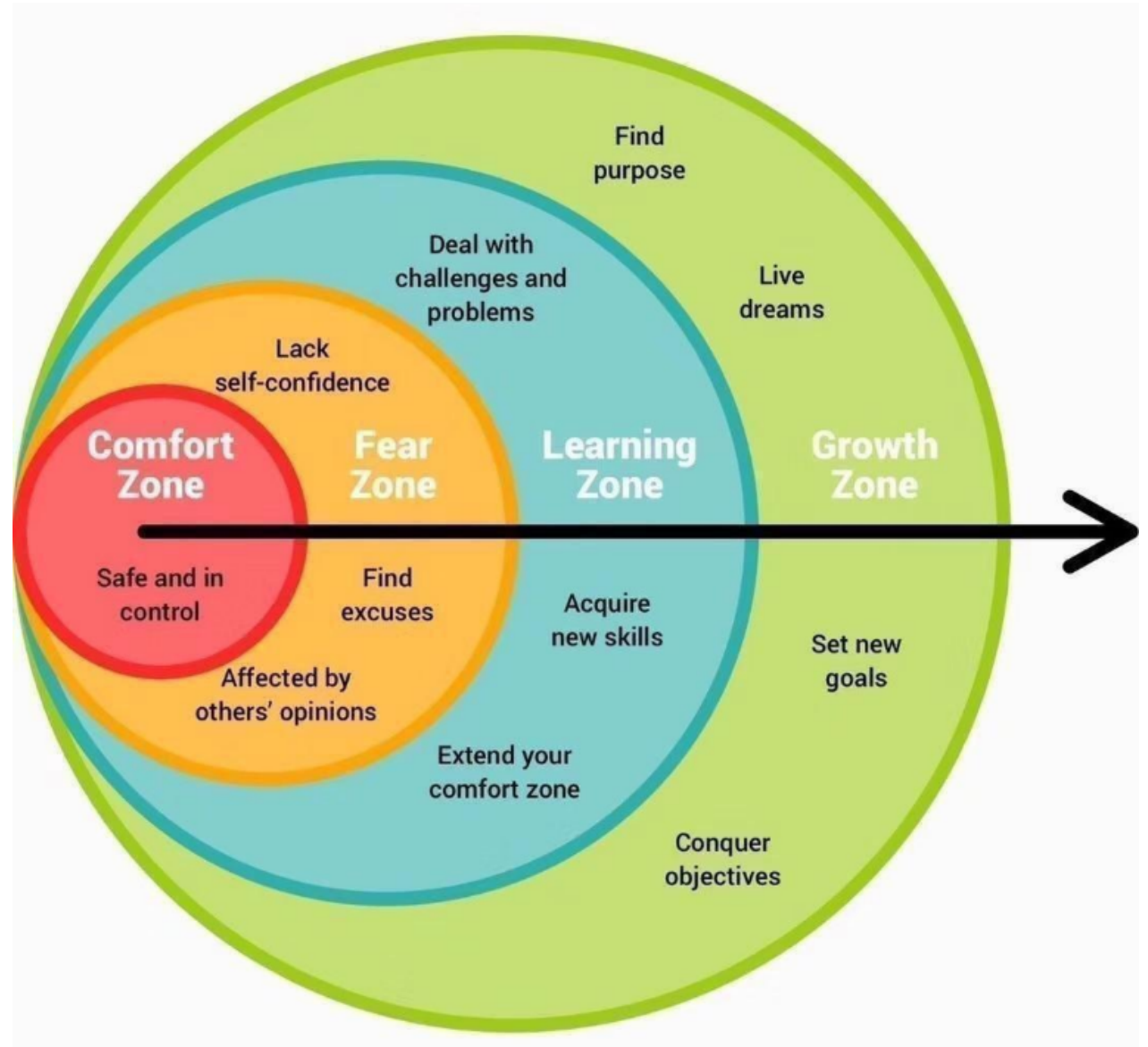
# THIS EXERCISE WILL:

