

**STATE OF ALASKA  
BOARD OF PSYCHOLOGIST & PSYCHOLOGICAL ASSOCIATE EXAMINERS  
MARCH 5-6, 2020  
333 WILLOUGHBY AVE, 9<sup>TH</sup> FLOOR, JUNEAU AK 99801**

Zoom Phone Line: 1-669-900-6833  
Access Code: 858 355 491

**THURSDAY, MARCH 5, 2020**

	<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.	9:20 a.m.	Introduction of Board Members	Chair
6.	11:00 a.m.	<b>Board Business</b> A. Set Upcoming Meeting Dates B. Set Upcoming SLEE Dates C. Board Mission & Vision Statement	Chair
7.	11:30 a.m.	<b>Public Comment</b> A. <b>Public Must Be Present by 11:30am to Register to Speak</b>	Chair
	12:00 p. m.	<b>Lunch Break</b>	
8.	1:00 p.m.	Investigative Report	B. Homestead
9.	1:30 p.m.	<b>Division Update</b> A. FY20 2 <sup>nd</sup> Quarter B. Update on Omnibus Board Proposal	TBD
10.	2:30 p.m.	<b>Exam Scoring</b> A. Executive Session	Chair
11.	3:30 p.m.	<b>Recess</b> until 9:00 a.m. Friday, December 6, 2019 (Later if necessary)	

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**FRIDAY, MARCH 6, 2020**

	<u>TIME</u>	<u>TOPIC</u>	<u>LEAD PERSON</u>
12.	9:00 am	Call to Order/Roll Call	Chair
13.	9:02 a.m.	Courtesy License Update	L. Derr
14.	9:05 a.m.	Old Business A. ASPPB Midyear Meeting – Montreal B. Right-Touch Regulation	Chair
15.	9:45 am	New Business A. Review & Approve Regulation Update B. Senate Bill No. 157 C. UAA Cutting Programs D. Requesting Dr. Alex Siegal to Present	Chair
16.	11:00 a.m.	Application Review	Chair
	12:00 p.m.	Lunch Break	
17.	1:00 p.m.	Audit Review	Chair
18.	3:30 p.m.	Adjourn (later if necessary)	Chair

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.

6/14

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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

<p style="text-align: center;"><b>CONFIDENTIAL</b> <b>REQUEST FOR ETHICS DETERMINATION</b></p>
--

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.*

1 **State Of Alaska**  
2 **DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT**  
3 **DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING**  
4  
5 **BOARD OF PSYCHOLOGIST AND PSYCHOLOGICAL ASSOCIATE EXAMINERS**  
6 **December 5-6, 2019**

7  
8 **These are DRAFT minutes prepared by the staff of the**  
9 **Division of Corporations, Business, and Professional Licensing.**

10 **These minutes have not yet been reviewed or approved by the Board.**

11  
12 **By the authority of AS. 08.01.070(2), and in compliance with the provisions of AS 44.64, Article 6, a**  
13 **scheduled board meeting was held at 333 Willoughby Ave. Juneau Alaska.**

14  
15 **Thursday, December 5, 2019**

16  
17 **Agenda Item – Call to order and Roll call**

18 Board Chair Al Levy called the meeting to order at 11:00 am.

19  
20 Those present constituting a quorum of the Board:

21 Al Levy, Psychological Associate

22 Joel Wieman, Psychologist

23 Erin Johnson, Psychologist

24  
25 In attendance from the Department of Commerce, Community and Economic Development, Division of  
26 Corporations, Business and Professional Licensing were:

27  
28 Lacey Derr, Licensing Examiner

29 Sharon Walsh, Deputy Director

30 Billy Homestead, Investigator

31  
32 **Agenda Item – Review & Approve Agenda**

33  
34 The board reviewed the drafted agenda of the meeting.

35 **In a motion duly made by Erin Johnson and seconded by Joel Wieman, with unanimous**  
36 **consent, it was resolved to approve the agenda as written.**

37 Chair Al Levy stated the he would be directing this meeting and subsequent meetings in a training  
38 manner so Dr. Erin Johnson may develop more understanding of the role of Board Chair. Not hearing  
39 any ethics violations to report, the Board moved on to the meeting minutes.

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

45

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

48 **Agenda Item – Board Business**

49

50 Board members discussed upcoming professional schedules and setting the next meeting date. It was  
51 agreed to set the next date and allow incoming board members on March 1, 2020 to provide input for  
52 subsequent meetings. It was also stated current board members will be traveling a large portion of  
53 February which would affect quorum availability for OnBoard votes.

54

55 Chair Levy requested the next meeting be in person in Juneau, citing the opportunity to meeting with  
56 Legislators during the Legislative Session. After a brief discussion, it was agreed to set the next meeting  
57 as in-person, in Juneau, on March 5-6, 2020. The SLEE Exam testing date was directed to be scheduled  
58 by OLE Derr approximately 2 weeks prior to the March board meeting date.

59

60 Off Record: 11:25am

61 On Record: 11:32am

62

63 **Agenda Item – Public Comment**

64

65 There were no members of the public that wished to provide public comments to the board. The Board  
66 requested to add a note onto the Agenda or the meeting notice for those wishing to provide public  
67 comment, be present by the stated opening time to be signed up. This would allow the Board to make  
68 best use of their time.

69

70 **In a motion duly made by Erin Johnson and seconded by Joel Wieman, with unanimous consent, it**  
71 **was resolved to close public comment & recess for lunch at 11:45am.**

72

73 **Public Comment Closed: 11:45am**

74

75 **Recess for Lunch: 11:45am – 1:12pm**

76

77 *Investigators Billy Homestead & Amber Whaley*

78

79 **Agenda Item – Investigative Report**

80

81 Investigator Billy Homestead addressed the board with current investigation status. There were 6  
82 opened matters from August 6, 2019 – November 26, 2019, zero closed matters. Investigator  
83 Homestead requested of the Board, if there are any members with open cases, that they please touch  
84 base. Chair Levy updated the Investigations team where the Board stood regarding board member  
85 turnover as some members face terms ending and newly appointed members joining March 1, 2020.  
86 With the newly appointed board, it was requested to set up an Investigative training in the near future.  
87 Hearing no further questions and being ahead of schedule, OLE Derr suggested the Courtesy Report  
88 Update to make best use of time while waiting for the Division Update.

89

90

91 **Agenda Item – Courtesy Report**

92  
93 OLE Derr updated the Board on the Courtesy License Report. There was only 1 active courtesy license, 2  
94 had expired, and 2 had become fully licensed. The active was out standing as the final report was still  
95 needed. OLE Derr stated the licensee had been sent a status letter and would continue to follow up. Dr.  
96 Wieman inquired as to what the consequences of non-compliance and it was explained the licensee  
97 would be referred up the investigative chain if they did not respond after so many attempts at contact.  
98

99 **Agenda Item – Division Update**

100  
101 Deputy Director Sharon Walsh joined to provide the Division Update. After discussing the Annual  
102 Financial Report and the First Quarter Report with the Board, it was agreed the Board is financially in a  
103 very good position. Chair Levy inquired as to if there was still legislation in the works to combine all  
104 investigative costs into one state pot, but Deputy Director Walsh stated that she had not heard anything  
105 about it at the time of this meeting.  
106

107 The Board took the opportunity to speak with Deputy Director Walsh about the introduced idea of  
108 “Super Boards”. Chair Levy stated in his research and communications with outside support entities of  
109 the psychology profession, that it is not a preferred or supported idea. It was suggested a “Super Board”  
110 doesn’t create efficiencies, can lead to great conflicts, and in turn create breakdowns in public safety.  
111 Dr. Wieman reiterated what Chair Levy had said and that it would be harmful to the Board of  
112 Psychologist & Psy. Associates that operate in a financially prudent manner. Dr. Johnson added during  
113 the ASPPB conference she had recently attended, the “Super Board” concept was not a well-supported  
114 concept. The Board acknowledged and respected the States position on working to improve their  
115 financial standpoint but opposed combining the mental health board to one omnibus board. It was  
116 greatly felt the cons would outweigh the pros. Chair Levy also stated he highly anticipated pushed back  
117 from the Alaska Psychological Association, as well as other supporting guilds to the Board.  
118

119 Chair Levy segued into the issues the Board faced with only having 3 Board Members. The Board was  
120 operating at a minimum to conduct business and faced with 2 of those 3 current members terming out  
121 on March 1, 2020. In communication with Director Ritacco, it was discussed the importance of having a  
122 senior board member carry over to conduct board training and leadership training with new members.  
123 Chair Levy expressed the importance of having board members and OLE Derr attend the ASPPB Midyear  
124 & Annual meetings to gain the most up to date knowledge on national issues which directly affect the  
125 Board. Given the travel restrictions imposed across the state, it was requested of Deputy Director Walsh  
126 for support in attending the upcoming meetings. Especially being as the upcoming meeting would be in  
127 Montreal, Canada – International Travel. Deputy Director Walsh directed the Board to submit a detailed  
128 letter of interest to the division citing their position and needs for attending the meetings. It would be  
129 reviewed and supported as appropriate.  
130

131 **In a motion duly made by Joel Wieman and seconded by Erin Johnson, with unanimous**  
132 **consent, it was resolved to amend the agenda to begin exam scoring.**  
133

134 **Agenda Item – Exam Scoring**

135 **Upon a motion made by Erin Johnson, seconded by Joel Wieman, and approved unanimously, it was**  
136 **resolved to enter into Executive Session in accordance with AS 44.62.310(c), and Alaska constitutional**

137 **right to privacy provisions for the purpose of discussing matters which by law, municipal charter, or**  
138 **ordinance are required to be confidential. Board staff Lacey Derr to remain in the room.**

139  
140 **Off Record: 2:09pm**

141 **On Record: 3:04pm**

142  
143 After scoring exams, the board recessed.

144  
145  
146 **Recess at 3:05 pm until 9:00 am on Friday, March 6, 2020.**

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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**  
**December 5-6, 2019**

**These are DRAFT minutes prepared by the staff of the  
Division of Corporations, Business, and Professional Licensing.**

**These minutes have not yet been reviewed or approved by the Board.**

**By the authority of AS. 08.01.070(2), and in compliance with the provisions of AS 44.64, Article 6, a  
scheduled board meeting was held at 333 Willoughby Ave. Juneau Alaska.**

**Friday, December 6, 2019**

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

Board Chair Al Levy called the meeting to order at 9:12 am.

Those present constituting a quorum of the Board:  
Al Levy, Psychological Associate  
Joel Wieman, Psychologist  
Erin Johnson, Psychologist

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

Lacey Derr, Licensing Examiner

Public Present, Michael Reed, AKPA

*Chair Levy wanted to state for the record the late start time was due to conference room scheduling  
errors and having to relocate to available space.*

**Agenda Item – Old Business**

Dr. Erin Johnson presented what was discussed at the Annual ASPPB Conference she attended October  
16 – October 20, 2019. Dr. Johnson explained she had spoken with Dr. Alex Siegel with ASPPB and he  
advised he would be available to come and provide training to new board members and present on  
items such as PSYPACT. It was suggested to reach out to ASPPB and inquire about having him travel to  
Alaska and present to the board in person (June/July 2020?). Upcoming changes on Commission  
Accreditation Regulations will have an impact on the Board and would need to be monitored for  
potential Statute/Regulations changes as required. It was explained there would be changes to courses  
required and potentially adjusting when those classes would need to be taken (Masters vs. Doctoral).  
The upcoming changes are believed to be imminent and the board had requested a note be made to  
further support attendance of as many members to upcoming ASPPB Conferences.



222 The EPPP2 was still being considered and tested at the time of the conference. Some concerns brought  
223 up at the conference regarding the EPPP2 were about its validity vs. EPPP, implementation, and  
224 additional states adopting the test. After some discussion about the EPPP2 and its use in Alaska, it was  
225 directed to add the EPPP2 as an agenda items to upcoming board meetings for discussion. Updated  
226 avenues to acquire supervision would be coming later from ASPPB and needs to be watched for. It was  
227 advised that the Board should have a Mission/Vision/Purpose statement, number of licensees approved  
228 since last meeting, and number of licensee's total at time of meeting. It's believed to keep the public  
229 more abreast of the Boards activities and efforts to public safety. There was also support stated to the  
230 board to assist in combating consolidation of boards. No presentations had been made regarding  
231 acquiring supervision via distance/telemedicine.

232

233 **Agenda Item – Correspondence**

234

235 OLE Derr provided the board with correspondence received from ASPPB regarding an article to be  
236 released in the American Psychologist Journal. The article, about the EPPP2, was felt to be projected in  
237 a negative light and ASPPB was attempting to advise boards there could be negative reactions to the  
238 article. The Board requested OLE Derr contact ASPPB and inquire if an applicant requests to take the  
239 EPPP2, are they able to?

240

241 **Agenda Item – New Business**

242

243 It was decided to state on the record the importance of having as many board members and staff attend  
244 the Annual ASPPB Meeting coming up in the Fall of 2020. Once new members have been seated, the  
245 Board can request attendees. Chair Levy requested attendance to the Midyear ASPPB Meeting April 23-  
246 26, 2020 for himself, Dr. Erin Johnson, and OLE Derr. It was tasked to work on the justification letter to  
247 the Division for attendance.

248

249 **Agenda Item – Application Review**

250

251 **It was resolved to approve the following applications with the stipulation that the information in the**  
252 **applicant files take precedence over the minutes of this meeting with a unanimous roll call vote.**

253

254 George Cowan – Psychologist by Credentials

255

256 **Recess for Lunch: 10:06am – 1:03pm**

257

258 **Agenda Item - AKPA**

259

260 Dr. Michael Reed from AKPA joined for the ongoing Model Licensure Act. AKPA was continuing its  
261 ongoing effort to support Psychologists and Psy. Associate license to become more in line with the APA  
262 model licensure act. There was a bill moving through the legislative legal team and was hoping to have  
263 some documentation to present to the board soon. Highlights included the resequencing of training  
264 hours (pre-doctoral & post-doctoral accumulation) and the potential ability for the Board to approve  
265 licensure directly outside of graduation. The Board and Dr. Reed discussed some of the nuances of  
266 language used in statutes/regulations and just advised AKPA to be mindful of locking themselves into  
267 certain terminology. The language previously presented to the board has not been changed and AKPA  
268 was currently seeking sponsors for the bill. It was asked of the Board to provide an official position on  
269 the efforts of AKPA. It was explained the Board is down to just 3 members and possible that new

270 incoming members could have alternative views. But given the board is limited in members, the Board  
271 would be more comfortable with officially NOT OPPOSING the efforts of AKPA. That was accepted and  
272 the Board was thanked by Dr. Reed on behalf of AKPA.

273

274 **Agenda Item – Adjourn**

275

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

278

279 **Chair Levy Adjourned the meeting at 1:50pm.**

280

281

282

283

284

285 Respectfully submitted,

286

287

288

289 \_\_\_\_\_  
Lacey Derr  
Occupational Licensing Examiner

\_\_\_\_\_ Date

291

292

293

294 \_\_\_\_\_  
Allen Levy  
Board Chair

\_\_\_\_\_ Date

295

296

297

## Mission & Vision Statement

The Board continues with the goals and purposes of protection of the public; ensuring the public of continued competency of licensed psychology professionals; ensuring psychological care is offered by professionally qualified persons; and ensuring qualified psychology practitioners are available. The Board has approved applicants for licensure as Psychologists and Psychological Associates, as well as monitored continuing education requirements.



THE STATE  
of **ALASKA**

Department of Commerce, Community,  
and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND  
PROFESSIONAL LICENSING

550 West Seventh Avenue, Suite 1500  
Anchorage, AK 99501-3567  
Main: 907.269.8160  
Fax: 907.269.8156

**MEMORANDUM**

DATE: February 18, 2020  
TO: Board of Psychologist and Psychological Associate  
THRU: Greg Francois, Chief Investigator *[Signature]*  
FROM: William "Billy" Homestead, Investigator *[Signature]*  
RE: Investigative Report for the March 05, 2020 Meeting

The following information was compiled as an investigative report to the Board for the period of November 27, 2019 thru February 18, 2020; this report includes cases, complaints, and intake matters handled since the last report.

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

**OPEN - 8**

<u>Case Number</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Status Date</u>
<b>PSYCHOLOGICAL ASSOCIATE</b>			
2019-001364	Unethical conduct	Intake	12/04/19
2018-001291	Unethical conduct	Complaint	11/01/18
<b>PSYCHOLOGIST</b>			
2019-001240	License application problem	Intake	10/24/19
2020-000070	Unprofessional conduct	Intake	01/22/20
2020-000175	License application problem	Intake	02/12/20
2018-001129	Violating professional ethics	Complaint	10/02/18
2019-000464	Unethical conduct	Complaint	06/24/19
2019-000893	Unethical conduct	Complaint	01/09/20

**Closed - 2**

<b><u>Case #</u></b>	<b><u>Violation Type</u></b>	<b><u>Case Status</u></b>	<b><u>Closed</u></b>	<b><u>Closure</u></b>
<b>PSYCHOLOGIST</b>				
2019-001317	License application problem	Closed-Intake	12/24/19	Review Complete
2019-000696	License application problem	Closed-Complaint	01/14/20	No Action - No Violation

***END OF REPORT***

Department of Commerce Community, and Economic Development  
Corporations, Business and Professional Licensing

Summary of All Professional Licensing  
Schedule of Revenues and Expenditures

Board of Psychologist and Psychological Associate Examiners	FY 14	FY 15	Biennium	FY 16	FY 17	Biennium	FY 18	FY 19	Biennium	FY 20 1st & 2nd QTR
	<b>Revenue</b>									
Revenue from License Fees	\$ 38,650	\$ 174,938	\$ 213,588	\$ 33,572	\$ 193,265	\$ 226,837	\$ 17,080	\$ 141,845	\$ 158,925	\$ 19,420
Allowable Third Party Reimbursements	-	-	-	-	-	-	1,017	1,696	2,713	-
<b>TOTAL REVENUE</b>	<b>\$ 38,650</b>	<b>\$ 174,938</b>	<b>\$ 213,588</b>	<b>\$ 33,572</b>	<b>\$ 193,265</b>	<b>\$ 226,837</b>	<b>\$ 18,097</b>	<b>\$ 143,541</b>	<b>\$ 161,638</b>	<b>\$ 19,420</b>
<b>Expenditures</b>										
Non Investigation Expenditures										
1000 - Personal Services	47,096	31,579	78,675	30,048	23,347	53,395	37,789	59,421	97,210	30,595
2000 - Travel	14,041	22,637	36,678	13,089	14,489	27,578	19,445	10,608	30,053	4,819
3000 - Services	4,296	6,917	11,213	5,805	3,825	9,630	2,624	3,929	6,553	399
4000 - Commodities	78	50	128	19	149	168	29	121	150	-
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-	-
Total Non-Investigation Expenditures	65,511	61,183	126,694	48,961	41,810	90,771	59,887	74,079	133,966	35,813
Investigation Expenditures										
1000-Personal Services	22,788	27,317	50,105	7,431	4,707	12,138	12,145	19,534	31,679	3,513
2000 - Travel										
3023 - Expert Witness	2,400	-	2,400	525	-	525	-	-	-	-
3088 - Inter-Agency Legal	19,336	7,152	26,488	3,859	-	3,859	-	4,980	4,980	1,303
3094 - Inter-Agency Hearing/Mediation	-	-	-	-	-	-	-	-	-	-
3000 - Services other								96	96	27
4000 - Commodities										
Total Investigation Expenditures	44,524	34,469	78,993	11,815	4,707	16,522	12,145	24,610	36,755	4,843
<b>Total Direct Expenditures</b>	<b>110,035</b>	<b>95,652</b>	<b>205,687</b>	<b>60,776</b>	<b>46,517</b>	<b>107,293</b>	<b>72,032</b>	<b>98,689</b>	<b>170,721</b>	<b>40,656</b>
Indirect Expenditures										
Internal Administrative Costs	7,779	9,738	17,517	9,623	9,419	19,042	11,585	16,264	27,849	8,132
Departmental Costs	10,062	13,288	23,350	7,278	7,761	15,039	9,735	15,719	25,454	7,860
Statewide Costs	7,986	8,245	16,231	2,812	3,390	6,202	5,580	8,370	13,950	4,185
<b>Total Indirect Expenditures</b>	<b>25,827</b>	<b>31,271</b>	<b>57,098</b>	<b>19,713</b>	<b>20,570</b>	<b>40,283</b>	<b>26,900</b>	<b>40,353</b>	<b>67,253</b>	<b>20,177</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 135,862</b>	<b>\$ 126,923</b>	<b>\$ 262,785</b>	<b>\$ 80,489</b>	<b>\$ 67,087</b>	<b>\$ 147,576</b>	<b>\$ 98,932</b>	<b>\$ 139,042</b>	<b>\$ 237,974</b>	<b>\$ 60,833</b>
<b>Cumulative Surplus (Deficit)</b>										
Beginning Cumulative Surplus (Deficit)	\$ 369,465	\$ 272,253		\$ 320,268	\$ 273,351		\$ 399,529	\$ 318,694		\$ 323,193
Annual Increase/(Decrease)	(97,212)	48,015		(46,917)	126,178		(80,835)	4,499		(41,413)
Ending Cumulative Surplus (Deficit)	\$ 272,253	\$ 320,268		\$ 273,351	\$ 399,529		\$ 318,694	\$ 323,193		\$ 281,780
										*
<b>Statistical Information</b>										
Number of Licensees	273	307		307	321		290	310		-

**Additional information:**

- Fee analysis required if the cumulative is less than zero; fee analysis recommended when the cumulative is less than current year expenditures; no fee increases needed if cumulative is over the current year expenses \*
- Most recent fee change: Fee reduction FY19
- Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and program changes per AS 08.01.065.