- prompt you to consider new ideas to solve problems
- expose you to fresh perspectives
- encourage deep dives into alternatives to regulation
- provide a framework for further discussion
- provide justification and reinforcement of management decisions



# THIS EXERCISE WILL NOT:

- tell you how to solve the problem
- make you feel comfortable
- force you to change



# WHAT IS THE ROLE OF GOVERNMENT?

- Form a more perfect union
- Establish justice
- Insure domestic tranquility
- Provide for the common defense
- Promote the general welfare
- Secure the blessings of liberty
- Secure and transmit to succeeding generations our heritage of political, civil, and religious liberty within the union of states

# WHAT IS THE ROLE OF GOVERNMENT?

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**Preamble to the Constitution  
of the United States of  
America**

**Preamble to the Alaska  
Constitution**

# SO, WHY DO WE DO WHAT WE DO?

- Limit risk before it happens
- Provide remedy & redress of wrongs
- Gather, disseminate, and analyze data
- Ensure public process
- Create a revenue stream to pay for services
- Ensure transparency
- Provide public services
- Create stability and maintain order
- Set forth common boundaries, rights, and systems for governance
- Other reasons?



# IS IT *REALLY* GOVERNMENT'S RESPONSIBILITY?

Is it a **proper activity** of government?

Does it **duplicate work** performed in the private sector?

Does it **require a monopoly**, or can multiple entities do it?

Is it **mandated by the federal government**?

For the purpose of this exercise, include any activity performed by your agency.

# IS IT *REALLY* GOVERNMENT'S RESPONSIBILITY?

Or, do we ask government to perform our activity because:

**We have always done it that way?**

**We can't think of another way to do it?**

**We feel ownership over the activity?**

**We don't have the resources to do explore options?**

**We don't have the resources to do manage the change?**

**Statutory change is too volatile and cumbersome?**

**Stakeholders want us to do it / no alternatives?**

**The public is complacent?**

Other legitimate reasons, weak excuses, unexposed biases?

# ARE WE DOING IT WELL?

Is the way we perform our activity:

The most { **effective**  
**cost-efficient**  
**time-efficient**  
**customer-friendly**  
**inclusive** } way to do it?

# **RIGHT-TOUCH REGULATION**

***A RISK-MANAGEMENT APPROACH***

*Time to use your workbook!*

# SECTION A: IDENTIFY THE PROBLEMS

The following bad things could happen when this activity is performed:

- 1.
- 2.
- 3.
- 4.
- 5.

# SECTION B: CREATE A *HAZARD PROFILE*

What are the inherent (intrinsic) hazards present when the problem occurs?