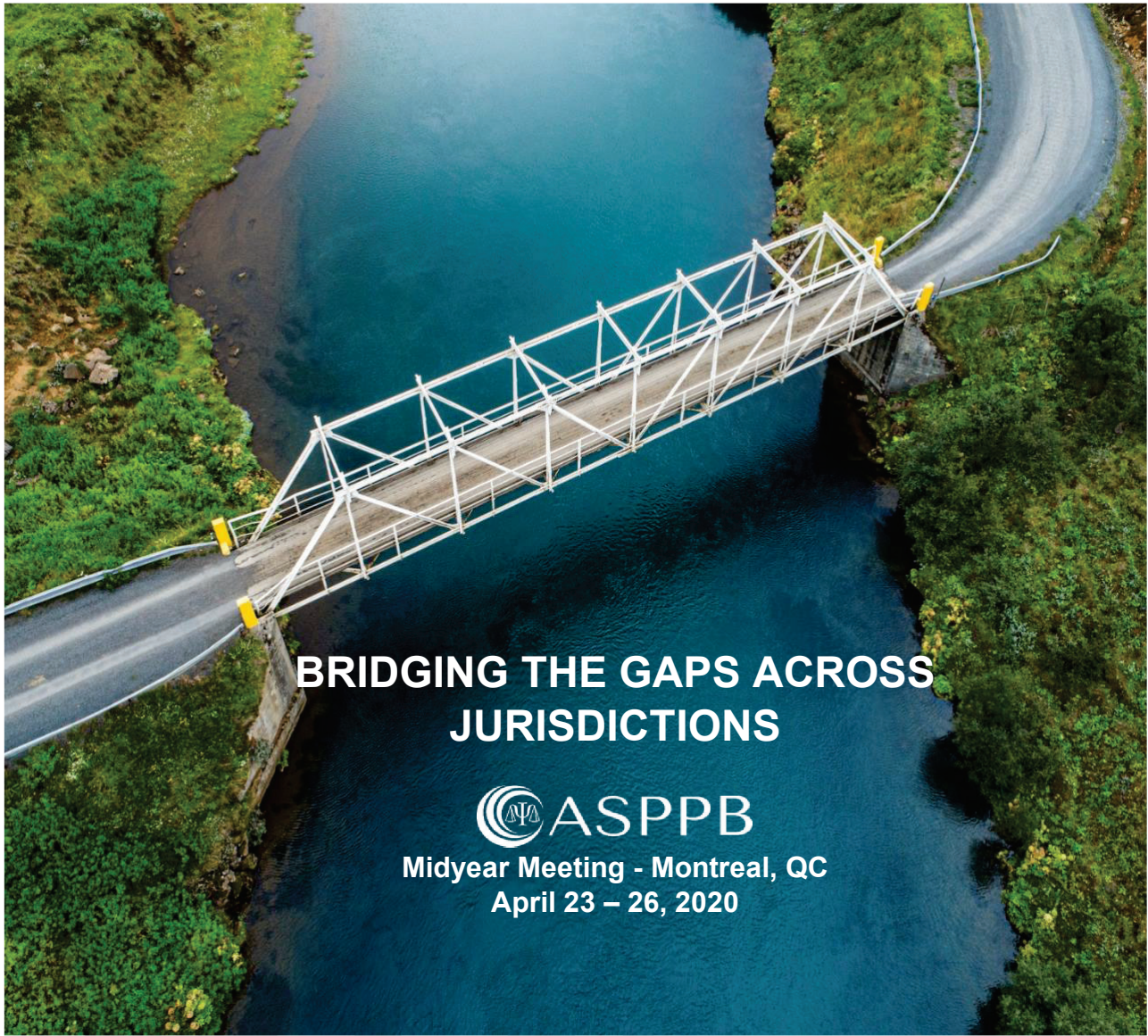
Appropriation	(All)
AL Sub Unit	(All)
PL Task Code	PSY1

Sum of Expenditures Object Name (Ex)	Object Type Name (Ex)			Grand Total
	1000 - Personal Services	2000 - Travel	3000 - Services	
1011 - Regular Compensation	14,207.37			14,207.37
1014 - Overtime	48.41			48.41
1023 - Leave Taken	4,584.69			4,584.69
1028 - Alaska Supplemental Benefit	1,144.59			1,144.59
1029 - Public Employee's Retirement System Defined Benefits	69.61			69.61
1030 - Public Employee's Retirement System Defined Contribution	969.94			969.94
1034 - Public Employee's Retirement System Defined Cont Health Reim	975.23			975.23
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	241.58			241.58
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	1,958.80			1,958.80
1039 - Unemployment Insurance	58.75			58.75
1040 - Group Health Insurance	8,702.93			8,702.93
1041 - Basic Life and Travel	12.33			12.33
1042 - Worker's Compensation Insurance	164.69			164.69
1047 - Leave Cash In Employer Charge	422.31			422.31
1048 - Terminal Leave Employer Charge	237.29			237.29
1053 - Medicare Tax	252.63			252.63
1077 - ASEA Legal Trust	38.75			38.75
1079 - ASEA Injury Leave Usage	8.54			8.54
1080 - SU Legal Trst	9.51			9.51
2000 - In-State Employee Airfare			151.39	151.39
2002 - In-State Employee Lodging			238.00	238.00
2003 - In-State Employee Meals and Incidentals			150.00	150.00
2009 - In-State Non-Employee Taxable Per Diem			96.00	96.00
2020 - Out-State Non-Employee Meals and Incidentals			578.00	578.00
2022 - Out-State Non-Employee Non-Taxable Reimbursement			747.41	747.41
3000 - Training/Conferences			290.00	290.00
3045 - Postage			27.20	27.20
3046 - Advertising			86.14	86.14
3069 - Commission Sales			4.50	4.50
3085 - Inter-Agency Mail			18.23	18.23
3088 - Inter-Agency Legal			1,302.53	1,302.53
2017 - Out-State Non-Employee Airfare			748.80	748.80
2019 - Out-State Non-Employee Lodging			2,109.40	2,109.40
<b>Grand Total</b>	<b>34,107.95</b>	<b>4,819.00</b>	<b>1,728.60</b>	<b>40,655.55</b>

COURTESY LICENSE UPDATE

<b>License Number</b>	<b>Name</b>	<b>Scope of Practice</b>	<b>Expiration Date</b>	<b>Status</b>
140361	Bruce, Aubrey	Individual Psychotherapy for current client	02/14/2020	Compliant; Licensed Closed
154674	Erik Schlosser	Provide Testimony on evaluations in a single case	12/01/2020	Compliant





**BRIDGING THE GAPS ACROSS  
JURISDICTIONS**



**Midyear Meeting - Montreal, QC  
April 23 - 26, 2020**

**THURSDAY, APRIL 23, 2020**

5:30 p.m.–7:30 p.m.

**Welcome Reception and Registration**

**FRIDAY, APRIL 24, 2020**

7:15 a.m. – 8:30 a.m.      **Breakfast**

8:30 a.m.      **Call to Order**  
Sheila Young, PhD, ASPPB President

**Welcome Remarks from:**  
Sheila Young, PhD  
Ordre des Psychologues du Quebec

**Introduction of Midyear Meeting Committee and Meeting Theme**  
Cindy Olvey, PsyD, ASPPB Secretary-Treasurer

**Meeting App and Continuing Education Instructions**  
John Mickley, ASPPB Meeting and Events Coordinator

**SESSION 1: A Toolkit for Communication**

**XX CE Credit Hours**

9:00      **2019 Annual Meeting Summary and Follow Up**  
**Resource Toolkit for Working with Government Officials**  
Sharon Lightfoot, PhD  
Panel of Speakers (TBD)

10:15      **Q & A**

10:30      **Break**

10:45      **Roundtable Discussions: Using the Toolkit**

11:45      **Lunch**

**SESSION 2: Assessing Costs of Variability and Implications for the Future**

**XX CE Credit Hours**

1:00 p.m.      **Keynote Address:**  
**Trends in Regulation: Preparing for the Future**  
Richard Steinecke, Steinecke, Maciura, LeBlanc  
Toronto, ON

2:00      **Q & A**

**FRIDAY, APRIL 24, 2020, continued**

2:15

**Break**

2:30

**Cost of Variability Between Jurisdictions**

Sheila Young, PhD, Moderator  
Jurisdictional Panel (TBD)

**Cost of Harm**

Sheila Young, PhD, Moderator  
Jurisdictional Panel (TBD)

3:45

**Q & A**

4:00

**Roundtable Discussions: Considerations of the Costs**

5:00

**Recess**

TBD

**President's Dinner**

**SATURDAY, APRIL 25, 2020**

7:30 – 8:45 a.m.

**Breakfast**

**SESSION 3: Tools for Public Protection**

**XX CE Credit Hours**

9:00 a.m.

**Call to Order**

Sheila Young, PhD

**Call for Volunteers**

Tomas Granados, PsyD

**EPPP (Part 2 – Skills)**

Matt Turner, PhD, ASPPB Senior Director of Examinations Services,  
Moderator

10:30

Panel of Speakers (TBD)

**Q & A**

10:45

**Break**

**SATURDAY, APRIL 25, 2020, continued**

11:00 **How Continuing Professional Development (vs. Continuing Education) Relates to Public Protection and Why it's Needed**  
Sheila Young, PhD, Moderator  
Jurisdictional Panel (TBD)

11:45 **Q & A**

12:00 p.m. **Box Lunch**

**SESSION 4: Optional Workshops**  
**XX CE Credit Hours**

12:30 **Advocacy/Education for Elected Officials**  
Tomas Granados, PsyD, ASPPB President-Elect  
Alex Siegel, JD, PhD, ASPPB Director of Professional Affairs  
**CoA Standards of Accreditation and Reading Transcripts**  
Michelle G. Paul, PhD, ASPPB Member-at-Large

2:00 **Recess (Dinner on your own)**

**SUNDAY APRIL 26, 2020**

7:30 – 8:45 a.m. **Breakfast**

**SESSION 5: Bringing to Your Attention...**  
**XX CE Credit Hours**

9:00 **Call to Order**  
**ASPPB Updates**  
**New Grant Funded Resource Center**  
Janet Orwig, MBA, CAE, ASPPB Associate Executive Officer,  
Member Services  
**Residency Requirements and the CPQ**  
Alan Slusky, PhD, CPsych, ASPPB Member-at-Large

10:00 **Break**

10:15

**Around our Jurisdictions....**

**Argosy University Closure**

Mariann Burnetti-Atwell, PsyD, ASPPB Chief Executive Officer

**PSYPACT**

Mariann Burnetti-Atwell, PsyD

**EPPP (Part 2 – Skills) articles**

Matt Turner, PhD

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12:00 p.m.

**Adjourn**

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DRAFT

# Is it government's responsibility?

## EVALUATING OCCUPATIONAL LICENSING REGULATION

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 policy in all sectors of society. The concept of right-touch regulation emerges naturally from 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 a regulatory 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.



### *Examples from various professions:*

- An improperly built structure could collapse.
- A person could overdose on prescribed medication.
- Wildlife could be wantonly wasted.

**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 person 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 conditions 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 person 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> <ul style="list-style-type: none"> <li>Physical/emotional/mental harm to a person could be limited and minor, no treatment required</li> <li>Small number of people possibly affected</li> </ul>
<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 <ul style="list-style-type: none"> <li>Temporary, treatable physical/emotional/mental injury could occur</li> <li>Larger number of people possibly affected</li> </ul>
<b>9-10</b>	<b>Significant harm to life, health, or safety:</b> Permanent physical/emotional/mental injury or death could occur. Wide audience of potential victims.		

Hazard	Significance Rating	Explanation of the significance of the harm
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. 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.

## 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.

**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	<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.		

## 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.

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



6.		
7.		
8.		
9.		
10.		