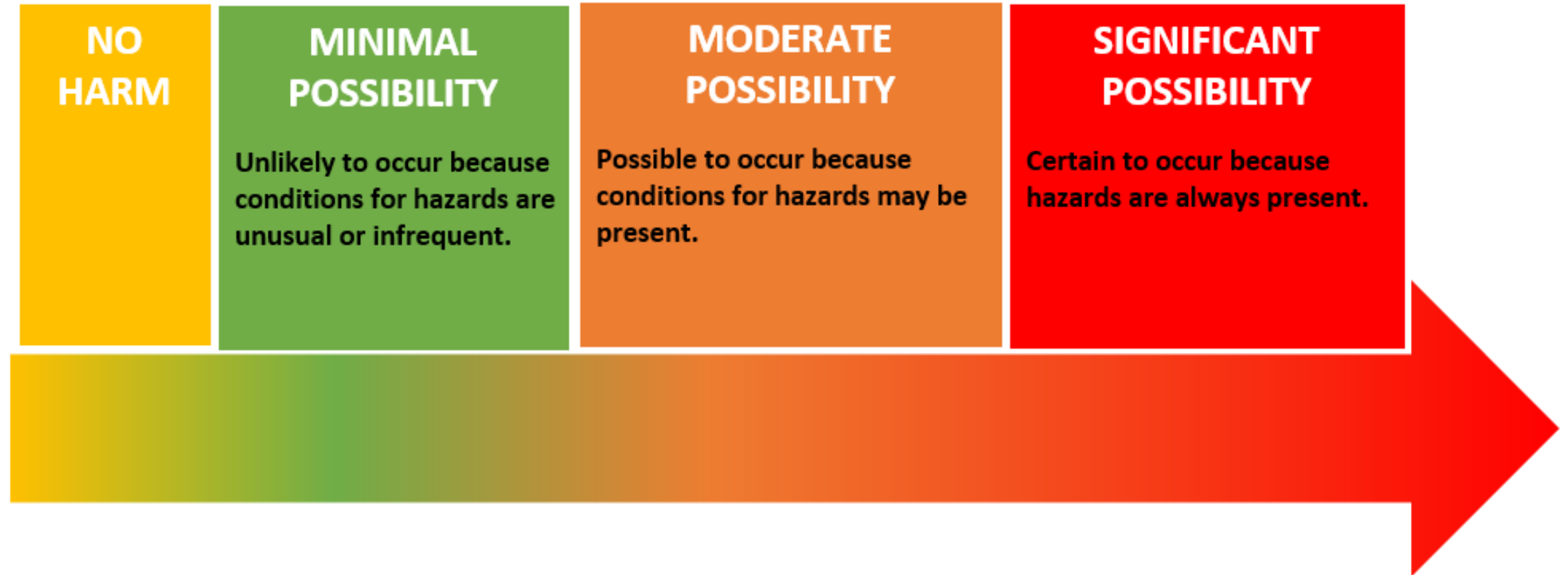
- Complexity
- Context
- Agency

What are the external (extrinsic) hazards present when the problem occurs?

- Scale
- Perception
- Impact of regulation
- Unintended consequences

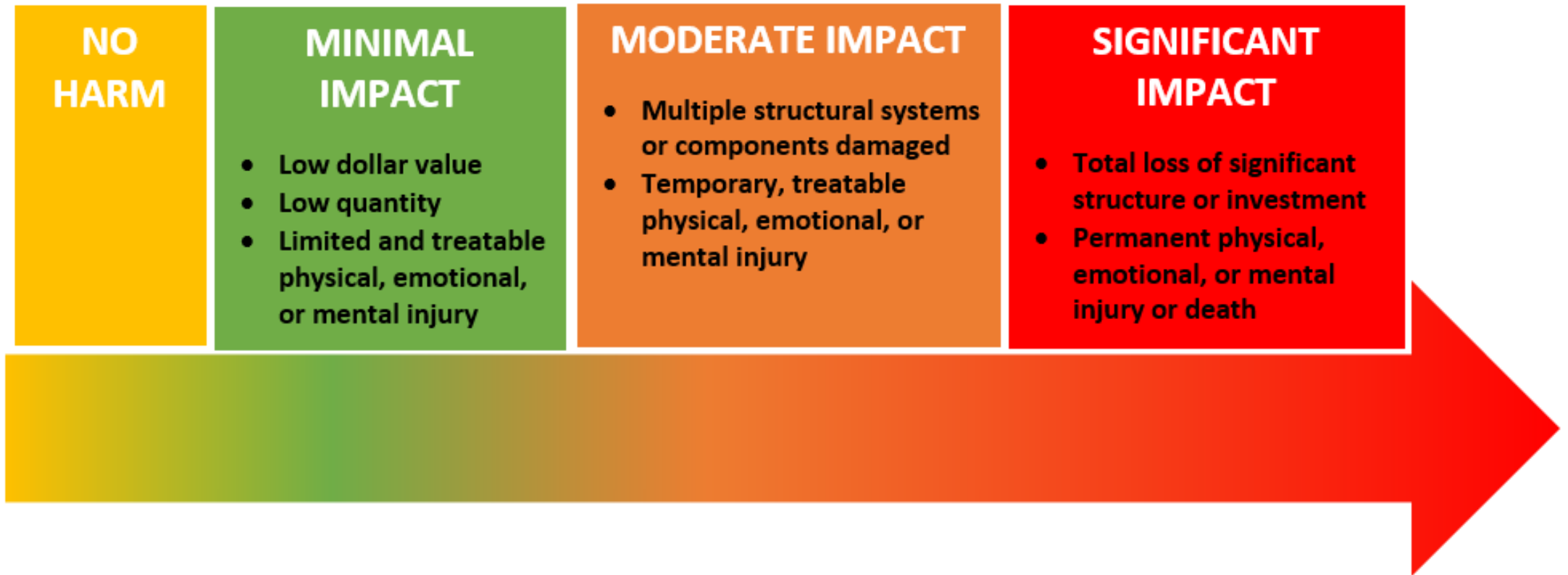
# SECTION C: HARM POSSIBILITY

What is the *possibility* for the hazard to lead to creation of a harm?



# SECTION D: HARM SIGNIFICANCE

If a harm occurs, what is its significance?





# SECTION D: HARM RATINGS

**Harm Possibility + Harm Significance = Total Harm Rating**

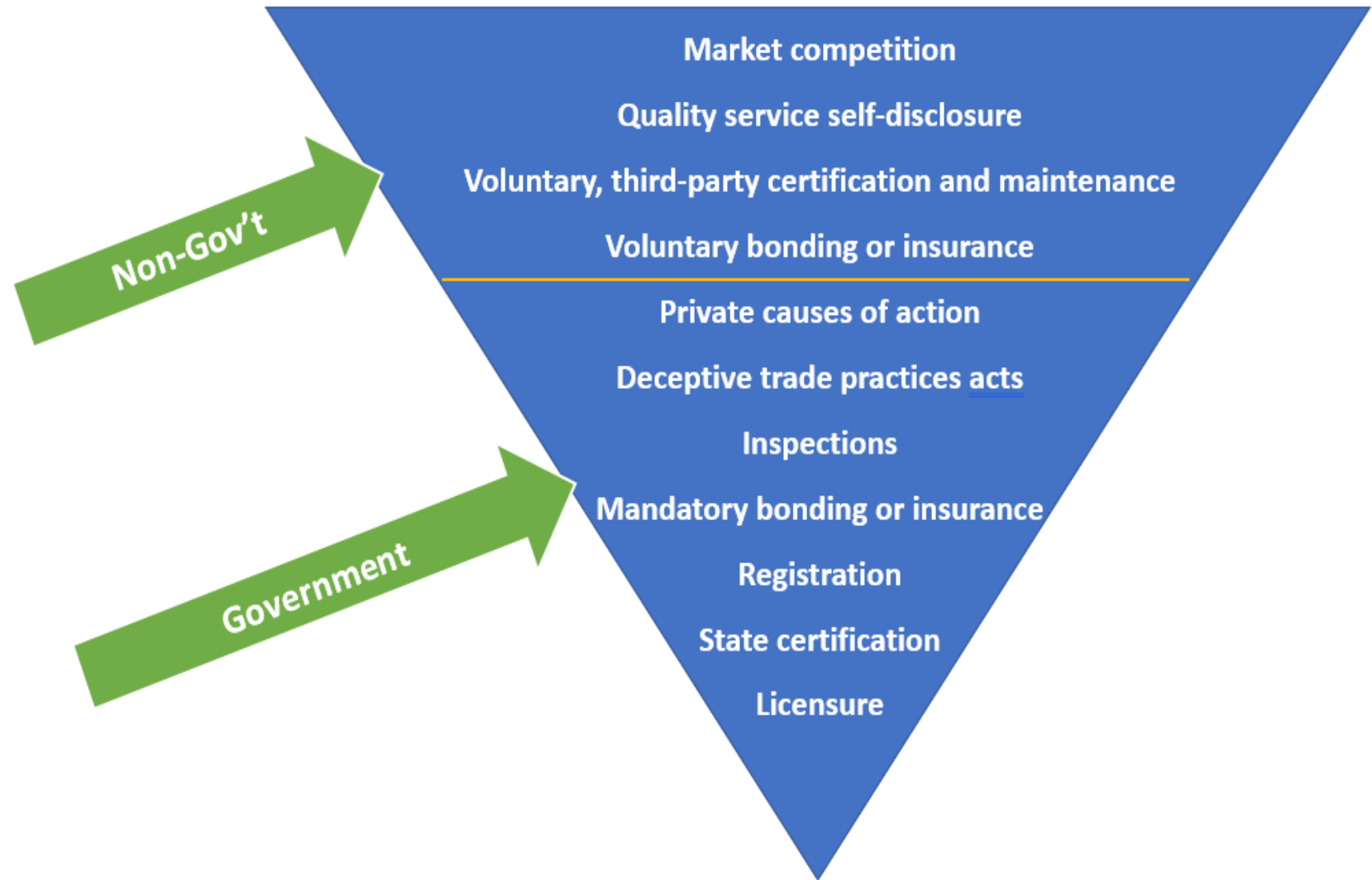
There is no scientific “high” or “low” harm rating for any particular regulated program or activity.