**Chapter 60. Board of Psychologist and Psychological Associate Examiners.**

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

12 AAC 60.010 is amended to read:

**12 AAC 60.010. Application for licensure by examination.** (a) An application for initial licensure by examination as a psychologist must be submitted on a form provided by the department with

- (1) **the required fees** [A CHECK OR MONEY ORDER IN THE AMOUNT] specified in 12 AAC 02.330;
- (2) official transcripts from all undergraduate and graduate schools attended by the applicant;
- (3) repealed 5/18/85;
- (4) a complete vita from the date of high school graduation to the time of application, including dates and places of residency; and
- (5) repealed 5/18/85;
- (6) five letters of **recommendation** [REFERENCE, ONE OF WHICH MUST BE FROM THE APPLICANT'S DOCTORAL COMMITTEE MEMBERSHIP, PREFERABLY THE CHAIRPERSON; TWO] from **three** licensed psychologists, members of the American Psychological Association, or diplomates of the American Board of Professional Psychology; and two from other persons not related to the applicant;
- (7) repealed 12/8/2005.

(b) An application for initial licensure by examination as a psychological associate must be submitted on a form provided by the department with

- (1) **the required fees** [A CHECK OR MONEY ORDER IN THE AMOUNT]

specified in 12 AAC 02.330;

(2) official transcripts from all undergraduate and graduate schools attended by the applicant;

(3) a complete vita from the date of high school graduation to the time of application, including dates and places of residency;

(4) proof of a practicum from an accredited school with an approved program in the area in which licensure is requested; and

(5) repealed 3/27/98;

(6) the recommendations required by AS 08.86.162(3).

(c) Before the board will issue a psychological associate license by examination, the applicant shall submit proof of

(1) completion of the supervised experience required under AS 08.86.160(a)(3), as defined in 12 AAC 60.070(c); and

(2) passing the required examination in 12 AAC 60.110(g).

(d) Before the board will issue a psychology license by examination, the applicant shall submit proof of

(1) completion of the supervised experience required in AS 08.86.130(a)(3), as described in 12 AAC 60.070(b); and

(2) passing the required examination in 12 AAC 60.110(g). (Eff. 12/24/78, Register 68; am 1/14/82, Register 81; am 5/18/85, Register 94; am 3/17/91, Register 117; am 3/27/98, Register 145; am 12/8/2005, Register 176; am 8/15/2008, Register 187; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.86.070 AS 08.86.130 AS 08.86.162  
AS 08.86.080 AS 08.86.160

12 AAC 60.065 is amended to read:

**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 titled "*Application Checklist for Psychology Courtesy License*," dated **February 2016** [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. (Eff. 2/27/2005, Register 173; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 08.01.062 AS 08.86.070 AS 08.86.080

**Editor's note: The application checklist form listed in 12 AAC 60.065(b) is available at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing offices in Anchorage and Juneau.**

## Regulation Changes Questionnaire

**Division/Board:** Psychologist & Psy. Associate    **Meeting Date:** 3.5-6.2020

**Regulation change being proposed:** 12 AAC 60.010

**General topic of the regulation:** Letters of Recommendation

This worksheet is designed to help the board think through an anticipated regulations project. Staff will provide this worksheet to the board at the time a regulations project is being approved for public notice. This information will be used to develop a FAQ to be posted on the board's web page to help the public understand the project. Staff will submit the completed worksheet with the draft board minutes to the Regulations Specialist within 10 days of the meeting and provide a copy to the supervisor. Appropriate staff will be assigned to complete this worksheet if a division regulation. **NOTE: Use a separate worksheet for each section being proposed.**

<p>1. Is the new regulation needed to comply with new legislation or federal law? <span style="float: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></span></p> <p style="margin-left: 20px;">If yes, effective date of new statute/federal law: _____</p> <p style="margin-left: 20px;"><i>(If appropriate, ensure the new regulation is in line with federal requirements prior to initiating a regulation project.)</i></p>	
<p>2. Does the change add a new license type? <span style="float: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></span></p> <p style="margin-left: 20px;">If yes:</p> <p style="margin-left: 40px;">Does it affect current licensees? <span style="float: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></span></p> <p style="margin-left: 40px;">Do current licensees/non-licensees already perform the service for which the new license type is required? <span style="float: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></span></p> <p style="margin-left: 40px;">Is there a grace period or date explicitly included in the regulation to allow for a transition period? <span style="float: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></span></p>	
<p>3. Does it change the qualifications or requirements of an existing license? <span style="float: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></span></p> <p style="margin-left: 20px;">If yes, does it affect current licensees? <span style="float: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></span></p>	
<p>4. Does it affect continuing education/competency requirements? <span style="float: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></span></p> <p style="margin-left: 20px;">If yes:</p> <p style="margin-left: 40px;">Does it add additional requirements or hours? <span style="float: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></span></p> <p style="margin-left: 40px;">Does it clarify existing regulations? <span style="float: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></span></p> <p style="margin-left: 40px;">Is there an effective date in the future to give licensees time to comply? <span style="float: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></span></p>	
<p>5. Is it a fee change or does it create a new fee? <span style="float: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></span></p> <p style="margin-left: 20px;">If yes:</p> <p style="margin-left: 40px;">Does it move fees in the centralized regulations to a new number, therefore affecting other program regulations? <span style="float: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></span></p>	
<p>6. Does it make changes to the requirements of licensees? <span style="float: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></span></p> <p style="margin-left: 20px;">If yes:</p> <p style="margin-left: 40px;">All licensees <span style="float: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></span></p> <p style="margin-left: 40px;">Certain licensees (List: _____) <span style="float: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></span></p> <p style="margin-left: 40px;">Initial licensees <span style="float: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></span></p>	
<p>7. In addition to interested parties, who should receive the public notice? (All licensees or certain license types?)</p>	

8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.
9. What will the regulation do?
10. What is the demonstrated public need or purpose of this regulation?
11. What is the known or estimated cost of the new regulation to a private person, another agency, or a municipality (see Step 3 of the <i>Steps in the Regulation Process...</i> )?
12. What <u>positive</u> consequences may this regulation have on public or private people, businesses, or organizations?
13. What <u>negative</u> consequences may this regulation have on public or private people, business, or organizations?
14. If any <u>negative</u> consequences, please address the reasons why the public need for this change outweighs the negative impact.
15. List any additional questions or comments that may arise from the public during the comment period. Include a response to the questions.
16. What type of notification outlining the changes will be required once the regulation is adopted? Check appropriate boxes. FAQ on website <input type="checkbox"/> Email to licensees <input type="checkbox"/> *Letter to licensees <input type="checkbox"/> <small>* Cost to board for mailing letter</small>

Staff submitting this worksheet: \_\_\_\_\_ Date submitted to Regulations Specialist: \_\_\_\_\_

## Regulation Changes Questionnaire

Division/Board: Psychologist & Psy. Associate Meeting Date: 3.5-6.2020

Regulation change being proposed: 12 AAC 60.065

General topic of the regulation: Courtesy License Checksheet

This worksheet is designed to help the board think through an anticipated regulations project. Staff will provide this worksheet to the board at the time a regulations project is being approved for public notice. This information will be used to develop a FAQ to be posted on the board's web page to help the public understand the project. Staff will submit the completed worksheet with the draft board minutes to the Regulations Specialist within 10 days of the meeting and provide a copy to the supervisor. Appropriate staff will be assigned to complete this worksheet if a division regulation. **NOTE: Use a separate worksheet for each section being proposed.**

1. Is the new regulation needed to comply with new legislation or federal law?  If yes, effective date of new statute/federal law: _____  <i>(If appropriate, ensure the new regulation is in line with federal requirements prior to initiating a regulation project.)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Does the change add a new license type?  If yes: Does it affect current licensees? Do current licensees/non-licensees already perform the service for which the new license type is required? Is there a grace period or date explicitly included in the regulation to allow for a transition period?	Yes <input type="checkbox"/> No <input type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Does it change the qualifications or requirements of an existing license?  If yes, does it affect current licensees?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
4. Does it affect continuing education/competency requirements?  If yes: Does it add additional requirements or hours? Does it clarify existing regulations? Is there an effective date in the future to give licensees time to comply?	Yes <input type="checkbox"/> No <input type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Is it a fee change or does it create a new fee?  If yes: Does it move fees in the centralized regulations to a new number, therefore affecting other program regulations?	Yes <input type="checkbox"/> No <input type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/>
6. Does it make changes to the requirements of licensees?  If yes: All licensees Certain licensees (List: _____) Initial licensees	Yes <input type="checkbox"/> No <input type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
7. In addition to interested parties, who should receive the public notice? (All licensees or certain license types?)	



8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.
9. What will the regulation do?
10. What is the demonstrated public need or purpose of this regulation?
11. What is the known or estimated cost of the new regulation to a private person, another agency, or a municipality (see Step 3 of the <i>Steps in the Regulation Process...</i> )?
12. What <u>positive</u> consequences may this regulation have on public or private people, businesses, or organizations?
13. What <u>negative</u> consequences may this regulation have on public or private people, business, or organizations?
14. If any <u>negative</u> consequences, please address the reasons why the public need for this change outweighs the negative impact.
15. List any additional questions or comments that may arise from the public during the comment period. Include a response to the questions.
16. What type of notification outlining the changes will be required once the regulation is adopted? Check appropriate boxes. FAQ on website <input type="checkbox"/> Email to licensees <input type="checkbox"/> *Letter to licensees <input type="checkbox"/> <small>* Cost to board for mailing letter</small>

Staff submitting this worksheet: \_\_\_\_\_ Date submitted to Regulations Specialist: \_\_\_\_\_

# Professional Licensing Reform: Overview

This bill reduces barriers to practice in a variety of professions and moves toward “right-sizing” government without placing the public at risk.

Creates Improved Regulatory Solutions	Key Features
<p><b>Universal Temporary Licensure:</b> Requires the department to issue a 180-day temporary license for qualified individuals seeking licensure in one of more than 100 professions licensed in AS 08.</p>	<ul style="list-style-type: none"> <li>• This legislation will allow temporary license-holders to work in their field while completing ancillary requirements for full licensure.</li> <li>• It reduces paperwork burdens on military spouses.</li> <li>• It allows healthcare facilities to quickly hire much-needed staff.</li> <li>• It mandates the department to issue temporary licenses to qualified individuals. Currently, the law gives this option to professional licensing boards, and many have not adopted regulations to do so.</li> <li>• It allows the department to renew the license for an additional 180 days.</li> </ul>
<p>Moves regulation of dental radiological equipment to the Department of Health and Social Services.</p>	<ul style="list-style-type: none"> <li>• Will provide qualified oversight of dental radiological equipment.</li> <li>• Reduces a potential public safety hazard.</li> <li>• Has not historically been enforced by the Board of Dental Examiners because it is not within their scope of knowledge.</li> </ul>
Removes Barriers to Licensure	Key Features
<p>Adds a “reasonable basis review” of applicants with criminal convictions.</p>	<ul style="list-style-type: none"> <li>• Requires a review to associate time since conviction, relevance to profession, rehabilitation, nature and seriousness of the crime.</li> <li>• Allows an applicant to request a determination prior to application.</li> <li>• Requires the department and licensing boards to define nebulous phrases like “good moral character” in regulations.</li> </ul>
<p>Corrects collection agency statutes to align with federal law and equalizes the fees for in-state and out-of-state collection agencies.</p>	<ul style="list-style-type: none"> <li>• Reduces paperwork burden on licensees and staff.</li> <li>• Reduces potential for wrongful license denial.</li> </ul>
<p>Makes administrative changes to hearing aid dealer license requirements.</p>	<ul style="list-style-type: none"> <li>• Aligns with federal law and opens opportunities for additional practitioners.</li> </ul>
<p>Eliminates a defunct credentialing association from home inspector licensing and clarifies renewal requirements.</p>	<ul style="list-style-type: none"> <li>• Reduces confusion and potential for application fraud.</li> </ul>
<p>Eliminates outdated requirements for obtaining a speech-language pathology license.</p>	<ul style="list-style-type: none"> <li>• Expands the pathway to licensure.</li> <li>• Defines “field work”.</li> <li>• Provides flexibility to the department to keep up with current standards.</li> </ul>
<p>Eliminates nebulous requirement for the Board of Veterinary Examiners to collect data on the practice of veterinary technology.</p>	<ul style="list-style-type: none"> <li>• Intent is unclear; and as a result, this requirement has never been formally implemented.</li> </ul>
Removes Unnecessary Bureaucracy and Inefficiency	Key Features
<p>Repeals bond or cash deposit for certain businesses</p>	<ul style="list-style-type: none"> <li>• Removes expectation that DCCED will implement an impossible statute.</li> </ul>
<p>Eliminates the Athletic Commission and regulation of boxing and wrestling.</p>	<ul style="list-style-type: none"> <li>• Has not been operational since 2002 due to statutory lack of funding.</li> </ul>
<p>Eliminates regulation of geologists.</p>	<ul style="list-style-type: none"> <li>• There is no state requirement to hold a geologist license. The current requirement for state licensure is simply verification of certification from the national organization.</li> </ul>
<p>Eliminates regulation of concert promoters.</p>	<ul style="list-style-type: none"> <li>• Available current market technology makes this requirement unnecessary.</li> </ul>

**SENATE BILL NO. 157**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/22/20

Referred: Labor and Commerce, Health and Social Services, Resources, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to professional licensing; relating to temporary licenses for some  
2 professions; relating to audiologists and speech-language pathologists; relating to the  
3 regulation of hair braiding; relating to the demonstration of traditional Alaska Native  
4 tattoo techniques; relating to home inspector licensing; relating to collection agency  
5 licensing; relating to hearing aid dealer licensing; repealing requirements for  
6 certification of professional geologists; repealing the requirements for registration of  
7 concert promoters; repealing the athletic commission; relating to boxing, sparring and  
8 wrestling contests, matches, and exhibitions; relating to dental radiological equipment;  
9 repealing certain oil and gas business bonding and cash deposit requirements; and  
10 providing for an effective date."

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

12 \* **Section 1.** AS 08.01.020 is amended to read:

1           **Sec. 08.01.020. Board organization.** Board members are appointed by the  
 2 governor and serve at the pleasure of the governor. Unless otherwise provided, the  
 3 governor may designate the chair of a board, and all other officers shall be elected by  
 4 the board members. Unless otherwise provided, officers of a board are the chair and  
 5 the secretary [. A BOARD MAY PROVIDE BY REGULATION THAT THREE OR  
 6 MORE UNEXCUSED ABSENCES FROM MEETINGS ARE CAUSE FOR  
 7 REMOVAL].

8 \* **Sec. 2.** AS 08.01.062 is repealed and reenacted to read:

9           **Sec. 08.01.062. Temporary licenses.** (a) Except as otherwise provided by law,  
 10 the department shall issue an applicant a temporary license under this section to  
 11 engage in a profession regulated under this chapter if

12                   (1) the applicant

13                               (A) is licensed or credentialed to practice the profession in  
 14 another state or territory of the United States or a foreign country, territory, or  
 15 province that

16                                       (i) has requirements for a license to practice the  
 17 profession that are substantially equivalent to or greater than the  
 18 requirements listed in the applicable chapter of this title; or

19                                       (ii) authorizes a scope of practice substantially  
 20 equivalent to the scope of practice of the corresponding license in the  
 21 state;

22                               (B) meets the qualifications and requirements for a license as  
 23 listed in the applicable chapter of this title and resides in a state or territory of  
 24 the United States or in a foreign country, territory, or province that does not  
 25 license individuals to practice that profession;

26                               (C) is awaiting the results of an examination required for  
 27 licensure in a profession regulated under this chapter and meets the remaining  
 28 qualifications and requirements listed in the applicable chapter; or

29                               (D) if applicable, meets the qualifications and requirements for  
 30 a license under the applicable chapter of this title through military education,  
 31 training, and service under AS 08.01.064(a) and does not already hold a license

1 to practice that profession in another jurisdiction as a member of the armed  
2 forces listed in AS 08.01.064(a)(2);

3 (2) at the time of the application, the applicant is not subject to  
4 disciplinary action related to the profession in another jurisdiction or the subject of an  
5 ongoing review or disciplinary proceeding by the profession's licensing entity in that  
6 jurisdiction;

7 (3) within 10 years before submitting an application, the applicant has  
8 not committed an act in another jurisdiction that would have constituted grounds for  
9 the denial or revocation of a license, certificate, or permit to practice that occupation  
10 under this title at the time the act was committed; and

11 (4) the applicable fees are paid.

12 (b) If the department or applicable board requires that an applicant for a  
13 professional license undergo a criminal history record check, the applicant for a  
14 temporary license will be subject to the same requirements. The department may  
15 consider an application and grant a temporary license before obtaining any resulting  
16 report. If the department subsequently receives criminal record information that would  
17 authorize the department or board to take disciplinary action, the department or board  
18 shall exercise that authority.

19 (c) A temporary license issued under this section is valid for 180 days. An  
20 applicant may apply for one 180-day extension, which will be approved at the  
21 department's discretion.

22 (d) Notwithstanding any other provision of law, a temporary license issued  
23 under this section for an occupation listed in AS 08.01.010, excluding the professions  
24 regulated under AS 08.54 and AS 08.62, satisfies the requirements to temporarily  
25 practice the profession for which a license was granted within the scope designated by  
26 the board or department.

27 (e) A temporary license holder may apply for a license with the department or  
28 applicable board at any point.

29 (f) The department may exempt an applicant for a temporary license under  
30 (a)(1)(C) of this section from the 180-day temporary license limitation in (c) of this  
31 section if the applicant shows that the required professional training period is longer

1 than 180 days.

2 (g) The department shall set fees for temporary licenses under AS 08.01.065.

3 \* **Sec. 3.** AS 08.01.064(c) is amended to read:

4 (c) The department [OR APPLICABLE BOARD] shall expedite the procedure  
5 for issuance of a license or certificate under AS 08.01.062 [(b) OF THIS SECTION]  
6 for an applicant who is on active duty or is the spouse of an active duty member of  
7 the armed forces of the United States.

8 \* **Sec. 4.** AS 08.01.065(h) is amended to read:

9 (h) Notwithstanding (c) of this section, the department shall establish fee  
10 levels under (a) of this section so that the total amount of fees collected by the Board  
11 of Barbers and Hairdressers approximately equals the total regulatory costs of the  
12 department, the board, and the Department of Environmental Conservation for all  
13 occupations regulated by the board. For purposes of this subsection, the regulatory  
14 costs of the Department of Environmental Conservation for the occupations regulated  
15 by the board include the cost of inspections under AS 08.13.210(b), the cost of  
16 developing and adopting regulations under AS 44.46.020 for barbershop, hairdressing,  
17 [HAIR BRAIDING,] manicuring, esthetics, body piercing, ear piercing, tattooing, and  
18 permanent cosmetic coloring establishments, and the cost to the Department of  
19 Environmental Conservation of enforcing the regulations for body piercing, tattooing,  
20 and permanent cosmetic coloring establishments [. THE DEPARTMENT SHALL  
21 SET THE FEE LEVELS FOR THE ISSUANCE AND RENEWAL OF A  
22 PRACTITIONER'S LICENSE ISSUED UNDER AS 08.13.100 SO THAT THE  
23 LICENSE AND LICENSE RENEWAL FEES ARE THE SAME FOR ALL  
24 OCCUPATIONS REGULATED BY THE BOARD OF BARBERS AND  
25 HAIRDRESSERS].

26 \* **Sec. 5.** AS 08.01.065 is amended by adding a new subsection to read:

27 (k) Notwithstanding (c) of this section, the department shall establish fee  
28 levels under (a) of this section so that the total amount of fees collected by the Board  
29 of Dental Examiners approximately equals the total regulatory costs of the department,  
30 the board, and the Department of Health and Social Services for all occupations  
31 regulated by the board. For purposes of this subsection, the regulatory costs of the

1 Department of Health and Social Services for the occupations regulated by the board  
2 include the cost of inspecting dental radiological equipment under AS 08.36.075.

3 \* **Sec. 6.** AS 08.01.077 is amended by adding new subsections to read:

4 (b) Notwithstanding any other provision of this title, a charge, indictment, or  
5 arrest that does not lead to a conviction may not alone be grounds for denial or  
6 nonrenewal of a license or for disciplinary action.

7 (c) Each licensing board and the department shall specify in regulation each  
8 criminal conviction that will disqualify an applicant from obtaining or renewing a  
9 license. Each licensing board and the department shall define good moral character  
10 and moral turpitude in regulation if either standard is used by the licensing board or  
11 department in determining whether to issue or renew a license.

12 (d) In determining whether to deny a license to an applicant with a criminal  
13 conviction not listed in regulation under (c) of this section, the board or department  
14 shall consider

15 (1) the nature and seriousness of the crime;

16 (2) the amount of time that has passed since the conviction;

17 (3) the relationship between the nature of the crime and the duties and  
18 responsibilities of the occupation for which the license is sought; and

19 (4) evidence of rehabilitation or treatment undertaken by the applicant  
20 since the conviction.

21 (e) An individual with a conviction of record may petition the licensing board  
22 or department for a determination of whether the individual's conviction will  
23 disqualify the individual from obtaining a license. The licensing board or department  
24 may charge a reasonable fee for each petition.

25 (f) If denying an application, the board or the department must find, by  
26 substantial evidence in light of the whole record, that an applicant's criminal  
27 conviction is a disqualifying conviction and document how the conviction is related to  
28 the duties and responsibilities of the licensed occupation. The board or department  
29 shall make written findings for each of the factors under (d) of this section for  
30 convictions not specified under (c) of this section.

31 (g) If the board or department denies an application based on an applicant's

1 prior criminal conviction, the board or department shall notify the applicant  
 2 (1) of the grounds and reasons for the denial or disqualification;  
 3 (2) of the applicant's right to a hearing;  
 4 (3) of the earliest date the applicant may reapply for the license; and  
 5 (4) that evidence of rehabilitation or treatment may be considered upon  
 6 reapplication.

7 \* **Sec. 7.** AS 08.01.080 is amended to read:

8 **Sec. 08.01.080. Department regulations.** The department shall adopt  
 9 regulations to carry out the purposes of this chapter, including describing

10 (1) how an examination is to be conducted;

11 (2) what is contained in application forms;

12 (3) how a person applies for an examination or license;

13 **(4) the attendance and participation thresholds for removal of a**  
 14 **board member.**

15 \* **Sec. 8.** AS 08.11.010 is amended by adding a new paragraph to read:

16 (5) meets any additional requirements provided in regulation adopted  
 17 by the department.

18 \* **Sec. 9.** AS 08.11.015 is amended by adding a new paragraph to read:

19 (6) meets any additional requirements provided in regulation adopted  
 20 by the department.