Compare your score with others:

- Did you have similar ratings?
- If not, what data is missing?
- What opinions or biases exist?
- Note any observations and make appropriate changes.

# SECTIONS E & F: HAZARD MANAGEMENT

Examples from the world of professional licensure



# SECTIONS E & F: HAZARD MANAGEMENT

The good, the bad, and the ugly: What is an acceptable level of risk? Oversight? Expense? Flexibility?

## MARKET

- Yelp, Angie's List, Facebook
- Written warranty or money-back guarantee
- Better Business Bureau, Good Housekeeping Seal, national accreditation
- Employer/facility oversight
- Voluntary proof of insurance or bond

## PALLIATIVE REGULATION

- Law requires proof of insurance or bonding
- Legal grounds for court action, may enjoin the state
- May be disciplined for violations

## PREVENTATIVE REGULATION

- Must appear on an approved state list
- Periodic safety or compliance reviews by state agency
- Must meet state criteria



# SECTIONS G & H: HAZARD MANAGEMENT

The good, the bad, and the ugly: What is an acceptable level of risk? Oversight? Expense? Flexibility?

Non-governmental regulation	Governmental regulation
Many options available	Fewer options available
Assumes an element of risk	Presumed safe
Less predictable, more agile	Predictable, slow to change
Less transparent, public process is optional	More transparent, public process is mandatory
Based on policy and practice	Based on statute and regulation
Accountable to the market/consumer	Accountable to state processes and agencies
Recourse through litigation, social media campaigns	Recourse through Administrative Procedures Act
May be unclear who is controlling quality, safety	Identity of the regulator is usually obvious
Cost depends on situation, funding can be fluid	Cost is set in state budget, statute, or regulation

# SECTION I: MANAGEMENT RATINGS

Type of Management + Restrictiveness +  
Flexibility

**= Total Management Rating**

There is no scientific “high” or “low” management rating for any particular regulated program or activity.

Compare your score with others:

- Below your ratings, write down your observations and opinions.
- Are you surprised that a particular hazard has a higher number—and therefore a more regulatory management response—than others?
- Reconsider any changes.

# SECTION J: NEXT STEPS

**What are the next steps to adjust the climate of regulation of the profession you are reviewing?**

Compare your score with others:

- Review the documentation you have created in the previous exercises.
- What changes are needed to implement new management strategies?
- What are current inhibitors to improvement in management of relevant hazards?
- Reconsider any changes.
- Create a written, time-bound plan to accomplish next steps

# **THANK YOU!**

**THE REGULATORY REVIEW COMMITTEE**  
**GOVERNOR MICHAEL J. DUNLEAVY**

*Amy Demboski, Assistant Commissioner, DCCED (Project Manager)*

*Julie Anderson, Commissioner, DCCED*

*Adam Crum, Commissioner, DHSS*

*John MacKinnon, Commissioner, DOTPF*

*Sara Chambers, Division Director, DCCED*

*Glenn Hoskinson, Special Assistant, DCCED*

Board of Psychologist and Psychological Associate Examiners  
Schedule of Revenues and Expenditures