21 \* **Sec. 10.** AS 08.11.043(a) is amended to read:

22 (a) The department shall register an individual as a speech-language  
 23 pathologist assistant if the individual submits an application on a form approved by the  
 24 department, pays the required fee, and

25 (1) submits proof satisfactory to the department that the individual has  
 26 successfully completed

27 (A) an associate of applied science degree in disabilities with a  
 28 speech-language support emphasis [EITHER] from **an** [THE UNIVERSITY  
 29 OF ALASKA ANCHORAGE IN AFFILIATION WITH PRINCE WILLIAM  
 30 SOUND COMMUNITY COLLEGE OR FROM ANOTHER] approved  
 31 program; or



1 (B) a bachelor's degree in speech-language pathology from an  
2 accredited institution; [AND]

3 (2) submits proof satisfactory to the department that the individual has  
4 successfully completed 100 hours of field work supervised by a licensed speech-  
5 language pathologist; **and**

6 **(3) meets any additional requirements provided by the department**  
7 **in regulation.**

8 \* **Sec. 11.** AS 08.11.070 is amended to read:

9 **Sec. 08.11.070. Dealing in hearing aids.** An audiologist may deal in hearing  
10 aids as a hearing aid dealer without being licensed as a hearing aid dealer under  
11 AS 08.55, but shall comply with AS 08.55.050, 08.55.070, 08.55.100, 08.55.110(a),  
12 **(b)(3), and (c) - (h)** [08.55.110(b)(3) AND (c) - (h)], and **08.55.130(7) - (12)**  
13 [08.55.130(7) - (13)] when dealing in hearing aids.

14 \* **Sec. 12.** AS 08.11.090(c) is amended to read:

15 (c) The department may summarily suspend a license **or registration** before  
16 final hearing or during the appeals process if the department finds that the licensee **or**  
17 **registrant** poses a clear and immediate danger to the public welfare and safety if the  
18 licensee **or registrant** continues to practice. An individual whose license **or**  
19 **registration** is suspended under this subsection is entitled to a hearing conducted by  
20 the office of administrative hearings (AS 44.64.010) not later than seven days after the  
21 effective date of the order. The individual may appeal the suspension after the hearing  
22 to the superior court.

23 \* **Sec. 13.** AS 08.11.200 is amended by adding a new paragraph to read:

24 (13) "field work" means engaging in activities permitted under  
25 AS 08.11.042(d)(1) - (5) under the supervision of a licensed speech pathologist but  
26 does not require observation hours.

27 \* **Sec. 14.** AS 08.13.030(b) is amended to read:

28 (b) The board shall

29 (1) examine applicants and approve the issuance of licenses and  
30 permits to practice;

31 (2) authorize the issuance of licenses for schools of barbering,

1 hairdressing, manicuring, and esthetics;

2 (3) develop written instructions and notices that tattooing, permanent  
3 cosmetic coloring, and body piercing shop owners and practitioners are required to  
4 give or display under AS 08.13.215;

5 (4) enforce the provisions of this chapter, regulations adopted under  
6 this chapter, and regulations relating to barbering, hairdressing, [HAIR BRAIDING,]  
7 manicuring, and esthetics adopted under AS 44.46.020(a)(5)(C).

8 \* **Sec. 15.** AS 08.13.120(b) is amended to read:

9 (b) The regulations adopted under (a) of this section must include provisions  
10 under which the board may issue a temporary shop license to a person who has a  
11 license or temporary permit [UNDER THIS CHAPTER] to practice tattooing,  
12 permanent cosmetic coloring, or body piercing. The temporary shop license authorized  
13 under this subsection may only be issued to cover a site where the practitioner intends  
14 to hold a workshop or to demonstrate techniques as part of a convention or other  
15 special event, as defined by the board, that includes other practitioners of tattooing,  
16 permanent cosmetic coloring, or body piercing. Each practitioner of tattooing,  
17 permanent cosmetic coloring, or body piercing who holds a workshop or demonstrates  
18 techniques at a convention or special event shall have a separate temporary shop  
19 license and a license or temporary permit [UNDER THIS CHAPTER] to practice  
20 tattooing, permanent cosmetic coloring, or body piercing. The board shall issue a  
21 temporary shop license upon receipt of an application from a practitioner  
22 demonstrating compliance with the regulations adopted under this section and  
23 payment of the appropriate fee; however, the temporary shop license may be  
24 summarily revoked, without refunding of the fee, if the Department of Environmental  
25 Conservation determines after an inspection that the cleanliness or sanitation  
26 conditions at the site covered by the temporary license pose a clear and immediate  
27 danger to the public health or safety. A licensee may appeal a summary revocation  
28 under this subsection to the superior court.

29 \* **Sec. 16.** AS 08.13.150 is amended to read:

30 **Sec. 08.13.150. Disciplinary sanctions and grounds for refusal of a license**  
31 **or permit.** The board may, in addition to the actions authorized under AS 08.01.075,

1 refuse, suspend, or revoke a license, **temporary shop license**, student permit, **or**  
 2 temporary license **under AS 08.01.062** [, OR TEMPORARY PERMIT] for failure to  
 3 comply with this chapter, with a regulation adopted under this chapter, with a  
 4 regulation adopted by the Department of Environmental Conservation under  
 5 AS 44.46.020, or with an order of the board.

6 \* **Sec. 17.** AS 08.13.160(d) is amended to read:

7 (d) The licensing and permit provisions of this chapter do not apply to

8 (1) a person practicing barbering, hairdressing, hair braiding,  
 9 manicuring, or esthetics in a community having a population of less than 1,000 people  
 10 that is not within 25 miles of a community of more than 1,000 people and who does  
 11 not use chemicals or uses only chemicals available to the general public;

12 (2) a licensed health care professional;

13 (3) a person licensed **or permitted in another** [BY ANOTHER  
 14 LICENSING] jurisdiction in a field of practice **regulated** [LICENSED] by this  
 15 chapter while demonstrating techniques or products to persons holding licenses or  
 16 permits under this chapter;

17 (4) a person practicing tattooing, permanent cosmetic coloring, or body  
 18 piercing solely on the person's own body;

19 (5) the practice of manicuring by a student as part of instruction in a  
 20 12-hour course approved under AS 08.13.110(d);

21 **(6) a person demonstrating traditional Alaska Native tattoo**  
 22 **techniques at a special event who holds a temporary shop license issued under**  
 23 **AS 08.13.120(b).**

24 \* **Sec. 18.** AS 08.13.175 is amended to read:

25 **Sec. 08.13.175. Temporary license.** A person who **receives a temporary**  
 26 **license under AS 08.01.062 must work** [MEETS THE REQUIREMENTS OF  
 27 AS 08.13.080(a)(1), (2), (3), (4), OR (6) IS ENTITLED TO BE TEMPORARILY  
 28 LICENSED AFTER APPLYING FOR EXAMINATION UNDER THIS CHAPTER  
 29 IF THE APPLICANT WORKS] under the direct supervision, and within the physical  
 30 presence, of a person who is licensed in the area of practice for which the applicant  
 31 has applied for examination [. A TEMPORARY LICENSE ISSUED UNDER THIS

1 SECTION IS VALID FOR 120 DAYS AND IS NONRENEWABLE. A PERSON  
 2 MAY NOT RECEIVE MORE THAN ONE TEMPORARY LICENSE FOR EACH  
 3 AREA OF PRACTICE LICENSED UNDER THIS CHAPTER. AN APPLICATION  
 4 FOR A TEMPORARY LICENSE MUST BE SIGNED BY THE SUPERVISING  
 5 LICENSEE AND ACCOMPANIED BY THE TEMPORARY LICENSE FEE  
 6 REQUIRED UNDER AS 08.13.185].

7 \* **Sec. 19.** AS 08.13.190(a) is amended to read:

8 (a) A person who practices barbering, hairdressing, hair braiding, esthetics,  
 9 tattooing, permanent cosmetic coloring, or body piercing, or operates a shop, or  
 10 operates a school of barbering, hairdressing, or esthetics, or teaches in a school of  
 11 barbering, hairdressing, or esthetics, without a license, [TEMPORARY PERMIT,]  
 12 temporary license under AS 08.01.062, or student permit and who is not exempt  
 13 under AS 08.13.120 or under AS 08.13.160(d) is guilty of a class B misdemeanor.

14 \* **Sec. 20.** AS 08.13.195(f) is amended to read:

15 (f) If a person fails to pay a civil penalty **not later than** [WITHIN] 30 days  
 16 after entry of an order under (a) of this section, or if the order is stayed pending an  
 17 appeal, **not later than** [WITHIN] 10 days after the court enters a final judgment in  
 18 favor of the board of an order appealed under (e) of this section, the board shall notify  
 19 the attorney general. The attorney general may commence a civil action to recover the  
 20 amount of the penalty.

21 \* **Sec. 21.** AS 08.18.022(a) is amended to read:

22 (a) The department shall issue a certificate of registration as a home inspector  
 23 for new homes, existing homes, or both, as appropriate, to an individual who

24 (1) passes the appropriate home inspection examination; for purposes  
 25 of this paragraph, the appropriate home inspection examination for an individual who  
 26 applies to be registered for inspection of

27 (A) existing homes is the examination offered by the American  
 28 Society of Home Inspectors [OR NATIONAL ASSOCIATION OF HOME  
 29 INSPECTORS];

30 (B) new homes or for a joint registration is the examination  
 31 offered by the International Code Council;

1 (2) meets the educational and experience requirements adopted by the  
2 department in regulations for the type of registration applied for;

3 (3) submits a complete application for registration either

4 (A) within three years after passing the examination required  
5 under (1) of this subsection; or

6 (B) accompanied by documentation that the applicant has  
7 completed continuing education requirements established by the department;

8 (4) within the seven years preceding the date of application, has not  
9 been under a sentence for an offense related to forgery, theft in the first or second  
10 degree, extortion, or defrauding creditors or for a felony involving dishonesty;

11 (5) has not had the authority to perform home inspections revoked in  
12 this state or in another jurisdiction;

13 (6) is not the subject of an unresolved criminal complaint or  
14 unresolved disciplinary action before a regulatory authority in this state or in another  
15 jurisdiction related to real estate or home inspection matters; and

16 (7) pays the appropriate fees.

17 \* **Sec. 22.** AS 08.18.031(c) is amended to read:

18 (c) A certificate of registration as a home inspector may not be renewed unless  
19 the home inspector has complied with the continuing competency requirements  
20 established by the department in regulation [. THE DEPARTMENT SHALL ADOPT  
21 REGULATIONS ESTABLISHING THE CONTINUING COMPETENCY  
22 REQUIREMENTS. THE DEPARTMENT SHALL REQUIRE AT LEAST EIGHT  
23 HOURS OF CONTINUING COMPETENCY ACTIVITY FOR EACH LICENSING  
24 PERIOD. THE REGULATIONS MUST PROVIDE THAT A CONTINUING  
25 COMPETENCY ACTIVITY APPROVED BY ONE OF THE FOLLOWING  
26 ENTITIES SATISFIES THE CONTINUING COMPETENCY REQUIREMENTS OF  
27 THIS SUBSECTION IF THE ACTIVITY MEETS THE REQUIREMENTS  
28 ESTABLISHED BY THE DEPARTMENT IN REGULATIONS ADOPTED UNDER  
29 THIS SUBSECTION:

30 (1) ALASKA HOUSING FINANCE CORPORATION;

31 (2) UNIVERSITY OF ALASKA;

1 (3) AMERICAN SOCIETY OF HOME INSPECTORS ALASKA  
2 CHAPTER;

3 (4) A CHAPTER OF THE INTERNATIONAL CODE COUNCIL  
4 ALASKA;

5 (5) ALASKA STATE HOME BUILDING ASSOCIATION; OR

6 (6) A STATE AGENCY THAT OFFERS AN ACTIVITY THAT  
7 MEETS THE REQUIREMENTS SET BY THE DEPARTMENT].

8 \* **Sec. 23.** AS 08.20.180(a) is amended to read:

9 (a) An applicant for an examination, reexamination, issuance of a temporary  
10 permit under AS 08.01.062 [AS 08.20.160, ISSUANCE OF A LOCUM TENENS  
11 PERMIT UNDER AS 08.20.163], issuance of a license by credentials under  
12 AS 08.20.141, one-time issuance of a retired status license, or initial issuance or  
13 renewal of an active or inactive license shall pay a fee established under  
14 AS 08.01.065.

15 \* **Sec. 24.** AS 08.24.110 is amended to read:

16 **Sec. 08.24.110. Qualification for operator's license.** (a) To qualify for an  
17 operator's license, the applicant shall

18 (1) be a high school graduate, or have the equivalent education of a  
19 high school graduate;

20 (2) [BE OF GOOD MORAL CHARACTER;

21 (3)] not have been convicted of violating this chapter, nor have any  
22 unsettled complaints under this chapter against the applicant;

23 (3) [(4)] not have been convicted of a felony or a crime of larceny or  
24 embezzlement or a crime involving moral turpitude within 10 years before applying;

25 (4) [(5)] be 19 years of age or older at the time of application;

26 (5) [(6)] not be a disbarred attorney [OR HAVE FILED  
27 BANKRUPTCY];

28 (6) [(7)] pay the biennial license fee.

29 (b) The commissioner may waive or modify the requirements specified in  
30 (a)(1) - (3) and (5) [(a)(1), (3), (4) AND (6)] of this section for good cause shown.

31 \* **Sec. 25.** AS 08.24.240 is amended to read:

1           **Sec. 08.24.240. Failure to file statement.** If the annual statement of collection  
 2 is not filed as required under AS 08.24.210, the failure to file constitutes grounds for  
 3 the immediate suspension of the collection agency license of the licensee failing to file  
 4 the statement, and the department shall notify the licensee [BY REGISTERED OR  
 5 CERTIFIED MAIL] that the license of the licensee will be suspended upon the  
 6 expiration of **30** [15] days after the date on which the notice was mailed unless the  
 7 licensee complies with the provisions of AS 08.24.210. However, for good cause  
 8 shown and upon satisfactory proof furnished by the licensee that the failure to file the  
 9 statement was due to a condition not within the control, or was due to excusable  
 10 neglect, of the licensee, the department may permit the filing of the statement after the  
 11 time limited and excuse the failure to file the statement within the time limited. If the  
 12 statement required by AS 08.24.210 is not filed as required by this section, the  
 13 department shall revoke the license.

14 \* **Sec. 26.** AS 08.24.290 is amended to read:

15           **Sec. 08.24.290. Suspension, revocation, or refusal to renew or grant a**  
 16 **license or certificate.** The department may suspend, revoke, or refuse to renew or  
 17 grant a license issued or applied for under this chapter if the licensee or applicant or a  
 18 partner, associate, or major stockholder of a collection agency has [SINCE THE  
 19 DATE OF THE APPLICATION] been disbarred from the practice of law or been  
 20 convicted of fraud, embezzlement, obtaining money under false pretenses, a crime  
 21 involving moral turpitude, extortion, conspiracy to defraud, violation of a provision of  
 22 this chapter, or violation of a regulation adopted under authority of this chapter.

23 \* **Sec. 27.** AS 08.24.340 is amended to read:

24           **Sec. 08.24.340. Statement of persons employed by agency.** (a) A [WITHIN  
 25 15 DAYS AFTER LICENSURE UNDER THIS CHAPTER, A] collection agency  
 26 shall submit **annually** to the department a list of all persons employed by the agency [.  
 27 THEREAFTER, UPON HIRING A NEW EMPLOYEE, THE COLLECTION  
 28 AGENCY SHALL, WITHIN 15 DAYS AFTER THE HIRING, SUBMIT TO THE  
 29 DEPARTMENT THE NAME OF THE NEWLY HIRED EMPLOYEE AND THE  
 30 FURTHER INFORMATION REQUIRED BY (b) OF THIS SECTION].

31           (b) There shall be submitted **in the annual report** with the name of **each**

1 [THE] employee employed by the collection agency the following information:

2 (1) the employee's residence address;

3 (2) the employee's length of residence in the state;

4 (3) a statement of any [THE] new employee's previous employment in  
5 the last year;

6 (4) further information which the department may require.

7 (c) Any statement of previous employment [THE STATEMENT] shall be  
8 verified by the employee before a notary public or other person authorized to  
9 administer oaths.

10 (d) The owner or licensed operator of the collection agency shall also state on  
11 [UPON] the form submitted the date on [UPON] which any [THE] new employee was  
12 hired and that the new employee is an employee of the collection agency at the time  
13 the form is executed.

14 \* **Sec. 28.** AS 08.36.075(a) is amended to read:

15 (a) The Department of Health and Social Services [BOARD] shall establish  
16 standards that comply with applicable federal law for the registration, use, and  
17 inspection of dental radiological equipment, including standards for record keeping  
18 relating to the control panels and the use of the equipment [ . THE BOARD MAY  
19 CHARGE A FEE FOR DENTAL RADIOLOGICAL EQUIPMENT REGISTERED  
20 UNDER THIS SECTION].

21 \* **Sec. 29.** AS 08.36.100 is amended to read:

22 **Sec. 08.36.100. License required.** Except as provided in AS 08.36.238 [AND  
23 08.36.254], a person may not practice, or attempt to practice, dentistry without a  
24 license.

25 \* **Sec. 30.** AS 08.42.085(c) is amended to read:

26 (c) The department shall issue a temporary license under AS 08.01.062  
27 [PERMIT VALID FOR ONE YEAR] to an applicant who meets the requirements of  
28 this section [ . THE DEPARTMENT SHALL RENEW A PERMIT FOR ONE YEAR  
29 IF THE TRAINEE APPLIES FOR RENEWAL ON A FORM PROVIDED BY THE  
30 DEPARTMENT AND SHOWS THAT THE TRAINING ACTIVITY CONTINUES  
31 TO SATISFY THE REQUIREMENTS OF THIS SECTION]. The department shall



1 charge a fee for processing applications and renewals under this section that will be  
2 sufficient to cover administrative costs.

3 \* **Sec. 31.** AS 08.55.010(b) is amended to read:

4 (b) An individual who is a physician or an audiologist may deal in hearing  
5 aids without being licensed under this chapter, but shall comply with AS 08.55.050,  
6 08.55.070, 08.55.100, 08.55.110(a), and 08.55.130(7) - (12) [08.55.130(7) - (13)]  
7 when dealing in hearing aids.

8 \* **Sec. 32.** AS 08.55.020(b) is amended to read:

9 (b) On or before the expiration of a license under this chapter, a licensee may  
10 apply for renewal of the license, and the department shall renew the license if the  
11 licensee pays the renewal fee [, HAS A CURRENT BUSINESS LICENSE TO ACT  
12 AS A HEARING AID DEALER UNDER AS 43.70.020,] and provides evidence  
13 satisfactory to the department that the individual has not engaged in conduct that is a  
14 ground for imposing disciplinary sanctions under AS 08.55.130.

15 \* **Sec. 33.** AS 08.55.110(b) is amended to read:

16 (b) In addition to the other rights and remedies the purchaser or lessee of a  
17 hearing aid may have, the purchaser or lessee of a hearing aid has the right to cancel  
18 the sale or lease by giving written notice of the cancellation to the hearing aid dealer if

19 (1) the hearing aid dealer is not a physician or an audiologist, and  
20 within 60 days from the receipt by the purchaser or lessee of the hearing aid or the  
21 notice to be provided under (c) of this section, whichever receipt is later, a physician  
22 or an audiologist advises the person in writing to cancel the sale or lease and specifies  
23 in writing the medical or audiological reason for the advice; or

24 (2) the hearing aid dealer, if not a physician or audiologist, has violated  
25 a provision of this chapter in the sale or lease of the hearing aid to the person;

26 (3) the hearing aid dealer who is a physician or audiologist has violated  
27 (a) or (c) - (h) of this section or AS 08.55.050, 08.55.070, 08.55.100, or 08.55.130(7) -  
28 (12) [08.55.130(7) - (13)] in the sale or lease of the hearing aid to the person.

29 \* **Sec. 34.** AS 08.64.279 is amended to read:

30 **Sec. 08.64.279. Interview for permits.** An applicant for an intern permit, a  
31 resident permit, or a temporary permit under AS 08.01.062 [FOR LOCUM TENENS

1 PRACTICE] may be interviewed in person by the board, a member of the board, the  
 2 executive secretary of the board, or a person designated for that purpose by the board.

3 \* **Sec. 35.** AS 08.84.010(b) is amended to read:

4 (b) The board shall control all matters pertaining to the licensing of physical  
 5 therapists, physical therapy assistants, occupational therapists, and occupational  
 6 therapy assistants and the practice of physical therapy and the practice of occupational  
 7 therapy. The board shall

8 (1) pass upon the qualifications of applicants;

9 (2) provide for the examination of applicants;

10 (3) issue [TEMPORARY PERMITS AND] licenses to persons  
 11 qualified under this chapter;

12 (4) suspend, revoke, or refuse to issue or renew a license under  
 13 AS 08.84.120;

14 (5) keep a current register listing the name, business address, date, and  
 15 number of the license of each person who is licensed to practice under this chapter;

16 (6) adopt regulations under AS 44.62 (Administrative Procedure Act)  
 17 necessary to carry out the purposes of this chapter including regulations establishing  
 18 qualifications for licensure and renewal of licensure under this chapter.

19 \* **Sec. 36.** AS 08.84.150 is amended to read:

20 **Sec. 08.84.150. License required; exceptions.** (a) It is unlawful for a person  
 21 to practice physical therapy without being licensed under this chapter unless the  
 22 person is

23 (1) a student in an accredited physical therapy program;

24 (2) a graduate of a foreign school of physical therapy fulfilling the  
 25 internship requirement of AS 08.84.032, and then only unless under the continuous  
 26 direction and immediate supervision of a physical therapist; or

27 (3) issued a **temporary** [LIMITED] permit under **AS 08.01.062**  
 28 [AS 08.84.075].

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

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

1 supervised field work program;

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

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

7 (4) granted a **temporary** [LIMITED] permit under **AS 08.01.062**  
8 [AS 08.84.075];

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

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

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

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

19 (C) the person does not represent to

20 (i) be an occupational therapist or occupational therapy  
21 assistant; and

22 (ii) practice occupational therapy.