	FY 12		FY 13		FY 14		FY 15		FY16		FY17		FY18		FY19 1st - 3rd Qtr	
Licensing Revenue	\$	30,372	\$	156,899	\$	38,650	\$	174,938	\$	33,572	\$	193,265	\$	17,080	\$	23,510
Allowable Third Party Reimbursement		-		-		-		-		-		-	\$	1,017	\$	1,696
Total Revenue		<u>30,372</u>		<u>156,899</u>		<u>38,650</u>		<u>174,938</u>		<u>33,572</u>		<u>193,265</u>		<u>18,097</u>		<u>25,206</u>
Direct Expenditures																
Personal Services		40,952		55,234		69,884		58,896		37,479		28,054		49,934		56,556
Travel		7,486		9,816		14,041		22,637		13,089		14,489		19,445		9,612
Contractual		2,362		1,762		26,032		14,069		10,189		3,825		2,624		2,340
Supplies		258		172		78		50		19		149		29		121
Equipment		-		-		-		-		-		-		-		-
Total Direct Expenditures		<u>51,058</u>		<u>66,984</u>		<u>110,035</u>		<u>95,652</u>		<u>60,776</u>		<u>46,517</u>		<u>72,032</u>		<u>68,629</u>
Indirect Expenditures*		13,779		17,246		25,827		31,271		19,713		20,570		26,900		20,175
Total Expenses		<u>64,837</u>		<u>84,230</u>		<u>135,862</u>		<u>126,923</u>		<u>80,489</u>		<u>67,087</u>		<u>98,932</u>		<u>88,804</u>
Annual Surplus (Deficit)		<u>(34,465)</u>		<u>72,669</u>		<u>(97,212)</u>		<u>48,015</u>		<u>(46,917)</u>		<u>126,178</u>		<u>(80,835)</u>		<u>(63,598)</u>
Beginning Cumulative Surplus (Deficit)		331,261		296,796		369,465		272,253		320,268		273,351		399,529		318,694
Ending Cumulative Surplus (Deficit)	\$	<u>296,796</u>	\$	<u>369,465</u>	\$	<u>272,253</u>	\$	<u>320,268</u>	\$	<u>273,351</u>	\$	<u>399,529</u>	\$	<u>318,694</u>	\$	<u>255,096</u>

\*\* For the first three quarters, indirect costs are based on the prior fiscal year's total indirect amount on a percent of year completed basis.  
The 4th quarter board reports reflect the current year's actual indirect expenses allocated to the boards.



Appropriation	(All)
AL Sub Unit	(All)
PL Task Code	PSY1

Sum of Expenditures		Object Type Code				Grand Total
Object Code	Object Name	1000	2000	3000	4000	
1011	Regular Compensation	28,848.33				28,848.33
1014	Overtime	2.06				2.06
1023	Leave Taken	3,768.20				3,768.20
1028	Alaska Supplemental Benefit	2,003.70				2,003.70
1029	Public Employee's Retirement System Defined Benefits	656.67				656.67
1030	Public Employee's Retirement System Defined Contribution	1,593.39				1,593.39
1034	Public Employee's Retirement System Defined Cont Health Reim	1,192.04				1,192.04
1035	Public Employee's Retirement Sys Defined Cont Retiree Medical	277.93				277.93
1037	Public Employee's Retirement Sys Defined Benefit Unfnd Liab	3,441.30				3,441.30
1039	Unemployment Insurance	61.54				61.54
1040	Group Health Insurance	10,047.18				10,047.18
1041	Basic Life and Travel	15.74				15.74
1042	Worker's Compensation Insurance	333.05				333.05
1047	Leave Cash In Employer Charge	751.78				751.78
1048	Terminal Leave Employer Charge	445.36				445.36
1053	Medicare Tax	452.69				452.69
1069	SU Business Leave Bank Contributions	38.56				38.56
1077	ASEA Legal Trust	48.46				48.46
1079	ASEA Injury Leave Usage	4.69				4.69
1080	SU Legal Trst	13.73				13.73
1970	Personal Services Transfer	2,559.49				2,559.49
2000	In-State Employee Airfare			961.09		961.09
2001	In-State Employee Surface Transportation			18.25		18.25
2002	In-State Employee Lodging			477.00		477.00
2003	In-State Employee Meals and Incidentals			885.00		885.00
2005	In-State Non-Employee Airfare			2,603.35		2,603.35
2006	In-State Non-Employee Surface Transportation			-		-
2007	In-State Non-Employee Lodging			1,730.00		1,730.00
2008	In-State Non-Employee Meals and Incidentals			975.50		975.50
2009	In-State Non-Employee Taxable Per Diem			256.00		256.00
2010	In-State Non-Employee Non-Taxable Reimbursement			89.20		89.20
2020	Out-State Non-Employee Meals and Incidentals			140.00		140.00
2022	Out-State Non-Employee Non-Taxable Reimbursement			1,469.70		1,469.70
2036	Cash Advance Fee			6.51		6.51
2970	Travel Cost Transfer			-		-
3000	Training/Conferences				290.00	290.00
3002	Memberships				1,211.00	1,211.00
3036	Local/Equipment Charges				27.27	27.27
3045	Postage				53.56	53.56
3046	Advertising				682.55	682.55
3069	Commission Sales				75.75	75.75
4002	Business Supplies					121.41
<b>Grand Total</b>		<b>56,555.89</b>	<b>9,611.60</b>	<b>2,340.13</b>	<b>121.41</b>	<b>68,629.03</b>