23 \* **Sec. 37.** AS 08.98.120(a) is amended to read:

24 (a) A person may not practice veterinary medicine, surgery, or dentistry unless  
25 the person is licensed as a veterinarian under this chapter or has a temporary permit  
26 issued under **AS 08.01.062** [AS 08.98.186], except that a person may perform  
27 functions authorized by

28 (1) regulation of the board if the person is licensed as a veterinary  
29 technician; or

30 (2) a permit issued under AS 08.02.050 if the person is employed by  
31 an agency that has a permit issued under AS 08.02.050.

1 \* **Sec. 38.** AS 08.98.165(a) is amended to read:

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

3 (1) is a graduate of an accredited veterinary school or who has  
4 successfully completed **a foreign graduate certification process approved by the**  
5 **board** [THE EDUCATIONAL COMMISSION FOR FOREIGN VETERINARY  
6 GRADUATES CERTIFICATION PROCESS];

7 (2) has, within the 60 months preceding application for the license,  
8 passed a national examination for veterinarians approved by the board;

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

11 (4) is in good standing, as defined by the board in regulations; and

12 (5) has paid required fees.

13 \* **Sec. 39.** AS 08.98.180 is amended to read:

14 **Sec. 08.98.180. Temporary license.** A person who **is granted a temporary**  
15 **license by the department under AS 08.01.062 must work** [MEETS THE  
16 REQUIREMENTS OF AS 08.98.165(a)(1), (4), AND (5) IS ENTITLED TO BE  
17 TEMPORARILY LICENSED AFTER APPLYING FOR EXAMINATION IF THE  
18 PERSON WORKS] under the supervision of a licensed veterinarian [. A LICENSE  
19 ISSUED UNDER THIS SECTION IS VALID UNTIL THE RESULTS OF THE  
20 EXAMINATIONS ARE PUBLISHED. A PERSON MAY NOT RECEIVE MORE  
21 THAN ONE TEMPORARY LICENSE. AN APPLICATION FOR A TEMPORARY  
22 LICENSE MUST BE SIGNED BY THE SUPERVISING VETERINARIAN AND  
23 ACCOMPANIED BY THE TEMPORARY LICENSE FEE REQUIRED UNDER  
24 AS 08.98.190].

25 \* **Sec. 40.** AS 09.65.290(e)(4) is amended to read:

26 (4) "sports or recreational activity"

27 (A) means a commonly understood sporting activity, whether  
28 undertaken with or without permission, including baseball, softball, football,  
29 soccer, basketball, hockey, **boxing, mixed martial arts, sparring or**  
30 **wrestling matches,** bungee jumping, parasailing, bicycling, hiking,  
31 swimming, skateboarding, horseback riding and other equine activity, farm

1 touring, dude ranching, mountain climbing, river floating, whitewater rafting,  
 2 canoeing, kayaking, hunting, fishing, backcountry trips, mushing, backcountry  
 3 or helicopter-assisted skiing, alpine skiing, Nordic skiing, snowboarding,  
 4 telemarking, snow sliding, snowmobiling, and off-road and all-terrain vehicle  
 5 use;

6 (B) does not include

7 (i) [BOXING CONTESTS, SPARRING OR  
 8 WRESTLING MATCHES, OR EXHIBITIONS THAT ARE  
 9 SUBJECT TO THE REQUIREMENTS OF AS 05.10;

10 (ii)] activities involving the use of devices that are  
 11 subject to the requirements of AS 05.20; or

12 (ii) [(iii)] skiing or sliding activities at a ski area that are  
 13 subject to the requirements of AS 05.45.

14 \* **Sec. 41.** AS 31.05.009(a) is amended to read:

15 (a) Members shall be qualified as follows:

16 (1) one member shall be a petroleum engineer who

17 (A) holds a certificate of registration as an engineer under  
 18 AS 08.48 and, under regulations adopted to implement that chapter, has  
 19 qualified as a petroleum engineer; or

20 (B) has earned a degree from a university in the field of  
 21 engineering and has at least 10 years of professional subsurface experience in  
 22 the oil and gas industry in drilling, well operations, production process  
 23 operations, reservoir engineering, or a combination thereof; for the purposes of  
 24 this subparagraph, a person meets the requirement of earning a degree in the  
 25 field of engineering if the person obtains an undergraduate or graduate degree  
 26 in engineering that meets the requirements for program accreditation by the  
 27 Engineering Accreditation Commission of the Accreditation Board for  
 28 Engineering and Technology and the person completes university or industry  
 29 training specific to petroleum engineering that illustrates application of  
 30 engineering principles to the problems encountered and methods used in the  
 31 petroleum industry, including drilling, production, reservoir engineering, fluid

1 flow through subsurface formations, and hydrocarbon transportation;

2 (2) one member shall be a geologist who

3 (A) holds a national certification as a professional geologist **by**  
 4 **the American Institute of Professional Geologists** [UNDER AS 08.02.011]  
 5 and has professional experience in the field of petroleum geology; or

6 (B) has earned a degree in the field of geology from a  
 7 university accredited in the field of geology and has a minimum of 10 years  
 8 professional experience in the field of petroleum geology; and

9 (3) one member who shall have training or experience that gives the  
 10 person a fundamental understanding of the oil and gas industry in the state.

11 \* **Sec. 42.** AS 44.29.020 is amended by adding a new subsection to read:

12 (d) The Department of Health and Social Services shall establish standards  
 13 that comply with federal law for the registration, use, and inspection of dental  
 14 radiological equipment, including standards for record keeping relating to equipment  
 15 control panels and use.

16 \* **Sec. 43.** AS 44.46.020(a) is amended to read:

17 (a) The Department of Environmental Conservation shall

18 (1) have primary responsibility for coordination and development of  
 19 policies, programs, and planning related to the environment of the state and of the  
 20 various regions of the state;

21 (2) have primary responsibility for the adoption and enforcement of  
 22 regulations setting standards for the prevention and abatement of all water, land,  
 23 subsurface land, and air pollution, and other sources or potential sources of pollution  
 24 of the environment, including by way of example only, petroleum and natural gas  
 25 pipelines;

26 (3) promote and develop programs for the protection and control of the  
 27 environment of the state;

28 (4) take actions that are necessary and proper to further the policy  
 29 declared in AS 46.03.010;

30 (5) adopt regulations for

31 (A) the prevention and control of public health nuisances;

1 (B) the regulation of sanitation and sanitary practices in the  
2 interest of public health;

3 (C) standards of cleanliness and sanitation in connection with  
4 the construction, operation, and maintenance of a camp, cannery, food  
5 handling establishment, food manufacturing plant, mattress manufacturing  
6 establishment, industrial plant, school, barbershop, hairdressing, [HAIR  
7 BRAIDING,] manicuring, esthetics, tattooing, permanent cosmetic coloring,  
8 body piercing, or ear piercing establishment, soft drink establishment, beer and  
9 wine dispensaries, and for other similar establishments in which lack of  
10 sanitation may create a condition that causes disease;

11 (D) the regulation of quality and purity of commercially  
12 compressed air sold for human respiration.

13 \* **Sec. 44.** AS 44.46.029 is amended to read:

14 **Sec. 44.46.029. Dental radiological equipment.** This chapter does not  
15 authorize the department to register, inspect, test, or otherwise regulate dental  
16 radiological equipment or records relating to dental radiological equipment regulated  
17 by the **Department of Health and Social Services** [BOARD OF DENTAL  
18 EXAMINERS] under **AS 44.29.020** [AS 08.36.075].

19 \* **Sec. 45.** AS 05.05.010, 05.05.020, 05.05.030, 05.05.040; AS 05.10.010, 05.10.020,  
20 05.10.030, 05.10.040, 05.10.050, 05.10.060, 05.10.070, 05.10.080, 05.10.090, 05.10.100,  
21 05.10.110, 05.10.120, 05.10.130, 05.10.140, 05.10.150, 05.10.160, 05.10.170;  
22 AS 08.01.010(4), 08.01.010(13), 08.01.010(21), 08.01.063, 08.01.064(b), 08.01.064(d);  
23 AS 08.02.011; AS 08.11.020, 08.11.025; AS 08.13.160(a), 08.13.160(b), 08.13.170,  
24 08.13.220(14); AS 08.15.030; AS 08.20.160, 08.20.163; AS 08.24.370; AS 08.26.050;  
25 AS 08.36.254; AS 08.45.035(a), 08.45.035(b); AS 08.55.010(a)(4), 08.55.010(a)(6)(D),  
26 08.55.130(13); AS 08.63.130; AS 08.64.101(b)(2), 08.64.270, 08.64.275; AS 08.68.210;  
27 AS 08.70.130; AS 08.80.150, 08.80.155; AS 08.84.065, 08.84.075; AS 08.86.135, 08.86.166;  
28 AS 08.92.010, 08.92.020, 08.92.030, 08.92.035, 08.92.040, 08.92.050, 08.92.060, 08.92.070,  
29 08.92.080, 08.92.090; AS 08.95.125; AS 08.98.050(8), 08.98.186, 08.98.190(6),  
30 08.98.190(7); AS 25.27.244(s)(2)(A)(i); AS 43.70.025, 43.70.028; and AS 44.29.027 are  
31 repealed.

1     \* **Sec. 46.** The uncodified law of the State of Alaska is amended by adding a new section to  
2 read:

3           TRANSITION: REGULATIONS; BONDS. (a) The Department of Commerce,  
4 Community, and Economic Development, the Department of Health and Social Services, and  
5 the Department of Environmental Conservation may adopt regulations necessary to  
6 implement the changes made by this Act. The regulations take effect under AS 44.62  
7 (Administrative Procedure Act), but not before the effective date of the law implemented by  
8 the regulation.

9           (b) Notwithstanding the repeal of a statute by this Act, the Department of Commerce,  
10 Community, and Economic Development may amend or repeal regulations adopted by the  
11 athletic commission established in AS 05.05.010, as that section read the day before the  
12 effective date of this Act, as necessary to carry out this Act.

13           (c) The Department of Commerce, Community, and Economic Development shall  
14 account for any licensee bond filed under AS 05.10.090 or AS 08.92.030, repealed by sec. 45  
15 of this Act, and take any action necessary to release a bond under AS 05.10.090 or  
16 AS 08.92.030, repealed by sec. 45 this Act.

17     \* **Sec. 47.** The uncodified law of the State of Alaska is amended by adding a new section to  
18 read:

19           TRANSITION: SAVINGS CLAUSE. (a) Litigation, hearings, investigations, appeals,  
20 and other proceedings pending under a law amended or repealed by this Act, or in connection  
21 with functions transferred by this Act, continue in effect and may be continued and completed  
22 notwithstanding a transfer or amendment or repeal provided for in this Act.

23           (b) Certificates, orders, permits, and regulations issued or adopted under authority of  
24 a law amended or repealed by this Act remain in effect for the term issued, or until revoked,  
25 vacated, or otherwise modified under the provisions of this Act.

26           (c) Contracts, rights, liabilities, and obligations created by or under a law amended or  
27 repealed by this Act, and in effect on the effective date of this Act, remain in effect  
28 notwithstanding this Act's taking effect. Records, equipment, appropriations, and other  
29 property of agencies of the state whose functions are transferred under this Act shall be  
30 transferred to implement the provisions of this Act.

31     \* **Sec. 48.** Sections 46 and 47 of this Act take effect immediately under AS 01.10.070(c).



1     \* **Sec. 49.** Except as provided in sec. 48 of this Act, this Act takes effect January 1, 2021.