**MAIL BALLOT ON A MOTION BEFORE THE BOARD TO APPROVE AN APPLICATION**

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**APPLICANT NAME:**  **LICENSE TYPE:**

**NAME OF VOTING BOARD MEMBER:**

*Please review the attached license application and indicate your response to the motion:*

**As a member of the board, I vote to take the following action on the license application named above:**



**Approve**



**Conditionally Approve** *REQUIRED: Conditions under which the application shall be deemed approved:*



**Deny** *REQUIRED: Statutory or regulatory citation and reason for denial:*



**Table** *REQUIRED: Reason to table this vote until the next regular meeting:*



**Request Recusal**

*I request the chair recuse me from voting because of the following potential conflict of interest:*

**Other Comments:**

**I have reviewed the above application and register my vote for the public record as indicated above.**

**Signature** (unless sent from the member's email account)

**Date**

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**IMPORTANT NOTICE:** If the vote is other than approval, a specific reason for the vote **must** be indicated above. Board action on the matter noted above is being taken via a mail or electronic vote in accordance with AS 44.62.600. Due to open meeting requirements in this state, members are reminded not to discuss this matter with one another. If a member has questions or concerns which warrant discussion by the board prior to voting, the licensing examiner should be contacted. Depending upon the timeframe involved, action on this matter may be delayed until a regularly scheduled meeting of the board, or a special teleconference may be convened as applicable.

**MAIL BALLOT ON A MOTION BEFORE THE BOARD**

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**NAME OF VOTING BOARD MEMBER:**

*Please review the attached documentation and indicate your response to the motion:*

**As a member of the board, I vote to take the following action on this motion:**

**Approve**

**Conditionally Approve** *REQUIRED: Conditions under which the motion shall be deemed approved:*

**Deny** *REQUIRED: State reason for denial; include statutory or regulatory citation, if applicable:*

**Table** *REQUIRED: Reason to table this vote until the next regular meeting:*

**Request Recusal**

*I request the chair recuse me from voting because of the following potential conflict of interest:*

**Other Comments:**

**I have reviewed any attached documentation and register my vote for the public record as indicated above.**

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**Signature** (unless sent from the member's email account)

**Date**

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**IMPORTANT NOTICE:** If the vote is other than approval, a specific reason for the vote **must** be indicated above. Board action on the matter noted above is being taken via a mail or electronic vote in accordance with AS 44.62.600. Due to open meeting requirements in this state, members are reminded not to discuss this matter with one another. If a member has questions or concerns which warrant discussion by the board prior to voting, the licensing examiner should be contacted. Depending upon the timeframe involved, action on this matter may be delayed until a regularly scheduled meeting of the board, or a special teleconference may be convened as applicable.